

# Rutland Record

No 18 (1998)

Journal of the Rutland Local History  
& Record Society



# Rutland Local History & Record Society

The Society is formed from the union in June 1991 of the Rutland Local History Society, founded in the 1930s, and the Rutland Record Society, founded in 1979. In May 1993, the Rutland Field Research Group for Archaeology and History, founded in 1971, also amalgamated with the Society.

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to the Honorary Editor, Rutland Local History & Record  
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*COVER ILLUSTRATION: The boundary of Barnsdale Wood exposed in drought conditions at Rutland Water*

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## John Lewis Barber, MA, FSA (1914-1997)



John Barber (seated) with other members of the Great Casterton excavation team.

John Barber's was a household name in Rutland in all matters to do with the history and archaeology of the county and with its museum, and much more besides. As noted on other pages, his death in February 1997 left both the Rutland Local History & Record Society and the Friends of the Rutland County Museum much the poorer, and a fund to which members of both Societies are contributing will be used to commemorate him in the museum. Much has been written locally about John Barber, and rather than repeat what has already been said, the Society felt it would be appropriate to reproduce the obituary notice which has appeared in the *Annual Report: Proceedings 1997* of the Society of Antiquaries of London, of which he was a Fellow, since this places his life and work in a wider context. We are grateful to the Society for readily agreeing to this.

John Barber was born on 23 May 1914, the eldest son of the Revd John Barber, then chaplain to Lord William Cecil at Hatfield House. He was educated at Oakham School and in 1933 won a Warren scholarship to St Catherine's College, Cambridge, where he read Classics, played soccer for his college, won an oar for rowing and a prize for reading lessons in chapel. After graduation he spent a fruitful year at the British School in Athens as the recipient of a travelling scholarship and then, back in England in 1937, began his teaching career. He taught in preparatory schools until the outbreak of war, which he spent as a captain in signals and intelligence, mainly with the Eighth Army in the Libyan desert. In September 1946 he returned to his old school, Oakham, first as master in charge of the junior school and subsequently, from 1959 to 1974, as housemaster of Wharflands (his old house), and finally as second master for his last two years before retirement.

Barber's enthusiasm for archaeology was passed on to his pupils, with highly rewarding results. Soon after his arrival at Oakham, in collaboration with E G Bolton, headmaster of Casterton Secondary School, Barber organized an excavation at the Roman town of Great Casterton, about two miles north of Stamford, the excavators being boys from both schools. In their first season a complex of buildings was exposed, part of which had a tessellated floor. Such widespread interest was aroused by the dig, especially at the University of Nottingham, that members of its Department of Adult Education arranged a summer school to take over the excavation for its third season in 1950. This phase of the excavation was directed by Dr Philip Corder, FSA, with the assistance of Fellows Graham Webster, John Gillam and Maurice Barley. The villa site discovered by Barber and Bolton was placed at the disposal of the professional archaeologists, who continued their investigations until Corder's death in 1960. Barber was elected FSA for his original contribution to this important research. In the 1960s he took his family for a fortnight every year in August to participate in the excavation of another Roman town, Ancaster in Lincolnshire, directed successively by Maurice Barley, Jeffrey May and Malcolm Todd, again under the auspices of the University of Nottingham. Publication of Barber's *The Story of Oakham School* in 1984 marked the quatercentenary of the school's foundation and, on his eightieth birthday in 1994, the Barber Archive Room in the new school library was named in his honour.

Barber's commitment to the county of Rutland, its natural history, antiquarian remains and ancient buildings, was as great as his devotion to Oakham School. A dozen silver birch trees were planted on the south shore of Rutland Water in 1995 in recognition of his fundraising activities for the Council for the Preservation of Rural England and, when the Rutland County Museum was established in 1967, Barber masterminded the transfer of Oakham School's collection, of which he was curator, to the new museum. He was a member of the special committee set up in 1965 when the Riding School became available for conversion to the museum, and was elected Chairman of the Friends' Executive Committee in 1969, an office which he held until 1986, when he was appointed a trustee of the museum. He died on 8 February 1997, following a fall on black ice.

# Earthworks at Belton-in-Rutland

ROBERT OVENS AND SHEILA SLEATH

*Earthworks on a tributary of the Eye Brook at Belton-in-Rutland and a surviving length of timber duct in the stream bed provide evidence of an early watermill. Documentary references from the 13th-18th centuries support this interpretation of the site, which has now been fully recorded.*

## Introduction

In 1992 the existence of a small area of unrecorded earthworks near Belton-in-Rutland at National Grid reference SK 811013 was reported to the Rutland County Museum, and the site has subsequently been added to the Leicestershire and Rutland Sites and Monuments Record. The initial thought was that the earthworks were the remains of a watermill site, possibly of medieval origin. The site was not surveyed at this time but a number of photographs were taken by Tim Clough, curator of the museum. Subsequently, the authors have surveyed the site with the assistance of members of the Rutland Local History & Record Society, and carried out historical research, the results of which are reported here.

## Site Location

The site (fig. 1) lies on private land on the western boundary of an unnamed field about half a mile due west of the village. The site field is pasture land with distinctive ridge and furrow running approximately north-south. The earthworks are adjacent to what is now an unnamed stream, referred to in a terrier of 1619 as West Brook (Lane 1989), which joins the Eye Brook north of Allextion Hall. Above the earthworks the stream had been ducted for a distance of some 100m in order to recover land for arable use. However, since the completion of the site survey in April 1997 a new lake has been constructed in this area, with a dam wall immediately above the site. The overflow from this lake now feeds the stream.

## Historical Research

A mill with other properties in Belton was settled on William le Blount and his wife Isabel in 1270 and three mills are recorded as being part of the manor of Belton in 1650 and two in 1663 (*VCH Rutland* II, 30). There is no indication as to the types of mill or where they were sited.

Old field names often give a clue to the existence and location of former mill sites. There are a number of possible sources for such field names, including Godfrey's Terrier of 1619 (Lane 1989), a survey of Belton carried out for the Earl of Winchelsea and Nottingham in 1786 (Cullingworth 1786), the 1794

Enclosure Map, the Tithe Map, an estate map of 1840 (LRO DE 2158/16), Sterndale Bennett's survey of field names carried out for the Home Guard in the Second World War, of which there is a copy in the Rutland County Museum, and current local knowledge. The only maps now available, however, are the 1840 estate map, which refers more to tenants than to field names, and that compiled by Sterndale Bennett. Fortunately, a number of early field names have survived and by association some of the other early names have been located.

In the 1786 survey Sills Mill Furlong is recorded in the vicinity of Pool Close Furlong, Furlong shooting into Fulwell Seek, and Cadwells' Leys. All of these were located in Mill Field, one of Belton's three common fields - the other two being Park Field and West Field. Although the precise location of these fields within Mill Field is not known it was established that they do lie close to the earthworks. The reference to Sills Mill Furlong certainly seems to imply the presence of a mill site nearby.

A counterpart of lease dated 5th February 1628 (Northamptonshire Record Office C48) by Thomas Haselwood (Lord of the Manor of Belton) and Jane his wife to Robert Sylls of a cottage, cottage commons, watermill lying within the Mill Field, holme lying between the streams, together with all streams, waters, watercourses and floodgates, and quarterne in Belton, for seven years, at a cost of £5, confirms that there was definitely a watermill in Belton and that it was in Mill Field. Together with the reference in the 1786 survey to Sills Mill Furlong, known to be near the earthworks, this provides strong evidence that the surveyed site was formerly a watermill.

The Belton parish registers (LRO DE 1785/1) record that Robert Seels (= Sylls) married Francisca Beisson in 1601. Six of their offspring were baptised at the church between 1603 and 1618 and two of them are buried in the churchyard. Robert Sylls' burial on 17 February 1644 is also recorded.

At least one of the three mills was a windmill (Moon 1981, 158), because records show that Richard Verney and his wife Frances sold one to Baptist, Lord Campden in 1680 (*VCH Rutland* II, 30). This could be the post mill recorded on a number of late 18th century Rutland maps, including those produced by Armstrong in 1781 and Cary in 1789 (Goldmark & Traylen 1984, 51, 57), and may have been sited in the field known today as Windmill (fig. 1), and shown as Windmill Hill on Sterndale Bennett's map. In the 1786 survey Mill Furlong is noted in Mill Field, and several of the field names listed both before and after it have survived and are still used today, including Smeerhill, Lammas,

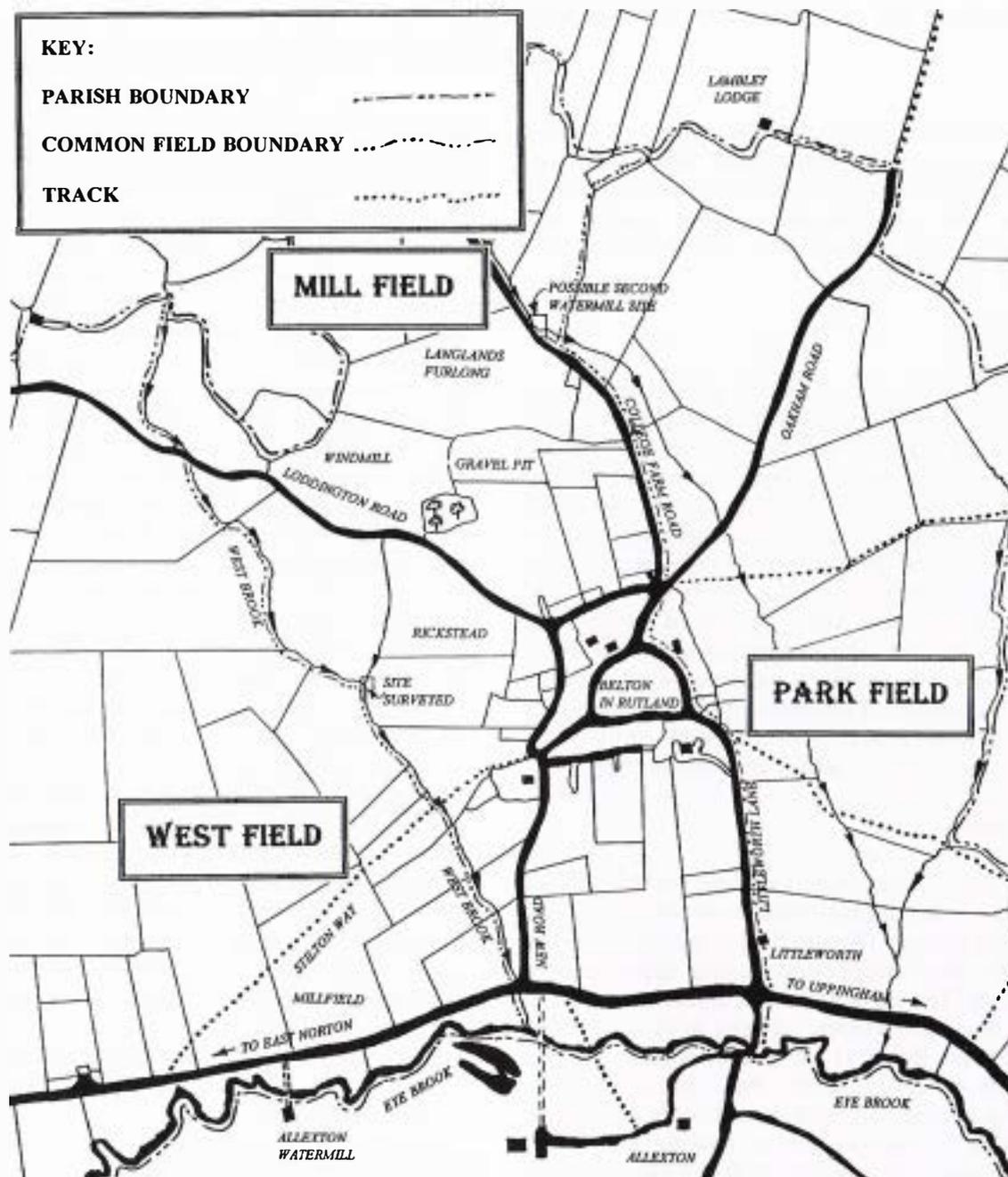


Fig. 1. Site location map, based on the O.S. Second Edition 25" map (1904). This also shows the boundaries of the pre-enclosure common fields of Belton and the location of fields referred to in this article.

Lount Leys, Langlands and Gravel Pit (fig. 1). These surround the field Windmill, thus indicating that Mill Furlong of 1786 and Windmill of 1997 are in the same area.

It seems therefore that the common field known as Mill Field originally had two of Belton's three mills within its boundaries, the watermill which is the subject of this report and the above windmill.

It is possible that Allextion Mill, on the Eye Brook (fig. 1), could have been counted as Belton's third mill. Both the Blount and Verney families owned the two manors of Belton and Allextion and the Eye Brook marks the parish boundary between the two villages. In the 1786 survey both Mill Leys and Mill Furlong are recorded near to each other in West

Field and these names undoubtedly refer to that land near to Allextion Mill. A Mill Field still exists at the side of the main Uppingham to Leicester road near to this corn mill.

Alternatively, another possible location for the third mill - a watermill - has been suggested adjacent to College Farm Road at SK 815020 (fig. 1). This site has not been investigated, but no documentary evidence has been found in support of a mill at this location.

#### Site Survey

Early in 1997 at a meeting of the Archaeological Group of the Rutland Local History and Record

Society, the members decided to visit the earthworks and carry out a detailed survey. Whilst the main objectives were to prepare a drawing of the site and to gather evidence to try and determine its original use, an important component was to provide training in site recording for new members. Permission for access to the site was readily given and the survey was completed in April 1997 by a team of six members (David Carlin, Sue Davidson, Jenny Naylor, Robert Ovens, Sheila Sleath, led by Elaine Jones).

A home-made cross-head was used for the survey. The method is fully described by Peter Liddle in *Community Archaeology* (Liddle 1985, 19-21). The

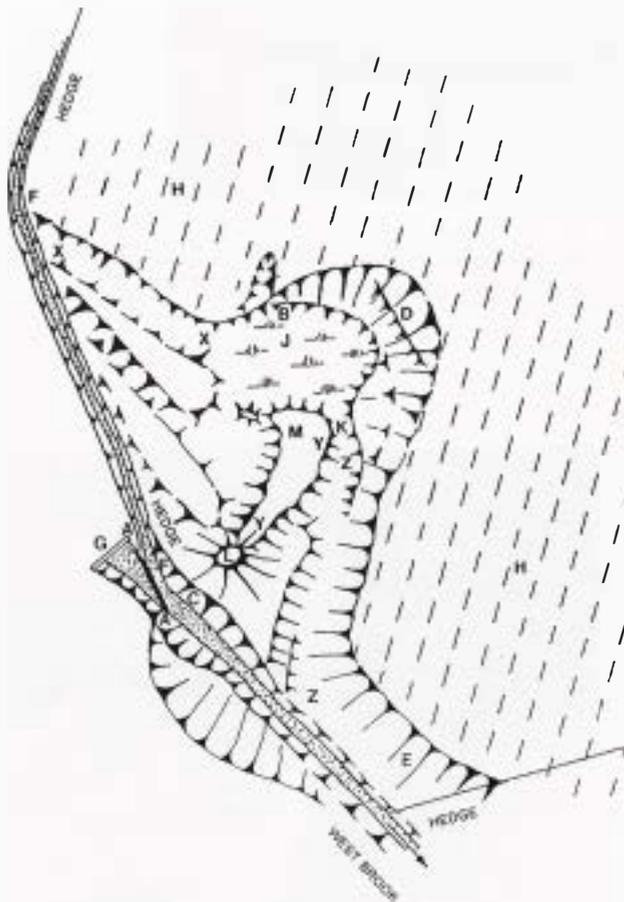


Fig. 2a. The earthworks as surveyed in April 1997.

Key to Fig. 2a: Timber duct at A-A. Thorn tree at B. Ash tree at C. Some post-medieval bricks and pottery sherds found at D. Water pipe from spring and trough at E. Modern drainage ditch at F-F. Main watercourse ducted upstream from G. Ridge and furrow at H. Marsh at J. Possible site of mill wheel at K. Mound at L. Possible site of mill building at M. Leet or feed water channel at X-X. Dam wall at Y-Y. Outflow channel at Z-Z.

cross-head was found to be a simple and very effective survey instrument to use. In this case the site was divided into two by a base line of markers at 10 metre intervals. Each half was surveyed by a team of three by measuring the distance of each feature along lines at 45°, 90° and 135° to the base line from each peg. The results were then plotted to produce the site drawing (fig. 2a).

### Site Inspection

During the survey a careful inspection of the site was made, with the following results:-

1. A few post-medieval bricks and pottery sherds were found in the embankment to the north east of the marsh area. Their significance is not obvious.
2. The ridge and furrow runs right up to the edge of the site. The absence of any headland suggests that the earthworks post-date the ridge and furrow, unless the headland has been lost by erosion of the embankment, but this seems unlikely. Belton was enclosed in 1794

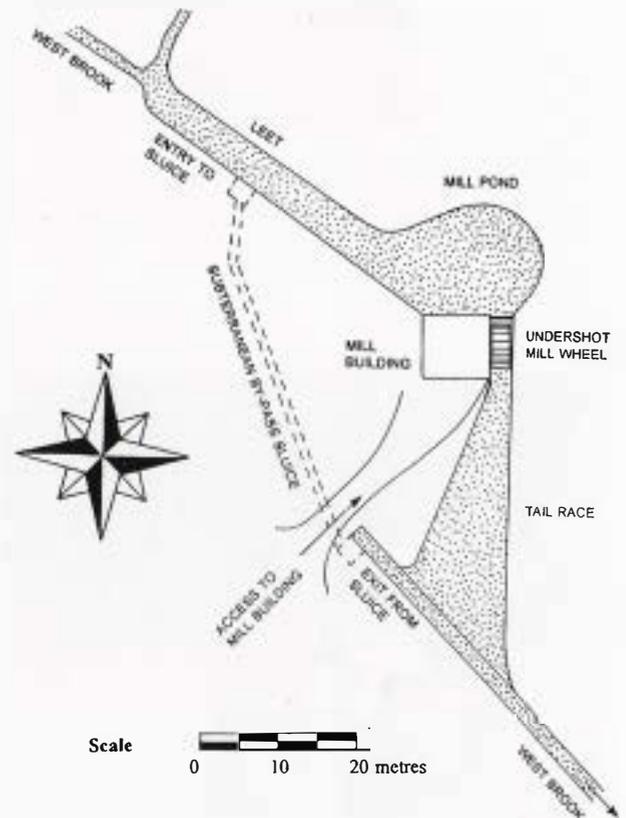
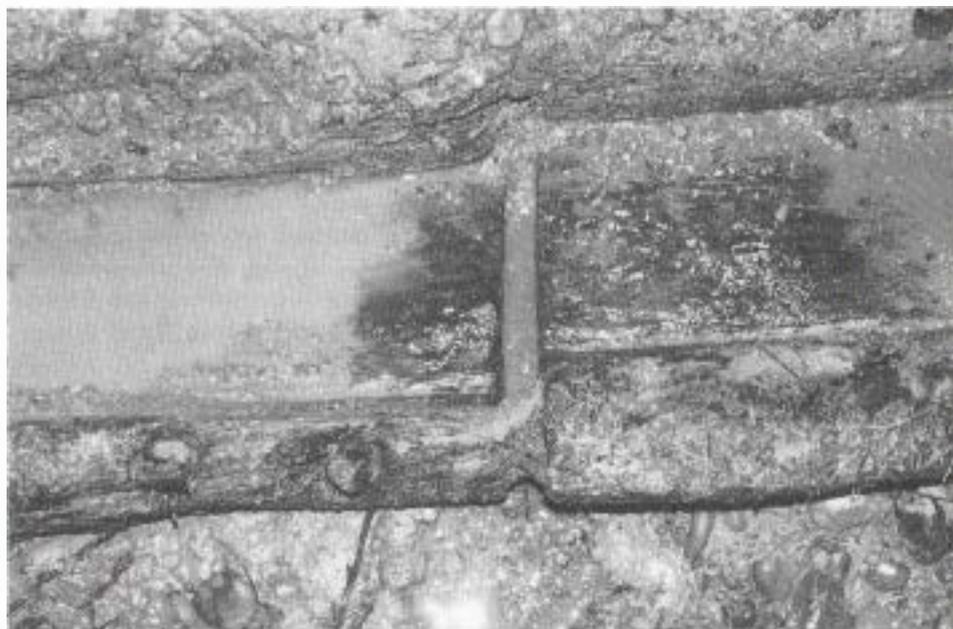


Fig. 2b. Schematic interpretation of the mill watercourses.

and strip farming in the common fields was still being practised at least until 1786 according to the Winchelsea survey. The field containing the earthworks could have been turned over to pasture at any time up to the date of enclosure.

3. Any continuation of the earthworks into the field to the west of the site has been lost due to ploughing and the building of a dam wall for the new lake.



*Fig. 3. View of the timber duct from above showing the butt joint and peg holes. This photograph also shows that the ducts were hollowed out with some care and accuracy (Robert Ovens & Sheila Sleath).*



*Fig. 4. Timber duct found in the bed of West Brook, looking south (Robert Ovens & Sheila Sleath).*



*Fig. 5. Part of the cover of the duct under the west embankment of the brook (Robert Ovens & Sheila Sleath).*

4. If the watermill interpretation is correct, then access to the mill building would have been along the dam wall from the west. Today, there is no evidence of a track between the mill site and the village although, again, it could have been lost through ploughing.
5. A particularly interesting feature was a duct made from hollowed logs, possibly elm, which is exposed in the bed of the adjacent stream (fig. 4). Approximately 6 metres of the duct is visible. It runs diagonally across the stream bed and there is one butt joint in this length. The average internal width is 210mm at the top and the depth varies from 110 to 150mm. The maximum external width is 360mm and

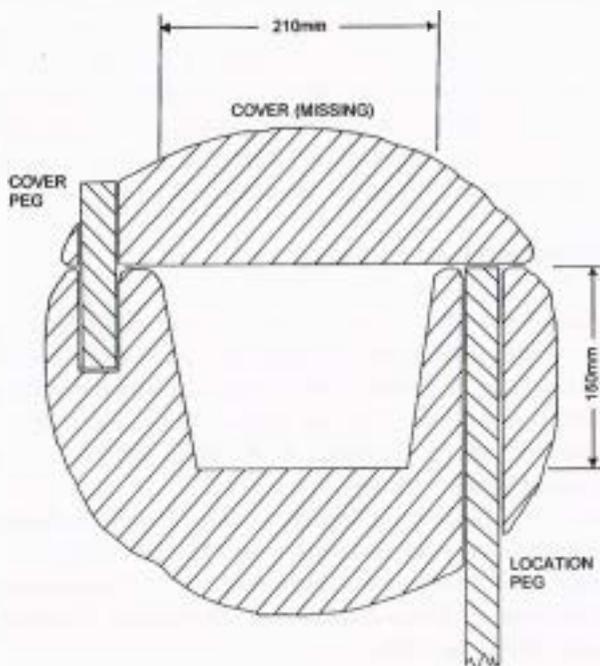


Fig. 6. Typical cross-section of the timber duct.

the maximum depth without the cover is 280mm (fig. 6). The down-stream end of the duct runs into the opposite embankment, and a short length of wooden cover still remains at this end (fig. 5). Beyond this, the duct connects to another timber structure buried under the embankment. Without extensive excavation it was impossible to discover its size and construction. It could, however, be the outfall of the mill by-pass.

The timber ducts were made by sawing the top off a suitably sized straight log, hollowing out the centre and then replacing the top, fixing it with pegs. At Belton the ducts were held in position by driving pegs through holes in the side walls into the ground below. Two such pegs can clearly be seen near to the butt joint (figs. 3 & 6).

Similar ducts have been found at other local sites. A timber duct was excavated by a farmer when cleaning out former fish ponds at Brooke some years ago. This duct was probably the overflow from a higher pond. Another duct was found in former osier beds

during site works for the Asfordby colliery. Similar ducts were also found connecting the fish ponds at Kirkby Hall, Kirkby Mallory. All of these sites are thought to be post-medieval.

6. The ridge Y-Y (fig. 2a) could be the remains of a dam wall which may originally have extended across to what is now the opposite bank of the stream.
7. The mound L (fig. 2a) is a prominent feature of the site but there are few clues as to its origin or purpose. It could be a spoil heap created when a breach in the ridge was excavated after the site was abandoned. Alternatively, it could be covering the remains of a small building.
8. The channel Z-Z (fig. 2a) slopes down from the marsh area to just above the present level of the stream and appears to be a water outflow from the site.
9. The flow rate of the stream seemed quite low. However, this is deceptive. When a temporary dam was built in order to divert the water away from the timber duct, the flow rate was estimated at about 20 litres per minute. This is roughly equivalent to 200,000 litres (44,000 gallons) per week - probably sufficient to run a small mill for several hours when stored in a mill pond.

It is also possible that the flow rate was higher when a decision was made to construct a watermill here. Recent land drainage schemes and modern cultivation systems will certainly have had an effect on the quantity of water reaching the stream above the site.

## Interpretation

The layout and features of the site certainly match what one would expect of a small watermill. Referring to figure 2a, the channel X-X could have been the leet or feed water channel. Although its remains have been covered by the new dam wall in the adjacent field, there is sufficient remaining on the site to see that it would have connected with the original path of the stream to the north west of the site. The area of marsh at J could have been a small mill pond and the mill wheel may have been at K. From this point back to the stream (Z-Z) would have been the outflow or tailrace. M indicates a possible site for the mill building.

The flow rate of the stream suggests that the mill would only have been used intermittently, the miller having to wait until the head of water in the pond and leet was sufficient to turn the mill wheel for a few hours. Often these small mills were only used in winter when the flow of the stream was higher and therefore sufficient to build up the head of water in a reasonable time. These were known as winter mills.

To prevent the leet and pond from overflowing a by-pass was required. This was a channel or duct which allowed any excess water to travel by the mill without passing over or under the mill wheel. The

inlet to this by-pass would be above the mill and set at the desired high water level. A duct passing under the dam wall was often favoured because the alternative of an open channel and sluice gate was considered to be a weak point in the dam wall. The timber duct found on the site could have been this mill by-pass, particularly as its position and direction are correct for this purpose. The schematic diagram of the mill watercourses (fig. 2b) is based on this interpretation. It is drawn to the same scale as figure 2a.

### Conclusions

The site has now been accurately recorded, all relevant evidence noted and photographed, and new members of the archaeological team have gained some useful experience in surveying earthworks. Although there are no maps which indicate a mill on this site, much of the evidence suggests that there was a small watermill here. If, as seems likely, the site is the remains of Robert Sylls' watermill, it may have been abandoned soon after he died in 1644, possibly because of its close proximity to Allexton Mill, or for other reasons which are not apparent.

It is interesting to note that an ironstone spring lying north-west of the site has been the sole source of supplying water to the newly formed lake, providing evidence that sufficient water could be stored from this source to operate a small watermill. It is believed that this spring is the Raspberry Spring recorded in West Field in the 1786 survey, possibly so named because of the red colour of the water caused by the iron content of the underlying strata. Raspberry Spring was near to Fishpool Furlong, and this fits in with the theory that the earthworks could have been a fish-pond at some time. Such a use could account for the absence of any well defined track from the village to the site.

Belton-in-Rutland parish registers (LRO DE 1785/4-5) record a William Whitehead's occupation as fishmonger when he was married in November 1769 and again when he died in 1811 aged 76 years. His occupation seems somewhat unusual for a small village. Although not conclusive evidence, the information may support the fish-pond theory.

### Acknowledgements

The authors would like to acknowledge the assistance given by Fred Hartley, Curator of the Harborough Museum, in interpreting the evidence. The Archaeological Team would also like to thank Elaine Jones for her patient tuition in site recording, Tim Storer who readily granted permission for the survey, Alan Curtis who originally brought the site to the attention of the Rutland County Museum as well as pointing out a further possible site, and also the late Harry Browett of Belton for imparting his invaluable knowledge of Belton field names.

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## Contributors to this issue

**Anne Blandamer** studied, as a mature student, for a BA Combined Arts degree at the University of Leicester. She has lived in Rutland for eleven years and works part-time at the Rutland College.

**T H McK Clough** has been Curator of the Rutland County Museum in Oakham since 1974 and has written many papers on archaeological, numismatic and historical subjects. He is convener of the RLHRS's Editorial Committee and the Society's Membership Secretary.

**Robert Ovens and Sheila Sleath** are active members of the Society's Archaeological Group, and are currently working together on a number of Rutland local history projects. These include Martinthorpe, Belton-in-Rutland, and the history of time-keeping in the county.

**Phil Rayner** is Honorary Secretary of RLHRS. As Senior Technician at the Rutland County Museum he has been responsible for the repair of the Oakham Gallows and for research into their history.

# Peter de Neville and his wrongdoing as Warden of the Forest of Rutland

T H McK CLOUGH

*The first warden of the royal forest of Rutland was Hasculf (I) of Allextun, first mentioned in 1130. He was succeeded in turn by his son Peter (I), grandson Hasculf (II) who took the name of Neville, and great-grandson Peter (II). Surviving documents enable the history of the forest and of its wardens to be reconstructed. Peter (II) de Neville proved to be a versatile rogue. Although for a time he was in favour with Henry III, many offences were laid at his door at the pleas of the forest of Rutland in 1269. Other crimes led to his outlawry in 1274, and he died shortly afterwards. Peter (II) was succeeded by his son Theobald, who recovered the bailiwick of the forest in 1300, and inherited Peter's properties in Leicestershire and Rutland, which were centred on the manor of Allextun.*

## Introduction

The medieval hunting forest of Rutland, sometimes known as Leighfield forest, was one of the extensive series of royal forests which ranged through so many English counties (Bazeley 1921; Rackham 1980, 177-9; 1986, 129-39). Its history and development were briefly described by Cox (1905, 232-6), and were summarised more recently by Professor Cantor in the first *Rutland Record* (Cantor 1980, 14-17) and by Squires and Jeeves (1994, 49-54); it is featured in more detail in *Victoria County History, Rutland* (I, 251-8), but we lack a recent comprehensive study of this important facet of medieval Rutland.

There are many references to the forest in transcripts and calendars of surviving medieval documents. One of the best known of these is found in an early volume in the Selden Society's publications, *Select Pleas of the Forest* (Turner 1899), in which extracts from thirteenth century forest records are transcribed and translated. Several of them relate to Rutland, and prime amongst these are the Pleas of the Venison in the County of Rutland, held before Henry III's itinerant justices in 1269 (Turner 1899, 43-53; *VCH Rutland* I, 212-3, 252-3; II, xxviii). The document was selected for publication because it illustrates admirably not only the detail of woodland and forest management but also the extent to which those responsible for administering the royal forests could abuse their powers and privileges, and the range of misdemeanours which they might commit. This paper relies heavily on that source and on papers by George Farnham and A Hamilton Thompson (1919-20, 1921) about the history of the manors of Allextun and Withcote in Leicestershire although, curiously, the latter make no reference to that forest eyre of 1269. Here, references are usually given to

these sources rather than to the many individual primary documents which provide the detail, except where the latter are particularly important or were not available to the earlier writers. Many other matters of detail could be recovered from these primary sources to fill out the story of the forest of Rutland and the lives of its foresters.

Allextun lies on the Leicestershire/Rutland border, a small parish nestling between the Rutland villages of Wardley and Belton. Its manorial history, earlier set out by Nichols in his *History and Antiquities of Leicestershire* (1800, 5-14), was corrected and amplified by Farnham & Thompson (1919-20). Documentary references to Allextun begin early. Like many Rutland places, at the time of Domesday Book in 1086 it belonged to the Countess Judith, and by the early 12th century it was held by David, Earl of Huntingdon. The Bakepuiz family were then chief lords of Allextun, and there was also a smaller manor, held of the crown by the Knights Templar. By then the Neville family held both of these manors from their respective lords. It is a member of this family, one Peter (II) de Neville, warden of the forest of Rutland, who was brought to book in 1269, but the story begins three generations earlier with Peter's great-grandfather, Hasculf (I) of Allextun, and his appointment as warden of the forest.

## Four Generations of Forest Wardens

Forest wardens were either hereditary wardens or appointed specifically by the king under letters patent to hold office during the king's pleasure. In the case of Hasculf, the first known warden of the forest of Rutland, it seems that his right of tenure, and thus that of his descendants who claimed hereditary office, was in doubt. In 1269, the justices consulted the records of an earlier session of pleas of the forest held in Rutland in 1249, when enquiries had established the sequence of events (Farnham & Thompson found that unfortunately the rolls of the 1249 Rutland eyre did not survive). It transpired that when Henry I (1100-35) had been on his way northwards through neighbouring Leicestershire he had seen five hinds in a wood called Riseborough, and left a man named Pichard to guard them for him until his return. This Pichard took up with one Hasculf (I) of Allextun, and when the king eventually returned, Pichard recommended that Hasculf be given charge of the forests of Leicester and Rutland. Hasculf is first mentioned in Michaelmas 1130 (*VCH Leicestershire* II, 265), and exercised his authority as

warden for many years, until, it was recalled during the inquisition, he was murdered in his own house by Bartholomew of Verdun, during the reign of Stephen (1135-54) (Turner 1899, 45; *VCH Rutland* II, 16). No details of the circumstances are recorded. Henry II (1154-89) then gave the custody of these forests to Hasculf's son Peter (I) of Allextun, who had married Alice, the sister of Hugh and niece of Ives, the son of Alan de Neville.

According to the 1269 eyre, relying on the search of the 1249 rolls, it was Ives who realised that Hasculf's original right of tenure might not have been valid, and it was he who, with others, persuaded the king to make a proper grant of the custody of the forest to Peter, with the perquisite of dead and dry wood, for an annual fine or rent of 40 shillings.

Peter (I) of Allextun is mentioned several times in the early years of the 13th century, although evidently not in the pleas of the venison held in Oakham in March 1208-9 (Turner 1899, 6-7; *VCH Rutland* I, 252). In 1212-13, by which time he had been forest warden for a good many years, he was found to owe 50 marks to the king (the mark being 13s 4d), but half of this debt was amended to a fine of £100 and one good horse in the name of his son Hasculf (II). This younger Hasculf in his turn then appears to have succeeded his ageing father, who had quit-claimed his office before the king, as warden of the forest. It is probable that Peter (I) died at the end of King John's reign in about 1216, for on 13th April in that year his wife Alice paid a fine of 20 marks for all his lands and tenements, including Sauvey castle, a forest stronghold which overlooks Withcote and is itself close to the Rutland border (National Grid reference SK 787053). Her brother Hugh de Neville stood surety for her (Farnham & Thompson 1919-20, 410). Hugh was a man of influence who became one of King John's principal advisers and his chief forester (*Dictionary of National Biography* XIV, 260-2; *Complete Peerage* IX, 479-81; many forest inquisitions, including those for Leicestershire and Rutland, were held before him in 1225 - Bazeley 1921, 167-8), and was himself to hold Sauvey castle (Farnham & Thompson 1921, 132-4). However, on this occasion Sauvey was entrusted by the king to William de Forz, Earl of Albemarle, who also held Rockingham.

Hasculf (II) continued to enjoy the custody of the forests of Leicester and Rutland for the same rent as his father had paid, under letters patent of 29th June 1220. These were uncertain times, and by now Albemarle was in open defiance of Henry III. However, it was not long before he was obliged to surrender both Rockingham and Sauvey to the king (Farnham & Thompson 1921, 133; *VCH Leicestershire* II, 85). In 1222, the year of a great storm which caused widespread damage (Cox 1905, 6-7), Hasculf received instructions for the disposal of fallen trees

(*VCH Rutland* II, 252). After some argument, Henry III eventually disafforested most of the forest of Leicester, under the terms of the Great Charter of the Forest of 1217, on 20th February 1234-5. The forest of Rutland was not affected by this move, and shortly afterwards, on 17th August 1236, the demesne wood of Withcote (*usque ad ianuam castris de Sauweye* - as far as the door of Sauvey castle: so states the perambulation made by the 1269 justices - Turner 1899, 53) was excepted from the disafforestation on the grounds that it was within a royal manor and therefore not subject to the provisions of the forest charter (*VCH Leicestershire* II, 86-7). No doubt because of the strategic importance of Sauvey in relation to the forest, King John had exchanged his manor at Finedon, Northamptonshire, for Withcote, and it was due to this exchange that a small portion of the Leicestershire forest was thus restored to Hasculf. His responsibilities, clearly set out, were to "... hold and retain our said woods as in the forest, not permitting anyone for the future to take venison or cut green wood contrary to the statute of the forest, and if [he] should find anyone [so doing] ... [to] cause them to be arrested ..." (Farnham & Thompson 1921, 131-2).

References to Hasculf (II) include an instruction to the sheriff of Rutland on 23rd June 1226 to help him with the impounding of stray cattle in the king's park of Ridlington. In 1234, he had to provide timber from Frithewood to the Prior of Launde for work going on at the church there, and on 3rd October 1237 Hasculf was commanded to give Hugh Paynell three does from the forest of Rutland. Not all went smoothly with his career, for there were complaints against him in 1227-8 that he had treated the men in his bailiwick unjustly. In 1231, he appears for the first time with his mother's maiden name of Neville - perhaps a tactical move in view of the importance of the Neville family proper (for which see Miss Ethel Stokes' contributions to the *Complete Peerage*, IX, 476-505), when he was ordered not to hinder the men of Peter, son of Hubert, from gathering nuts for one day in the forest of Rutland, and in 1243 he was sued by Rohese de Verdon for 200 marks (Farnham & Thompson 1919-20, 410-11).

Hasculf died in about 1249, perhaps after retiring to a monastery to end his days (*Hasculus reddidit se religioni* as it is expressed in 1269 (Turner 1899, 46) - or is this a euphemism?). After his death the king entrusted the forest of Rutland briefly to William of Northampton before granting it to Hasculf's son Peter (II) de Neville on 1st May 1249. It would seem that Hasculf was judged to owe a considerable sum to the king, for Peter was granted relief, on 22nd April 1250, for a sum of £324 which represented his father's debts (Farnham & Thompson 1919-20, 411). It may be more than mere coincidence that a Rutland forest eyre was held at this time: perhaps it was prompted by Hasculf's death.

The Rutland jurors of 1249 could not find that Peter or any of his predecessors - he was the fourth generation to have custody of the forest - in fact had any charter entitling them to this office, in spite of the earlier efforts of Ives de Neville, and this was confirmed by jurors from Leicestershire. Therefore the justices then ordered the verderers of the forest of Rutland, Henry Murdoch, Peter of Uppingham, and William of Castor, who were responsible to the king and not to the warden of the forest, to answer to the king for all profits arising from the forest except chiminage (tolls for liberty of passage through the forest) and the hambling or lawing of dogs (cutting off part of the forefoot so that the dog could not hunt, or collecting dog-silver in lieu of this mutilation) where these were due, and dead and dry wood which could be collected by hand without the use of any iron tool: these alone would be the right of the warden (Turner 1899, 46), and the limitations of his rights were thus clearly defined. One wonders whether the justices might have anticipated that Peter would abuse his position and privileges, but it is doubtful if they could have foreseen the extent of his high-handed behaviour over the next twenty years. In the absence of the 1249 rolls and the details of Hasculf's debt, we can but speculate whether in fact Peter was merely following in his father's footsteps.

Peter (II) de Neville's career seems to have taken a varied course over the following years, as entries in the Patent Rolls demonstrate. Farnham & Thompson (1919-20, 411-12; 1921, 135-6, 140-1) recite, *inter alia*, that he was appointed keeper of Sauvey castle in February 1252; left Sauvey to accompany Henry III to Gascony in 1253; received an allowance of £10 yearly from 1253-4 and had Sauvey again for a three-year term in 1254; was marshal of the king's household in May 1259, at a time when he seems to have accompanied the king abroad again - on one occasion he is referred to as one of the king's knights; and received yet another grant of Sauvey for a rent of 7 marks in 1260, following his return to England. One of his first duties was to enquire into the quality of certain wine that the king had bought in London from some Toulouse shippers (*Cal Patent Rolls 1258-1266*, 104): apparently, when the royal cup was filled it transpired that the wine was not what the king thought he had bought, the implication being that a rather nice Bordeaux had mysteriously turned into a rough *vin de pays*.

It appears from a later inquisition that as keeper of Sauvey, Peter disseised the abbot of Owston of certain headlands near the castle during the unrest of the 1260s (Farnham & Thompson 1921, 136-7). He also travelled to France with the king again in 1262, and his name appears as a witness to a number of charters given at St Germain des Près that summer. Unfortunately, he then found himself in debt to the king, and had to adjust his allowance shortly afterwards in order to balance his accounts with Henry

III: he had to repay 10 marks a year out of his annual £10, leaving himself with only 5 marks due from the king.

These years were particularly unsettled, with many prominent barons, led by Simon de Montfort, defying the king. At Oakham, since the death of the widowed Isabella de Ferrers in 1252 (Clough 1987, 25), the castle had been safely in the hands of Henry III's brother Richard, Earl of Cornwall and King of Germany. In October 1263, when trouble was really brewing, Peter was instructed to supply Richard with underwood, namely thorn and hazel, from the forest of Rutland for the construction of defences around the bailey at Oakham, but this did not prevent the castle from being invaded by the king's enemies in 1264 and, apparently, being damaged by fire (*VCH Rutland I*, 173; Denholm-Young 1947, 169). Again, Farnham & Thompson (1919-20, 411-12) adduce evidence that Peter aligned himself with the baronial party around the time of the battle of Lewes in 1264, as did other members of the Neville family; and found himself summoned to London in July.

However, after the battle of Evesham in August 1265 he was evidently reconciled with the king, for he is referred to as the "beloved" Peter de Neville in the account of an incident that happened in the immediate aftermath of that battle when feelings were naturally running high. It is not clear whether Peter or his men were present at the battle, but on the following Saturday when his groom travelled through the Leicestershire village of Peatling Magna with a cart there was a scuffle when some "foolish men" of the village tried to arrest the cart and horses, and wounded the carter in the arm. He naturally complained to his master, and on the next Wednesday a posse of Peter's men came to the village demanding redress and threatening to burn the houses down. Rather than stand up to this intimidation, the men of the village ran into the church and it was left to the wife of Robert Pillerton and others to negotiate a fine of 20 marks to be paid by the weekend. Peter's men then burst into the church, ejected the villagers and took five of them hostage. They languished in Peter's gaol, perhaps at Allexton though this is not stated, for weeks until the complaint was heard before the king. In the meantime, the village of Peatling Magna sent a paltry 27 pence towards the expenses of Peter's men. The judgment was that Peter was to have the fine of 20 marks, but was to pay one mark to the clerk, while his men were to be arrested for having ejected the villagers from the church (Richardson & Sayles 1941, 42-5).

About this time, Peter received a final grant of Sauvey, and was given charge of Lynn in Norfolk and its coastal area, local people being instructed to give him due support. Other records suggest that Peter de Neville had responsibilities further west as well, for in 1266 he appears to have been involved in negotiating the construction and transportation of

engines of war. We learn from the Liberate rolls that he was to be given 10 marks worth of iron from the forest of Dean towards making them, and was allowed £15 for seeing some of the engines safely carried to Kenilworth and yet others to Worcester (*Cal Liberate Rolls* V, 236). The same source reports the king's gift of a tun of wine to Peter in 1267, whereas he had bought a similar quantity from the king for 3½ marks at Northampton five years earlier. The king even appears to have listened to his requests, for it was at his instigation that Stephen de Butrele was permitted to hunt with his own dogs the hare, fox, badger and cat through the forests of three counties, Shropshire, Worcestershire and Staffordshire, in 1266 (*Cal Patent Rolls 1258-1266*, 630).

Back in Rutland, besides other property such as the manor of Leighfield which was already in the family's possession (*VCH Rutland* II, 16), Peter obtained the manor of Braunston (*ibid.*, II, 33) and briefly seized the manor of Wardley, which adjoins Allextun (*ibid.*, II, 55). He also seems to have diverted the course of the Little Eye which formed the boundary between Leicestershire and Rutland and flows into the Welland, thereby appropriating an additional rood of land (*ibid.*, I, 213). In 1267, shortly before the Rutland eyre, he was commanded to come before the king after plundering the land of the late Robert Martinvallis and other property at Hallaton, having relieved the bailiff of William and Thomas Bardulf of goods worth 40 marks, an offence for which he somehow obtained a pardon. In the following year he had to answer complaints that he had maltreated the peasantry of Withcote by raising rents and evicting them when they refused to pay (*VCH Leicestershire* II, 179). Evidently he had asserted that they were villeins and not sokemen, and because they claimed otherwise he "... ejected them from their houses, seizing and wasting their corn and their other goods, taking their cattle ... and overthrowing their houses ...". Although in the resulting inquisition he was proved correct, and the villeins were in mercy for making a false claim, Peter was "... inhibited from making waste, exile or destruction on the said villeins ..."; small comfort for them, it would seem (Farnham & Thompson 1921, 137-40). Not all his dealings were unfair, though, because there is also a record of his legitimately having bought part of a messuage at Withcote so that he could have somewhere to store his corn (*Cal Inquis Misc* I, no 1158).

### The wrongdoing of Peter de Neville in the Forest of Rutland

The workings of the system of forest law were set out nearly a century ago by Turner (1899) and, following him but in more popular vein, by Cox (1905). More recently, Rackham in particular has stressed the importance of understanding the nature

of forests and of woodland of the time, and of interpreting the relationship between the physical forest and forest law (Rackham 1986, 129-39). In forest proceedings, it was normal for two main sets of pleas to be heard by the justices in eyre, namely pleas of the vert and pleas of the venison. The former dealt mainly with minor offences of trespass to do with vegetation in particular, and little detail may be recorded of these routine incidents, but the pleas of the venison tend to be more informative. Even though recorded details may be more to do with the value of the offence to the king than with providing a full account of the circumstances, we can still recover much about the people and places involved and the nature of their brushes with the law. Offenders were generally imprisoned when charged and then released on receipt of pledges or guarantees that they would appear, perhaps many years later, at the forest eyre before which the cases were to be heard. In the case of Rutland, pleas of the forest had been held not only in 1249 but also in 1256 (the eyre of William le Breton - Turner 1899, 47), but there had nevertheless been an interval of thirteen years. This process provided opportunities for the unscrupulous, like Peter de Neville, to take advantage, whether those charged were innocent or guilty, poor men or rich and influential - and the latter, even the clergy, were not above temptation when it came to flouting forest law.

The pleas of the venison in the county of Rutland were heard in Oakham, presumably at the Castle although this is not expressly stated, on Monday 25th June 1269, before Roger de Clifford, Matthew de Colombières, Nicholas de Romsey and Reynold de Oakley, the king's itinerant justices in eyre. The business began routinely enough, with Peter de Neville, in his capacity as warden or chief forester, and Henry Murdoch and Peter of Uppingham, the verderers, demonstrating that, thirteen years earlier - immediately after the previous eyre - a [fallow] doe had been found shot and dead in the wood of Hugh of Uppingham. The finder was Stephen of Uppingham, the woodward or private forester responsible to the king for the safety of his deer (Cox 1905, 22-3), who was suspected of causing its death, but he failed to appear, and was ordered to do so. The second case concerned James de Panton, who was granted two does by the king but took six, and made such a noise by beating drums that many beasts came out of the forest and were taken: he was convicted and imprisoned.

Matters then changed dramatically, to the extent that a new roll begins with the heading *De prisus Petri de Nevill'* (Concerning the extortions of Peter de Neville). There follows a presentation by the verderers, the regarders, who carried out regular inspections of the woods within the forest and were responsible for enrolling details of trespass (Cox 1905, 18-19), and twelve other knights and free men

of an extraordinary series of misdemeanours by him. The details extend over three rolls and range from false imprisonment to the wrongful levying of tolls and letting pigs loose in the forest.

The reason for the justices' interest in the extent of the warden's rights in the forest soon becomes clear, with the enumeration of many instances when Peter had appropriated to himself either fines or things of value which were due to the king. Perhaps they were prompted by the first accusation, that Peter and his men had taken some 7000 trees from the king's park of Ridlington and elsewhere since the last pleas of the forest, either as timber for building houses, as wood for lime kilns which he had made in the forest, or for burning charcoal. These trees included oak for timber (*quercus*) and coppiced or perhaps pollarded trees for fuel (*robur*) (Rackham 1980, 182-4), as well as unnamed species, and at an average of 12d totalled in value £350. Besides this, inestimable damage had been done to the underwood and branchwood (*subboscus et exbrancatura*). The latter was a resource which would normally have been valued per acre per year, and would perhaps have been worth 3d-6d per acre at this date (*ibid.*, 166).

Peter also took nuts (*nucēs*), by which may be understood principally hazel nuts, worth 6½ marks; afterpannage and profit of mast (the proceeds, varying from year to year, of allowing pigs to feed on mast, namely acorns and beech nuts fallen from the trees, pannage being specifically between Michaelmas and Martinmas, and afterpannage being beyond Martinmas) worth 11½ marks; and fallen trees - how many is not stated - worth £24.

The successful and economic management of woodland was an important concern, both because of its value as a resource in its own right and also because of the value of the wildlife to which it gave shelter. When, as noted above, Henry III had given thorns (*spina* = hawthorn) and underwood from Stokewood to his brother for enclosing the town of Oakham, he also made arrangements for animals to be kept out of the wood for three years so that the underwood could regenerate. However, Peter took it upon himself to prolong this for a further two years, levying fines ranging from 6d to two shillings when animals did enter the wood, a total of 30 shillings. Again, after timber from the park of Ridlington had been sold, the king ordered that the park should be enclosed so that it could grow again, but Peter pastured many animals there which ate the new shoots of oak and underwood which sprouted from the stumps, and then he uprooted the stumps for charcoal. Not only did this deprive the king of timber worth £100, but Peter also took a total of £35 as payment for the right to pasture, money which belonged to the king, not to mention a further ½ mark for escapes of animals into the park.

Peter continually caused further damage by keeping his pigs within the king's enclosure in the

forest without permission, and this happened every year except between the battles of Lewes and Evesham (1264-65), when he was siding with the barons and no doubt otherwise engaged. Sometimes there were as many as 300 of them, and one can imagine how they spoiled the deer pasture by their rooting about. Wild pigs were one thing, but the intensive pasturing of domestic pigs quite another.

We saw above that Peter had already been found guilty of appropriating land elsewhere. The justices now heard that he had enclosed a parcel of land in the park of Ridlington called la Dale, taking £16 for hay sold there, for escapes of draught animals (*averum*), and for herbage. When Henry Murdoch's oxen (*boves*) escaped into la Dale, he was fined 5 marks, and he also had to pay 100 shillings when his powerful mastiffs (*mastini*) followed his ploughmen as far as the meadow of Depedale, within the forest. Further, a parcel of land at Stoke [Dry] called Esschelund had been taken into the king's hand at the previous eyre, but Peter had retained the profits of 4 marks which it had yielded, and throughout his time as forester, in other words for the past twenty years, he had pocketed the annual rent of 12 pence due to the king from John of Uffington for an acre of land in Depedale.

As the justices heard further evidence, it became more and more clear just how good Peter was at appropriating to himself all manner of payments and fines which belonged to the king. In his own swanimotes or forest court hearings, at which minor trespasses such as cutting green wood or saplings or collecting dead wood without the right to do so were dealt with, he took, and kept, a total of 13 marks in respect of pleas of thorns, hazel (*corylus*) and similar underwood.

The taking of animals was similarly controlled. Even though vermin could be exterminated without penalty, to hunt them in the royal forest was a punishable trespass. Peter was therefore within his rights to levy fines for the taking of foxes, hares, rabbits and cats - but not to keep the proceeds! Similarly, he went beyond his prerogative when he appropriated numerous fines from the following more or less distinguished trespassers for having their dogs or greyhounds in the forest:

Robert of Pilton	5 marks
Ralph of Kirby	20 shillings
William Basset of Luffenham	10 shillings
Ralph of Senlis	2 marks
the prior of Weston	2 marks
Giles, archdeacon of Northampton	100 shillings

The taking of animals, whether vermin or game, was a frequent offence and thus a substantial source of fines. The taking of a rabbit (*cuniculus*) in Eastwood outside Uppingham cost Robert the hayward of Lyddington his liberty until he paid a fine of five

shillings, and his neighbour Alexander the son of Geoffrey of Lyddington had to pay half a mark in respect of a hare (*lepus*) which he took in a covert at Seaton. Yet another Lyddington man, Peter the son of Constantine, was suspected of taking a rabbit in Eastwood and imprisoned in chains for two days and nights at Allextion - and the poor fellow had to give Peter's men 2d so that they would let him sit on a bench to keep his feet out of the water.

The beasts of the forest, red deer, fallow and roe, and wild boar, were especially valuable and protected, and any trespass against them proved costly, if discovered - the chances of escaping detection were high (Rackham 1980, 181). Peter had fined Robert of Whitchurch, who was dead by the time of these proceedings, 24 marks for taking a buck (a fifth year fallow deer), and the unfortunate Henry Murdoch, himself one of the verderers as we have seen above, had to pay another 20 marks because his son had committed an unspecified trespass against the venison. The parson of "Erburg", John de Neville, had been summoned to appear at Peter's swanimote in respect of a similar trespass, and when he failed to appear Peter relieved his pledges of 20 marks. Peter even fined his own riding forester, William, 20 shillings for a trespass. He also summoned various townships to appear before inquisitions into forest matters and fined them a total of 60 shillings when they did not.

Although many offences had indeed been committed by those he fined, not all Peter's accusations were justified. Master William de Martinvallis was imprisoned at Allextion twice on charges relating to the venison, and released on payment of 100 shillings, but not before Peter had taken from Martin's sister Alice twenty heaped quarters of wheat worth £4 and two cows worth 20 shillings. However, William was found innocent of these charges. Was this random victimisation, or was William in fact a relative of the late Robert de Martinvallis whose land Peter had been found guilty of plundering in 1267?

Master William's case illustrates extortion of another kind, and other instances of a similar nature also occurred. When Henry Gerard was guilty of a trespass, Peter took his beasts and detained them until Henry had paid not only half a mark for their release but also 5 shillings for their custody. He imprisoned Robert of Pilton in chains for a trespass, detained two of his horses while he was in prison, and charged him 22d for their keep and 4d for letting him out. Peter found occasion to fine Robert de Neville and his brother Ralph 30 marks for an unspecified trespass in the forest, taking Robert from his mother's house and imprisoning him until he handed over a horse worth 4 marks.

The prior of Launde Abbey also found himself in trouble when Peter discovered that a number of deer had escaped from the forest into the prior's deer park. In reprisal, Peter took several cartloads of

forage up to the deer park and burnt down its enclosure. This cost the prior not only a new enclosure but a bribe of 30 marks to make his peace with Peter.

Not content with the proceeds of all this extortion, Peter discovered another way of making a regular income without the authority to do so. Three years before the eyre he appointed a forester, Thomas of Salford, to guard the road between Stamford and Bridge [= Great] Casterton near the eastern boundary of the forest and levy a toll (chiminage) of 4d on every cart carrying brushwood or timber into Stamford. There was no justification for this toll, and he had no such right. There was no way of estimating how much he had received as a result. The matter came to a head when he stopped the cart of Geoffrey, the son of Sara of Empingham, which was laden with ash trees (*fraxina*), on the road between Stamford and Empingham and demanded a toll. Geoffrey objected that the trees were from his own land in Empingham which was outside the bounds of the forest and so he was not liable to pay such a toll. But Thomas would not release him until he gave him 2 shillings and found guarantees that he would appear at Peter's swanimote. When he did so, Peter imprisoned him until he paid a fine of half a mark. The result of this case was that Thomas was imprisoned, and an order was made to the effect that the levying of chiminage was against the provisions of the charter concerning the liberties of the forest and was not permitted, and that further there should not be any forester in that part of the forest.

This led to an examination of Peter's forest establishment. It was shown that five walking foresters, namely two in Beaumont [Chase], two in Braunston, and one in the park of Ridlington, and one riding forester with one page, were enough to guard the whole forest of Rutland; and the walking foresters were not to have pages. There never used to be more than this, and Peter's appointment of many foresters and pages was oppressive and unjustified.

Other important principles were firmly stated at the end of the hearing. As we have seen, Peter had imprisoned many of the accused, sometimes in chains, in his own gaol at Allextion: Robert of Lyddington, Robert of Pilton, Robert de Neville, the innocent William of Martinvallis (twice), and the unfortunate Peter son of Constantine. This raised several issues irrespective of whether those imprisoned were innocent or guilty, for it had to be decided whether or not Peter had the right to have his own gaol, what should be done about delivering prisoners from gaol, and where those accused of forest misdemeanours should be sent if he was not entitled to operate a gaol. The jurors found that Peter had made a gaol at Allextion, full of water at the bottom, where he had detained men both lawfully and unlawfully, and released them from it at his own pleasure and without warrant. This was contrary

to established practice, since the king's express authority was required before prisoners should be delivered from prison, whether they were accused of crimes against the forest or other matters. A warrant was therefore always required (Pugh 1968, 276), but Peter had ignored this.

Peter had not been the only forester to have his own gaol, but as a general rule prisoners should not have been kept in private prisons longer than necessary, and it was expected that within a few days they would be escorted to county gaols. Thus the sheriffs had to find space in their gaols for the forest prisoners until such time as perambulating justices arrived to relieve them of their accumulated populations. Nor was Peter the only gaoler to have put his prisoners under duress, whether by chaining them up, extorting fines from them, or keeping them in wet and miserable conditions (Pugh 1968, 176-82). The justices therefore firmly stated that all prisoners taken in the county of Rutland, whether for forest offences or for any other reason, should be imprisoned in the castle of Oakham, and that the sheriff of Rutland should answer for them.

As each case was heard, a decision was reached and duly recorded. It was not long before the gravity of Peter's position became clear, as increasingly familiar phrases were repeated: *de predictis denariis respondeat* - let him answer for the aforesaid monies; *ad iudicium de eo pro transgressione / iniusta captione / iniusta appropriatione / iniusta inprisonamento et deliberacione* - to judgment with him for the trespass / unlawful taking / unlawful appropriation / unlawful imprisonment and delivery from prison. Finally, and most ominously, following the statements about the prison, came the decision: *ideo loquendum de eo coram rege* - therefore let it be discussed concerning him before the king....

### The aftermath

The pleas of the forest are silent on the outcome of the investigation, save that Peter de Neville's offences were so serious that they were referred to the king for decision. Other sources have to be investigated. We learn from the Close Rolls that he was summoned to appear before both the ageing Henry III and his son Edward [I] at Westminster, and was ordered to surrender into the king's hand his bailiwick of the forest of Rutland (*Cal Close Rolls 1268-1272*, 105-6, 158). Somehow he found sureties to answer for his trespass, for on 17th November 1269 the justices of the forest were ordered to restore his bailiwick to him (Turner 1899, xvii, n.3).

Exactly what happened over the next few years remains elusive, despite several substantial references to Peter de Neville and his lands, and the sequence of events is uncertain. What is clear is that Peter had not learned from the events of 1269, for he was found to have carried out another, unspecified

trespass in the forest of Rutland only two or three years later. On 1st February 1272/3, Roger de Clifford, justice of the forest south of the Trent, was ordered to release him on bail even though he stood accused by Roger de Cleyle for robbery and breach of the peace (*Cal Close Rolls 1272-1279*, 6). Perhaps, though, he remained in prison for a while, for a month later a further order was given, this time to the baron of the exchequer, to release Peter from the Flete prison where he languished because he owed certain debts to the king (*ibid.*, 9).

Peter de Neville's career finally seems to have been brought to an end by yet another offence, the details of which do not seem to survive, committed in the forest of Rutland on 7th October 1273. This led to the promulgation of his outlawry on 26th April 1274. Whether the sentence took account of earlier accumulated trespasses or related solely to this last again remains unclear, and what happened next does not appear to be specified. *VCH Rutland* (I, 13) maintains that in 1275 he was presented for fining the men of Oakham and Langham 10 marks because their dogs were not hambled, which in fact they were not required to have done, but this seems unlikely if he were then an outlaw. In contradiction, the same authority asserts (*ibid.*, I, 173) that he was "hanged at Bridgnorth in 1270 [*sic* - surely a misprint] for robbery" and repeats this assertion later thus: "... it was for a theft in Shropshire that he was finally hanged" (*ibid.*, II, xxviii). On neither occasion is a reference to a primary documentary source given for such an event, and this writer has so far failed to find one. At present, therefore, the date and manner of his death remain unsubstantiated. It is, however, known that he was dead by 10th February 1276, when it is recorded that the late "Peter le Bastard" had held 2 messuages and 1 virgate of land at Wymondham of the late Peter de Neville (*Cal Close Rolls 1272-1279*, 269). Thus ended the astonishing career of one of Rutland's most versatile villains - there seems no reason to doubt that this trail of wrongdoing was the achievement of one man rather than of two or more namesakes.

When Peter was outlawed in 1274, this immediately resulted in the seizure of the lands which he had just passed on to his son Theobald. The suspicion, naturally enough, was that he had made over the properties so as to avoid their confiscation when he saw how the scales of justice were turning against him. The records of several detailed inquisitions taken in that year survive (see especially *Cal Inq Misc* I, no.984; Farnham & Thompson 1919-20, 412-14), as a result of which it was established that Peter had made over some at least of the properties in September 1273, only shortly before the offence that led to his outlawry, and that the manors of Allextun and Hallaton had been given to Theobald after the trespass but before the outlawry. Eventually the lands were all eventually released to Theobald.

In the same year, Theobald himself had a brush with the law, being accused by Robert de Ockeleye of robbery and breach of the peace. He was released from custody so that he could the more easily prepare his defence at the next pleas of the forest (*Cal Close Rolls 1272-1279*, 7-8).

The inquisitions are also useful in that they indicate the extent of Peter's possessions in the Rutland area. He had 3 virgates of land and a messuage in Carlton Curlieu, Leicestershire, and a further messuage with 8 virgates in the same place, worth annually 3 marks and 8 marks respectively, which he had acquired through his wife Alice,

he was enfeoffed by the king, and other land held of Sir Peter de Bakepuiz by the yearly service of a pair of gilt spurs. The manor of Braunston, part of which he had bought in 1261, he held by payment annually of a rose, he held land at Hallaton for which he rendered homage, and the manor of Leigh[field] was held of Geoffrey Maunsel of Buckinghamshire for the payment of a pound of cummin worth 2d per year. The latter he had made over to Theobald with the consent of his mother Christiana, the wife of Hasculf (II). She died in December 1274, being spared the knowledge of her son's outlawry.

Even though Theobald recovered Peter's lands,

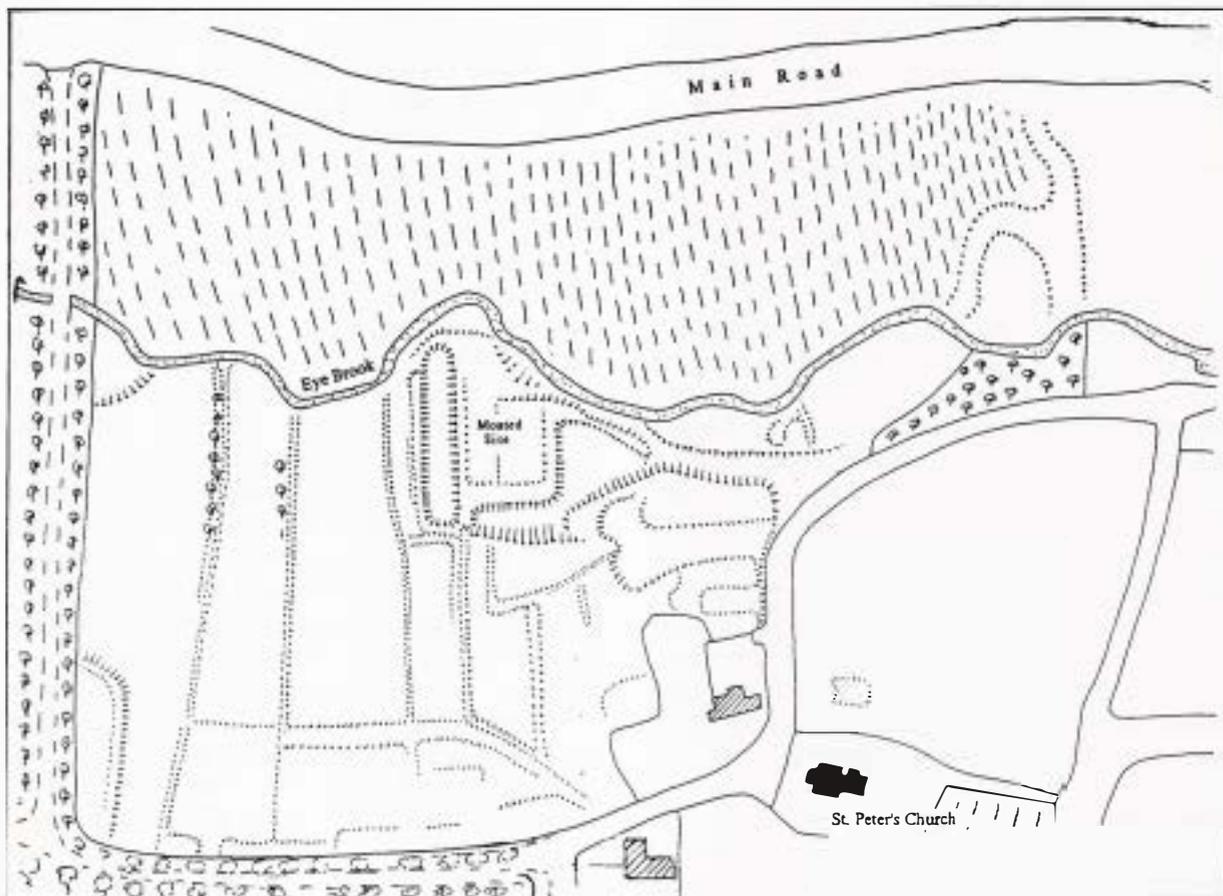


Fig. 1. The site of Peter de Neville's moated "fortalice" beside the Eye Brook at Allextion, surveyed by R F Hartley (Leicestershire Museums, Arts & Records Service).

daughter of Robert de Curly. In fact he had acknowledged in chancery on 25th June 1273 that he had received a loan of £10 from William de Chaworces, using land at Carlton Curlieu as security (*Cal Close Rolls 1272-1279*, 51). Peter also held a windmill and a watermill at Tugby, with 4 acres of ploughland. The Carlton Curlieu and Tugby lands were described on 13th March 1276 as having been taken into the king's hand not because of Peter's outlawry but because of his death. Theobald was allowed to continue to till and sow the land until matters were finalised (*Cal Fine Rolls 1272-1307*, 67).

Peter's main seat was at Allextion, where he had a moat, an old garden and 2 virgates of land, of which

this was not the end of matters relating to his father, and Theobald was not yet able to live quietly. As late as 1283, enquiries about Peter's debts were still in progress, and an order was given to search the rolls of the king's Jewry concerning all the debts which Peter had owed at the time of his death and which the Jews were demanding from Theobald. An extent was to be made of all his lands, with the object of charging Theobald and, somewhat unfairly it might seem, his tenants proportionately for the amounts owing (*Cal Fine Rolls 1272-1307*, 194). In the same year, Theobald was granted three timber oak trees from the forest (*VCH Rutland I*, 254). All debts due to the exchequer in respect not only of

Peter but also of his father were extinguished in February 1285/6. Nonetheless, in 1297 Theobald and Peter's youngest brother Thomas were found to be considerably in arrears in respect of debt repayments due to Edmund, Earl of Cornwall, who had succeeded his father as lord of the manor of Oakham in 1272 (Clough 1987, 25). Enquiries were made concerning all of Theobald's properties except for his chief messuage at Allexton: described as a "fortalice", this was a defended moated site which it was found could not be entered to assess its value and that of its fishponds except by forcing a passage over the bridge and through its doors, and no doubt those concerned were unwilling to take the risk of attempting to break their way in for this purpose (Farnham & Thompson 1919-20, 414). Probably this "fortalice" was also the site of Peter's controversial prison, and if as seems most likely it was on the low-lying piece of ground beside the Eye Brook and adjoining the present Allexton Hall, it is little to be wondered at that it was water-logged. The site, perhaps surprisingly modest in extent, was surveyed by Fred Hartley for Leicestershire Museums (fig. 1), but has since been disturbed and is not easy now to visualise as the moated stronghold of a man like Peter de Neville.

Eventually, on 13th September 1300, Theobald himself gained the custody of the forest of Rutland which four earlier generations of his family had held, for the same rent of 40 shillings annually and under the same conditions. In the meantime, the forest had been granted for life to Ralph Malore, and Theobald had to agree to pay him 12 marks a year for life in compensation (*VCH Rutland* I, 254). Theobald's kinsman Thomas de Neville died in 1303, possessed of quite extensive lands in Rutland and neighbouring counties, and Theobald, who was said then to be over 30 years old, was identified as his legal heir. However, the jurors were uncertain whether Peter's outlawry prejudiced his right to succeed to the property (*Cal Inquis* IV, no.155). He and his wife Cecily held the Allexton property jointly, and the grant of the forest was renewed in 1316, shortly before his death. His lands were inherited by his daughter Alice and her husband, Sir John Hakluyt. By then, maybe, memories of Peter de Neville and his repeated extortion as warden of the forest were already beginning to fade. Perhaps, though there is a modest sequel to this fascinating tale of medieval intrigue and rebellious living. Although Theobald received no privileges as forester other than those limited ones that were confirmed to his father in the inquisition of 1269, when his successor in that office, Anne Chiselden, died in 1444, her inquisition post mortem showed that she claimed custody of the forest of Rutland "*cum wynd-*

*fallen wode dere fallen wode cabliciiis wodsylyver hegyngsylyver attachiamētis forestariorum extractibus swanimottorum proficiuis eorum et chiminagio ac faciendi et amovendi omnes forestarios eisdem foreste ad voluntatem suam*" [with windfallen wood, deer, fallen wood, fallen timber, wood fines, hedging fines, forest courts, issues and profits of swanimotes, forest tolls, and the power of appointing and removing all the foresters as she wishes] (Turner 1899, xxxv, n.2; *VCH Rutland* I, 255). Dog Latin of the worst kind it may be, but it hardly needs translation for the meaning to be clear.

### Acknowledgements

The opportunity to write this paper arose out of the Rutland Local History & Record Society's meeting at Belton in 1997, enabling me to follow up the introduction to Peter de Neville afforded to me many years ago by Mr Clifford Owen. I am grateful also to Mr John Field for reading the draft, and to Mr Fred Hartley, Curator of Harborough Museum, for permission to reproduce his plan of Allexton.

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# The Oakham Gallows

PHILIP RAYNER

*The recently restored gallows in the Rutland County Museum prove to be a rare example of the early 19th century New Drop, and were used at the new Oakham gaol. Made for the execution of William Almond and John Holmes in 1813, they were used again for the hangings of Patrick Duffy (1824), Jacob Bozolander (1826), and John Perkins (1833). Earlier hangings like that of Richard and William Weldon in 1798 took place at Mount Pleasant.*

## Introduction

The dismantled components of the Oakham gallows were presented to the Rutland County Museum in 1973 by Mr J E Smith (accession no 1973.44). Mr Smith, who had had a life-long interest in Oakham Castle, also gave the museum a collection of handcuffs, leg irons, pistols and cutlasses once used in connection with the gaol and courts held at the castle. At that time the timbers were treated with wood preservative and stored to await further examination and conservation, should it prove necessary. No attempt was made to re-erect them.

In February 1997 the timbers were re-examined, and it was decided that conservation or restoration should be carried out as a matter of some urgency because as a result of their varied history since they were last used in 1833 parts of the timbers were showing signs of advanced dry rot and furniture beetle infestation.

As virtually nothing was known of their history, or indeed of the history of crime and punishment in Rutland, it was decided that, in hand with the restoration work, this fascinating area of the county's past should be investigated with the aim of mounting an exhibition at the museum. The research project would prove to be no easy task as the county's assize records had evidently been destroyed in the 1940s as a result of an over-enthusiastic paper salvage operation. Folk tales, more or less reliable, concerning Gibbet Gate, Swooning Bridge and Mount Pleasant, the attested site of executions at Oakham, would also have to be taken into account (Matkin 1902, 34-6; Palmer 1985, 173-96). It was only known that the gallows, with the other objects given by Mr Smith, had been sold when Oakham gaol was closed in 1879 (Phillips 1909-10, 219).

The Oakham gallows represent a very early type of drop gallows known as a New Drop. In fact they are advertised as such on a broad sheet describing an execution at Oakham in 1813. This is a transitional type of gallows that falls between the previous method of dragging the victim from the back of a cart or waggon and the long vertical drop developed in the 1880s. This type of gallows was brutal in the extreme: the drop, about 3 ft only, was not enough

to break the victim's neck cleanly, and so the mob were still treated to the dance as the victim suffered. Further research has revealed that these are the only surviving gallows of this type and as such they assume a hitherto unrecognised importance.

## Description

The gallows, designed to be taken down and stored when not required, were crudely but efficiently constructed. The timber used was between 4½ and 5 inches square, the corners roughly chamfered with a draw knife. The overall height is 16ft 6in and they cover a floor area of 16ft 6in by 9ft 6in (fig. 1).

The structure is supported on four baulks of timber, two long ones that run parallel to each other and two short ones that are bolted to the long ones at mid point to form a T. Also at the mid point rise the verticals that carry the crosstree to which the ropes were attached. From the short baulks rise two angled timbers that support the verticals against outward movement. From the ends of the long baulks four further angled timbers rise to meet the verticals. It is to these four timbers that the drop is attached by large iron pins and eyebolts. All the timber joints are made with mortices and tenons, held together where necessary with bolts, and constructed so that the whole can be dismantled.

The drop itself (fig. 2) is massively constructed, comprising two doors each two inches thick and weighing about 80 lb each. The release mechanism is very simple. It consists of a bar of iron that passes under the doors at right angles to the long edge and is held in place by two brackets. The bar is prevented from bending by another curved bar that is forge welded and bolted to it. To open the drop one end of the bar is hit with a hammer to release it from the holding brackets so that the doors crash open. Also affixed to the timbers that carry the drop are wood and metal brakes to catch the doors and stop them swinging back onto the executed felon(s).

## The Restoration Work

One by one the timbers were removed to the workshop and individually examined. It was found that the greater proportion of them were in a reasonable state of preservation and, although dirty, the original black paint finish was generally intact. Along some of the edges the paint had been worn away by handling and the different storage conditions that they had been in. These areas revealed that the timber was Baltic pine throughout. This was surprising as gallows in England were in most cases made of oak.

After examination, it was decided to remove as

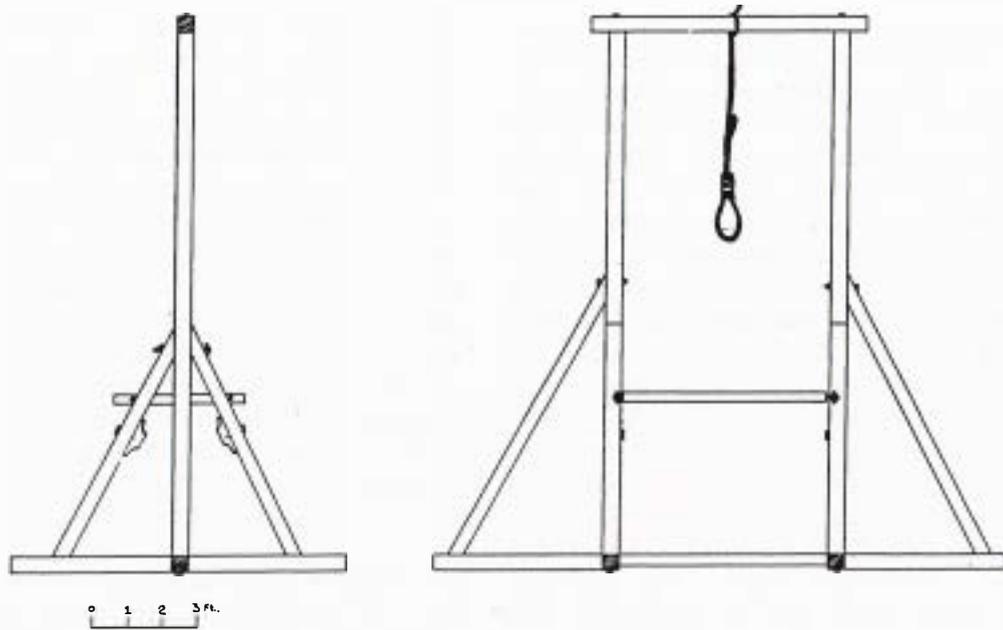


Fig. 1. Front and side views of the New Drop.

much of the surface dirt as possible without damaging the paint. The timbers were soft brushed and then wiped over with a damp soft cloth. This was all that was required to bring back most of the original finish.

Some of the timbers bore evidence of beetle infestation, some areas being quite heavily infested, as the number and spread of the flight holes proved. It was not known if there were any live larvae still present, so it was decided to treat all of the timbers with preservative and woodworm killer. A section of timber was chosen and tests with Clear Cuprinol were carried out to make sure that it would cause no damage to the paint. This proved successful and all of the timber was doused, the flight holes being injected. This was repeated at weekly intervals for three weeks. The timber was then left to dry outside for a further two weeks. The flight holes were then injected with a thin resin to stabilise the internal structure and consolidate the dust. This also had a certain strengthening effect.

More worrying was the damage to the end tenons. As the object of the exercise was not only to conserve the gallows but also to erect them so that they could form the centrepiece of an exhibition, it was crucial that the timbers would have enough strength to support themselves and the structure safely. To do this, the only way was to cut back to good wood, scarf new ends and reform the tenons. Each timber had its own problems and so each had a different solution. Three had completely new ends scarfed on, two had partial scarfs and two had the tenons cut out and replaced. The new wood was stained and painted to match the original. Finally the timber was

given a light coat of heavy duty wax, care being taken to fill the flight holes, allowed to dry and then lightly buffed. This work took two months to finish.

The two large vertical timbers which carried the crosstree were in a terrible state. One had a 3 ft piece missing from the centre and the other was so infested with rot it was past saving. It was decided that they both had to be replaced. New timber would be no good because of problems that could be caused as it dried out, putting an unacceptable strain on the structure. A huge old pine beam was located, purchased and sawn to the correct dimensions. The old timbers were used as patterns to cut the mortices and tenons. Their replacements were then stained and painted to match the originals.

The metal furniture was all in excellent condition and only required cleaning and finishing with a light waxing. The last remaining task was to erect the gallows in the workshop, drill the bolt holes and make the final adjustments.

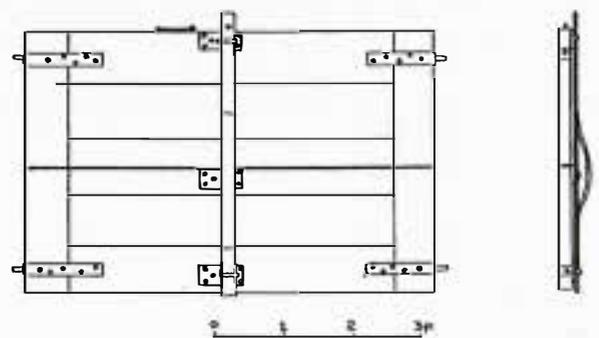


Fig. 2. The doors of the drop.

## The History of the Gallows

In 1802 it was decided by the Justices in Oakham that a new prison should be constructed to replace the old gaol that stood on the corner of Gaol Street and High Street. For a number of years the old gaol, with its thatched roof, open sewer and earthen floors, had been regarded as unsafe, insecure and unhealthy, in spite of being kept clean. The new prison was designed to incorporate all the modern ideas of reform current at that time. In 1805 an Inspector of Prisons described the new gaol as "nearly finished", but it was not completed until 1810 (Phillips 1909-10, 214-26). It was built on a site known today as Kilburn Yard, now part of Oakham School. Some of the original buildings still exist, amongst them the men's ward, the treadmill house, the stables and part of the boundary wall.

The new prison, erected by William Firmadge, cost a staggering £9351 11s 6d to build. For such a small county it must have been a very imposing edifice, and indeed would seem to have been quite unnecessarily large. It would accommodate 96 prisoners, but the daily average in 1852 was 21, and on one occasion in 1863 it was completely empty (*ibid.*, 217). In his 1846 *Directory*, White describes it as:

a substantial building of brick and stone, enclosed by a boundary wall, 22 feet in height. The entrance is by a Doric doorway of freestone, with side lodges, appropriated to the residence of the turnkey and other purposes. The prison consists of a central building, of octagonal form, and comprises 37 cells, 7 wards, 7 day rooms, 7 airing courts, and other apartments. The hard labour to which the prisoners were subjected was that of the crank wheel, but a *tread wheel* was erected in 1846 ... the prisoners are but few in number, and executions on the drop are happily very rare occurrences (White 1846, 651).

On completion of the new prison, the traditional site of execution on Mount Pleasant was abandoned, the new location being, it is thought, above the gateway of the prison. The actual construction of the gallows demands that they be erected on a hard level surface. The vertical timbers that carry the crosstree are securely fixed to the floor baulks by large bolts that pass through the mortices from below and into the tenons and timbers of the verticals. This leaves very large bolt heads protruding from the bottom of the baulks; the whole structure would rock on these, making it unstable. There must have been fixings over the gateway to take this into account.

In the last decade of the 18th century, the people of France had overthrown their monarchy and installed a republic. People were demanding political reform, and it was greatly feared in Westminster that the same could happen in England. Food shortages, rising prices and fluctuating wages caused frequent riots and widespread civil unrest. Against this

backdrop fashions of capital punishment began to change. It was realised that hangings could no longer be regarded as a family and friends' affair, a day out for the crowd to hear the condemned felon's last speech. Rather, the law had to be seen to be done: it had to act as a far greater deterrent than it had in the past. Fear was to be the authorities' key to success, and for this reason gallows sites all over the country were moved away from the influence of the people and into the absolute control of the authorities. By moving the gallows to over the gateway of the new prison the Justices made sure that security could be maintained, that there would be no rescue attempt, and that the crowd would have a good view of the execution, leaving them in no doubt exactly who was in charge. It followed the fashions of the times.

The account of executions that took place in Oakham between 1789 and 1833 should begin with the last recorded deaths at Mount Pleasant.

### *The Weldon brothers: robbery and murder*

In 1789 a terrible murder took place near Hambleton. John Freeman, a baker from Edith Weston, was robbed, beaten and stabbed to death. Two brothers, Richard and William Weldon of Hambleton, were arrested and brought to trial at Oakham Assizes on Saturday 14th March 1789 before Baron Thompson. During the trial they admitted plans to rob and murder a further five people. Both were found guilty and sentenced to hang (*Lincoln, Rutland & Stamford Mercury*, 27th March 1789).

Whilst incarcerated in Oakham old gaol, awaiting the execution of the sentence, Richard Weldon murdered the gaoler, Henry Lumley, by bludgeoning him with a large faggot and attempted to escape. Henry was the son of William Lumley, and the fourth generation to hold this appointment (Phillips 1909-10, 213). Mrs Lumley raised the alarm and local townspeople caught him before he could make good his escape. William Lumley was not indicted for this murder as he had stopped his brother from striking Mr Lumley a second time and had known nothing of his brother's intentions.

The Weldon brothers were hanged at Mount Pleasant. The Rev Richard Williams, vicar of Oakham 1782-1805 (Longden 1943, 103) and chaplain to the gaol, was in attendance. After the usual time their bodies were taken down and conveyed through Egleton to Hambleton, and by order of the judge suspended by chains from a gibbet post, which was erected near to the scene of the murder. This was the last hanging recorded at Mount Pleasant and the last gibbeting to take place in Rutland. A footnote to this terrible happening is that the gibbet post was in sight of their parents' house and from that day on no-one again talked to them. An estate notebook amongst the papers of the Finch family, now deposited in the Leicestershire Record Office (DG7), whose tenants the Weldons were, records

details of those living in their property. Of the then widowed Mrs Weldon, the boys' mother, it simply says: "Where you never go." The gibbet post survived for some 50 years until it was sawn down and turned into a gatepost (Matkin 1902, 36).

An eye witness account of the execution is given by Dick Christian, a horse breaker and rough rider of the times, and is worth repeating in full:

That's Gibbet Gorse, as fine a cover as ever was seen. I saw those two brothers hanging on the gibbet, with white caps on; they murdered a baker called Freeman. I was only seven when they were hung; I stood on my fathers pony, and looked over his shoulder; I wasn't ten yards off them. The youngest of them, Bill, father had hired him to be a shepherd; he had been at our place only a week before he was took, to settle about coming. Poor fellow, he cried sadly; his brother Dick, he was a regular hardened one - you know what he said about not dying in his shoes: I heard him say it distinct. He could see Appleton [*sic*, = Hambleton], the village he lived at, from the gallows, and he turns his face towards it, and he says, "Now I'll prove my mother's a liar; she always said I'd die in my shoes." Them were his very words; and away he kicks them among the crowd. I think I see him a-doing it. Father went quite white, and fairly trembled in his saddle. They had chains from the waist down between their legs, and they hung on the gibbet that way. That was a great plum year, but there was no sale for them round Oakham; people wouldn't buy them if a fly had been at them; they had a notion that they had been at the gibbet, and sucked the flesh. I took no notice of it: I always ate plums when I could get them. They hung till they fell down; the good one lasted the longest; people watched for that. I never heard of anyone finding bits of their bones; I've seen parts of their clothes lying about when we've been drawing the gorse, but never no bones; they say there not to be seen. That green field on the left side where the sheep's feeding, just this side of the windmill, is where they were hung (Paget 1934, 231-2).

The Rutland historian George Phillips (1909-10, 156) recorded the following details about this incident, in one of a series of articles including information taken from the Quarter Sessions records before they were destroyed:

Prosecution of Wm. and Richard Weldon and for twenty nine witnesses Lent Assize 1789 £67 for the murder of Freeman.

Prosecution of the said Richard Weldon and for eight witnesses at the said Assizes £12. 10. 0. for the murder of Gaoler Henry Lumley.

John Grant for Gallows £2. 8. 4d.

Rev. Mr Williams for attending prisoners £10. 10. 0.

### *Almond and Holmes: burglary*

The first recorded executions on the New Drop at Oakham took place on 5th April 1813 when two felons were executed simultaneously. The account of their demise is well recorded, with trial reports in the *Stamford Mercury* (8th April 1813). In addition, copies of two broadsheets published at the time by John Snodin, printer, of Oakham, and by Pares of the Britannia (*sic*) Printing-Office, Belgrave Gate, Leicester, survive in the Rutland County Museum (accession nos 1972.37, 1982.849.2), and the text of one of these was reproduced in Matkin's *Almanack* for 1938 (Matkin 1938, 82-4). Pares' broadsheet is illustrated by a woodcut showing the two men roped



Fig. 3. *The hanging of Almond and Holmes, from Pares' broadsheet.*

to the gallows and standing in a cart, guarded by men with lances - a scene rendered obsolete by the new apparatus (fig. 3).

William Almond, aged 28, a blacksmith, commonly known as Black Will, with Henry Millington and Edward Hare, aged about 20, were accused of "feloniously and burglariously" breaking and entering the dwelling of the Rev Richard Lucas at Casterton and stealing a quantity of plate. John Holmes, aged about 30, occupation unknown, broke into the house of John Cunnington, of Belton in Rutland, and stole a quantity of drapery goods. From the account of the trial it seems that Edward Hare gave evidence against the others and was acquitted. Almond, whose character was "... too well known to need particularizing", was heard to say to Hare that "if they died there would be plenty to shoot him afterwards".

The Judge, as reported by the *Stamford Mercury*, summed up. The jury consulted for a minute and returned a verdict of guilty against Almond and Millington for committing the burglary and robbery and guilty also against Holmes for being an accessory before the fact, making them all equally criminal in law.

"The Judge then, in a very impressive way, passed sentence of death on the prisoners. He exhorted the prisoners to make the best use of the little interval that would be allowed to them before they entered

upon eternity." Mr Lucas, Rector of Casterton Magna with Pickworth 1784-1827 (Longden 1940, 61) entreated a mitigation of the sentence, but was told by the Judge that the interests of society forbade it. However, for some unknown reason consequent upon "some favourable occurrences upon trial", Millington had his sentence reduced to transportation for a period of fourteen years.

The wife of the high sheriff, Stafford O'Brien Esq., charitably but perhaps misguidedly pleaded that they be given "more respite to make them sensible to their awful situation". This was granted and gave Almond and Holmes the opportunity to attempt an escape. They cut their linen and other apparel into strips, tying these together into a rope, attaching one end to a fire grate and throwing it up over the wall of the prison yard. Unfortunately for them the rope broke, alerting the gaoler who apprehended them before they had scaled the wall.

The following account of the execution was given in the *Stamford Mercury*.

On Monday last John Holmes and Wm. Almond, who were convicted at the last assizes for the county of Rutland of a burglary in the dwelling house of the Rev. Rd. Lucas, of Casterton Magna, were executed at Oakham, in the presence of a great concourse of people. We are happy in being able to state that the conduct of the prisoners previous to their suffering was such as to confirm fully what we stated last week with respect to their penitence. The Rev Mr Williams, Chaplain to the gaol, was with the unfortunate men until four o' clock on Monday morning, and administered the Sacrament to them before they were brought out. About half past eleven o'clock they appeared on the platform over the front of the gaol, and joined in singing hymns with the Rev Mr Williams, Mr Miller and Mr Foster for nearly half an hour.

At twelve the prisoners mounted the fatal drop, and the executioner immediately proceeded to adjust the ropes. Extreme agitation worked upon their features, but the sparkles of a better hope were plainly visible and they repeatedly declared that they were comfortable and at peace with all men. A few minutes after twelve, the supporters of the platform on which the unfortunate men stood were knocked away, and they soon passed the ordeal of human suffering. Almond appeared to be insensible of pain after a lapse of a few seconds, but Holmes struggled on the brink of eternity for a minute or two. After the bodies had hung the usual time, they were taken down: the corpse of Holmes was delivered to his friends; that of Almond was interred on Monday in Oakham churchyard.

Pares' broadsheet finishes with the words "Holmes of the two seemed a little dejected" - perhaps the understatement of the century.

The description makes it quite clear that the gallows were erected "over the front of the gaol",

where the execution would be in full view of the crowd. The chaplain, the Rev Richard Williams, who had succeeded his father and grandfather as vicar of Oakham, held the living from 1806-15 (Longden 1943, 103).

In the *Oakham School Magazine* for 1892, there appears an article called "Recollections of an Old Boy". Dr Doncaster, then headmaster of the school, was in the habit of giving the boys a day off to attend public executions. The old boy in question, possibly Robert Wade-Gery since the article is signed R W G, witnessed the execution of Almond and Holmes and the relevant part is worth quoting.

I failed to find old Betty Bollings grave: she committed suicide in Oakham jail, and was buried at a sharp turn in the Melton Road, not far from the town; the place being marked by four stumps set in a square, with another in the centre, supposed to pass through the body.

I think one of my earliest recollections is the execution of two poor fellows for house-breaking. Dr Doncaster thinking that the little boys, of whom I was one, might get into mischief or some accident befall them, sent us all to the jail (it must be remembered, that executions took place in those times outside the jails, instead of inside, as at present) that we may see the shocking sight without danger. Perhaps the good Doctor was right in letting us go, for it certainly made a serious impression upon some of us. I remember to this day the Psalm tune which they sang, as they came up to the scaffold: the tune is called, curiously enough, Mount Pleasant.

These then were the first executions to take place on the New Drop. It is worth noting that the crosstree has three holes to accommodate three ropes. It seems most likely that the gallows were especially made at short notice in the new fashion for the anticipated hanging of Almond, Holmes and Millington. In the event, as we have seen, only two ropes were needed.

#### *Patrick Duffy: rape*

The gallows were next used on 29th March 1824 to dispatch an Irishman named Patrick Duffy. He was about 70 years old, a hawker and dealer in oranges well known at markets and fairs for a considerable distance round Stamford, and was accused of the rape of Elizabeth Robinson, aged about 60, while she was on her way to visit the relatives of her deceased husband at Newcastle (Clough 1996, 275). The crime took place on the Great North Road by the Casterton and Tickencote crossroads. Duffy was apprehended at Newark by Mr William Orridge, the gaoler of the prison at Oakham, who was sent in pursuit by the magistrates. Once more, the *Stamford Mercury* (15th March 1824) reported the trial:

The Judge, Baron Hullock, in his summing up said that if the jury found the charge established against the prisoner, their verdict would put his life in immediate jeopardy; it

was incumbent therefore that they be satisfied the case was clearly made out. The jury after a few minutes deliberation returned a verdict of guilty, but recommended the prisoner to mercy on the grounds of his intoxication at the time. The Judge replied that it would be most dangerous to consider intoxication as an excuse. He then proceeded to pass the sentence of death on Duffy, who upon hearing it fell to his knees at the bar in a state of wild distraction.

Nothing more is known about Patrick Duffy. Despite an intensive search, no description of his execution has been found and it is not known where his body was taken for burial.

**Jacob Bozolander: assault and robbery**

Another well known case was that of Jacob Bozolander, again recorded in the *Stamford Mercury* (4th March 1826), where details of the judge and jury were reported as follows:

The Rutland Assizes. March 3rd and 4th 1826  
 Before the Hon Justice Littledale.  
 The Grand Jury comprising of  
 Sir Gerard Noel Noel, Bart, Foreman

The Hon Henry C Lowther	Jonathan Gibbons Esq
George Fludyer Esq	John Eagleton Esq
Samuel Barker Esq	James Tiptaft Esq
Thomas Hotchkin Esq	Robert Peach Esq
Robert Tomblin Esq	William Ward Esq
Michael Pierrepont Esq	John Neale Esq
John Muxloe Wingfield Esq	Thomas Floar Esq
Fredrick Mortlock Esq	John Morris Esq
John Cole Gilson Esq	Thomas Thompson Esq
William Lawrence Esq	Thomas Adcock Woods Esq
Robert Shield Esq	William Mills Esq

Jacob Bozolander alias William Welsh, aged 57, and William Bean, aged 17, were arraigned for a dreadful outrage on the body of Mary Waters and highway robbery of the same person in the parish of Barrowden on 14th November 1825. "The elder prisoner was a thin middle sized man, with a large disgusting yellow beard and had the appearance and some of the accent of a foreigner, but fully understood English and spoke it with perfect fluency." The Judge at this point seemed disturbed about some points of law and called for several volumes of law authorities. After some deliberation the Judge asked the prisoner how he pleaded. Bozolander answered that he was a foreigner and an alien. He was then given the choice of having a jury composed of half Englishmen and half foreigners or only Englishmen. He answered that he would choose Englishmen and pleaded not guilty. The difficulty that had been in the mind of the Judge was thus removed and the trial proceeded.

The first charge against Bozolander and Bean was of making an assault on the body of Mary Waters, aged 21, of South Luffenham, a servant of Mr E

Porter of Empingham (Clough 1996, 275), on the king's highway in the parish of Barrowden. The second charge was of highway robbery, stealing from Mary Waters ten shillings in silver and twelve pence in copper, four yards of new Irish cloth, a yellow silk handkerchief, a cotton handkerchief and a blue linen apron. Both were capital offences.

At the conclusion of the evidence, the jury, after only a few minutes' deliberation, delivered a verdict of guilty on both men on both counts. Judge Littledale then passed sentence of death on Bozolander, and ordered Bean to be detained until His Majesty's pleasure be known. Jacob Bozolander was executed on Monday 20th March 1826, but nothing has been discovered here of the fate of William Bean.

A marginal note in an assize record book states: "1st May 1826. Ordered that the treasurer do pay the sum of 10 pounds to Thomas Bunnery of Kings Cliffe publican for apprehending Jacob Bayslander [sic] a highway robber within the Hundred of Wrangdike." The reward money was found by a levy upon the Hundred (Phillips 1909-10, 157).

**The Perkins brothers: attempted murder**

In February 1833 three brothers, John Perkins, aged 26, stone mason, of Ketton, Robert Perkins, aged 23, stone mason, of Easton, and George Perkins, aged 20, also a stone mason, of Easton, along with William Lomas, aged 30, a slater from Ketton, were put on trial at Oakham Assizes before Chief Justice Denman, charged with "having early in the morning of 30th January 1833 feloniously shot at and desperately wounded Thomas Peach, of Empingham, principal gamekeeper to Sir Henry Heathcote, Bart, whilst in the execution of his duty in attempting to apprehend the prisoners in Empingham Old Wood, where they were illegally destroying the game."

There were four counts in the indictment, the first charging John Perkins with shooting at Peach with intent to murder him; the second, with intent to do him grievous bodily harm; the third, with intent to disable him, and the fourth with intent to prevent the lawful apprehension of persons for killing game. In each of these John Perkins was charged as the principal and the other prisoners as accessories. Lomas was arraigned with the brothers, but was immediately acquitted, it being stated that no evidence would be offered against him. Mr Hildyard and Mr Humfrey were council for the prosecution. Mr Norman Clarke appeared for the accused.

Mr Peach was the main witness against the brothers. He said that he had been called a little before twelve o'clock on the night of the 29th of January, by his assistant keeper Thomas Berridger and that he went with him and Jonathan Morris to Empingham Wood where he heard men rustling in the game coverts, guns discharging and pheasants flying off the trees (*Stamford Mercury*, 15th March 1833). Mr Peach and his assistants waited for some

time, until the men came out of the woods. At this stage he challenged them, whereupon they opened fire, hitting Mr Peach in the thigh and groin from a range of about seven yards. Jonathan Morris pursued the men for a short distance before he was brought down by a shot that struck him in the head and another that struck him in the back. Several more witnesses were also questioned concerning the movements of the Perkins brothers that night.

The Judge during his summing up said that if John Perkins was found innocent, then because he was the principal accused, the others must be acquitted. The jury then retired for nearly half an hour to consider their verdict. They returned with a verdict of guilty against all three brothers. The sentence of death was passed on all three, whereupon "The wretched men, with their associate Lomas, who sat in the dock during the trial, immediately burst into an agony of the loudest grief and terror, and continued their cries for mercy until the Judge quitted the court."

The sentences of Robert and George Perkins were commuted to transportation for life, but John Perkins was hanged in Oakham prison by William Calcraft (state executioner 1829-74) on 25th March 1833. He is buried in the churchyard at Easton-on-the-Hill. This was the last time the gallows were used, and John Perkins has the dubious distinction of being the last person to be executed in Oakham. George died whilst interned on a prison hulk moored at Tilbury, but Robert survived his transportation to Van Diemen's land where his descendants still live. The episode is commemorated in an eight-verse ballad entitled "Oakham Poachers or the Lamentation of Young Perkins" (Matkins 1904, 164).

## Conclusion

This then is the history of the short drop gallows in Oakham as far as it is known at present. There may be other occasions when they were used, and further research is required to establish this. As to the stories of Gibbet Gate, this name was given to the gate through which the felons were taken on their way to execution on Mount Pleasant.

The name Swooning Bridge may well date to before 1599. A ballad believed to be of that date has been rediscovered in Archdeacon Irons' notes in the University of Leicester Library (MS 80, box 3), commemorating the awful death of one John Lyons, a Rutland yeoman who was hanged, "bowelled" and quartered for refusing to recognise the Protestant faith (Chaltoner 1924, 236). One verse reads:

On Swooning Bridge they bade him rise,  
He knew nor fear nor shame  
With head erect on heaven he gazed  
His eyes were all aflame.

Unfortunately, Irons does not indicate the source

from which he transcribed the whole ballad, but Mr Edward Baines (pers. comm.) believes that the style in which it is written is consistent with a late Elizabethan date and that therefore it is likely to be contemporary with the death of John Lyons.

Beneath the parapets of Swooning Bridge are carved sets of initials and names. The earliest date is 1823, by which time the site of execution had been moved to the new prison. They cannot have been idly carved by the curious while awaiting the passing-by of felons on their way to the gallows. Indeed, the late John Barber attributed many of them to Oakham School boys.

When Mount Pleasant came to be known as such is uncertain. Cox wonders if it was "an ironical name since it was the site of the town gallows" (Cox 1994, 119), a not unreasonable assumption remembering that Holmes and Almond met their end to the echoes of the tune "Mount Pleasant", and one no doubt paralleled elsewhere. If not an ironical use, it could be a genuinely complimentary name, given the proximity of the site to the landscaped ravine and gardens of Catmose and the Victorian love of picnics. Today, the site of the old gallows that preceded Oakham's New Drop, shown on Owen's 1736 road map, is lost, but grim memories associated with Mount Pleasant still live on.

## Acknowledgements

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# The Duke of Buckingham's House at Burley on the Hill

ANNE BLANDAMER

*Modern descriptions of the Duke of Buckingham's house at Burley on the Hill as an extravagant mansion which he built anew are at variance with earlier sources. It is argued that on the evidence of late 17th century printed references and of surveys which followed its destruction in 1646 Buckingham did not replace but in fact enlarged and reorientated the fine late Elizabethan house built by Sir John Harington. The plan of a house for Buckingham by John Thorpe is evaluated as representing a speculative proposal rather than an actual building. The stables which survived the 1646 fire and the landscaped park and gardens at Burley are put into the context of the fine courtly lifestyle which both Harington and Buckingham enjoyed.*

## Introduction

At Burley on the Hill in Rutland, overlooking the Vale of Catmose and Rutland Water, stands a fine mansion built between 1694 and 1708 for the second Earl of Nottingham, Daniel Finch (National Grid reference SK 883102). The house has now been converted into separate dwellings, leaving intact the appearance of the building and grounds. It stands on the site of an earlier house which belonged to the Duke of Buckingham and was burnt down during the Civil War in 1646. Although the present house has been well studied (*VCH Rutland* II, 112-13; Arcturus 1989; *Rutland Record* 10 (1990)), very little is known about this other building, and this paper examines the evidence for Buckingham's house and its form, namely a plan by John Thorpe and another undated rough ground plan of the site, surveys of the estate of 1651 and c.1690, and references to the house in the Domestic Papers of James I, in the context of other contemporary houses.

The Haringtons of Exton purchased the Burley estate from the Sapcote family in 1550, adding to it in 1562 (Wright 1684, 29). Sir John Harington acquired the estate in 1573, together with the neighbouring estate of Exton, and built a large house at Burley on the Hill. This was certainly completed before Christmas 1595, for an eye-witness account of the lavish entertainments then organised by Sir John survives. The extent of the revelries, during which there were over two hundred house guests, daily hunting parties, and entertainment and food for up to nine hundred extra people, indicates the nature and size of the house (Ungerer 1987). In addition, the house was considered splendid enough to accommodate James I and his court when he journeyed south to claim the English throne in 1603 (*VCH Rutland* II, 112). Sir John was created Baron Harington of Exton by the king in gratitude for this hospitality.

Unfortunately, Sir John over-reached himself, and

when he died in 1613 he was greatly in debt. After his death and that of his heir within a year, Harington's estates passed to his daughter, Lucy, Countess of Bedford. The Burley estate, including the existing house, was sold to the Duke of Buckingham for £28,000 (Lockyer 1981, 63). The precise date of purchase is not known, but the purchase is confirmed in a letter from John Chamberlain Esq to Sir Dudley Carleton in 1621 referring to an "entertainment given to the King at Lord Harington's house at Burghley [*sic*] lately bought by Buckingham" (*Cal Domestic State Papers 1619-1623*, 281). The entertainment, which included the "Masque of the Gypsies", is known to have been lavish and is likely to have been a house-warming (*VCH Rutland* II, 112).

The duke was then at the height of his powers, having risen in ten years by the favour of James I from being an obscure courtier born into Leicestershire gentry to having become the most powerful man in the land. He married a daughter of the Earl of Rutland, and it seems natural for him to have bought an estate in this area. In the same period he also bought several other properties, mostly in or near London. On all his properties Buckingham seems to have spent a considerable amount of money, and some information is available about architects, alterations, the furnishing and the art collections of houses such as New Hall and York House (Gibb 1935, 43). Unfortunately, however, there are almost no contemporary references to building or refurbishment at Burley on the Hill. Most of what is known is derived from sources published after the house had burnt down in 1646.

Even such published references to Buckingham's house are few, and are mainly found in guide books and gazetteers. Most of these descriptions build upon previous ones, and a gradual change is noticeable from earlier accounts, which state that Buckingham's house may have been the Harington house but with alterations (Wright 1684, 31), to claims that a large new house was built (Hoskins 1963, 25).

## Printed Sources

The first recorded mention is by John Evelyn in his *Diary* on 14th August 1654:

Next Burleigh-house belonging to the Duke of Bouckingham, and worthily reckon'd among the noblest seates in England, situate on the brow of an hill, built à la moderne neere a Park Waled in, and a fine Wood at the descent ... (de Beer 1955, 124).

This apparently straightforward statement, written

by Evelyn during travels to visit his wife's family in the Midlands is, in reality, quite imprecise. The "Duke of Boukingham" referred to was the second duke, who inherited Burley as an infant - it was the first duke who had bought the estate. There is nothing to indicate that the house Evelyn saw in 1654 was a burnt-out ruin, as it must have been. However, his stylistic description - "*à la moderne*" - must be taken to mean the only structure then still extant, namely the stable block, to which he refers again some fifty years later on 11th March 1705:

Exceeding dry season: Greate losse by fire by the burning of the outhouses and famous stable, at Burley full of rich goods and furniture, of the E. of Nottingham, by carelesnesse of a servant ... (de Beer 1955, 586).

James Wright, in his *History and Antiquities of the County of Rutland* of 1684, commented on Buckingham's house as follows:

After the Duke of Buckingham had purchased this Lordship as aforesaid, he made it one of the finest seats in these parts of England; improving the house to that advantage, that it became a second Belvoir, and in some respects superior to that famous seat of the Earls of Rutland: situate on a hill, a princely Park and Woods adjoining, overlooking the little, but rich Vale of Catmus, and several fair Lordships belonging to the same owner ... (Wright 1684, 30).

Evelyn's brief comments and Wright's more extensive description are the major sources of most later references to this building. For instance, Thomas Cox in his *History of Rutlandshire* of 1727, writes:

After this great Duke had gotten this Lordship he made it one of the finest seats of England - improving the House to that advantage that it looked like a second Belvoir and in some respects was superior to that estate ... (Cox 1727, 572).

F C Laird, in his *Gazetteer* of 1813, repeats Cox's comment verbatim (Laird 1813, 64), while Mrs Thomson, whose three-volume work on Buckingham was published in 1860, paraphrases Evelyn and Wright thus:

... [the house] was seated upon a hill rising abruptly from the vale of Catmo[s]e ... after Burleigh had become the possession of the Marquis of Buckingham, he made it one of the most splendid seats in the island, until it not only rivalled but, in some respects, excelled Belvoir ... (Thomson 1860, I, 250).

However, *Victoria County History* states, more radically, that:

The present house replaces a great predecessor which was

erected by the princely George Villiers, Duke of Buckingham ... It was here that he entertained royalty more than once ...,

and goes on to discuss the two mansions in detail (*VCH Rutland II*, 112-13).

Amongst more modern writers, W G Hoskins, in his *Rutland: a Shell Guide*, indicates that Buckingham had built a magnificent mansion on the site:

... in 1620 Burley was sold to George Villiers, Duke of Buckingham ... who built the second - and much larger - house on the site ... (Hoskins 1963, 25).

Pevsner (1984, 459) also writes uncritically that:

The predecessor of the present house, built by the first Duke of Buckingham c. 1620-30, was destroyed in the Civil War.

Thus references have hardened, particularly in more recent literature, into assertions that Buckingham built a magnificent new mansion on the site. In a later edition of Wright's *History* (several were published between 1684 and 1714), there is evidence for the origin of these assertions:

For Lord John Harington in his time built a new House here, much better than he found; which the great Duke of Buckingham in the Reign of King James I either wholly built anew, or so very much improved that the Alteration was more than double in value. But this last [writing of the Nottingham house] is as much beyond the second as that excelled the first ... (Wright 1684, *Further Additions* (1714) 2).

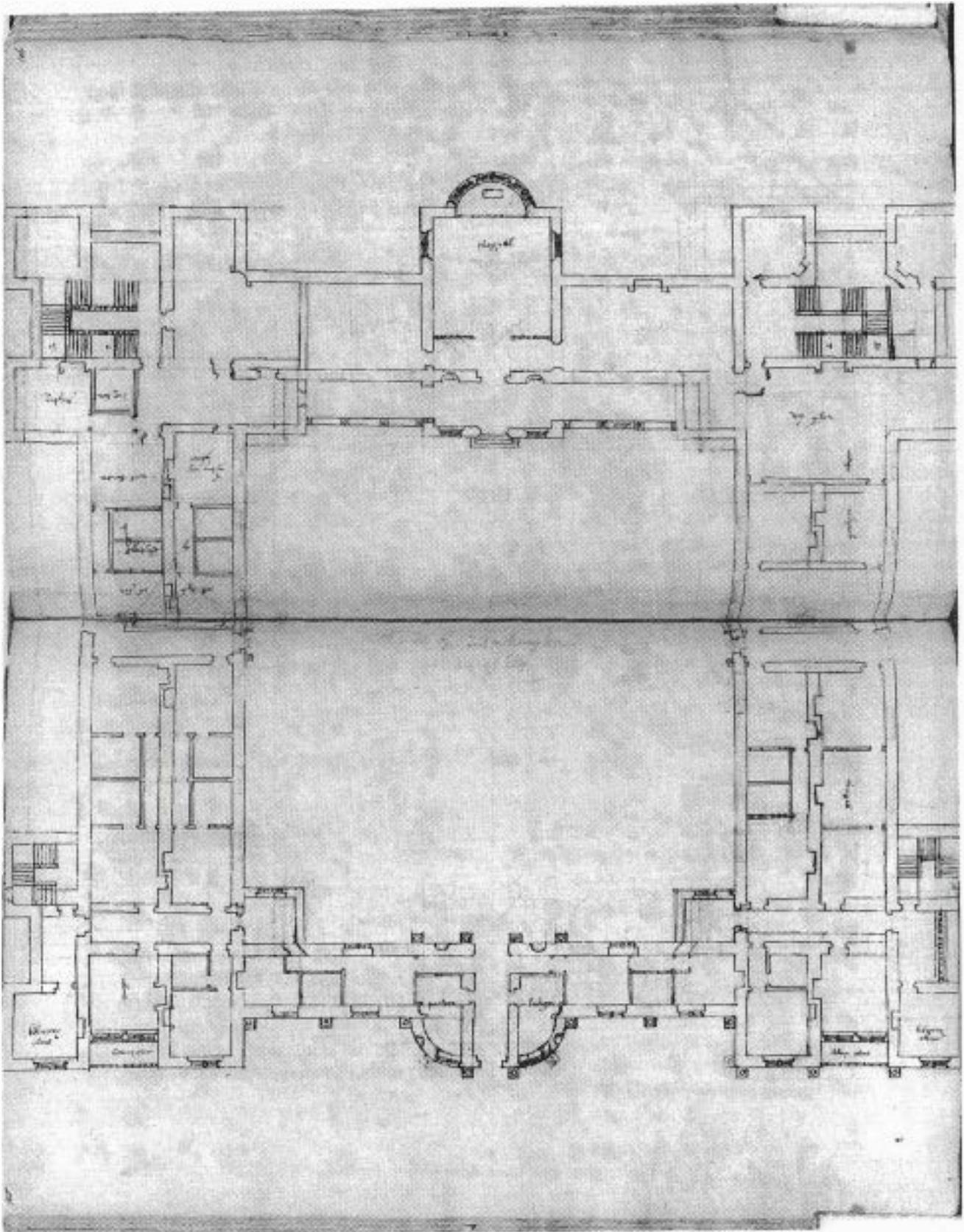
## Ground Plans of the House

### *John Thorpe's Plan (fig. 1)*

Evidence that Buckingham might have built a mansion on the site is found in a plan in Sir John Soane's Museum. The design is contained in a book of plans by the surveyor John Thorpe, a book first made generally known by Horace Walpole in his *Anecdotes of Painting* of 1780. It was in the library of the Earl of Warwick, and Sir John Soane acquired it in 1810, since when it has often been referred to (Girouard 1966, 24-6). *Victoria County History* describes the plan of Burley (*VCH Rutland II*, 113), and attention was drawn to it again when Summerson catalogued Thorpe's plans for the Horace Walpole Society (Summerson 1973, 74 and pl 49).

The plan has been taken to be the architectural design for a house actually built at Burley. *VCH*, for instance, says:

... Buckingham bought the estate from the Haringtons of Exton and built a great mansion on the brow of the hill close to the church.... There is a plan of it in the John



*Fig. 1. The plan of a house for the Duke of Buckingham at Burley proposed by John Thorpe (Trustees of Sir John Soane's Museum).*

Thorpe collection at the Soane Museum (fol. 105, 106), entitled in pencil "Duke of Buckingham at Burghley", which appears to be a sketch of what was proposed for the mansion. There are no dimensions given nor is there any scale of feet, but if, as appears probable, it is drawn at 20ft to the inch, the house would have been 340 ft long by 320ft wide, built round a courtyard 70 ft square. The disposition of the rooms indicates a fairly late date in the Jacobean period and, as the *Masque of the Gypsies* was presented in 1621, that year may be taken as the appropriate date of the old house, the royal visit being perhaps a house-warming (*VCH Rutland II*, 113).

Summerson describes the plan thus:

Ground plan of a house inscribed in pencil, crudely overwritten by a later hand, *Duke of Buckingham / at Burghley* ... Dark brown ink over pencil. There are inscriptions both in pencil and in ink ... Inscriptions in the hall and chapel block: *Chappel* ...; *windo* \* over in niches outside chapel; *Hall*; *pantry*; *wynt pler*; *dry lar*; *pastry*; *dy pler*; *arches* in one bay of loggia. In l.h. block: *all this is for ye kytkhen* (area defined by crossed lines in pencil); *Srvaying / place*; *wet larder*. At right angles to these inscriptions is the word *gallery* which connects with *above* in a room at the lower end of this block. In r.h. block: *gallery* \* *heather* (*above* deleted). In entrance block, l.h. pavilion, a room is inscribed in pencil, *wood & cole*; in the corresponding room in r.h. pavilion, *wood cole & stoole*. In l.h. pavilion: *library / above*; in recess between towers, *belcony above*. Balcony and library are similarly noted in the r.h. pavilion. In the gate-house: *porters lodges*. To l. and r., *Tarrace / Leaded* ... (Summerson 1973, 74).

Some of the abbreviations may be expanded thus: *wynt[er] p[ar]lour*; *dry lar[der]*; *d[a]y p[ar]lour*. The relationships between some of the rooms remain obscure. However, the range of uses draws attention not so much to the accommodation required by the principal occupants of such a house as to the complexity of successfully managing and sustaining their life-style.

Summerson indicates that the design may be based on a plan, also by Thorpe, of the Palais du Luxembourg in Paris (*ibid.*, 30), and wonders whether two other plans in the same collection might not also have been prepared with the Burley site in mind (*ibid.*, pl 39 and 48). He also suggests that the Burley plan was one of the later plans in Thorpe's book, dating from between 1610 and the mid 1620s. He mentions 1621 as a likely date, but may have been prompted to do so partly because he knew that the Duke of Buckingham had bought the estate of Burley around that time. However, Summerson's close study of the drawings renders his catalogue the principal authority on the work of Thorpe, and so his dating may be taken to supersede that of Colvin and Harris (1970, 27), who had earlier suggested a date

of c.1623 to 1628 in their book *The Country Seat*.

The Thorpe family were masons from Kingscliffe, just over the Rutland border in Northamptonshire. John Thorpe's father was involved in the building of Kirby Hall in that county. John undertook building work at Belvoir in 1625-27 for the Duke of Rutland, Buckingham's father-in-law. He was also in the service of the Department of the King's Works from 1616-1622, during which time he surveyed properties both in Lincolnshire and in Northamptonshire (Summerson 1973, 10). Given local and court connections, there is a strong likelihood that John Thorpe was indeed employed as the surveyor for a house to be built by Buckingham.

Two main sets of architectural drawings survive from the Tudor and Jacobean period, those by John Thorpe and others by Robert Smythson (Girouard 1966, 24-8). It was assumed by architectural historians of the past that these drawings were actual plans for buildings, and the reputations of both masons were thus enhanced by this assumption. More recent research has put a different emphasis on the Smythson and, particularly, the Thorpe drawings. As Summerson himself says elsewhere:

Thorpe was indeed an architect in the sense that he made "platts" (and sometimes, but rarely, "uprights") for people who required his services. But this does not mean that he "designed" the houses. The preparation of a "platt" for a fee was a common practice among surveyors and did not necessarily involve any further connection with the building ... (Summerson 1993, 56).

Girouard, in discussing plans of this period, agrees:

It has gradually been realised however, that many of [Thorpe's] plans are of houses designed before he was born or when he was a child, or of houses documented as by others: that is to say, they must be surveys rather than original designs ... (Girouard 1966, 24-28).

The earliest plans in Thorpe's book are dated to about 1596. Records of existing buildings and architectural details from various sources, including designs copied from the pattern books of Palladio, Serlio and du Cerceau, as well as some original plans, are included. As Girouard says:

John Thorpe actually traced a number of plans straight out of Palladio, but by altering partitions and windows and combining the plans with totally un-Palladian facades he effectively disguised his sources (*ibid.*).

It is difficult to tell which designs were original and which were copied. The *Book of Plans* seems to have been a notebook in which Thorpe jotted down things of interest for possible use. Many of his plans are of famous buildings such as the Palais du Luxembourg and the Château de Madrid, both in Paris.

Although only Thorpe's and Smythson's plans survive from the period, almost every surveyor must have had similar working notebooks. These men, often as much masons as surveyors, were not really architects in the modern sense. The building of a house would have been organised by the owner, who hired masons and bought designs as and when he needed them. Mason-surveyors exchanged plans and ideas with others or with potential clients; and, as a speculation when hearing about a possible building project, would have drawn outline plans, or "platts", and perhaps elevations, or "uprights", in the hope that they might be bought by a client. For ideas about decorative features, there were books of drawings by Serlio, de Vries and others representing the latest continental fashions. Fireplaces, interior paneling, plasterwork and furnishings would be bought from craftsmen, often foreigners, mainly Protestants from the Low Countries or France, working in England. They would have been supervised by the owner or his trusted steward, and designs would have been changed and amended as work went on.

Thorpe's plan for the Duke of Buckingham's house at Burley was just such a speculative venture. John Thorpe, with his local and fringe of court connections, would have known that Buckingham had purchased the Burley estate around 1620/21 and was planning alterations. The duke was one of the most powerful and wealthy patrons at court, and many surveyors would have been anxious to engage his interest. Thorpe was probably among this group. If Summerson's date of 1621 for Thorpe's plan is accepted, he may well have drawn it on hearing about the purchase of Burley. He would have hoped that his was the plan to be bought and used. However, there is no evidence that a house resembling the Palais du Luxembourg was ever built at Burley.

On the contrary, there is some evidence to suggest that such a house was not built. A passage in *VCH*, referring to another source, indicates doubt about the status of the Thorpe plan:

The survey shows the position and shape of the "old house" which is difficult to reconcile with Thorpe's plan; but as to the actual position there cannot be much doubt ... (*VCH Rutland II*, 113).

It is therefore reasonable to discount John Thorpe's plan in any further examination of the Buckingham house. The survey referred to by *VCH*, a plan reproduced by Pearl Finch, although very roughly drawn, is more useful as a basis for further discussion.

#### *Pearl Finch's Plan (fig. 2)*

Miss Finch, a descendant of Daniel Finch, second Earl of Nottingham, included in her book on Burley on the Hill a plan of Buckingham's house (Finch 1901, I, 6-7). Unfortunately, the original plan is believed to have been lost in a fire at Burley early

this century. It is undated, but it was certainly drawn before the current house was started in 1694. It has been suggested (Longstaffe-Gowan 1989, 75) that the plan dates from around 1689/90, when the estate was being surveyed prior to its purchase by Daniel Finch, 2nd Earl of Nottingham. This suggestion may be based on the title of the plan, *Ground Plott of ye Old House*, which may indicate that a new house was then being contemplated: this would accord with Daniel Finch's plans for rebuilding on the site.

The roughly drawn survey shows a ground plan of the house, with measurements, and a layout of the gardens, grounds and stable block. The house faced east, with the main entrance through a gateway and across an Inward Court of 53 x 76 yards. The dimensions of the front of the house are not given but must be greater than the width of the courtyard as illustrated. The length of the shorter right hand wing of the house is given as 44½ yards. There is another entrance on the south side between two extending wings, aligned with a central avenue to the south. The Great or Stable Court to the north is 173½ yards x 178½ yards, with the Stables on the east side.

To the west are the Church yard and the village of Burleigh (*sic*), with another gateway to the Park. Further west is the Mount, surmounted by the Bowling Green. To the south there are three Terrace walks (*sic*). The length of the top terrace is 59 feet and the two lower ones are 54 feet. The wall of the top terrace extends west to enclose the top of the Mount and the Bowling Green. The site of a well is indicated below the lower terrace. Lines converging on a central point in the house (*pâte d'oie*) indicate rides through the park to the South.

Several features, including the village, the church and the stable block, still exist in the positions indicated on the plan. Remains of the mount, one of the terraces, the bowling green, the rides and the stable court are still visible. These features were reasonably accurately positioned on the plan, and so there is no reason to suppose any great inaccuracy in the drawing of other features which no longer exist. This conclusion also applies to the ground plan of the ruined house.

#### Surveys of the Estate

As well as the two surviving plans, there are two surveys of the Burley on the Hill estate, made after the destruction of Buckingham's house by fire and before the building of the current house in 1694. The estate was inherited in 1628 by the second Duke of Buckingham as an infant after the assassination of his father. The second duke fought for the Royalist cause during the Civil Wars and fled to Holland after the Battle of Worcester. His estates were forfeited, and Burley on the Hill was later garrisoned by a force of Parliamentary troops. In July 1644 it was necessary:

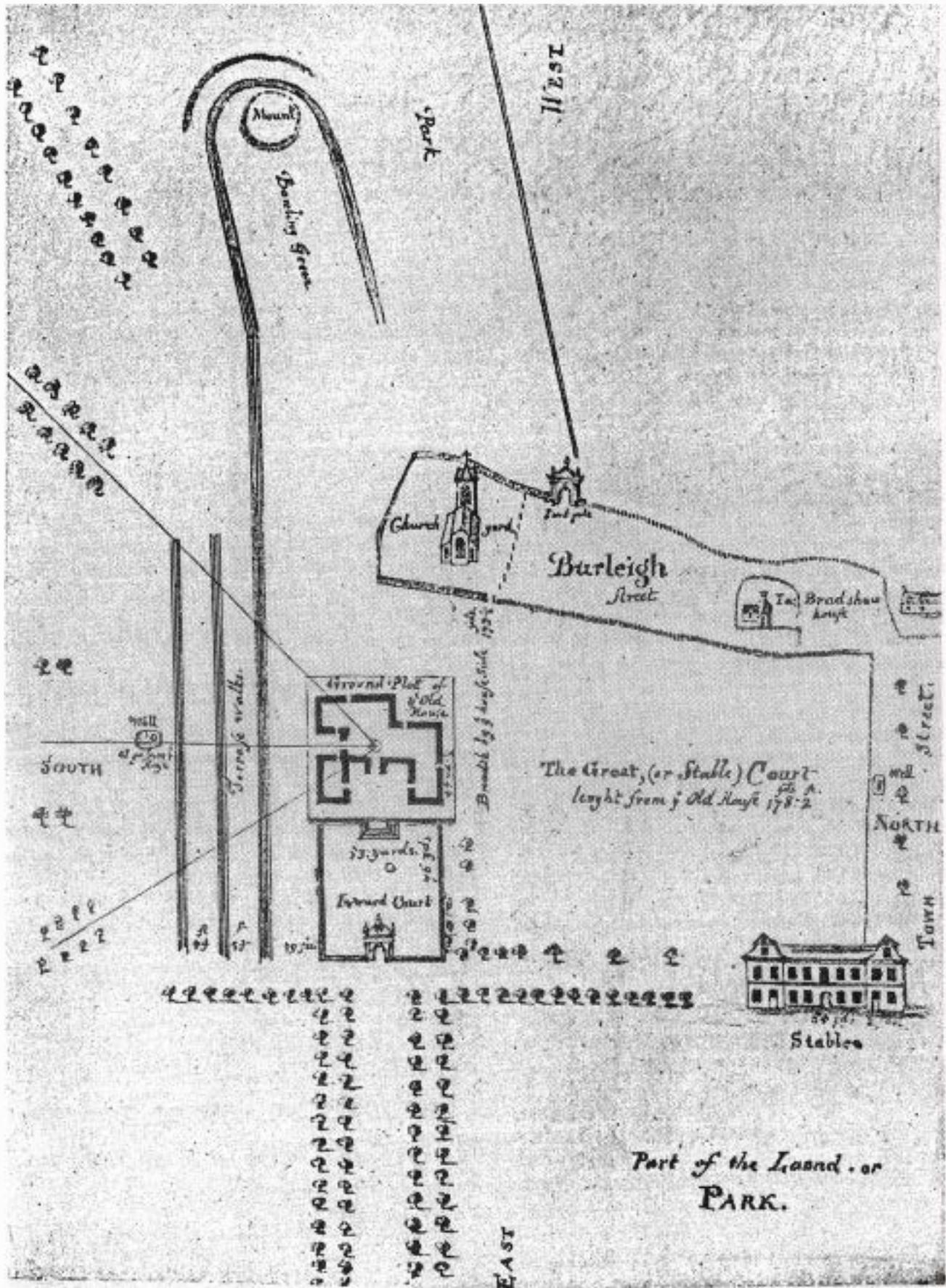


Fig. 2. The plan of the old house at Burley reproduced from a lost original by Pearl Finch in her history of Burley on the Hill (Finch 1901, 1, 6-7).

to write to Lord Grey noticing the difference [between the Officers] at Burley ... and desiring that for the present the house, stables and all the other works and strengths of Burley, and all the forces there in garrison, horse, foot and dragoons be put under the command of Major Layfield (*Cal Domestic State Papers 1644*, 360).

The garrison clearly caused considerable damage, and in 1645 the following order of the Committees of both Kingdoms was despatched to the Committee of Rutland:

We are informed that in fortyfying Burley House there has been more spoyl and waste made of that house than is necessary. We desire you will consider what is necessary to be done for the fortyfying thereof, and that as little damage be done to the building as may be (*ibid.*, 1644-45, 100).

In 1646 it was decided to remove the garrison. A further letter on May 13th ordered that:

the garrison of Burley should be slighted according to your desire. You can cause this to be done according to the fortifications without making any further spoil of the house or stables. We have desired Sir James Harington, who is to make his repair thither, to take care to see this business effected ... (*ibid.*, 1646, 436).

In spite of this instruction, the house was burnt down by the garrison, apparently on the grounds that they felt they were too weak to defend themselves against any attempt that might be made by the Royalists (Wright 1684, 32).

#### *Cromwell's Commissioners*

In 1651 a survey of the estate, now in the Leicestershire Record Office (DG7/1/70), was undertaken by Commissioners to establish its value, and is described thus:

A Survey of the Mannor or Lordship of Burghley upon the Hill with the rights Members and Appurten[an]ces thereof in the County of Rutland late parcell of the possessions or [*sic*] late belonging to George Duke of Buckingham made and taken by us who[se] names are hereunto subscribed in the Moneth of February 1651 by virtue of Commission grounded upon an Act of Parliament intituled an Act for Sale of Severall Estates forfeited to the Comon Wealth for treason under the hands and Seals of five or more of the Trustees in the said Act named and Appointed.

The survey is mainly concerned with the value of the park, lands and timber. The park was said to be "compassed about with a stout wall about nine foot in height and three foot in breadth". Values are also indicated for the garden, the kitchen court, the poultry yard and the courtyards. The house is

mentioned only briefly:

The Mansion house usually called the Hall standing within the Wall of the Park was in these late wars utterly consumed by fire soe that att present there remains nothing but certaine ruinous parts and pieces of the Walls being built of Freestone, which all charges of the takeing down and clearing of the ground deducted and the time for convenient sale or disposall thereof considered we value to be worth in gross as they are now standing £120.

The stables, however, were described in detail:

All that stone building called the Stables standing within the park wall now in ye occupation of Wm Horton & Thos Wing, containeing in length 65 yards At the North end whereof are two low rooms the one used for a Kitchen and the other for a Parlor with two Chambers in the second story & two Chambers in the third story and two Garretts over the same there are alsoe two Stables with twenty standings in each Stable with wracks mangers and planks thereunto, & alsoe two Galleryes over them in the second story & two Garret galleryes over them & att the South end of these Stables there is the like quantity of rooms as at the North end vizt./ two rooms below staires two chambs in ye second story two chambs in ye third Story & two Garretts over them All stone & covered with Slate & with the style thereof and Courtyard ... These buildings are much decayed & out of repair.

The 1651 survey is valuable as it is the earliest description of the estate, and it can be usefully compared with the subsequent survey of c.1690.

#### *Survey for Daniel Finch, c.1690*

In around 1689/90 there was another survey, a "Particular of the Manor of Burleigh on the Hill in the County of Rutland and of the Park therein being the Estate of His Grace the late Duke of Buckingham" (LRO DG7/1/56/1). This was carried out in preparation for Daniel Finch's purchase of the estate. Little is mentioned about the ruin of the house, but the stables and the park are quite well documented:

The Park which contains in the whole 1350 acres or thereabouts is encompassed with a stone wall about 9 feet high and near a yard thick in very good repair. In this Wall are 5 very fair gates or ports loftily built with fine stone and [three] doors of same materials. On the West part of the said parke hard by the wall is the syte of the Old house and the remains thereof it being consumed in the late Wars by fire, it was built of Ironstone. Conveniently situated from the said house are the stables a very fine style of building of Ironstone containing stalls for 40 horses. At each end of the Stables and of the same fabrick and Materials are six fair rooms joined together by a double gallery over the stables and over them two garret Galleries, and at each end are fair staircases to ascend into the rooms. All in good repair (except glazing).

The survey goes on to describe buildings, mostly of ironstone, added to the estate after the Civil War. It also mentions some garden features such as the little brook which ran through the park to the fishponds, saying that there were also two "fair fishponds" containing about 15 acres, with a "cottage house" by the second pond. This is probably the cottage which stands close to the fishponds adjacent to the former road, now cut by Rutland Water, from Oakham to Stamford. A small stone shelter, recently repaired and re-thatched, abuts the estate wall nearby.

### **Lady Purbeck's letter**

One other description of the estate prior to 1690 is given in a letter from Lady Purbeck to the Bishop of London, who sent a copy to the Earl of Nottingham in November 1693 (LRO DG7/1/56/1/8):

... an account of what I found at Burley ... The House was a very fair building of stone but burnt down in the Civill Wars, nothing left but Walls ... the stable is very large and fair standing but out of repair ...

No date is given for the original letter.

Lady Purbeck was a sister of the first Duke of Buckingham. She must have visited Burley after the Civil War, because she mentions the destruction of the house, but her account of the stables tallies with the 1651 survey rather than the later one.

The two surveys and Lady Purbeck's letter corroborate each other in some particulars. The 1651 survey notes that the house was "usually called the Hall". Confirmation is given that the Buckingham house was burnt down during the Civil War and that the ruins remained until the Nottingham house was built in 1694. The stable block was very large and the descriptions of the accommodation for 40 horses and living quarters for staff are similar in both surveys. The stables were in a poor state in 1651 but better kept by 1690. All three sources mention the wall round the estate, and the surveys agree that it was nine feet high and three feet across. Parts of this wall still exist and confirm these details. Five gates are mentioned in the c.1690 survey, of which two remain in the east and the south. One, in the west, is shown on the Finch plan, and a similar one forms the gateway to Oakham Castle.

The landscaping is hardly mentioned except with respect to the value of gardens noted in the 1651 survey. The fishponds and especially the brook noted in the later survey are relevant to a discussion of garden design, the park and the stables. Both surveys also mention building materials. The stone used may provide evidence for the style of the building.

### **Building materials**

Because building materials were cumbersome and

heavy, new large houses of the period were generally constructed of materials which were available in the vicinity (Airs 1982, 58-60). The c.1690 survey states that the ruins of the house were of ironstone, a local stone. Iron ore was quarried until the 1970s on the adjoining Exton estate, owned at the time by the Haringtons. The existing stable block is constructed of ironstone and so are the remaining parts of the park wall. The 1651 survey mentions freestone, normally a fine-grained sandstone or limestone which could easily be sawn, and which would have been readily available from sources within easy reach. Such stone may have been used for ashlar quoins in conjunction with ironstone walling, but the term may have been used loosely by the Commissioners.

Despite the 1651 survey, there is no evidence that stone from the ruins at Burley was sold off, as happened at Holdenby Hall, Northamptonshire, bought in 1650 by Adam Baynes for the stone which he then sold for building in Northampton (Gotch 1901, 71).

The Harington house would probably have been built of local stone. Sir John, although wealthy and liking show, was not rich enough to pay the transport costs of expensive stone. If Buckingham extended the existing house instead of building a new one, he is likely to have matched the materials of the extensions and outbuildings with the local stone already used. The descriptions of the stone used given in the surveys suggest that the duke, while building in the latest fashion, did not consider it necessary to import stone from any distance. If he had indeed built the palatial house designed by John Thorpe he would probably have used a more fashionable stone. For instance, he employed Inigo Jones to supervise some of his other properties (*Cal Domestic State Papers 1619-1623*, 449) and certainly transported Portland stone to London to rebuild York House (*ibid.*, 1624-1625, 278).

The use of local stone also indicates that, although the Burley estate was important for the duke, the house itself may not have been the major contributor to the reputation of Burley as the "noblest seate" of Evelyn's description. The design of the gardens and the estate had a bearing on the design of the house. The plans, the surveys and Lady Purbeck's letter provide circumstantial evidence for the size and style of Buckingham's estate as well as for his house. From these and from other evidence, conclusions can be drawn about both the house and its gardens.

### **A new or remodelled house?**

#### *The Harington House*

Airs (1982, 58-60) describes what could well have been the situation at Burley at the time of Sir John Harington's building activities:

The cult of sovereignty and the concept of an architectural conceit [were] combined in that other thread of

compactness which was adopted at Hatfield, the E-planned house ... so called because of the resemblance of the plan, with its hall-range flanked by projecting wings and a slightly protruding central entrance, to the letter E. At a courtier level its popularity derived from the growing realisation that a man's status and power could be expressed to the world at large ... by throwing open his house so that the novelty or opulence of his decoration could be admired by all who passed .... All the best-known examples of E-plan houses date from the second half of the [16th] century.

This description would appear to fit the Finch ground plan of the house. The plan was drawn from the ruins but it seems to show an E-type house, as described by Airs, facing east but with an additional wing to the west at the back. Such a house would not have been inappropriate to a member of the rising middle-ranking nobility such as Sir John Harington. The plans of Barrington Court in Somerset (Airs 1982, 60) and Montacute House (Gotch 1901, 65), both in Somerset, are excellent examples of E-type houses of the late Elizabethan period, while Dodington Hall in Lincolnshire, dating from c.1595, is an example closer to hand of what Sir John Harington's Burley may have looked like (Summerson 1993, 68). The designs of other houses in the locality would also have been influential - Wright (1684, 49, 94) includes several illustrations of local houses of the period, including one of the Old Hall at Exton, the adjoining property also owned by the Haringtons.

### *The Duke's Purchase*

The large and commodious house which Buckingham purchased was not more than 40 years old. This substantial provincial home would have been adequate as accommodation, but in the climate of the Jacobean court, where status depended on lavish show, the house, if not to be demolished and rebuilt, certainly needed extending and refurbishing in the most modern manner to fit the duke's enhanced position.

The Duke of Buckingham, in the 1620s, was at the height of his powers and at the centre of court life as the favourite of the King. He was a leader of fashion and a connoisseur of the arts. He was one of the first patrons of Inigo Jones. Balthasar Gerbier, a Dutch courtier and diplomat, designed buildings and collected artworks for the duke from the mid-1620s onwards (Whinney & Millar 1957, 52-3). Buckingham had travelled in Europe, particularly to Spain with Prince Charles in 1623, when they spent many months there trying to arrange a match with the Spanish Infanta. Buckingham had seen at first hand many examples of palaces and gardens and may have returned with ideas on continental architecture.

The Duke had connections, family or political, with the other great nobles of the court, many of

whom were involved in building or refurbishing houses and gardens. For instance, Sir John Harington's daughter Lucy, Countess of Bedford, was one of the foremost and innovative garden designers of the day at Twickenham Park, Moor Park and Woburn Abbey (Strong 1979, 120-2, 139-41, 141-6).

Courtiers found favour, and thus preferment, with the king by entertaining him lavishly and outdoing rivals. As the king's favourite and dependent on him for his rapid rise, Buckingham had to compete in the provision of sumptuous entertainment for His Majesty. Given his wealth, power and connections, he would design and build his houses in the very latest fashion as befitted a trend-setter.

Most of the few references to the duke residing at Burley seem to date his visits during the hunting season. He also seemed to use Burley to recover from periodic bouts of illness (*Cal Domestic State Papers 1623-1625*, 102). In August 1621 he entertained the king (*ibid.*, 1619-1623, 272; Lockyer 1981, 197); in August 1624 he celebrated his return to health with a feast at Burley (*ibid.*, 1623-1625, 320); and in November 1625 he visited his wife and new-born son there (Lockyer 1981, 285). This scanty evidence points to Burley being a place of rest and recreation for Buckingham, his family, friends and the court, while being situated conveniently near his own and his wife's families in Leicestershire.

The use the duke made of Burley offers clues to the kind of renovations undertaken. It is useful to look at the fashions in house and garden design of the period, and to match them with the possible use of the estate.

### **Jacobean Architectural Fashion**

As far as house-building was concerned, there was no dramatic change from a late Elizabethan style to a Jacobean one. Designs of houses evolved slowly. An H-shape such as the ground plan of Charlton House, Greenwich, became popular (Summerson 1993, 79). Locally, perhaps the early 17th century Hambleton Old Hall, almost within sight of Burley, was one such house, though on a more modest scale and now much altered (Pevsner 1984, 439, 474-5).

House interiors changed so that the hall became less prominent and other reception rooms more so. A new feature was an upstairs gallery for indoor walking, often with fine views. However, there was no great change in the internal arrangements prior to the 1630s. Fashionable innovations were more concerned with the external appearance and the situation of houses. It appeared (wrongly, as the Civil War was yet to come) that there was no longer any need for defensive building, so taller elevations, extensive glazing and prominent positioning became popular.

By the early 1600s, there was already a move towards the integration of the design of house and

garden. Wollaton Hall, Nottingham, was an early example, demonstrating another feature of late Tudor/early Jacobean houses, namely situating the building on a high point for extensive views and as an indication of power and status.

Garden design in the Jacobean period was extremely important. Travellers had seen Italian Renaissance gardens such as those of the Villa d'Este and the Pratolino, and the gardens of Henry IV and Maria de Medici at Fontainebleau which were re-designed in 1598 (Strong 1979, 83). The English nobility were much influenced by these classical buildings and their terraces, statuary, water features and grottoes. Foreign engineers and designers, including Salomon de Caus and Constantino dei Servi, came to England to design gardens and water engineering projects for Queen Anne at Somerset House and Henry, Prince of Wales, at Richmond (ibid., 87, 97).

Sir Henry Wotton, Ambassador to Venice in 1601-1612 and 1621-1624, wrote a treatise, *The Elements of Architecture*, published in 1624, and Sir Francis Bacon's essay *Of Gardens*, was published in 1625. Both were very influential in promoting modern garden design, but both favoured a mixture of formal Italian elements and English natural vistas. Wotton wrote:

I have seen a garden ... into which the first access was a high walke like a terrace, from whence might be taken a generall view of the whole plott below but rather in a delightfull confusion than with any plaine distinction of the pieces. From this the beholder descending many steps, was afterwards conveyed agine, by severall mountings and valings to various entertainments of his sent ... every one of these diversities was as if hee had been magically transported into a new garden ... (Strong 1979, 134).

This new modern style is called "Mannerist". Gated courtyards gave way to more open spaces around the house, and gardens became much more extensive and elaborate. The layout of grounds included "aspects", terraces, artificial mounds, wilderness planting and outdoor games areas, such as the Finch plan suggests were to be found at the Duke of Buckingham's Burley home. House and garden became a giant stage set for the entertainments of the nobility and the court.

### Renovations at Burley on the Hill

The Finch plan shows the main entrance to the Harington house on the east in the centre of the E. This east-facing entrance, with its courtyard, set the Harington house at a right-angle to the spectacular views from the top of the hill to the south. Perhaps the Duke of Buckingham had the whole site re-fashioned, in the latest mode, to take advantage of its prominent position and the view. A reorganisation of the site would have facilitated the integration of

house and grounds in accord with Jacobean fashion. This supposition is supported by the garden features shown on the Finch plan, which, in some cases, are still in existence. Such a reorientation of the house would be compatible with other sites such as Hatfield and Massey's Court, Lanerch, where the house and gardens overlook steep southward-facing slopes (Strong 1979, 107).

Both the Finch plan and, later, Humphrey Repton give the dimensions of the terraces. Repton painted a water colour of the terraces in his Red Book before suggesting the demolition of the lower ones. The upper terrace still exists, although the originals were built of brick, not stone. Repton wrote:

Whatever is avowedly the work of art should appear to be great and costly or it becomes mean; this is very strongly exemplified in the low red brick walls which so much degrade the character of the place...

Repton was writing in 1795, by which time the original terrace walls may have been significantly altered or in poor state, and it is not clear whether he was referring to Buckingham's originals or the Earl of Nottingham's later repairs (Finch 1901, I, 112; Aston 1989, 315).

Hatfield had terraces and steps leading down to a fountain (Strong 1979, 110). It is possible that the well shown on the Finch plan was in fact the remains of a similar fountain, and later, in the Earl of Nottingham's time, there was indeed a fountain in this position.

The mount and the bowling green may have been late Tudor features but are likely to have been part of the garden renovations. Their enclosure by the terrace walling was probably a Buckingham feature as the design is very similar to that at Wollaton. Artificial mounds of earth, crowned with a pavilion and with walkways and planting on the sides, were extremely fashionable for viewing the grounds or for al fresco eating.

The fishponds mentioned in the c. 1690 survey and by Finch (1901, I, 118) still exist at the bottom of the south-facing slope. These may have been for either for sport or as a food source - certainly an old photograph in the Rutland County Museum shows that when Miss Finch was writing they were well stocked with pike (H807.1982.6), but they could simply have been part of a fashionable engineered water feature in the landscape.

There is evidence of the Duke's interest in his gardens at Burley. Lockyer writes that "he also acquired a number of rare plants [in Paris] which his gardener, John Tradescant, would carry home to enrich the grounds of New Hall and Burley" (Lockyer 1981, 239); and again, "Buckingham was also planting heavily and in November [1624] welcomed the arrival of 1000 walnut trees, a gift from the Earl of Northumberland" (ibid., 215).

The Duchess of Buckingham wrote to the Duke while he was in Spain in 1623 as follows:

I heard that the [perimeter] wall [round Burley] is not very forward yet, and my lady [the Duke's mother] bade me send you word that she is gone down to look how things are there. She says she is about making a little river to run through the park, it will be about sixteen feet broad; but she says she wants money ... (Cammell 1939, 199).

The little river is probably the "little brooke" of the c.1690 survey.

The design of the gardens and the design of the house were dependent on each other. As the gardens were laid out fashionably to the south, the orientation of the house needed to be changed to face the south and to take advantage of the position and the aspect over the landscaped area and the woods beyond.

The extra wing on the Finch plan, which makes the E-type Harington house into a kind of hybrid H, seems to have been achieved by taking out part of the back of the E, indenting the south side, and making a new entrance with another bay to match the one left by the indentation to the west. A fashionable gallery would probably have been part of the upper storey of the new wing, to provide extensive views to the remodelled gardens to the south and the west. The central drive of the *pâte d'oie* aligns with the new south entrance and a gate still exists at the other end of that drive. There may even have been a loggia at the entrance, as at Hatfield and Hambleton.

Very little else can be surmised about the refurbishment and additions to the house. It is not possible to gauge the height of the elevations, the amount of glazing, the size of the house with the new wing or anything about the architectural decorative features. All that can be suggested is that it was said, by Evelyn, to be "*à la moderne*". He was prompted to conclude this by looking at the still-standing stable block. The design of the stable block and the park are important as indicators of what may have been the purpose of Buckingham's renovations of the house and gardens.

### The Stables, Hunting and the Park

The stables, which were illustrated by Wright (1684, 32) were the only building left standing after the fire during the Civil War. Their style demonstrates the importance of architectural fashion and their appearance may have led Evelyn, and others, to believe that the adjacent house was in the same style and therefore was also a new building.

Both the 1651 and the c.1690 surveys describe the stable block in great detail. Stabling for 40 horses with accommodation for stable workers also indicates that horses and the sports associated with them

were a very important part of the estate at Burley. Thomas Fuller, speaking of Buckingham's Burley in his *Worthies of England*, writes that "it was inferior to few for the House, superior to all for the Stable where horses (if their pabulum were so plenty as their stabulum stately) were the best accommodated in England" (quoted by Finch 1901, I, 8). The stable block still exists, although the roof line was altered and there was much rebuilding after the fire of 1705 (*ibid.*, 99-103). During the recent renovations, black smoke marks were found beneath old plaster (inf. Mr R Hill). Miss Finch's illustration of the interior of the stables (*ibid.*, 102) may offer an indication of the original design.

The Duke of Buckingham's first appointment in the royal favour, in 1616, was as Master of the King's Horse. Arranging the sporting entertainments for the King and court, which mainly meant hunting, racing and other equine pursuits, were part of his duties. He was a great racing man (Lockyer 1981, 26), and three of his racehorses had Burley in their names: Bay Burley with the Saddle Spotts; Burley with the Cloud; and White Gray Burley (Cammell 1939, 115). Hunting and racing require extensive facilities for horses and staff and provide a reason for the magnificence of the stable block and the large stable court noted in the Finch plan. Although there is no evidence for racing at Burley, it was noted for its deer hunting when it was in the Haringtons' hands (Ungerer 1987, 242) and this certainly continued under Buckingham (*Cal Domestic State Papers 1619-1624*, 274; Thomson 1860, I, 265).

Deer were imported to stock the park for hunting, as shown by a warrant "to advance to John Scandaver £100 for bringing 40 red deer alive from Hatfield Chase, Yorkshire, to Burghley on the Hill, Rutlandshire" (*ibid.*, 1623-1625, 423). Equally, care was taken to ensure that the hunting was always available and not disrupted by neighbours. In 1624 there was a "warrant to Lord Noel to preserve the game within six miles of Burghley on the Hill (*ibid.*, 508).

The parkland was much altered in Buckingham's time. As noted in both surveys a surrounding wall was built with five gates. Besides a deer park there was open woodland with rides, and printed maps of the period, such as those by Jansson in 1646 and Wright in 1684, although not geographically precise, indicate the presence of an extensive park. Within the perimeter wall there was a fenced deer reservation, as Lady Purbeck's letter (LRO DG7/1/56/1/8) indicates:

The park large reputed 7 miles round enclosed with a very high stone wall, generally very good land paled with a high pale in the North part some woods and timber and good hill ground and many both red and fallow deer in it. The South part kept for meadow and pasture, the Deer do not come in it...

The c.1690 survey states:

The upper part of the park containing 373 acres being kept for the Deer and separated from the rest of the Parke by a Pale; there are also in the Parke about 150 brace of Fallow deer, 16 Hinds, 1 stag and 2 or 3 Stag.

Given the small number of contemporary references about the Burley on the Hill estate in Buckingham's time, a sizeable proportion mention hunting or deer. Equine sports may have been one of the main reasons for Buckingham's purchase and improvement of the Harington estate.

The house, commodious but not palatial, would have been appropriate for a place used mainly as a sumptuous hunting lodge. Much money was therefore put into walling and stocking the parkland for the chase. There was no need to build a large new house if it was only used at certain times of the year; renovation and the addition of a new wing would have been sufficient. The grounds and gardens were improved in the latest style to provide entertainment for those visitors who stayed for hunting but who would expect other lavish entertainment as well.

## Conclusion

The case for an entirely new house on the site, built by the Duke of Buckingham, thus rests upon the plan by John Thorpe, a vague suggestion from Wright that a new house may have been built, and quite late references which interpret "may" as "definitely

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was". Thorpe's plan was probably a speculative venture, and there is no other sound evidence for a new building. On the contrary, the Finch plan and the two surveys provide evidence tending to confirm that the Duke of Buckingham refurbished and extended the existing Elizabethan house at Burley on the Hill, rather than building a new one on the site as many have concluded. The estate's reputation for magnificence was partly due to some remodelling of the house, but more significantly to the prominent position of the house on the site and the fashionable renovations to the grounds and gardens. The purchase of the estate mainly for sporting use resulted in the reorganisation and walling of the park land and the building of a large stable block. The Duke of Buckingham thus provided himself with a fine hunting seat in which to entertain the King and the court.

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# Rutland History in 1996-97

Edited by T H McK CLOUGH

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## LEICESTERSHIRE MUSEUMS, ARTS & RECORDS SERVICE

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### *Burley on the Hill, Burley House (SK 883101 approx)*

Inspections were made of foundation trenches on two sites within the grounds of Burley House. No significant archaeological deposits were observed, but the hidden brick arches of the south terrace retaining wall were exposed. This terrace carried a greenhouse, on the site of the Melon Ground shown in a plan of 1783 (reproduced in Hartley 1983, fig 8.2: SK 88251006). A single sherd of early medieval pottery was found on this terrace, which lies some 100m S of the medieval church of Holy Cross (Leicestershire Museums A7.1997).

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Richard Pollard

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## LEICESTERSHIRE RECORD OFFICE

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### *Looking back*

The thread running through the last eighteen months can only be described as consolidation under trying circumstances. Once again progress and improvement were recorded in many aspects of the Record Office's work. More archives were accessioned and a satisfyingly high proportion of the new accessions were catalogued. As well as keeping pace with a great variety of additions to the collections, the local studies librarians introduced further improvements in storage and prepared for computer cataloguing. The number of documents produced by the searchroom staff rose dramatically. The Office's exhibitions programme was increasingly innovative, drawing on the ideas and skills of many staff members. Talks were given to a wide range of audiences. Students used the Record Office's resources and we were able to offer work experience to would-be archivists despite the demands this places on staff time. The conservators deployed the full range of their skills. The Genealogical Research Service went from strength to strength.

### *Local Government reorganisation*

All these services were delivered against a background of increasing uncertainty over the Record Office's future. By the end of 1996 it was clear that the former Museums, Arts and Records Service would be disaggregated in April 1997 to the successor authorities: Leicestershire, Leicester and Rutland. While all three expressed support for the continuation of the Record Office in its present form and discussions began with Rutland, disputes between City and County on museums issues ruled out any progress on that side. The effects on morale of the uncertainty which

ensued can be imagined, and the fact that the Record Office continued to offer its full range of services to a high degree of excellence was entirely due to the determination and teamwork of the staff.

### *Joint agreement for archive services to Rutland*

Happily the negotiations with Rutland were brought fairly rapidly to a successful conclusion and an agreement signed. The Record Office continues to act as the designated archive repository for all types of historical record relating to Rutland and will accept, preserve and document all significant archives which come to its attention, maintaining the required professional standards of storage, conservation and cataloguing and the formal appointments required to collect Public Records, Anglican parish records and other archives protected by legislation. Direct public access to Rutland records will continue to be primarily in the Record Office's searchrooms, and we will respond to enquiries concerning Rutland holdings as before. We will be expected to produce performance indicators illustrating various aspects of the services delivered. The agreement also allows for a range of optional services which can be purchased by Rutland County Council or by other bodies which will benefit from them. These include more detailed cataloguing or interpretation of the collections and more extensive enquiry work on request, outreach and educational work such as exhibitions and talks, and possible service developments such as remote access to information from the archive collections by way of copies held in Rutland or through electronic links. It is fair to say that with this agreement we have gone some way towards securing the Record Office's future, and also entered new territory. Of course much of what we are doing is not new, but now we have to define, agree and charge for the various services we provide. Inevitably this will produce new demands and expectations and, probably, shifts of emphasis as we explore our new relationship to our partners.

### *Two significant accessions*

Several interesting Rutland archive accessions have been made in the last year or so. Two seventeenth century documents relating to Lord Salisbury's estate at Essendine (DE 4996, a rental of the manor and park, 1645, and a "particuler" [*sic*] of lands to be let, 1647) shed interesting light on the effects of the Civil War. Salisbury's agent is authorised to "give an allowance unto the tenants of all rates, taxes, contributions and quarterings of soldiers, not exceeding a third part of the rents".

A much larger group of documents (DE 5122) relating to the estates of the Johnson family (descendants of Archdeacon Robert Johnson, founder of Oakham and Uppingham Schools) was also acquired. The 200-300 documents, principally 17th and 18th century deeds, relate to a number of properties in several counties, particularly Rutland and Lincolnshire. Two unusual items are "quietus rolls" (or final accounts) of Abraham Johnson and William Johnson as sheriffs of Rutland in c.1619 and 1694 respectively. Unfortunately the collections included very little relating to the Schools.

### Parochial records surveys

The Parochial Registers and Records Measure, in addition to ensuring that older records are safely lodged in the diocesan record office, also requires regular inspections of records still held in parish churches. The records of Rutland's 48 Anglican parishes had previously been inspected only once, between 1983 and 1986. A second round of inspections was undertaken in two phases in the latter parts of 1996 and 1997. The Record Office was grateful for the valuable assistance of the Ven Bernard Fernyhough, archdeacon of Oakham, who notified all the incumbents and arranged each inspection. The storage and condition of the documents in most churches were generally found to be good, and we were pleased to receive further deposits from most of the parishes inspected. Many new accessions contained post-1813 baptism and burial registers which had been still in use, but were now required to be closed under the 1992 amendment to the Measure. The deposits included 16th century registers from Market Overton and Empingham.

### Newspapers

Preservation microfilming of local newspapers has continued as part of the national NEWSPLAN project involving local authorities, the British Library and the newspaper industry. In conjunction with the BL Newspaper Library and Lincolnshire Libraries, work began on the *Lincoln, Rutland and Stamford Mercury*. A standing order has been placed for current issues and retrospective work has started on the early years of this century. Copies of the microfilms are being made available in Oakham Library.

### Selected accessions received in 1996:

*Belton*: photograph of schoolchildren 1901 (DE 5054).

*Bisbrooke*: parish records: burials register 1813-1996, churchwardens' accounts 1869-1981 (DE 5048).

*Brooke*: parish records: banns register 1823-1984, faculties 1958-1993 (DE 5039).

*Clipsham*: parish records: registers of baptisms and burials 1790-1812, and marriages 1756-1811, 1816-1837 (DE 4910).

*Edith Weston*: parish records: registers of burials 1813-1992, banns 1971-1993 and services 1971-1992, PCC records 1937-1984, charity records 1844-1965, tithe and glebe records 1842-1982, photographs c.1950-1980s etc. (DE 5032).

*Edith Weston and Hambleton*: postcards of paintings by F W Boddington c.1995 (DE 4980).

*Empingham*: Parish Council: minutes 1894-1996, accounts 1896-1972, Fire-Engine Committee minutes 1896-1913, Burial Board minutes 1919-1949 and accounts 1921-1951, allotments book 1917-1932, poor rates and accounts 1892-1921 (DE 5006).

*Empingham*: parish records: registers of baptisms 1785-1932, burials 1785-1948, marriages 1755-1990, services 1921-1992, terrier and inventory 1929-1977, PCC minutes 1921-1973 and accounts 1939-1982, churchwardens' accounts and minutes 1887-1938 etc. (DE 5000).

*Essendine*: manorial records: rental of the manor and park 1665, "particuler" of lands to be let 1647 (DE 4996).

*Exton*: parish records: register of services 1977-1991.

*Glaston*: parish records: charity papers 1841-1880, offertories book 1877-1889, valuation of land c.1862, railway plans of neighbouring parishes 1871, 1894, etc. (DE 4942, DE 5050).

*Lyndon*: parish records: registers of baptisms 1813-1996, burials 1813-1996, banns 1824-1996 (DE 5034).

*Manton*: parish records: register of burials 1813-1989 (DE 5035).

*Morcott*: parish records: benefice papers 1935, tithe redemption certificates etc. 1920-1924, terrier and inventories 1940-1988, plans of rectory c.1950-1966 etc. (DE 5049).

*Morcott*: Gilson's Hospital: deeds c.1730-1850 (DE 5037).

*North Luffenham*: parish records: visitors' book 1965-1989 (DE 5033).

*Oakham*: Burial Board: letter book 1858-1876 and notices of interments 1946-1955 (DE 5037).

*Oakham*: parish records: register of services 1982-1991, roll of remembrance 1972-1977, map of Oakham area 1980s (DE 5038).

*Pilton*: parish records: registers of baptisms 1813-1995, burials 1814-1993 (DE 5011).

*Preston*: parish records: register of burials 1813-1991 (DE 5010).

*Ridlington*: parish records: register of burials 1813-1995, banns 1858-1983 (DE 5012).

*Ryhall*: Parish Council: accounts, allotments register, acceptances of office, files re jubilee and coronation celebrations 1895-1968; plans of Empingham reservoir (DE 4999).

*Stretton*: parish records: transcript of registers (1631-1837) with notes on Horsman charity (1693-1728) and emigration to the Americas, pedigrees of Blaze and Todd families (1670-1813) c.1950-1980 (DE 4911).

*Teigh*: parish records: register of banns 1824-1995 (DE 5025).

*Uppingham*: parish records: registers of baptisms 1883-1927, burials 1863-1984, marriages 1837-1968, banns 1914-1974, services 1932-1988 and confirmations 1925-1972, church accounts 1870-1939, 1966-1981, electoral roll 1920-1971, PCC minutes 1925-1984, published works by and about Jeremy Taylor (DE 4862, DE 4882, DE 4905, DE 4932, DE 4998).

*Uppingham*: deeds of land 1873, 1888 (DE 4987).

*Whitwell*: parish records: registers of baptisms 1813-1995, burials 1813-1990, terrier and inventories 1959-1987, electoral rolls 1984-1992 (DE 5002).

*Wing*: parish records: registers of baptisms 1891-1996, burials 1813-1982, banns 1901-1989 (DE 5003).

A number of books and pamphlets published in 1996 and earlier were also added to the collections.

*Carl Harrison, County Archivist*

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## LINCOLNSHIRE ARCHIVES

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The year once again saw an increase in reader visits to our Search Room, with numbers rising to 13,365 for 1996-97. Various changes to the layout of the Search Room were made to accommodate extra visitors. Displays of publications were moved to the foyer, where visitors can browse more easily, and the range was expanded to include postcards and greetings cards depicting Lincolnshire scenes. Further improvements to the display are planned as resources become available. A publications list is available from Lincolnshire Archives.

As well as a major series of talks on family history aimed at beginners, held in the spring and autumn, a talk on "Tracing the history of your house" was added to the

programme. This was very well received, with much interest having been generated by the "House Detectives" television series. A total of 53 talks and visits were held, 29 on them being to education groups.

Several new information sheets have been produced as guides to the sources available at Lincolnshire Archives for each subject. Topics currently available include: *Births, Marriages and Deaths in England and Wales; Tracing the History of your House; Urban History; Title Deeds; and Manorial Records*. These are free and available in the Search Room or on request.

Use of the Internet service continues to be high. Many overseas customers find e-mail a more convenient way of sending enquiries, and many orders for photocopies have been made as a result. It is hoped to improve handling of e-mail in the future so as to cope more efficiently with the large numbers of enquiries.

Also on the computer theme, a CD-ROM has been produced which contains a searchable database of Lincolnshire Archives' computer indexes. Items which can be searched include wills indexes, lists of convicts, and summaries of sources for each parish. Please note that the CD-ROM contains indexes only, not transcripts of original documents, and that these cover only a fraction of the material. Please see the publications list or contact the offices for details.

The records of Boston Borough Council were due to be deposited in the autumn of 1997, enabling these important records to reach a wider audience whilst being preserved in the proper manner. Recent deposits from the Stamford area include Stamford All Saints' parish records, including churchwardens' accounts from 1554 onwards, Stamford District Coroner's records 1977-1993, and the records of J E C Potter & Son Ltd, printers, of Stamford, 1889-1979.

Enquiries to Lincolnshire Archives are welcome by post, telephone, or e-mail. Search Room appointments are advised, and microfiche readers need to be booked in advance. Please write to Lincolnshire Archives at St Rumbold Street, Lincoln, LN2 5AB, or telephone (01522) 526204 (enquiries) or 525158 (Search Room bookings); the Internet address is <http://www.lincs-archives.com>, and e-mail is [archives@lincsdoc.demon.co.uk](mailto:archives@lincsdoc.demon.co.uk).

*Michelle Barnes, Archivist*

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## RUTLAND COUNTY MUSEUM

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A great deal of energy was expended in the course of the year in connection with the re-organisation of Local Government, culminating with the transfer of the Rutland County Museum to the new unitary authority of Rutland County Council District Council on 1st April 1997. Thus the loss of Rutland's status as an independent county in 1974 was effectively reversed.

As this new era approached, the museum and its Friends were greatly saddened by the death of John Barber FSA, who was instrumental in seeing the museum established and served as Chairman of the Friends' Executive Committee from 1969 to 1986 and as a Trustee from 1992 until his death. An obituary appears on another page.

So that Rutland could still have access to the wide range of museum-based services which Leicestershire provided, a number of joint arrangements with the continuing Leicestershire Museums, Arts & Records Service were put in place. These cover the natural and environmental sciences, museum education, the computerised collections management system, and - of particular interest to the Rutland Local History & Record Society - archaeological work and archives (see other reports in this issue).

The roof repairs referred to in *Rutland Record 17* (1997) 318 were successfully completed, and the programme of temporary exhibitions resumed. Philip Rayner succeeded John Crossley as Senior Technician, immediately demonstrating that he, too, was interested in crime and punishment by starting work on restoring the Oakham gallows described elsewhere in this issue.

A smaller number of objects were received into the collections than in some recent years, but some of these might be of interest to members:

- H5.1996 Rutland ARP lapel badge.
- H15.1996 Rutland Musical Festival prize certificate, 1923.
- H26.1996 Silver challenge cup used in fund-raising football competitions.
- H31.1996 Fragment of canvas from an aeroplane which landed at North Luffenham in 1916.
- H34.1996 Photographs and drawings relating to Roman excavations at Great Casterton.
- H36.1996 Election poster for Lord Willoughby.
- H6.1997 Sale particulars of the Rutland Canteen, Belton.
- H22.1997 Regalia and minute books of Rutland Business & Professional Women's Club (on loan).
- H25.1997 Oakham Congregational Church: Operetta programme 1909; Ye Fancie Faire programme 1910.
- H27.1997 Silver salver won by R W Baker, Rutland Agricultural Society 1834, Second Prize Ox, First Class.

The last item, given by Baker's great-great-granddaughter who is one of his Australian descendants, is yet another piece relating to this fascinating and important Rutland character, the Earl of Gainsborough's agent, about whom there is a post-graduate thesis waiting to be written (see also *Rutland Record 15* (1995) 239 and *17* (1997) 318).

*T H McK Clough, Curator*

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## RUTLAND HISTORIC CHURCHES PRESERVATION TRUST

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1996-97 was another busy and anxious time for those who care for Rutland's churches. After winter storms the chancel roof at St Mary's, Manton, required urgent reslating, and beetle was found to have ravaged wall plates and roof timbers in the Chapel of St John at the Hospital of St John and St Anne "in Okeham". Floorboards as well as the heating system were collapsing at Great Casterton Methodist Chapel, and floor timbers also needed renewing in the chancel of St Mary the Virgin, Morcott. A major overhaul and renewal began at Rutland's oldest Methodist Chapel at Uppingham, with repairs to roof, walls and windows. When bells were being rehung at St Peter and St Paul, Market Overton,

with its Saxon tower arch, it was found that the tower roof was in urgent need of repairs, and wooden fittings were decaying. Further work to the chancel roof at St Nicholas, Thistleton, was put in hand.

Except for the last, all these works were completed during the year, the Trust giving grants of £14,250 and loans of £4,000. Also, a grant of £1,000 from 1995-96 was honoured and a further loan of £1,500 promised.

A *Brief History* of the Trust was produced on 1st April 1997 to mark the newly restored county of Rutland. It records that within a year of inception in 1954, nearly £2,000 had been donated, the first Chairman, Admiral Bateman, had broadcast on "The Week's Good Cause", and there had been an exhibition of church plate, a car rally, and raffles. One of the first churches to be helped in the 1950s faced a daunting bill of £10,000 for essential repairs, but the Trust's practical help and encouragement enabled work to be put in hand. By 1976, 42 Rutland places of worship had been given grants and loans. However, ten years later the Trust was seriously short of capital. A special appeal was launched in 1986 by the President, Col T C S Haywood, the bi-annual cycle rides began in 1987, and the target of £100,000 was reached by 1990. Whereas 32 churches were given £97,000 between 1982 and 1993, twenty were helped by a similar sum during the next four years. A total of £72,400 was raised by sponsorship during the first five Rides, and with half being returned speedily to nominated churches and chapels, the Rides have been a useful aid to their own fundraising. In 1996, the Davenport Cup was first presented to the rider reaching the most Rutland churches, currently 64, and certificates were awarded to eight riders who visited 50 or more. The Trust hopes the September 1997 Ride will again have been enjoyable and successful, and looks forward to continued contacts with Rutland's churches and chapels when repairs are needed.

Linda Worrall, *Honorary Secretary*

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## RUTLAND LOCAL HISTORY & RECORD SOCIETY

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Rutland has now returned to its independent status after a long and sometimes hard fought battle. Whether it be a good idea or not will be revealed in the fullness of time. There are still many problems to be resolved.

Tim Clough and the editorial team are to be congratulated on the publication of *Rutland Record* 17 in February 1997, despite the post of editor still being vacant. The publication, *Stained Glass in Rutland Churches*, by Mr Paul Sharpling, forming the Society's third Research Report, was due for publication in the summer of 1997 in an edition of 600 copies. The inclusion of colour plates has been made possible by a general grant from the Hodge Trust. The work will be a standard source of information on a little known but colourful aspect of Rutland's history.

Elaine Jones continues her excellent efforts with the Society's archaeological group. The field walking has produced some interesting results, culminating with a day school on pottery identification, which has all proved most useful.

The Historic Environment Committee continues to monitor planning applications in Rutland. They have kept a watching brief on our behalf on developments at the County Council headquarters at Catmose as well as monitoring several village developments.

The Society's excursion to South Luffenham in September 1996 was a great success and a record number of people attended. Dr and Mrs Guy kindly opened the Hall to visitors, and the village walk and exhibition in the village hall were much enjoyed by all. The Society is grateful to the people of South Luffenham who helped to make the day so enjoyable.

The finances are in excellent shape, even with the cost of publishing *Stained Glass in Rutland Churches*. This will ensure that the Society's publication programme can continue, enabling us to fulfil one of our main charitable objects.

In November 1996 we lost the services of John Crossley, Senior Technician at the Rutland County Museum, who retired early in order to accompany his wife on a VSO post to Malawi. John became Honorary Secretary to the Rutland Local History Society in 1984, and continued in office when that society merged with the Rutland Record Society. Our thanks go to John for the work he did to ensure the smooth running of the Society and his efforts in organising outings and events. We wish him well. We are pleased to welcome Philip Rayner to the Society as Honorary Secretary, having taken John's place at the museum.

Finally, the Society must regret the passing early in 1997 of John Barber, whose knowledge of the history and archaeology of Rutland made him a veritable mine of information and whose contributions to their study marked him as a true antiquarian. His astute comments at our meetings will be much missed.

Yuri Galitzine, *Chairman*

## RLHRS Archaeological Committee

### Fieldwork

#### *Belton-in-Rutland (SK 8201)*

A watermill site west of the village was surveyed and is reported in detail by Sheila Sleath and Robert Ovens elsewhere in this issue (pp 327-32).

#### *Exton, Barnsdale Wood (SK 910090) (figs. 1-3)*

In January 1997 Clive and Elaine Jones visited the northern part of Barnsdale Wood and noted the general state of the woodland and its rides, the wood boundaries, and the Rutland Water shore line. A full report has been given to Rutland County Museum.

Barnsdale Wood, with the lost Armley Wood, was part of a medieval hunting park which lies within the parish of Exton, and the historical background is discussed by Brown (1975, 11), Cantor (1980, 17; 1984), and Hartley (1983, 17). The wood lies on land-slipped slopes cut into the Upper Lias, which is, perhaps, a good reason for maintaining woodland here (Chandler 1976, 463-91, and IGS Sheet 157).

The flora was the subject of a survey by the Rutland Natural History Society from 1977-83, and ancient woodland indicators are recorded by Ostler (1990). The wood has been designated an SSSI, and it is understood that

English Nature also have data on the flora (Jane Ostler, pers. comm.).

Fig. 1 indicates the area visited and the features noted. The general state of the woodland and rides was compared with the OS 2nd edition 25" map of 1904. This shows the compartments and rides within the wood, but today many of the rides are now overgrown and difficult to see, even though the flora was dormant and visibility good. Much

ditch, possibly with a bank, diverges to the north-west at this point, presumably marking the parish boundary.

Going eastwards along the northern edge of the woodland, three boundary features could be seen: outside the wood was (1) an insignificant ploughed-out external bank with (2) an internal ditch, and (3) the limestone wall within that, now much decayed and reduced to a rubble bank with the best standing remains only about 0.5m high

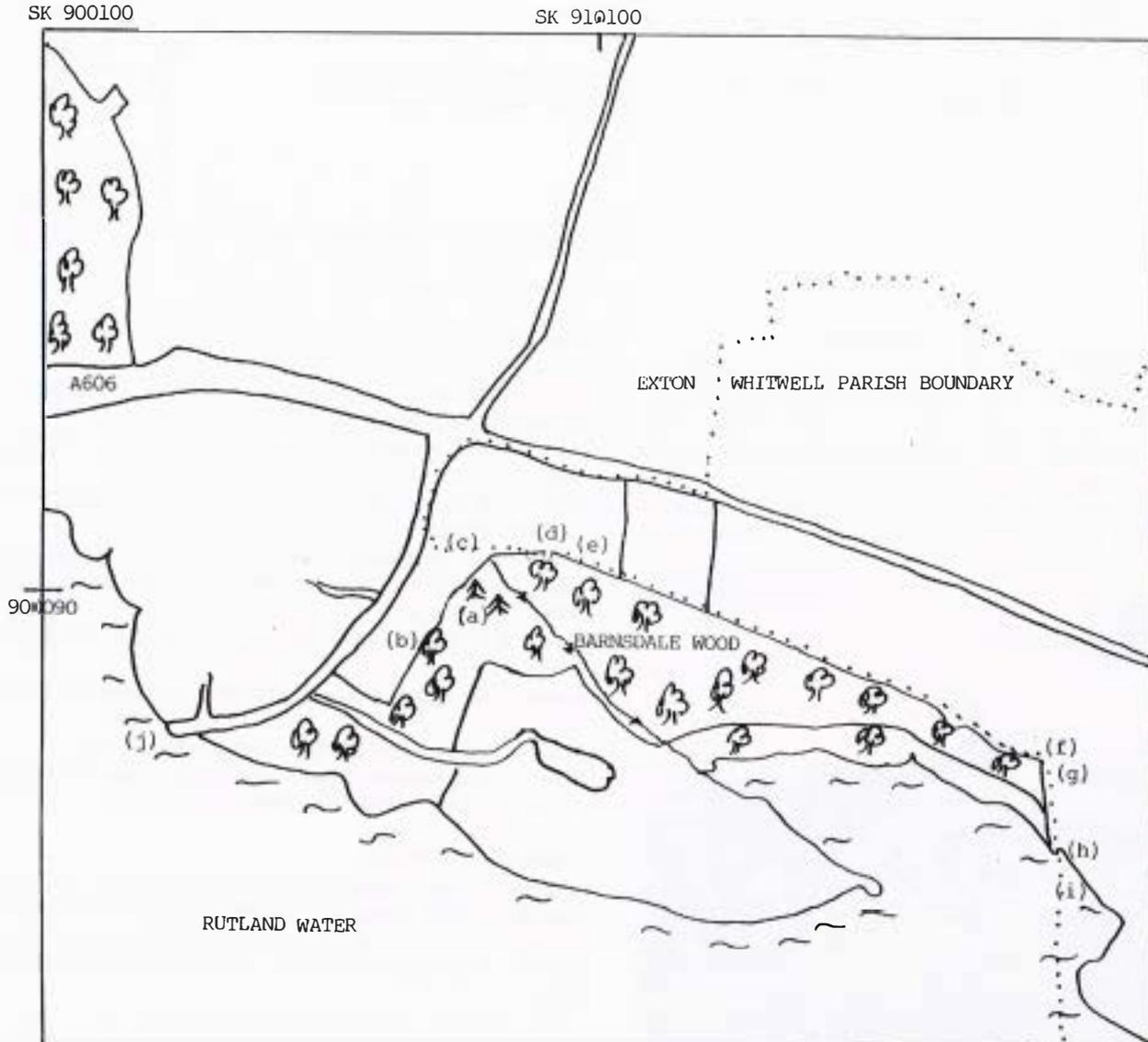


Fig. 1. Barnsdale Wood, showing its location in relation to the parish boundary and Rutland Water.

of the wood was in a state of decay, and in some areas trees were past their "fell by" date, and elder scrub was now established.

Since 1904, a "dog-leg" in the north-west corner at (a) has been infilled with conifers, thus enlarging the wood. An external ditch and internal earthen bank could just be seen and continued along the west side of the wood (b).

The wood boundary may once have extended to the road where it meets the parish boundary to the west (c), for within the pasture field here lie two banks running E-W, about 15m apart and each with an external ditch 3m wide, as if forming an entrance to the deer park (fig. 2). At its west end, the northern bank is stony, suggesting that the stone wall of the wood may have extended here. Another

(d). A hollow in the field at (e) was probably the remains of the track shown on the 1904 OS map.

At the north-eastern corner of the wood at (f) a dog-leg in the adjacent field boundary shown on the 1904 OS map was marked by unploughable rough rubble ground with some recent pot fragments and red bricks in the surrounding plough soil. Here the eastern wood ditch had been maintained in recent times, as a stone sink and 19th century field drains were seen at (g).

The eastern boundary was particularly well exposed on the shores of Rutland Water (front cover and fig. 3) where wave action had revealed the outer bank and ditch and inner stone wall (h). Here, a stone causeway or bridge entered the wood, as shown on the 1904 OS map, but no

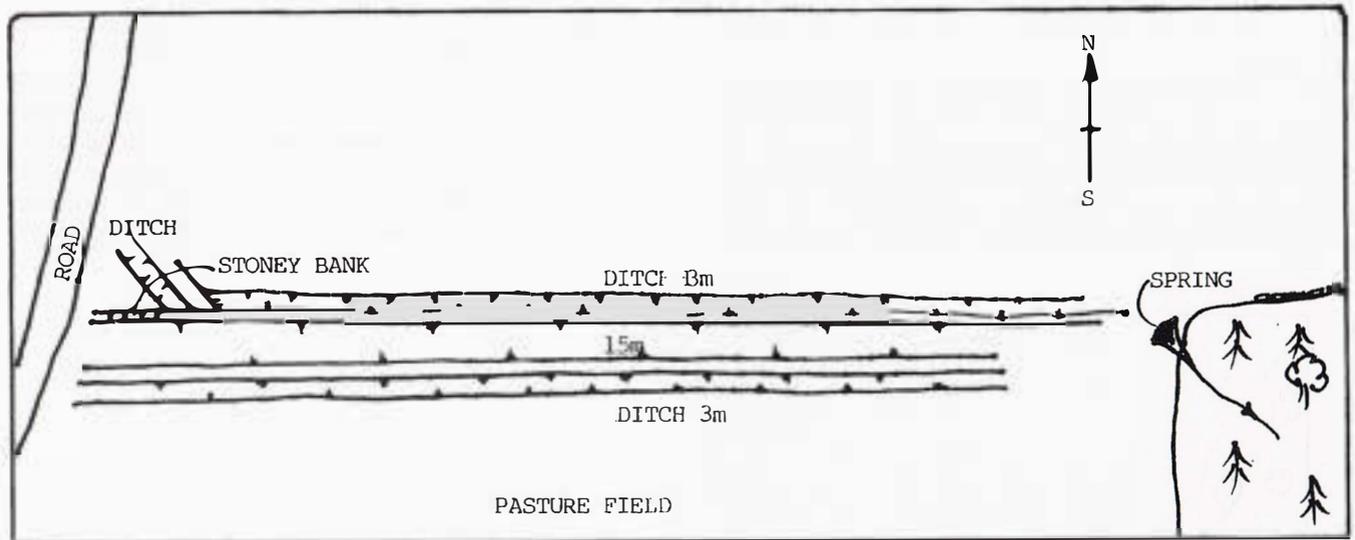


Fig. 2. Banks and ditches at the NW corner of Barnsdale Wood.

track continuing eastwards could be seen.

The Burley/Exton parish boundary to the west at Burley Reach (SK 892093) was visited. Here the boundary was again well exposed on the shore of Rutland Water, with an eastern internal ditch and western external bank still marked with ancient oaks.

A walk along the shore line (i-j) produced negative results. No flint material or early pottery indicative of



Fig. 3. The eastern boundary of Barnsdale Wood and adjacent causeway exposed on the shore of Rutland Water.

archaeological sites was recovered as has been found elsewhere along the shore.

As these parish and woodland boundaries are becoming less visible, it is hoped that the recording of their present state is of some interest. Comparison with the remains of Armley Wood on the Hambleton peninsular, once part of the same deer park, has not been made but may prove to be of some value.

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### Lyddington (SP 863972)

Fifty-two worked flints were recovered from along a footpath on high ground east of the Uppingham-Caldecott (A6003) road. This land lies along a Northampton Sand ironstone ridge about 150m OD, overlooking the Welland Valley.

The material, tentatively identified by the writer, appears to be of flake technique, and included scrapers and retouched pieces, and appears to indicate a late Neolithic/Early Bronze Age presence.

The site was found by Peter Tomalin (finds and archive: Rutland County Museum A21.1997).

### Martinsthorpe: Fieldwalking survey directed by Robert Ovens and Sheila Sleath (SK 867044)

The pottery and flints recovered from the plough soil during fieldwalking in the winter of 1995-96 have now been identified and the results are summarised below.

The field lies partly on Boulder Clay underlain by Upper Lias Clay, and is on a south-facing slope overlooking the Chater valley, with the surviving deserted medieval village earthworks in adjacent pastureland to the north. The area surveyed lay under grass until the 1960s,

when it was ploughed. Aerial photographs showed extant earthworks but today the only remaining surface evidence is the concentration of Saxo-Norman and early medieval pottery.

This field, the first to be walked in the survey, was gridded out into 20m x 20m squares. Each volunteer walked a traverse with the aim of 100% ground coverage, about 15 minutes being spent in each square. The pottery recovered was identified by the team at a day school held at the Rutland County Museum in March 1997 under the direction of Deborah Sawday, a freelance post-Roman pottery specialist on Leicestershire and its environs.

As is to be expected, most of the material came from the northern, up-hill, end of the field, and consisted of predominantly Saxo-Norman Stamford wares (c.850-1250 AD) and early medieval Stanion/Lyveden wares (c.1100-1399 AD), with relatively little later material. The early Saxon and Roman sherds are of interest.

The flint material has been tentatively identified by Elaine Jones by dividing the material into blade (probably Mesolithic) and flake (presumed to be late Neolithic/early Bronze Age) industries.

Other finds include iron slag in small quantities amounting to less than 3kg for the field. Clay pipe fragments were found, and an Elizabethan silver 3d piece of 1573-77 was identified by T H McK Clough.

With the permission of the land owner, Mr Alistair Haywood, further field walking is being planned (archive report and finds: Leicestershire Museums A144.1995).

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 Wachter, J S, Excavations at Martinthorpe, Rutland, *Trans Leicestershire Archaeol Soc* 39 (1963-64) 1-19.

### *Oakham: Parish Fieldwalking Survey*

Reports on six fields between the Stamford and Uppingham Roads to the south-east of Oakham, walked in 1992 and 1993, have now been completed. These are at the following National Grid references:

SK 867075 (A77.1992)	
SK 870085 (A91.1992)	(These accession numbers refer to
SK 870083 (A92.1992)	Leicestershire
SK 870081 (A101.1992)	Museums collections)
SK 870079 (A308.1993)	
SK 866080 (A318.1993)	

Five more fields were walked this season by the Society's archaeological team (Alan and Gladys Blake, Bob Burch-nall, David, Hazel and Rachel Carlin, Sue Davidson, Clive, Elaine and Geraint Jones, Jenny Naylor, Robert Ovens and Sheila Sleath).

Work commenced in October 1996 with three fields along the Brooke Road at SK 855075 (Leicestershire Museums A131.1996), SK 858078 (A132.19996), and SK 857077 (A142.1996). Then we proceeded eastwards to Long Meadow at SK 857073 (A143.1996), finishing up in February 1997 on the wind-swept boundary hill at SK 861070 (A19.1997).

As yet the finds await detailed reports. However Alan and Gladys Blake from Bisbrooke, and newcomers to the team, each recovered a flint axe, one a Mesolithic/early Neolithic flaked axe with the cutting edge formed by a lateral tranchet blow, the other a fragment of a polished Neolithic axe, broken and re-worked in antiquity (fig. 4) (identified by T H McK Clough).

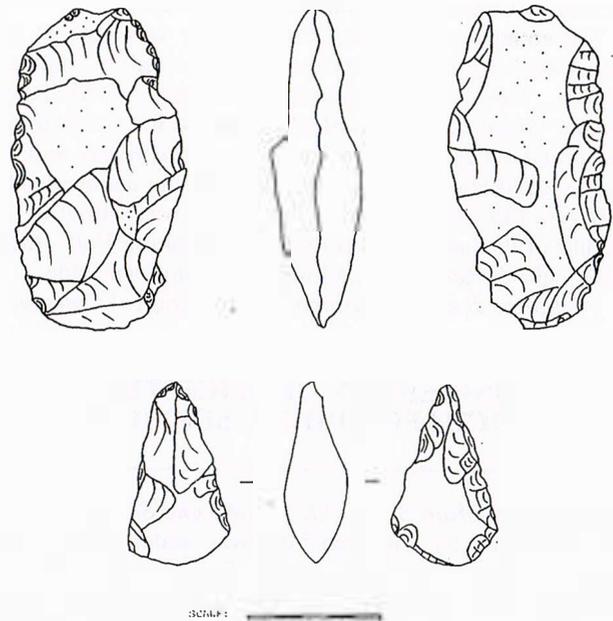


Fig. 4. Flint axes from Oakham.

### *Stoke Dry (SP 857960)*

Alexandra Jones of Uppingham found flints and pottery on the eastern shores of the Eye Brook Reservoir in 1995 when the water levels had been reduced by about 2 m for maintenance work.

The Eye Brook lies on Lower Lias clays with overlying Middle Lias silts and clays on the hillside to the east (IGS 1:50,000 map, Stamford sheet 157).

The nearby shrunken medieval village of Stoke Dry lies around the village church of St Andrew, and Snelston deserted medieval village is to the south-east.

The 64 pieces of worked flint retained have been identified by Patrick Clay (ULAS). Five may be Mesolithic, while the remaining 59 are probably late Neolithic/Early Bronze Age.

The 220 pot sherds found have been tentatively identified by the writer. Most of the material appeared to be medieval, but as the sherds were abraded and coated with an accretion of mud slip from the reservoir, it is possible that earlier material may be present.

There were over 100 sherds of Stanion/Lyveden wares dating from c.1100 to c.1399 AD, along with only 14 sherds of Saxo-Norman Stamford ware. Only 20 sherds of later medieval Cistercian and Midland Purple material (c.1375-1550 AD) were recovered, with 47 post-medieval fragments (Leicestershire Museums A22.1995).

## Acknowledgements

The Society's Archaeological Committee wishes to thank all the landowners and farmers who have kindly permitted our work on their lands. We also wish to thank Deborah

Sawday for instruction on the identification of the pottery from Martinsthorpe and Patrick Clay for identifying the flint material from Stoke Dry.

### **Other Activities**

The Society continued its membership of the Council for British Archaeology, with Sue Davidson as representative at East Midlands branch meetings in Newark.

The archaeologists' Christmas supper was held at the Black Bull at Market Overton and organised by Maureen Dodds. This year's summer picnic was at Hallaton. Robert Ovens and Sheila Sleath arranged for a visit to the motte and bailey, followed by a tour of the village and the very special Hallaton museum, inspired and maintained by villagers like Jane Johnson. Our supper was set out in the middle of the badminton court in the Stenning Hall - there were only thirteen of us, all together round one table.

*Elaine Jones, Chairman, Archaeological Committee*

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## **UNIVERSITY OF LEICESTER ARCHAEOLOGICAL SERVICES**

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### *Empingham, Main Street (SK 953088 and SK 955087)*

An evaluation by trial trenching was undertaken in two areas of Main Street Empingham. Evidence of stone wall footings, linear features and post holes was found in the easternmost area associated with 13th-15th century pottery. To the west, trial trenches revealed undated post holes and gullies which may have formed paddock boundaries to the rear of medieval properties fronting onto Main Street (Rutland County Museum A13.1997).

*John Thomas*

### *Greetham, Pond Lane (SK 92641451)*

An archaeological assessment survey was undertaken at Pond Lane. This confirmed the presence of a stone wall to the NW of the proposed development area, which may have been part of a tithe barn of late medieval or post-medieval date. The wall consists of a 22m length of Lincolnshire Limestone construction, 1.4m high, partially mortared. The limestone blocks are c.200mm long by 100mm high and 100mm wide. It is fifteen courses high and two courses wide, with concrete capping stones. To the centre of the surviving wall is an insert 1.25m wide. Immediately to the south of the insert, the wall has two oak timbers c.100mm square running across the width of the wall. These are located 0.5m and 1.0m above the

ground respectively and 0.99m apart.

A hole in the wall, 100mm square, was located 4.5m from its southern extent and 0.15m above the present ground surface. The wall shows evidence of having timber constructional elements and an insert possibly blocking a doorway. This is consistent with its interpretation as a surviving part of a stone building. The area is described as "tithe barn row" on the Ordnance Survey map of 1978, and the 1885 and 1904 OS maps show a standing building whose E edge coincides with the location of this wall.

The wall is therefore likely to have been part of a tithe barn which was demolished during the early 20th century. Dating is uncertain but it may have been as early as the 16th century.

*Patrick Clay*

### *Oakham, Northgate, Methodist Church (SK 858089)*

A watching brief was undertaken during site clearance following demolition of the Oakham Methodist Church in Northgate. This revealed a medieval pit containing Saxo-Norman pottery which may be evidence of rubbish disposal to the rear of medieval properties which would have fronted onto Northgate (Leicestershire Museums A18.1997).

*Sally Anne Warren*

### *Uppingham, 56 High Street*

An evaluation by trial trenching revealed evidence of a narrow stone building aligned N-S, of probably post-medieval date. Undated post holes and stake holes were also revealed. Further evaluation is to follow (Rutland County Museum A12.1997).

*Tony Gnararatnam*

### *Whissendine, St Andrew's Church (SK 843143)*

A photographic survey was undertaken during construction of a new ringing floor, which also included the unblocking of an earlier doorway into the tower staircase. The archive will be deposited with Rutland County Museum.

*Sally Anne Warren*

### *Whitwell, Main Street (SK 926087)*

An evaluation by trial trenching in advance of proposed car park development revealed the footings of two stone walls, aligned NE-SW, close to the street frontage, a robbed wall, and a backfilled pit or well. The two latter features contained medieval pottery of 12th-14th century date (Rutland County Museum A11.1997).

*James Meek*

*Editor's note: The annual Rutland Bibliography section and reviews have been held over for the next issue.*

# RUTLAND LOCAL HISTORY & RECORD SOCIETY

Registered Charity No. 700273

The Society's publications, with their main contents, are currently available as follows:

**Rutland Record 1** (£1.00 post free)

Emergence of Rutland; Medieval hunting grounds; Rutland field names; Illiteracy in 19th century Rutland

**Rutland Record 2** (£1.00 post free)

Archdeacon Johnson; Thomas Barker's weather records; Rutland Agricultural Society; Rutland farms in 1871

**Rutland Record 3** (out of print)

Cropmarks; History of cricket; Ironstone in Rutland; Oakham School 100 years ago

**Rutland Record 4** (out of print)

Sharmans of Greetham; Churches of Rutland; Belton-in-Rutland; 19th century Greetham; Thomas Crapper

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Who was Who in Rutland

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Iron smelting; Saxon archaeology; Stilton cheese; Oakham in 1871; Rutland Hotel; notes and reports

**Rutland Record 17** (£3.50, members £3.00)

Byrch's charity; Maj-Gen Robt Overton; 50-52 High St, Uppingham; White Hart, Uppingham; notes and reports

**Index of Rutland Record 1-10**, compiled by John Field (1994) (£2.50, members £1.50)

## *Rutland Record Series*

**1. Tudor Rutland: The County Community under Henry VIII**, ed. Julian Cornwall (1980) (now £3.00, members £2.00). The Military Survey of 1522 and the Lay Subsidy of 1524, with introduction

**2. The Weather Journals of a Rutland Squire**, ed John Kington (1988) (now £7.50, members £5.00) Thomas Barker's fascinating 18th century weather, farming and countryside records, with introduction

**3. Stained Glass in Rutland Churches**, by Paul Sharpling (1997) (£15.00, members £12.00). Complete survey and gazetteer, with full introduction and lists of glaziers, subjects, dedicatees, donors, heraldry.

## *Occasional Publications*

**1. Domesday Book in Rutland: the dramatis personae**, by Prince Yuri Galitzine (1986)(out of print)

**2. The Oakham Survey 1305**, ed Allen Chinnery (1988). Medieval survey: population, occupations, topography, customs, and personal/place-name evidence (£3.50, members £2.50)

**3. The Rutland Hearth Tax 1665**, ed by Jill Bourn & Amanda Goode (1991). Population and payment information, with introduction (£3.50, members £2.50)

**4. The History of Gilson's Hospital, Morcott**, by David Parkin (1995). The charity, its almshouse, trustees, beneficiaries, and farm at Scredington, Lincs; foundation deed, Gilson's will (£3.50, members £2.50)

## *In preparation for 1998*

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All orders for publications, with payment *in sterling including postage as shown above*, trade enquiries, and membership enquiries, should be sent to: The Honorary Membership Secretary, Rutland Local History & Record Society, c/o Rutland County Museum, Catmose Street, Oakham, Rutland, LE15 6HW, England

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