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CROWN PLEAS
OF THE
WILTSHIRE EYRE, 1249

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CONTENTS

PREFACE

As long ago as 1938 the Branch had planned to publish, if possible in 1940, the full Latin text, with English summaries, of the Wiltshire eyre roll for 1249. The first editor Col. G. E. G. Malet, later to become the first Registrar of the National Register of Archives, made some progress with the work, but was forced to abandon it on being recalled to the Army before the outbreak of the Second World War. The editorial task then passed to Mr. E. W. Safford, an Assistant Keeper of the Public Records, who, before his death in 1943, had transcribed about a third of the Crown pleas. Col. Malet nominally resumed the editorship when the war ended, but in 1947 Mr. Meekings took over from him. The idea of publishing the Latin text of the whole roll was then abandoned and it was decided instead to publish an English version of the Crown pleas only, with introduction and notes. The text of this version, for which Mr. Meekings is wholly responsible, was ready by 1948, but various causes, including the need to reshape the editorial apparatus, have prevented the appearance of the complete work until this year.

Mr. Meekings wishes to record his thanks to Mr. H. C. Johnson and Mr. L. C. Hector, both of the Public Record Office, for their readiness to help over readings and renderings, and to Mr. R. B. Pugh, who, as the Branch's former General Editor, persuaded him to undertake the work and thereafter helped in various ways, especially in the identification of places. And he has been kind enough to ask that an acknowledgment should also be made to me.

N. J. WILLIAMS.

London, April 1961.

TABLE OF REFERENCES TO THE PUBLIC RECORDS

Chancery
- C.47 Miscellanea
- C.60 Fine Rolls
- C.144 Criminal Inquisitions
- C.146 Ancient Deeds, Series C

Court of Common Pleas
- C.P.25(1) Feet of Fines, Series I

Exchequer, Treasury of Receipt
- E.80 Ancient Deeds, Series A

Exchequer, Queen's Remembrancer
- E.146 Forest Proceedings
- E.159 Memoranda Rolls

Exchequer, Augmentation Office
- E.326 Ancient Deeds, Series B

Exchequer, Lord Treasurer's Remembrancer
- E.368 Memoranda Rolls
- E.370 Miscellaneous Rolls
- E.371 Originalia Rolls
- E.372 Pipe Rolls

Justices Itinerant
- J.I.1 Assize Rolls, Eyre Rolls, etc.
- J.I.3 Gaol Delivery Rolls

Court of Queen's Bench
- K.B.26 Crown Side, Plea Rolls, Curia Regis Rolls
- K.B.136 Plea Side, Writs

Special Collections
- S.C.1 Ancient Correspondence
- S.C.11 Rentals and Surveys

INTRODUCTION

PRELIMINARY

The document of which an English version is here given is the crown pleas roll of the Wiltshire Eyre held by Henry of Bath and his fellows, Alan de Wassand, William de Wilton, Reynold de Cobham and William le Breton, between about 18 April and 13 June, 1249, towards the end of the sixth major Eyre visitation of the country under Henry III. It is preserved in the Public Record Office in the collection, organized in its present form about 1890-4, which is known as *Rolls of the Justices Itinerant, Eyre Rolls, Assize Rolls etc.* (short reference *J. I.* 1), where it forms membranes 23 to 40 of roll 996. It is not the main roll of this Eyre, for that is lost. It supplies a complete record of the crown pleas. It lacks an amercements roll, without which the record of pleas is in some respects insufficient; also lacking is the kalendar of bailiffs and presenting juries, which would have given us the names of some six hundred leading men in the county. It shows us crown pleas from the least remarkable decade of Henry III's reign, the pleas being grounded on events which happened between June 1241, when the previous Eyre ended, and the early months of 1249. From these pleas we learn something about the administration of criminal justice and crown pleas in the mid-thirteenth century and about the Wiltshire of that time. For the local historian the roll is the second earliest surviving crown pleas roll of a Wiltshire Eyre; the earliest, from 1194, has been twice published[1] and is the earliest roll to survive from any Eyre. For the legal historian the roll is a typical rather than—as is the 1249 Hampshire roll—an exceptionally interesting example of a crown pleas roll of the period. Most of it illustrates well known matters and routine; only some forty or fifty entries illustrate less well-known routine, matters of exceptional interest or of rare occurrence.[2] An extended Latin text of 38 entries, concerning escheats, serjeanties, royal advowsons, wardships and the like, was printed in 1923 by Sir Henry Maxwell Lyte in his edition of *The Book of Fees*, in volume II, pp. 1420-3.[3]

THE COMMON PLEAS EYRE

The Eyre for the common pleas, as it was known generally in the thirteenth century in distinction to the Eyre for forest pleas, was a royal court held by the King's justices in the county at intervals of several years and usually as

part of a countrywide visitation. The justices were commissioned to hold all pleas of writs, or civil pleas, which had been appointed to come before them and all crown pleas which had arisen since the last Eyre or were then undetermined. Under their crown pleas jurisdiction the justices obtained and took appropriate action on presentments made by juries representing hundreds and other privileged districts in answer to a set of articles that, in addition to old and new crown pleas, concerned the King's prerogative and proprietary rights, assumptions of franchises and the conduct of local officials. The justices also tried persons indicted on suspicion of felony and heard the criminal actions known as appeals of felony. In the long history of the administration of law in the provinces through teams of justices sent thither under commissions by the central government the Eyre occupies an early but comparatively short space: little more than a century, for it became an integral part of the administration of civil and criminal justice in the provinces during the 1170s and ceased to be such an integral part in June 1294. There were visitations by itinerant justices in the early twelfth century; some of these, by justices holding the fullest powers, perhaps did within the limits of the substantive law and procedure of the day something of what the justices of the late twelfth and thirteenth centuries did in the common pleas Eyre under a far more elaborate and comprehensive substantive law and procedure. But these sessions of Henry I's justices were no more common pleas Eyres than were the sessions of the justices of trailbaston, or general oyer and terminer, which succeeded the Eyre in the fourteenth century; though the sessions of Henry I's justices, the common pleas Eyre and the trailbaston sessions, must have impressed the men of the counties in much the same way in their respective days since all were courts held by royal justices with the fullest powers, courts whose importance made their occurrence notable county occasions which (save in the 1170s and 1180s) did not happen every year.

The common pleas Eyre evolved rapidly in the decade after 1166, the year when the method of indictment and the first of the possessory assizes were both established as routine processes of royal justice in criminal and civil matters, demanding for their trial regular visitations of the counties by the King's justices. Since our text excludes the civil pleas heard at Wilton in 1249, both from Wiltshire and many other counties, it is not necessary to discuss the civil pleas side except to stress that it was as important as the crown pleas. The Bench, the great central court at Westminster for litigation and conveyancing by royal writ, was, until developments in the latter half of the thirteenth century, too expensive a court for country-keeping knights and most freeholders, who preferred the cheaper course of waiting until the next Eyre in their counties when, in effect, the Bench came to them. For in the thirteenth century until 1249 the Bench was suspended during Eyre visitations; the senior Bench justices, like Henry of Bath, were the presiding justices of the Eyre circuits and their colleagues, like Alan de Wassand and William de Wilton, came with them: the Eyre on the civil pleas side was the

Bench itinerant. So until the late thirteenth century the Eyre was the court in which by far the greatest amount of litigation and conveyancing by royal writ was conducted by the lesser knights and most of the freeholders of the counties. Hence the name 'common pleas Eyre' and hence also the fact that although under Henry III there were fewer Eyres in Wilts than in most other counties, out of some 746 feet of fines for this reign, 456 were made in Wilts Eyres, 34 in the Eyres of other counties, and only 250 in the Bench.

The matter which fell under the justices' crown pleas jurisdiction was diverse: deaths caused criminally; deaths caused by misadventure; some miscellaneous crimes not involving death; indictments on suspicion of felony; appeals of felony; non-criminal matters concerning the King's proprietary and prerogative rights; enquiries under miscellaneous articles, including matters of current importance. Interwoven to a varying degree in all such matters, the common denominator which made them pleas of the crown, was the King's right to certain profits and penalties arising directly from them. Interwoven also with the criminal and quasi-criminal matters was the King's duty as the fount of justice. The King at his coronation swore to preserve God's Church and his Christian people, to put down evil-doing and to judge justly and mercifully, so that all might enjoy firm peace: 'for this is the King created and chosen, to do justice to all.'[1] But, as Henry III had reminded the men of Hampshire a few weeks before our Eyre began, in connexion with the illdoers of the pass of Alton, the King is but a single man, who neither wishes nor is able to bear the burden of his kingdom without help.[2] That help should be forthcoming from all the men of his kingdom, from archbishops and earls to freemen and villeins, who were personally responsible for keeping the law and discharging the legal and judicial responsibilities which fell upon them, and from the whole structure of the judicially responsible communities, officials and persons, in which the temporal power was organized. So the King's justices in the common pleas Eyre had power to impose common fines on counties, hundreds and other districts for errors and omissions of law and custom arising from these districts' responsibilities in both civil and crown pleas, and to amerce or accept fines from responsible officials, communities and persons for similar errors and omissions.

The creation of indictment as a routine process in 1166 was followed by developments in crown pleas and appeals of felony. For most of the twelfth century crown pleas had apparently been determined, more or less as they arose, by the sheriffs or by local, county, justices. The county accounts in the pipe rolls of the 1150s and 1160s and the articles of the searching inquest into the conduct of sheriffs in 1170 suggest that it was then still the normal course for sheriffs to hear crown pleas, though whenever there was a major judicial visitation, such as those of 1166-7, the justices would hear the crown pleas which had recently emerged. From 1175, regular visitations for assizes and indictments made it possible for crown pleas to be regularly kept, or

held in suspense after going through some preliminary stages, until the next visitation, when the justices would hear and give judgement in them. The appeal, an action between parties grounded on alleged wrong done, seems in origin to have been an action heard in local courts; but by alleging that the wrong was done in felony and breach of the King's peace, the plaintiff could secure trial in a royal court. After preliminary stages the county court would adjourn the parties 'to the first session of the King's justices when they come to these parts.' Everything known of the history of the appeal suggests that before the close of the twelfth century allegations of felony and breach of the peace were in many cases terms of art employed to secure the hearing of the appeals in Eyre. The visitations from 1175 onwards show in crown pleas, as in civil pleas, a steadily increasing variety and volume of business. Sessions were held in Wilts (the dates are in some cases approximate) in 1176, 1177, 1178, 1179, 1182, 1185, 1186, 1188, 1189, 1190 and 1192. By the 1180s, therefore, the crown pleas and higher criminal justice of the counties was, like the civil pleas, geared to regular visitations by royal justices. In 1194 acute financial pressure, with the need to secure in full the profits of royal justice, brought the institution of the coroners as officials with the special duty of making preliminary investigations in crown pleas and of then keeping them until the Eyre: a duty hitherto discharged by sheriff's serjeants or hundred bailiffs, who continued to assist or to deputize for coroners in these matters well into the thirteenth century.

The institution of the coroners had the immediate effect of taking some business, civil and criminal, away from the Eyre. Crown pleas being now kept more efficiently, the intervals between Eyre visitations became longer. They were held in 1194-5, 1198-9, 1201-3 and 1208-9, the Wilts Eyres being in 1194, 1198 and 1202. In between Eyre visitations there were circuits with a lesser jurisdiction, confined chiefly to taking possessory assizes and indictments, circuits which had been in occasional operation before 1194. Some counties received such circuits yearly, others less often; Wiltshire sessions of this sort were held in 1196, 1204 and 1206. The history of legal administration in the later years of John's reign is rather obscure. However, it seems clear that as a direct result of the interdict the Eyre visitation of 1208-9 was left incomplete—Wilts, like all the counties of the south and west, was unvisited—and the Bench ceased to exist as a separate court between 1209 and 1213. There should normally have been another visitation about 1212-4 but political strife following on the heels of the interdict prevented any being held after 1209 until the regents of the young Henry III had reestablished the ordinary processes of government after the civil war of 1215-7. Then, as soon as possible after the reestablishment of the Bench, the regents arranged an Eyre visitation for the autumn and winter of 1218-9, with a concluding circuit in 1221. Because of the need to deal rapidly with considerable arrears of business—in more than half the counties the last Eyres had been those of the visitation of 1201-3—this visitation was con-

ducted in the abnormally large number of eight circuits, with the professional justices spread thinly through teams that included magnates, prelates and prominent knights. Possibly because Wiltshire was held by the King's cousin, William Longespee, although an Eyre was planned for the county none was held. So the next Wilts Eyre was delayed until 1227, in the course of the visitation of 1226-8, the second of the reign. Thenceforward the rhythm of visitations was resumed, though at longer intervals: 1231-2 (cut short by the *coup d'état* of 1232), 1234-6, 1240-1 and, our own, 1246-9, the Wilts Eyres being in 1236, 1241 and 1249.

Throughout this time the crown pleas of the counties remained geared to the Eyre, though some of the changes which were to alter this had begun and others were soon to begin. The more limited sort of jurisdiction, for taking possessory assizes and trying indictments only, was revived only once on a countrywide scale, in 1225, when Wiltshire received a session. In effect it was replaced by gaol delivery; indeed 'gaol delivery' was used in the rolls to cover the trial of indictments in 1225. The early history of gaol delivery is obscure, though it seems clear that in the early thirteenth century gaols were being delivered by means unrecorded in the chancery enrolments. From the 1220s onwards, commissions for the delivery of some gaols, either by four knights or by one or two of the justices of the central courts, appear on the dorses of the patent rolls. From the first, gaol delivery was often done by justices taking possessory assizes at the same time as their assize sessions. So far as the recorded commissions show, the system of regular deliveries by royally commissioned justices began at different dates for different gaols: for Old Salisbury castle gaol not until the 1230s, for some gaols not until the 1240s, by which time delivery had become virtually countrywide. The issues of the gaol deliveries—chiefly the chattels of the convicted, but including occasionally a few fines on officials, communities and jurors—were estreated to the exchequer and summoned thence for collection by the sheriff. Estreats, either original or enrolled on the fine rolls and pipe rolls, are the earliest surviving records from deliveries, but there are none from the five deliveries of Old Salisbury castle gaol for which commissions issued between the Eyres of 1241 and 1249. The earliest surviving roll of an assize commissioner dates from 1248; from the 1250s onwards gaol deliveries are occasionally found among the business of such rolls. The earliest session recorded in a gaol delivery roll proper does not come until 1271; the earliest enrolment of an Old Salisbury delivery comes from 1275. By the 1240s, therefore, there was a fully developed jurisdiction which could deal with those who had been arrested and committed to keeping in the King's gaols. Acquittal in gaol delivery did not, as yet, preclude investigation in Eyre: there were processes of inquest and bail whereby those accused of homicide were reserved for trial in Eyre. The evidence which we have of gaol delivery between the 1230s and 1250s suggests that it was concerned chiefly with thieves and robbers, including those who had become approvers.

Most cases concerning deaths were dealt with not in gaol delivery but in Eyre. From the early 1250s the practice developed of commissioning justices of the central courts to take special inquests in homicide cases; Bracton, who took many such inquests, mostly after his final resignation from the court *coram rege* in 1257, has nothing to say about them in his *De Corona*, possibly because he wrote before the practice had developed. From the 1250s, therefore, there were the two jurisdictions, gaol delivery and special homicide inquest, which could potentially deal with all arrested criminals.

The unapprehended or suspected person presented a different problem. Special commissions were occasionally issued in the 1230s and 1240s—as they had been earlier—to justices and prominent administrators, sometimes with the sheriff, for enquiry and trial of illdoers in one or more counties. Such commissions virtually covered the same grounds as the indictments side of the Eyre; but they were issued very irregularly, in varying forms, and up to 1294 were never developed as a real alternative to this side of the Eyre's work. So in the 1240s the importance of the Eyre for cases of homicide, for the indictment of suspects and for the trial of appeals remained largely undiminished. Its importance also remained for the review of the local administration of justice by all who had obligations to discharge. A good example of its value in the criminal field is furnished by the record of the 1249 Hants Eyre, which immediately preceded our own.[3] The activities of a powerful gang who preyed on travellers, where the much used Southampton-London road passed through a wooded defile at Alton, had culminated in robbery on leading French merchants. The countryside was deeply implicated. Henry of Bath and his colleagues were faced with the obvious reluctance of many of the jurors of the three hundreds chiefly concerned, Alton, Odiham and Selborne, to name or convict those responsible. Nevertheless they succeeded in getting the names of about 50 persons concerned either as members of the gang or as voluntary or coerced abettors. Among those hanged was a knight who was one of the electors of the Selborne hundred jury; other jurors who had attempted to influence their colleagues against the course of justice were among those compelled to make substantial fines. These events must have been common knowledge among those assembled at Wilton a couple of months later.

Some parts of the non-criminal side of the Eyre were diminishing in importance. For reasons explained below its usefulness in matters of the King's proprietary rights was by the 1240s rapidly passing away. Investigation into matters of current importance had diminished. In 1194 the justices had had to concern themselves with the recent pogroms of Jews, the collection of the aid for the King's ransom and the abettors of Earl John's bid for power. Articles of enquiry of this sort were added under John but only rarely under Henry III. On the other hand, articles added from John's reign onward, but chiefly in batches for the visitations of 1240-1 and 1246-9, were

building up a somewhat shapeless code of enquiry into the assumption of franchises and the misdeeds of local officials.

The importance of the Eyre in securing the profits of crown pleas for the King was undiminished: indeed, enhanced. It seems clear that the value of the total issues from the visitations of 1234-6, 1240-1 and 1246-9 rose progressively and substantially. Part of this increase may have been due to the increase in business caused by slightly lengthening intervals between Eyres in particular counties; part may have reflected the gradual fall in the value of money; part was certainly in the issues from the civil pleas. Nevertheless, some part may reasonably be ascribed to government's determination that the King's rights should be exploited as fully as law and custom permitted. William of York, whose career of over 30 years as clerk and justice in the Bench and finally senior justice *coram rege* had in 1247 gained him the bishopric of Salisbury, after presiding in 1227 at his first Eyre as a justice began a letter to the chancellor by telling him that his sessions had averaged 40 marks a day for the King.[1] His satisfaction, even enthusiasm, over this was clearly that of the good royal servant. There can be no doubt that this attitude was shared by most of those who presided over courts. The King's justices were doing no more than the stewards of all who had courts, from earls, barons, and prelates and religious houses to the knight or freeholder with a single manor: exploiting the profits of jurisdiction. Matthew Paris stigmatized the visitation of 1240-1 as a mere expedition to get plunder for the King's coffers under the guise of administering justice. There is enough here and there in the St. Alban's chronicles for it to be plain that the abbey's knightly and burgess tenants entertained very similar thoughts on occasion about the abbey's own courts and jurisdiction. Views about the profits of justice were likely to be coloured according to whether one supplied or enjoyed them. From earls and abbots to properous freeholders and burgesses in the great towns everyone in some way both enjoyed and supplied such profits; lesser freeholders and burgesses, and villeins supplied but did not enjoy them; the King alone enjoyed but did not supply them. Naturally there was always a prejudice against the King's enjoyment, such as is observable against any soveriegn monopoly all the world over and all history through. In the 1240s and 1250s there were causes to heighten this prejudice: distrust of the King and, so far as crown pleas were concerned, a feeling that some of the occasions for penalties were out of date. In his early years Henry III had persuaded his magnates to agree to grants of extraordinary taxation on several occasions; but after the grant, under rigid conditions, of a 30th in 1237, he failed to obtain any more grants and had some difficulty in securing grants of the ordinary taxation of scutages and aids. He was increasingly losing the confidence of important individuals and groups, so between the 1230s and 1250s influential sections of society resented the King exploiting the profits of jurisdiction, even though they were doing so themselves, because they felt, with some reason, that the revenue so raised

was being spent on objects which they could neither approve nor control. There was also a feeling that the occasion for certain penalties in crown pleas should be changed: that what had been reasonable in the twelfth century was no longer so in the thirteenth. Among half-a-dozen such occasions one may be instanced, since it is prominent in our roll, where some 190 townships were put in mercy for failure to attend a coroner's inquest or to attend it fully. The system of inquests into deaths held by coroners or hundred bailiffs could only be efficient if all those who ought to attend did attend. Custom and law decreed that the four next townships should attend. Did this mean all males, or at least all male villeins over the age of 12? or all males save those who had reasonable excuses for absence, excuses which if allowed might be proffered by many? or by the customary township's representatives of four men and the reeve? Coroners and bailiffs would demand the maximum attendance; local sentiment would prefer the minimum. For a time communities would willingly suffer an amercement in Eyre for their non-attendance at inquests as the price for less inconvenience between Eyres. After a time they seem to have questioned the need to suffer; lords began to resent the King taking ½ mark or so from their men for this cause. They knew that in many cases of death, by homicide or misadventure, the facts would be clearly established by a few persons, perhaps from but one township. The attendance of the rest would not help the official to find the facts, would not aid a criminal to go undetected. If all those attended who could really help, the minimum attendance from the rest should satisfy coroner or bailiff and not be made the occasion for the King's justices in Eyre to add to the the King's revenue. So resentment grew against this particular operation of crown pleas law in Eyre as it grew against others.

Increased revenue through Eyres was but one, and probably among the least important, of the ways whereby Henry III's government obtained additional supply after 1238; but it was perhaps a way more generally experienced than most. The distrust of the King and the feeling that the occasions for some penalties at crown pleas were outmoded were to have important consequences for the Eyre at the time of the baronial revolution of the 1250s and 1260s, consequences which meant that it could not be long before the Eyre ceased to be an integral part of the fabric of judicial administration in England. In the 1240s, both on the crown and civil pleas side, it was still such a part. Its contribution to the suppression of crime, like that of any other superior court, lay in its ensuring that the guilty were punished with appropriate sentences: which it did. If the tale of violent and stealthy crime in Wiltshire between 1241 and 1249 as recorded on our roll seems to be considerable, this is a reflection on the local officials and communities and the climate of society, from which the major contributions to the prevention or suppression of crime must always come. It is also a measure of the exhaustiveness of the information elicited in Eyre. Whether this incidence of crime was high or low in relation to the general level of the

mid-thirteenth century or to the later Middle Ages is at present uncertain since the general curve of a graph for crimes in the period has yet to be established. The Eyre for the greater part of its existence was certainly conducted in a way to encourage local officials and communities in the proper conduct of their duties and to promote a healthy climate of society, in which barons, sheriffs and the knights and prominent freeholders who ran county and hundred courts had as much to fear from injustice, illegality and negligence as tithingmen, villeins and manor courts. Moreover without the Eyre the great expansion from the last third of the twelfth century onwards in the common law administration of both civil and criminal justice by royal courts would have been impossible.

THE EYRE VISITATION OF 1246-9

Eyre visitations were planned by the King's council, which included the leading judges and the chancellor; they were normally planned in two or three stages. Until the baronial revolution, already discussed, there was no fixed interval between the start or end of one visitation and the start of the next nor between the Eyres in particular counties. Under Henry III visitations began in: November 1218; September 1226; June 1232 (cut short by the *coup d'état*); September 1234; November 1239; April 1246; October 1252; January 1261; January 1268. Previous Wilts Eyres under Henry III had opened in April 1227, January 1236 and June 1241. Under Henry III four sorts of letters were issued for the Eyre in each county: letters patent announcing the Eyre, addressed to the county at large and called a writ *de intendendo* by modern calendarers; letters patent of commission, addressed to the justices jointly; letters close of association, addressed to each justice individually; letters close of summons, addressed to the sheriff. The first three were issued by chancery; the last was often issued by the justices themselves. It is probable that the form of these instruments dates from the close of the twelfth century but although chancery rolls begin under John no copy of these instruments was enrolled for any of the Eyres of his reign nor are any examples preserved in cartularies or chronicles. In 1218 the chancery entered a copy of the summons and letter of association on the close rolls and notes of the programme on the patent rolls. From then until about 1236 (the rolls covering the visitation of 1240-1 are lost) the enrolment of the programme and letters for each stage of the visitation was made carefully in chancery, the dorse of a membrane of either patent or close roll being devoted to it. After 1236, except for a short-lived improvement in 1262-3, the enrolment of programmes became scrappy and incomplete and that of copies of any of the letters few and far between. What mattered in chancery was that the instruments should be written and sent out; elaborate enrolment and memoranda, such as made in 1218-36, was not needed.

It is very possible that memoranda was made in council in ephemeral records.

No visitation was carried out exactly as planned; though countrywide in intention, none of the 15 visitations between 1198 and 1294 saw Eyres in all counties during the main part of the visitation. Some counties were left out, to be dealt with, if possible, between visitations by a small circuit or circuits; at times some counties were visited more often and some less often than the majority. So Wiltshire had only 2 Eyres under John and only 6 under Henry III, whereas Berkshire had 2 and 8 and Yorkshire had 3 and 9 respectively. A few parts of England lay outside the Eyre system. A complete list of these parts has yet to be established but they included: the palatinates or quasi-palatinates of Chester, Durham (including liberties in Yorkshire) and the Isle of Ely; four districts in Northumberland; the banlieu of Ramsey abbey; the Twelve Hides of Glastonbury abbey and, after 1248, the Gloucestershire liberties of Fécamp abbey. Chester apart, all these seem to have imitated the royal Eyre system. Thus the abbot of Glastonbury commissioned his own justices (from among his knightly tenants) for an eyre in the Twelve Hides after the end of the Somerset Eyre; the bishop of Durham commissioned his own eyre justices when a Yorkshire Eyre was held. If at the appropriate time a bishopric or abbey chanced to be vacant and so in the King's keeping, this procedure would be followed; some records of such royally held Eyres for Durham, Ely and Ramsey are preserved. Otherwise we have no records of the sessions in these great liberties beyond what may be preserved in cartularies and deeds, such as the final concords from eyres in the Twelve Hides which are preserved in a Glastonbury cartulary. There were a few other exceptions. In Hampshire the civil and crown pleas for the New Forest were heard not in the common pleas Eyre but in the Hampshire forest eyres. The two greatest civic corporations stood apart from the Eyre system. Attempts were made in 1227-8 to hold a Cinque Ports Eyre, when it was said that the occasion of the last Ports Eyre could hardly be remembered; the attempts were abandoned and never renewed. The Portsmen used their own highly privileged courts and, except where involved in civil or criminal matters outside their liberties, they and their ports did not figure in Kent and Sussex Eyres. Until 1251 the sessions for London held at the Tower were for crown pleas only; just as the citizens used their own courts and not the royal central courts for their civil litigation, so there were no sessions for civil pleas at the Tower; the London crown pleas sessions never formed part of the countrywide visitations. It is clear from the city's history that if it had not supported Simon de Montfort in 1264-5, even these limited sorts of sessions would not have been resumed under Edward I.

With these exceptions, all English counties were included in the Eyre system, though under Henry III Middlesex had no Eyre after 1249 and until 1252 the Eyre at Nottingham served also for Derbyshire which had no Eyre

of its own. With these exceptions also, all the districts within the counties answered before the justices unless there was some exceptional cause, such as that which in 1249 led to the crown pleas for Winchester city being heard *coram rege* instead of in the Hampshire Eyre.

Visitations, save for the first of Henry III's reign, were normally conducted by two or three teams of justices, each with its own circuit. Though there was never fixity in the circuits, certain groups of counties generally formed part of a single circuit; but Wiltshire lay outside such groups. In 1227 and 1236 its Eyre came after those for Somerset and Dorset; in 1241 it was visited along with the western midlands; in 1249 its Eyre followed those of Surrey, Kent, Sussex and Hampshire, a pattern repeated in 1256 and which would have been repeated in 1263 had not the Wilts Eyre been then abandoned. But in 1268 all these counties were in other circuits, the Wilts Eyre being followed by those of Norfolk and Suffolk. The time spent on a visitation naturally depended on the number of circuits and freedom from interruptions. Until 1249, three circuits might complete business in under two years and two circuits in under three years, vacations included. The duration of Eyres in particular counties depended partly on the season of the year and the place of the county in the programme; it depended also on the interval since the last Eyre, since this governed the amount of business brought before the justices. The six Wilts Eyres held under Henry III seem to have taken between five and six weeks, excluding the Whitsun vacation of those held in summer.

Under Henry III until the early 1240s there was often at least one local magnate or prelate among the justices, like the abbots of Hyde and Malmesbury who sat for Wilts in 1236. The visitation of 1246-9 was the first of the reign to be presided over wholly by professional justices, but the conduct of business had always been in their hands: chancery, exchequer and other law courts, in referring to Eyres, did so by the names of the county and of the senior professional justice in the commission, ignoring his more dignified colleagues. The professional justices were royal servants who sat in one of the two great central common law courts, Bench and court *coram rege*, in term time and spent part of their vacations in carrying out various legal commissions, some on occasion also undertaking administrative or even diplomatic business. Under Henry III the professional justices who served in Eyre were nearly always Bench justices, like Henry of Bath, Alan de Wassand and William de Wilton; justices from the court *coram rege* served on only a few occasions. Until 1249 the Bench was suspended during visitations, so that the senior two or three Bench justices normally each headed an Eyre circuit, as Henry of Bath and Roger de Thurkelby did for our visitation. After 1249, until 1272, when the Bench remained in session during visitations, the senior justices headed circuits, leaving their juniors in the central courts. The professional justices were not sufficiently numerous to supply complete teams when two or three circuits were in progress. They were

therefore assisted by other royal servants who can be regarded as Eyre commissioners. These were chiefly men whose varied experience might include service as sheriffs, castellans, keepers of great escheats or royal manors, guardians of ecclesiastical lands, forest administrators, clerks in the central courts; occasionally diplomats from the royal household or men from the Irish government, temporarily disengaged, might serve, while from the 1250s there were men who served as assize and gaol delivery commissioners and in similar capacities who also served in Eyres but never rose to sit in the central courts. Reynold de Cobham and William le Breton were the men of this sort in Henry of Bath's team. As royal servants, the professional justices were normally in receipt of some emolument in the King's gift: an ecclesiastical benefice, an escheat or wardship, or simply an annual fee, payable in half-yearly instalments at the exchequer or, if they so preferred it, out of some local branch of the revenue. In the generation before 1249 it had also become customary to grant an additional allowance for service in Eyre, to cover the extraordinary expenses involved in riding a circuit; these allowances were normally made payable locally, either out of the financial issues of the Eyres themselves, as the source most readily available, or else out of the general revenue of the counties in the circuit. Sometimes the letters close of association end with the following or a similar clause: 'so we command you that, laying aside other business, you omit not to attend to begin the said Eyre . . . with accustomed diligence and faithfulness: so that on account of it you may deserve to be manywise commended and to receive from us a special token of our gratitude with a fitting reward.' When William of York, in 1249 bishop of Salisbury, had begun his service as an Eyre justice in 1227 it was not the rule that all justices should receive an allowance for their work in Eyre, so we find him writing to his patron, the chancellor, 'may my salary equal my labours, exertions and expenses', 'please get me a rich blessing if I go on Eyre'.[1] By the 1240s expense allowances had become normal, though the authority for their issue is not always recorded. Those in respect of our team which are recorded in the Liberate and Pipe rolls were:[2] Henry of Bath £40, Alan de Wassand and William de Wilton each £20, all payable out of the issues of the 1248 Kent Eyre; Reynold de Cobham £20 out of both the Essex and Kent Eyres of 1248; William le Breton 20 marks out of both these Eyres and out of the 1249 Hants Eyre; Roger de Whitchester, the keeper of the writs and rolls, in addition to his usual salary for this, £10 from the Essex Eyre and 20 marks from the Kent Eyre. Tokens of gratitude usually took the form of gifts of game or timber from royal forests. The only such gifts recorded in the chancery rolls were all for Henry of Bath in 1249:[3] on 9 Feb. and 8 June respectively, 20 trees from Savernake forest and 12 from Groveley for firewood and on 9 August two bucks from Severnake. These allowances were needed chiefly to defray the additional expense entailed in riding a circuit. When, in the first visitation of Edward I's reign, the

chancery mistakenly sent to one justice letters associating him in both circuits, he wrote crossly to the chancellor, reminding him of the heavy extra expense in clerks, horses and incidentals which Eyre service entailed and begging him to make up his mind about the circuit in which he was to serve since until he knew he could not begin to make arrangements for going on either. The accounts of the executors of Walter de Merton, who had to travel extensively in the late 1270s, include very heavy expenses indeed in respect of farriery and veterinary services, remounts and horse-hire. For such of their normal income as came from work in the courts the justices and their clerks and serjeants depended on a customary share of fees payable by litigants and others, chiefly in the civil pleas. Their routine living expenses were defrayed by the magnates of the county as part of a traditional duty of hospitality towards the King and his ministers. The Winchester manorial accounts give us some insight into the hospitality offered by one magnate at Eyres in several counties over the years, including our own.[1] The bishop in 1249, William de Raleigh, had himself been a professional justice, having served about 1214 to 1229 as a clerk in the Bench, from 1229 to 1234 as a Bench justice and from 1234 to 1239 as senior justice *coram rege*; of our justices, Bath and William le Breton, were his personal friends, but the general pattern of his hospitality does not differ from that offered by other bishops of Winchester with no intimate judicial connexions. At the end of the Hants Eyre and just before our Eyre began, on 14 April, the justices were entertained to a feast at the bishop's palace at Wolvesey. For this the Twyford manor serjeant sent up 24 pullets and 12 capons, cost 3s. 11½d., while the Bishop Waltham's serjeant sent 24 pullets and 11 capons, cost 4s. 2½d. To the justices at Wilton went from Bishopstone manor 16 sheep and 20 qrs. of oats; the manor serjeant also spent 17s. 7d. on purchasing 72 birds (of whom the justices had 52 and the bishop's steward 7, 12 being left) and 88 pullets (of which the justices had 44, the steward 32, 12 being left). For the Somerset Eyre held by Thurkelby and his fellows a little after our own the justices received wine costing 6s. ½d. and 2 qrs. of corn, while the special expenses of the bishop's master fisherman in providing fish for them came to 7s. Bishop Raleigh's regard for William le Breton, who in the days when Raleigh was a clerk in the Bench had seemed a man destined for the highest offices in the land, are shown in several items. During the Hants Eyre le Breton received two cheeses and a tun of wine from Bishop's Sutton manor. On his leaving Winchester at the end of the main session he stayed at Farnham on 23 Feb. 1249; his entertainment and fodder for his 20 horses cost the manor serjeant 15s. and 1 qr. of oats. When he left Winchester at the end of the short April session he seems to have stayed overnight at Bishop's Sutton; the manor serjeant there spent 6s. 10½d. on his entertainment while 2 qrs. of oats were supplied for his 18 horses. During the Wilts Eyre another cheese was sent to him, this time from Downton manor. Such items give no more than a rough notion of the

hospitality offered by one magnate, since they are confined to the expenses for which manor serjeants sought and received allowance. They tell us nothing about the main hospitality offered at the bishop's palace or of any gifts he sent in cash or kind from his household resources. From the leaders of lay and ecclesiastical society in Wiltshire, William Longespee and the bishop of Salisbury, downwards, magnates and prelates with any interests in the county would, personally or through their stewards, have sent gifts and supplies and so would many lesser men.

In the previous visitation 33 counties had had Eyres. For special reasons Middlesex and the four south-western counties had been left out; they had interim Eyres in 1243-4. Lincolnshire, Norfolk and Suffolk, which received Eyres rather more often than the rest of the country, along with Notts-Derbyshire, had Eyres in 1245 in circuits under Bath and Thurkelby. Our visitation began with only one circuit, under Roger de Thurkelby and his colleagues, who between April 1246 and August 1247 visited 9 counties in the north and midlands. Henry of Bath meanwhile remained at Westminster to hold the Bench with one or two colleagues. From September 1247 until July 1249 Thurkelby continued on circuit in the midlands and south-west, visiting 13 counties. Henry of Bath, with Alan de Wassand, William de Wilton and Reynold de Cobham as his colleagues, began by holding the Cambridge Eyre, 30 Sep. to 27 Oct. 1247, and the Huntingdon Eyre, 3 Nov.—25 Nov., returning to Cambridge for a short final session about 1 Dec. They held the Essex Eyre from 14 Jan. to 16 Feb. 1248, sitting at Chelmsford, with special sessions at Colchester and Rayleigh. For the rest of the circuit they were joined by William le Breton. The Herts Eyre took from 27 April to 19 May at Hertford, with special sessions for Berkhamstead and St. Albans; the Surrey Eyre at Bermondsey took from 24 May to 30 June, with a Whitsun adjournment about 4-15 June. The Kent Eyre was held from 1 to 22 July and resumed after the long vacation from 30 Sep. to 27 Oct., at Canterbury, probably with special sessions for Rochester and Tonbridge. From 3 Nov, to 2 Dec. 1248 they held the Sussex Eyre at Lewes. The Hants Eyre opened at Winchester on 14 Jan. 1249 and lasted until 17 Feb., with a concluding session after Lent on 12-14 April, special sessions being held also at Southampton and (for the Isle of Wight) Portsmouth. After our Eyre they held the Middlesex Eyre at the Strand, 25 June-14 July.

In all, 32 out of the 36 administrative counties in the Eyre system received Eyres in the course of the visitation; the four not visited had received Eyres in 1245 and three of them were again visited in a single circuit under Henry of Bath in 1250-1. All 32 Eyres are, of course, represented by the feet of fines made in them, to the total of some 2,038, and by their issues in the pipe rolls; most of them are also represented by various orders in the chancery rolls arising from their proceedings. The visitation is, however, notable as being the first in which the majority of the Eyres are represented by surviving rolls covering at least some part of their business: only 7 Eyres in

Thurkelby's circuit and 2 in Bath's are wholly unrepresented in this way. So far as the crown pleas and their adjuncts are concerned there are rolls from 11 of Thurkelby's Eyres, of which 9 also have kalendars of presenting juries; 2 of these have been published. From Bath's circuit there are crown pleas rolls from 5 Eyres; only 1 of these has a kalendar of presenting juries but 2 have lists of amercements. Apart from our own none has been published.

It has already been remarked that from the 1240s onwards the chancery enrolment of the instruments whereby it authorized the holding of Eyres becomes scrappy and incomplete. The summons for the Devon Eyre had been enrolled in 1244. The first stage of Thurkelby's circuit, in 1246-7, was indicated, incompletely, in brief notes, the first of which refers back to the enrolment of the Devon summons and all of which simply say that the common pleas of such a county or counties have been summoned before certain justices. Then we get a note, dated 25 May 1247, which outlines most of the rest of Thurkelby's circuit; it looks very much like a note of a decision made at the usual Whitsun meeting of the council. The first two Eyres in Bath's circuit are not mentioned in the chancery rolls but for the Essex Eyre the clerks enrolled a copy of the summons for the first time since 1244, chacteristically misdating it 37 December. The Herts Eyre was mentioned merely through the addition of William le Breton to the team on 6 Apr. 1248. There follows a note dated 18 May 1248 for the Surrey Eyre and undated notes for all the other Eyres except Sussex. For the Middlesex Eyre the clerks used the phrase *ad omnia placita*; for the rest they used the normal *communia placita*. It has been remarked that although the notice given by the summons may have been short, the county usually had ample warning of a forthcoming Eyre. Wiltshire must have had at least four month's notice, for when they were sitting at Lewes early in November 1248 the justices were adjourning cases (chiefly foreign pleas and some county pleas which required the longest possible adjournment) to Wilton in April.

By the 1240s an Eyre visitation was too much a matter of routine for it to excite interest in monastic chroniclers. Dunstable had some litigation afoot in the foreign pleas side of Thurkelby's circuit and so, as well as its local, Bedfordshire, Eyre, it mentions those for cos. Warwick, Oxford and Northampton. Worcester, with its usual precision, gives the duration of its local Eyre. Tewksbury mentions the Bucks Eyre; Winchester mentions the Hants Eyre but with mistakes in the names of the justices. The abbot of St. Albans litigated about free warren against some of his military tenants in the successive Herts and Surrey Eyres, but failing to obtain the judgment he desired he purchased a new charter to safeguard his rights. Matthew Paris accordingly gives oblique references to these Eyres in his account of the litigation; and because he considered Henry of Bath responsible for the judgment which favoured the abbey's knights, he thereupon followed his

usual practice with royal servants obnoxious to his house by carefully noting unfavourably all untoward events of Henry's later career. For the rest, like Matthew Paris, the chroniclers were concerned with things of greater news value: ecclesiastical promotions; the deaths and marriages of local or national figures; tournaments held or postponed; prince Edward's illness in 1247; the arrival of the relic of the Precious Blood which made the St. Edward's day feast, that favourite annual royal occasion of Henry III, more than usually splendid in 1247; the effects of the recoinage begun under the management of Richard of Cornwall in the winter of 1247-8; and the chronic tension between Henry III and his baronage. The most important parliaments of these years, in which that tension was manifest, in February and April 1247, February and July 1248 and April 1249, did not interfere with the progress of visitations, as parliaments were to do from the 1250s onwards. But if the Wiltshireman at the Eyre had a common grumble it was as likely to have been at the weather as about politics: for we are told that in 1249 a mild winter and spring made Englishmen change early into summer clothes and then from the end of March to the middle of May the weather was so bitterly cold that they had to resume winter clothing.[5]

THE 1249 WILTS EYRE

With few exceptions, the main sessions of an Eyre were held in the town where the county court met; the main sessions of Wilts Eyres were thus always held at Wilton. Under Henry III the Eyre towns of the neighbouring counties, some of whose Eyres are referred to in the notes, were: Oxford, Reading, Winchester, Sherborne, Ilchester and Gloucester. In addition to these main sessions, in most counties sessions had also to be held in the liberties whose men enjoyed the right of not being impleaded outside the franchise on matters, civil or criminal, arising within them. Until 1278 this was the only privilege which needed to be claimed at the opening of the Eyre by the steward or borough officials concerned. New Salisbury was the only Wilts borough to enjoy this right and such a session; our Eyre is the first to show the justices sitting there, but under the charter of 1227, which gave the city liberties similar to those of Winchester's, they had probably sat there in the Eyres of 1227, 1236 and 1241. The only other liberties of this sort in the county were the royal manors—in 1249 the Queen's dower manors—of Marlborough and Ludgershall. These received special sessions at Marlborough in the Eyres of 1236 and from 1268; they may have been so served in 1249 and 1256 but there is no evidence for such a special session in our roll and the place of the manors among the crown pleas suggests that the men had to come to Wilton. After Battle abbey in 1270 secured the right for its liberties in Eyres in all counties, its small manor

of Bromham also received a special session of the Wilts Eyre, a point already fully discussed in another of the Branch's volumes.[1]

The summons to the sheriff ordered him to summon to Wilton on the appointed day, the quinzaine of Easter (18 April): all of the rank of freeholder and above; four men and the reeve from each town; twelve burgesses from each borough; all the sheriffs who had held office since the last Eyre, of whom there was only one, Nicholas de Haversham, who had retired in January 1246. The sheriff had also to cause to come all pleas of the crown hitherto unpleaded or which had arisen since the last Eyre and all who ought and were accustomed to come to Eyre. His duties in respect of the civil pleas do not concern us.

In an Eyre of 1272 there is a reference to both the common summons and the public proclamation of the Eyre.[2] Presumably the Eyre was proclaimed at all the common meeting places throughout the county. It is possible that landholders of the rank of baron and earl and their ecclesiastical counterparts received a summons through their stewards by one of the sheriff's itinerant serjeants and that knights who were regular county court suitors may have done so or else they and the freeholders would have been summoned by the hundred bailiff at the sheriff's command. The greater men with lands in the county but no particular interest in its affairs, including some who were occupied in the royal service, generally defaulted and so are mentioned in our roll. Those who attended, personally or through their stewards, go unremarked. The accounts of the bishop of Winchester's manors, already mentioned, show that the bishop's steward, Sir Philip de Sparsholt, along with the bailiffs of Downton and Knoyle, attended the Eyre at Wilton for a fortnight.[3] In addition to the birds and pullets, which they shared with the justices, their general expenses cost the manors of Downton and Bishopstone 3s. 2d. and 9s. 2d., respectively, with 3½ qrs. of oats for their horses and 1½ qrs. of flour for bread. In addition Downton manor sent them 2 cheeses, 3 limbs of beef and 2 baconers.

The four men and the reeve from the towns were presumably all summoned by the hundred bailiffs, according to the record which they kept of the towns owing suit to hundreds and shires. We do not know how many towns had to appear. The *Nomina Villarum* of 1316 lists some 336 towns in the county (12 of them double, consisting of two places), excluding the boroughs and liberties separately represented in Eyre.[4] Of these only about 190 are among the total of some 230 places specifically mentioned as townships in our roll. From this it seems that the number of towns summoned in 1249 may have been substantially larger than the total listed in 1316: perhaps about 400. In most cases the obligation to be one of the four representatives attached to, or was shared by a rota among, the tenants, free and unfree, of certain lands. Towns were sometimes presented under the article on those failing to appear at the opening of the Eyre; there are two such presentments in our roll (no. 383). The 12 burgesses from the

boroughs were presumably summoned by the sheriff's precept directed to the bailiff of each borough.

Most of the principals in criminal crown pleas would have been attached or bailed to appear at the next Eyre. Others in any way concerned in the pleas would also have been attached: witnesses of homicide; four neighbours of known persons found killed; the finders of corpses; appellors who had brought an appeal of crime or trespass; appellees who had given sureties in the county court to defend an appeal. The presence of all these sureties, and through them their principals or bailees, was presumably secured through the sheriff's general summons to the hundred and borough bailiffs; and along with them the neighbours and tithingmen to whom the sheriff, coroners or bailiffs had entrusted the chattels of fugitives or felons and the deodands, that is the animate or inanimate objects causing accidental deaths. A few of the principals in criminal cases may have been in gaol, having failed to find sureties or to secure bail. Prisoners, unless they became approvers, were not kept in gaol for long, so that any there may have been in the King's gaol at Old Salisbury castle or the bishop's gaol at New Salisbury would be those concerned in recent crimes; the last previous delivery of the former gaol had been in May 1247. It is not until the very end of Henry III's reign that we find a separate section in Eyre rolls for gaol delivery. There is, indeed, a gaol delivery section in the 1249 Hants Eyre roll, but that was because of the exceptional circumstances of the special enquiry into the malefactors of the pass of Alton. Hence in the 1240s and 1250s we do not know how many of the prisoners had been brought into Eyre from the county or other gaols.

The summons left a number of things implicit in the general command to summon all those who are used and ought to come. Most notable of the things not specifically mentioned is the sheriff's duty to summon all the hundred bailiffs, who would be responsible ultimately for choosing the hundred juries, and the coroners with their rolls. Nothing is said of ecclesiastical authority. The ordinary would appoint one or two clerks to act as his officials to receive criminous clerks, accrediting these officials by letters patent (no. 3) addressed to the justices. The earliest letters of this sort to survive seem to be those addressed to gaol delivery justices in fourteenth-century gaol files.

We have seen that the central government and the sheriff must have known in the early autumn of 1248 that a Wilts Eyre would be held soon after Easter 1249; it is probable that it was not until the justices had sized up the amount of business awaiting them at Winchester that they could actually decide the opening date which, instead of being the Monday in Low week, the usual date for beginning an Eyre after Easter, had to be the second Sunday after Easter, because of the need to hold a brief concluding session of the Hants Eyre in Low week. When the exchequer, in September 1248, drew up its programme for taking accounts in the year

1248-9 it appointed 9 February 1249 as the day on which Nicholas de Lusteshull, sheriff of Wilts, was to begin the audit of his account for the financial year ending Michaelmas 1248.[5] Its own delays in dealing with accounts earlier in the programme caused it in Hilary term to postpone Nicholas's account until 20 June. But it later decided that this was too near to the end of the Eyre, so about 31 May it further postponed the hearing of the account until 8 July 'because [Nicholas] must be before the justices at Wilton to answer before them for his time.'[5] So the routine preparation for his account was not allowed to interfere with Nicholas's preparation for, and attendance at, the Eyre; his appearance at the formal Easter proffer was also excused. Possibly as a former exchequer official himself Nicholas found it easy to secure that his two obligations did not clash, but it was the normal rule for duties in Eyre or forest eyres to take precedence over accounting. Curiously enough, although Henry of Bath, the senior justice, had been deputy sheriff and sheriff in six counties over some twenty years and had only resigned his last shrievalty in April 1248, he had never been the actual working sheriff or deputy at the time an Eyre was held. William le Breton had been sheriff of Kent at the time of the 1227 Eyre, when Raleigh, in 1249 bishop of Winchester, had been the senior justice's clerk.

In the later Eyres under Edward I, and still more in the few anachronistic Eyres of the fourteenth century, there was a good deal of ceremonial connected with the opening of an Eyre. Indeed, many of the Eyres under Henry III would have been near completion and all would have been well advanced in the time needed for the preliminaries alone in the Kent Eyre of 1313-4, whose Year Book affords us the earliest full description of such ceremonial. There must have been some ceremonial in the 1240s but it is likely to have been brief: the escorted arrival of the justices; an opening session at which the commission and other instruments of the Eyre were read and the senior justice addressed the assembled county on the purpose of the Eyre and the duties of those present; proclamations to ensure ample supplies of victuals at reasonable prices while a large number of persons were gathered for the occasion; proclamations staying all other legal proceedings in the county while the Eyre was in session. No doubt also, since an Eyre was a great county occasion, there were feasts in honour of the justices, as the King's representatives.

What little is known about the internal administration of Eyres under Henry III comes chiefly from scattered matter in the plea rolls and is concerned mostly with the civil side, not the crown pleas. Roger de Whitchester, who for some 15 years had been the clerk of William of York (who in 1249 was bishop of Salisbury) had been appointed keeper of the writs and rolls of the Bench in May 1246. There is abundant evidence to show that he accompanied Henry of Bath's circuit in the same capacity and, as we have seen, he received special allowances in addition to his yearly fee of £10 for this work. He was presumably responsible for the work of the clerks of

the court. Each of the Bench justices would have one or more regular clerks; since Cobham and le Breton had also recently been engaged in royal business they also probably had a clerk or two; additional clerks were no doubt recruited for the duration of the circuit. The clerks earned a good deal in fees on the civil pleas side but the only fee to which they were entitled on the crown pleas side was one of ½ mark from the presenting juries for copies of the articles of the Eyre. There is scattered evidence to show that the justices also had sergeants, either in their own service or else seconded from chancery for the duration of the Eyre. The court arrangements, however, were under the superintendence of a marshal, who had a small staff to act as vergers, ushers and criers. When in the late 1170s the Bench came into existence as a permanent court sitting at Westminster in or near the rooms used by the exchequer it was natural that the usher of the exchequer should provide ushers and criers in the Bench, and since for long the Eyre was virtually the Bench itinerant it was natural that he should supply the same officials in Eyre. The ushership of the exchequer had long descended in an Oxfordshire family whose tenure of it had gained them the surname de Scaccario or Lescheker.[6] They presumably appointed a deputy to carry out the work, about which we hear little until the very end of Henry III's reign. The earliest statement about the marshal's fees comes from 1272; they were modified by legislation in 1285.[7] On the crown pleas side he was entitled to 12d. from each presenting jury. He was to take nothing from the finders of corpses. tithingmen, the representatives of townships (from whom he claimed 4d. in 1272 or anyone else attached to appear in crown pleas other than a principal; this suggests that the minor officials tried to earn a penny or two where they could. From everyone acquitted the marshal was entitled to 4d.; the claims of 1272 included a better sort of garment from the chattels of condemned felons and fines from the prostitutes and vintners. collected when the marshal made his inspection of the town before the Eyre began. The evidence of the plea rolls and final concords suggests that the total number of persons congregating at Wilton for both civil and crown pleas was between four and five thousand.

There is usually no difficulty in discovering when an Eyre began even if no roll survives; even if we have a roll it is usually not possible to give more than an approximate date for an Eyre's end. The date within an Eyre on which any crown plea was held was of no procedural importance. The crown pleas therefore rarely provide any evidence for dates beyond that on which the Eyre began and an occasional adjournment for a duel or special inquest. The dates on which most of the civil pleas of the county were held were also procedurally of no importance. The writs on which these pleas were grounded had been returnable, in the Eyre formula, 'at the first session of our justices when they come to these parts'; this was translated by the Eyre summons as the particular return day on which the

Eyre began: with our Eyre the quinzaine of Easter (18 April). So, whereas the record of proceedings in the Bench was articulated into sections for each of the return days of the term, the civil pleas rolls of Eyre assumed that all business was done under the one return day, except for special sessions at other places within the county and for any later sessions when the Eyre extended over a vacation: so far as most of the civil pleas from the county were concerned there was but one return day in Eyre. So the civil pleas of the county rarely provide dates beyond that on which the Eyre began and, more frequently than the crown pleas, adjournments by judicial writ or court order, usually to days towards the close of the session or to the next Eyre or, when near the end of the circuit, to the Bench, with a few cases also adjourned *coram rege*. But with foreign pleas, for which separate rolls began regularly to be kept from the autumn of 1247, and with essoins and final concords, a system of return day dates was necessary, though even so late as the 1254 Bucks Eyre all the final concords in an Eyre lasting nearly four weeks were dated by the opening date of the Eyre. It is, therefore, chiefly upon the final concords, essoins and foreign pleas that we depend for estimating the duration of an Eyre, with help from the adjournments in crown and civil pleas. The return day date was usually a periodic one: business dated on the quinzaine of Easter or the morrow of Trinity, for example, would be transacted at some time in the 7 or 6 days which these dates covered, that is up to the next date, Easter three weeks or the octave of Trinity.

Essoins were cast on, and adjournments were made (either in the 1248 Sussex, 1249 Hants Eyre or our own) to: the quinzaine (18 April); three weeks (25 April), one month (2 May) and five weeks (9 May) of Easter; the morrow of the Ascension (14 May); the Monday after the Ascension or, its equivalent, the quinzaine of the Invention of the Cross (17 May). Final concords were dated by all save the last date. The business of the main session must therefore have ended on some day between the Tuesday and Friday (18/21 May) before Whitsun. The Whitsun vacation normally lasted from Whitsun eve until Trinity Sunday. After the adjournment the duration of business is less certain. Adjournments, essoins and foreign pleas all show that the session was resumed on the usual date after a Whitsun vacation, the morrow of Trinity (31 May). The latest essoin was cast on the octave of Trinity (6 June); the latest adjournment to Wilton was to the same date. Adjournments in two civil cases were made to Marlborough before Henry of Bath alone for the following Monday (7 June). The latest final concords were dated on the quinzaine of Trinity (13 June). But from 3 to 11 June the King was in Wiltshire, at Clarendon palace: Eyre justices could not hold crown pleas while the King was himself present in the county. The crown pleas must therefore have been disposed of before his arrival. It must have been with knowledge of the royal programme that the justices had appointed the Wednesday after Trinity (2 June) for the one judicial combat in the

crown pleas, since dates for duels were normally at the very end of the crown pleas session. By 2 June, therefore, the crown pleas must have been finished. It seems likely that the whole of the county's crown pleas had been dealt with before the Whitsun vacation but perhaps not those of New Salisbury. There is no clue to the date of the New Salisbury session, either for civil or crown pleas, except that it came after county business had been disposed of.

The hearing of our crown pleas thus took rather more than a month, beginning a day or two after 18 April—a day or two must be allowed in which the first presenting juries to be called could prepare their *veredicta*, days filled on the civil pleas side by taking essoins, receiving parties' attorneys and dealing with some non-contentious litigation—and ending about 18/21 May, with perhaps the New Salisbury pleas about 31 May—2 June. The order in which the justices took the crown pleas was partly geographical and partly tenurial. They began with the seven northernmost hundreds (all but one in private hands): Cricklade, Malmesbury, Chedglow, Startley, Staple, Highworth and Blackgrove. There is an incidental suggestion of a date here, for Nicholas de Lusteshull was replaced on 28 April by William de Tynhide who is mentioned, expressly as the new sheriff, in the middle of Highworth's pleas (no. 72). There is every reason to believe that the justices knew of the change immediately, possibly even a day or two in advance of the official letters, so it looks as if Highworth's pleas were being dealt with within a day or two either way of 28 April. The justices then took three scattered places of which the King's brother, Richard of Cornwall, was lord: Mere, Corsham and Wilton. Next they took the bishop of Salisbury's hundreds: Ramsbury, Cannings, Rowborough (shared with the King) and Underditch. After this the order becomes less explicable: the abbess of Shaftesbury's Bradford hundred; William Longspee's Amesbury hundred; the bishop of Winchester's Downton town and hundred and Knoyle hundred. We have another indication of a date here, for as we have already seen, the bishop's steward and the bailiffs of Downton and Knoyle were at Wilton for a fortnight, so the pleas from the bishop's districts must have been completed by about 2 May. The order then continues complex: the two northwestern baronial hundreds of Chippenham (the largest in the county) and Calne; the Winchester priory hundred of Elstub; Heytesbury, another baronial hundred; the royal hundred of Kingsbridge; the abbess of Romsey's Whorwellsdown hundred; two minor baronial hundreds of Westbury and Warminster and the royal hundred of Thornhill. Then the order again becomes straightforward: the earl of Leicester's Kinwardstone hundred and Bedwyn borough, followed by 17 royal hundreds and manors, in rough geographical order ending in the south, with the abbess of Wilton's Chalke hundred and Glastonbury's Damerham hundred in among them. There is no indication of any dates after 2 May.

As with other Eyres there is evidence to show that juries were not in

attendance throughout. The Branch jury, whose pleas were not due to be heard until towards the end, had probably left soon after the opening, for they were not present when Knoyle's pleas were taken, about 2 May (no. 176). By the time the Chippenham hundred pleas were being taken, about 2 or 3 May, the Highworth hundred jurors, whose pleas we have seen were taken about 28 April, had left court (no. 220). Amesbury's jurors, whose pleas were taken just before the bishop of Winchester's districts, had also left court by the time Kingsbridge's pleas were heard (no. 271). It seems likely that after the first week or two the attendance at Wilton gradually thinned; by the end probably few apart from the chief suitors of the county court, those whose presence was necessary for the fiscal sessions with which an Eyre ended, some of those detained in custody and those concerned in the judicial duel remained in attendance on the court on the crown pleas side.

No evidence has been found in the surviving Wilts Eyre rolls to show whereabouts in Wilton the Eyre sessions were held but it seems probable that they were held within the abbey grounds if not within the main abbey buildings. The connexion between the abbey and the sessions of the county court and assize justices has been discussed in a recent volume of the Branch.[6]

THE ROLL AND ITS HISTORY

Our crown pleas roll is filed after a civil pleas and attorneys roll and these form part of the same set as a foreign pleas roll which is filed after a foreign pleas roll of the 1249 Hants Eyre.[1] The team of clerks who wrote these rolls was responsible also for surviving rolls of the 1249 Sussex and 1249 Hants Eyres.[2] These rolls are subsidiary and not main records. Main records of courts at this date can be identified in two ways: by having marginalia in civil pleas, indicating that the next stage of process has been issued, and by the deletion in civil and crown pleas of marginalia of a fiscal nature, this deletion being done when the list of financial issues was compiled. A number of such main rolls survive from Henry of Bath's circuit of 1247-9, all the product of one team of clerks and including another foreign pleas roll of our Eyre.[3] These main rolls are known to have been the rolls of the senior justice; so our roll was not made for Henry of Bath. How many of the other justices had copies of pleas is uncertain. From Henry of Bath's 1250 Norfolk Eyre there survive four copies of the crown pleas (one a main roll) and two of the civil pleas (neither a main roll) so that at least a further copy of the civil pleas must have existed; there were six justices. There may, therefore, have been two or three subsidiary rolls for our Eyre. Unlike the rest of the set, the two membranes of civil pleas for New Salisbury have the characteristics of a main roll. It is possible that Henry of

Bath left before the end of the Eyre, in which case Alan of Wassand would have presided at the New Salisbury civil pleas; there is therefore a possibility that the roll was his. On the other hand we do not know if at this date a record of proceedings was being kept by the keeper of the writs and rolls in addition to the justices' rolls.

The roll, like all the other Eyre rolls, has been in official custody since it was delivered into the keeping of the treasurer and chamberlains at Westminster for retention in the treasury of the receipt of the exchequer. These records were thoroughly overhauled by the clerks who undertook the great array of records in 1320-6 under the treasurer, bishop Stapledon. The foreign pleas roll retains the cover given it by Stapledon's clerks, attached to m. 28. A lesser overhaul took place about 1394; our roll has the cover given it then, attached to m. 27. Like most of the covers given in this overhaul the label was written on the back of a document no longer considered worthy of preservation, in this case two short membranes and a part of a third from the end of a roll of receipts apparently of the household of Aymer de Valence earl of Pembroke about 1308-9.[4] The label runs: *Placita de Itinere De Juratis et Assisis et de Corona apud Wilton de Itinere H. de Bathon' et sociorum suorum xxxiij Henrici iij^cii*. In the summer of 1602 a thorough sortation and relabelling of the earlier plea rolls was carried out by Arthur Agarde, deputy chamberlain 1569-1615. He relabelled the cover of our roll, writing above and below the label of 1394: *Wiltes' solummodo De Juratis Assisis et Corona Anno xxxiij^cio H. iij^cii*. He then put it in a bag with two other Wiltshire rolls and 19 rolls from 8 other counties, which he stored in chest B at the Chapter House record repository at Westminster along with the rest of the plea rolls and final concords of the central courts and Eyres under Henry III.[5] The only other label on the cover may be a little earlier than Agarde's time and runs simply: *Assisa apud Wilton' in Comitatu Wiltes' xxxiij^o H tercij*. In the eighteenth century the deputy chamberlains were replaced as archivists at Westminster by keepers of the records in the treasury of the receipt. The last of these, Sir Francis Palgrave, between 1834 and 1837 caused to be prepared press calendars of the rolls of the central courts down to 1286 (later extended to 1307) and of most of the Eyre, assize and gaol delivery rolls.[6] These headings were designed to include 'full headings and titles of all the sessions and adjournments of the courts and circuits', under which directions the headings on what are now ms. 1, 22 (New Salisbury civil pleas), 22 (attorneys), 23 and 40 of our roll were given.[7] Soon after the setting up of the Public Record Office in 1838, with Palgrave as deputy keeper, the classes which included our roll were moved to a repository at Carlton Ride and there given a more integrated system of references, under which our roll became *Assize Roll M 6 23/1*. It reached its present repository in Chancery Lane along with the rest of the former Carlton Ride records in 1857. About 1888-90 there was a somewhat unfortunate reorganization of these and kindred classes in which the old references

were abolished and our roll became no. 996 in the class of *Rolls of the Justices Itinerant etc.*

During the seventeenth century the deputy chamberlains and others working under them made selected abstracts of many plea rolls, a process known as 'abbreviating'; but our roll was not dealt with by any of them. The first printed notice of it seems to have been in the general report made by Palgrave in 1837, incorporating a report made in 1808 by one of his predecessors, where the roll is briefly described, with the note: 'On membrane 31 is an appeal of murder; the party convicted and executed', a reference to case no. 385.[8]

The crown pleas roll has 18 membranes, of a fairly uniform width of 6¾ inches but of length varying, usually between 20 and 28 inches; the shortest, m. 31. is only 11 inches long and because of this escaped numbering until recently, while the longest, m. 26, measures 29½ inches. Save for the ragged tails of a few of the longer membranes, all are well preserved. The parchment is of good quality but has a few natural holes: one, on m. 29, still retains its thirteenth-century sewn mend; one, on m. 38, has lost most of its mending thread; one, on m. 30, was not mended. The membranes of the civil and foreign pleas rolls of this set are of similar varying length but distinctly wider: about 7¼ and 7 inches respectively. Almost the whole of the crown pleas is written in the same hand, which is of distinctive appearence, small and rather compressed. The clerk who wrote it was responsible also for much of the crown pleas of the two other surviving subsidiary rolls of the circuit, from the 1248 Sussex and 1249 Hants Eyres, his work including most of the well known but long since detached membrane of appeals of approvers from the latter, which is embellished with a picture of a duel being fought.[9] The civil pleas roll is in several hands; that which predominates is rather tall and narrow-looking, with heavy and almost straight superior dashes, exaggerated ascenders to 'a' and loops to capital 'S'.[10] The clerk who wrote it also began the New Salisbury crown pleas, nos. 549-552. He had at least two assistants: one wrote a broader hand, with curled superior dashes and liked to turn his paragraph signs into human heads; the other wrote a very compressed and formless hand.[11] They do not seem to have worked on the crown pleas. All three were responsible for most of the foreign pleas roll. The crown pleas have no embellishments or catch-eyes; the civil pleas have only the ornamented paragraph signs. The foreign pleas roll has a friendly-looking devil at the foot of m. 1 and, unusually, a snatch of what seems to have been a popular song: after cancelling an entry of an adjournment for the King's prosecuting attorney. Richard de Spaldington, the clerk wrote below 'It's my little affairs that keep me gay and give me fun'.[12]

The clerk who wrote most of our crown pleas roll used a rather idiosyncratic hand of the mid-thirteenth century. In common with his contemporaries he is careless in distinguishing 'c' and 't'. He can be careful in

distinguishing 'n' from 'u' and in giving 'i' its light diagonal dash but he is uneven in doing so, hence there is the usual difficulty in reading two or more minims. There may also be confusion between medial 's' and 'l' and, occasionally, 'f' and also between capitals 'C' and 'G'. His only peculiarity of spelling was to use 'w' for 'v', giving *wult* and *wulneravit* for *vult* and *vulneravit*. Attention has been drawn in footnotes to some obvious misspellings. Attention has also been drawn to other minor errors, without pretending to notice all. Such are: mistakes between singular and plural (e.g. nos. 49, 104, 173, 270, 290); in genders (nos. 103, 108); in transferring names (e.g. nos. 57, 102 163, 249, 286, 290, 295, 312, 387, 411, 566); the leaving of phrases or entries incomplete (e.g. nos. 38, 40, 52, 79, 208, 227, 256, 299, 358, 427); the telescoping of separate names (no. 86). One entry and part of another present an obscure jumble that defies proper understanding (nos. 99, 288). The writer corrected many of his mistakes: by altering a word or letter (e.g. nos. 2, 3, 290, 411, 459, 472); by deleting a word or phrase and interlineating the correction (e.g. nos. 18, 46, 122, 163, 168, 405), but no attempt has been made to indicate all such corrections in the text; by erasure and writing the correction over the erasure (nos. 147, 289, 360, 525, 554); rarely, by expunction (nos. 121, 288). Most of these corrections are necessary because, being engaged on a routine task, the writer penned the accustomed phrase and then realized that the matter needed less usual words. 'William Sprot's chattels: 6s., whereon let the sheriff answer'; however, these chattels were to be accounted for not by the sheriff but by the tithing of Alton Priors. 'Henry son of Roger comes and appeals . . .'; but Henry did not come so it has to be rewritten to show that his arrest was ordered and his pledges for prosecution were put in mercy (no. 448). But many more proper names should have been corrected for it is here, as in most subsidiary rolls of Eyres or of the Bench, that the clerk is at his weakest. His forms for places names are often freakish or absurd: many were rightly ignored by the editors of the *Place-Names of Wiltshire*; an unusual number have defied certain identification.

The roll has the usual margins, just under an inch wide and drawn by a lightly scored line. The marginalia entered in them furnished a guide for the clerks to the business in the entries. It is of two sorts, procedural and fiscal. The marginations of process employed at this time included orders for: remand in custody (*cust'*); arrest (*cap'*); committal to gaol or adjournment; exaction and outlawry (*ex' et ut'*) or, for women, exaction and waiver (*ex' et waiv'*); the return of an acquitted fugitive (*r'*, *red'* or *rd' si vol'*), a margination which was going out of use and is not found in our roll.[13] The marginations of judgment include: misadventure (*infort'*); escape (*evas'*); acquittal (*quiet'*), which was on the way to the development of a formalized '*Q*'; hanging (*s'* or *susp'*) which was replacing the full phrase in the text *et ideo suspendatur*, found in rolls to about 1241, after which the text itself normally ran *et ideo etc*, though there is one example in our roll of *s'* in the

text (no. 30). The fiscal marginations included: the value of the felons' chattels or of fines expressed in the entries; the note of the adjudgment of the murder fine (*M'* or *murd'*); the note of persons put in mercy (*m'ia*). The value of deodands was also entered with the note '*dd*', sometimes found in full in earlier rolls in the form *deodandi*. The form of our version preserves all the marginalia, from which it will be seen that, especially in the latter part of the roll or in entries demanding many marginations, the appropriate marginations were often not made: a common feature of subsidiary rolls. In general it may be said of all aspects of the work of the clerk responsible for the roll that at its best it is equal to the work found in main rolls but that too often it is the faulty, unrevised, work of one who seems to have been high but not at the top of his profession and to have lacked the time or inclination to revise work that was not the most authoritative record of the proceedings.

THE ARTICLES OF THE EYRE

The justices' commission was accompanied by a sealed copy of the articles of the Eyre, *capitula itineris*, 'by which the crown pleas are to be held.' In contrast to its practice with other instruments of the Eyre the chancery did not enroll copies of these, so there are no official copies of articles for normal Eyres in the chancery rolls. Until the end of Henry III's reign we depend for lists of the articles mainly on chronicles, cartularies and collections of legal tracts. A legal collection which seems to have been made in the 1250s for a religious house, probably in Cheshire or another county near the Welsh border, supplies the articles used in the visitation of 1246-9, from the 1248 Hereford Eyre.[1] We have earlier sets from the visitations of 1194, 1198,[2] 1208-9[3] and 1218-9.[4] There are also sets from 1227 for a Cinque Ports Eyre that was never held and from 1244 for a London crown pleas session:[5] both these omit some articles then in use for normal Eyres and include others peculiar to those highly privileged corporations. These sets, and the surviving Eyre rolls, enable the development of the articles up to the visitation of 1246-9 to be known. Professor Helen Cam, in a study requiring some correction and addition for the reign of Henry III, has analysed most of the surviving sets of articles (but not those for 1218-9 and 1248), taking as her model version a set from 1287.[6] The numbering assigned by her to the articles is that now generally used for reference and has been employed here. The following list gives, so far as can be discovered from all these sources, the articles used in the visitation of 1246-9 excluding only those (Cam nos. 16-18) for which we have not found presentments in any Eyre roll of Henry III down to 1249. By the 1240s it had become a general fashion for clerks to signalize presentments made under most of the articles by a leading phrase: *de ecclesiis*, *de vinis venditis*, *de defaltis* and so forth.

We give these phrases, followed by a summary of the article and the date of the earliest set in which it is known to occur or, where earlier, the date of the earliest Henry III Eyre roll in which presentments under it are found. There follow the references to presentments in the entries of our crown pleas; if there were none we mention presentments found in other Eyre rolls for articles introduced since 1235 only, because the developments before then have been briefly outlined elsewhere.

1. *De veteribus placitis corone:* pleas heard in the last Eyre and not then determined [1194].
2. Crown pleas which have emerged since the last Eyre [1194]. Since nearly all criminal business and matter concerning deaths was presented under this article it was unnecessary for the clerks to use a short heading for it.
3. *De illis qui sunt in misericordia domini Regis:* whether anyone put in mercy in a royal court had not yet been amerced [1198]. Amercements had to be assessed by a panel of neighbours and since these might not be available for cases heard in the Bench and court *coram rege* it seems originally to have been necessary for justices either to make special visitations to the county courts for this purpose or to take with them on Eyre lists of those recently put in mercy in the central courts, such as those from the Bench found filed in the rolls of the 1227 Kent and Essex and 1232 Warwick Eyres. By the 1250s the Bench seems to have evolved its own machinery for assessing amercements but the court *coram rege* still required its justices to visit the provinces from time to time for this purpose.
4. *De valettis et puellis:* concerning minors and maidens who are or ought to be in the King's guardianship, who they are, who has them in ward and how much their land (*i.e.* in the hundred, borough etc.) is worth [1194]. Nos. 80, 126.
5. *De Dominabus:* concerning ladies in the King's gift, whether they are marriageable or married (if married, who gave them in marriage and to whom) and how much their land is worth [1194]. Nos. 81, 397, 505, 535.
6. *De Ecclesiis:* concerning churches in the King's gift, who holds them, by whom was he presented and how much they are worth [1194]. Nos. 10, 406, 409, 512.
7. *De Eschaetis:* concerning royal escheats, who holds them, by whose grant, by what service and how much they are worth; if any hold without warrant their land is to be taken into the King's hand [1194]. Nos. 10, 212, 215-7, 256, 268, 426, 513. See also article 37.
8. *De Serjantiis:* concerning land held of the King by serjeanty, who holds, by whose grant, by what service and how much it is worth [1198]. Nos. 11, 61, 82, 126, 156, 214, 408, 427, 468, 493-4, 534.
9. *De Purpresturis:* concerning purprestures or encroachments made on the King, whether in land or water or in liberties or otherwise, wherever it be [1198]. Nos. 12, 267, 304, 399 A-D, 400. The originally wide scope of this

article was progressively reduced by later articles which dealt with specific infringements.

10. *De denariis captis:* concerning those who have taken money from those who entertained strangers contrary to the assize made last year [? 1243]. This article occurs in this position in the set from 1248 so that it must soon have been displaced from its proper place among the later additions. The reference is to the assize *De forma pacis conservanda*, issued on 20 May 1242 by the regent, Walter archbishop of York, *Cl.R.* 1237-42, 482-4, to ensure the maintenance of good order during the King's absence overseas; this article may therefore have been introduced for Thurkelby's 1243 Somerset Eyre. No. 469.

11. *De mensuris* and *De pannis venditis:* two articles later coalesced [1194]. The first concerns whether measures are properly kept and if the keepers practise extortion. The second concerns whether the drapers observe the assize of cloth: nos. 107, 514, 566.

12. *De vinis venditis*: whether the vintners observe the assize of wine [1194]. Nos. 21, 97, 106, 143, 157, 223, 255, 364, 395, 407, 425, 449, 567.

13. *De Thesauris inventis:* concerning treasure trove [1198]. The omission of this article from the set of 1194 must be accidental since treasure trove was a regality much older than the Eyre and pleas about it were heard in all major twelfth century visitations. Nos. 167, 353, 375, 437, 440.

14. Concerning sheriffs and other bailiffs who summon the hundred for inquests into deaths or for the hue being raised and not followed or for other crown pleas, and then amerce those who do not answer the summons [in use in 1235; not in set of 1218-9; possibly introduced 1221]. No. 171 may be a presentment under this article.

15. *De ballivis qui tenent placita corone:* concerning sheriffs and other bailiffs who hold crown pleas and what pleas they hold [not in 1218-9 but in use in 1221]. The holding of crown pleas by sheriffs and other bailiffs had been forbidden by Magna Carta (1215, art. 24); article 42 covers similar ground more definitely.

19. *De falsonariis et retonsoribus denarii:* concerning forgers and clippers of coin [1194]. Nos. 43, 139, 177.

20. *De excambiis:* concerning those who hold a mint or exchange without the leave of the King or his justiciar. First found in the 1227 set, this was probably introduced for the visitation of 1226-8 but no presentations have been found under it before the recoinage of 1248, after which they are common: no. 362.

21. *De malefactoribus et burgatoribus:* concerning burglars and ill-doers and those who harbour them in peacetime [1194]. This article has not been found cited after 1231-2, criminal business coming under this head being thence-forward seemingly presented under article 2.

22. *De utlagatis* or *De fugativis*: concerning outlaws and fugitives, if they return without warrant after outlawry [1198]. No. 144; ? nos. 357, 422, 473.

23. Concerning those who do not pursue as they ought outlaws and burglars who travel through their lands [1218].

24. *De mercatis levatis:* concerning markets altered from one day to another without royal leave, unless on the royal demesne, and concerning markets newly held without leave [1218]. Presentments about this were also made under article 27.

25. Concerning those who take bribes for ensuring that corn and other goods shall not be seized for munitioning castles. Although not in the set of 1208 this was probably introduced under John since it goes with article 26 and comes before it in the set of 1218.

26. *De prisis:* concerning prises or goods commandeered by sheriffs, constables or other bailiffs, against the will of the owners [1208].

27. *De novis consuetudinibus:* concerning customs newly levied by land or water, who levies them and where [1218]. The presentments made under this article include a great range of alleged innovations by royal and other bailiffs and magnates.

28. *De defaltis:* concerning those who were summoned to come before the justices on the opening day of the Eyre and did not come [1194]. Nos. 33, 62, 83, 94, 118, 123, 128, 145, 159, 170, 218, 235, 246, 276, 281, 289, 328, 359, 383, 392, 442, 456, 465, 487, 499, 509, 518, 536, 548.

29. *De gaolis deliberatis sine warranto:* concerning the delivery of gaols or the holding of pleas of approvers without warrant of the King or his justiciar [1218]. The second part of this later became the separate article 30.

31. *De malefactoribus in parcis et vivariis:* concerning poachers in parks and fishponds [1208]. No. 148. Mr. H. G. Richardson is mistaken in suggesting that this article was dropped in the tweny years or so before 1254, *E.H.R., LIX*, 37: presentments are common in rolls from the visitations of 1234-6, 1240-1, 1246-9 and it is in the articles of 1248.

32. *De evasione latronum:* concerning the escape of thieves or other ill-doers [by 1221]. In most cases escapes form part of another presentment and are indicated by a marginal *Evasio*. Nos. 18, 38, 51, 66, 69, 88, 99, 101-2, 104, 114, 139, 164, 177, 210, 243, 325, 381, 393, 422, 531, 547, 556, 564-5.

33. *De wrecco maris:* concerning wreck [probably 1226]. Though issues arising from wreck appear among the issues of major judicial visitations in maritime counties from the time of Henry I onwards, this is not among the articles down to 1218 nor are there presentments of it in the rolls from maritime counties in the visitation of 1218-1221; but there is one in the 1227 Kent Eyre in which were drafted the Cinque Ports Eyre articles in which it first occurs, so it must have been in use for the visitation of 1226-8.

34. *De rapinis* (or *De prisis*) *factis extraneis:* concerning rapine done to, and goods commandeered from, foreigners, by whom done, where, when, what was taken and who now holds [1218].

35. Concerning those who do not allow the King's bailiffs to enter their lands to make summonses or to distrain for debts [1234].

36. Concerning bailiffs who take bribes for removing recognitors from juries and assizes. Probably introduced for the visitation of 1239-41, since found in 1241 Kent, m. 33d; other examples are 1248 Sussex, m. 27d, and 1250 Norfolk, m. 20d.

37. *De terris Normannorum:* concerning the lands of (*i. e.* formerly held by) Normans, Flemings, Bretons and other foreigners of whatever fee they be, whether held from the King or from another to whom the King granted them and by what warrant held [1239]. Nos. 160-1, 245, 380, 426.

38. *De sectis subtractis:* concerning those who, by the will of the sheriff or his bailiffs but without the King's will and assent, have withdrawn suit of shire, county and hundred courts [1239]. Nos. 306, 429.

39. *De placito de Namio Vetito:* concerning those who hold the plea of replevin without warrant [1246]. This was directed against magnates who, through their stewards, held the crown plea of replevin: 1247 Warwick, m. 34; 1247 Oxford, m. 6d; 1248 Essex, m. 10; 1248 Gloucester, ms. 2d, 5d, 12d; 1249 Devon, m. 32.

40. Concerning sheriffs and bailiffs who, without special command, compound with the tenants of whole knight's fees who wish to avoid taking up knighthood [1246]. Complementary to article 41 this must have been introduced at the same time as it, which it precedes in the 1248 set though the earliest presentment noticed is 1250 Norfolk, m. 5.

41. *De valettis qui tenent integrum feodum:* concerning squires who hold whole knight's fees and are of full age but unknighted [1246]. Alternative headings used by clerks are: *De hiis qui debent esse milites et non sunt; De hiis qui tenent xx libratas terre (or integra feoda militis) et non sunt milites;* or just *De valettis*, when it must be distinguished from article 4. Nos. 34, 84, 257.

42. Concerning sheriffs and other bailiffs who without the King's special command, authorized by writ, hold pleas of replevin or crown pleas and determine them in county or hundred court or elsewhere by oath of twelve jurors [1246]. This complements article 39, being directed chiefly against royal servants. Distraints for debts arising from customs and services were a commonplace of feudal society. One who distrained chattels in this way and refused to return them when the owner offered gage and pledge for their redemption committed the offence of *vetitum namium*, which was a crown plea. Remedy lay in the action of replevin on a writ *quare cepit averia* which commissioned the sheriff to hear the plea in county court (such commissions were not enrolled in chancery); in cases of great urgency the sheriff might act without writ provided the plaintiff gave security to prosecute the action. The first stage was to secure the return of the chattels, usually beasts; thereafter the plea was often transferred to a royal court: there are two good examples of the action among the civil pleas of our Eyre. The earliest presentment noticed under this article is of a sheriff alleged to have put twelve free and lawful men to oath against their will to

make inquests and to have held pleas of *vetitum namium* without warrant: Norfolk, m. 9.

43. Concerning excesses of sheriffs or bailiffs who foment actions in order to gain lands, wardships or debts, whereby truth and justice are stifled [1246].

44. Concerning sheriffs and bailiffs who take bribes with both hands, from one party and the other [1246].

45. Concerning hundreds let to farm by sheriffs and bailiffs, for how much were they farmed and how much are they now worth [1246]. Nos. 474, 500, 507.

46. *De prisis:* concerning the King's prises on land, salt or fresh water, what they are, what they are worth, who occupies or conceals them [1246]. The heading *de prisis* is used also for presentments under other articles on the conduct of local officials.

47. *De hiis qui fecerunt cervisias:* concerning petty bailiffs who hold ale drinkings called scotale or fulsennale or extort money from those attending hundred courts [1246]. Scotales seem to have been traditional festivals held in connexion with the greater half-yearly meetings of the local courts, chiefly at Michaelmas. The suitors had to contribute the corn from which the ale was made and presumably had to pay also on attending, an economic principle which, as Dr. Lapsley used to remind his Cambridge audience, survives in the Church Bazaar. The earliest presentment noticed accuses the bailiffs in the Forest of Dean of holding scotales: 1248 Gloucester m. 11d.

48. Concerning those who do not hold ale-drinkings but extort forced gifts of crops in harvest time [1246]. Complementary to article 47 and originally part of it: 1246 Lancs., ms. 17, 22d, 24d; 1247 Bedford, m. 26d. It is possible that no. 533 is a presentment under this article.

49. Concerning the chattels of foreigners owing allegiance to the King of France, seized while the King [Henry III] was in Gascony, what became of them and who has them [1246.] During the King's Gascon expedition of 1242-3 various seizures were made of Frenchmen's chattels in England. The presentments found summarize the article: 1249 Hants, ms. 34d, 36d. They show that chattels seized at Southampton by order of the regent, Walter archbishop of York, realized £156 10s. 8d., which had been paid into the exchequer in Easter term 1244; 18 sacks of wool arrested at Portsmouth by order of Robert Passelewe, then both sheriff and assistant to the warden of the Cinque Ports in measures for defence and offence in the Channel, had been entrusted to the town bailiffs who had conveyed them to the earl of Cornwall, while 66 tuns of wine seized at Southampton had been sold for 106 marks. Mr. H. G. Richardson is mistaken in suggesting that this article refers to the King's visit to Gascony in 1253-4 and that it was not introduced until 1254, *E.H.R., LIX*, 37.

50. *De warrenis levatis de novo:* concerning those who create warrens in their land without sufficient royal warrant [1246]. Found in 1247 Bedford,

m. 30d and 1248 Gloucester, m. 6d; presentments about illegal warrens had been made earlier under article 27.

51. *De kidellis et starkellis:* concerning those who use keddle nets and large fish traps for fishing [1246]. The use for fishing of contrivances that endangered navigation was a perennial grievance; Magna Carta (1215, art. 33) had ordered their removal. In the 1247 Oxford Eyre it was alleged that the Dominicans and Franciscans had used them, m. 12; other presentments include: 1247 Warwick, m. 34, and Bedford, m. 31d; 1248 Gloucester, ms. 3d, 8, and Berks, ms. 35, 39d, 40.

Article 51 is the last in the set from the 1248 Hereford Eyre; but as that set ends at the foot of a page it is possible that a few more might have been omitted. Article 55 concerns mainpernors who do not on the first day of the Eyre produce before the justices those whom they have undertaken to bring. The 1246 Lancs. Eyre summarizes what seems to be this article and gives long lists of the offenders, ms. 21, 22d, 26, 26d; our no. 254 may be a presentment under it. Article 65 concerns money taken from those who do not come to the sheriff's summons, who takes it and how much; it is cited verbatim in 1250 Norfolk, m. 3. If article 55 was in use in 1246-9, then some of those immediately preceding it may also have been in use. Like articles 43-4, 46, they covered offences which were likely to be reported as a narrative or under the ambiguous heading of *de prisis* and are accordingly not readily identifiable in the rolls. But it is equally possible that they were not introduced until the circuits of 1250-1, 1252 or the visitation that began in 1254.

A number of articles in the earlier sets, and others to which presentments are found in the rolls until about 1232, were introduced for a particular visitation and not thereafter retained. The only example of this sort found in 1246-9 is the special article used in the 1249 Hants Eyre, ms. 27-30, concerning those who consorted with or harboured the ill-doers and outlaws of the pass of Alton or sent food or help to them in the wood of Alton.

THE VEREDICTA AND THE PRESENTMENTS

In 1249 there were in Wiltshire 38 hundreds, 10 boroughs and 4 other districts entitled to be represented before the justices.[1] The boroughs were: the royal boroughs of Devizes, Marlborough, Ludgershall and Salisbury Castle; the mesne boroughs of Bedwyn, Calne, Downton, Malmesbury, New Salisbury and Wilton. The other districts were: the royal manor of Rowde; the royal barton of Marlborough; the mesne manor of Deverill; the mesne township of Corsham, which had hitherto not been separately represented, and from 1268, perhaps from 1256, was again not represented. After

the formal opening of the Eyre, about 18 April 1249, the bailiffs of all these districts nominated two men as electors; the electors of the hundreds and boroughs then chose 10 others, making 12 in all. Corsham, Deverill and, possibly, Marlborough barton were represented only by 6; Rowde, probably, by three freeholders and the usual township's representatives of the reeve and four villeins. After being chosen the juries took an oath to answer the articles truthfully and were then supplied with a copy of the articles by a senior clerk who was entitled to a small fee for this.[2] Each jury then withdrew to prepare its answers or *veredictum* which had to be completed and delivered into court by an appointed time, before the date fixed for hearing the district's pleas. It is unfortunate that neither in our roll nor in that of 1268 is there a kalendar or jury list save for that of New Salisbury (no. 549) in 1249; so out of some 600 men who served we have the names only of some 31 men throughout the county and the 12 New Salisbury burgesses. The 31 were mostly senior jurors of their district, men of long experience of local affairs, so although only 7 of them are found in the panels for the 1255 fiscal eyre (for which the kalendar is preserved[3]) it is likely that proportionately a larger number of their junior colleagues served again six years later. Judging by other counties for which there are kalendars of successive Eyres, from a half to two-thirds of the men in the 1255 list had served as jurors in 1249. Judging by the kalendars of other counties and by the names of some of the jurors mentioned incidentally in 1249, there were one or two knights on the juries of the larger hundreds but the great majority of the jurors were substantial freeholders, men with sufficient standing and interest in affairs to be active in the business of their district.

In the 1194 Eyre the Chippenham jurors are said to have recited their *veredictum*.[4] In the 1203 Shropshire Eyre a jury was put in mercy for denying its writing.[5] From the earliest Eyres of Henry III's reign onwards there is abundant evidence to show that the *veredicta* were written; our roll has a reference to the rolls or membranes, *rotuli*, on which the *veredictum* of the Westbury hundred jurors was written (no. 295). In another volume of this Society something has been said in general about the composition of the *veredictum* in discussing one of the earliest surviving examples, from Chippenham hundred in the Eyre of 1281; the *veredictum* of the Battle abbey liberty of Bromham in the Eyre of 1289 is given in the same volume.[6] It is therefore unnecessary to cover the same ground here, but it must be emphasized that for most juries the preparation of their *veredictum* can have presented little difficulty. As leading men of the district, active in the affairs of their hundred or borough, the jurors were men who knew that one day an Eyre would be held and that they would have to answer the articles which, apart from matters of royal right and regulations, were concerned chiefly with deaths, by violence, by accident and in suspicious circumstances, and with appeals of felony; the few other matters of a criminal sort which had to be presented were all remarkable and easily remembered. Nor

were the jurors necessarily illiterate men. They were the men most prominent in local affairs; it is unlikely that any group of this sort did not include some with a measure of literacy. In the 1235 Surrey Eyre a juror of knightly stock got himself into trouble for writing in the *veredictum* an accusation which he could not sustain.[7] A juror in the Hants Eyre of 1249 is known to have been a collector of legal tracts; his son who served in 1256 wrote a compilation which included the summons and articles of that Eyre and much else of a sort useful to men of the same standing of himself, including a little tract, *De Criminalibus Placitis coram Justiciariis Itinerantibus*, designed to help jurors to answer properly the articles of the Eyre on criminal matters and deaths by misadventure.[8] With one, unrepresentative, exception,[9] the earliest surviving *veredicta* come from the Eyres of Edward I and are so elaborate that it seems clear they were based on written records kept in the years between Eyres. It is not unlikely that by the 1240s written memoranda were replacing the tenacious memories of illiterates. In one respect the jurors of the 1240s had to do more than those under Edward I. The ordinary appeal was declining in importance throughout the latter half of the thirteenth century and in the surviving *veredicta* only the briefest details of appeals are given; the plea rolls suggest that for practical purposes the justices were then relying wholly on the coroners' rolls for the record of appeals. In the 1240s this was not so. The tract *De Criminalibus Placitis* expects the jurors to describe appeals in some detail; the roll of our Westbury jurors is mentioned because of a discrepancy between it and what the jurors later said at crown pleas about a detail in an appeal (no. 295); in the 1241 Berks Eyre the justices found that a jury had paid a coroner's clerk 2s. to amend an entry about an appeal in their *veredictum* to agree with the record in his roll.[10] But in view of the very large number of appeals in the 1240s and 1250s, the few occasions on which we find the justices faulting juries for their presentments of them makes it clear that this part of the preparation of the *veredicta* was no more difficult than the rest. In general, if we find justices discovering that juries have not presented a plea or have omitted some substantial part of it, then we shall generally find that some or all of the jurors may have had an interest in concealing the matter. The more we study the omissions and substantial misstatements of fact, the more we are likely to conclude that they were made deliberately and not from forgetfulness. Our justices seem to have found only four matters which juries should have presented but did not. Cricklade hundred had not recorded what seems to have been an old crown plea outstanding from the last Eyre (no. 1), an omission shared also by the sheriff and county court. Rowborough hundred did not present an appeal which was not prosecuted (no. 130) and Downton borough an appeal whose appellor had died (no. 174): possibly these were errors of judgement in the belief that the appeals had lapsed, but they may have been attempts to spare the principals concerned. More remarkable is Studfold's omission of an alleged poisoning of husband by

wife, an event which must have been notorious since the widow had been imprisoned on the charge and then bailed (no. 389). The errors or omissions of details are those commonly found: falsely presenting the finder of a corpse (no. 25); undervaluing a suicide's chattels (no. 153) and saying that Englishry had been presented when it had not (no. 59); in three other cases (nos. 113, 163, 429) juries were found to have erred in some unspecified way in presentments.

The form of the *veredictum* is impressed on the crown pleas roll, for in these rolls each hundred or other community separately represented before the justices always had a section to itself. In the rolls of the first quarter of the thirteenth century these sections were commonly headed *Veredictum Hundredi de N.* In the 1230s this formula was gradually ousted by another: *Hundredum de N. venit per xij.* The new formula had become almost universal in the surviving rolls from William of York's circuit in the visitation of 1240-1; it is found in all the rolls of our visitation; and remained the normal formula. The entries, prefixed by paragraph signs, were arranged under this heading. In general, criminal business from the presentments seems to be arranged in roughly chronological order and precedes the presentments under the other articles and the criminal business from the *privata.* As we have already remarked, some clerks introduced presentments under articles, except no. 2, by a brief phrase or short heading; others preferred to make the gist of the article the object of some such formula as: *Juratores dicunt quod A. B. . . .* Our clerks generally used the former method. Nil returns to articles were not copied; otherwise the only doubt whether everything in the *veredicta* was entered in the plea roll concerns deaths by misadventure. With the *veredicta* of Edward I's time for which comparable plea rolls exist we find that cases of misadventure which demanded no action from the justices were generally not copied into the plea roll. In some early rolls of Henry III's time we find notes which suggest the same. In the 1221 Gloucester Eyre the clerk wrote of a jury 'they say nothing under the other articles, save about misadventures'.[11] In the 1227 Kent Eyre the presentments of a small liberty were dismissed as 'nothing save two misadventures'; another was noted as 'nothing under the crown pleas save misadventures'[12] It is uncommon to find in the rolls of the 1240s cases of misadventure in which the justices had not to make some order: there are only two (nos. 19, 265) out of some 58 cases of presented misadventures in our roll. It is therefore possible that some cases of misadventure in our juries' *veredicta* were not recorded in our plea roll.

The following analysis of the presentments is an attempt to indicate the amount of the various sorts of business; it is not of an absolute statistical value since in some details it gives precision to what in itself is imprecise. The main categories are self-evident and are considered in detail in further sections; some matters, for example escapes and abjurations, might be presented subsidiarily and are shown accordingly.

Nature of Presentments	*Entries*	
	Main content	*Subsidiary*
Royal feudal and proprietary right (arts. 4-9, 37, 41, 45)	44	—
Royal prerogative, regulations etc. (arts. 10-14, ?15, 20, ?26, 28, 32, 38)	66	17
Criminal matters:		
Abjurations and determined cases		
Abjurations	41	8
Determined cases (including appeals)	35	7
Homicide and Suicide		
Homicide	53	—
Suicide	4	—
Murder		
Judgement of murder awarded	20	—
Homicide by unknown illdoers	27	—
Other Matters		
Miscellaneous criminal matters (including arts. 19, 22)	19	—
Felons' chattels (nos. 14, 519, 532)	3	—
Appeals (including determined appeals)	102	2
Misadventure	58	—

PRESENTMENTS: ROYAL RIGHTS

Articles concerning royal wardships, marriages, churches, escheats and serjeanties were among those which jurors had to answer in 1176 under the assize of Northampton. They remind us that in the twelfth century the major visitations to adminster royal justice were applied to other royal matters such as tallaging the King's demense manors and boroughs and maintaining the King's right as a feudal overlord. The answers to these articles were copied from the crown pleas roll into a small roll or estreat which was

delivered to the exchequer. From the visitations of 1218-9 and 1226-8 original estreats of this kind survive from some 20 and 17 Eyres respectively, including one from the lost roll of the 1227 Wilts Eyre.[1] These estreats, along with similar matter, were kept at the treasury and about 1302 those still available were copied into the great exchequer feodary know as the *Book of Fees*. The only copy of an Eyre estreat after 1228 in the *Book of Fees* comes from the Norfolk and Suffolk Eyres of 1234-5; no original estreat later than 1228 seems to have survived. It is likely that such estreats continued to be made and sent to the exchequer, at least up to the visitation of 1254-8; but it is doubtful if those from 1246-9 were of much use to the exchequer. For very full information on these and allied topics, government was now relying in part on enquiries conducted by special commissioners or by the sheriffs and in part on a permanent system of escheators. In 1237 and 1244 there were special enquiries into serjeanties and Normans' lands while in 1247-9 there was a special eyre for the arrentation of serjeanties; in 1242-3 there were several enquiries into fees in connexion with fiscal liabilities for the Gascon expedition. In 1255 there was to be a special eyre concerning royal rights and in 1257-8 special enquiries into those evading the obligation of knighthood. Moreover, since the 1230s a system of escheatorships had been created whereby officers solely responsible for this work, assisted in each county by under officers who were usually knights, maintained effective control of lands held in chief by inquests held on the death of tenants. For these reasons the usefulness of the Eyre presentments to these articles declined steadily in the latter half of Henry III's reign. For counties as a whole they tend to be incomplete, especially in the visitation of 1261-3; in detail they are often inaccurate.

Nevertheless, some additions were made to these articles. One, concerning escheats of Normans' lands, was added for the visitation of 1239-41; in these years Henry III's policy had the recovery of Normandy as an important, if chimerical, aim. Normans' lands were the English lands of Normans and other Frenchmen who, after the loss of the Duchy, preferred allegiance to the King of France; the lands had been granted away by John and Henry III as escheats, not in fee. If Henry III had recovered the Duchy, the Norman or other French heirs of those who had held under John would have had a claim to these lands if they accepted Henry III's allegiance. Some clarification was necessary: hence the enquiries of 1237 and 1244 and the introduction of this article. Another, introduced for the visitation of 1246-9, required the names of squires or country gentlemen, *valetti*, who held whole knight's fees or £20 worth of land but had not been knighted. Maitland thought that 'twenty librates of land as the proper provision for a knight' was but a 'vague theory'.[2] He did not remark this article nor the steps taken by government in the 1240s, especially after the Gascon expedition, to ensure that well-to-do country gentlemen shouldered their obligations. In particular, between March and June 1245 there were a number of attempts to reach

a satisfactory definition of the property qualifications for knighthood, apparently in preparation for the great knighting at Whitsun and the Welsh campaign which followed.[3] The value of lands settled on was £20 and, as we have noticed, the clerks frequently abbreviate the article to 'about those who have £20 worth of land and are not knighted'. The object of the article seems to have been to apply pressure to substantial country gentlemen either to pay a fine for respite of knighthood or else to take up knighthood with its administrative, as well as its somewhat outmoded military, obligations.

While the presentments about wardships, marriages, churches and serjeanties did not normally lead to action by the justices, those about escheats often led to an order for the land to be taken into the King's hand if there was any doubt about the title by which it was held, as in nos. 380 and 513. This would be a first step to persuade the tenant to vindicate his title, compound for any irregularity by a fine or purchase a new charter. Pressure was similarly applied to unknighted squires (nos. 84, 257) one of whom escaped because he was still a minor in the King's ward (no. 34).

With purprestures the justices were not limited to the mere ordering of process. Until the introduction of article 27, on general innovations, the article on purprestures covered a wide field of infringements of royal rights. Since then it had become confined to alterations of physical features such as roads, watercourses and boundaries, or some interference with customary rights. All lords had to deal with such infringments and either reverse what had been done or else exact a fine or rent for permission for the alteration to remain. The expanding agriculture of the thirteenth century made purprestures within royal forests a source of revenue, and in towns extensions to shops and houses similarly produced purpresture rents for the borough. In Eyre the person presented had to show some warrant for his action and if he could not do so or did not appear he would be put in mercy; the sheriff would be ordered to inspect the purpresture and, if it involved some physical change, see that what had been altered was reduced to its former state: nos. 12, 267, 399c, 399d, 400. A small purpresture was ordered to be seized only, no. 304; perhaps its occupant had a chance to fine for its retention. Another involved the customary meeting place of Kingsbridge hundred, no. 267. The most illuminating show a clash of interests between the villein tenants of the royal Barton of Marlborough and a royal bailiff who was a prominent Marlborough merchant, Nicholas de Barbeflet: nos. 399 A-D. Nicholas parried two presentments about watercourses by producing a warrant for one case and asking for an inquest in the other; but his defence failed when it came to infringements of pasture rights.

We have seen that an article introduced for our visitation required information about hundreds farmed. It was the normal practice for sheriffs to arrange for the farming of royal hundreds as it was for the chancery to arrange for the farming of royal manors. The article was not directed against the practice but was fact finding, to see if the hundreds concerned

had been let at a reasonable farm. The justices seem to have taken no exception to what was presented on the letting of the hundreds of Branch with Dole, Frustfield and Cadworth (nos. 474, 500, 507), about which something more is said in the relevant notes.

INFRINGEMENTS OF ROYAL PREROGATIVES AND REGULATIONS

Various groupings of the more miscellaneous non-criminal articles of the Eyre have been suggested by scholars concerned with the increasing number of articles in the latter part of Henry III's reign and the huge block of additions made in 1278. Maitland grouped them into those which concerned the assumption of franchises on one hand and the misdeeds of royal officials on the other. Some such grouping might be necessary in dealing with eyre rolls of 1246-9 in which there are presentments under most of the articles added since 1239; it is hardly needed for the rather meagre presentments of our roll.

The King had a prerogative right to discovered treasure. Sir George Hill's *Treasure Trove in Law and Practice* has dealt authoritatively with the subject. Seeking hidden treasure without royal leave or concealing hidden treasure that had been found by chance were matters which the coroner had to investigate just as he investigated deaths, so to that extent the offence looks like a felony and Bracton classes it after *lèse majesté* and forgery among the most serious crimes: 'a serious presumption against the King, his crown and dignity.'[1] However, in thirteenth-century practice it was a matter to be dealt with by confiscation of the treasure and amercement of the finder (no. 440). A characteristic of about half the Eyre presentments of treasure trove is their inconclusiveness. Three of our cases are of this sort (nos. 353, 375, 437): something may have been found and dug up but the justices can do no more than the coroners in getting to the bottom of the matter, though in one they ordered a further enquiry (no. 375). In another case (no. 167) the find had been made in a Winchester episcopal manor, whose steward had claimed it, a claim reserved for discussion. The terms of the bishop's charter of 23 March 1208 are vague but may be held to have covered this right.[2] The last case seems to be a plain one of a country gentleman digging for treasure (no. 440); he and his assistants had already been imprisoned and, for a fine, released by the sheriff; they were again gaoled until they made a smaller fine in Eyre.

The King's prerogative included the right to publish assizes or regulations prescribing the prices at which wine was to be sold and the measurements of cloth. We know less than we could wish about the details of these assizes in the early thirteenth century, largely because few of the letters close which periodically fixed the rates for wines were enrolled. On 7 Feb. 1237 maximum prices were fixed at 8d. and 10d. a sester (4 gallons) for French

(*i.e.* non-Gascon) white wine and for red wine respectively, but for places 20 leagues or more distant from the nearest ports used by the wine fleets maxima of 10d and 12d. were permitted; letters in pursuance were sent to the bailiffs of Marlborough, New Salisbury and Wilton as well as to the sheriff of Wiltshire.[3] The assize of wine published on 18 March 1243 fixed rates of 8d. a sester for red wine and white Berry wine and 6d. for French (non-Gascon) wine, for the southern counties, and rates of 10d and 8d. for the midlands, East Anglia and the north, which were farther from the main ports used by the wine fleets.[4] Probably prices at about these rates prevailed in 1249. The assize of cloth and measures published in 1197 regulated the size, not the price; this was fixed at 2 ells (about 45 or 46 inches) exclusive of the selvedges and was repeated in Magna Carta, so it presumably remained in force in 1249.[5]

In our roll, as in most others of the period, the presentments of vintners and clothiers as enrolled say no more than that they have sold contrary to the assize; under Edward I, by contrast, it was the practice to state the number of tuns so sold. In all, 12 drapers and 26 vintners were presented in 1249 and put in mercy. In 3 cases a merchant was both vintner and draper so only 35 persons were concerned. Of these, 11 operated at New Salisbury, 9 at Wilton, 3 at Malmesbury, 2 each at Amesbury, Calne, Marlborough and Mere, 1 each at Bedwyn, Bradford-on-Avon, Devizes, Melksham hundred (probably at Trowbridge), Old Salisbury, Upavon and somewhere in Heytesbury hundred. One of the Wilton vintners was a woman; the clothiers were at New and Old Salisbury and Wilton only. The evidence provided by peccant vintners and drapers has been neglected alike by economic and local historians though it is easy to assemble matter for a particular county. It may therefore be useful to compare the facts of 1249 with those found in the other Wiltshire Eyres. In 1194 there were only two presentments, of Marlborough vintners. In 1268 there were 16 presentments of clothiers and 42 of vintners, the former being at New Salisbury, Marlborough and Wilton only. Of the 46 persons concerned, 19 operated at New Salisbury, 8 at Wilton, 5 at Marlborough, 4 at Devizes, 3 at Cricklade, 2 each at Malmesbury and in Whorwellsdown hundred and 1 each at Downton, Trowbridge and Warminster. In 1281 there were ten presentments of drapers, at New Salisbury, Devizes and Marlborough only, and, owing no doubt to the abnormally long period of 13 years since the previous Eyre, some 64 of 60 vintners, 3 of whom were presented under 2 or more places. The total number of tuns sold against the assize was some 427, of which 92 were in New Salisbury, 81 in Wilton, 51 in Marlborough, 40 in Devizes, 35 in Amesbury and 32 in Cricklade. There were 14 vintners in Wilton, 13 in New Salisbury and from 1 to 3 at some 17 or more other places, some of the hundred presentments being difficult to locate precisely. In 1289, with a more normal interval since the last Eyre, there were presentments of 9 drapers, at New Salisbury and Wilton only, and 48 of 46 vintners. The total number of tuns

was some 594, of which 305 were in New Salisbury, 125 in Wilton, 43 in Marlborough and 23 at Bradford-on-Avon. There were 11 vintners in New Salisbury, 5 in Wilton, 4 at Bradford and from 1 to 3 at some 18 or more other places; the vintner with the largest number of tuns in both 1281 (33) and 1289 (199) operated at both New Salisbury and Wilton.

Assizes of watch and ward, or police regulations, were published from time to time, especially when the King was overseas, in the form of letters close addressed to the sheriffs. In 1249 the most recent publication was that of 20 May 1242, as we have already noted. Among its provisions was one that strangers should arrive and leave in daylight; article 10, which asked for returns of those who inflicted money penalties on hosts who had entertained strangers contrary to this assize, seems to be the article under which a presentment (no. 469) was made against the bailiff of Dole hundred, who had taken 20s. from a host whose guest had left stealthily by night, leaving a horse which had been stolen and whose owner had since recovered it. Possibly the complaint here was at the scale of the amercement, for amercements on those 'who gave hospitality contrary to the assize' were imposed regularly in the bishop of Winchester's franchise courts in the years 1245-9, but on scales generally varying between 6d. and 4s.[6]

Regulations designed to bring all money exchanges under royal control are a rather unexplored subject. It was not until the recoinage of 1247 that presentments under article 20 on this matter are found in the extant rolls. Matthew Paris suggests that at this time the law was greatly strained: anyone who obliged a friend going on a journey by changing money for him was regarded as holding an unlicensed exchange. But those presented in the Eyres of 1246-9 seem to be all merchants or tradesmen, like the Bedwyn goldsmith presented under this article (no. 362), whose arrest was ordered. In 1251-2 there was to be a special nationwide enquiry into coinage offences.

Although the article 32 on the escape of thieves and illdoers from custody was not added until the beginning of Henry III's reign there are a few earlier presentments which concern escapes, and the interest of the crown in the escape of convicted or suspected criminals went back long before the early thirteenth century. Nevertheless it seems that the reign of Henry III saw a real increase in the crown's control of these matters. Most of the escapes were presented as incidents subsidiary to the main matter of a criminal presentment, so instead of finding entries headed *de evasione latronum*, or the like, our attention is drawn to escapes by the marginated *evasio*. However there is one case (no. 565) concerned wholly with those who had assisted clerks to break out of the bishop of Salisbury's gaol. The sheriff was answerable for escapes from the county gaol, unless there was a responsible gaoler. Two entries (nos. 18, 99) suggest that the county gaol at Salisbury castle received a gaoler in fee in William le Champiun after the retirement of Nicholas de Haveresham from the shrievalty in 1246; there do not seem to

have been any escapes from the gaol between then and 1249. The lords of liberties were answerable for escapes from their prisons. So we find mention of the prisons of the bishop of Salisbury at New Salisbury (nos. 564-5 and *cf.* note 562), of the abbot of Glastonbury at Christian Malford (no. 51), of the abbess of Shaftesbury at Bradford (no. 139), of the prior of Winchester at Enford (no. 243), of the lady Parnel de Tony at Britford (no. 531) and a prison in Wilton which seems (nos. 101-2) to have been under the control of the abbess's bailiff's since in another Wilton case (no. 104) the earl of Cornwall's bailiffs are specifically mentioned in conjunction with those of the abbess. If the prisoner had been committed to the custody of a township (nos. 38, 88, 114, 210, 393) or of a tithing (nos. 66, 164, 177) the community itself was answerable. In three of these cases a prison is mentioned (nos. 114, 210, 393) which suggests an enclosed building but the resources of most villages can hardly have extended beyond the stocks, which are often mentioned in appeals of wrongful imprisonment (*cf.* no. 58) and the like. Liability for escape was normally met by an amercement.

We have noticed that an article on the withdrawal of suits of court was introduced for the visitation of 1239-41. A remark in Matthew Paris's uncharitable obituary of William of York suggests that William may have been responsible for introducing this article,[7] though it may mean no more than that the officials of St. Albans first became aware of the article when attending William's 1240 Herts Eyre. Suit of court had taken root in the land: some estates were burdened with it, others not. It had a value which could be assessed in cash. Thus in 1242 Sir Richard de Rokele secured a life exemption from suit of county and hundred courts in the three counties where he held lands.[8] One of these was Wiltshire, where he held Market Lavington, and in the sheriff's particulars of account for 1246 among the items of losses to the sheriff in respect of various grants is one of 13s. 4d. in respect of sir Richard's grant.[9] There was a constant pressure on the part of those who owed suit to extinguish or modify the obligation. So in 1247 John de Helsefeld' made a bargain with Margery de Rivers about the suit which he and his men owed to her hundred court of Highworth at Sevenhampton.[10] For a rent of gilt spurs or 6d., he and his men became excused from the three-weekly court and had only to attend the half-yearly major sessions, about Martinmas and Hoketide, when views of frankpledge were taken, paying 12d. at these sessions for all services, suits, amercements, customs and exactions 'so that John and his heirs and his men shall for the future in no wise be troubled in the same court.' Usually such bargains stipulated not only for attendance at the half-yearly major sessions but also on the rare occasions when there was matter of especial importance at the routine sessions, either civil—a plea on a royal writ,—or criminal—the trial of one accused of felony, normally a thief. John's bargain was over suit to a court in private hands. Such suits, and those due to courts in the King's hands, could be remitted by bargain or freely. Sir Richard de Rokele was

serving with the King in Gascony when he obtained his life grant and does not seem to have had to pay anything for it. Many royal servants—judges, diplomats, administrators—obtained similar life exemption and not a few secured such exemption for friends and patrons. Because such exemptions, by free grant or bargain, were widespread, it was necessary to ensure that exemptions were not secured without leave, through the connivance of local officials: hence article 38. The jurors of Swanborough accused the sheriff of conniving at the withdrawal by the town of Upavon of suit of county and hundred court (no. 429); however, the sheriff showed that a rent which he received from the town was not a bargain which he had illegally made to compound for these suits but the share due from the town towards the county farm, presumably for such incidents as tithingpenny, sheriff's tourn and sheriff's aid. The township was ordered to be distrained to do the suits but in fact its lord soon secured a respite of this order (note 429). The other presentment under this article (no. 306) shows the precentor of Salisbury, to whose dignity the living of Westbury was attached, creating a small liberty in Westbury with the cooporation of some of the men of the town; judgment was given against both the precentor and the townsmen. It is, perhaps, a little surprising that the justices entertained this presentment, for Westbury was a private hundred. When the jurors of a private hundred presented a withdrawal of suit in the 1244 Devon Eyre, Thurkelby put them in mercy for a foolish presentment because the hundred was not in the King's hand and told the countess of Devon, to whom the hundred belonged, to sue by writ if she wished.[11] The writ *de sectis subtractis* was available to lords for litigation about suits of court withdrawn.

Three presentments have to do with the conduct of hundred bailiffs. The first (no. 171) is headed *de prisis*, though the articles normally indicated by this heading (arts. 26, 46) have to do with entirely different matters. It seems possible, however, that the original narrow meaning of article 26 had been lost sight of by our jurors and that they believed all three presentments fell under that article. In the first case we have a list of amercements imposed on 7 persons in connection with a case of homicide and what seems to be a fine from one accused of larceny for release to sureties (no. 171); the bailiff concerned had been in charge of one of the Winchester episcopal hundreds while these were in the King's hands *sede vacante* and after enquiry it was found that the moneys concerned had been properly accounted for so this ex-bailiff, who had proffered a fine after being taken into custody, probably did not suffer. The other cases concern the bailiff of the jointly-adminstered hundreds of Branch, Dole and Cawdon. Since the juries of each of these hundreds made a presentment against him (the first under article 10, already discussed) it seems likely that he had made himself unpopular. In one case (no. 533) he was presented as taking 'by undue extortions' animals and a goose from two persons for offences unspecified; in the other (no. 546) he had accepted a fine of 2s. from a suspected thief for permission to find sureties.

The note *ad judicium* was made against him under both presentments so that it is probable, though not certain, that he had to make a fine.

Lastly, the summons of the Eyre commanded the attendance of all who were used and ought to come before the King's justices at the opening of an Eyre. In all courts which had bodies of suitors, owing attendance or suit of court, those suitors who did not attend were automatically liable for amercement, unless they had some warrant for their non-attendance. Up to and including the abortive visitation of 1232 it was possible to make an essoin of the common summons, some rolls including special lists of such essoins.[12] From the visitation of 1234-6 onwards this was not allowed. For the visitation of 1246-9, from the autumn of 1247 onwards, we find quittances of common summons entered on the close rolls in favour of a few great magnates or prelates; no fines were payable for these but the recipients presumably had to pay fees to the chancery officials. None is recorded for our Eyre but it seems likely (note 518) that one prelate did secure a quittance. For later Eyres quittances were issued but they were never very numerous, being confined chiefly to magnates, prelates and royal servants. For such country keeping knights and freeholders as had no cause to attend under civil or crown pleas it was no doubt cheaper to default and suffer an amercement than to pay chancery fees for a quittance or bear the expense of a journey to Wilton. The article on defaults must have been among the articles of the Eyre from the first; its position in the earlier sets fluctuates: it probably was put about its eventual position, as article 28, in the course of the 1220s or early 1230s, since most of the articles introduced in visitations up to 1218 come before it and those from later visitations nearly all follow it. In all, some 133 persons and 2 tithings were presented for default in our Eyre; 12 of the persons were presented by more than one jury but in the case of some of the greater magnates, with estates in several hundreds, they could have been presented by more juries than did so. As we have seen, one defaulter had a writ of quittance; 2 were noted as being ill (no. 123); the remaining 130 and the tithings presumably suffered an amercement. The defaulters including 3 earls, 11 heads of religious houses and some 40 barons and knights. We have indicated in notes the estates held by defaulters in the hundred by whose jury they were presented, where these are readily ascertainable. It will be seen from these notes that most juries presented men of the rank of prominent freeholders or above. Of the 38 hundreds, 10 made no presentments of defaulters; in contrast to many Eyres, none of these juries was found by the justices to have concealed defaults. Of the 14 other districts only 1 made presentment of a defaulter (no. 281) and he was their lord whose absence, as the jury must have known, would be noted by several other juries.

ATTACHMENT AND BAIL

Before turning to consider the mass of matter presented under the article on crown pleas which had emerged since the last Eyre and the other criminal articles it may be useful to say something of the system of attachments and bail, which was designed to secure the appearance of those concerned in matters cognizable in Eyre.[1] We usually read in Eyre rolls of attachments and bail either when sureties or bailors had failed to produce their principals or when coroners and sheriffs had failed to discharge their duties in attaching by sureties or committing to bail. The frequency with which we find sureties for prosecution being put in mercy for failure to produce their principals tends to obscure the fact that in general the system was reasonably efficient. It brought into Eyre most of those who could be brought in matters which were presented. It did not bring into Eyre all those concerned in appeals who could have been brought; but appeals were actions between parties and like civil actions on writs they could be compromised, dropped or left undefended at the ultimate cost of the principals so, as in the civil actions, many principals defaulted or withdrew.

In all cases of death in violent, suspicious or accidental circumstances, in cases of rape and more serious affrays and disturbances that were the subjects of appeals, and in cases of treasure trove it was the coroner's duty to hold inquest. If those found by inquest guilty of homicide were present or were arrested they would be handed over to the sheriff for keeping in the county gaol. The rest, those charged with offences other than homicide, those present at fatal scenes (e.g. nos. 113, 121 etc.), those closely connected with one found guilty of homicide (e.g. no. 288), and the first finders of corpses would be attached by sureties 'to the first session of the King's justices when they come to these parts', that is, to the next Eyre, when the sureties would be amerciable if they failed to produce their principal. Appellees were similarly attached either at inquest or at one of the four county courts to which they were summoned before sentence of outlawry could be pronounced on them. Appellors were not attached, but like litigants in most civil actions they had to give surety for prosecution. In default of action by the coroner the sheriff had to hold inquest (no. 229) or make attachments (no. 335).[2] It seems likely also that the sheriff would make a few attachments as a result of cases presented to him in his half-yearly tourns of the hundred courts and that the bailiffs of those hundreds and liberties within hundreds which excluded the sheriff might similarly have to make a few attachments at their tourns.

In the great majority of cases 2 sureties were required. Occasionally a single substantial surety was accepted (no. 502). For villeins and for some matters the tithing or tithingman might be used. For more serious offences alleged in appeals it was usual to demand more than 2 sureties: we have

examples of 3 in cases of rape and battery with robbery, 5 in a case of battery with burglary and robbery and 6 in an approver's appeal of consorting with illdoers.

If the accused had been arrested and imprisoned, attachment could not be made without the warrant of a writ *de replegiando, de homine replegiando* or a writ of bail, *de ponendo per ballium*.[3] The writ of replevying a man had by the 1240s been long a writ of course—when it issued chancery did not enroll it—so we know little in detail about its operation. The writ authorized the sheriff to deliver a prisoner by attachment provided that he was not imprisoned by order of the King or of his chief justiciar, nor for a death or an offence against forest law, nor for any other offence whereby, according to the custom of England, he was not repleviable. The commonest irrepleviable offences were homicide and larceny where the thief was taken with the mainour, the thing stolen. The justices in the 1247 Northants Eyre noted *ad judicium* against the sheriff who had received a writ *de homine replegiando* in favour of a thief arrested with 11 stolen hams and had thereupon attached him by 6 sureties: 'because this writ was no warrant for replevying one taken with the mainour'.[4] A man accused of forgery, found with forged coins about him, had been imprisoned in the Berkshire gaol; the gaol delivery justices acquitted him on a verdict of the jury: the justices in the 1248 Berks Eyre similarly noted *ad judicium* against the gaol delivery justices for delivering one taken with the mainour.[5] But such cases were much less common than homicide, which was the commonest irrepleviable offence to be considered in Eyre. If a person was imprisoned in a liberty there was a special form of the writ *de homine replegiando* which permitted the sheriff to enter the liberty to release the prisoner. The sheriff may have been acting under such a writ when he effected the delivery of two men from liberties (nos. 242, 270).

A man imprisoned on a charge of homicide could be released only on a writ of bail. If he had not been the subject of an appeal the writ could be issued immediately. If he had been appealed the writ could issue only after a preliminary inquest on a writ *de odio et atya*[6]; an example of this writ and a resulting inquest is given in note 40. The writ *de odio et atya*, developed in the days when appeals led to duels or ordeals, ordered the sheriff to hold inquest to find whether the prisoner was appealed by spite and hatred or truly. If the inquest returned that the appeal was out of spite and hatred then a writ of bail would issue; if not, the accused was retained in gaol. The writ of bail commanded the sheriff that if Adam Brun, taken and detained at our prison (or some other prison, *cf.* note 562) at N. for such and such a crime (here would come a reference to the appeal and inquest *de odio et atya* if such had been held) could find 12 free and lawful men of the county who would undertake to have him (*qui eum manuceperunt habere*) before our justices itinerant at the first sessions when they come to those parts, to stand to right on the charge (*ad standum inde recto*) then the

sheriff should deliver him in bail to those 12 until the coming of the justices.[7] The bail writ at this date was not a writ of course, so the writs were enrolled on the close rolls; but, as with similar instruments, the enrolment was not exhaustive. Bail writs are known to have issued in 12 cases in our roll and in one other matter related to a case in our roll. Of these, 3 are not on the close rolls; on the other hand there are 4 Wilts bail writs on the close rolls between 1241 and 1249 which are not matched by a case in our roll.[8] In 6 cases, involving 8 persons, the bailors did not produce their principal on the first day of the Eyre and so were technically amerciable: hence they are named in the roll. All but one of the 8 were produced for trial. In the other 6 cases the bailors must have produced their principals on the first day since the roll says nothing about the bailors or, indeed, of bail having been granted. In addition, one inquisition *de odio et atya* resulted in a recommendation to bail but there is no writ in pursuance on the close rolls. In this case, despite the inquest's favourable verdict, the accused was found guilty and hanged, as in 2 other bail cases; the single defaulter was also found guilty in absence; the rest were all acquitted.

The coroner had also to secure that the value of fugitives' and felons' chattels was answered in Eyre and similarly that the value of the banes which caused accidental death was answered so that they could be declared deodand. Some cases in the 1247 Warwick eyre suggest that as much as possible was put under lock and key;[9] that the four next townships carried out a valuation and the coroner an inspection.[10] The chattels would then be entrusted to tithings (no. 57) or townships to produce in kind or cash at the next Eyre.

We have mentioned that one of the two reasons which gave enrolling clerks occasion to mention attachment and bail was failure by coroners and sheriffs to discharge their duties. It is to be expected that we would not always find the rules being observed: negligence or even corruption might cause officials to break them. But the evidence, even if confined to Eyres of the visitation of 1246-9, suggests something different from occasional negligence and corruption. It suggests that county courts, sheriffs and other officials seemed to consider that they could exercise their discretion in modifying the rules to suit particular circumstances, such as when the charge seemed insubstantial, or even frivolous, or when the person making the charge had procedural advantages, such as a woman or a clerk. We see this readily in irrepleviable offences: one of the commonest reasons for counties or officials to be put in mercy or to have *ad judicium* noted against them was for dismissing accused by sureties without warrant. Henry of Bath himself, when sheriff of Hants, had so acted in failing to imprison men appealed of homicide; when the 1236 Hants Eyre was held the appellor withdrew and the appellees were acquitted: it seems likely that Henry considered the appeal weak or malicious and so declined to put the accused to the exacting course of imprisonment, suing out a writ *de odio et atya* and

then a writ of bail. But William of York and his colleagues had to note *ad judicium* against Henry.[11] The 1247 Bucks Eyre furnished an example about the other frequent irrepleviable offence. A man left a foal in a friend's keeping so long that by the time he wanted it back it had matured and had a foal itself; the keeper refused to return it, for reasons not mentioned. So the owner brought an appeal of larceny against the keeper who was, of course, taken with the mainour since the two animals were in his keeping. The sheriff and coroners attached the keeper by 6 sureties. So in Eyre they had *ad judicium* noted against them, the keeper being acquitted and the owner making ½ mark fine for a false appeal.[12] Similar cases, all resulting in notes *ad judicium* were: against the county and sheriff of Dorset in the 1244 Eyre for attaching a man appealed by a woman of homicide;[13] against the county of Leicester in the 1247 Eyre for delivering to the custody of a tithing a man accused of aiding homicide;[14] against the sheriff and coroners of Bedfordshire in the 1247 Eyre for committing accused servants of a Templar preceptory to the custody of knights of the preceptory;[15] against the clerk of the sheriff of Herts in the 1248 Eyre for delivering to the bishop a clerk accused as an accessory of homicide;[16] against the county of Gloucester for attaching by a tithingman and tithing a man and his sons appealed of homicide;[17] against bailiffs of Abingdon liberty (a high immunity) in the 1248 Berks Eyre for dismissing by sureties those appealed or suspected of homicide.[18] Sometimes attachment had been made by 12 sureties as required for bail.[19] Sometimes it was by 6 sureties.[20] We have noticed the rule on irrepleviable offences being invoked against Berkshire gaol delivery justices; in the 1249 Devon Eyre it was similarly invoked against Exeter gaol delivery justices who, on a verdict of not guilty, had acquitted and discharged many men appealed by a woman of her daughter's death.[21] There are three cases of this sort in our roll. The Cricklade bailiffs seem to have found a man who had received stolen cattle; they held the plaint whereby the owner recovered the beasts but dismissed the receiver by sureties (no. 8): probably they considered he had obtained the oxen in good faith. A Chelworth man died, as his widow alleged, through rough treatment when put in the stocks by manor officials (no. 58). The bailiffs attached the officials by sureties, who produced their principals in Eyre, by which time the widow had decided to withdraw her appeal. The justices ordered the liberty to be taken into the King's hand, for attaching without warrant, and they gaoled the accused. They then found that the bailiffs had been instructed by the coroner to attach the accused but instead of making an order against the coroner they reserved the matter for discussion. The accused emerged from gaol to be acquitted and it seems likely that the coroner took the action he did because he believed the woman's accusation to be insubstantial. Lastly, a man had been appealed of rape and found guilty in absence in the 1241 Eyre (no. 365); he had accordingly been ordered to be put in exigent. He returned, apparently before outlawry was pronounced, whereupon the county court and sheriff

attached him by 2 sureties; *ad judicium* was therefore noted against them for dismissing the man under such a pledge. Unlike most of the other cases we have cited, there seems to have been no doubt of the accused's guilt, for he again defaulted in 1249. The authorities had erred in not demanding more sureties but, as some of the other instances show, authorities were generally inclined to be lenient with men appealed by women. The only case which seems to be one of negligence concerns the sheriff (no. 127) who had received, apparently from the bailiffs of the royal half of Rowborough hundred, 2 men accused of housebreaking who had confessed to the bailiffs that they were burglars; he had nevertheless attached them by sureties without the authority of a writ. The sureties did not produce the men, who were found guilty in absence.

Disregard of the rules is to be found in such matters as not attaching the first finder or others concerned in cases of misadventure, or the bystanders or neighbours in a case of homicide. There was a typical case of the former in the 1244 Dorset Eyre.[22] The first finder of a corpse was a lay brother of an abbey, who informed a local man; the sheriff who held the inquest attached the latter, probably to spare the laybrother and his house the trouble of being concerned in a routine case of misadventure. There are a number of similar cases in which the real first finders or others concerned in cases of misadventure were not attached.[23] There are three examples of this sort in our roll (nos. 187, 378, 394) where bailiffs of liberties had failed to attach. Non-attachment of bystanders, witnesses and others concerned in cases of homicide might arise from the exercise of discretion by sheriffs and coroners but were often the result of disputes over jurisdiction;[24] the murder in 1245 of the distinguished Oxford canonist master William of Drogheda produced a crop of jurisdictional disputes over failure to attach and release without warrant.[25] In the only case of the sort in our roll (no. 335) the sheriff had failed to make attachments but the coroners did so, the men being eventually acquitted.

Disregard of the rules of attachment and bail seems on occasions to bring the matter into the fields of holding crown pleas without warrant or of trying a case without effective judgment. Sometimes the record merely says that a local court permitted the accused to go away, as with the bailiffs of liberties in the 1247 Northants and 1248 Sussex Eyres.[26] Strangers arrested on suspicion of stealing sheep or cattle which they were driving might be released to seek warranty.[27] More often the bailiffs concerned have imposed a fine or amercement on either the person concerned or on the person or community which charged him. A Northants knight at a clerk's plaint caused suspected thieves to be put in the stocks till they found sureties to stand to right in his court; when the clerk withdrew his action the knight had him amerced 2os. and released the accused.[28] A Northants hundred bailiff in dealing with a petty thief, accused of stealing a 3d. tunic, took a fine of 2 marks from the men of his township 'for not vexing them' and

dismissed the accused.[29] The sheriff of Gloucestershire, dealing with a man in whose company another had been slain, accepted a fine of 40s. from him 'not to be arrested and to be under sureties.'[30] The bailiff of Branch hundred, dealing with a stranger arrested on suspicion of cattle stealing, took 2s. from him for attachment by sureties (no. 546). Sometimes this sort of action merges into suspected bribery, as when a Herts manor serjeant received clothes worth 3s. from a thief and let him go away.[31]

On occasion, where thieves are concerned, the justices in noting *ad judicium* against an official or court use the phrase 'separating the theft from the thief' or 'separating the thief from his theft'. Thurkelby and his colleagues used it against the sheriff of Northants who had dismissed by sureties the thief taken with the 11 hams. Henry of Bath and his colleagues used it against the steward and court of the liberty of St. Albans (a high immunity) who had dismissed by 12 sureties a thief who had stolen a hauberk.[32] They used it again in our Eyre in considering the conduct of William Mauduit's court of Warminster (no. 323) which had heard a case against thieves who had stolen money from a merchant's saddle-bag, had restored the money to the owner after amercing him 40s. for a procedural fault and then, having secured the profits of justice, had sent the thieves to the county gaol without executing judgement on them, although the liberty had the right to hang thieves and a gallows for the purpose. The abbess of Wilton's court had seized a disputed horse and cart without trying the case (no. 431); a royal hundred bailiff had held a plea about a disputed crop which he had restored to the plaintiff because of the defendant's persistent default (no. 373).

These matters have been discussed at some length because the modern reader should be on his guard against assuming that cases involving a disregard of the rules of attachment and bail are evidence of negligence or corruption on the part of the officials or local courts concerned. Some negligence and occasional corruption there may have been, but it is likely that most of such cases are rather evidence of the contest still continuing in the 1240s between the jurisdiction of the King's justices on the one hand and the jurisdiction of county courts and sheriffs, lords of the greater franchises and their officials on the other, a contest complicated because the contestants on each side shared two often incompatible aims: the preservation of peace and order whereby through due process of law the guilty might be punished and the innocent be untroubled; the maintenance of the profits and prestige of authority and jurisdiction.

THE TRIAL JURY

Although matter came before the justices at crown pleas in three different ways there had, since 1218, been virtually but one form of trial in presentments, indictments and criminal appeals alike: the jury. This jury was

normally composed of the presenting jury afforced by representatives from the four townships next the accused's home or scene of the crime. The townships had been associated with the twelve presenting jurors in the original indictment process of 1166; they were represented by four men and the reeve. Enrolling practice in the 1240s was neither uniform nor always explicit. The clerks in Thurkelby's circuit generally took care to describe the trial jury as the 12 jurors and 4 next townships (or however else it was constituted) each time a case was so tried. The clerks in our circuit were much less precise. Thus of some 197 cases in which our roll mentions a trial jury being called to give its verdict, in all but four it is called simply 'the jurors'. The four cases in which there is a more particular description were all in some way exceptional: two Berkshire men put themselves on a jury of 4 Berkshire townships (no. 261); two Hampshire men put themselves on a jury of four hundreds of Hants and Wilts (no. 271); a man accused of homicide in a Startley hundred plea put himself on a jury of Startley and Chippenham hundreds (no. 40). In the last case (no. 568) the fact that a man indicted for larceny by the Dole jury put himself on a jury of Dole hundred is only mentioned because he was arrested after the hundred's pleas had been taken and was tried at the very end of the Eyre when the justices were taking the New Salisbury crown pleas. It would be mistaken to conclude that because they are not particularized, our trial juries did not include the usual representatives of townships. In some cases where the accused wished for trial by a panel differently composed from the normal he would offer a fine for this privilege when, as in civil pleas, the panel would be called an inquest. There is no example of this in our roll.

Bracton discussed the criminal trial jury in general when dealing with indictments.[1] He suggests that the accused could challenge individuals among the hundred jurors and among the representatives of the townships or even a whole township. It is possible that when Peter Griffin put himself 'fully on the country excepting his enemies' (no. 385) he was challenging some members of the jury. Bracton says that the hundred jurors, having been sworn at the beginning of the Eyre, were not again sworn for a trial but that the townships were then sworn, either singly or together, and then the whole trial jury was charged by one of the justices who could, if necessary, examine each juror separately.

It may be useful to point out that though the trial jury in Eyre represents the earliest form of the petty jury, the classic form of the petty jury did not develop in Eyre but in gaol delivery. From the many surviving gaol delivery files of Edward I's reign, such as those which survive from eight deliveries of the county gaol of Old Sarum between May 1275 and March 1280,[2] we know that it was then the practice, on the receipt of notice of a forthcoming gaol delivery, for the hundred bailiff to furnish the names of a panel of some 16 or 20 knights and freeholders to the sheriff if there were prisoners from his hundred in the gaol; the sheriff would then summon all

those in the panel. This was similar to the practice which had long obtained in securing jurors for possessory and grand assizes, a margin being allowed for absentees and, in criminal cases, for possible challenges. When the justices held the gaol delivery, 12 of those summoned would be sworn for each prisoner's trial. There is no reason to believe that this gaol delivery practice in the late thirteenth century was not also the practice obtaining in the gaol deliveries of the 1240s.

CRIMINAL PRESENTMENTS: DETERMINED CASES

In the latter half of the reign of Henry III an increasing and considerable number of the cases presented in Eyre were cases where the law had already run its course against the accused, who may have abjured the realm, had judgement awarded against them by a local or visitational court, or been outlawed in the county court by an appeal.

In our roll abjuration is presented as the main matter of 41 entries; in addition, abjurations are mentioned among the subsidiary matter of 8 other presentments: 4 of homicide (nos. 66, 70, 99, 154); one each of larceny (no. 393), cattle stealing (no. 102) and coin clipping (no. 139) and one (no. 165) in which the wife of a thief killed while sheep stealing thought it prudent herself to seek sanctuary and abjure the realm. In all, 17 murderers, 28 thieves, 2 coiners and 2 unspecified criminals were presented as having abjured the realm.

The tract *De Criminalibus Placitis* does not advise the jurors on presenting abjurations. Possibly only the briefest details were expected from them because the authentic record of each abjuration was, or ought to have been, in a coroner's roll. If we seek a typical case we may find it in that of William Canun, who took sanctuary in Trowbridge church, admitted himself to be a thief and abjured the realm (no. 453). We must assume that while some officers of the town ensured that a watch was kept on the church, others summoned the coroner. In thirteenth-century practice one who sought sanctuary might enjoy it for forty days before pressure could be applied to make him relinquish it. Bracton suggests that this practice grew up from a gradual modification of the Assize of Clarendon.[1] Under that code the indicted criminal who purged himself at the ordeal saved life and limb but even so had to abjure the realm and was allowed only a few days in which to depart. As conditions grew more settled this seems to have been thought over-harsh; in the earliest Eyre rolls we find cases where those successful at the ordeal were not being compelled to abjure, while Bracton says that those who did abjure were given forty days and that this gradually became transferred as a right to forty days in sanctuary. He adds that in the delicate matter of persuading one who had sought sanctuary to come out at the end of forty days, the ecclesiastical authority should assist the lay power by ensuring that no food was given. Forcible removal from sanctuary

provoked prompt action from the church. Some of those present at Wilton in 1249 must have taken part in the famous case at Devizes in September 1233, when Hubert de Burgh and the guards who had carried him from the castle to sanctuary were dragged out of the church. Vigorous intervention by the bishop of Salisbury and his fellow bishops resulted in Hubert and the guards being restored to the church, with the sheriff and full county levy to watch night and day.[2] In the 1248 Essex Eyre our justices had to deal with a case uncomplicated by politics, for Roger Bene, who had killed a man and taken sanctuary in Chishall churchyard, had been removed forcibly by two men and carried to Colchester gaol. They gave a reasoned judgment: 'Because the royal power ought not to be withheld from Holy Church in doing justice, it is awarded that Roger be restored to the church in the same state as before and let [those who removed him] receive penance from the bishop for their offence.'[3] When the coroner arrived, William Canun had a choice. He could either come out voluntarily into the King's peace and find sureties who would pledge themselves to produce him if any wished to proceed against him; or he could admit his guilt and abjure. Anyone who had committed homicide or who was (notoriously) suspected of thieving would naturally be unable to find acceptable pledges and would abjure. So William admitted himself to be a thief and presumably took the brief oath of abjuration, given by Bracton, whereby he promised to leave the kingdom and never to return unless by the King's permission. The coroner would assign the port to which William must go, would cause his chattels to be valued and committed to sureties, usually the tithing, for production in kind or cash at the next Eyre. William's were worth 6s. There is insufficient evidence to show what ports were assigned to Wiltshire abjurers and especially whether those in the north-west of the county were assigned Bristol channel ports. There is a single example of abjuration during the Eyre (no. 162); it is unconnected with any case, and we do not know the crime nor whence the criminal came. The justices appointed Portsmouth as his port, which was probably the normal port for most of the county.

There are only two cases of a fugitive leaving sanctuary without abjuring. In one (no. 66) a known murderer was given to the safe keeping of a tithing, whence he escaped to another church and then abjured. In the other (no. 110) a man who had been present, probably without other witnesses, when his companion died in an epileptic fit had apparently come from sanctuary and found sureties, for he came to the Eyre and was acquitted.

Abjuration must have cost something. There was the messenger to send to the coroner; the coroner and his clerk and a groom or two to entertain and their horses to be fed and stabled; presumably the coroner, or at least his clerk, would receive a small present for his services. These are matters which at this date we hardly ever hear about. It seems probable that the local lord, through his steward or bailiff, or in a borough the borough officers, had to make the disbursements.

In the simple cases, such as that of William Canun, all that was left for the justices to do in Eyre was to impose a penalty on the community responsible for the abjurer. It may have had little chance to arrest him before he took sanctuary—there is only one case (no. 504) where he could have been pursued but was not—but it was legally responsible for his actions. In 15 cases the criminal was a stranger or was known to belong to another county (nos. 8, 20, 27, 69, 93, 102, 104, 111, 135, 222, 404, 412, 450, 480, 559); in six the abjurer was a woman (nos. 88, 164-5, 322, 393, 484), who could not be in tithing. Elsewhere the tithing or household of which the abjurer had been a member was put in mercy or, if he had not been in a tithing or household, the town in which he had lived was held to have harboured or concealed him and was put in mercy for that. There is an exception in the case (no. 370) of Richard le Fol, a member of the King's household, perhaps a jester: the King's justices could not put the King's household in mercy.

In a few cases the Justices would have some further enquiries to make. In one (no. 75) an abjurer had only reached sanctuary after the hue had been impeded by what was clearly a dispute about jurisdiction involving, remarkably, a knight with much experience of local affairs including service as a coroner in a neighbouring county. In six cases thieves had escaped into sanctuary from custody, including one in which the bailiffs of Wilton had, perhaps incautiously, kept three young suspects under guard in St. Edith's churchyard (nos. 69, 88, 114, 139, 393, 104); a murderer had escaped into sanctuary from the county gaol (no. 99): these led to awards of escape against the responsible authority, as already discussed. In two cases (nos. 8, 27) it was found that stolen chattels left by abjuring thieves had been sucessfully claimed by their owners in the local courts.

In the enrolment of abjurations there is one of many differences of method between the clerks in Thurkelby's circuit and those under Henry of Bath. The former, after writing 'he abjured the realm' almost invariably add 'before the coroner'; the latter normally never do so. There is a self-explanatory exception in our roll (no. 557): Helen stole a rochet and took sanctuary in St. Thomas's church at New Salisbury; the coroners and bailiffs made her abjure the realm. The Justices considered this a harsh award for petty larceny and accordingly put coroners and bailiffs in mercy. Judging by similar cases in other rolls, she should either have been tried in the city court, which enjoyed a considerable jurisdiction, and received the appropriate punishment for petty larceny or, since seeking sanctuary had brought her within the range of royal justice, she should have been attached to answer the charge in Eyre, when she would have been dismissed on finding sureties for future good behaviour. Thus in the 1241 Berks Eyre the justices awarded judgment against a coroner who had made a man abjure for stealing 6d. worth of corn while two persons who had, through want and poverty, stolen 4½ sheep's carcasses worth 11½d. were dismissed on finding

sureties;[4] the figure in the latter case hints that 12d. may already have become the dividing line between petty and grand larceny.

Some 20 presentments in our roll concern cases which had been determined since the last Eyre in visitational or local courts while 7 similar cases are mentioned subsidiarily to other presentments. The judgments had included 24 hangings: 15 for homicide (nos. 57, 99, 140, 154, 203, 299, 312, 387, 402, 420, 445, 464, 564); 6 for larceny (nos. 208, 338, 393, 441, 498, 544); one each for harbouring a felon (no. 292), burglary (no, 134) and an unspecified crime (no. 213).

The highest court in the kingdom, the court *coram rege*, possessed a complete jurisdiction in all matters and occasionally tried those accused of felony in the districts through which the King passed. It was often in the county, for in most years the King visited Marlborough or Clarendon. We are reminded of this when we find that in February 1249 the bishop of Winchester, William de Ralegh, had sent from Ebbesborne manor a carcass of beef and three sides of bacon to his former pupil Bracton, then a puisne justice *coram rege*, 'when the King stayed for three weeks at Clarendon.'[5] The King was even more frequently in Berkshire, within which, near Windsor, lay a small detached part of Wiltshire. Presentments report 4 hangings (nos. 140, 154, 292, 445) and 4 acquittals (nos. 125, 292) after trial in the court *coram rege*, which was said once to be sitting at Clarendon (no. 292) and once at Reading (about 1244, no. 154 and note).

Commissions for the delivery of the county gaol at Old Salisbury had issued on some 5 occasions since the last Eyre, for deliveries in July 1241, September 1243, December 1244, May 1246 and May 1247. There are presentments of 7 hangings before justices of gaol delivery (nos. 57, 299, 312, 402, 420, 498) but the dates are not mentioned. One delivery (no. 498) was said to have been held at Clarendon which suggests perhaps that it was none of the five mentioned above but a delivery carried out by *coram rege* justices or stewards of the royal household in connexion with a *coram rege* session; one hanging (no. 312) resulted from an appeal. In five other cases tried by gaol delivery justices the judgement is uncertain. A man who had pursued a thief and then killed him in self-defence when the thief turned and attacked him had presumably been acquitted (no. 350). Two men accused of burglary and wounding by night (no. 226) and a woman charged with an unspecified crime (no. 452) may have been acquitted, since there are no orders about chattels or tithing implying conviction for felony. Twelve persons accused of homicide (no. 444) would seem to have been ordered by the gaol delivery justices to stand trial at the next Eyre. Two persons accused of arson were perhaps acquitted (no. 305). Four persons arrested for homicide had been imprisoned at Wallingford castle (no. 264); this Berkshire county gaol was delivered several times in 1241-9.

Many manors possessed a jurisdiction enabling their courts to pass judgment on thieves caught with their spoils. Four hangings in local courts were

presented: at Chippenham, Bradford, in Branch hundred and at Lambourn, co. Berks (nos. 208, 213, 338, 544). Eight hangings were also presented without the places being specified. It is possible that some of these were by judgements in local courts: Bradford (no. 134), Chippenham (no. 203), New Salisbury (no. 564) and Wilton (no. 99) and in the hundreds of Alderbury (no. 464) and Studfold (nos. 387, 393). One man, perhaps in Whorwellsdown hundred but more probably somewhere else in the county, suffered under the most summary of all jurisdictions, the right to treat the outlaw in flight like the wolf whose head he was said to bear: he had been beheaded (no. 288). An approver who had withdrawn his appeal was hanged by Nicholas de Haversham, presumably in the county court (no. 441).

Some 15 normal appeals had been pursued in the county court and determined. Two, possibly 3, against arrested appellees, had resulted in hangings (nos. 312, 387, ?203), already noticed. In the rest the appellees had not appeared to defend by the fifth county court from the commencement of the appeal so that 30 sentences of outlawry had been passed. It is true that outlawry was an extreme form of mesne process, designed to compel the accused to answer his charge; there are cases of men who after outlawry in one or more counties succeeded in rebutting the charges or obtaining a pardon, usually at the cost of a fine for various trespasses. But for the appellors and most others an outlawry seems normally to have been regarded as determining a suit as effectively as acquittal or hanging. Of the sentences, 4 were for robbery (no. 288), 2 for rape (nos. 273, 423), 1 each for mayhem (no. 286) and an unspecified crime (no. 48) and the rest for homicide (nos. 92, 115, 176, 194, 241, 316, 318, 355, 387, 422).

With the cases determined in visitational and local courts or by appeal the justices had usually nothing to do beyond making the customary orders about the profits of crown pleas. Capital judgements in local courts were regarded closely in Eyre for any irregularity but none seems to have been found in any of these cases and the justices had only to note Nicholas de Haversham's error in hanging the approver. With determined appeals, likewise, the justices' main concern was about the profits of these crown pleas but they had also to examine the grounds for the sentence and in two cases they considered the county court to have erred and accordingly put it in mercy for wrongful outlawry. In one (no. 373), an appeal of robbery that was at bottom a dispute about a lease of arable land, it was established that the appeal had not been one of felony but a civil appeal or plaint, presumably for damages; a contumacious appellee could not be outlawed in such an appeal. Bracton, indeed, advises the county court to proceed with caution in many sorts of appeals of robbery and the like, since often the facts would justify a civil appeal but not an appeal of felony. The outlawry was therefore annulled and the appellee given permission to return if he wished. The other case (nos. 317-8) was one in which the county had made the common mistake of outlawing accessories while the appeal against the principal was

undetermined. Four persons, out of a much larger number, had been so outlawed; the principal was in the Somerset county gaol and was ordered to be brought to the Eyre: our roll does not record his trial nor any annulment of the outlawries, perhaps because at least three of the four were not Wiltshire men.

HOMICIDE AND SUICIDE

Bracton contrasts the clandestine homicide 'which is called murder' with the homicide done openly, where bystanders see something of the deed.[1] Discussion of this and its consequences forms a large part of his *De Corona* and falls into two parts, according to whether or not a relation of the victim has proceeded against the known or suspected slayer, and any accomplices which he may have had, by means of an appeal of homicide. Following this division, appeals of homicide are left for later discussion. Here we are concerned with the 53 cases which have been reckoned as presentments of homicide in the analysis.

In some 41 of these cases events follow a similar pattern: the accused have escaped arrest or, if arrested, have escaped from custody.[2] They are not present to answer the charge, so the law takes its course against them in their absence. There is a brief account of the deed, sometimes with a mention of the instrument used and of how soon afterwards the victim died. In the *veredicta* surviving from Edward I's reign the accounts of such cases are fuller than the relevant plea rolls entries, giving some account of the circumstances of the crime and a precise date, which the latter omit. The one example of a presentment of homicide in the *De Criminalibus Placitis* assumes that the jurors will give a similar amount of detail. It is therefore possible that the enrolling clerks of the 1240s also reduced the details of *veredicta* and coroners' rolls to such bare essentials as: (no. 74) 'Nicholas Cnapping struck Robert of Sevenhampton with a knife so that he died on the third day. Nicholas fled at once.' The jury is then asked for its verdict. If they find the accused guilty, the justices will order him to be exacted and outlawed; if they find him not guilty, the justices will pronounce his acquittal and give him permission to return if he wishes. In these 41 cases some 47 men were ordered to be exacted and outlawed and 3 women were ordered to be exacted and waived; 8 persons were acquitted and given permission to return. Having given the order against those found guilty, it remained for the justices to make the usual orders for the confiscation of their chattels and against their tithing or township. Nicholas 'was in the tithing of Sevenhampton, which is therefore in mercy. His chattels are worth two shillings, whereon let the sheriff answer.' Occasionally the justices might have some further matters to deal with, such as an escape (no. 18) or an abjuration (no. 70).

It is not possible to say how many of the 41 cases were unpremeditated

crimes. Some were the result of quarrels (nos. 6, 38, 91, 339, 538); at least two (nos. 18, 78) were the result of drunken quarrels: *potando litigabant* is a not uncommon phrase in the description of events leading to a fatal blow. When we read of an instrument it is often the staff or knife which most countrymen would have in their hands or at their girdles. Two cases are said to have had sexual causes: a man killed a woman because she resisted his advances (no. 371); a man killed his wife's lover whom he had caught *in flagrante delicto* (no. 227). There is one case of infanticide (no. 189): an unmarried mother hid her baby in a ditch, where a dog unearthed it and carried it through the centre of the village, so that the wretched girl at once ran away. One case may have been the result of an accident: two men were wrestling, one being heavily thrown and killed (no. 121). We sometimes read of such accidents happening at village games, as when in the 1247 Oxford Eyre Maud de Laungel' succeeded in an appeal of homicide for her son's death at the Shipton games.[3] In a few cases the crimes were certainly premeditated: a woman and her servant induced a man to kill her husband (no. 41); a squire is killed in bed and the village reeve is an accomplice to the deed (no. 251). Two were certainly the result of accidents: a youth and a girl were fooling about and the youth accidentally fell on the girl's shears (no. 186); two men were mowing a meadow when one accidentally gave the other a fatal cut with his scythe (no. 181). The girl and man respectively concerned were both acquitted and given permission to return. On the other hand, in the Hants Eyre which had just preceded our own fatal mowing accidents were presented and in each case the man responsible was ordered to be exacted and outlawed, even though in one case it had been proved that the wound was not fatal but had healed, only to rupture again some weeks later under the heavy work of carrying sheaves in harvest.[4] One was a case of death in suspicious circumstances (no. 100): a man gave a sick man a lift home in his cart from Downton fair but the sick man died on the journey so the man reported the matter to the bailiffs on reaching Wilton and was attached by them; the tithing did not produce the man, who was acquitted in his absence.

In all but one of the 13 other cases (no. 40 being reckoned here also), the accused was present;[5] 11 were acquitted; 3 were found guilty and hanged (nos. 40, 290, 396). The other case (no. 444) is obscure. Twelve accused were all said to have been delivered in gaol delivery but in what manner is not said; six then drop out of the story, perhaps because they had been acquitted then; one had since died, one was acquitted and three found guilty in absence while the twelfth, a woman, seems to have appeared on an indictment so she is not reckoned here as an acquittal. None of the six who remain in the story had apparently been attached.

Some of these cases are of considerable interest. One gives us the only case tried in the Eyre of homicide in self-defence (no. 165). The bishop of Winchester's shepherd at Downton raised the hue and chased a thief who

had stolen a sheep from the pen; the thief turned and attacked the shepherd, who killed him. He was acquitted. The justices said nothing of his need for royal pardon, perhaps because he had caught in the act a thief whose character, and whose wife's character, were probably notorious; for the wife, on hearing of her husband's death, herself sought sanctuary and abjured as a thief. In the case of William Skywe (no. 39) the defence was that death had been caused not in felony but *per simplicitatem*, a phrase often used in contrast to 'feloniously' and capable of various translations such as: foolishly, witlessly, negligently. The villagers were making a hayrick in the meadow when one fell off the rick, landing on top of William, a youngster of twelve, who was so startled that he lashed out with his staff and gave the man a fatal blow on the head. The villagers seem then to have entered into a conspiracy to pass this off as an accident; a present secured the coroner's cooperation and the inquest seems to have brought in a verdict that the man died from a broken neck caused by the fall. However, William was accused in Eyre—whether by presentment or indictment is uncertain—and the true story came out. The jurors found William guilty with a strong reccommendation to mercy; the justices remanded him in custody and reserved the case for discussion with the King. In three cases there seems to have been only a slight suspicion of homicide. A man was with a companion who died in an epileptic fit; he was frightened enough to take sanctuary but, as we have already noted, he came out freely from it and was acquitted in Eyre (no. 110). Another man was accused of the death of his wife, found drowned (no. 17), and a third was attached after a man had been found killed in the forest (no. 228): both were acquitted. In two other cases the suspicion of homicide had been much stronger; there had been no simple attachment by tithings but imprisonment in the county gaol, followed by release on bail. One (no. 481) is a further case of a man and girl fooling about but here the girl was accidentally wounded by the man's knife, whose sheath was broken. The jurors' verdict was that the girl had not died from the wound but from a disease; this the justices accepted, acquitting the man. In the other case (no. 163) a man was suspected of the death of one found drowned; he also was acquitted. Two other cases in which the accused had also been imprisoned remain obscure. A Hampshire man had been imprisoned in that county gaol so his fate was properly beyond the ken of a Wiltshire jury; his companion was acquitted (no. 521). The other case (no. 372) adds to the sum of Nicholas de Haversham's shortcomings, for his simply did not know what had happened to this accused.

There remain the 3 cases, out of the 53 reckoned as presentments of homicide, which produced capital sentences. Four neighbours were returning from Trowbridge fair when a quarrel started and Robert killed Walter (no. 290). Robert and his two companions appeared, Robert to be found guilty and hanged and the others to be acquitted. Five men were charged with a fatal wounding (no. 40); one had since died, two had fled and have

already been reckoned under the analysis of such events. Of the two who came one was acquitted while the other was found guilty and hanged. The last case (no. 396) has been included among the presentments with some misgivings since it may be the result of an indictment: we are told simply than an oxherd had been arrested for the death of a carter; he was found guilty and hanged.

There are four cases of suicide: by hanging (nos. 458, 524), cutting the throat (no. 4) and disembowelling (no. 153). One, from the value of his chattels, seems to have been a freeholder of some wealth (no. 4); another was a chaplain (no. 524); one was a woman (no. 458). Bracton seems to have believed that a judgment of *felonia de se* should be reserved only for the true felon, the man guilty of a capital crime who by suicide had cheated the gallows; it should not be given for the sane man who had put an end to himself because of the intolerable pain of a disease or in acute melancholia.[6] If others of Henry III's justices shared this opinion we have not noticed examples of their putting it into practice in the Eyres of the 1240s and 1250s: judgements of *felonia de se* were given in all four of our cases.

CRIMINAL PRESENTMENTS: MURDER AND MURDRUM

Murder had two meanings in 1249: one was popular and general, the other was technical and limited. The crimes covered by the two meanings overlapped but did not coincide; neither meaning survived the reign of Edward III, when the popular meaning was transformed, and the technical meaning abolished in 1340 by statute. Bracton, expanding a passage in Glanvill, explains the essence of murder as the killing of a stranger or known man where none but the slayer and his accomplices, if any, knows or sees the deed, so that there can be no hue and cry after the criminal.[1] Murder is the clandestine, successful crime. The murderer not only escapes: he escapes identification. Maitland suggested that this general and popular meaning was the older of the two.[2] It is a meaning excluded from thirteenth-century plea rolls. From the assize of Clarendon onwards, royal edicts may speak of *murdratores* but such words as *murdrator, murdrare, murdratus* hardly form part of the vocabulary of a clerk enrolling crown pleas and their occurrence in crown pleas rolls is very rare. The clerks prefer instead such words as *malefactores ignoti, occidere, occisus* and *mortuus*: Robert son of Ralph was found in Durnford field, killed by evildoers unknown (no. 131); evildoers unknown came by night to the house of Alan Bovebrok, broke into the house and killed Alan and his son Adam (no. 134). *Murdrum*, which occurs often in the rolls is, as Maitland put it, 'the name of a fine, not of a crime.' Its technical meaning, partly legal, partly fiscal, is: a judgment given against a hundred or other district, as a result of which all owing suit to the district's court will have to pay the common fine known as *murdrum*. The

murdrum fine seems to have been in origin a feature of Scandinavian and Frankish law, a fine payable by a district where a stranger had been killed and the killer could not be produced for justice to be done to him.[3] Bracton shared the common thirteenth-century belief that Canute had introduced it to protect his Danes and then William the Conqueror adapted it to protect his Frenchmen. The dead person was presumed to be French. To avoid the fine the district had to see that the deceased's relations proved that he was English. Liability to *murdrum* and the obligation to prove Englishry was not universal throughout England. The need to prove it for both males and females, the age of the deceased at which proof was necessary, the need to prove it for deaths by felony and misadventure, the method of proving it: these varied from county to county, while within counties there were districts where, by charter or prescriptive right, the practice differed from the rest of the county.[4] In Berkshire, for example, the liberties of the abbot of Reading were free from *murdrum*. The fine had originally been the heavy one of 46 marks; the pipe roll of 1130 shows lower but still heavy penalties, generally varying from 15 to 30 marks. From the early years of Henry II the fines imposed ranged generally up to £5. Until regular visitations for criminal justice began, the *murdrum* was the only constant liability arising from crown pleas; so many lords obtained exemption from this fine for their lands. When a *murdrum* was imposed, the various shares of the exempt manors were pardoned, by allowance to their lords, leaving the shares of the rest to be collected: which often meant that the major part of these fines was pardoned. About the close of the twelfth century there was a change in the imposition of this, and other common fines. They were imposed on 'the hundred, saving the liberties': thus the full amount of the fine fell on the unexempt lands in the hundred and none had to be pardoned by allowance. On the other hand, if the death happened in an exempt manor, the men of that manor had to bear the fine alone: '*murdrum* upon Mildenhall, because it does not take part with the hundred [of Selkley]' (no. 377).

There is a problem in the later history of *murdrum* which remains to be solved. If a stranger is found killed by evildoers unknown, the district can hardly escape a judgement of *murdrum*: it cannot say who the criminals are and knows none who will prove the victim's Englishry. But when a local inhabitant has been killed or, in counties where misadventure does not preclude *murdrum*, has met an accidental death, there seems to be no reason why Englishry should not have been presented. Yet the rolls show a large number of cases where Englishry could have been presented but was not; or, to put it more accurately, where a district could have avoided paying a common fine but did not do so. A remark in the *De Criminalibus Placitis* suggests an explanation. After giving an example of presentment of death by unknown evildoers, it glosses Englishry: 'some say it is properly said of villeins, whereas *murdrum* is proper of freedom.'[5] This seems to mean that the deaths of villeins should not involve the district in a common fine:

presumably the lord of the deceased, his steward or bailiff, ought to ensure that the family of a murdered villein appear at the inquest or in the hundred court to present Englishry. Where a freeman has been killed there is no such obligation. It would be rash to take the gloss to mean 'gentlemen are murdered, Englishry we leave to the servants'; but the explanation must lie in the social history of the late twelfth and early thirteenth centuries.

An analysis of murder and the *murdrum* in our roll has to take account of one of its peculiarities. Twenty such judgements are recorded: in as many districts. Not once are there two judgements against the same district. In the pleas of some of the larger hundreds such as Chippenham (nos. 182, 183, 185, 193, 196, 199, 201, 203) or Kinwardestone (nos. 346, 348-9, 351-2) there are a number of cases which seem to present all the features that normally result in a judgement of *murdrum*, but that judgement is recorded only in the first of such cases. Another example of this sort occurs under Staple hundred (no. 59), against which *murdrum* had been given in its first plea (no. 55). Evildoers unknown had killed a family of five; the jurors say that Englishry was presented. The court, however, establishes from the rolls of sheriff and coroners that Englishry was not presented. In many rolls, certainly in most earlier rolls and in the rolls of Thurkelby's circuit, we would then find judgement of *murdrum* given against the hundred, for these rolls have many judgements of murder after just such a disagreement between jury and the rolls of sheriff and coroners. Instead we find only that the jurors are put in mercy. At this date, however many judgements of murder there might be against a district in Eyre, only a single fine was imposed and its amount was related not to the number of judgements but, as with all common fines, to the taxable capacity of the district. The clerks in Henry of Bath's circuit, aware of this, perhaps thought it otiose to record more than one judgement against a district: so, in 20 districts, there is but a single judgment of *murdrum* apiece. The following analysis therefore includes all cases in which persons are presented as having been killed by unknown evildoers.

Victims	*Slayers*			*Judgements*	
	Known	*Unknown*	*None suggested*	*None*	Murdrum
Strangers	—	5[1]	5[2]	2	8
Known persons	4[3]	—	2[4]	4[5]	2[6]
Known persons	—	31[7]	—	21	10[8]

[1] Nos. 25, 55, 229, 302, 351. [2] Nos. 182, 279, 377, 516, 523. [3] Nos. 264, 303, 313, 502. [4] Nos. 5, 348. [5] Nos. 264, 303, 313, 348. [6] Nos. 5, 502. [7] Nos. 7, 29, 37, 59, 77, 98, 103, 113, 119, 120, 125, 131, 134, 150, 152, 183, 185, 193, 196, 199, 201, 203, 225, 263, 301, 335, 346, 349, 352, 388, 477. [8] Nos. 37, 119, 131, 134, 152, 225, 263, 346, 388, 447.

In the two cases where strangers were killed and judgement of *murdrum* was not recorded, it had already been recorded in another plea from the same district. In each there had been a serious irregularity: a proper inquest had not been held, through the refusal of a liberty's bailiff to summon the four next townships (no. 229); the body had been buried before the coroner had viewed it (no. 351).

In 15 of the 25 cases in which known persons had been killed and judgement of *murdrum* was not recorded, it had already been recorded against the hundred in another plea. In 10 there had been no previous judgement of *murdrum*. In only one of these is Englishry said to have been presented (no. 150); in three the deed seems at the time of the inquest to have been believed to be the work of unknown evildoers but since then some, at least, of those responsible had been arrested (no. 264) or indicted (nos. 303, 313); in the remaining six cases (nos. 77, 98, 103, 113, 125, 335) the record does not suggest any reason why judgement of *murdrum* was not given.

In 17 of the 20 cases in which judgement of *murdrum* was given there seems to have been no doubt that death had been caused feloniously; in only one of these (no. 134) had anyone been convicted of the crime and the record is so meagre that we do not know how or in what court the conviction was secured. In the other 3 cases (nos. 377, 516, 523), where death had plainly been caused by an accident, a stranger had been killed. So the analysis illustrates both meanings of murder. Murder is the crime of the unknown evildoer and *murdrum* is a fine which a district will have to pay for a stranger's death, especially if it cannot secure the murderers.

The tract *De Criminalibus Placitis* gives two examples of presentment of murder. In the first, evildoers unknown came by night to M's house, bound her and killed her son. She raised the hue so that the neighbours came and unbound her but the murderers escaped into the night. The hundred bailiff held the inquest but M. could not identify any of the murderers. The first finder was attached and a staff dropped by the criminals as they escaped was entrusted to the tithingman to produce before the justices, as in another case in our roll we find a horn and an axe dropped by an unknown marauder being entrusted and produced (no. 496). Nothing is said about Englishry being presented. This example is typical of 19 of our cases, involving the deaths of some 43 persons, in which evildoers unknown broke into a house by night and killed some or all of its inhabitants.

The second example is typical of 24 of our cases, involving the deaths of some 33 persons, in which a person was found murdered. Leofric did not come home at night from his work on the heath and in the morning his wife Helewise searched and found him killed in the woods. The coroner and whole hundred hold inquest and find that he has been killed by a blow from a staff (nowadays we should say a blunt instrument) below the right ear.

Helewise, as first finder, is attached to appear before the justices; Englishry is presented.

Of the remaining 4 cases in our analysis, three concern the accidental deaths of strangers. The other (no. 120) is the only one in which the crime is specifically said to have been committed by day. It was perhaps a Sunday or a feast day, for Walter was away at Devizes church when the criminals came to his house and murdered his guest. The township did not pursue the criminals and was put in mercy for this failure. Nothing is said of Englishry being presented so we might have expected a judgement of *murdrum*, but such a judgement had already been made against the hundred in the previous case.

CRIMINAL PRESENTMENTS: MISCELLANEOUS

Most Eyre rolls contain a few presentments of criminal matters under articles other than the general article 2, on new crown pleas, and some that do not fit into the neat pattern of homicide and murder or are not concerned with death or about which it is not certain whether they arise from presentments or indictments. In the 19 cases (nos. 43, 51, 102, 105, 139, 144, 177, 187, 323, 340, 357, 389, 422, 446, 470, 473, 496, 508, 565) which we have reckoned as of this sort, 9 accused were present in Eyre, of whom 4 were acquitted, 2 ordered into custody, presumably to make a fine, and 2 were found guilty and hanged; of the 11 absent accused, 2 were acquitted and possibly given permission to return if they wished and 9 were ordered to be exacted and outlawed.

There were 3 presentments under article 19, on coin clippers. Bracton includes this crime in his brief remark on forgery, adding that one so accused may turn approver and appeal his fellows.[1] The only accused who appeared, possibly after arrest, was acquitted (no. 43), as were two others who did not appear (no. 139); the two absent who were found guilty had already escaped from prison, so virtually convicting themselves (nos. 139, 177). From these and similar cases in other Eyres it seems to have been the usual practice for anyone accused of this offence to be attached by his whole tithing to answer at the next Eyre.

Four presentments which have to do with outlaws and fugitives may have been made under article 22 on this matter. One (no. 357) is a presentment of a fugitive for larceny; another (no. 473) is of a man who had harboured his outlawed son: both were found guilty and ordered to be exacted and outlawed. A third (no. 422) concerned a woman who had harboured an outlaw, been imprisoned and escaped; the justices ordered the confiscation of her chattels as a fugitive but there is no order for exaction and waiver. The last (no. 144) is mainly concerned with a jurisdictional dispute: an outlaw, chased by the hue, had been arrested outside the county in a liberty, whose lord had seized the outlaw's horse.

Six matters concern thieves, but in four the thief is not the main concern of the presentment or judgement. In two (nos. 51, 102) the main matter is the thieves' escape after arrest; in another (no. 470) it is the failure of a liberty's bailiff to name the sureties who had not produced the thief in Eyre: there was the usual order against the absent thieves. One case (no. 323) is concerned with the correctness of the proceedings against two thieves in a franchise court. In the remainder (nos. 105, 446), a thief who had been arrested with his spoils and who had turned approver withdrew his appeal in the Eyre, while another may have been arrested before the Eyre, or during it by indictment: both were hanged.

There is a case which seems to concern an accidental death of a woman found drowned (no. 187); no judgement of misadventure is recorded, perhaps because the bailiffs of the liberty where death occurred had failed to make attachments. There is a presentment of suspected homicide against a man believed to have made away with his nephew (no. 508). The boy, who had not looked after the sheep properly, had been threatened with a beating and run away; the uncle cleared himself and was acquitted. There is a case of petty treason: the alleged poisoning of a husband by his wife (no. 389). The record merely says that the widow stood trial and was acquitted and that the jury had concealed the case. The husband's death had happened about 1243 and as a result the widow had been imprisoned and then released to bail. The event must therefore have been widely known in the countryside; since the jury did not present it, it looks very much as if the original charge had been made in haste, by suspicious relations, and that it had since been regretted so that there was some attempt to avoid the matter being tried in Eyre. There is a case of what may have been murder in the popular sense (no. 340) but we are told only that the unknown evildoers had done robbery; here the main matter was that the hundred had not presented the crime in the county court.

A case which may have arisen from either presentment or indictment shows a carpenter charged with helping clerks to escape from the bishop's gaol at Salisbury (no. 565). The jurors distinguished between force *forcia*, and being an accomplice, *consensciens*; they found the carpenter not guilty of the former but guilty of the latter because he had been heavily bribed and his wife had given the clerks a saw. The pair were ordered into custody and had presumably to make a fine for their release.

Finally, in contrast to the many crimes successfully committed by night there is one which may have been prevented by village watchmen who chased an unknown marauder until they lost him in the night and darkness of the forest (no. 496). He had dropped a horn and an axe in flight, which were duly presented to the justices. They were not treated as felons' chattels but given to the lepers.

PRESENTMENTS: MISADVENTURE

The tract *De Criminalibus Placitis* gives two examples of presentments of misadventure. One shows all the steps to be taken in such cases. There is an overshot mill-wheel at C.; A. falls from the conduit leading to it, into the pool below. His brother finds him, raises the hue and the neighbours come; the coroner is called, holds inquest with the whole hundred and a verdict of misadventure is returned. The first finder is attached by two sureties, Englishry is presented; the part of the conduit from which A. fell is valued at fourpence and committed to the tithingman and his whole tithing to produce at the next Eyre. This case is typical of some 24 in our roll in which death had been caused by some animal or inanimate object and the justices, on satisfying themselves that the cause was accidental, gave judgment of misadventure. By long tradition the object which had caused death, or its value, was declared given to God: deodand. The sheriff would account for its value but it formed no part of the issues of the Eyre to be accounted for at the Exchequer: it would be bestowed by the King, or under his authority, by the justices, on a charitable object. Separate lists of deodands are to be found only in a few rolls of Martin de Pateshull and William de Ralegh,[1] so we do not know which religious houses or others benefited by the 24 deodands in our Eyre, whose value totalled 200s. 3d. and which have been listed for convenience in Appendix V. The list shows that in Wiltshire, as elsewhere, carts and cart teams, water wheels and the inner machinery of mills, were common causes of fatal accidents. The medieval pig was a danger to young children: there are numerous distressing stories in the rolls like that of the small boy killed by one at Enford (no. 239). A colt, perhaps unbroken, had killed a girl (no. 434); in other rolls there are cases of men being savaged to death by colts. Occasionally we read of houses collapsing, as at Devizes (no. 403).

Although there is no instance of it in our roll, the justices seen to have had a discretionary power in the allocation of deodands. In the 1241 Oxfordshire Eyre there was a case of a little boy who had tied his belt to a calf's tail, maddening it so that it dragged him to death—the calf, worth 18d., was given 'for God' to the mother, its owner; in the 1241 Kent Eyre the value of a palfrey which had fatally thrown the parson of Orlestone was ordered to be given to his church for the good of his soul; in the 1241 Berks Eyre a horse and cart worth 4s. 6d. which had run over a man was returned to the owner 'for God's sake, because of his poverty'.[2] There is also no example in our roll of the under-valuing of deodands, or the less common substitution of cheaper articles like that discovered by our justices in their 1248 Herts Eyre, where a bailiff had changed a cart team worth 30s. for one worth 10s. which he offered to the justices.[3] It seems clear that

communities were often persuaded to try to lessen the liability of the owner of something which had caused death but we have only noticed one instance from the 1240s where an owner seems to express anger at his loss: a Windsor ship-owner whose ship, worth 20s., was declared deodand in the 1241 Surrey Eyre and who thereupon 'spoke contumeliously of the crown before the justices'.[4]

The second, briefer, case in *De Criminalibus Placitis* illustrates 34 cases in our roll in which judgement of misadventure was given where death had been caused accidentally without an object or living agent being held responsible. There is a marlpit in C., as there is in some Wiltshire villages; B. is crushed in it, dying next day. The hundred bailiff holds the inquest with the representative of the four next townships, who bring in a verdict of misadventure. As in most rolls drowning, in ponds, streams and rivers (nos. 19, 35, 138, 265, 284, 297, 376, 391, 394, 398, 483, 485, 522, 543) and in a flooded marlpit (no. 195), was the commonest cause of death; indeed, the section in which Bracton discusses the coroner's duty in cases of accidental death was given the rubric *De Submersis*.[5] The other causes are less varied than those generally found in the rolls of the larger counties: falls of earth or stone in quarries or marlpits (nos. 175, 191-2); scalds and burns (nos. 202, 315, 467, 541); epileptic fits or falling sickness (nos. 238, 368, 503); lonely deaths from natural causes (nos. 73, 419, 433, 436, 492).

Bracton believed that when a person's negligence had caused his death then the material object should not be declared deodand. It is not easy to find practical instances of this but it may be noted that where a man was said to have been killed in a fall from his horse through weakness and a woman to have been killed in a fall from a plum tree, nothing being said of a bough breaking, our justices did not declare horse and tree deodand (nos. 413, 491).

As the first example from the tract shows, where someone had been killed accidentally the finder of the corpse must in his own interests raise the hue to bring the neighbours to the place; the body must not be buried before the coroner had viewed it; the first finder must be attached to come to the next Eyre when the jury will, as a matter of course, be asked if they suspect him of the death; probably also four neighbours were attached to appear in Eyre, though reference to this is disappearing in the rolls of the later 1240s; Englishry must be presented. Most rolls show the justices finding irregularities profitable to the crown: burial without coroner's view (no. 202); non-presentment of the finder (no. 238); witnesses not being attached (nos. 35, 394); Englishry wrongly presented (no. 175). Burial without view is often found in districts which eventually obtained the right to have their own coroners and such burials were really incidents in a campaign to obtain freedom from the county. Elsewhere such burials remind us that, as with abjurations, the costs of a coroner's visit had to be defrayed. With a stranger's death, the costs no doubt fell on the community; otherwise it

seems likely that it may have fallen, in part at least, on the deceased's family: it is not until later in the century that we begin to find cases in some number which illustrate this.

In the vast majority of cases the justices had merely to confirm the verdict of misadventure brought in by the coroner's or hundred bailiff's jury. Occasionally they had to reverse the verdict, as with the death of an usher of the late bishop of Salisbury (no. 109). Here, after the court had confirmed the presentment that he died of a fall from his horse and had adjudged misadventure and deodand, it discovered that the usher had been killed by two of his colleagues in the bishop's household. The deodand was cancelled and the court took action against the murderers, but none against the coroner and presenting jury, which came from one of the episcopal hundreds, and which one might therefore expect to have been put in mercy if it had been conspiring to hush up an affair that concerned its lord. Perhaps the crime had been executed so cleverly that coroner and hundred could be excused a penalty for their lack of vigilance.

Since suicide, with its judgement of felony, resulted in loss of land and chattels there must inevitably be a question whether some deaths by misadventure were not really suicides passed off by neighbours as misadventure in order to spare a well-liked family the loss which judgement of felony entailed. It may be that there were such cases, but whereas it is not uncommon to find a case or two in any Eyre of homicide passed off as misadventure we have not noticed any discovered deception over suicide.

APPEALS: GENERAL

Appeals were of two sorts: civil appeals, usually brought for damages or amends, which were heard in the county courts or courts with equivalent jurisdiction, though a few—possibly those then pending—came into Eyres; and appeals of felony and breach of the King's peace which in the thirteenth century as crown pleas could normally be heard only by royal justices. The appeal of felony was an accusation made in a set form and according to customary procedure by a plaintiff, known as the appellor, *appellator*, against one or more defendants, known as the appellees, *appellati*. In Norman times trial had been by judicial duel, save where the party's condition made this impossible, as with a woman, clerk or an aged or crippled man, when trial would be by ordeal. In the days when appeals were determined in the county and greater franchise courts, duel and ordeal may have been common forms of trial. The development of the Eyre brought appeals of felony before royal justices who had no liking for these methods of trial and preferred to determine appeals in other ways as far as possible. It seems clear also that already in the late twelfth century felony and breach of the peace were being alleged merely to get cases before royal justices, so that in

some cases the appellors themselves had no wish to press matters to duel or ordeal. Moreover, the course between the appellor's first steps in an appeal and the trial in the royal court was a long one, giving many opportunities for procedural faults which the appellee might invoke, or the justices consider, as reasons for quashing the appeal. Thereupon into the appellor's place stepped a more powerful suitor: the King, whose peace had been alleged to be broken and to whose justices pertained the judgement of felons. In Bracton's words: 'the King does not fight, nor has he a champion other than the country.'[1] So, having quashed the appeal, the justices would order: 'that the King's peace may be kept, let the truth of the matter be enquired into by the country.' By the time of the earliest plea rolls trials by duel or ordeal were already uncommon; by 1249 the consistent use of the jury for some three decades and its longer intermittent use had made the appeal of felony virtually a jury action. The appellor still offered to prove the truth of his allegations by his body; the appellee offered to deny it in similar fashion. In practice, leaving aside appeals of approvers, it is doubtful if there was any fighting. In an examination of the appeals—well over a thousand—in the extant rolls from the visitations between 1234 and 1249 we have found no duel being fought other than by an approver. In some 15 cases a duel was waged, that is the parties gave sureties and engaged to fight and the court appointed the duel to be fought on a day near the end of the Eyre.[2] When that day came in 12 cases, including one in our roll (no. 294), it was found that the parties had either concorded the action, jointly put themselves on the King's mercy or that the appellor had withdrawn his appeal; in the other three cases the record ends with a blank.[3] There may have been a duel in an appeal, not brought by an approver, in some of the many Eyres between 1234 and 1249 whose rolls do not survive, but this is not very likely. For practical purposes, therefore, the appeal of felony was a jury action and in the 1240s all who brought or defended an appeal must have been well aware that this was so. The ostensible purpose of the appeal was to convict the defendant of felony. In most of the appeals of homicide and in a few of the appeals grounded on other offences it is clear that the appellor's purpose was indeed to convict the appellees of felony and to see them hanged or outlawed. In the overwhelming majority of appeals, the real object was not to secure a conviction for felony but to bring the case before a royal court, thereby putting pressure on the appellee to settle matters by an agreement advantageous to the appellor or to embarrass an adversary by legal process with the hope of securing the infliction of a pecuniary penalty through fine or amercement.

The procedure of the appeal up to Eyre was recounted concisely in the 1268 Wilts Eyre by Walter de la Boys in bringing an appeal of robbery and mayhem.[4] After the deed Walter 'at once raised the hue and then made suit at four townships and from the townships to the coroner and from the coroner to the county and then from county to county until Stephen was

attached to be before the justices here.' Procedure began at the moment of the event complained of, or where personal injuries had been suffered as soon after as possible, by raising the hue to call the neighbours to see what had been done and if necessary to arrest the perpetrator. Failure to do this would lay an appellor open to the stock exception: 'hue not raised' (*cf.* nos. 44, 295). As soon as possible the appellor would seek the authorities. Usually they seem to have sought the hundred bailiff and four next townships and then the coroner who either then, in the most serious cases, or later in the county court would make official record of the events and injury complained of, would take two sureties from the appellor for the prosecution of the appeal and in serious cases would order the arrest or attachment of the appellee to answer. The appeal would then have to be prosecuted at the next county court after the deed, unless personal injury made this impossible, when it would have to be prosecuted as soon as recovery made it possible. Any unavoidable delay by the appellor in showing himself to the authorities or in bringing the appeal in the county court would make possible the stock exception: 'reasonable suit not made.'[5]

In the county court the appellor would have to make his charge in a set form, describing the deed, the year, day, time and place of its happening, describing the weapons used, injuries suffered, chattels stolen or robbed and so on. In conclusion, unless claiming exemption through sex, status, age or injury, he would offer to prove by his body or otherwise as the court might award that all this had been done 'evilly, in felony and against the King's peace.' This declaration, known as the count or tale, would be enrolled by sheriff and coroners. Any omission would make possible the exception that this or that was not described (*cf.* nos. 44, 431, 526).[6] Any subsequent departure would make possible the stock exception of a variation in the count between what had been said in the county court and what was said in Eyre (*cf.* no. 385).[7] Stephen Mohan, in defending himself against Walter de la Boys and raising such exceptions, concluded by asking allowance 'as well for the variation as for the omissions.' If the appellee had not appeared at any of the preliminaries or at the county court he would be solemnly summoned to answer the charge at four successive county courts, each of which the appellor would have to attend. There are many examples of appeals pursued to only 2 or 3 county courts being later quashed for that reason.[8] If the appellee had not appeared by the 4th court (or 5th, reckoning from the beginning of the appeal) he would be outlawed. County courts which after 4 courts had neither attached nor outlawed appellees ran the risk of an amercement when the justices discovered the dereliction, though the fact that this happened shows that at times they considered they were entitled to exercise discretion, as we have mentioned in discussing attachment.[9] Outlawry at this stage happened mostly in the more serious cases, especially in appeals of homicide. In most cases the appellee would arrange for himself to be mainperned—in less serious cases it is possible that he could

still essoin—at the earlier courts to see if his adversary intended to persist in the prosecution. If it was clear that the matter would not be dropped the appellee would himself appear at one of the courts to deny the charge and offer to prove the denial by his body. Rarely he might admit the truth of the charge (no. 141). The county court would then adjourn both parties 'to the first session of the King's justices when they come to these parts' that is, to the next Eyre, and would attach the appellee by sureties for his appearance then. As we have seen in dealing with attachments, 2 sureties normally sufficed; more indicates an offence of unusual gravity.

The appeal would thus stand over, perhaps for some years, until the next Eyre, for this procedure evolved in Henry II's days when justices visited the counties every 2 or 3 years. Of the 7 appeals in our roll of which the dates of the deeds are known, 5 had been begun between 1243 and 1246. We have already seen that the presenting juries had to include in their *veredicta*, probably more fully than in the late thirteenth century, particulars of the appeals from their districts; but for reference the justices normally relied on the official record of the rolls of the sheriffs and coroners. The appeal would thus come for trial among the crown pleas of the appellor's district. There would then be a strong probability that the appellor would abandon his appeal. In most Eyres of Henry III's reign from a third to over a half of the appeals not determined previously to the Eyre were abandoned in Eyre. Appellors could abandon their appeals just as plaintiffs in civil pleas could abandon their actions, by default, non-prosecution, withdrawal or concord with the defendants, though the days were past when a final concord, engrossed or enrolled, could be grounded on an appeal. Of some 83 appeals undetermined in whole or part when our Eyre began, only some 31 were prosecuted wholly or in part.

If the appellor wished to prosecute the appeal in Eyre he would have to renew his accusation in exactly the form used in the county court. The appellee would traverse it or, in term of art, 'defend the whole', and might then seek to raise some or all of the sort of exceptions which we have already mentioned; or after his traverse he might offer a fine for a special inquest on the facts, but our roll gives no example of this.[10] If the justices allowed the exceptions the appeal would be quashed and the charge would go to a jury at the King's suit. If it was not quashed the justices might award a duel but, as we have seen, this happened hardly once in a hundred appeals; usually on one ground or another the issue would also go to a jury.

Bracton makes his discussion of the appeal of homicide serve as a vehicle for the discussion of matter basic to all appeals: the form of the appeal and of the defence and the sort of exceptions which an appellee might raise.[11] He then goes on to discuss separately appeals of: wounding; mayhem; wrongful imprisonment; robbery, including robbery of a third party's goods; robbery and arson; and women's appeals.[12] The tract *Placita Corone*, whose earliest versions date from the 1270s, has a much more limited range,[13]

since by then the action of trespass was providing a better remedy for many trespasses on which appeals had once been grounded. The crime alleged might affect the tactics of appellor or appellee but, homicide and rape apart, an analysis of the crimes alleged in appeals has only a very limited use because the appeal is largely a means, a rather clumsy means, of litigating about trespasses and no analysis will tell us, to use later terms, what appeals are concerned with crimes and what with torts. The tract *De Criminalibus Placitis* gives two examples of appeals by men: one for assault, battery and mayhem, the other for battery, wounds and robbery.[14] This combination is typical of a large number of cases in the rolls where allegations may include up to four offences from unspecified felony or breach of the peace, assault, beating, battery, wounding, mayhem, unjust imprisonment, larceny, robbery, burglary, carrying away chattels, housebreaking. The acts which gave rise to such appeals were in the vast majority of cases not the acts of habitual criminals who lived by thieving or robbery and used violence where necessary. They were the acts of men carrying out the everyday processes of a mainly rural society: impounding strays (no. 169) or otherwise carrying out the customs of the common fields and woods;[15] executing distraints or carrying out the judgments of local courts (no. 553);[16] disputing agreements or leases (nos. 294-5, 431);[17] taking seisin or disputing seisin after civil actions about it (no. 44);[18] arresting honest persons in mistake for illdoers.[19] This is seen clearly in the few appeals which reach a stage where the appellor's count or a narrative verdict by the jury is enrolled. It can safely be inferred in many more which did not reach such a stage and in which we have merely the names of three or four crimes strung together in unenlightening medley. So in analysing by crimes the 96 appeals in our roll, excepting appeals by approvers, we have taken the most serious crime where more than one is alleged and have noticed robbery in conjunction only with battery and wounding. The total includes 7 of the 11 appeals against accessories. Sometimes the clerks include appeals against accessories in the same entry as the appeal against the principal (nos. 115, 448, 461, 479) and sometimes they give them in a separate entry (nos. 45, 287, 311, 318, 344, 385, 529): in the table the former are reckoned as halves and the latter as units. Accessories could not be outlawed nor could an appeal against them be determined until the appeal against the principal had been decided (nos. 318, 529). The most usual charges against accessories before or at the facts are of instigating the deed by counsel, consent or by command, *preceptum* or *abettum*, and of being in the principal's *forcia*, and thereby guilty of abetting, *vis* or *forcia*, or of aiding, *auxilium*, *in auxilio*. Appeals against accessories after the facts are rare and are usually for harbouring, *receptamentum*;[20] if the principal had been convicted in the county court any who harboured him after the deed would have exposed themselves to an indictment for harbouring a felon or outlaw.

We have said that no analysis can tell us which appeals are really con-

cerned with felonies and which are concerned with tortious offences, of the sort that later formed grounds for actions by writs of trespass. From the results of the appeals it may be suggested that, apart from the 38 appeals of homicide and rape, there were 6 appeals which seem certainly to arise from felonies (nos. 46, arson; 288, 497, burglary; 286, mayhem; 54, 479, wounding) and one (no. 48, breach of peace) which may have done so. The other 51 or 52 appeals seem to be concerned with what would later have been called tortious offences.

The appeals have been distinguished under five heads: those already determined before the Eyre began; those settled or compromised out of court between the parties; those in which nothing more was done in Eyre than to order process against the absent parties; those remitted for completion to the county court; those heard in Eyre. Where there were several appellees and appeals against them fall some under one head and some under another, or where an entry includes appeals against both principal and accessories which ended in different ways, the appeals have been reckoned as halves.

Crime alleged	*Determined*	*Concorded*	*Process ordered*	*To County*	*Heard in Eyre*	*Total*
Breach of Peace	1	—	2	—	1	4
Felony unspecified	—	—	1	—	—	1
Battery	—	2	4	1	1	8
Battery and Robbery	—	2	—	1	3	6
Wounding	—	1	1	—	3	5
Wounding and Robbery	—	—	—	1	8	9
Mayhem	1	1	—	1	3	6
Homicide	9½	—	1½	—	8	19
Causing miscarriage	—	—	—	—	1	1
Rape	2	3½	3½	1	9	19
Unjust Imprisonment	—	—	2	—	1	3
Robbery	½	2	1	—	4½	8
Ejection	—	—	—	—	1	1
Housebreaking	—	—	—	1	—	1
Burglary	½	—	—	—	3½	4
Arson	—	—	—	—	1	1
Totals	14½	11½	16	6	48	96

Eyre rolls vary greatly in the number of their appeals which usefully illustrate either the routine or the exceptional of substantive law and procedure. The richest and most illuminating variety of appeals in the visitation of 1246-9—perhaps in the whole reign of Henry III—is to be found in the

crown pleas of the 1247 Leicestershire Eyre. If one were to gather a body of select appeals from the Eyre rolls of Henry III our roll's contribution would not be above the average. It would include the quashed appeal of homicide that ended in hanging (no. 385); an appeal of rape that ended in marriage (no. 461); the appeal of various trespasses in which a duel was was waged but concorded (no. 294); some other appeals of various trespasses, alike for examples of counts, verdicts or judgements and because the events which lay behind them are fairly clear (nos. 44-5, 431, 553); and among women's appeals, other than those for a husband's death or rape, those involving a miscarriage (no. 562), unjust imprisonment (no. 274), burglary (no. 497) and wrongful ejection (no. 553).

In dealing with determined cases in general we have already dealt with the 16 appeals which were determined in whole or part before the Eyre began, so that it is unnecessary to say more about them here than to recall that in 2 cases (homicide, 317-8; robbery 373) outlawry was found to have been adjudged wrongfully by the county court while in 2 cases (homicide, 312, 387) appellees had been hanged.

If the parties did not appear in court the justices would seek to discover from the jury or others present the reason for default, since upon that reason might depend the ordering of process and the putting in mercy of sureties. If the appellor alone appeared the justices could obtain a verdict against the absent appellee; they could do this also if neither party appeared by arraigning the absent appellee at the King's suit. However there is in all Eyres a fair proportion of appeals in which the appellors' suits lapsed and the King's suit was not prosecuted. If the appellee had died, as in 2 cases (felony, 354; rape, 551), the appeal naturally lapsed; though in the interests of himself and his sureties the appellor ought to appear in Eyre. If, from natural causes in no way connected with the subject of the appeal, the appellor had died or was seriously ill and the matter, or the appeal, was not grave, as in 5 cases (battery, 253; peace, 204; wounding, 424; imprisonment, 270; rape, 174), the justices might decide not to press the King's suit, but they investigated the actions of the officials of a Winchester priory manor concerned in the allegation of wrongful imprisonment. In these cases, alike in the interests of himself and his sureties, the appellee ought to appear in Eyre. In a number of other cases where the parties were absent but living, so far as we know, the justices did no more than order their arrest (peace, 206; battery, 309, 379, 476; imprisonment, 242; robbery, 561; rape, 455, accessory to rape, 461). After reading many such cases it seems clear that the justices, with far more information available to them than the clerks have preserved for us in their jejune entries, decided that a particular matter was not sufficiently serious or satisfactory to warrant their prosecuting the King's suit. An appellor's default would not end an appeal unless, in his absence, the justices proceeded to judgement on the appellee[21]; but after a default in Eyre it is unlikely that an appellor would be able to renew his appeal success-

fully unless for some excellent reason, such as that he had been prevented from coming to Eyre by the appellee or his friends.

The justices' enquiries into the absence or withdrawal of an appellor would often inform them that the parties had settled matters out of court. It had once been possible to ground a final concord on a compromised appeal but this had not been possible for some decades. Nevertheless it seems clear that in some cases deeds might be made in the local courts whereby the aggrieved party acknowledged in return for a material consideration that he released all rancour and claims for trespasses committed against him by his adversary up to the date of making the deed. There are 12 concorded cases in our roll (battery, 47, 418 fine pardoned; battery and robbery, 240 fine and 558; robbery, 117, 550; wounding, 205 fine; mayhem, 211 fine; rape, 461 permission to marry, 296 fine, 108, 272). In such cases the arrest of the absent would be ordered, those present would be committed to custody and the sureties would be put in mercy as appropriate. Usually one of the parties would agree to make a fine to cover the offences of all concerned, including of course the sureties, and this party would be the one on whom the blame for the events lay; but we have details of only 4 fines in our roll. Three were made by appellees and one, in an appeal of rape, by the appellee's father, a knight of good standing and the senior juror of his hundred. The only compromise of which we are told the terms was in an appeal of rape where the parties were to marry. It seems likely that in all compromised appeals the justices asked the jury, probably just the hundred jury, for a verdict. Only in 2 cases of rape (nos. 272, 296) in our roll do we find them doing this, but in most of the rolls of Thurkelby's circuit and in Henry of Bath's main rolls we find the justices generally seeking a verdict in compromised appeals as a matter of course.

Bracton tells us that if an appellor had not had time to complete his suit in the county court before the Eyre (that is, up to the 5th court) and the appellee did not appear, the justices would tell him to continue his suit in the county until the appellee was attached or was outlawed.[22] In practice the justices seem to have remitted appeals only in the less serious cases. Six such appeals were remitted by our justices (battery, 180; battery and robbery, 527; wounds and robbery, 478; wounds and housebreaking, 280; mayhem, 421; rape, 207). Perhaps the justices first obtained a verdict, but we find them doing so in only three cases (nos. 280, 421, 527) in all of which the appellee was said to be guilty. It is not clear whether in such cases the Eyre itself ranked as one of the four county courts towards exaction and outlawry; possibly it did not, for there are Wiltshire examples where appellors whose appeals were thus remitted were given express permission by the justices to reckon the Eyre as one of the four county courts necessary and such permission would hardly have been needed if an Eyre ranked automatically as a county court for this purpose.[23]

For the appeals heard in Eyre a procedural analysis is useful. This follows

the natural division. Neither party appears; the appellee only appears; both parties appear but the appellor withdraws: and in all cases the justices decide to prosecute the King's suit. The appellor only appears and the justices take a verdict and make the appropriate order against the absent appellee. Both parties appear and plead: the justices either quash the appeal or let it take its course. An asterisk (*) against a case here indicates that the appellor was a woman.

I Both parties default, 2 cases.

Appellee not guilty, acquitted, 344 robbery and wounds. Appellee guilty, to be arrested, 2 robbery and wounds. Appellor to be arrested in both cases; in 344 the appellee could not be attached and no order was made against him.

II Appellee only appears, 13 and part of 2 other cases.

Appellees not guilty, acquitted, 9 and 2 part cases: 130, peace; 269 battery; 528, robbery and battery; 369 robbery and wounds; 60 mayhem; 237, 373 (part), 560* robbery; 387 (part) homicide; 283,* 459* rape.

Appellees guilty, committed to custody to make fine, 3 cases: 448 robbery and battery; 343 robbery and wounds; 274* imprisonment.

Appeal on abetting held in suspense until appeal against principal determined: 529 robbery and battery.

Save in a case where he was sick, 373, the absent appellors were to be arrested.

III Both parties appear, appellor withdraws, 6 cases.

Appellees not guilty, acquitted, 3 cases: 287 accessory to mayhem; 366,* 460* rape.

Appellee not guilty but guilty of striking appellor, committed to custody: 411 mayhem; 562* causing miscarriage.

Appellee guilty, fines and is allowed to marry appellor: 517* rape.

All appellors were ordered into custody but in 4 cases (366, 411, 517, 562) were pardoned; an appellee ordered into custody was specially pardoned (411).

IV Appellor only appears, 7 and part of 2 other cases.

Appellee not guilty, acquitted: 311* abetting rape; no order made against either party.

Appellee not guilty, but guilty of larceny so ordered to be exacted and outlawed: 310* rape; no order made against the appellor.

Appellees guilty, to be exacted and outlawed: 46 arson; 288 (part) burglary; 3, 115(part), 151, 188 homicide; 141* rape.

V Both parties appear, appeal quashed, 6 cases.

No verdict, judgement against lords of liberties whose actions are main subject of appeal: 295, 431 robbery.

Appellee not guilty, but guilty of assault, committed to custody but pardoned: 526 robbery and wounds.

Appellees guilty, those present committed to custody to make heavy fine (44) and those absent to be exacted and outlawed: 44-5* burglary.

Appellee guilty and hanged: 385 homicide.

VI Both parties appear, appeal not quashed, 12 cases.

Appellees not guilty, acquitted: 252 wounds; 169,* 477 wounds and robbery; 172 homicide; 155* rape.

The appellors were all ordered into custody to make fine which in one case (155) was pardoned.

Appellees not guilty and acquitted but make heavy fine, nominally for default at opening of Eyre: 374* homicide; no action was taken against the appellor.

Appellees guilty and ordered into custody to secure reversal of judgement by court whose representatives they were: 553* ejection.

Appellees guilty but being clerks were delivered to ecclesiastical authorities with admonition to show full justice: 54 wounds.

Appellees guilty and hanged: 497* burglary; 168* homicide.

Appellee guilty, possibly hanged: 479 wounds.

Duel waged but not fought, appellee making fine: 294 robbery and wounds.

APPEALS: HOMICIDE, RAPE AND OTHER FELONIES

By their unambiguity, appeals of homicide and rape stand in clear contrast to the appeals based on various trespasses. Though Bracton takes homicide as the classic form of the appeal, the gravity of the crime gave the appeal features peculiar to itself. In dealing with bail we noticed that one accused of homicide could only be released on a writ of bail and that one appealed of homicide could only secure a writ of bail after first securing a writ *de odio et atya* for a preliminary inquest. So the appellees were all bailed (nos. 115, 168, 374, 385) save where they had themselves absconded or could not be reached (nos. 3, 188, ? 151) with an exception (no. 172) which may have been based on very recent events. Moreover, homicide was the one appeal which could not be brought by the victim. Of some 17 appeals in our roll, 8 were brought by wives, 4 by brothers, 1 each by a sister and a mother, while in 2 (nos. 3, 387) the relationship is not stated. In addition an appeal by a father for his son's death (no. 24) had been begun but apparently dropped. The appeal of homicide had always been as much a woman's action as a man's and, despite the limiting rule on women's appeals, was brought by women for the death of their children or brothers and sisters as well as of their husbands, though appeals by widows for their husbands' death generally outnumber appeals of any other relationship. In only a small proportion of the appeals is there any description of the events leading up to the deed. Generalization is hazardous but from a

considerable number of appeals in which we have such descriptions it is possible to make a rough division of two broadly distinct circumstances in which occurred the deaths that gave rise to appeals of homicide. Some seem to have resulted from the normal friction of life, from enmities between neighbours or between members of a family which found a sudden outlet in a fatal attack (? nos. 115, 151, 188). Others seem to have occurred through some of the everyday processes which formed the background to the appeals of various trespasses (nos. 172, 385). If we find a number of appellees we shall probably not be wrong if we guess that some act of a manor court lies in the background (no. 374) or some concerted action by a group of villagers. Only 2 of our appeals give us sufficient facts for us to be able to see what happened at the fatal, or allegedly fatal, scene. One (no. 172) takes us into the corn fields of the episcopal manor of Downton at harvest time and shows us a woman gleaner being driven off by a manorial officer. The other (nos. 385, 387) seems to show a poaching incident in which country gentlemen attempted to recover a joint of the poached beast and were set upon by a number of Urchfont villagers, all of whom seem to have been freeholders of some standing, and two of whom were eventually hanged for their part in the fatal blows. Although the appeal of homicide more than any other appeal was the one in which the appellor's private suit competed with the evolving processes of common law for the arrest and trial of illdoers, the weakness of police organization gave it a use after other grounds for appeal had been captured by the action of trespass, and in Henry III's reign it was still an important means of bringing slayers to justice. In this case, since the men of Urchfont were probably on the accused's side, it seems likely that the private suit of the dead man's knightly family helped to secure the arrest of the two attackers who were hanged.

Altogether, in the appeals of homicide against principals and accessories, 22 persons had been outlawed and 2 hanged before the Eyre began while in Eyre 15 were outlawed, 2 were hanged and 7 were acquitted.

The appeal of rape represented the most typical departure from the classic form of appeal procedure. A woman could not offer battle so the appellee always faced ordeal or inquest or, eventually, a jury. Moreover in the early stages a necessary peculiarity was that the good women of the district—Bracton says four of them—should be present to examine the woman when she began her appeal.[1] Bracton contrasted the severity of punishment in bygone days with the milder sentences of his own, when there was no hanging and the punishment of exoculation and emasculation were reserved for the most heinous forms of offence, none of which occur in the extant rolls of the 1230s and 1240s. Appeals of rape were often concorded by agreement. We are not often told of the substance of these agreements (nos. 108, 272, 296) but in one case as we have noticed (no. 461) the terms were marriage, which the justices ordered to be implemented forthwith, while in an unconcorded case, in which the man had been found

guilty and made a fine, the justices gave him leave to marry the woman (no. 517). In all, the appeals of rape concerned 18 principals and 2 accessories. Of these, 3 had sentence of outlawry passed on them before the Eyre began; 6 were acquitted; 2 married their victims; 1 made a fine (no. 296); the last we hear of 2 is their being ordered into custody (nos. 108, 272); one who was acquitted was outlawed for larceny (no. 310). About the guilt or innocence of the rest we are told nothing, for the justices did not take a verdict in a case where the woman had died, nor in 3 other cases, and in a fourth which they remitted to the county court.

The procedural advantages which a woman possessed in an appeal of rape caused the justices to look keenly at most such appeals, especially against accessories. It was frequently found that such appeals had been instigated by enemies of the appellee, who had made use of the women as a tool in order to defame and embarrass a prominent neighbour. It is a little remarkable that our roll has no example of this sort.

We have suggested that some six or seven of the appeals grounded on various offences were concerned with felonies rather than with trespasses of varying gravity. The suggestion is made simply in view of the results of these cases; from what has already been said it is clear that complete certainty in distinguishing between tortious and felonious offences is not possible where knowledge of the full background of the action is lacking. Two of these appeals, for unspecified breach of the peace and for mayhem (nos. 48, 286), had resulted in outlawry in the county court, which did not often happen when the incidents concerned were not felonious. One for arson (no. 46) resulted in the outlawry of absent appellees in Eyre; to this the same applies. Of the two appeals for wounding, in both of which the accused were present and convicted, that in which the accused were clerks (no. 54) resulted in their delivery to the official with the admonition that full justice be shown them in the ecclesiastical court; the other (no. 479) ends with the usual formula for a hanging but without the normal marginal note to that effect. One of the two appeals for burglary and robbery had involved ten persons (no. 288); before the Eyre began six had been outlawed (and one of these had been caught astray from the right path and so had been beheaded) while one had already been hanged for falsely pleading clergy. The remaining three had found sureties in the county court; one had found the normal two sureties and the other five sureties each, sure sign of an offence of exceptional gravity. They all defaulted in Eyre and so were outlawed. The other case for burglary and robbery (no. 497) was brought by two women against the servants of two other women, who were convicted and hanged. There can be little doubt that all these cases were based on felonies.

This is perhaps the appropriate place to comment on one of the most interesting cases in the roll. We have not included it in the analysis of appeals because it is not quite certain whether it is an appeal of larceny or a plaint for wrongful taking away: Robert of Bodenham v. William Plance

(no. 166). Robert was William's father. He comes and accuses his son of stealing a couple of cloaks and pawning them in the Jewry at Wilton. William freely admits pawning the cloaks but denies any felonious intent, saying that he did this because he was in need, since his father would neither keep him properly at home nor let him go abroad in the service of some household where he might earn his keep. This reminds one, across six centuries, of some of Richard Jefferies' remarks about Wiltshire yeomen farmers who kept their childen at home under strict conditions long after they were grown men. The jurors support William: he had pawned the cloaks not *per feloniam* but *per simplicitatem*, driven by necessity and great want. They have, moreover, a sordid tale to tell of family hatred behind the accusation. Robert, they say, had conspired to persuade William to turn approver and appeal his brother and mother as his fellows in the larceny, thereby hoping that all three might be hanged. So Robert was the victim of his own scheming: the justices acquitted William and ordered Robert, *ille pessimus pater*, into custody.

APPEALS: VARIOUS TRESPASSES

We have already remarked that the appeal of felony was widely used for litigation, about various trespasses, in which the appellor's object was not really to secure a conviction for felony but to obtain a satisfactory agreement or at least to expose the appellee to the trouble and notoriety entailed in defending an appeal and to the penalties of fine or amercement which he might thereby incur. The reason why so many persons used the appeal of felony for this purpose seems to be because there was not generally available any other routine action which would serve their purpose equally well. There were, indeed, two alternatives: a civil appeal and an action of trespass by the writs *quare* or *quare vi et armis*. It may be useful to look briefly at these alternatives.

Comparatively little is known about the civil appeal because it was essentially a county court action. Bracton refers to it merely in passing[1] and it is uncertain how far the few cases reaching Eyres may be typical examples of it. In it the appellor did not allege felony or breach of the King's peace, nor did he offer to prove the truth of his allegations by his body. In the examples the plaintiff is generally said not to appeal but to complain, *queritur, conqueritur*; but in the pleadings, verdicts and judgements the words appeal, appellor or appellee are generally used.[2] Amends might be sought, either damages for the injuries suffered, such as blows, imprisonment and the like[3] or the return of the chattels taken away, as with sheep removed from one fold to another and rebranded.[4] Sometimes the appeals are brought by husbands for injuries sustained by their wives.[5] They might be brought for offences which turned on the personal status of the plaintiff, whether he

was free or villein.[6] Those concerned with the taking away of chattels were often directed against officials as the result of some action by them.[7] For example: a man who had seriously wounded another had his chattels seized until it was seen whether his victim would recover or die, this being the normal course, but fifteen years later he brought—and lost—a civil appeal about it; a man who had refused to pay toll on cloth bought in a market had his purchases seized and was himself put in the stocks.[8] Sometimes there is a background of family strife: a man who had kept a concubine and had a son by her and had given her some land eventually discarded her in order to marry; the wife inspired a plot whereby the house which the concubine had built on the land was destroyed and some of her goods carried away.[9] Our roll gives a glimpse of a civil appeal about a crop of corn (no. 373) in which the county court had mistakenly ordered the outlawry of the contumacious appellee; mistakenly, because outlawry could not follow a civil appeal. In general, the sort of trespasses about which civil appeals were brought seem to be less serious than most of those which formed grounds for appeals of felony, though a number of the unsuccessful appeals of felony for such offences as battery, wounds, robbery, carrying away of chattels and wrongful imprisonment would seem to be grounded on incidents roughly the same as those in the few known civil appeals. There are examples of appeals of felony in which amends were sought, sometimes with success;[10] but these are very rare by comparison with the considerable number of appeals of felony which were concorded or which resulted in the appellees making fines. No doubt many disputes involving injury to the person or property formed the subject of civil appeals or of plaints in the county and franchise courts; but to the person who was prepared to risk fine or amercement if his grounds were insufficient the hearing in Eyre which an appeal of felony promised held out better hopes of a satisfactory agreement or of an adversary's discomfiture.

The action of trespass had been available to litigants in royal courts by the writ *quare* since the close of the twelfth century and by the writ *quare vi et armis* since about the beginning of Henry III's reign.[11] But in the 1240s both writs were still not writs 'of course'; that is, with the usual exception in favour of poor persons, they had to be paid for by a fine to the King and not, as with writs 'of course', merely by fees on a fixed scale to the chancery officials. Hence the litigants were chiefly magnates, prelates and royal servants: one often finds justices like Roger de Thurkelby litigating against tenants or neighbours by such writs in the 1240s or 1250s. Throughout these decades the payments for the writs are in the Fine Rolls. From the mid-1240s such payments increased steadily, bringing into Bench or Eyre and the court *coram rege* a volume of business that though comparatively small in the 1240s—the only trespass actions in our Eyre were some two or three among the foreign pleas—had become so considerable by 1257 Trinity term that in the earliest surviving writ file of the court *coram rege*, which is for

the last return day of that term, about three quarters of the writs are original or judicial writs of trespass.[12] The litigants included 4 from Wiltshire of whom one or perhaps two were knights and the others substantial freeholders or burgesses; their actions were for depasturing and devastating corn and grass, assault or wounding and carrying away chattels, battery and general maltreatment. Like these, the grounds of the many other actions in the trespass writs of this file could nearly all be matched by the grounds on which appeals of felony were brought in the Eyres of 1234-1249. It was presumably partly because the writs were not of course and partly because litigation by them entailed expense on attorneys, while the many stages of mesne process issued against the defendants, that until the 1250s ordinary country-keeping knights and freeholders did not avail themselves of them but preferred the appeal of felony. In the 1241 Bucks Eyre when an appellor brought an appeal of felony for carrying away hay, *de feno asportato*, William of York and his colleagues quashed the appeal with a reasoned judgment: 'because he did not appeal him other than for hay carried away and he could well have brought an action against him by the King's writ if he had wished, it is awarded that the appeal is null.'[13] This is the only such judgement which we have noticed in the rolls of 1234-49; it would presumably not have been given if the appellor had been able to allege blows or the loss in robbery of some small thing like a clasp or hay fork. From the mid-1250s onwards the use of trespass increased, so that by the time of the 1268 Wilts Eyre the appeal grounded on various trespasses was in marked decline, though still some way from being superseded by the action of trespass. In that Eyre, although there had been an interval of 12 years since the previous Eyre, there were only some 23 appeals grounded on what seem to be tortious offences (battery, wounding, mayhem, all with or without robbery, robbery, arson and burglary) whereas in 1249, with an interval of only 7 years since the previous Eyre, there were some 51 comparable appeals. Only 7 actions of trespass were brought in the 1268 Eyre, for such offences as battery, wounds, wrongful imprisonment, housebreaking and carrying away chattels.[14] But a fair number of actions of trespass must have been brought by Wiltshire persons, chiefly in the Bench and court *coram rege*, in the years between 1256 and 1268, like the 4 which appear in the 1257 Trinity *coram rege* writ file. It might not be an exaggeration to hazard that something like half or three quarters of the sort of incidents which in the 1240s served as grounds for appeals of felony had by the late 1250s and the 1260s come to serve as grounds for actions of trespass.

So, certainly until the late 1240s, the appeal of felony had attractions greater than either the civil appeal or the action by writ of trespass. The attractions can only be seen clearly when the appeals reach a stage of pleading or verdict which enables us to form some idea about the events which lay behind them. There are some 8 such cases in our roll, in 4 of which the appellors probably regarded the results as what they had hoped

for in bringing their appeals, in 3 of which the results probably fell in varying degrees short of their hopes and in 1 of which the result was to vindicate the appellee. These cases may be briefly reviewed.

An attempt by the superior lord to take seisin of an estate on the tenant's death was, for reasons not known, resisted by the tenant's widow and her (presumably infant) son; the widow was forcibly ejected for some days and her goods in the tenement were wasted (nos. 44-5). She framed her appeal, rather loosely, as one of robbery and burglary. Although her suit was quashed on technicalities, the principal appellee suffered the heaviest fine inflicted on individuals during the Eyre—only one third short of what the whole county had to pay as common fine—while his abettors were ordered to be exacted and outlawed. A dispute over the lease of a meadow in which, for reasons not known, a superior lord intervened, resulted in the wounding of the lessor, a knight, and the seizure from his son of a cart and team (nos. 294-5). The knight brought an appeal of wounding and mayhem and his son an appeal of robbery, both against the same appellee. The knight's appeal, as we have already had occasion to notice, was the only one in our Eyre to run its course up to the wager of a duel; it was then concorded, the appellee making fine for all concerned. The appeal of robbery was quashed on technicalities; no further award is to be expected against the appellee because of his fine in the other case, but awards issued against the superior lord concerned and also against the jurors who had attempted to exculpate the appellee. The lessee of land who, by the terms of his lease, should have shared the crop with the lessor, tried to evade his obligations by carting off all the crop himself (no. 431). The lessor attempted to secure his share, apparently by seizing, or securing that the bailiffs of the superior lord seized, a cart and its load. The lessee framed his appeal as one for carrying away chattels. It was quashed on technicalities but the justices ordered the restoration to him of his horse and cart. A Salisbury burgess died, leaving a widow and a sister (no. 553). The sister successfully brought a suit in the city court for possession of her brother's house on the grounds that he had been unmarried and that she was next heir. The widow was ejected from her late husband's house by the city officials, apparently with some force. She framed her appeal as one of robbery and ejection against the mayor and bailiffs. The mayor had died by the time the Eyre took place, so she proceeded against the bailiffs, who pleaded the judgement of the city court and vouched it to warrant. The court warranted the ejection, but not the force which had been used in it, and tried to exculpate itself from its judgement by pleading the sister's case. The court was put in mercy and the bailiffs were taken into custody, for the error of judgement and the unnecessary force respectively. It was later testified that the widow had proved her marriage and her title to the house under her late husband's testament, though whether this had been done before the Eyre or was a direct result of the pressure applied through the awards is uncertain. The results in these four cases

varied: restoration of chattels claimed; an agreement; pecuniary punishment of the aggressors. But these are just the results in which numerous appeals of these sorts ended: presumably they were the sort of results for which the appellors hoped in bringing their appeals.

In circumstances which are not clear the pregnant wife of a Salisbury burgess was beaten and soon afterwards she miscarried (no. 562). She brought an appeal for battery and causing miscarriage but withdrew it. The jury found the appellee guilty of battery 'with a small rod' but not guilty of causing the miscarriage. He was therefore taken into custody for the battery. A woman who had been raped by a manorial officer, and who raised the hue after the deed, had been arrested and imprisoned by the officer's fellows. Her appeal of rape had already resulted in the outlawry of her violator (no. 273). She brought an appeal of wrongful imprisonment against the others (no. 274) who were found guilty and taken into custody. In neither of these two cases do we know whether the order into custody was follow by a fine. A quarrel between two prominent freeholders resulted in one bringing an appeal of wounds and robbery against the other (no. 526). The appeal was quashed on technicalities; the jury found the appellee guilty of battery and wounding under provocation but not guilty of robbery. He was ordered into custody but eventually pardoned without making a fine. How far the results in the first two cases fell short of the appellors' hopes depends on whether the appellees did make a fine and, if so, the amount of the fine; in the last case the appellor may have been disappointed that his adversary suffered no more than a few hours, or perhaps a night's, detention instead of a fine and the probable selling off of an ox or two which that would have entailed.

A woman whose pigs had strayed in the common fields attempted to resist their impounding forcibly but in the struggle was accidentally hit on the head with her own staff (no. 169). She framed her appeal as one of wounding and robbery (of the pigs). The appellee traversed it by pleading his right to impound the strays, which dealt with the charge of robbery, and the fact that her injury arose from her attempt to hit him with her staff since when he caught an end of the staff to ward off the blow the other end struck her head, which dealt with the charge of wounding and any element of battery. The jury on which he put himself found for him without reserve. The woman was ordered into custody for her false appeal. Whether she made a fine is not known but it seems certain that this was the only one of the 8 cases discussed in which the appellor wholly failed in the aims for which the appeal had been brought.

The remaining appeals based on trespasses did not reach a stage that enables us to see, however dimly, the facts behind the case. Indeed, as the analysis shows, 5 were enrolled so laconically that they refer merely to felony or breach of the peace etc. One of these may have been basically felonious (no. 48) since the appellee had been outlawed in the county

court; however, this may not have been because of the seriousness of his offence but because he was a stranger. In one (no. 130) the appellee was acquitted; the others were inconclusive.

In the appeals where specific offences were alleged a neat division between offences against the person and offences against property is hardly possible because of the employment of a charge of robbery to aggravate a charge of offences against the person. Bracton, after discussing appeals of wounds, mayhem and imprisonment, moved on to deal with robbery, remarking 'wounds or mayhem or imprisonment or some of them may be added to this appeal according to the different sorts of appeal.'[15] The practice of taking a gage from an offender was no doubt one of the reasons for the addition of robbery to many appeals of personal injury. What to one person was the lawful taking of a gage might to the person from whom it was taken seem like the robbery of some small personal possession: allegations of robbery are often answered by exceptions that the objects were taken not in robbery but as a gage. Another reason is that in scuffles and affrays small possessions might easily be lost and their loss could be attributed to robbery. From this it is but a step to deliberately losing or casting away something in order to provide colour for a charge of robbery. A typical example of this comes from the 1244 Devon Eyre.[16] A knight's bailiffs had often found Peter le Waleys straying beyond his corn lands in the village fields. One day when they found him thus straying, and attempted to arrest him and take a gage, he made off and deliberately threw away his fardel or sack. The bailiffs picked it up and had since repeatedly given him every opportunity to recover it, against gage and pledge to answer the charge for his original offence, but, said both bailiffs and jury, Peter would not do this for he was set on adding the robbery of his fardel to his charge of beating; but his appeal failed. The *firmaculum*, a large brooch or clasp, usually worth between 6d. and 12d., was an article essential to the dress of both sexes: the sort of thing that might be lost accidentally in a struggle or deliberately. Its robbery is frequently alleged in appeals of injuries against the person, including rape: nos. 311, 526, 561. The details of the injuries are rarely given in these laconically recorded appeals: an inch-deep wound, a thumb cut off, wounds, an eye injury, a wound in the nose (nos. 54, 211, 252, 421, 479). It seems to have been common for appellors to allege an offence more serious than the facts warranted: none of the appeals against principals for mayhem succeeded, one being a mere medley (no. 60), another dry blows which neither break bones nor wound flesh (no. 411). Details of the objects lost are likewise rarely given in these laconically recorded appeals where robbery or burglary are alleged; they are not mentioned in any of the 6 appeals of battery and robbery nor in 6 of the 9 appeals of wounding and robbery; elsewhere they are but briefly mentioned: two shifts (no. 550), money (no. 560), a cloak and brooch (no. 561). In all, of the 51 appeals reckoned as probably concerned with

trespasses that were not felonious, some 18 were for personal injuries, some 19 were for personal injuries with the addition of robbery or, in one case, housebreaking, and some 10 were for offences against property only.

The results of the 18 appeals for personal injuries (battery, wounding, mayhem, causing miscarriage and wrongful imprisonment) were: 4 concorded (nos. 47, 205, 211, 418); 2 remitted to the county court (no. 180), one of these (no. 421) after a verdict of guilty; 3 convictions, once on the charge (no. 274) and twice for battery after acquittal on the charges, of mayhem (no. 411) and causing miscarriage (no. 562). These appeals may all be regarded as achieving all or something of the success hoped for by the appellee. By contrast, 3 resulted in no action or only in the issue of process, because of the appellor's death or illness (nos. 253, 270, 424) or default etc., (nos. 309, 379, 476), while 3 resulted in the appellee's acquittal (nos.. 60, 252, 269).

The results of the 19 appeals of personal injury (battery, wounding, mayhem and wrongful imprisonment) in which robbery was also alleged followed a similar pattern but with fewer inconclusive endings. They were: 4 concorded (nos. 117, 240, 558), one after wager of duel (no. 294); 3 remitted to the county court (no. 478), 2 of these after verdicts which found the appellee guilty of the personal injury but not of the robbery (nos. 280, 527); 2 found guilty, one (no. 448) to be ordered into custody and make fine, the other (no. 242) having arrest ordered; 3 found not guilty of robbery but guilty of personal injury and ordered to be arrested (no. 2) or taken into custody (nos. 343, 526). These appeals may all be reckoned to have achieved all or some of the success for which the appellors had hoped. By contrast in 6 appeals the appellees were found not guilty on all charges (nos. 169, 287, 344, 369, 477, 528) and 1 appeal against an accessory was suspended until the case against the principal was determined.

The 10 appeals of offences against property alone (robbery, ejection, burglary) resulted in: 1 concorded (no. 550); 3 verdicts of guilty (nos. 44-5, 431); 5 verdicts of not guilty (nos. 237, 373, 560) or what seems to be the equivalent (no. 431) though in one the justices seem to have overruled this verdict (no. 295) with results that are uncertain; 1 ended inconclusively, being lost by default, without the award of process against the appellees, who were clerks (no. 561). On balance, therefore about half these appeals achieved some or all of the success hoped for.

As we have already remarked, that hope did not aim at the conviction of the adversary for felony nor at the recovery of damages for injury by an award of the court. The results achieved in many hundreds of appeals heard in the Eyres of the first half of the thirteenth century must be taken as indicating the measure of success for which appellors hoped in bringing these sort of appeals. These hopes seem to be: to reach a compromise, which probably included some settlement, in cash, kind or land, for the injuries done; to expose the adversary to the pecuniary penalties imposed in royal courts;

or, at the least, to expose the adversary to the trouble and notoriety of defending the appeal. In all these hopes the period of time which in many cases elapsed between the adjournment of the case in the county court to the next Eyre and the coming of the justices must not be forgotten. In this time, which must often have lasted up to 5 years, there was both opportunity for reaching a settlement and possible discomfort for the accused in having a charge hanging over him. But though from the results we can infer what hopes the appellors entertained, we can hardly form a complete estimate of the place of the appeal for trespasses in litigation because we know so little of the volume and type of litigation by civil appeal and pleas without writs in the county and greater franchise courts.

APPEALS BY WOMEN

"Because she cannot have an appeal save for the violation of her body or for the death of her husband killed within her arms . . . it is awarded that the appeal is null": so William of York and his colleagues in the 1241 Surrey Eyre quashed a girl's appeal for imprisonment and robbery that she had brought against a man, other than the one she wished to marry, who had abducted her for a day.[1] Bracton has this limiting rule[2] and it seems to be implicit in Glanvill.[3] Since a woman could not offer battle she had a procedural advantage and since she had a procedural advantage there must have been at times a strong temptation to an ill-disposed man to persuade a woman, say the daughter of a tenant, to bring an appeal against his enemy in the hope of encompassing his ruin or at least of exposing him to much trouble yet without any risk to himself or his agent. There would therefore be strong social pressure to limit a woman's right to bring an appeal to the grounds which held least room for trickery, which most injured her and where it was most essential that she should herself make suit: rape or the killing of her husband. The limiting rule is therefore understandable. What is obscure is that it should have been largely ignored. Without claiming to have discovered all the instances in the Eyres of 1234-1249, we have found the rule but rarely invoked as an exception by an appellee or promulgated by the justices in quashing an appeal.[4] In the overwhelming number of cases in which the rule could have been pleaded as an exception or applied as a ruling neither appellees nor justices invoked it. So in the 1230s and 1240s we find women bringing appeals for the deaths of brothers and sisters, sons and daughters.[5] They bring appeals for personal injuries such as assault, beating, battery, with or without wounds, or robbery.[6] They bring them for causing miscarriages.[7] They bring them for loss of eyes or teeth.[8] They bring them for offences against property such as: breaking open a coffer;[9] housebreaking and carrying away chattels;[10] arson;[11] ejection;[12] cattle stealing;[13] robbery;[14] burglary.[15] Many of their appeals were lost by

default, withdrawal or non-prosecution or else were quashed on grounds unrelated to the appellor's sex: but this was the fate of many men's appeals also and as in them it was often the appellor's penalty which was pardoned and the appellee who made fine.[16] Some of the appeals resulted in the outlawry of the contumacious appellees in the county court.[17] Some were remitted for completion in the county court or by the appropriate suit in court christian.[18] In Eyre in some cases the justices ordered the exaction and outlawry of defaulting appellees after a verdict at the women's suit;[19] in some which were not quashed the appellees were found guilty and hanged.[20] Among the many hundred women who brought appeals outside the limiting rule in the Eyres of 1234-1249 there were some of considerable standing. It seems plain therefore that although a rule which severely restricted the availability of women's appeals existed and might on occasion be pleaded by appellees or invoked by justices, the appeal was an action available as widely to women—spinsters or widows—as to men. Some scholars have written as if Magna Carta confirmed the limiting rule. However, *c.* 54 merely directed that a man was not to be arrested or imprisoned for a woman's appeal save for her husband's death or, in other words, that a man appealed by a woman for the death of her brother, sister or children was pleviable and ought to be attached if the appeal was the sole accusation against him, that is if he had not also been suspected of the death by the neighbours at the coroner's inquest. Even so, homicide being an irrepleviable offence, the sheriff or county court which neglected to imprison a man appealed by a woman for the death of brother, sister or children might well be risking an amercement in the next Eyre for attaching one accused of an irrepleviable offence. In dealing with attachment and bail we have seen that sheriffs and county courts did sometimes exercise discretion in favour of a man appealed by a woman. They attached instead of committing to prison to await bail; they did not attach where the offence was pleviable; they let the 5th county go by without outlawing the contumacious appellee. There are sufficient instances to show that there certainly was some prejudice among local authorities and communities against women's appeals but these instances are chiefly from cases in which, judging by their issue, the women's accusations were based on very slender grounds and were not justified. The instances are few by comparison with the great majority of women's appeals which fell outside the rule but which nevertheless were allowed by sheriffs and counties to go forward just as men's appeals. It can at times have been no easy matter to distinguish between the case where the woman's injury fully justified an appeal and the case in which the woman was bringing a frivolous action or was being merely made the tool of a dishonest conspiracy.

Some 41 women had initiated appeals which fell to be considered in our Eyre. Of these 20 were for rape and 8 for the death of a husband; 13 fell outside the rule. One each was for the death of a daughter (no. 172) and brother (no. 374) and for causing a miscarriage (no. 562). The rest were

for battery (no. 309), breaking into a house and wounding in an attempt to commit rape (no. 280), breaking into a room and taking money (no. 560), robbery (nos. 550, 561), robbery and wounds (no. 169), wrongful imprisonment (no. 274), ejection (no. 553) and burglary (nos. 44-5, 497). In 4 cases (nos. 44, 169, 553, 562) we have the appellees' full defence; they made exceptions but did not plead the limiting rule; they pleaded as if they were pleading against men: neither did the justices invoke the limiting rule in these, nor in any of the other appeals which reached the appropriate stage. Of these appeals, some of which we have already dealt with more fully in discussing the appeals grounded on trespasses, 1 was concorded (no. 550), the appellee charged with causing a miscarriage was acquitted but found guilty of battery (no. 562) and ordered into custody, a fate shared by the appellees in three other appeals (nos. 274, 553) in one of which the appellee made a swingeing fine while his absent abettors were put in exigent (nos. 44-5); 2 servants charged with robbery and burglary were hanged (no. 497). By contrast 2 appeals resulted only in the issue of process (nos. 309, 561) while in one the appellee was acquitted (no. 560). On balance, therefore, the women's appeals outside the rule in our Eyre were no less successful than the normal appeals of men.

During the latter part of Henry III's reign the limiting rule was widened to include one other sort of case: causing a miscarriage. The addition is mentioned in all three cases in the 1268 Wilts Eyre in which appellees invoked the rule, the phrase used being *de puero suo abortivo in ventre suo or infantis sui oppressi in ventre suo*; in one case the appellee began by asking that it should be allowed him that a woman 'has an appeal only in three cases'[21] Appeals of this sort are common in the Eyres of 1234-1249 while there is at least one instance of a husband bringing an appeal for his wife's miscarriage; it was concorded.[22] Some of the women's appeals were concorded; we have not found an instance of a jury convicting an appellee who appeared to answer this charge. Indeed, as in the case in our Eyre, juries showed a marked reluctance to convict even though from the narrative of the events it seems medically likely that the blows inflicted had indeed been the cause of the miscarriage. This is so in our case and in another in the 1248 Gloucester Eyre where the verdict on the appellees was 'that they had indeed beaten her but straightway after she went and walked here and there, and then after 8 days she miscarried of a baby having the form of a male and 5 inches long, but they rather believed this was by her labour and her foolish behaviour (*stultum gestum*) than by the beating.'[23] But in the latter case the appellees, Bristol citizens, had risked no pleading; immediately after their traverse they had made the huge fine of 50 marks for a special inquest from the city.

APPEALS BY APPROVERS

Any police system needs to make the best use possible of known criminals in order to catch others, so the arrested illdoer, guilty of crimes such as burglary, larceny and robbery, had a chance of preserving life and limbs by becoming an approver, whereby he engaged to secure the conviction of his associates either through defeating them in a duel or by a jury's verdict. His accusations formed a special sort of appeal. Until he had run his course his keep, equipment and transport was a charge on the royal revenue, usually on the county revenue, and he was accordingly known as *l'enfant le Roi*, the King's child.[1] Between Eyre visitations approvers from all parts of the country were sent up to Newgate gaol. No regular record of Newgate gaol deliveries survives until Edward I's reign, when the practice was as flourishing as in the 1240s and the rolls are like those of a central criminal court.[2] Between the Eyres of 1241 and 1249 the sheriff of Wilts by royal orders sent 4 approvers to Newgate:[3] in the year ending 1242 Mich. one from Devizes castle, at a cost of 25s. 6½d.; about May 1244 two unnamed men from Salisbury gaol, cost 9s. 3d.; about July 1247 Henry le Peleter, from an unnamed prison, cost 19s. 4d. Also he was ordered in October 1242 to arrest 10 persons appealed by an approver and to send them for trial to Newgate and in December 1242 to send thither 4 persons appealed by 2 approvers.[4] In the spring of 1248 he had to transport an approver to Gloucester for the Eyre there.[5] In some Eyres the appeals of those who turned approver in Eyre would be enrolled on a special membrane.[6] One thief, recently arrested with his mainour, had turned approver shortly before our Eyre began but he withdrew his appeal and so was hanged (no. 105). Any duels were usually fought at the very end of an Eyre. In the 1249 Hants Eyre which immediately preceded our own two approvers each fought and won a duel. As we have already noticed, our clerks devoted a special membrane to these approvers' appeals, ornamented with pictures of one duel and of the defeated appellee hanging from the gallows.[7] The victorious approver, Walter Blowberme, had appealed 10 in all; of these 6 had themselves turned approver, 3 had been found guilty in absence and ordered to be exacted and outlawed, 1 had been defeated in the duel. The justices thereupon awarded that Walter had earned the successful approver's right to abjure the realm. One of the two duels had been equipped at the bishop of Winchester's cost.[8] Leather and linen for the men's armour and tunics cost 8s. 3d. and 2s. for making up; the special clubs cost 3s.; the large rectangular shields cost 14s. The appellee who defeated an approver usually had the satisfaction of seeing his accuser go to the gallows but his own safety was uncertain. In the 1240 Suffolk Eyre an appellee who won his duel was thereupon ordered to find

sureties but could find none; the justices thereupon ordered him to put himself on a jury: he was found guilty and hanged.[9]

Five approvers are named in our roll: John de Kynemeresford (nos. 22, 261) who had appealed 4 persons and who was perhaps the approver sent to Gloucester in 1248; Henry (nos. 132, 563, perhaps Henry Le Peleter) who had appealed 5; Walter de Meleburn, Reynold, John Snotte, who had appealed 3, 2 and 1 respectively. The last 4 are all said to have been hanged in London, presumably after failing to run their course. Since all the approvers had been taken out of the county their accusations remained behind as indictments (nos. 22, 132, 261, 341, 555, 563): in all 19 persons had been indicted of larceny or of harbouring or consorting with thieves by the 5 named approvers and 2 others unnamed. They were mostly town dwellers: 11 from New Salisbury and 2 each from Abingdon and Malmesbury. All save 2 of the accused appeared to stand trial and all were acquitted. The excitement of a duel did not come in many Eyres.

THE PRIVATA AND THE INDICTMENTS

After the jurors received their copy of the Eyre articles and before they went away to prepare their *veredicta*, Bracton says that 'the justices tell them privately that if there is anyone in their hundred who is suspected of any ill-doing they ought to arrest him at once if they can; if they cannot then they must give the justices, privately in a schedule, the names of those suspected. The sheriff will then be ordered to arrest those persons at once and to bring them before the justices, so that justice may be done to them'.[1] This private report in a schedule was known as the *privata* or *privitates* or *rotulus de privatis*. It was entirely distinct from the *veredictum*. The tract *De Criminalibus Placitis* gives no advice on its compilation but guidance was hardly necessary since it was presumably only a list of persons with their townships and suspected crimes. It was essential for the *privata* to be delivered as soon as possible so that the sheriff's officers would have time to make arrests and bring the suspects to court in time for their trial when the hundred's pleas were taken. In the 1235 Surrey Eyre judgement was given against the jurors of a Surrey hundred 'because they did not deliver the names of those indicted in their hundred until the latest date appointed for the delivery of their *veredictum*.'[2] Similarly, in the 1241 Surrey Eyre three Surrey hundreds were put in mercy 'because they did not deliver their *privata* (or *privitates*) before the latest day.'[3] The earliest reference to the *privata* is one which Maitland noticed in the 1221 Gloucestershire Eyre.[4] In our Eyre the Rowborough hundred jury was put in mercy 'because they put in their *privata* those who had been elsewhere acquitted' (no. 125).

The first seven articles of the assize of Clarendon (1166) elaborated the

process for the indictment, imprisonment pending trial, trial by the ordeal of water, and judgement, of those suspected as 'robbers, murderers, thieves or their harbourers.' The first, long, article of the assize of Northampton (1176) modified the procedure and widened the scope to include coining and arson. In the 1194 Eyre articles there are two which seem to cover indictments: '7, also about ill-doers, their harbourers and those who connive at them; 8, also about forgers.' But in 1198 and later sets of articles there was no longer a reference to indictment; presumably it had become such a well known feature of Eyre procedure that it was not necessary for justices or juries to be reminded of it by a phrase in the commission or Eyre articles. They knew that, in addition to dealing with new crown pleas under article 2, they had to deal with reputed criminals. The phrases 'assize of Clarendon', 'judgement of Clarendon' remained long in popular use. They occur from time to time in the pipe rolls. A monastic chronicler, writing of the trial of indicted persons from the archiepiscopal liberties in the Canterbury sessions for assizes and indictments of December 1195 made use of them.[5] In 1227 a jury of Essex knights recalled how in the last decade of the twelfth century the justices had come to a liberty to hold the *assisa de Clarhamdun* or *placita de indictatis* and how they had pronounced the *judicium Clarhamdun* on those who failed at the ordeal.[6] When the fourth Lateran council forbade clergy to take part in the ordeal in 1215 the ordeal lapsed in England. Thenceforward trial of indictments was by jury and with this change the process was no longer referred to as the assize or judgement of Clarendon.

In the enrolment of the indictments there were two fashions. Some clerks, including those in Thurkelby's circuit in 1246-9, began such entries with the formula *De indictatis dicunt*: concerning those indicted they (that is, the jurors) say.[7] Then, if the accused had not appeared in court, they continue *A. B. rettatus de latrocinio subtraxit se et malecreditur* or *non malecreditur:* A. B., accused of larceny (or some other crime) has run away and is suspected or is not suspected. But the clerks in Henry of Bath's circuit gave no heading to their entries. Instead they began baldly *A. B. rettatus de latrocinio venit* or *non venit*: A. B., charged with larceny, comes or does not come. When they go on to record the jury's verdict, they do not use the impersonal *malecreditur* or *non malecreditur;* instead they write more explicitly *juratores dicunt quod culpabilis est* or *quod non est culpabilis*: the jurors say he is guilty or not guilty. The fashion of Thurkelby's circuit had the longer tradition and eventually prevailed, the heading *De indictatis* being as common in later rolls as the similar short headings used to denote most of the Eyre articles; it was, indeed, freely employed in the rolls of Henry of Bath's East Anglian circuit of 1250-1. The less distinctive formula used in our roll, without the signal *De Indictatis* to warn us of the nature of the entry which follows, may occasionally be ambiguous, covering what is a crime presented in the *veredictum* rather than an indictment from the *privata*

(*e.g.* nos. 17, 39, 43, 396). But in the overwhelming number of cases there is no ambiguity.

In the first place, the presentments are concerned with specific acts, and those mostly concerning deaths in violent, suspicious or accidental circumstances; the finders of the corpses, bystanders, neighbours and the accused themselves, if they have not escaped, have been attached or bailed to appear before the justices. By contrast, indictments are concerned with persons and their reputations; rarely if ever is the alleged criminal act described. We are told merely of the crime of which the *fama patrie* holds a man or woman suspect: Fabian Bouchir is accused of sheep stealing, Edith Balle of housebreaking, John Rydeler of larceny, Richard Cude of burglary, and so on. Even when the charge is homicide we learn the name of the victim and no more: Richard Balle is accused of the death of Henry de la Berne. Where and how Henry was killed, how soon he died, who first found him, whether the hue was raised and the inquest properly held: of all this we are told nothing. Secondly, those indicted have clearly not been attached to come before the justices. We are told that they come or, more often, that they do not come; but if they do not come there are no sureties to be put in mercy for their principal's non-appearance. Lastly, in the enrolments, the entries of indictments are usually put at the end of the criminal business for each district. The entry may include several persons; sometimes the list of suspects is a long one (*e.g.* nos. 86, 116, 146, 356, 472). Possibly such entries preserve the form of the *privata*, which might have consisted of several slips of parchment, each for one or two suspects from a district within the hundred, or a single sheet on which were the names of all those indicted by the hundred jury. One of the many differences of enrolling practice between the two circuits in 1247-9 is that the clerks in Thurkelby's circuit, almost without exception, arranged the matter from indictments to make separate entries for those who came and those who did not come; the clerks in our circuit did not usually do this.

Our roll contains some 68 entries which seem to be concerned wholly with indictments based on the *privata*. In a few cases, where a crime formed the subject of a presentment or an appeal there might also be an indictment; there are some 8 examples of this, including the case in which the *privata* is mentioned (nos. 29, 77, 115, 125, 228, 313, 444-5). In addition, as we have seen, the appeals of absent approvers (nos. 22, 132, 261, 341, 555, 563) also resulted in indictments. In the following analysis each person is represented as indicted of a single crime; in the minority of cases in which persons are accused of more than one crime, such as homicide and robbery or larceny and housebreaking, the person is included under the more serious offence. In many cases a person is accused generally of larceny; in others the form of larceny is specified, such as stealing sheep, wool, cattle, pigs, corn and the like: the various specified thefts are all included with the general accusations.

Crime	*Number of Persons*						
	Accused	*Verdict*			*Verdict*		
		Come	*Guilty*	*Not Guilty*	*Absent*	*Guilty*	*Not Guilty*
Arson[1]	1	1	—	1	—	—	—
Burglary[2]	3	2	—	2	1	1	—
Consorting with and Harbouring Thieves etc.[3]	30	24	4	20	6	4	2
Homicide[4]	35	24	1	23	11	10	1
Larceny[5]	205	75	15	60	130	109	21
Poaching[6]	1	—	—	—	1	1	—
Total	275	126	20	106	149	125	24

[1] No. 146. [2] Nos. 29, 209, 249. [3] Nos. 30, 31, 49, 209, 292, 326, 356 and, by approvers, 22, 132, 261, 341, 555, 563. [4] Nos. 32, 53, 77, 115, 125, 132, 173, 228, 230, 236, 271, 313, 327, 337, 390, 444-5; no. 382 is covered by a presentment in no. 378. [5] Nos. 15, 16, 23, 50, 63-4, 86, 96, 116, 122, 127, 129, 132, 146-7, 158, 173, 178, 209, 244, 258-260, 275, 319, 320-1, 324, 329-332, 341, 356, 358, 363, 382, 384, 428, 432, 438-9, 451, 463, 471-2, 486, 488, 495, 506, 510, 530, 545, 569; nos. 52 and 85 are unfinished entries. [6] No. 148, which may equally be regarded as a presentment under article 31.

The summary shows that larceny dominates the indictments as death dominates the presentments and that the crimes of which men were being indicted in 1249 are still substantially those mentioned in the Assize of Northampton: 'murder or larceny or robbery or habouring those who commit these crimes or coining or arson.'

Bracton's remarks on indictments are included, rather clumsily, in the middle of his treatise on appeals and consist largely of good advice to the justices on the danger of a miscarriage of justice in trying indicted persons, tailing off into a brief study of the oaths to be taken by juries in criminal trials generally.[8] A problem which exercised nineteenth century legal historians was: how a jury which had supplied lists of suspects could subsequently acquit many of them? Maitland, by posing the question correctly, showed that there was really no problem.[9] In indicting a person the jurors have not sworn that he was guilty or even that they themselves suspect him; they have merely returned that he is suspected. We may ask: by whom then was he suspected? That, says Bracton, is for the justices to discover. They must sift matters diligently and cannily, lest once again Jesus be crucified

and Barabas be delivered. The ultimate source of suspicion may be traced beyond the jurors to some vile and worthless person whose word is not to be credited on anything. Moreover, even when this is not so, there may be evil among worthy and respectable men: neighbour may accuse neighbour from hatred; a lord may secure an indictment against his tenant, hoping that the tenant will be convicted so that his land will revert to the lord's demesne. There is hardly a crown pleas roll of an Eyre in which we do not see something of this. Our case in which the *privata* is mentioned is one of them (no. 125). If we turn to it, it is plain that in their *veredictum* the jury had presented the killing of two families in Littleton by unknown evildoers. No one was put in mercy for any omission of duty, so we may assume that the coroner held the inquest and that a verdict of death by persons unknown was then brought in. But that does not end the matter, for there are local jealousies at work; in their *privata* the jury indict four persons for the deaths. Two of these pleaded successfully *autrefois acquit*, having been acquitted of the charge in the court *coram rege*, so the jurors were put in mercy for having included them in the *privata*. The other two denied the charge. The trial jury said they were not guilty but exculpated the presenting jury by alleging that Ralph Masegar had indicted them from hatred. We do not know whether Masegar was himself a presenting juror or whether he merely used his influence with the presenting jury to secure that the names of those concerned be included in the *privata*. Masegar was present and, being convicted, was ordered into custody, to emerge on making a fine of a mark. This is not the only case. A merchant left eight sheep outside Warminster and they were stolen: Richard Pyolf is indicted for the theft (no. 319). The trial jury say he is not guilty: it was, aptly nicknamed, Ralph le Furt' who stole the sheep; Osbert le Kyver indicted Richard out of hatred and malice. Osbert's ill will was more expensive, costing him a fine of 20s. Again (no. 173), Alard is indicted of killing his step-sister; Brice and Thomas are indicted of stealing a cow: the trial jury acquit them, saying that they were indicted out of hatred and malice by Peter de Forda, so Peter was ordered into custody but we do not know what bargain he struck to emerge. Sometimes the justices discovered what amounted to a conspiracy, as in the 1241 Berks Eyre when eight men, none of whom was a juror, were found to have contrived the false indictment of three persons for larceny and harbouring.[10] Sometimes a tithing or a township is found to be responsible for a malicious charge.[11] In a typical case a township had indicted for larceny a woman who was guilty only of the petty larceny of stealing sheaves in harvest time: 'and the jurors testify that they know no ill of her save what the men of the township have said, so she is acquitted and the town is in mercy.'[12] It seems likely that some of those indicted in Eyre may have had charges brought against them in exempt manor courts or in hundred courts at the time of the sheriff's tourn, especially so in the case of those who did not appear to answer their indictments in Eyre; but it seems clear that many of

the indictments preferred in Eyre were charges brought against persons for the first time. By contrast with the many malicious indictments it is rare to find the justices discovering an omission from the *privata* but there was such an instance in the 1241 Berks Eyre when a jury was put in mercy for not including the name of a notorious thief in their *privitates*.[13]

The record naturally leaves us to guess whether the indicted, who are said to have come, had been arrested and brought in by the sheriff's officers or had come voluntarily, anxious to clear their good name. Of the 20 who came and were found guilty, 14 were certainly (nos. 30, 63, 86, 146, 178, 292, 358, 384, 471, 488) and 2 probably (no. 530) hanged; 3 were clerks who were handed over to the bishop's official 'as convicted in this court, so let him show full justice to them' (nos. 32, 292); the other was a woman (no. 146) who was pardoned because the justices considered that she had acted under her husband's compulsion in harbouring an outlaw. Against the many found guilty in absence there were the usual orders for exaction and outlawry or waiver, unless they were clerks. One of these (no. 472) seems to have been arrested before the end of the Eyre; the jury repeated its verdict (no. 568), so he too was hanged.

Those who were acquitted in absence may all have received the justices' permission to return if they wished, but this permission is recorded only in respect of six (nos. 173, 356, 472, 495) of them. The fact that until about 1244 the clerks had normally marginated this permission, *redeat si voluerit*, suggests that it had been necessary to draw up lists of such acquittals so that the sheriff could demand sureties for future good behaviour if those concerned returned to their communities. Nothing is said in our roll about the chattels of persons acquitted in absence. Here again there is a difference in the enrolling practice in the two circuits of 1247-9. The clerks in Thurkelby's circuit almost invariably write that the chattels of acquitted fugitives are to be confiscated. For example: Roger of the heath ran away; the jury do not suspect him, except of stealing geese and petty misdeeds, so he may return if he wishes but his chattels are confiscated because he ran away.[14] But in Henry of Bath's circuit the clerks write nothing about the confiscation of chattels in such instances. If the person left chattels their value might be recorded only in the amercements roll, so that we have nothing whereby to check the absence of a value for chattels in any of the entries of the 24 persons who were acquitted in absence in our indictments.

In conclusion, it may be noted that the method of indictment by *privata* in Eyre was quite distinct from the method, perfected in the fourteenth century, which becomes for legal historians the classic form of indictment. The essence of the Eyre procedure was secrecy: the indictment was made to the justices privately so that the authorities would have every opportunity to arrest the accused. The later method did not demand secrecy. By it, a person was indicted of a crime in a court competent to take indictments; unless that court was also competent to try and give judgment on him (and

in fourteenth century England many more courts could receive indictments than could hear and determine criminal cases) the accused would be reserved, on bail or in custody for trial in a competent court.

COURT ORDERS AND JUDGEMENTS

In the foregoing sections we have considered the different sorts of pleas separately according to broad natural divisions. It will therefore be useful to review briefly in general the orders and judgements which issued in the course of the pleas and their determining. Judgements were largely confined to death sentences, acquittals, awards of *murdrum* and pronouncements that death was by misadventure. Judgements were far outnumbered by orders, among which those for exaction and outlawry, remand in custody, putting in mercy and arrest predominated. However, many such orders determined a plea for practical purposes, so that it would not be useful to study judgements and orders separately from each other. There are a number of ambiguities in various entries so that no absolute arithmetical accuracy can be claimed for the following figures; but they do reflect accurately the work of the court.

We begin with judgements and orders against principals, that is those presented or indicted for offences and parties to appeals. 29 persons were hanged: 16 for larceny; 6 for homicide; 3 for harbouring criminals; 2 for burglary and 1 each for robbery and (no. 479, doubtful) wounding. Orders issued for the exaction and outlawry of some 206 men; 103 for larceny; 76 for homicide; 10 for housebreaking; 5 each for robbery and burglary; 2 each for arson, coin clipping and rape; 1 for wounding. Orders issued for the exaction and waiver of 9 women: 5 for homicide and 2 each for harbouring criminals and housebreaking. The youngster found guilty of homicide with a strong recommendation to mercy was remanded in custody for the King to decide his fate (no. 39). In the Eyre rolls from 1285 onwards[1] we find lists, known as exigent rolls, of those ordered to be exacted and outlawed. Such lists must always have been made from the crown pleas rolls. The clerks would work down the margin of the senior justice's roll, pausing at each marginated *ex' et ut'* to abstract the necessary names from the body of the entry. At the end of the Eyre the exigent roll would be handed to the sheriff. He and the coroners and county court had then to ensure that those named in the list were exacted, or summoned, at four successive county courts, which would presumably be held between June and September 1249. At the fifth county court, presumably in October, all those who had failed to appear would have sentence of outlawry or waiver passed on them. The first case in the roll concerns the failure of the county and officials to have recorded the exaction and outlawry passed on two men in the previous Eyre, of 1241, while 2 orders in Eyre (nos. 154, 365) were conditional on

outlawry not having been already pronounced in the county court. Whether any of the justices checked the exigent list is uncertain. In later proceedings about a case in the 1253 Rutland Eyre a justice, of great distinction, said that he and his colleagues had instructed the clerks expressly that a man appealed of homicide on whose behalf a pardon had been exhibited, a little belatedly, should not be put in exigent; nevertheless, the clerks had written this man's name in the list so that in due course he had been outlawed, while overseas in the royal service.[2] This suggests that the justices left the preparation of the exigent lists wholly to the clerks; but the case may not be typical since there were very powerful local animosities against the man concerned.

Some 179 persons present in court were acquitted: 52 of homicide; 72 of larceny; 9 of consorting with and 8 of harbouring criminals; 7 of robbery; 2 of burglary; 7 of wounding; 2 of mayhem; 5 of rape; 1 of a coinage offence; 14 of battery and unspecified breaches of the peace. Some 44 absent persons were acquitted and presumably given permission to return if they wished, though such permission is often not recorded. The charges were: 23 of homicide; 17 of larceny; 2 of coin clipping; 1 each of burglary and abetting rape.

Criminous clerks could not be tried in the secular courts. Occasionally we may find a clerk, like William de Turesl' in the 1248 Essex Eyre, who waived his clergy 'precisely holding himself to a lay court'[3] but such happenings are rare. It was the practice for the diocesan to accredit an official to attend the Eyre for the purpose of claiming criminous clerks for trial in the ecclesiastical courts. But by the 1240s it had become the practice for the justices to obtain a verdict from a jury before permitting the official to remove the clerk, so that the state in which the clerk was delivered might be ascertained.[4] In our Eyre some 21 clerks were concerned in charges. Before the Eyre took place one of these, a chaplain's nephew, who pretended he was a clerk, had been hanged and another had been outlawed. Nine appeared in Eyre. As a result of juries' verdicts, 4 of these were handed over to the officials as acquitted but the other 5 were handed over 'as convicted in this court', once with the added monition to the official to show full justice to them. Of the 10 who did not appear, 4 were clerks from Worcester diocese whose official had come ready to claim them. Of the other six, one (no. 50) was probably 'Clerk' by surname only, since he was in tithing. He and 3 others, being found guilty, were ordered to be exacted and outlawed and have been reckoned in those totals; the remaining 2, appealed by a defaulting appellor, had no order made against them.

Orders putting principals in mercy were usually confined to those presented in the articles on royal rights or regulations. In all there were put in mercy some 35 vintners and drapers, 5 persons who had made purprestures and some 130 persons who had made default on the common summons; a number of the latter, holding land in more than one hundred, were presented by more than one jury so that the total number of defaults is 148. Some 20

or 25 of the defaulters, being of baronial status, would have their liabilities to amercement assessed at the exchequer and some of these might well have been pardoned an amercement there.

Orders for taking lands into the King's hand were also made chiefly against those presented in the articles on royal rights. So such orders issued against 6 unknighted squires and 2 holders of escheats whose titles were uncertain. Such orders were also made against a township which had harboured an outlaw and against two defaulting knightly appellees. In the last case it was combined with an order for the seizure of chattels and was effective in causing the appellees to appear and eventually to make a large fine. In the other cases the effect could only be traced through an amercements roll; there appears to be nothing in the chancery or exchequer records to show what steps may have been taken by those against whom the orders issued.

Orders for arrest were directed mainly against the parties to appeals. So the arrest was ordered of some 32 defaulting plaintiffs and 6 defaulting defendants, though further evidence against one of the latter caused an order for outlawry to be made later. The arrest of 13 other persons was ordered. Of these, 4 had been the subject of presentments: 1 in a case of natural death where there was a formal suspicion of homicide and 3 under the miscellaneous articles on coin clipping, holding exchanges and poaching. The other 9 were persons against whom some matter had emerged in the course of pleas: a felon lurking in another county; 2 thieves let free by a franchise court; a man who had instigated a malicious indictment; 2 men involved in a dispute about jurisdiction who had impeded a hue and cry; 3 men who had received goods seized in an unlawful distraint that was the subject of an appeal. Thus 3 of these 9 were criminals and the others were knights or prominent freeholders. Since orders for arrest are marginated it seems likely that lists were made out and handed to the sheriff as the pleas of each district were disposed of. Of the 51 persons against whom such orders issued, only 3 are recorded as coming later and of course we are not told whether they came under arrest or voluntarily. This does not mean that the other orders were all ineffective; a number of the orders against appellors did not need to be put into effect since the appellors were parties to compromised appeals in which the appellees appeared and made, or were pardoned, a fine which was normally understood to cover any penalty to which the appellor had rendered himself liable by default. The full effect of orders for arrest in Eyre can only be studied when we have the rolls of consecutive Eyres for a county and rolls for the two central courts for the intervening period.

Remands in custody were directed chiefly against plaintiffs who had withdrawn or failed to sustain their appeals or against both parties when present in compromised appeals. In all, such orders issued against some 64 parties in appeals (23 being concerned in compromised appeals): against 25 plaintiffs

and 39 defendants. Of these, 1 of the appellors and 17 of the appellees eventually made, or joined in making, fines; 3 of the appellors and 4 of the appellees are specifically said to have been pardoned; several more appellors are said to have been poor, which is tantamount to saying that they were pardoned a fine for this reason. One appellee, guilty of wounding, was discharged to find sureties for future good behaviour. Also remanded in custody were 20 other persons and two hundred juries. Of these, 16 had been the subject of a presentment or an indictment for: homicide, 1; unjust exaction, 1; withdrawal of suit of court, 5; treasure trove, 7; aiding gaol break, 2. The other 6 orders arose from matters which emerged in the course of pleas, those against individuals being in 2 cases of malicious indictment and 1 each of taking a bribe to pervert the course of justice and the jurisdictional dispute mentioned under arrests, while those against the juries were for a deliberate omission of a matter and for conniving at an attempt to pervert justice. The juries and 10 persons joined in making fines; one youngster, as we have already noticed, was detained so that his case could be discussed with the King. It will therefore be seen that of the 84 persons ordered into custody, 28 made fines while at least 8 and perhaps several more were pardoned or eventually released without making a fine. With a little under 50 the ordering into custody is the last we know of them in Eyre. It is here that the lack of an amercements roll is especially a handicap, for some of these may have made a fine too late for insertion in the plea roll and some may have suffered an amercement. Where we have amercements rolls, however, we find that a fair number of those ordered into custody in the pleas do not figure in it. Some may have been poor, but it seems likely that a fair proportion of those ordered into custody in any Eyre of the period were released without suffering a pecuniary forfeit to the crown. It is likely that they had to pay something to the justices' marshal or serjeants in whose keeping they were. How long they remained in custody is uncertain nor do we know anything at this date that sheds light on the bargaining process behind the making of a fine, which would entail fixing the amount and finding sureties willing to pledge themselves for its payment by their principal. We do not possess full details of the number of sureties required for all the fines made in Eyre but from what we have and from what is known in other Eyres it is clear that a single surety was acceptable for the common run of fines, from ½ mark to a few pounds; such sureties were usually knights, prominent freeholders who may have held a seignorial stewardship, or the sheriff himself, while we have one example (no. 125) of a tithing being accepted as surety. Such fines would not have taken long to negotiate; the person making them would hardly have been in custody for more than a few hours, perhaps until the end of his district's pleas or the end of the day. Business over the range of fines most commonly made by knights and leading freeholders, from about £2 to £5, where two sureties were normally required, was probably transacted with similar speed. But in graver matters,

even though those concerned no doubt forearmed themselves for the worst by discussions with lords, tenants and friends before the Eyre took place, the amount of the fine and the finding of the necessary number of sureties must have taken longer than with the commoner sorts of fines: for the two heaviest fines imposed in our Eyre, of 40 and 100 marks, 6 and 16 sureties were respectively required. In main rolls in general and in some subsidiary rolls, including our own, the posteas about fines and their sureties are not merely written later than the main entry and surrounding entries but have sometimes been penned by a different clerk. This suggests that arrangements were only completed after the district's pleas had been dealt with and perhaps after negotiations which took more than a day. Possibly those concerned might take an oath to the justices' marshal that they would not depart from the precincts, whereupon they would have been permitted to circulate among friends and tenurial connexions so as to complete their arrangements; it is possible that they may have been in custody overnight or for a day or two.

Committals to gaol obviously entailed a detention of more than a few hours. Save where the justices were faced by exceptional cases they issued very few orders for committal to gaol in any one Eyre. Ours saw three such committals, two against manorial officials appealed of homicide who were eventually acquitted and one against a juror who had taken a bribe to save a thief and who made what was for one of his standing the heavy fine of £5, for which 4 sureties were required.

We now leave principals for the many responsible persons, officials and communities against whom in any Eyre a very large number of orders and judgements were made. It will be convenient to deal with these in an hierarchic order, beginning with sureties and ending with the sheriff and the county; some slight repetition is inevitable.

Sureties suffered for their principals' defaults and, where they were sureties for prosecution, for their principals' withdrawal or unwillingness to prosecute an appeal. Some 75 pairs of sureties, 3 of which included a tithingman, and 7 groups of 28 others were put in mercy for the default or withdrawal of appellors or the default of appellees. In other matters some 9 pairs and one single surety suffered for the default of first finders, bystanders at a fatal scene and the wife of one accused. Thus in all some 168 sureties in pairs and 29 in 8 other groups were put in mercy. Six persons who had been accused of homicide and released to bail were not produced by their bailors at the opening of the Eyre leading to some 63 bailors being put in mercy (if we had complete lists of these bail panels in all cases the number would have been 72), while similar defaults over two others, involving 20 bailors, probably had the same results though there is no note of putting in mercy. One mainpernor who had taken in hand to produce two men and failed to do so—he was probably a knight and the men his tenants—was also put in mercy. Thus, comprehending bailors and main-

pernors under the same general heading, some 265 sureties were put in mercy in the crown pleas. Without the amercements roll we have no idea how many of these had an amercement assessed against them. Moreover, the number of sureties put in mercy in the civil pleas was also very large; a number of persons who acted as sureties in two or more actions would be put in mercy more than once and a number would be put in mercy for some other matter. As we have already remarked, there was in general but one amercement however many times a person was put in mercy. The number of these orders which took effect was therefore very much less than the number of orders made. Two tithingmen were also put in mercy, having been sole sureties for a defaulting accused and an appellee.

Most of the orders putting tithings in mercy were for the crimes of which their members had been found guilty. Some 90 tithings (including one called a frankpledge) were put in mercy for homicide or larceny by their members; 9 for other crimes by their members; 21 as attachments for accused, appellors, appellees, bystanders, first finders of corpses and the production of felons' chattels. In addition 5 had to answer for escapes and 2 were put in mercy for default of common summons, while 2 aldermanries of New Salisbury, which were equivalent to tithings in that city, were put in mercy for homicide by their members.

Some 236 Wiltshire townships were put in mercy: 9 for not attaching a witness, not pursuing criminals and burying without a coroner's inquest; 37, and two Hants townships, for having inhabitants not in tithing who were convicted of felony; some 190 for not attending or not fully attending coroners' inquests. In addition 5 townships had to answer for escapes and, as we have noticed, one which harboured an outlaw was ordered to be taken into the King's hand. A borough was put in mercy for harbouring a felon and a free manor for not attending the inquest. There is a curious feature about the putting in mercy of townships for not attending the inquest. No such awards at all were made against the first 19 districts in the roll; the awards begin with Chippenham hundred and thenceforward only in Elstub hundred was there no such an award. It is impossible to believe that townships in the first group of hundreds differed in their attendance at inquests from those in the rest of the county. Nor can the peculiarity be due to any change in the court's general policy: throughout the other Eyres of Bath's circuit—and Thurkelby's—townships were put in mercy for this cause. Since the rolls of the immediately preceding Eyres, of Sussex and Hants, were penned by the same team of clerks, largely by the same clerk, it does not seem likely that the peculiarity is due to any quirk of enrolling practice. An obvious reason for the peculiarity would be the failure of one or two of the coroners to record how the townships attended the inquest but the first group is not geographically homogeneous and may well have seen inquests held by all the coroners in office between the two Eyres of 1241 and 1249. We are therefore faced with the apparently insoluble

peculiarity that no township in about a third of the county first dealt with was put in mercy for not attending or not fully attending the inquest while a vast number in the remaining two thirds so suffered. This particular cause of amercement was one which had always been imposed since the late twelfth century but, as far as we can judge from the extant rolls, it was in the visitation of 1246-9, and especially in the later Eyres of this visitation, that it was imposed more extensively than ever before. It continued to be rigorously imposed in the Eyres up to 1258 so it is not surpising that it then formed one of the grievances for which remedy was sought by the provisions of Oxford or Westminster: 'if all over the age of 12 in the four next townships come not to the inquest on those killed or drowned the four townships are heavily amerced.'

Next for consideration are the hundreds, hundred juries and individual jurors. Two jurors were put in mercy for default; that is, having been sworn they did not return with their companions for their hundred's pleas. Three suffered for offences. One, put in mercy for an offence described as great, which may have been committed during the hearing of the appeal of homicide preceding this entry, compounded for his amercement by a fine of a mark, for which a knight was surety. The others had deliberately attempted to pervert the course of justice, one in connexion with his son's defence as an appellee and the other by taking a bribe to save a thief; the relative seriousness of these two grave offences is shown in the former being remanded in custody and making a fine of 4 marks, while the latter was gaoled and fined £5. Fourteen presenting juries were amerced for such offences as: errors or omissions in the presenting of first finders; concealing or not presenting appeals or other matters; not presenting felons' chattels; falsely presenting Englishry; inserting in their *privata* those elsewhere acquitted; withdrawing from court without leave. One of the 14 also had *ad judicium* noted against it for a deliberate omission in its testimony. Half of the 14 presenting juries concerned had proffered a fine before judgement and it is likely from the evidence of other rolls that this excused them an amercement for their specific fault. Neither of the two hundred juries ordered into custody had entered into such an insurance. Elstub, indeed, had expressly declined to make a fine before judgment; its jurors suffered for associating with themselves the juror who had obtained membership of the panel to support his appellee son. It is uncertain whether the juror's fine of 4 marks comprehended his companions also. Westbury, a district of about the same size, had to pay 10 marks for what seems to have been a deliberate error in testimony. Two hundreds were put in mercy, for not presenting a matter in the county court and for removing a corpse before the coroner had viewed it.

Against bailiffs and liberties there were 2 orders taking bailiffs into custody and 3 putting them in mercy; there were 8 orders taking liberties into the King's hand and 6 notes *ad judicium* against them; the lords of 7

liberties had to answer for escapes from their prisons. With these matters, save for the last, we leave the field of clear cut offences and enter what is partly one of jurisdictional conflict. Three of the orders arose from failure to attach (nos. 187, 378, 394), three from attachment without authority (nos. 8, 58, 546), 2 of failure by courts to proceed to judgement (nos. 323, 431) and 1 from holding a plea without authority (no. 373); these have already been discussed in dealing with attachment and bail. In one case (no. 470) attachment had been made by bailiffs but the sureties did not appear nor were their names returned. Three orders arose from wrongful imprisonment (nos. 75, 242, 270), in the last 2 of which the reason for the imprisonment is not clear. Three of the orders made against bailiffs were on account of their taking excessive or illegal fines or amercements (nos. 127, 171, 533) though the second order may have been annulled.

The county coroners and those of Marlborough and New Salisbury, the two districts which had their own, were all put in mercy. The county coroners had failed to record an exaction and outlawry ordered in the 1241 Eyre: they also had *ad judicium* noted against them for ordering burial of a corpse without holding an inquest. Moreover one of them, Henry de Hartham, was put in mercy for allowing himself to be bribed to pass a death by homicide as misadventure, while his command to the bailiffs of a liberty that two manorial officials accused of homicide should be attached was reserved for discussion. The Marlborough coroner was put in mercy for not attaching the finder of a corpse; the Salisbury coroner, along with bailiffs, for compelling one guilty only of petty larceny to abjure.

The orders against the sheriff were all directed against Nicholas de Haversham, who was 5 times put in mercy, 4 times had *ad judicium* noted against him and had to answer for 7 escapes from the county gaol, as well as having some of his actions reserved for discussions. There were sheriffs, like his own successor Nicholas de Lusteshull, who came off much better than he did in Eyre; there were others, some with shorter periods in office, who came off worse.[3] Examination of the numerous orders which issued against him suggest that they do not amount to much. A number seem merely to reflect the fact that he was an elderly man who had been retired from office for over three years. Thus twice he was unable to supply a complete list of bailors (nos. 163, 481) and twice had forgotten what had happened to prisoners in the county gaol (nos. 305, 372); he also shared with county and coroners the failure to have recorded properly an exaction and outlawry ordered in the 1241 Eyre (no. 1). On one occasion where it seemed that the coroner had failed to attach first finders or neighbours in a case of homicide he had failed to remedy this (no. 335) but it transpired that the coroner had in fact made attachments so there was no real failure here; however, on another occasion when the obstinacy of a liberty's bailiffs had prevented a coroner from holding inquest he had failed to hold one himself (no. 229). His other errors could be matched from many other shrievalties.

Without the authority of writs he had dismissed by sureties two confessed burglars and a man who had returned after being put in exigent for rape in the 1241 Eyre (no. 127, 365), matters discussed already when dealing with attachment and bail. He had held a crown plea of treasure trove and imposed a fine of 5 marks on the chief offender (no. 440). He had hanged an approver who withdrew his appeal (no. 441). Alan de Maidenwell, who served as sheriff of Northants for a comparable period (1242-8), dealt similarly with an approver who escaped from gaol and was recaptured; he too had *ad judicium* noted against him.[6]

The county was thrice put in mercy for matters arising from outlawry: it had outlawed accessories before the principal had been convicted; it had outlawed the defaulting appellee in a civil appeal; it had not properly recorded an outlawry ordered in the 1241 Eyre. It also had *ad judicium* noted against it for dismissing by sureties the man put in exigent in the 1241 Eyre who later returned.

Nine matters were reserved for further discussion with the formula *ideo inde loquendum* and the margination *lo'*. The discussion was presumably to be with the King's council. In some of the rolls of the first visitation of the reign all the matters reserved for discussion were abstracted into a separate list and in some cases subsequent action can be traced in the chancery or exchequer records. In some main rolls, such as Henry of Bath's for the 1248 Herts Eyre, entries marked for discussion have posteas written after the King had been consulted. Such notes are normally absent from subsidiary rolls; there is none in any of our entries nor have we traced any action on the matters in the chancery and exchequer records. It seems plain from the marginations that it remained the practice to make a list of the various matters reserved for discussion, which the senior justice would presumably take with him to the next council meeting after the end of the Eyre. It is therefore likely that these cases were discussed with the King and his advisers while he was at Clarendon in June.

THE FISCAL SESSIONS AND THE ISSUES OF THE EYRE

When the main business of civil and crown pleas was near its end or completed, two or more of the justices held a session to deal with the fiscal business, which fell under the three main heads of fines, felons' chattels and amercements; under their supervision a clerk prepared what, for convenience, may be called the amercements roll, since, of the three kinds of issues, amercement predominated in it.

Fines were bargains struck with the court by persons or communities for concording actions, compounding offences and liability to amercement, securing special inquests to try points at issue and so on. They were usually made while a case was being heard or soon after its conclusion, sometimes,

especially in crown pleas (*cf.* nos. 45, 125, 127, 171, 205, 211, 240, 252, 295-6, 440, 448, 489, 517), after a party had been ordered into custody. Their amount had therefore generally been determined and had been entered and marginated in the plea roll before the end of the Eyre, so that all that remained to be done then was for the details of the debtor, amount and sureties to be entered in the amercements roll. As this was done the relative marginalia in the senior justice's roll was struck through. The 116 fines recorded in the civil pleas roll totalled some £62 13s. 4d.;[1] the 50 fines recorded in the crown pleas roll totalled some £201 13s. 5d. (Appendix III); we have not totalled the fines of the foreign pleas, since these did not concern Wiltshire.

The chattels of felons whose conviction had been secured by presentments, or who had fled or were abjurers, would generally have been appraised soon after their offence as a result of proceedings in various local courts, and would have been committed to the custody of a tithing or township. The community would have to produce them or their value in Eyre and would be liable to an amercement if it failed to do this (*cf.* no. 57). The chattels of those convicted by indictment might also have been appraised before the Eyre began if their notorious character had led to charges against them in local courts such as the sheriff's tourn. Otherwise the chattels would have been appraised after the indictments had been heard; occasionally there are incomplete entries (*e.g.* no. 358) which show that when our clerk was writing his roll it was still uncertain whether or not chattels had been left. In all, out of some 290 persons convicted, some 170 were said to have left no chattels. The chattels of the other 120 totalled some £118 18s. 3d. (Appendix IV): of these, the sheriff was to account for some £105 6s. 3d.; various lords' bailiffs were to account for £6 14s.; while chattels worth £6 18s. had, by royal command, already been delivered to the lord of a slain man (no. 266). In two cases (note 178) the Winchester accounts enable us to see in detail of what the chattels left by felons consisted. As with the fines, the amount of the chattels had been entered and marginated in the plea roll, so that at the end of the Eyre all that remained to be done was for the details to be copied into the amercements roll and the marginalia to be struck through.

The business of the fiscal sessions was therefore principally concerned with amercements, that is with determining the amount due from persons and communities who had been put in mercy during the pleas and to assess the amount due from communities against which judgement of murder had been given. The amercement was a feature of all contemporary jurisdiction from the customary manor courts upwards. It was imposed according to traditional scales by neighbours who knew fully the capacity of those liable. The issues of manorial courts and of hundred courts in private hands, such as those to be found in the accounts of the bishops of Winchester in the 1240s and 1250s for their hundreds and manors in Wiltshire, show that all

landowners obtained through fines and amercements in their courts a revenue as large in proportion to their possessions as the King obtained from his justice: in some cases perhaps larger. The amercements were said to be afeered: that is, a panel drawn from the knights of the county and leading men of the hundred concerned, perhaps the hundred jurors, assessed the amount which they thought a particular person or community should pay. The earliest known reference to such a session concerns the 1253 Rutland Eyre: while the two justices who sat at crown pleas were concluding their work, their two colleagues who had disposed of the civil pleas were 'in a certain chamber where they were amercing the county.'[2] The earliest description of the process in a legal work is in *Fleta*, written by a lawyer of some eminence in the 1290s, where are gathered the few general regulations on amercements in Magna Carta[3] and the Edwardian statutes.[4] Because of the lack of an amercements roll and of a reason explained below we have virtually no knowledge of the amercements imposed in our Eyre.[1] However, we know from abundant other sources that the lowest amount imposed was generally ½ mark (6s. 8d.); where imposed on a pair of sureties and in some other cases the individual liability would thus be only 3s. 4d. or 40d. In any amercements roll the great majority of fines and amercements were of sums of ½ mark. For principals and other persons the commonest penalty was ½ mark but penalties of up to £2 would be laid on knights and more substantial freeholders, on tithings and townships for ordinary offences and on many smaller hundreds for murder fines or fines before judgement. Fines or amercements above £2 on individuals generally indicate an unusually serious offence or, perhaps more commonly, that the offenders were knights or others of considerable affluence. The amercements or fines imposed on the larger or wealthier hundreds and boroughs generally ranged up to £5, greater penalties being rare. Of the 29 fines before judgement of which we possess details (Appendix III) only 5 were above 4 marks; of the 21 other fines, only 6 were of £5 or more. These were made by: a knight who had taken the law into his own hands and with his friends had committed a serious trespass (no. 45); a knight who was clearly the guilty party in a compromised appeal (no. 211); a baron whose court had erred in a criminal trial (no. 323); a prior who, with his men, had defaulted at the opening of the Eyre when they should have appeared as bailed appellees in an appeal of homicide (no. 374); a juror, apparently not a knight but a substantial freeholder, who had allowed himself to be bribed to pervert the course of justice (no. 489); and a hundred jury for a serious—and obviously deliberate—omission in their *veredictum* (no. 295). The lack of the amercements roll also makes it impossible to say how many of the persons and communities put in mercy in the pleas actually had an amercement imposed on them. We have already noticed that notes in the pleas roll show the justices exercising a discretion in pardoning the amercements of poor persons and occasionally of pardons being made at the instance of other royal

servants. The surviving amercements rolls of Henry III's Eyres show also that persons and communities put in mercy in the pleas and against whom there is no note of pardon nevertheless escaped liability to an amercement.[2] As the amercements were assessed the marginal notes of 'mercy' were struck through in the senior justice's roll.

The amercements rolls show, as we have already noted, that there would normally be only a single amercement however many times a person or community had been put in mercy or had *ad judicium* noted against them in the pleas. In such cases the amercement would usually be entered in the amercements roll at a point corresponding to the place where the first offence occurred in the plea roll. The roll itself was in two sections, for the issues of the civil and the crown pleas. In the civil pleas section the issues were entered in the order in which the relative pleas were entered in the senior justice's roll (which would often differ from the order in the subsidiary rolls). In the crown pleas section the issues would be arranged by hundreds, like the pleas, but not necessarily in the same sequence of districts as in the crown pleas roll. When the amercements roll had been completed an estreat or copy of it would be sent to the exchequer. The exchequer would then make a copy of it, excluding the foreign pleas issues, and would send this copy to the sheriff under the exchequer seal with the brief writ of summons which commanded the sheriff to collect the amounts specified and have them at the exchequer; generally the debts were to be collected in two instalments by dates a few months apart. Large debts due from persons would usually be attermed at the exchequer, that is the exchequer barons would approve arrangements whereby the debtor agreed to pay off so much in so many instalments by fixed dates or terms, or at so much a year. So the heaviest individual fine in our roll was attermed at 10 marks yearly (note 45). The amercements of barons, including prelates holding by barony, could not be imposed in Eyre, because amercements had to be assessed by the peers or equals of those to be amerced. Against the names of barons, therefore, no amount would appear in the estreat but *baro* would be marginated; the exchequer barons were for this purpose held to be the equals of the King's barons by tenure and they would assess a reasonable amount.

With the rare judicial visitations before 1166 and the fairly regular visitations in the decade following, all the individual items in an estreat were generally copied into the pipe rolls, for clearance to be noted there as proof was made of payment to the exchequer or of some other discharge, such as pardon on the production of his charter by a lord who was exempt from *murdrum* on his lands. But with the continuing increase in the number of debts in estreats from the visitation of 1176 onwards there was, over the next half century, a series of modifications in pipe roll practice which had resulted by the 1240s in very few Eyre debts being entered on the pipe roll:[3] of the many hundreds of debts from our Eyre only some 8 were ever entered.

Under the practice current in the 1240s the estreat roll, after being received from the justices by the exchequer, served as the main record of the Eyre issues through a system of annotations. Debts arising from the men, townships and hundreds of lords who were entitled to the profits of royal justice were annotated with an abbreviation to denote the liberty. Down to the late 1220s it was the practice to enter in the pipe rolls the lump sums due to such lords and to allow them to the lords on production of their charter. The last time this was done for Wiltshire was for the 1227 Eyre. Thereafter such debts from liberties, which in exchequer jargon were known as the *libertates*, were neither summoned nor entered in the pipe roll but automatically allowed to the lords. When the sheriff returned his summons with the results of his first collection the estreat was checked; those debts which were wholly paid were marked '*t*' in the estreat and the gross sum only of such debts was entered in the pipe roll. Any debts which were transferred individually to the pipe roll were marked '*In Rotulo*' in the estreat. These, and any others subsequently so transferred would in future be summoned by the summons of the pipe, which was a copy of the debts standing in the pipe roll. All the other debts which remained hitherto unmarginated in the estreat would be marginated '*d*'. These would be resummoned from the estreat for the sheriff to attempt collection in the year following. The first account to be taken after our Eyre began on 20 January 1250, when the sheriffs accounted for the year ending 1249 Michaelmas.[6] Since our Eyre debts had probably been summoned in moieties payable by dates in the autumn and spring this was too soon for them to be dealt with at this account. The next account, for the year ending 1250 Michaelmas, should have been taken on 12 June 1251 but the King made a long stay in Wiltshire, at Clarendon and Marlborough, from 7 June to 3 July 1251 and needed the sheriff of the county in attendance on him. So on 7 June letters close issued respiting the taking of the account until 30 September,[7] when the account for the two years ending 1251 Michaelmas were taken.[8] The sheriff had thus had ample time to collect the great majority of the Eyre issues and he accounted for £554 14s. 7½d. 'of the amercements of men, towns, hundreds and tithings before whose name is put the letter '*t*' in the roll [that is, the estreat] of the said Eyre which the aforesaid [justices] have delivered into the treasury.' The only individual debts to be transferred to the pipe roll were the two largest arising from the crown pleas (notes 45, 374). To mark the fact that items still remained in the estreat a note was put after these, in the usual formula: *Debita et libertates hujus Itineris non sunt* [or *nondum*] *in Rotulo*. When the sheriff answered on his second summons, of the debts which had been marked '*d*' in the estreat, any debts which he had now collected would have '*t*' added to them, so that their margination now read '*t d*'. Again, only the lump sum of such debts would be entered in the pipe roll. So when, on 13 July 1253,[9] the sheriff began his account for the year ending 1252 Michaelmas, he accounted for £8 3s. 4d. of debts marked '*t d*' in

our Eyre estreat. Three individual debts were now added, all from the civil pleas. For debts recovered on the third and later summonses '*t*' followed by one or more dots was prefixed to the existing '*d*' so that their margination read '*t.d*', '*t..d*' and so on. So when on 13 June 1255[10] the sheriff accounted for the year ending 1254 Michaelmas he answered for £29 10s. 10d. of the debts marked '*t.d*' in our estreat: this probably represented the last major collection effected of the Eyre debts. At the same time, 3 individual debts were also entered, 2 of which came from crown pleas (note 382). The only later collection found in examining the pipe rolls down to 1266 was in the account, taken on 6 October 1260, for the 2 years ending 1260 Michaelmas, when the sheriffs accounted for £4 3s. 4d. of the debts marked '*t..d*' in our estreat.[11] This belated recovery was due to the drive to get in outstanding debts which is known to have been effected in 1258-1260 by the government under the control of the baronial reformers.

So the total of the four lump sums entered in the pipe rolls was £596 11s. 1½d. The total of the 8 debts entered individually was £96 15s. 2d., of which £16 13s. 4d. was pardoned (note 45) and the rest, £76 13s. 4d., was paid. The total of the known issues which was paid was thus £673 4s. 5½d. Of this, some £490 14s. 5½d. only reached the exchequer, for out of the issues answered on the first account £100 was granted to William Longspee, £80 was paid into the wardrobe and £2 10s. was allowed to the widow and children of the man hanged in the celebrated appeal of homicide (note 385).[12] The total excludes the issues from foreign pleas which were, of course, transferred from the estreat to the summonses of the appropriate counties and answered by the sheriffs of those counties in their accounts.

It is impossible to suggest how many debts may never have been collected and have remained uncleared with a simple '*d*' against them in the estreat until a great overhaul of estreats was carried out in the 1320s, when, under a statute of 1316, all amercements were pardoned and cancelled, while all fines, felons' chattels and debts other than amercements were copied into new 'compendium estreats' and resummoned. Some indication of the amount which might have been lost in this way from Eyres of Henry III has been given elsewhere from the surviving evidences of the 1320s for other counties:[13] there is none for Wiltshire. It is also impossible to suggest how much of the Eyre issues may have gone into the coffers of the lords of those highly privileged liberties who were entitled to the fines and amercements imposed on their men in royal courts and to the chattels of their felons. There is no definitive list of such Wiltshire lords for the 1240s. We know that the Templars and Hospitallers enjoyed these rights throughout the country and that the bishops of Salisbury and Winchester did so also. The last Wiltshire Eyre for which there are allowances on the pipe rolls shows the bishop of Bath, the abbot of Bec and the nuns of Fontevrault (that is, Amesbury) also being allowed this right.[14] The total of such debts came to £21 3s. 4d. against a lump sum on first account of some £149 12s. 7d. and

a considerable number of debts entered individually. As it happens there are no detailed manorial accounts for the Winchester episcopal manors in the county for the financial year 1250, so that, apart from felons' chattels, we are without any list of the issues received by the bishops of Winchester, such as we have for some other Wiltshire Eyres. In general, from the evidence of other counties, it seems that between 5% and 10% of the total Eyre issues of a county might go into the coffers of such lords. So, if we allow for the unpaid debts and the debts due to the lords of these liberties, it seems likely that the total issues of our Eyre came to at least £750 and may have been nearer £800.

To attempt a proper estimate of the total issues of all 29 Eyres of the visitation of 1246-9 of which the issues are known[15] would demand a detailed investigation for each county but we may reach a rough approximation through the totals of the lump sums accounted for by the sheriffs on the first few accounts, that is normally for debts collected on the first three summonses and marked '*t*', '*t d*' and '*t.d*' in the estreats. These lump sums ranging from £2,009 19s. 9½d. for Yorkshire to £248 14s. 5d. for Surrey, total some £14,468 17s. 4½d. To them we may add the similar amounts from the four Eyres of 1245 for cos. Lincoln, Notts-Derby, Norfolk and Suffolk, since these counties were not again visited in 1246-9: £4,229 2s. 9d. To the combined total, £18,698 0s. 1½d., something must be added for the value of the debts entered individually in the pipe rolls. We have seen that with our Eyres the total of such debts came to about a sixth of the total of the lump sums; in some counties the proportion was much lower but in most it differed little. It is therefore probable that, as a rough estimate, a country-wide Eyre visitation in the 1240s was worth some £21,500 to £22,000 to the crown and some £2,000 to the lords of liberties entitled to the profits of royal justice.

To attempt to express this estimate of the total issues of our visitation in relation to the King's annual revenue is to venture on hazardous ground. Sir James Ramsay's attempt to establish figures for the royal revenue command the admiration but not the confidence of those who have traversed part of the same ground, for he does not seem always to have understood the evidences which he used.[16] Thus an increase which he noted in the fiscal year 1247-8 he ascribed to the profits of the recoinage whereas much of it was due to the issues of our visitation. He seems to have regarded £24,000 as an average in the 1240s for the cash paid to the exchequer only. His figures for the financial years ending 1248 Mich. to 1250 Mich. show substantial increases over this, totalling some £45,000. Had he summed the issues for 1247, when money was being paid in from the earliest Eyres of the visitation, instead of treating it as an average year, he would have found its revenue also substantially above the average. The profits of the recoinage and the receipts from tallages account for some of the increase in the years 1247-50; but it is clear from our rough estimate of the issues of the visitation that

the Eyre issues in these years probably accounted for nearly half of the increase. Of course, since Eyre and forest eyre visitations took place every so often (the Eyre visitations in the first half of Henry III's reign were in 1218-9, 1226-8, 1232 abandoned, 1234-6, 1240-1 and 1246-9) their value ought to be averaged to form an element in any calculation of a yearly average. But in general an average yearly revenue at this time may be considered as that which arose from the farms of counties, borough and manors, the feudal issues of reliefs, wardships and escheats, the chancery issues of payments for charters and other privileges, the issues of legal proceedings in the central courts of the Bench, *coram rege* and exchequer and for the sessions of assize and gaol delivery commissioners. These all fluctuated from one year to another but it is likely that £24,000 is a reasonable figure for their average yield. If this is so, then the issues from a countrywide visitation of the Eyre was not far short of the equivalent of a year's average revenue from normal sources and in the years 1246-1250 must have brought in some £4,000 or £5,000 extra yearly. It is probable that the total of the issues from the visitation of 1246-9 exceeded those from the visitation of 1240-1 and certain that they exceed by several thousands of pounds the issues from the visitation of 1234-6.

We have seen that 29 districts made a common fine 'before judgement'; the county also made such a fine, of £100, though we learn of this only incidentally from the chancery rolls. The origins of the common fine have yet to be investigated thoroughly but we find such fines being imposed in the twelfth century whenever royal justices with the highest powers visited the provinces. The reasons for the payment, which might be styled either fine or amercement, were variously expressed. Sometimes they were general: the men of the county fine 'so they shall not be troubled' or some similar form of words. Sometimes they were specific: for false or wrongful judgment, wrongful outlawry, concealing crown pleas and so on. Little importance need be attached to the specific reasons since they merely indicate the case which led to the imposition of a common fine. In the early thirteenth century the general reason given is increasingly 'before judgement'. This seems to represent a bargain struck by the leading suitors of the county courts with the justices at the beginning of the Eyre, or, in the case of the various districts within the county, by the jurors at the beginning of the trial of their pleas. The practice of making fines before judgement was common in the local courts and seems to have been known generally as beaupleader. By the mid-thirteenth century the payments due in respect of it were generally fixed by custom and were payable at the Michaelmas and Hocktide courts. Thus in Melksham hundred the inner division paid yearly 28s. *pro pulcriloquio* and the outer division 52s.[17] On the Winchester episcopal manors the term favoured was the older one, *pro occasione relaxando*. At Bishopstone the tithings of the bishop and Sir Henry de Stalwell paid yearly 6s. and that of Sir Thomas le Tablel 4s.; at Fonthill Bishop the single tithing paid 6s. yearly:

at Knoyle the tithings of Milton and Buriton paid a mark each; in Downton hundred the tithings of Charlton and the Church paid a mark yearly, Bodenham, Downton and Wick 10s. each and Witherington 4s.[18] The amount of the bargain struck in Eyre seems to have been roughly proportionate to the amount due by custom to lords. The only comparison possible from the known figures is with Melksham, whose customary payment totalled £4 and which fined £1 in the Eyre (no. 443). The practice of taking fines for beaupleader was regarded increasingly as an unjust exaction and was eventually prohibited in the Provisions of Westminster (c. 5) in 1259, a prohibition given permanent force by the Statute of Marlborough (c. 11) in 1268.

We do not possess details of all the common fines made by counties in the visitation of 1246-9 but it may be useful for comparison to list those that are known: 200 marks, Devon; £100, Lancashire, Wiltshire, Yorkshire; 100 marks, Northumberland; 80 marks, Hampshire, Northamptonshire, Oxfordshire, Sussex; 60 marks, Bucks, Essex, Kent, Salop, Somerset, Surrey, Worcestershire; 50 marks, Herefordshire; 40 marks, Dorset, Staffordshire; 30 marks, Herts and Huntingdonshire. In most counties the common fine was among the few large debts entered individually in the pipe rolls, because it took a few years to pay off. The fine also often resulted in disputes at the exchequer by various magnates about their liability to contribute to such fines. The only hint of such a dispute over our fine is a letter issued on 12 June 1249 to the sheriff of Wilts reminding him that the prioress of Amesbury, being quit of suits of shires and hundreds, should not be distrained to contribute to the common fine imposed in the last Wilts Eyre.[19] A similar order had issued in favour of the prioress, and also of the bishop of Bath, after the 1236 Eyre.[20] That the fine was not entered individually in the Wilts accounts on the pipe roll and that there do not seem to have been any other disputes at the exchequer must have been because of the exceptional delay between the end of the Eyre and the date at which the sheriff first accounted for the Eyre issues: in the mean time the whole of the debt had been gathered in.

We learn of the Wiltshire common fine only because the county also incurred an amercement of £40 for false judgment done to master John Bacun, an amercement which was probably imposed in one of the *coram rege* sessions in the county in 1249 since there is nothing of the case in our civil pleas roll. About 12 September 1249 the community of the county fined 10 marks to secure the issue of a special writ directing the assessors and collectors of this £40 to account at the next county before the community of the county concerning what they had received over the £40.[21] The dispute was not ended until the following year when on 28 July 1250 letters close issued on behalf of the community of the county stating that it was the King's intention that any excess over the £40 should be applied to the fine of £100 which the county had made for beaupleader before the justices last itinerant; and ordering the sheriff to produce the bodies of the assessors and collectors of the £40 *coram rege* on the octave of Michaelmas to show

cause why, as was apparent from their accounts, they had presumed to assess and collect more than £40 from the county.[22] Unfortunately there is no *coram rege* roll for 1251 Michaelmas term to show what explanation and judgement were given.

The orders of 1249 and 1250 are among the considerable body of evidence which shows that the counties and hundreds had a small organization to collect the shares due under common fines from those owing suit to the courts. It is reasonable to believe that they had also evolved a method of assessment whereby the liability of all would be known as soon as the amount of a particular fine or amercement was known: just as the liability of any land held by military service was known as soon as the rate of a particular scutage had been promulgated. Not infrequently there might be disputes about the liability of the tenants of some magnate to contribute to common fines, disputes which were usually dealt with at the exchequer; but we have found nothing about the £100 common fine of 1249, while the £40 amercement seems to have been dealt with by the court *coram rege* in which it must have been imposed.

It is uncertain how much of the issues of Eyres, or indeed of any branch of the royal revenue, was collected in silver pennies from the debtors, and how much was obtained through distraints, made by the sheriff's officers or hundred bailiffs seizing and selling some of the debtors' cattle or crops. About half of the chancery orders respiting exchequer demands for debts will carry a clause ordering the restoration to their owners of the chattels which have been seized for payment. There are many instances in the exchequer records which show that among magnates and knights it was very common for debts to be discharged by distraint. There is nothing to the point concerning the issues from our Eyre but there is some typical matter in the sheriff's particulars of account for 1246.[23] Payments are recorded in respect of 3 debts, 2 from persons convicted of disseisin and one from a person for having seisin. In each case the payment seems to have been effected by distraining and selling bullocks, valued at 5s. each. The receipt of cash from communities, the collection of pennies from individuals or distraints on their chattels for an equivalent value, must have kept the sheriff and his officers busy from the autumn of 1249 to the spring of 1250. Action against a few of the most obdurate or evasive of the debtors must still have been proceeding when in April 1256 justices came once more to hold a common pleas Eyre at Wilton.

NOTES TO INTRODUCTION

PRELIMINARY

1. *Placitorum Abbreviatio* (1811), 10-20, from the specially made transcript now P.R.O. *Index 17087; Pipe Roll Society, XIV*, ed. Maitland, 65-117.
2. The following entries are of this sort: nos. 18, 39, 40, 44-5, 99, 100, 125, 127, 140, 154, 165-6, 169, 171, 178, 181, 186, 189, 240, 272-3, 288, 292, 294-5, 306, 319, 323, 365, 373, 385, 399, 429, 431, 440, 445, 461, 469, 481, 489, 496-7, 526, 533, 546, 553, 562, 565.
3. In the present version these entries are nos. 10, 11, 34, 61, 80-2, 84, 126, 156, 160-1, 212, 214-7, 245, 256-7, 268, 380, 397, 406, 408-9, 426A, 426B, 427, 468, 493, 494A, 494B, 505, 512-3, 534-5.

THE COMMON PLEAS EYRE

1. Bracton *De Legibus*, f. 107, ed. G. E. Woodbine, *II*, 304-5.
2. M. Paris, *Chronica Majora* (*Rolls Series*), *V*, 56-60.
3. *J.I. 1/776*, ms. 27, 27d, 29d, 30, 38-9; *K.B. 26/223*, m. 1, 1d.
4. *Ancient Correspondence, VI*, no. 162; Shirley, *Royal Letters* (*Rolls Series*), *I*, no. 350 (pp. 421-2); cf. *English Historical Review, LXV* (1950), 499-500.

THE VISITATION OF 1246-9

1. C. A. F. Meekings, *Six Letters concerning the Eyres of 1226-8* in *English Historical Review, LXV* (1950), 498-9.
2. *Calendar of Liberate Rolls, 1245-51*, 157, 184, 196, 198, 204, 218; *Pipe Roll 33 Henry III*, rots, 5d, 7d, 8d.
3. *Close Rolls 1247-51*, 139, 171, 315.
4. Winchester bishopric enrolled accounts ('Winchester Pipe Rolls'), 7 bishop Raleigh, 1248-9 (Hampshire Record Office, *Eccl. 2/159290*), ms. 13, 13d, 23, 23d, 28, 30d, 32.
5. *Chron. Wykes in Annales Monastici* (*Rolls Series*), *IV*, 97-8.

THE 1249 WILTS EYRE

1. *Collectanea* (vol. *XII*), 129-136.
2. *J.I. 1/736*, m. 1d.
3. Hampshire Record Office, *Eccl. 2/159290*, ms. 12, 13.
4. *Feudal Aids, V*, 199-212.
5. *Exchequer L.T.R. Memoranda Roll, 33-4 Henry III* (*E. 368/21*), ms. 4, 7, 16, 17, 17d.
6. H. M. Cam, *The Marschalcy of the Eyre*, reprinted in *Liberties and Communities in Medieval England* from *Cambridge Historical Journal, I*, 126-137, 333.
7. *J.I. 1/85*, m. 10; in Cam, *op. cit.*, 145.
8. *Collectanea* (vol. *XII*), 144.

THE ROLL AND ITS HISTORY

1. *J.I.* 1/777, ms. 12-32.
2. *J.I.* 1/909*A*, *J.I.* 1/776.
3. *J.I.* 1/231-2 (Essex), /318 (Herts), /909*B* (Sussex) and foreign pleas from the Cambridge, Herts, Hunts, Surrey and Wilts Eyres: *J.I.* 1/81, /319, /342, /871, /997.
4. The account was for a period of two years, the grand total being the very large sum of £1,890 6s. 8¾d.
5. P.R.O. *Index* 17112, end leaves; the other rolls were *J.I.* 1/998 (1268 Eyre) and /1214 (an assize roll of Adam de Greynvill with business from several southern counties).
6. *Returns relating to Record Commission*, H.C., 177, p. 52 (1837), xxxix.
7. P.R.O. *Obsolete Index* 608.
8. *Record Commission, General Report*, H.C. 60, p. 64 (1837), xxxiv(2).
9. *J.I.* 1/909*A*, ms. 20-32, except parts of 21d, 23d. 24 and 30d; *J.I.* 1/776, ms. 23, 24-30, 34.

The separated membrane, *K.B.* 26/223, is exhibited in the Public Record Office Museum, case IX, number 3. Prynne's endorsement *duellum* is still on the cover of *J.I.* 1/776, which was among the rolls left behind at the Tower in the 1320s, and it would be in keeping with all that is known of his cavalier treatment of records for him to have removed this membrane as an antiquarian curiosity. The picture has been many times reproduced, the best and most accessible copy being perhaps that in *Selden Society*, 1.

10. *J.I.* 1/996, ms. 1-2, 4, 9-11, 14-16, etc. and /777, ms. 12, 13, etc.
11. The former's work occurs on *J.I.* 1/996, ms. 3, 17 and /777, ms. 14, 16, 26; the latter's on *J.I.* 1/996, ms. 8, 15, 18 and /777, ms. 15, 18, 21, etc.
12. *J.I.* 1/777, m. 30: *Amurectes ke ieo ay me tenent gay e me mectent en ioie.*
13. The last consistent use of this margination noticed is in the 1244 Dorset roll, *J.I.* 1/201: there are isolated instances in the 1248 Essex and Herts Eyres, *J.I.* 1/232, m. 12 and /318, m. 25d.

ARTICLES OF THE EYRE

1. British Museum *Additional MS.* 35179, ff. 85-6 (*olim* pp. 167-9). The evidence for date and provenance is chiefly on ff. 83v.-90.
2. *Chronicon Rogeri de Houedene* (*Rolls Series*) *III*, 263, *IV*, 61.
3. British Museum *Additional MS* 14252, f. 117-8, an official city of London compilation that has strayed from custody; another copy is in *Munimenta Gildhallae* (*Rolls Series*), *I*, 117.
4. *C.* 47/34/1, no. 14A.
5. *Rotuli Litterarum Clausarum*, *II*, 213b-214 and *cf. ibid.*, 214; *Ancient Correspondence*, *VI*, 127; *Close Rolls* 1227-31, 90, 99. 108, 111-2, 114; *De Legibus*, ff. 117b-118, *II*, 333-4.

London Guildhall, *Misc. Roll AA* (a copy made in 1276) and *Munimenta Gildhallae*, *I*, 79 (a fourteenth-century copy).

6. *Oxford Studies in Social and Legal History*, *VI*, 92-3.

THE *VEREDICTA* AND THE PRESENTMENTS

1. See Appendix 1.
2. *Selden Society*, lx, p. cciii; *Fleta*, ed. Selden, *I*, c. 19, sections 7-8.
3. *Rotuli Hundredorum*, *II*, 238-241.
4. *Pipe Roll Society*, *XIV*, 98.
5. *J.I.* 1/732, m. 2.
6. *Collectanea* (vol. XII), 50-141.
7. *J.I.* 1/864, m. 18d.

8. The compilation is now Caius College MS. 205, whence the tract, entitled *De Criminalibus Placitis coram Justiciariis Itinerantibus*, has been printed by H. G. Richardson and Professor G. O. Sayles in *Selden Society, LX*, pp. cci-cciii; its editors believe it to date from some years before 1240. On the compiler see: N. Denholm-Young, *Robert Carpenter and the Provisions of Oxford*, in *English Historical Review, L* (1935), 22-35 (reprinted in *Collected Papers*, 96-110); C. A. F. Meekings, *More about Robert Carpenter of Hareslade*, in *E.H.R., LXXII*, 260-9.

9. *J.I. 1/1566*, which seems to be a Southwark *veredictum* from the 1235 Surrey Eyre.

10. *J.I. 1/37*, m. 31.

11. *Pleas of the Crown for the County of Gloucester*, ed. Maitland, no. 506.

12. *J.I. 1/358*, ms. 18d, 24d.

ROYAL RIGHTS

1. *Book of Fees, I*, 379-382.
2. *History of English Law, I*, 257 and *ibid.* note 9.
3. *Close Rolls 1242-7*, 350-6.

INFRINGEMENTS OF PREROGATIVE AND REGULATIONS

1. *De Legibus*, ff. 119b-120, ed. Woodbine, *II*, 338-9.
2. *Rotuli Chartarum*, 183.
3. *Close Rolls, 1234-7*, 522-3.
4. *Close Rolls*, 1242-7. 127.
5. *Chron. Houedene, IV*, 33-4; *Magna Carta*, c. 35; W. H. Prior, *Weights and Measures in Medieval England* in *Bulletin de Cange, I*, 142-3, 170.
6. *E.g.*: Hampshire Record Office, *Eccl. 2/159457*, m. 9d and */159290*, m. 13.
7. *Chronica Majora (Rolls Series), V*, 534
8. *Cal. Patent Rolls 1232-47*, 320.
9. *E. 370/6/12*, m. 1.
10. *C.P. 25(1), 251/14*, no. 25.
11. *J.I. 1/175*, m. 41d.

ATTACHMENT AND BAIL

1. A very useful, though somewhat confused, account of the system is to be found in Elsa de Haas, *Antiquities of Bail* (1940).
2. Other cases usefully showing this liability are: *J.I. 1/700*, m. 5; */318*, m. 23; */176*, m. 37.
3. *De Legibus*, ff. 123b, 154. ed. Woodbine, *II*, 348, 435-6.
4. *J.I. 1/614B*, m. 45.
5. *J.I. 1/38*, m. 40d.
6. *De Legibus*, f. 123, *II*, 345-7.
7. *Ibid.*, f. 149b, *II*, 422.
8. *Close Rolls, 1242-7*, 311, 441; *Close Rolls, 1247-51*, 21, 116.
9. *J.I. 1/952*, m. 43d.
10. *Ibid.*, ms. 39, 42d.
11. *J.I. 1/775*, m. 23.
12. *J.I. 1/56*, m. 40d.
13. *J.I. 1/201*, m. 2.
14. *J.I. 1/455*, m. 1d.
15. *1247 Bedford Eyre*, ed. G. H. Fowler (*Beds. Hist. Rec. Soc., XXI*), no. 676.
16. *J.I. 1/318*, m. 25d.
17. *J.I. 1/274*, m. 8.
18. *J.I. 1/38*, ms. 35d, 38 (*bis*).

19. *J.I.* 1/614*B*, m. 43; /318, m. 29; /176, m. 32d.
20. *J.I.* 1/700, m. 7d; /56, m. 36d.
21. *J.I.* 1/176, m. 31.
22. *J.I.* 1/201, m. 2.
23. *J.I.* 1/614*B*, ms. 43, 46; /56, ms. 23, 39d; *1247 Bedford Eyre*, nos. 604, 657; *J.I.* 1/318, m. 23; /176, m. 38.
24. *J.I.* 1/56, ms. 35, 42, 45; *1247 Bedford Eyre*, nos. 586, 599, 611, 691; *J.I.* 1/318, m. 23 (*bis*).
25. *J.I.* 1/700, m. 11d.
26. *J.I.* 1/614*B*, m. 43; /909*A*, m. 22.
27. *1247 Bedford Eyre*, no. 600.
28. *J.I.* 1/614*B*, m. 40.
29. *J.I.* 1/614*B*, m. 38d.
30. *J.I.* 1/274, m. 9.
31. *J.I.* 1/318, m. 25d.
32. *J.I.* 1/318, m. 27.

THE TRIAL JURY

1. *De Legibus*, f. 143b, ed. Woodbine, *II*, 405-6.
2. *J.I.* 3/71.

DETERMINED CASES

1. *De Legibus*, ff. 135-6, ed. Woodbine, *II*, 382-3.
2. *Chron. Wendover* (*Rolls Series*), *III*, 56-9; *Close Rolls*, *1231-4*, 278, 328-9; *C.P.R. 1232-47*, 27.
3. *J.I.* 1/232, m. 2d, schedule.
4. *J.I.* 1/37, ms. 29, 30.
5. *Eccl.* 2/159290, m. 12d.

HOMICIDE AND SUICIDE

1. *De Legibus*, f. 134b, ed. Woodbine, *II*, 378-9.
2. Nos. 6, 18, 26, 28, 40-42, 67, 70, 72, 74, 78, 90-1, 100, 121, 181, 186, 189, 190, 200, 227, 233, 251, 298, 339, 345, 347, 371, 378, 415-6, 435, 462, 482, 538-9, 542, 552, 554, together with no. 38 where the crime seems obviously to have been homicide but is not described.
3. *J.I.* 1/700, m. 8.
4. *J.I.* 1/776, ms. 27, 27d.
5. Nos. 17, 39, 40, 110, 163, 165, 228, 290, 372, 396, 444, 481, 521.
6. *De Legibus*, f. 150, *II*, 423-4.

MURDER AND MURDRUM

1. *De Legibus*, f. 134b, ed. Woodbine, *II*, 379.
2. *History of English Law*, *II*, 485-8.
3. *Ibid.*, *I*, 82; *Somerset Pleas*, *I*, pp. lviii-lx.
4. There is an incomplete analysis in *Somerset Pleas*, *I*, ed. C. E. H. Chadwyck-Healey (*Somerset Rec. Soc. XI*), pp. lxxvii-lxxx.
5. *Selden Society*, *LX*, p. ccii. The editors suggest that this is an addition to the original text but the earliest manuscript shows nothing to suggest that the phrase was added to the rest at a different time.

MISCELLANEOUS CRIMINAL PRESENTMENTS

1. *De Legibus*, f. 119b, ed. Woodbine, *II*, 338.

MISADVENTURE

1. *J.I. 1/1021*, */358*, */951A;* in some other early rolls the religious house to benefit is noted in the relevant entry, a practice which seems to have died out in the 1230s.
2. *J.I. 1/695*, m. 21d; */359*, m. 33; */37*, m. 29.
3. *J.I. 1/318*, m. 23d.
4. *J.I. 1/869*, m. 2.
5. *De Legibus*, f. 122, ed. Woodbine, *II*, 344.

APPEALS: GENERAL

1. *De Legibus*, f. 142b, ed. Woodbine, *II*, 402.
2. *J.I. 1/775*, m. 23d; */818*, m. 53; */55*, m. 26; */695*, ms. 21, 22, 23; */359*, m. 31; */1651*, m. 1; *614B*, m. 41d; */56*, ms. 35d, 37, 38 (*ter*).
3. *J.I. 1/775*, m. 23d; */695*, m. 23; */1651*, m. 1.
4. *J.I. 1/998A*, m. 41.
5. Examples: not prosecuted at first county court: *J.I. 1/37*, m. 28; */818*, m. 49; */55*, m. 23; *1247 Beds.*, no. 568; */38*, ms. 33, 36d; injuries not shown: *J.I. 1/1651*, m. 1d; */455*, m. 5d; *1247 Beds.*, no. 568.
6. Examples: place, *J.I. 1/455*, m. 13d; */614B*, m. 44; place of wound, *J.I. 1/232*, m. 1; */818*, ms. 50, 50d; *1247 Beds.*, no. 777; arms used, J.I. *1/818*, m. 50; *1247 Beds.*, nos. 777, 848; pricing of chattels, *J.I. 1/318*, m. 24d; omissions of year, day or hour are very common.
7. Examples: things and their value: *J.I. 1/455*, m. 3d; *1247 Beds.*, no. 603; *J.I. 1/232*, m. 4d; */38*, m. 36d; crime alleged: *J.I. 1/700*, m. 4; variations in hour, day or year are common.
8. *J.I. 1/775*, m. 14; */455*, ms. 1d, 7, 10; *1247 Beds.*, no. 692; */700*, m. 1.
9. *J.I. 1/318*, m. 19, */176*, m. 31d.
10. *J.I. 1/864*, m. 13; */818*, 51d; */274*, m. 14d.
11. *De Legibus*, ff. 137-142, *II*, 385-403.
12. *De Legibus*, ff. 144-146b, *II*, 406-414.
13. The fullest form of this unpublished tract (13 cases), but a late copy with *lacunae*, seems to be that in Cambridge University Library Ms. *Mm. I 27*, ff. 122-130; C.U.L. Ms. *Dd VII 14*, ff. 232-7 has 10 complete cases but is at points superior to the preceding. Other copies have 6 cases only: *Harleian 395*, ff. 130v.-135; *Harleian 667*, ff. 227-232v; *Harleian 1120*, ff. 141-143v; *Harleian 1208*, ff. 187v-190v; *Harleian 1690*, ff. 66v-68v; *Harleian 6669*, ff. 1-3; Trinity College, Cambridge Ms. *o 3 20 part 2*, ff. 41-3; Lambeth Palace Library Ms. *166*, ff. 96v-98. Of these *Harl. 6669* has the earliest dates for the first 3 cases (March-June 1275) while the earliest date for any case is that for the fourth case in the C.U.L. Mss. (Aug. 1273). The cases are: 1, wounds; 2, woman, for husband's death; 3, rape; 4-6, a group in which 4, robbery, 5, abetting robbery and 6, harbouring robber. Cases 7-13 seem to be based on trial in gaol delivery and have dialogues between the justice and accused: 7, robbery by night; 8, harbouring robber; 9, larceny; 10, indictment for larceny; 11, indictment for homicide in self-defence; 12, approver's appeal (the approver being the accused of 10); 13, an indictment for petty treason.
14. *Selden Society*, *LX*, p. cci.
15. *E.g.: J.I. 1/174*, m. 36d; */359*, m. 34d; */37*, m. 28; */175*, m. 44; */455*, ms. 6, 7d; */614B*, m. 36; */952*, m. 39; */56*, m. 37d; */776*, m. 29d.
16. *E.g.: J.I. 1/775*, m. 22; */174*, ms. 35d, 38; */359*, m. 28; */55*, m. 26; */201*, m. 7d; */175*, m. 44; */455*, m. 1d; */700*, m. 9d; */952*, m. 39d; */776*, m. 24d.
17. *E.g.: J.I. 1/359*, m. 33d; */614B*, m. 43d; */56*, m. 40d.

18. *E.g.: J.I.* 1/230, ms. 2, 8; /174, m. 38; /818, m. 53; /359, m. 30; /175, m. 39d; /776, ms. 24d, 26d.
19. *E.g.: J.I.* 1/775, m. 19; /175, m. 44; /455, m. 3; /952, m. 42; /318, m. 26 and cf. /175, m. 50.
20. Examples of appeals for harbouring are: *J.I.* 1/818, m. 49d and *1247 Beds.*, no. 569.
21. *De Legibus*, f. 140, *II*, 398.
22. *Ibid.*, f. 126, *II*, 355.
23. *Collectanea* (*vol. XII*), pp. 99, 111.

APPEALS: HOMICIDE AND RAPE

1. *E.g.: J.I.* 1/359, m. 35d and /869, m. 3.

APPEALS: VARIOUS TRESPASSES

1. *De Legibus*, ff. 145, 150b, 154b-155b, ed. Woodbine, *II*, 409, 425-6, 436-9.
2. *E.g.: Selden Soc., LX*, case 55; of the other examples given in that volume from the Eyres of 1234-1249, nos. 43, 47, 51-4, seem to be civil appeals.
3. *E.g.: 1247 Beds.*, no. 849, *J.I.* 1/56, m. 36 and /176, ms. 28d, 35.
4. *J.I.* 1/230, m. 8d.
5. *E.g.: J.I.* 1/174, m. 34d and /230, m. 8d.
6. *E.g.: J.I.* 1/175, m. 40d, 42d.
7. *E.g.: J.I.* 1/174, m. 40d and /175, ms. 39, 44d.
8. *J.I.* 1/174, m. 40 and /175, m. 43.
9. *J.I.* 1/818, m. 48.
10. *E.g.: J.I.* 1/230, m. 2; /359, m. 36; /455, m. 9d; *1247 Beds.*, no. 742; *J.I.* 1/176, m. 34d (*bis*).
11. The best accounts of trespass in the early thirteenth century are: H. G. Richardson and G. O. Sayles, *Selden Society, LX*, cviii-cxxxiv; S. F. C. Milsom, *Trespass from Henry III to Edward III, in Law Quarterly Review, LXXIV*.
12. *K.B.* 136/1/3; prefatory notes supply indexes of actions and counties, so detailed references are omitted here.
13. *J.I.* 1/55, m. 25d.
14. *J.I.* 1/998A, ms. 11d, 13, 13d, 14, 15, 17.
15. *De Legibus*, f. 146, *II*, 412.
16. *J.I.* 1/175, m. 44.

APPEALS BY WOMEN

1. *J.I.* 1/869, m. 3.
2. *De Legibus*, f. 147b, ed. Woodbine, *II*, 419.
3. Ed. G. E. Woodbine, 177-8.
4. *J.I.* 1/818, m. 50d; /55, m. 21d; /359, ms. 30d, 33d; /37, ms. 33d, 35d; /175, m. 44d.
5. *E.g.*: brother, *J.I.* 1/201, m. 2 and /38, ms. 33, 35d; sister, *J.I.* 1/359, m. 30d; son, *J.I.* 1/775. ms. 15d, 22d, /818. m. 45, /700, m. 5, /455, ms. 1, 3d; *1247 Beds.*, no. 717, *J.I.* 1/776, ms. 25d, 33d.
6. *E.g.: J.I.* 1/775, m. 21; /174, ms. 29, 39d; /818, m. 50d; /201, m. 4; /1651, m. 1d; /455, ms. 2, 9d, 11; /700, m. 8d; /56, m. 36d; *1247 Beds.*, nos. 593, 718, 818; *J.I.* 1/318, ms. 26, 29; /274, m. 3d; /38, m. 34; /776, ms. 23d, 31, 32.
7. *J.I.* 1/174, m. 40d(*bis*); /175, m. 38; /274, m. 14d; /176, m. 23d, 27d.
8. *J.I.* 1/695, m. 26d and /174, m. 39d.
9. *J.I.* 1/318, m. 29d.
10. *J.I.* 1/775, m. 17d; /818, m. 48; /37, m. 33d; /455, m. 2; *1247 Beds.*, no. 825; /909A, m. 22.

11. *J.I. 1/818*, m. 51d.
12. *J.I. 1/230*, m. 2.
13. *J.I. 1/775*, m. 21 and */201*, m. 4.
14. *1247 Bedford Eyre*, ed. G. H. Fowler (*Beds. Hist. Rec. Soc., XXI*), no. 718; *J.I. 1/56*, m. 35; */274*, ms. 6, 9.
15. *J.I. 1/359*, m. 20.
16. *E.g.: J.I. 1/775*, m. 21; */274*, ms. 3d, 9; */776*, m. 23d.
17. *E.g.: J.I. 1/775*, m. 22d; */455*, ms. 1, 3; */700*, m. 5; */56*, m. 36d; *1247 Beds.*, no. 717.
18. *E.g.:* to county court, *J.I. 1/201*, m. 4, */776*, m. 32; to court christian, *J.I. 1/455*, ms. 4d, 10.
19. *E.g.: J.I. 1/775*, m. 18d; */318*, m. 29d.
20. *E.g.: J.I. 1/359*, m. 30.
21. *J.I. 1/998A*, ms. 29, 33d, 40.
22. *J.I. 1/359*, m. 36d.
23. *J.I. 1/274*, m. 14d.

APPEALS BY APPROVERS

1. *Harleian Ms.* 667, f. 228.
2. *J.I.* 3/35 to 39.
3. *Calendar of Liberate Rolls, 1240-5*, 122, 233; *1245-51*, 133; *Pipe Rolls*, 26, 29, *31 Henry III*, sheriffs *mise* in Wilts accounts.
4. *C. Lib. R. 1240-5*, 151, 165.
5. *C. Lib. R. 1245-51*, 173.
6. *J.I. 1/952*, m. 45; there were no duels.
7. *K.B. 26/223*.
8. Hampshire Record Office, *Eccl. 2/159290*, m. 28.
9. *J.I. 1/818*, m. 48d.

PRIVATA AND INDICTMENTS

1. *De Legibus*, f. 116, ed. Woodbine, *II*, 329.
2. *J.I. 1/864*, m. 13d.
3. *J.I. 1/869*, ms. 1d, 3d, 4.
4. *Pleas of the Crown for the County of Gloucester, 1221*, p. xxvii and no. 254.
5. *Gervase of Canterbury* (*Rolls Series*), *I*, 531.
6. *J.I. 1/229*, m. 12d.
7. The other formula is sometimes to be found in them, chiefly in *J.I. 1/952*, */700* and */4*.
8. *De Legibus*, f. 143, *II*, 403-5.
9. *History of English Law*, *II*, 647-50.
10. *J.I. 1/37*, m. 32.
11. *J.I. 1/232*, m. 7; */455*, m. 12; *174*, m. 33.
12. *J.I. 1/864*, m. 17d.
13. *J.I. 1/37*, m. 34d.
14. *J.I. 1/38*, m. 31d.

COURT ORDERS AND JUDGMENTS

1. *J.I. 1/623*, ms. 32-3 seems to be the earliest example.
2. *English Historical Review, LXXI*, 616-8.
3. *J.I. 1/232*, m. 8.
4. Maitland was uncertain about the date of this change, which he thought took place after Bracton wrote and certainly by the 1260s but which he also seemed tempted to associate with some decrees of 1247, *History of English Law*, *I*, 442. These decrees were summarized by Matthew Paris, *Chronica Majora* (*Rolls Series*), *IV*, 614.

but in such a way that it is impossible to say if any rule was given on the matter. We have not noticed juries being asked for verdicts on criminous clerks in the rolls from visitations before that of 1240-1. From that visitation, *e.g.* 1241 Kent Eyre, *J.I. 1/359*, ms. 33d, 34d (*bis*), and from the following interim Eyres, *e.g.* 1244 Devon Eyre, *J.I. 1/175*, m. 44, there are cases in which the accused is handed over to the bishop's official as guilty or not guilty. The language of these entries, however, has not yet reached the standardized formula ' and that it may be known how he is to be delivered [to the official] let the truth of the matter be enquired by the country '. The 1247 Leicestershire Eyre, which opened in January, shows the method and formula in full employment, juries being asked for verdicts in 9 cases: *J.I. 1/455*, ms. 3, 3d (*bis*), 4, 4d, 5 (*bis*), 8, 11. Moreover the operative phrase ut *sciatur qualis liberatur* had already become a familiar tag to the enrolling clerks for one of the entries runs: *et quia clericus est ideo nichil de eo in curia nisi tamen ut sciatur qualis liberatur*. This suggests that the change came about 1240 and that by 1247 the new method was well known routine. In the extant rolls of the visitation of 1246-9 juries gave verdicts on accused clerks in about fifty cases.

5. For example, John de Watton, sheriff of Essex and Herts, in the 1248 Eyres of those counties, *J.I. 1/232* and */318*, and William Hay, sheriff of Oxfordshire 1240-4, in its 1247 Eyre, *J.I. 1/700*.

6. *J.I. 1/614B*, m. 37.

FISCAL SESSIONS AND EYRE ISSUES

1. For 95 licences to concord, £53 6s. 8d.; for 11 actions withdrawn or not prosecuted, £5; for 8 inquests, £3; for a false claim and an attaint, 13s. 4d. each.

2. *English Historical Review, LXXI*, 617.

3. 1215, c. 20; 1217, c. 16.

4. *Fleta*, ed. Selden, I, c. 48, sections 2-8.

5. The process and methods of the 1240s have been dealt with in *Studies presented to Sir Hilary Jenkinson*, ed. J. Conway Davies, 222-235.

6. *E. 368/23*, m. 20d.

7. *Close Rolls 1247-51*, 543.

8. *E. 159/26*, m. 1 and *E. 368/26*, m. 14, in both of which the years are said to be 33 and 34 Henry III instead of 34 and 35 Henry III, a mistake possibly made because so much of the issues of the Eyre of 33 Henry III was being accounted for.

9. *E. 368/27*, m. 24.

10. *E. 368/30*, m. 24.

11. *E. 368/35*, m. 19.

12. *Pipe Roll 35 Henry III*, rot. 1d.

13. In *Studies presented to Sir Hilary Jenkinson*, 246-251.

14. *Pipe Roll 11 Henry III*, rots, 9, 9d.

15. For different reasons the issues of the Cornwall and Middlesex Eyres were not entered on the pipe rolls.

16. Sir James H. Ramsay *Revenues of the Kings of England 1066-1399*; the revenue for the years 1247 Michaelmas to 1250 Michaelmas, 31-34 Henry III, are dealt with at *I*, 305-310.

17. *S.C. 11/711*.

18. Hampshire Record Office, *Eccl. 2/159287-9*, */159457*, */159290*, accounts for Ebbesborne, Fonthill, Knoyle and Downton.

19. *Close Rolls, 1247-51*, 178.

20. *Close Rolls, 1234-7*, 405, 386.

21. *Fine Roll 33 Henry III*, m. 2. The sureties for the 10 marks, who may well have been the leaders in the county's action, were Philip de la Provendere, Richard le Bret, Michael de Wyly, William Burdevil, William le Strug', John de Langeford.

22. *Close Rolls, 1247-51*, 308.

23. *E. 370/6/12*, m. 1.

APPENDIX I

DIVISIONS OF THE COUNTY, 1194-1289

The following is a list of the hundreds, boroughs, manors and liberties which were separately represented in the Eyres of 1194, 1249, 1268, 1281 and 1289, together with their lords in 1249. The references for 1249 are the entry numbers in the present version. The references for the others are: 1194, *Pipe Roll Society, XIV*; 1268, *J.I. 1/998A*, ms. 24-42; 1281, *J.I. 1/1005*, ms. 115-158; 1289, *J.I. 1/1011*, ms. 42-64. Unless otherwise stated, each district was a hundred and was represented by 12 jurors.

An asterisk (*) indicates that the district lay outside the jurisdiction of the sheriff's twice-yearly tourn; a dagger (†) indicates that the district lay outside this jurisdiction but that the sheriff received some payments from places within it. These details are taken from the returns of the fiscal eyre of 1255, *Rotuli Hundredorum, II*, 234-8. In some of the districts where the sheriff held his tourn there were manors exempt from this jurisdiction.

District	*Lord in 1249*	*1194*	*1249*	*1268*	*1281*	*1289*
Alderbury	?	85	457-65	25	146d	60d
Amesbury†	William Longespee	96	149-62	24	137	57d
Bedwyn borough*	Simon de Montfort	99	360-4	35	128	52d
Blackgrove	King	89	89-94	29	115	57
Bradford	Abbess of Shaftesbury	107	133-48	28d	125	48d
Branch	King	100	537-48	33	153	55
Cadworth	"	80	501-10	28	156d	61d
Calne*	William de Cantilupe	78	224-37	29	135d	48
Calne borough*	" "	78	221-3	28d	135d	48
Cannings*	Bishop of Salisbury	—	119-23	32d	147d	42
Cawdon	King	108	520-36	31	122d	61
Chalke†	Abbess of Wilton	109	433-42	27	138d	60
Chedglow	Abbot of Malmesbury	87	24-34	30d	130d	45d
Chippenham[1]	Walter de Godarvill	97	179-220	39	134	49d
Chippenham borough[1]*	" "	—	—	—	133d	49
Corsham town[2]*	Earl of Cornwall	—	98	—	—	—
Cricklade*	Margery de Rivers	95	1-17	35d	119d	43d
Damerham*	Abbot of Glastonbury	91	515-9	26d	148d	58
Deverill manor[3]*	" "	95	277-81	38d	149	59
Devizes borough	King	109	401-7	25	146	60
Dole	"	113	466-74	33d	150d	54d
Downton*	Bishop of Winchester	90	163-73	26	121d	58d
Downton borough*	" "	—	174	26d	121	59
Dunworth	King	85	475-89	38	140	54d
Elstub†	Prior of Winchester	88	238-46	26	136d	56

[1] In 1268 the hundred was represented by 24 jurors 'because it was always accustomed to answer thus' so the statement that it was represented by 12 in 1249 may well be an error; in 1281 and 1289 hundred and borough were each separately represented by 12.

[2] Represented by 6 in 1249 and in other Eyres not separately represented from its hundred of Chippenham.

[3] Represented throughout by 6 jurors.

District	*Lord in 1249*	*1194*	*1249*	*1268*	*1281*	*1289*
Frustfield	King	91	490-500	25d	150	61d
Heytesbury	Walter de Dunstanvill	93	247-261	36	142d	53d
Highworth*	Margery de Rivers	96	65-88	35d	116d	44
Kingsbridge	King	87	262-76	29d	139	57
Kinwardstone*	Simon de Montfort	114	342-59	34d	126d	51d
Knoyle*	Bishop of Winchester	—	175-8	38	122	54
Ludgershall borough	King	95	396-7	42	157	64d
Malmesbury*	Abbot of Malmesbury	86	18-23	30	128	45
Marlborough barton[1]	King	84	398-400	37d	156	64d
Marlborough borough	"	—	394-5	37	158	64
Melksham	"	93	443-56	31d	131	46d
Mere*	Earl of Cornwall	101	95-7	38d	128d	51
Ramsbury*	Bishop of Salisbury	—	109-118	33	149d	43d
Rowborough	" " * and King	—	124-30	35	144d	42d
Rowde manor[5]	King	—	408-412	25	145d	59
Old Salisbury castle borough	"	83	511-4	28	152	63
New Salisbury city or liberty*	Bishop of Salisbury	—	540-67	42	154	62
Selkley	King	110	365-84	27	117d	47d
Staple*	Adam de Purton and Hugh Peverel	113	55-64	36	120	46
Startley	Abbot of Malmesbury	83	35-54	30	129	44d
Studfold	King	105	385-93	32d	144	54
Swanborough	"	92	413-32	28	141d	52d
Thornhill	"	92	333-41	34	132	56d
Underditch*	Bishop of Salisbury	105	131-2	25d	148	43
Warminster	William Mauduit	102	307-32	36d	123d	55d
Westbury	Walter de Paveley	82	293-306	32	133	51
Whorwellsdown†	Abbess of Romsey	77	282-92	32	141	53
Wilton borough*	Earl of Cornwall and Abbess of Wilton	99	99-108	33	149d	43d

The Royal Districts The arrangements for these in the 1240s seem to have been as follows. Twelve hundreds, usually in some four groups, were under the control of bailiffs appointed by the sheriff; the lists of the 1240s show one of these groups as in 1255 but the other three groups lack one of the hundreds in them in 1255. It is, however, possible that the arrangements in 1249 were the same as those in 1255, namely: Blackgrove, Kingsbridge (and Thornhill); Branch, Dole (and Dunworth); Cadworth, Cawdon (and Frustfield); the King's part of Rowborough with Studfold and Swanborough.

Melksham hundred might be held by the keeper of the manor or the foreign division of it might be granted to the sheriff to hold. The manor of Rowde was held by its keeper who might also be castellan of Devizes castle. The barton and manor of Marlborough, the manor of Ludgershall and Selkley hundred were all under the castellan of Marlborough. Devizes borough was under the castellan of Devizes castle. Old Salisbury castle borough was under the castellan, who was normally the sheriff.

[1] Represented by 12 in 1249 but thereafter by 6.

[5] Represented by 8 in 1249 and again in 1268 when they are described as three freemen together with four men and the reeve; in 1281 and 1289 represented by 6.

APPENDIX II

BIOGRAPHICAL NOTES

These biographical notes concern: the justices and keeper of the writs and rolls of the 1249 Eyre; the two sheriffs who had held office since 1241; the coroners who held office and most of the knights commissioned for gaol deliveries since 1241, who may be considered as the men chiefly concerned with the routine administration of criminal justice in the county; and a few other knights active in county affairs and one man who had been a royal servant and who figures in several cases in our roll. Except for the last and for one of the sheriffs the notes make no attempt to be exhaustive, being designed only to indicate the main interests and public service of the individuals concerned.

Bachampton, Hamo de. Hamo held in central Wilts 1⅔ fees at Beckhampton, in Avebury, and Stanmore, in Clyffe Pypard and Winterbourne Basset, of Matthew de Columbers of the Lisle fee, *Fees*, 749; he also had estates in Hampshire, *Fees*, 695, where he was a benefactor to Breamore priory, *E.* 326/3518. By 1232 he was a Wilts coroner, *Close Rolls 1231-4*, 46; the length of his service is unknown. Between 1229 and 1242 he was appointed commissioner in some 27 Wilts special assize commissions and between 1236 and 1247 in 7 gaol delivery commissions. He was elected to 3 of the 5 grand assize panels in 1249. Though unmentioned in the crown pleas roll he was, along with Reynold de Calne, the knight most constantly active in county affairs in the 1230s and 1240s.

Barbeflet, Nicholas de. In the late twelfth century Robert de Barbeflet, who or whose family presumably came from Barfleur in Normandy, was a leading merchant in southern England, based probably on Southampton, who held a lease of the town or port mills of Marlborough. In the 1194 Wilts Eyre he was amerced for infractions of the assize of wine at Marlborough, *Pipe Roll Soc., XIV*, 85; he was similarly amerced in the 1202 Eyres of cos. Berks, Hants and Oxford, indicating extensive merchanting activities: *Pipe Roll 4 John*, 3; *Pipe Roll 5 John*, 145, 193. Robert died in 1203, being survived by his wife Maud, *Pipe Roll 5 John*, 22. On 10 Jan. 1204 his son Nicholas received the mills of Marlborough to hold as his father Robert had held them, *Rotuli Chartarum*, 115. Further orders about the mills issued in Nicholas's favour after the civil war, on 30 Oct. 1219 and 24 July 1221, *Rot. Litt. Claus., I*, 407, 466; when the young King began to issue his own charters Nicholas soon secured a confirmation, in March 1227, *Cal. Charter Rolls 1226-57*, 27. From this point up to the close of the thirteenth century, when Nicholas de Barbeflet of Southampton died and was succeeded by his son Nicholas who

was of full age, *Cal. I.P.M., III*, 245, the head of the family seems always to have been a Nicholas and of full age. Between 1204 and 1295 there seems to be no evidence of a succession. It is certain that the Nicholas who succeeded in 1204 lived until 1227. It is not certain that he was the Nicholas of 1249, who may have been his son. The activities of Nicholas between 1235 and 1254 seem to be of a piece.

In July 1235 he unsuccessfully defended an action brought by the prior of St. Margaret's, Marlborough about a dyke at Manton, Patent Roll 19 Henry III, m. 8d; but was pardoned the amercement of 20s. which he thereby incurred, *Close Rolls 1234-7*, 127. In the 1236 Wilts Eyre he was amerced 20s. for infraction of the assize of wine, Pipe Roll 21 Henry III, m. 12d. When Walter de Burgh in 1236 became superior keeper of most of the King's southern manors and forests, Nicholas served under him in Wilts. He appears as holding the keepership of Chippenham forest in September 1238, *Close Rolls 1237-42*, 104; he held Pewsham forest about the same time, *E.* 368/13, m. 9; he held the keeperships of Clarendon and Groveley from about 11 Nov. 1239 to a date before 1242, *Pipe Roll 26 Henry III*, ed. Cannan, 175. His most important keepership was that of the inner and foreign hundreds of Melksham and the manors of Melksham and Rowde, which he held about 1237-1240. Here he fell foul of the most important knightly tenant, John de Chereburgh (*cf.* note 387 (2)), who held in chief at Seend and who paid 20 marks for a special inquest into Nicholas's conduct as keeper, alleging that he had replaced good oxen with weak and so forth: the inquest, however, found that Nicholas had served well and faithfully and that John's charges had been preferred out of spite and malice, Fine Roll 26 Henry III, m. 12d. It is possible, but unlikely, that this inquest was that held 6 August 1240 which survives, *S.C.* 11/711, and throws a flood of light on the internal economy of the manor and hundreds of Melksham at this time, as well as showing the obvious ill-feeling between John (who himself served on it) and Nicholas. John brought two plaints against Nicholas and possibly pursued them later in the county court or court *coram rege*. In one he alleged that Nicholas had distrained his demense plough for a debt of ½ mark which he had already paid; in the other he complained that when he 'came to the hundred court of Melksham for dealing with and forwarding the King's business, Nicholas, with much vituperation and bad language, calling him a disloyal seducer, defamed him in full court, the shame of which he would not have borne for 20 marks'. Minor charges preferred against Nicholas by the body of the hundred were: that he had made men carry cheeses to Southampton without expense allowance when they ought only to carry them within the county and at the King's cost; that he had put two men in the stocks without proper judgment; and that at various times he had taken some 40 cockerels and a goose in lieu of amercements for beasts found grazing the stubbles at unpermitted times and had sent the birds to his own houses in Marlborough.

In the 1247 Bucks Eyre Nicholas defended an action for customs and services brought by Peter de Nevill for £7 os. 6d. arrears of a rent of 14 marks due for a tenement in Marlborough, *J.I.* 1/56, m. 14. Nicholas succeeded on the technicality that he held nothing of Peter in Marlborough but he probably held of him in the neighbourhood, for in the 1249 Eyre Peter

brought similar actions against him in which the tenement was said variously to be in Preshute and Wick, *J.I. 1/996*, ms. 12, 15d, but these were withdrawn. On several occasion between 1238 and 1252 Nicholas appears as a vintner and merchant purveyor to the King: *Close Rolls 1237-42*, 37; *Cal. Liberate Rolls 1240-5*, 62-3; *Close Rolls 1251-3*, 133-4. When Robert de Mucegros in 1246 obtained the Esturmy wardship and with it the keepership of Savernake forest (*cf.* notes 354, 493) he apparently appointed Nicholas to execute the keepership, there being orders addressed to him in this capacity during the heir's minority, 1248-53: *Close Rolls 1247-51*, 22; *Close Rolls 1251-3*, 35. When Bracton took a Wilts assize at Marlborough in October 1254 he chose Nicholas as his associate, *J.I. 1/1182*, m. 5.

Nicholas's descendants were very prominent in the civic life of Southampton in the late thirteenth and early fourteenth century, when one or more of them served as bailiffs: *E. 326/3285, 3289, 3304, 3306, 3343*. They also held important estates in Hampshire: *V.C.H. Hants, III*, 429, 520. Our Nicholas himself seems to have been known sometimes as 'of Hampton' or 'of Southampton' for, as we have seen, he held the port mills at Marlborough and in the Savernake forest inquest of 1244 the jurors returned that 'Nicholas of Hampton' was entitled yearly to one oak freely, for the repair of his mills at Marlborough, *E. 146/2/23*, m. 9. Nicholas, in fact, was not an obscure freeholder known only as a royal bailiff, but a member of a considerable merchant dynasty with long established and considerable Wiltshire interests and commanding extensive resources, whose capacity and position made him the most suitable person to discharge various administrative duties for the King and others between the 1230s and 1250s.

Bath, Henry of. Henry was born by 1200 and was a kinsman of Hugh of Bath (d. 1236), an ecclesiastic who was concerned between about 1215 and 1222 in the administration of the honor of Berkhampstead, was the working sheriff of Berks 1226-8 and a justice of the Jews 1234-6 and was active in affairs in cos. Bedford, Berks, Buckingham and Herts.

Henry is first found in 1221 as a bailiff in the honor of Berkhamstead and in various minor activities 1221-7. He was the working sheriff of Berks 1228-9 and of Hants 1229-32. Under the revolutionary regime of Peter de Rivaux, of which he was a sufficiently prominent agent to incur a fine at its overthrow, he was sheriff of Gloucester 1232-4 when it was the chief base in the Marcher war. In 1234 he became sheriff of Northampton, serving until 1240 with a brief interlude of a few months in 1236 when he took charge of Surrey and Sussex. He became a Bench justice in 1238 Trinity term and served in William of York's Eyre circuit of 1240-1, being detached before its end to undertake a mission to Ireland. In the winter of 1241-2 he served briefly as a justice *coram rege*. On the King's departure on the Gascon expedition of 1242-3 Henry became sheriff of Yorkshire, a key appointment in view of possible trouble with Scotland; he held this office until May 1248 but acted personally only until 1244 for in January 1245 he became chief justice of the Bench; in October 1249 he became chief justice of the court *coram rege* though he was absent from this court on an Eyre circuit in 1250-1 in which occurred events which led to his disgrace in February 1251. On the

eve of the King's departure overseas for the expedition of 1253-4 Henry was recalled as chief justice *coram rege* and served until his death in November 1260; between Michaelmas 1256 and Hilary 1258 he doubled this office with the chief justiceship of the Bench, apparently as a royal move to meet the claim for a justiciar. From 1235 onwards he undertook all manner of judicial and administrative business throughout England; from 1242 he was one of the leading men in the royal government and from 1253 he was especially important.

His estates and the wardships he held at various times were scattered through half the counties of England; especially important were those in cos. York, Lincoln, Norfolk, Middlesex, Herts, Bucks, Gloucester, Somerset and Devon. In Berks he held Up Lambourne and dependent estates in the Lambourne valley, just extending into Wilts, where after his death they were among his estates charged with the support of two chantry priests in the chapel which in 1240 he secured at Up Lambourne. His other known Wilts interest was a rent of 40s. at Hardenhuish which in the 1249 Eyre he conveyed to Godfrey Scudamor and his wife Maud, to hold at 18s. rent, in return for their release to him of Maud's interests in 2½ virgates at Up Lambourne, Fry, *Wilts Fines*, p. 67 (237).

This note is condensed from a biography at present unpublished.

Breton, William le. William was probably born by 1200, apparently of a knightly Essex family. He and his elder brother Randal, an ecclesiastic, were protégés of Hubert de Burgh, William serving, 1226-32, as sheriff of Kent. Randal and he were both disgraced in 1232 in part of the chain of events that ended in Hubert's downfall. Their lands were sequestrated, William's being released on his fining 1000 marks (200 marks soon pardoned) which in March 1233 was attermed at 50 marks yearly. Following the reaction to the Rivaux regime, William on 6 July 1234 became a justice of the Jews, serving until some time between July 1238 and December 1240; the great Jewish medievalist Loewe believed from record evidence that William had a sound knowledge of at least business Hebrew. Between 1240 and 1246 William appears to have held no public appointments in England, but he then returned to almost continuous royal service until his death. In 1246-7 he was a forest eyre justice. In 1249-51 with William de Axmuth he held an important fiscal enquiry in eastern England: between November 1251 and June 1252 he was again a justice of the Jews; in 1252 he held a London enquiry into infractions of the statute on exchanges; in 1254 he was on a special committee for the administration of the revenue of vacant bishoprics. He held the keeperships during vacancies of the abbeys of St. Augustine's, Canterbury, and Waltham in 1253 and of the sees of Ely in 1254 and Norwich in 1257. He took a circuit of the assize of arms in 1253 and of the special fiscal enquiry of 1255. In the winter of 1254-5 he acted as Eyre justice in Gilbert de Preston's circuit, being especially concerned with the crown pleas and Eyre issues. He then presided over a forest eyre circuit in 1255-7 with a salary of 40 marks. From 1252 onwards he had undertaken the usual share of special assizes and special homicide inquests but when the baronial reformers in 1259 limited the number of justices doing this work to

8 he was excluded. He died not long before April 1261, being succeeded by his son John who was born between 1233 and 1237.

He held land in cos. Cambridge (including a town house at Cambridge), Essex and Northampton, and probably in Kent also.

This note is condensed from a biography in course of preparation.

Cheverell, Alexander de. Alexander held in central Wilts at Little Cheverell and Shrewton of the Salisbury fee, *Fees*, 720-1; litigation in 1249 shows that he had interests also at Bulkington and Stitchcombe, *J.I. 1/996*, ms. 11, 12d; final concords show him with interests at Cadebrook and Maddington, Fry, *Wilts Fines*, pp. 33(59), 35(3), 53(25). He was a taxation commissioner for the 30th in 1237-8, a gaol delivery commissioner in 1242 and between 1234 and 1241 an assize commisioner 5 times, 3 other appointments being cancelled because of his taxation duties. On 27 August 1246 he was appointed escheator for Wilts, *Close Rolls 1242-7*, 456. Exchequer records show him in this office until 1249; he probably served until about April 1250 when John de Vernun succeeded, *Close Rolls 1247-51*, 278, 384. He occurs prominently as a witness in Wilts deeds, e.g.: *Cal. Charter Rolls 1226-57*, 222. 332, 362; *E. 40/10230*. He was nominated elector in 4 of the 5 grand assize panels of 1249. His retirement from the escheatorship was possibly due to financial difficulties, for in 1249 he owed £48 13s. 8d. to Jews, *Excerpta e Rotulis Finium, II*, 65, 73. When Bracton sat at Marlborough for Wilts assizes in June 1254 he chose Alexander as his colleague, *J.I. 1/1182*, m. 5. Alexander probably retired from public life in the summer of 1259: the terms of a conveyance which he then made to John de Cheverell, about 3 carucates at Little Cheverell, £5 rent at Cadebrook and 10 marks rent at Maddington, Fry, *Wilts Fines*, p. 53 (25), being typical of arrangements made by those who were handing over their main estates to an heir in their lifetime.

Cobham, Reynold de. Reynold, probably born in the decade 1210-1220, came from a knightly family of Cobham, co. Kent, which was distinguished in the royal service throughout the thirteenth century. His elder brother John was working sheriff of Kent 1242-4 and a Bench justice from 1244 Easter term until his sudden death about May 1251, serving in Thurkelby's circuit in the visitation of 1246-9. Reynold was appointed sheriff of Kent on 27 Feb. 1249 and remained in office until he died, like John still in his prime, on 14 Dec. 1257; he was also constable of Dover castle and warden of the Cinque Ports about 1255-7. One amercement in the civil pleas of 1249 was noted as pardoned through his agency, *J.I. 1/996*, m. 15d.

Danesy, Richard de. Anesy, the normal form of Richard's surname, is not used at all in the Wilts crown pleas, whose clerks seem at times to have confused the name with that of the Dauntseys. Richard held a fee at Sherfield English, co. Hants, and ½ fee at Turnastone, co. Hereford, *Fees*, 694, 740. His main Wilts estate was the serjeanty held in chief at Dilton and Bratton, note 294 (1); he also held 7 marks rent in Chute, *Cal. I.P.M., I*, 197. By a final concord made in October 1244, Fry, *Wilts Fines*, p. 66 (200), which

concluded litigation that had been in progress for some time, *J.I. 1/175*, ms. 1, 16d, Robert de Plugheney and his wife Isabel admitted Richard's right in 3 carucates, less 2 virgates 9 acres, at Dilton and 2 carucates at Turnastone; for this Richard gave them 60 marks and granted them all the dower lands which had been held in Dilton by Juetta relict of John de Danesy, Isabel's father. The competing claims thus resolved may lie behind the disputes out of which entries 294-5 arose. Richard served as a gaol delivery commissioner in 1246-7 and in 1249 was elected to 4 grand assize panels. He was probably still in his prime when he died shortly before 15 April 1250, *Cal. I.P.M., I*, 197, for his son and heir Richard was then a boy of only 12 and his widow Maud, who was overbid in her attempt to secure the boy's wardship for herself, *Excerpta e Rotulis Finium, II*, 77, had remarried by 1252, *ibid.*, 141, her new husband in 1256 securing the wardship of the heir's Wilts lands, *ibid.*, 238.

Derneford, Richard de. Richard's interests were in central and southern Wilts, at Ebbesborne Wake and Littlecote in Enford, Fry, *Wilts Fines*, pp. 15 (29), 26 (66), 32 (36), 38 (19), and at Huish, *Fees*, 586. He served in 1232 as a taxation commisioner for the 40th and in 1233 and 1236 as a tallager of royal demesne manors; he was occasionally an assize commissioner between 1229 and 1241, a gaol delivery commissioner in 1243 and 1246 and was nominated elector in 3 of the 5 grand assize panels in 1249.

Drueys, William le. William was the subtenant of ½ fees in All Cannings and Allington, *Fees*, 725, and *cf.* Fry, *Wilts Fines*, p. 49 (34) and of fees at Shalbourne and Corton, *Fees*, 745, 747. He was a gaol delivery commissioner in 1247 and in 1249 served on 2 grand assize panels, being then perhaps in the early years of his career. By 1268 he was a coroner and he apparently died in office, before 1281.

Eston, John de. John was a subtenant of the earl of Hereford at Easton Piercy (in Kington St. Michael) and Alderton, *Fees*, 729. In 1249 he was litigating about interests at Old Easton, also in Kington, *J.I. 1/996*, m. 5. But he may also have held at Easton Royal. He was keeper of Marlborough castle under Hubert de Burgh from 29 May 1229 to 16 July 1232, *Cal. Patent Rolls 1225-32*, 250, 491; *cf. ibid.*, 426; *Close Rolls 1227-31*, 188, 478; *E. 146/2/23*, m. 2. In July 1246 he was imprisoned at Southampton for a poaching offence in Richard of Cornwall's park at Corsham, *Close Rolls 1242-7*, 441. He served 4 times as an assize commissioner in 1236-8 and was elected to all 5 grand assize panels in 1249.

Hartham, Henry de. Henry's estates lay in the north west of the county where he held ½ fees of the earl of Hereford at Hartham, in Corsham, and Heddington, *Fees*, 710, 723, 3 hides at Alderton of the Cliffords and $\frac{1}{10}$ fee at Yatesbury of the Hampshire baron Herbert fitz Matthew, *Fees*, 740, 729. He was probably elected coroner not long after 1241 and was in office at his death not long before 9 October 1251, *Close Rolls 1247-51*, 512. Both

the inquests which he is mentioned as holding (entries 39, 58) were in the north of the county. He was elected to 3 grand assize panels in 1249.

Haselden, Richard de. Richard was a knight who held in the south of the county of the abbess of Shaftesbury at Hazledon, Berwick St. Leonard and Easton Bassett, *Fees*, 715, 734. He served as a commisioner for gaol delivery in 1237 and for assizes on 7 occasions in 1237-8. The date of his election as coroner is not known but was probably before 1249; he was in office at his death not long before 9 October 1251, *Close Rolls 1247-51*, 512.

Haversham, Nicholas de. Nicholas, who was born before 1200, came from from a knightly family whose chief estate, whence they took their name, was at Haversham, co. Bucks, between Stony Stratford and Newport Pagnel not far from the Northants boundary. It was held in chief of the escheated honor of Peverel by Nottingham castle guard rent, *Fees*, 873.

In 1175 a Nicholas de Haversham owed 20 marks 'for his daughter whom the King gave to William de Bello', *Pipe Roll 21 Henry II*, 55. It is not certain that this Nicholas was the then head of the family and the reason for the payment is obscure. In the Northants forest eyre of 1177 Robert de Haversham was amerced and pardoned 10 marks for a forest trespass, *Pipe Roll 23 Henry II*, 92. It is possible that Robert was our Nicholas's grandfather, for he had a son Benet, *E.* 40/6420, whose career for some 20 years ran parallel to that of Nicholas's father Hugh. Hugh had succeeded as head of the family by 1190 when he fined 30 marks for a jury to decide whether his wood of Haversham pertained to him or to the King's demense (perhaps of the royal manor of Hanslope, just north of Haversham), *Pipe Roll 2 Richard I*, 144.

It is likely that the Havershams obtained their Wilts interests at Compton Chamberlyne through a marriage in the latter half of the twelfth century with an heiress of the Lisures family, which was prominent in Northants. Warin de Lisures held Compton in 1166, *Red Book of the Exchequer, I*, 246, taken with later evidence. He was living in 1175, *Pipe Roll 21 Hen. II*, 102 taken with *Pipe Roll 17 Hen. II*, 22. He probably died not long afterwards, for he had succeeded to his estates before 1135, *Cartae Antiquae, II (Pipe Roll Soc., N.S. XXXIII)*, no. 409. The pipe roll clerks indeed have his name in the Wilts scutage lists as late as 1190, *Pipe Roll 2 Ric. I*, 122, but they were presumably working from unrevised lists of earlier date, for his estates passed to William de Lisures, who died about 1187, *Pipe Roll 33 Hen. II*, 181, and was succeeded briefly by his brother Geoffrey, *Pipe Roll 2 Ric. I*, 29, 120. But Geoffrey Chamberlain, whose family had probably been for some time tenants at Compton, in fact paid both Geoffrey de Lisures's relief and a fine to have Geoffrey de Lisures's inheritance, *ibid.*, 123; in 1194 the scutage of Warin de Lisures's former fees was properly debited to Geoffrey Chamberlain, *Pipe Roll 6 Richard I*, 202, taken with *Chancellor's Roll 8 Richard I*, 59. Close, often next, to Warin de Lisures' name throughout the scutage lists had been that of the other family which emerges with interests at Compton: Richard de Grimstead, succeeded about 1190 by Walter.

In 1196 Geoffrey Chamberlain, Walter de Grimstead and Hugh de Haver-

sham and his wife Joan fined 20 marks for seisin of ⅓ fee, perhaps a dower, in Compton, Barford St. Martin, Quidhampton, Bemerton and Wilton, *ibid.*, 29. The connexion of two of these families with the Lisures is known. Geoffrey Chamberlain was a grandson of Warin de Lisures, Fry, *Wilts Fines*, p. 10 (27). Maud, the sister of William and Geoffrey de Lisures, married a Grimstead, *E. 40/10799*. Because of this and since Joan is included with her husband it seems probable that the Haversham interest derived from the Lisures also, through Hugh's marriage with Joan. Hugh certainly had an estate in Wilts before 1196 because in the 1194 Wilts Eyre a case concerned the murder of one of his men, *Pipe Roll Soc., XIV*, 103. A deed survives of a grant by Joan's cousin Walter son of Simon (a name suggesting a member of the great Northants family of St. Liz) to Hugh and Joan of 1 and ⅓ virgate at Compton which had been granted to him by William de Lisures and confirmed by William's brother and sister, Geoffrey and Maud, *E. 40/10799*. The first lay witness to the deed is Walter de Grimstead; two other members of this family and the parson of Grimstead attest while among others at some time connected with the Havershams are William de Bello and a member of the Gerebert family.

As soon as the main series of central court records begins in 1199 both Hugh and Benet de Haversham appear as co. Bucks knights in grand assizes, viewing essoins and so forth: *Rot. Curie Regis*, 349; *Curia Regis Rolls, I*, 220, 319-320. Benet had married a minor Midlands heiress, *Curia Regis Rolls, V*, 49, but he also had interests in co. Hants, *E.40/6420*. In November 1207 he and Hugh composed litigation about common of pasture at Haversham from which we learn that Hugh had a park there, *Curia Regis Rolls, V*, 58, 70; Hunter, *Fines, I*, 242. The last mention of Benet in a knightly capacity is in the summer of 1212, *Curia Regis Rolls, VI*, 363. In January 1216 his lands at Bonby, co. Lincoln were to be given to another, *Rot. Litt. Claus., I*, 246. This may mean that he was among the baronial opposition or that he had died; it seems certain that he died within a few years of this date since nothing is heard of him under Henry III.

Hugh served in knightly capacities throughout John's reign. On 25 April 1200 he obtained the wardship and marriage of William de Clinton, *Rotuli Chartarum*, 50b. In June 1208 he purchased for £5 a release from Robert Chamberlain (son of Geoffrey) of his half of the capital messuage at Compton, Fry, *Wilts Fines*, p. 10 (27). In 1219-1220, as warrantor of William de Cogenhoe and his wife, he was defending an action about 1½ bovates at Barrowden, co. Rutland, *Curia Regis Rolls, VIII*, 115, 122, 348, which he lost by default in the summer of 1220, *IX*, 74. He probably died in January 1221, for by 9 February 1221 Nicholas had done homage and fined £5 as his relief on succession at his father's death.

In October 1221 Nicholas presented his younger brother Michael to Haversham church. *Rotuli Hugonis de Welles, I*, 58-9, which his father and he are said largely to have rebuilt, S. Hilton, *The Story of Haversham*, 28. In the summer of 1224 Nicholas was elected to his first known Wilts grand assize panel, which gave its verdict in the autumn of 1225, *Curia Regis Rolls, XI*, 1692, *XII*, 1476. In April he and Michael renewed the litigation which their father had lost about the 1½ bovates at Barrowden: *Excerpta e Rotulis*

Finium, I, 27; *Curia Regis Rolls, XII*, 793, 1481. In 1225-6 he was also defending an action of covenant about a Wilts estate against the great courtier William Briwer, *Ibid.*, 905, 2042. By 1226 he had married his wife Emma (a descendant of Robert de Basinges, *Curia Regis Rolls, XII*, 2614) and with her he was engaged in cross pleas with David de Esseby about the wardship of Nicholas, son and heir of William de Cogenhoe, *ibid.*, 2567, 2614-5 and *1227 Bucks Eyre*, no. 356; he held ½ fee at Cogenhoe, co. Northants, of the Chipping Warden barony, *Fees*, 498. In the 1227 Bucks Eyre he successfully defended actions about dykes raised at Tathall end in Hanslope, *1227 Bucks Eyre*, no. 185; he was awarded ½ mark damages for his dykes destroyed at Haversham by Robert de Belauney, *ibid.*, no. 398, who also withdrew similar actions which he had brought against Nicholas, *ibid.*, 399, 400, 501. In the crown pleas he was put in mercy as surety for a defaulting appellee, *ibid.*, 662. In the decade 1228-38 Nicholas was most active in Bucks affairs. He was commissioned for assizes in 1228, 1230, 1233, 1238: *Cal. Patent Rolls 1225-32*, 218, 350; Patent Roll 17 Hen. III, m. 4d.; Patent Roll 22 Hen. III, m. 4d. He was an Aylesbury gaol delivery commissioner in 1237, Patent Roll 21 Hen. III, m. 6d. He was a taxation commissioner for the 40th in 1232, *Close Rolls 1231-4*, 159; and for the 30th in 1237-8, *Close Rolls 1234-7*, 553. *Close Rolls 1237-42*, 152. But although there are some 30 grand assize panels in the Bucks Eyre between 1227 and 1247, all of whose rolls are preserved, Nicholas has been noticed in only one of them, and that in an assize which was not required to give a verdict in 1247, *J.I. 1/56*, m. 15. In the 1232 Bucks Eyre Robert de Belauney and Nicholas brought cross pleas about various nuisances which each alleged that the other had committed in ways, meadows, closes and commons at Haversham, in the course of which Robert pleaded a charter of Nicholas's father Hugh, *J.I. 1/62*, ms. 14d, 15d. Judgement on the whole favoured Nicholas. Nicholas also litigated against Henry de Hautvill about a boundary at Linford, just north of Haversham, between their parks; Nicholas withdrew, and fined a mark for so doing, but Henry, who had also pleaded a charter of Hugh, agreed to keep the hedge in good repair in future, *ibid.*, m. 15. Nicholas also succeeded in an action against Aumary de Noers for a dyke raised at Gayhurst to the damage of his Haversham estates, *ibid.*, m. 15. In the 1241 Bucks Eyre Nicholas seems not to have been engaged in any litigation, perhaps because he was fully occupied with his new duties in Wilts. In the crown pleas the Bunsty hundred jurors presented, under article 38 of the Eyre, that Haversham of the honor of Peverel owed suit to the county court but had withdrawn this suit since the war of 1215-7, *J.I. 1/55*, m. 27. There seems to be no record of Nicholas obtaining a royal quittance from suit of shires and hundreds, but in January 1233 for £5 he bought a charter of free warren in his manor and fields at Haversham, Fine Roll 17 Hen. III, m. 9; *Cal. Charter Rolls 1226-57*, 174.

Although until the late 1230s Nicholas appeared to have been engaged chiefly in Bucks affairs he was very active in looking after his Wilts interests. In July 1234 for 10 marks he secured from Walter Flambard, son of Robert Flambard, a release of all claims in Nicholas's part of Compton manor; both final concord and deed of this transaction survive: Fry, *Wilts Fines*, p. 22 (27); *E. 40/8801*. The witnesses suggest that the deed was made in the county

court; among them was Geoffrey Chamberlain, who at the same time secured a release from Walter Flambard of his rights in the Chamberlain moiety of Compton, Fry, *Wilts Fines*, p. 22 (28). The Flambard interests in Compton may have arisen in Stephen's reign, for about 1158 Warin de Lisures had found it necessary to secure from another Robert Flambard a release of all claims which he had in his lands or other things, *Cartae Antiquae, II (Pipe Roll Soc., N.S. XXXIII)*, no. 410. Also in 1234 Nicholas, for sums of 18 and 16 marks, secured from Alais relict of Richard de Grimstead an 8 year lease running from 1234 Michaelmas of her dower lands at Grimstead and the customs and services of her men at Plaitford, co. Hants, in various meadows there: *E. 40/8761, 9680; V.C.H. Hants, IV*, 542. Nicholas apparently conveyed his lease to the prominent Wilts magnate Hubert Hose, against whom in the 1244 Dorset Eyre Aleys de Grimstead brought an action of entry *ad terminum* (claiming that he had obtained entry through Nicholas and that the term had expired) which was adjourned to the Bench for Michaelmas term 1244, *J.I. 1/200*, m. 10. When Nicholas's parents had obtained their Compton grant from Walter son of Simon there was among the lesser witnesses one William Caperun. He was apparently one of the leading Compton freeholders, for about 1235 his descendant Robert Caperun died, leaving only daughters; in the 1236 Wilts Eyre Nicholas secured from the daughters and their husbands releases of interests in their father's lands at Compton. Here again both final concord and deeds survive: Fry, *Wilts Fines*, p. 28 (95); *E. 40/7674, 8915, 9421* (*cf.* also *E. 40/4809. 11966*). In the same Eyre Nicholas relinquished his share of the advowson of Compton to Geoffrey Chamberlain in return for the latter's release to him of the Chamberlain share in the advowson of Barford St. Martin, Fry, *Wilts Fines*, p. 28 (96); he recovered a suit at mill from a Compton tenant, *ibid.*, p. 26 (61); and for £1 he secured a release of interests in a tenement in Wilton, *ibid.*, p. 25 (51), which recalls the fact that the estates for which his father joined in making a seisin fine in 1196 had included an interest in Wilton. They had also included an interest in Bemerton; there may be an echo of this in litigation in the 1249 Eyre, when Nicholas was vouched to warrant by a defendant in a dower action about a small estate at Dinton, held by Nicholas of Matthew de Bemerton, *J.I. 1/996*, m. 5d. In 1242 for 50 marks Nicholas secured a lease of lands in mortgage at Winterbourne Daniel and elsewhere, which so late as 1274 were still unredeemed, *Cal. I.P.M., II*, 243. A grant to Nicholas de Haversham by Robert Gereberd of 2 virgates at Netheravon at a cummin rent, for £1 and a hundred sheep to help Robert to marry off his sister, *E. 40/11169*, may have been made not to our Nicholas but to his son. However, the witnesses are consistent with a date in the 1240s, during which time, as sheriff, Nicholas was first witness to another of Robert Gereberd's deeds, *E. 40/6103*. We have seen that a Gereberd witnessed the deed of Hugh de Haversham and his wife in the late twelfth century; Gereberds were among the witnesses to all Nicholas's deeds of 1234-6; when Emma de Haversham was being impleaded about interests in Northants in the 1232 Warwick Eyre by Arnold de Bosco and another, she appointed a Gereberd as her attorney, *J.I. 1951A*, m. 8.

Nicholas had some interests in Dorset just over the county border from Wilts, for in the 1244 Dorset Eyre he was presented among the defaulters of

Cranborne hundred, *J.I.* 1/201, m. 7; but the estates have not been identified. In Hampshire he held in mesne of William Mauduit 1/20 fee at Hartley Mauduit, *Fees*, 696. His Bucks neighbour Robert de Belauney also held there; their interests must have stemmed from Bucks connexions, for their estates in that county lay just south of Hanslope, the *caput* of William Mauduit's barony. When, about the 1240s, William Maudit made a settlement of lands at Hartley on John de Grimstead, the first two witnesses to the deed were Arnold de Bosco and Nicholas himself, *E.* 40/11126. In Oxfordshire Nicholas held 5¼ virgates at Thrup in Kidlington of Simon de St. Liz, *Cal. I.P.M.*, *I*, 227. This again suggests the possibility that Walter son of Simon, cousin of his mother Joan, and perhaps Joan herself, may have been connected with the St. Liz family. It is likely that at various times in the 1230s and 1240s Nicholas held other leaseholds of which at present we are ignorant, especially in cos. Bucks and Northants. It is probable that in these decades his holdings of lands and rents amounted to within a little either way of £100 and that he was among the most affluent knights of both Bucks and Wilts.

Whereas Robert de Hogesham, sheriff of Wilts 1237-40, had come to office after serving as a Wilts coroner since 1223, Nicholas, though shrewd and active in looking after his Wilts interests, seems until 1240 to have taken no part more active in county affairs than occasional jury service; nor has he been noticed as a witness in the few Wilts deeds of the 1230s which seem to have been made in the county court. Nevertheless, on 25 Dec, 1240 he was appointed sheriff of Wilts, with fiscal effect from the preceding Michaelmas and with custody of the foreign hundred of Melksham, *Cal. Patent Rolls 1232-47*, 241. On 11 April he was given custody of Old Salisbury castle, it being noted that he ought to have received it, from Hogesham, at the same time as his appointment as sheriff, *ibid.*, 249. The terms of his appointment were: to keep county and castle at his own cost and to answer yearly for £100 as the profits of the shire in addition to the farm, Originalia Roll, 25 Henry III (*E.* 371/8A), m. 4, first schedule. These terms require some explanation of the fiscal side of the shrievalty at this time. As a revenue collector the sheriff was responsible for collecting revenue from two different main sources. On the one hand he collected the debts which arose from the operations of the chancery, royal courts of law, from tallage commissions, scutage assessments and various miscellaneous heads; these debts had always to be accounted for fully and in detail. On the other hand he collected revenue in cash and kind which arose from royal estates in the county, from the operation of the county court and such hundred courts as were in the King's hand, and from traditional rates known as tithingpenny, sheriff's tourn and sheriff's aid; this revenue was not normally accounted for in detail nor was the whole of it necessarily paid into the exchequer or otherwise disbursed in the royal service. A charge in respect of the whole of it, known as the county farm, had been fixed by the early years of Henry II's reign and remained unaltered thereafter; for Wilts the farm was £542 9s. 10d. of blanched, or refined, money. (The ratio between the values of blanched and current money, *numero*, varied slightly at this time but, roughly, 21s. of current money was worth only 20s. blanched). The exact components of this fixed farm are not known. Since the mid-twelfth century the royal estates, which made

up by far the greater part of it, had been mostly granted away: in many cases in fee; in a few cases at a fee farm rent, for whose payment the holder was responsible; and in a few cases, like Ludgershall, Marlborough and Melksham, to keepers specially appointed for a term or at pleasure, who were answerable according to the terms of the appointment. The total of these granted lands which were no longer under the sheriff's control might vary from time to time, since the lands sometimes reverted to the crown by escheat or some other cause and might then be temporarily entrusted to the sheriff; but during the 1230s and 1240s it remained constant. The value of 22 of them was £411 16s. blanch and of a further six £53 16s. 8d. current money, which the exchequer generally equated with £51 2s. 11d. blanch, making a total of £462 18s. 11d. blanch to be deducted from the farm for which the sheriff had to answer. The net value of the farm was thus only £79 10s. 11d. blanch, which the exchequer converted usually to about £83 10s. 5d. of current money. However, as we have remarked, the farm included an unknown amount of the local revenue. We have no idea of the value put on such revenue when the farms were fixed in the twelfth century, nor whether the gross yield of such revenue increased between the mid-twelfth and mid-thirteenth centuries. But it is certain that by the 1230s the value of such revenue exceeded the net value of the farm: the sheriff was collecting more than he was required to pay the exchequer. There were various attempts in the early thirteenth century to draw this excess into the exchequer instead of leaving it in the sheriff's hands; in particular about 1236-40 there was a sustained attempt to this end. In most counties during these years the sheriffs were appointed as keepers; that is, they received a fixed allowance for keeping the county and had to furnish detailed accounts of their receipts from the issues of the local courts, county rates and a few other heads. From the total of the local revenue thus accounted for, the exchequer deducted an amount equal to the net value of the farm in current money and then charged the balance against the sheriff in current money under the head of 'the profits of the shire'. Hogesham, who had been appointed keeper of county and castle with an allowance of £20, accounted thus for the profits: 1237, £42 10s. 6d.; 1238, £47 18s. 10d.; 1239, £44 2s. 3½d.; 1240, £44 3s. 8d. The average would thus seem to have been about £45; for the gross value some £83 10s. must be added to this, being the net value of the farm: the average value of these revenues in the 1230s would thus seem to have been about £128 10s. Hogesham's fee of £20 was deducted from this, so that the average yearly yield to the exchequer was some £108 10s. The significance of the terms of Nicholas de Haversham's appointment are thus plain. He was to answer £100 for the profits; he had to answer £83 10s., for the net value of the farm: total £183 10s., from which, since he was to keep county and castle at his own cost, no fee was deductible, so that the yield to the exchequer would be about £75 greater than under Hogesham, while he himself had to collect about £95 more than Hogesham had done before he was in so favourable a position. It was a hard bargain.

So in appointing Nicholas the exchequer had not only to satisfy itself that he had the general ability and experience needed as a holder of local courts, as the manager of a local office concerned with revenue collection and writ

service and execution, and as the executant of more personal royal orders for general supplies and for works at the royal castle and palace in the county. It had also to satisfy itself that he could carry out the bargain and that he had sufficient lands and rents on which distraint could be levied to make it good should he fail to do so. Presumably he gained the appointment through the record of his work as a Bucks taxation commissioner and from his known resources and reputation for business. His appointment was part of a general review of the shrievalties in 1240-1, his name being but one item in a schedule which lists the terms of appointment of the sheriffs and some keepers of royal manors during the year; during 1240-1, out of the 23 administrative counties which accounted regularly at the exchequer (excluding those with hereditary sheriffs), 13 received sheriffs who were new-comers to office or to the county in which they were appointed.

In fact, the bargain was too hard for Nicholas, but he did not fail by much. This is not immediately apparent from the formal accounts in the pipe rolls of 1241-6 and the notes of exchequer action relative to these accounts in the memoranda rolls of 1242-7. The Wilts accounts were generally taken early in the accounting year (which spread between October and July), Nicholas's audits beginning as follows: for the year ending 1241 Michaelmas, on 20 Oct. 1241, *E. 159/20*, m. 16d; for 1242, on 21 Nov. 1242, *E. 159/21*, m. 22; for 1243, 6 Oct. 1243, *E. 368/15*, m. 15; for 1244, 7 Dec. 1244, *E. 159/22*, ms. 11, 11d; for 1245, 20 Oct. 1245, *E. 368/18*, m. 9; for 1246, jointly with his successor, 9 June 1247, *E. 368/19*, m. 13d. In these and in the pipe rolls he appears considerably in arrears in payments and discharges for both farm and profits. The reason for this was because Henry III had determined on an enormous programme of alterations, repairs and new building at Clarendon palace and, to a much leser extent, at Old Salisbury castle. The most important series of these works, carried out according to an order made by the King when he was at Clarendon in March 1244, *Cal. Liberate Rolls 1240-5*, 223-4, cost the huge sum of £506 5s., Pipe Roll 30 Hen. III, m. 5. It is unnecessary to cite all the other orders, some also large, both before and after March 1244. Most of the revenue that Nicholas collected went to pay for materials and workmen's wages at the King's palace and castle in the county and so did not reach the King's exchequer or wardrobe. So when, after Nicholas left office, the exchequer balanced his debits and credits for farm and profits, throwing in also a sum of £33 11s. 10d. for Clarendon underwood sales (later challenged as having been disbursed locally) and an amercement of £20 for a venison trespass which he had incurred in the 1246 Wilts forest eyre, Nicholas was found to owe only £34 19s. 3½d. Of this sum he was pardoned £10, presumably as a reward for service, and by 1249 all but £4 1s. 6d. of the balance had been discharged, probably by distraints on his chattels in the county. If this amount of some £35 is averaged against the period of just over 5 years in which he held office it means that, whereas the exchequer had bargained to receive from him about £75 more for farm and profits than from Hogesham, in fact it received about £68 more, yearly. However, when all his debts were stated after his death, and not merely those of farm and profits as in 1247, the exchequer debited him with a further £90, though this liability was challenged by his executors

on various grounds, such as that the moneys had been disbursed under proper authority but that the vouchers had not yet been produced or that the moneys had been received by another. It would need an exhaustive study of the dispute about this sum in the exchequer records of the 1250s before one could reach a final opinion about it; but on the most unfavourable assumption, that Nicholas had made use of moneys accruing under other heads in order to make good the amount due for his farm and profits, averaging the £90 over the period of his office, the yield to the crown of farm and profits had been under him about £50 yearly greater than under Hogesham. How he contrived to produce this increase is not known. From detailed accounts which cover all or part of the years 1246, 1247, 1259 and 1265, *E. 370/6/12-15*, we know that the fixed rates of sheriff's aid, sheriff's tourn and tithingpenny could not yield more than about £108, for these were contributions by hundreds and some other districts according to a traditional assessment. The fluctuating issues were those arising from the county court and hundred courts in the King's hand and some miscellaneous heads. In the years for which we have the accounts the gross product of these sources varied between about £32 and £38, giving a total with the fixed rates of about £145 at most, whereas Nicholas, on the most unfavourable assumption, had raised an average of at least about £160 yearly (that is, £83 10s. for the farm and £100 for the profits minus £24, which is one fifth, or the annual average, of his debt of £35, stated in 1247, and his further debt of £90, stated after his death); he may have raised a good deal more.

Among the first orders of his shrievalty for works to be done was one that issued on 28 Feb. 1241 for the removal of a gaol at Old Salisbury from a place outside the main works to a position within the castle, where it was to be made good and strong, *Cal. Liberate Rolls 1240-5*, 33. The work was speedily done, at a cost of £8 10s. 6d. Although at the time the order was made the letters ordering Hogesham to hand over the castle to him had not yet issued it is possible that the order was secured by Nicholas's initiative since, unlike the rest of those orders which commanded royal works at Clarendon or Old Salisbury, it was not issued when the King was staying at Clarendon nor shortly after such a visit; indeed the King was not then in Wilts nor had been for some time. In the summer of 1241 Nicholas had to make preparations for the Eyre held by Robert de Lexington and his fellows, between about 2 and 25 June. From then onwards his chief concern, apart from his routine duties, must have been the supervision of the increasing programme of royal works at Clarendon. Until 1245 the only serious failure by him which we have noticed was in 1244, when he did not appear with the Jews of Marlborough and Wilton on the morrow of Trinity to answer for their share of the 60,000 marks tallage of the Jews, for which default he was amerced £10: *Calendar of Pleas Rolls of the Exchequer of Jews*, ed. Rigg, I, 73. In particular, the exchequer at his annual audits did not try to press him to produce vouchers in respect of his expenditure on the royal works, but accepted his explanation that his growing arrears of farm and profits were due to the moneys having been disbursed locally. But by 1245 the exchequer already had evidence from some other counties that the bargains driven with

sheriffs in 1240-1 had been too hard. When his account was audited in October he had to pledge himself to the marshal that he would answer for the arrears and was adjourned until December for this, when he would have had to appear as the marshal's prisoner. In fact he defaulted in December, an act to which, in the circumstances, clearly indicated an unwillingness to continue in office, and on 12 Jan. 1246 his successor was appointed.

Since Nicholas had been born before 1200, and perhaps early in the 1190s, he was by 1245 an elderly man who could expect to retire and spend his closing years on his estates. That he did so is suggested by his cases in the 1247 Bucks Eyre when, in striking contrast to 1241, he was concerned in some seven actions with his brother Michael, still parson of Haversham, about small plots of land, ways, dykes and common; in some of these, in contrast to the Eyres of 1227 and 1232, his neighbour Robert de Belauney was on his side, *J.I. 1/56*, ms. 5d, 6d, 7, 11. The general impression suggested by the details of this litigation is that Nicholas had been overhauling his Haversham estates and making some alterations and improvements in them. He maintained his Wilts interests, for in the 1249 Eyre he was an elector to one grand assize panel on which he served also as a juror. He died not long before 16 September 1251, *Cal. I.P.M., I*, 227. By 26 September his son and heir Nicholas had done homage and fined £5 for his relief on succession to his father's estates, *Excerpta e Rotulis Finium, II*, 116. By 8 October the exchequer had stated his father's crown debts: £5 under Bucks and £90 9s. 6d. under Wilts, made up of the unpaid balance of his farm and profits, £4 1s. 6d., a balance due from the aid of 1242 of £21 8s. and £65 due from his holding of Melksham; he was also held to owe half the issues of two escheats which he, along with his successor, had adminstered in 1245-6, but the amounts of these could not yet be stated, Fine Roll 35 Hen. III, m. 21. By 17 October his gross indebtedness had been revised to £97 13s. 2d. and his executors had given surety for answering this in moieties payable by 11 November and 2 February following; the escheators were thereupon ordered to give the executors full administation of the estates, *Excerpta e Rotulis Finium, II*, 118. The executors were his son Nicholas and Nicholas de Cogenhoe, the youth about whose wardship Nicholas and Emma had litigated in 1226-7 and who was to live until 1281, *Cal. I.P.M., II*, 400. Emma survived her husband for some years, *ibid.*, 210. The younger Nicholas had a successful career during which he added considerably to the family estates, chiefly in the midlands, but he took little part in Wilts affairs. When he died in 1274 he left only an infant daughter as heir, *ibid.*, 74, 738, and so the family ceased to be represented in the county.

Lusteshull, Nicholas de. Nicholas was apparently the son of William de Lusteshull and was born before 1210: Fry, *Wilts Fines*, p. 29 (5) and *cf.* pp. 12 (7), 14 (17). He held 1½ fees at Lus Hill of the Salisbury fee, *Fees*, 722, and as one of the leading knights in the north east of the county he witnessed prominently a number of deeds in the Stratton collection: *E. 40/3270, 4296, 4700, 4788, 6831, 6842, 7882*. On 14 January 1236 Margery de Rivers, hereditary chamberlain of the exchequer (*cf.* entries 11 and 81),

presented him at the exchequer as her knight deputy chamberlain, *E. 159/14*, m. 6; at the same time she presented Thomas Esporun as her clerk deputy chamberlain. Esporun himself was again appointed as either her clerk or knight deputy chamberlain in October 1252, *E. 368-28*, m. 1; he had a long career as an exchequer official, lasting into Edward I's reign, *Bulletin of the Institute of Historical Research, XXVIII*, 185. How long Nicholas served as deputy chamberlain is uncertain. He must have been still in office in January 1240 when along with other exchequer officials, including his fellow (Mauduit) deputy chamberlain Robert de Belauney, he witnessed a colleague's deed, *Cal. Charter Rolls 1226-57*, 249. The enrolment of the presentment of deputies by the hereditary chamberlains is irregular in the memoranda rolls at this time but there is some tenuous evidence which suggests that by 1242 either he or Esporun had been succeeded by Richard de Wyke. On 12 January 1246 he was appointed sheriff in succession to Nicholas de Haversham, Fine Roll 30 Hen. III, m. 18; he served until 28 April 1249. From what has been said of the shrievalty under Nicholas de Haversham it will be clear that the terms of the latter's appointment in 1240 represented a bargain too hardly driven. The terms of Nicholas de Lusteshull's appointment were therefore easier: he was to answer for the profits, as Hogesham had done in 1237-40, but was to keep county and castle at his own cost. What it cost to adminster a county is uncertain. The £20 allowance which Hogesham had received would only have covered part of the administrative costs. Some expenditure, especially on prisoners in the county gaol, ranked for allowance at the exchequer as well, of course, as all works or services supplied under royal orders. An unknown part of the needs of the sheriff and his staff were met by traditional gifts and hospitality and probably by small fees. Presumably by 1246 the exchequer was satisfied that these sources were sufficient to enable a sheriff of Wilts to discharge his office without being out of pocket and so although Nicholas was to answer for the profits, like Hogesham, unlike Hogesham he received no allowance. Nicholas's audits were begun on the following dates: for the year ending 1246 Michaelmas, jointly with Haversham, on 9 June 1247, *E. 368/19*, m. 13d; for 1247, on 25 Nov. 1247, *E. 159/24*, m. 9; for 1248, on 8 July 1249, *E.368/21*, m. 16; for 1249, jointly with his successor William de Tynhide, on 20 Jan. 1250, *E. 159/52*, m. 18d. He had to complete the programme of works at Clarendon palace which was not quite finished when Haversham retired, but the amounts disbursed by him on this and other works were small by comparison with those of his predecessor. The 3¼ years of his shrievalty were without notable incident, though on him fell preparations for the Wilts forest eyre of 1246 and the Eyre of 1249.

His shrievalty is, however, noteworthy because, as we have seen, he had to account in detail for the profits and two of his accounts survive: *E. 370/6/12, 15*. The first runs from the Tuesday before Candlemas (30 Jan.) 1246, the date when he apparently effectively took office, to the end of the financial year at Michaelmas. The other covers the whole of the next financial year but is mutilated at the beginning. Thus neither unfortunately yields full details for a complete year, but they are the first documents which enable us to see of what the local revenue consisted. The largest items were

the fixed rates. Tithingpenny and Sheriff's Tourn were both collected half yearly, at the Hoketide and Martinmas sheriff's tourns; the former was payable only by the hundreds in the King's hand, the latter by these and a number of others and some large manors. Sheriff's Aid was collected only once a year, at Lady Day, from the hundreds in the King's hand, most of the hundreds and estates which paid Sheriff's Tourn and a few others beside. There is a note reconciling differences between the amounts for which Nicholas accounted and those for which Hogesham had accounted in 1237-40; these differences resulted in a loss of £4 16s. 2½d. because of various grants of estates or charters that exempted the grantee from paying these rates. The largest item arose from the grant which Henry III had made to his brother Richard of Cornwall of Mere, whereby £2 of sheriff's tourn and £1 4s. 6d. of sheriff's aid could no longer be collected. The value of the fixed rates in 1246 was: Tithingpenny, £16 7s.; Sheriff's Tourn, £65 19s. 8d.; Sheriff's Aid, £24 15. 1d.: total £107 1s. 9d. The fluctuating revenue consisted of the issues of the county court, fines for having aid (which seem to have been the equivalent of payment for writs in the national revenue) and beasts taken for disseisin or seisin. In the account for 1246 (¾ year) the issues of the county court amounted to some 28 items totalling £4 13s. 6d.; in 1247 there were 40 items totalling £7 2s. 10d.: the various fines and amercements were mostly of amounts between ½ mark and 2s. In both years there were 11 promises for having aid, totalling £4 8s. 4d. in 1246 and £3 12s. 8d. in 1247. In 1246 three bullocks were taken in lieu of amercements for disseisin or payments for being put in seisin, each bullock being valued at 5s., which was apparently the customary amount. There was no such payment in 1247. The issues of the hundred courts, that is, the four weekly courts of those hundreds which were in the King's hand, consisted of some 242 items totalling £18 19s. 10d. in 1246 (¾ year) and some 299 items totalling £27 16s. 2d. in 1247. The total of all this revenue for 1246 was £101 1s. 1d., of which £62 12s. 11d. was offset against the net value of the farm for ¾ year, the balance of £38 8s. 2d. being charged against Nicholas as profits of the shire plus a further £12 0s. 2½d. which Haversham had paid over to him as receipts in excess of his share for ¼ year. In 1247 the total of this revenue was £145 3s. 5d., of which £83 10s. 6d. was deducted to offset the net value of the farm and the balance of £61 12s. 11d. charged against Nicholas as the profits. In 1248 the net value of the profits was £84 1s. 4½d., to which must be added some £83 10s. 6d. for the net value of the farm, so that this year must have seen a marked increase in this revenue to some £167 gross. But in 1249 the profits charged against Nicholas and his successor amounted only to £61 0s. 8½d. indicating (after adding in the net value of the farm) that the total of this revenue had fallen back to about the average at this time of some £145. Nicholas's successor, William de Tynhide, was appointed on the same terms, keeping county and castle at his own cost and answering for the profits; but after he had been in office for a year these terms were changed to terms similar to those made with Nicholas de Haversham in 1240, with the important difference that Tynhide bargained to answer for not £100 but 100 marks for the profits. Thus he had to answer for the net value of the farm, some £83 10s., and a further £66 13s. 4d. for

the profits, making a total of about £150 which, as the accounts rendered by Nicholas de Lusteshull show, was about the average value of this revenue in the late 1240s. It was well below what Nicholas de Haversham had bargained for and also below what he had seemingly managed to collect.

The only scholar to make a serious study of the exchequer's dealing with the sheriffs over the farm and profits of the county at this time is Miss M. H. Mills (*Trans. Royal Historical Society, 4th Series, VIII*, 159-160, 166-7; *X*, 123-6). She suggests that in 1240, after the four years of sheriffs who were keepers, the exchequer made a serious attempt to strike an average value for the yield and made the appointments of 1240-1 on this basis; and that, because by these means, more of the local revenue was channelled into the exchequer, 'after 1236 a sheriffdom was no longer profitable, and so from that date it became necessary to make an allowance for the expenses of guarding the shire.' The Wilts evidence which we have summarized here in dealing with Nicholas de Haversham, which is paralleled by evidence from other counties, suggests rather different conclusions. The estimate placed on this revenue by the exchequer in 1240 was in general too high and had to be scaled down quite considerably by the 1250s. On the other hand there was still apparently a source of provision for the sheriff apart from this revenue, seemingly through traditional gifts, hospitality and small fees within the shire, which enabled sheriffs to hold office without allowance in the 1240s and 1250s even though, like Nicholas de Lusteshull, they were accounting in detail for the profits.

It is curious that just as there is hardly anything about Nicholas in the Eyre roll so there is very little about him in the readily available sources by comparison with the mass of evidence about his predecessor. When he left office his accounts balanced exactly. Some of the deeds witnessed by him come from after 1249 but we have found nothing of importance about his later career and do not know when he died.

Scudemor, Godfrey de. Godfrey's chief estates in western Wilts were held of the Tregoz honor of Ewias: a fee in Norton Bavant and Upton Scudamore, *Fees*, 725, *cf.* Fry, *Wilts Fines*, pp. 21 (12), 45 (20); a fee at Fifield Bavant, *Fees*, 712; ¼ fee at Widhill, *Fees*, 725. In the mid-thirteenth century Fifield and Norton, as well as Upton, were distinguished by the suffix of the famly name. He also had lesser estates: at Chalke and Hilcott, held of the abbess of Wilton, *Fees*, 733, *cf.* Fry, *Wilts Fines*, p. 54 (23); at Bilhay, of the abbess of Shaftesbury, *Fees*, 734; at Kellaways, of the Giffords, *Fees*, 746. He probably held many smaller leaseholds, like that held of the Danesy serjeanty in Bratton and Dilton, *Fees*, 1226, as well as in Somerset. A conveyance which he effected in the 1249 Eyre with the justice Henry of Bath has been noticed in the note on the latter above. He must have been among the most affluent knights of the county and is usually high among his fellow knights in the witness lists of deeds, e.g.: *Cal. Charter Rolls 1226-57*, 283; *E. 40/7150*; *C. 146/194*, *1578*.

He served occasionally as an assize commissioner between 1229 and 1242 and was thrice a gaol delivery commissioner in 1241-5. In the 1246 Wilts

forest eyre he suffered the heaviest amercement, of 50 marks for forest trespasses. He served as sheriff of Somerset and Dorset 28 April-26 November 1249, during which time he was responsible for the preparations for the Eyres in those counties held by Roger de Thurkelby in July; but this service was really that of a stopgap owing to the last illness of his predecessor Hugh de Vivona. In the autumn of 1258 he was one of the four knights appointed to hear grievances in Wilts under the provisions of Oxford, *Cal. Patent Rolls 1247-58*, 646, and on 3 Nov. 1258 he was appointed sheriff under the same provisions, serving from Christmas 1258 until Christmas 1259. The terms of his appointment marked a return to those of Robert de Hogesham in 1237-40, since he was to account for the profits and receive an allowance of £20 for keeping castle and county: *ibid.*, 655; *Close Rolls 1264-8*, 187. The account submitted by him survives: *E. 370/6/13*. It covers the period 24 Dec. 1258-23 Dec. 1259, which was presumably the effective term of his office, and so covers a complete year. Unlike Lusteshull's account for 1247 it is undamaged and so is the first complete surviving account for the Wilts county issues. In it, the fixed rates total £108 7s. 1½d.: Sheriff's Aid, £25 12s. 11½d.; Tithingpenny, £16 8s. 11d.; Sheriff's Tourn, £66 5s. 3d. The fluctuating revenue totals £31 13s. 6d.: county court issues £2 3s.; promises for having aid and beasts taken for disseisin amercements, £1 9s. 4d; issues of hundred courts in the King's hand £28 1s. 2d. Of the total, £140 2s 7½d., a deduction of £83 10s. 8d. was made for the net value of the farm and the balance of £56 11s. 11½d. was charged to Godfrey as profits of the county, Pipe Roll 44 Henry III, m. 13d. No allowance was made to him at audit, when he still owed £16 8s. 3d., and it was not until after the troubles, in April 1266, that his petition for his £20 allowance was approved, *Close Rolls 1264-8*, 187; he died about October 1266, *ibid.*, 215.

Vernun, John de. John's chief estates were in the south-west of the county where he held of the earls of Hereford ½ fee at Horningsham and a fee at Kingston Deverill, *Fees*, 738, 723. He was elected coroner at some time in or before 1241 and held office until 21 April 1250 (note 1), when he became escheator and keeper of the royal forests in the county. He held this office until the death of William de Tynhide, sheriff 1249-55, whom he succeeded, being appointed on 29 April to keep the county and Old Salisbury castle on the same terms as his predecessor: *Cal. Patent Rolls 1247-58*, 408; *E. 371/19*, m. 4. Displaced by Scudemor in 1258-9 he was reappointed to office in the autumn of 1259 and was sheriff with fiscal effect from 25 Dec. 1259 to 24 June 1261, his successor's actual appointment being dated 9 July 1261. Throughout his period of service his terms were those settled by the exchequer in 1250 with William de Tynhide, which are set out with the fullness characteristic of the reforming period at the beginning of his second term in office as 'to answer 100 marks for the profits, to make up the body of the county (*i.e.* the net value of the farm) and to pay the fixed alms', Originalia Roll 44 Hen. III (*E. 371/24*), schedule att. to m. 1. From the facts given above on Godfrey de Scudemor's shrievalty it will be apparent that these terms meant that the exchequer received about £30 more on average

than it did when a sheriff, like Scudamor, was appointed to account for the profits at £20 allowance.

Vernun apparently founded Longleat priory about 1270, not long before his death, *Monasticon. VI*, 583.

Wassand, Alan de. Alan was an ecclesiastic, probably born within a few years of 1200 and apparently a cadet of a knightly family of the East Riding of Yorkshire. He was in the service of the great baronial family of Stutevill between about 1230 and 1240 and of the archbishop of York about 1238-1244 and may have had connexions also with his distinguished fellow countryman William of York. He was a Bench justice from April 1246 until November 1255, when he retired. His Eyre service was confined to Henry of Bath's circuit in 1247-9. Between 1248 and 1256 he was very active as an assize commissioner and in taking Bench cases under *nisi prius* jurisdiction in the northern counties and, to a lesser extent, in counties athwart the road to the north which he traversed several times yearly in journeying to his benefices for the vacation. Since he once gave a judgment favourable to St Albans abbey he is noticed favourably by Matthew Paris. He died early in January 1257.

The foregoing note is based on the writer's *Alan de Wassand* (†1257), in *Yorkshire Archaeological Journal, XXXVIII*, 465-473.

Whaddon, Henry de. Henry held his chief estate at Whaddon of the Salisbury fee, *Fees*, 721. He had minor interests at Melksham and Paxcroft, *Cal. I.P.M., I*, 305. About 1241-2 he fined 5 marks for exemption from service as coroner, *Pipe Roll 26 Henry III*, ed. Cannan, 174; this would normally be taken as payment for the usual charter exempting from the various public duties incumbent on knights but since there is no charter to this effect in the rolls it seems rather that Henry had been elected coroner and this payment was solely to secure his exemption from that office. He was an assize commissioner in 1242 and served in 4 of the 5 grand assize panels of 1249. He is prominent among the witnesses of a Basset deed of 3 May 1239, *E. 40/1150*. He died shortly before 30 Jan. 1254, *Cal. I.P.M., I*, no. 305.

Whitchester, Roger de. Roger was probably born within a few years of 1200 and was the eldest son or eldest surviving son of a knightly Northumberland family. His father served as sheriff of that county and was active in its affairs between 1220 and 1240. Roger was an ecclesiastic, his earliest recorded benefice being held by him in 1226. From about 1230 he served as a clerk in the Bench, probably in the service of William of York under whom he is known to have served later. On his father's death in 1244 he succeeded to the family estates but secured exemption from knighthood; he had himself acquired considerable leaseholds in cos. Bucks, Essex, Herts, Oxford and, probably, Kent. On 28 May 1246 he was appointed keeper of the Bench writs and rolls at a salary of £10. He held this office actively until May 1254 and nominally until January 1255 and served in this capacity in Henry of Bath's Eyre circuit of 1247-9. He was promoted as a Bench justice in 1254 Michael-

mas term but thereafter served mostly as a justice in Gilbert de Preston's Eyre circuit between October 1254 and February 1258, being at the Bench again only in 1255 Easter term. From 1251 until his death, which seems to have happened suddenly, about September 1258 he was an assize commissioner, chiefly for counties in the south-east of England and only rarely for counties in the north. He was a benefactor to St Bartholomew's priory, Newcastle upon Tyne. He gave a judgement against St Alban's abbey and so is noticed unfavourably by Matthew Paris.

The foregoing is based on the writer's *Roger of Whitchester* (†1258) in *Archaeologia Aeliana, 4th series XXXV*, 100-128.

Wilton, William de. Although prominent in affairs for some 17 years, William is a rather shadowy figure. It is certain that he did not take his name from either Wilton in co. Wilts and possible that he came from one of the Yorkshire Wiltons, for when he became a Bench justice in Trinity term 1247 his salary, like those of his colleagues Bath and Wassand (both of whom had considerable Yorkshire interests) was payable from the issues of co. York, *Cal. Liberate Rolls 1245-51*, 124. The earliest notice yet found about him comes from 1241, when he was litigating at debt in a Lincolnshire action, *J.I. 1/695*, m. 3d. His private fortune seems to have stemmed largely from his marriage in the late 1240s with Rose of Dover, descendant of Ranulf de Glanvill and widow of the King's half brother Richard fitz Roy. Their principal estate was at Lesnes, co. Kent, where William interested himself in the Augustinian abbey there. He also had estates in cos. Herts and Somerset.

He served at the Bench in 1247 Trinity term, as a justice during Bath's Eyre circuit of 1247-9, then at the Bench in 1249 Michaelmas and 1250 Hilary terms, then as a justice in Bath's Eyre circuit of April 1250-February 1251. Bath's dramatic disgrace happened then and Wilton, like Bracton, seems to have been among those affected by it, for he never afterwards served in the Bench or Eyre and while Bath was out of favour in 1251-3 he seems himself to have held no major public appointment. Thereafter he held a variety of offices: a keeper of important escheats or the temporalities of vacant sees; various administrative and judicial commissions; an embassy to Wales in 1257. He also accompanied the young prince Edward on his visit to Ireland. He took a few assize commissions in 1249-50 and again after 1253 but it was not until 1259 that he became notably active in this capacity and under the order of the baronial reformers made on 7 August 1259 he became one of the eight persons to whom alone such commissions were issued. In June 1261 he became senior justice of the court *coram rege* under the justiciar Philip Basset and served until the removal of the latter in the political changes of July 1263, but continued to act as assize commissioner in the winter of 1263-4. He was killed fighting on the King's side at the battle of Lewes on 14 May 1264.

The foregoing note is summarized from a biography in course of preparation.

APPENDIX III

FINES

1 Common Fines. The following is a list of the fines before judgment made by presenting juries; an asterisk (*) indicates that the hundred also had a murder fine awarded against it, whose amount is not known. The hundreds of Chedglow (25), Cricklade (5), Ramsbury (119), Startley (37), Staple (55), Studfold (388) and Underditch (131) and the manor of Mildenhall (377) had also to pay murder fines.

*Chippenham (179) and Warminster (307), each £5; *Amesbury (149), Highworth (65) and *Kinwardstone (342), each £3 6s. 8d. *Damerham (515) and Whorwellsdown (282), each £2 13s. 4d.; Blackgrove (89), *Bradford (133), Branch (537), *Calne (224), Dole (466), Frustfield (490), Heytesbury (247), *Kingsbridge (262), Swanborough (410), *Westbury (293), each £2; Alderbury (457), *Cadworth (501), *Cawdon (520), Chalke (430), Dunworth (475) and Thornhill (334), each £1 6s. 8d.; Bedwyn (360), Devizes (401) and *Melksham (443), each £1; Calne borough (221), *Deverill manor (277) and Salisbury castle borough (511), 13s. 4d. each: *Total* £58 6s. 8d.

2 Fines to compound offences, etc.

	£	s.	d.	£	s.	d.
Juries and Jurors						
Jury, false testimony (295)	6	13	4			
Juror, bribe to acquit thief (489)	5					
Juror, maintaining appeal (240)	2	13	4			
Juror, great trespass (386)		13	4	15		
Bailiffs						
Hundred bailiff, fining thief (127)		13	4			
Hundred bailiff, taking prises (171)	2			2	13	4
Appeals						
Appellee, for forcible ejection (45)	66	13	4			
Appellee, for default (374)	26	13	4			
Appellee, compromising appeal (211)	6	13	4			
Appellee, compromising appeal after wager of duel withdrawn (294)	3		1			
Appellee, guilty of rape (517)	2					
Appellee, battery and wounding (448)	1					
Appellee, compromising appeal (205)		13	4			
Appellee, compromising appeal (296)		13	4			
Appellor, false appeal (252)		6	8	107	13	5

Accused						
Appropriating treasure trove (440)				2		
Persons						
Lord, fine for retaining franchise (323)	13	6	8			
Instigator of false indictment (319)	1					
Instigator of false indictment (125)		13	4			
Trespass, unspecified (231)		6	8	15	6	8
Fiscal						
Lord, for year and waste of felon's lands (387)					13	4
			Total	143	6	9

The total of the recorded fines is thus £201 13s. 5d.

APPENDIX IV

FELONS' CHATTELS

In this list an asterisk (*) indicates that the value includes the value of the year day and waste of the felons' lands.

Entry	£	s.	d.	Entry	£	s.	d.
4	12	0	7	144		5	[3]
14		2		146		10	
15		16	10	147	1	18	2
30		8		147		3	6
32		3	3½	153		9	6
38		6		158		6	
41		1	6	164		7	6
42		1	6	165		5	
50		1	6	177		6	8
57	1	17	4	178	1	12	6
63	2	4	8	178	11	2	9
63		3		190	7	9	8
66		3		197		1	6
66		9	8	200	1	2	6
67		7		209*	1	1	
72		12	4	213		13	4
74		2		227	1		
75		1		230	1	5	10
86		11		232		9	

[1] To be answered for by Walter Galun.
[2] To be answered for by the bishop of Salisbury.
[3] To be answered for by Alexander de Montfort.

Entry	£	s.	d.
86			8
87	3		
90	2	11	2
99		8	4[1]
111		2	2
112			4[2]
115	1		[2]
121	1	13	[2]
122		7	8[2]
132			8
139			6
140		3	
141		4	
325		6	8
330		6	8
337		2	
338		17	
339	1		
345*		19	11*
355		1	4
356		2	
356		4	
356		3	
356		6	
356		10	
356		2	[3]
356			6
356		11	
356	1		2
356		9	
357		1	
361	1		[2]
382		15	2
384		8	
385*	2	15	6*
387	1	13	
387*	8	18	2½
387*	1	16	4
390	1	13	8½
412			3
420		6	0[6]

Entry	£	s.	d.
233	1	8	3
241		3	6
249		3	
250		6	4
251		1	8
266	6	18	[4]
292	1	2	
298	1	14	
300		3	6
310		5	
312		7	7
313		13	4
319	5		
422		4	11
423			3
428		1	3
432		12	
441		18	
445	1	7	6
450			9
451	1		
453		6	
458		3	
470		2	
471		15	
472		1	
482		3	
488		6	
495		1	3
498		12	1
504		18	10
519		6	8
524	2	0	0½
532	1	2	6
538		2	6[7]
542		4	
544		14	6
547		5	
552		12	[8]
554		3	[8]
564		1	6[8]

[4] Delivered to Theobald de Englechvill.
[5] To be answered for by the bailiff of Wallingford.
[6] To be answered for by Winchester priory (Alton Priors tithing).
[7] The hundred bailiff was to answer for 1s. 6d. of this.
[8] To be answered for by the city of New Salisbury.

APPENDIX V

DEODANDS

Objects	Entry	s.	d.
Cart and oxen	24	35	6
Cart and three beasts*	525	32	
Cart and six oxen	219	31	
Cart and two horses	414	14	
Cart and load of wood	198	10	
Horse	36	10	
Mare	417	10	
Cart and horse	291	8	
Cart and beast*	234	6	8
Horse	540	6	8
Cart and Horse	248	5	
Horse	308	5	
Grindstone in mill	184	3	4
Cart	454	3	
Colt*	434	3	
Horse	95	3	
Millwheel	336	3	
Millwheel	278	2	
Millwheel	137	2	
Inner millwheel	314	2	
Pig*	239	1	6
Timber of a house	403	1	6
Millwheel	142	1	1
Boat	79	1	
		200	3

* The marginal note *deodand* is omitted from these entries

EDITORIAL CONVENTIONS

Italic type is used solely to indicate marginalia (*cf.* pp. 26-27). Figures, phrases and words occurring in the body of entries in the roll which are also marginated are printed in *italic type*. Figures, phrases and words which do not occur in the body of the entries but only as marginations are printed *within round brackets ( ) in italic type*. It will be noticed that there are many instances where marginations were not made of matter generally marginated.

Words or phrases supplied to clarify the text have been enclosed within square brackets [ ]. Two common phrases, sometimes abbreviated in the original, have been abbreviated throughout the version after their first occurrence, the abbreviation being indicated by: [etc.]. The first is: for good and ill he (she, they) puts (put) himself (herself, themselves) on the country. It has been reduced to: for good [etc.]. The other is: whereon let the said sheriff answer. It has been reduced to: whereon [etc.]. Where phrases in the original differ from these common forms (e.g. nos. 40, 72, 99, 112, 532, 568, etc.) they are given in full.

Continuation headings, at the head of membranes where the pleas of a district are carried over a side, have been omitted.

PLEAS OF THE CROWN IN THE COUNTY OF WILTSHIRE OF THE EYRE OF HENRY OF BATH AND HIS FELLOWS IN THE 33RD YEAR OF THE REIGN OF KING HENRY SON OF JOHN

Englishry is presented in this County by three, namely by two on the father's side and one on the mother's side.

THE HUNDRED OF CRIKELADE COMES BY TWELVE

1. In the Eyre of the Justices last itinerant in this county [in 1241] it was commanded that Robert le Batur and Walter le Dwarew be exacted and outlawed. The County, Nicholas of Haversham then sheriff, John Vernun, Henry Bakeny,[1] Henry Aignel and Richard Pichard,[2] have not recorded whether or not they were outlawed. So they are in *mercy*. The twelve jurors have not presented this matter, so they are in *mercy*.

2. Nicholas Wrth' who, in the County, appealed Roger Bagge of Chelewrth' and Kemy the servant of the vicar of Chelewrth' of wounds, robbery and breaking the King's peace, does not come. So *let him be taken*, and his pledges for prosecution are in *mercy*, namely Walter the tithingman[3] of Aston' and Henry Red' of the same. Roger [and] Kemy do not come. Roger was attached by Richard Wythgant of Chelewrth' and Richard Bagge of the same[4] and Kemy was not attached. The jurors present and testify that Roger and Kemy wounded Nicholas. *So let them be taken.*

3. Reynold Tray appealed Nicholas de Balewell' chaplain, Robert Dalewell',[5] Norman the clerk, Walter Golfing', Robert clerk of the Temple.

[1] *Dageyn* was written and deleted.
[2] Some of these names may be garbled: see note 1.
[3] *tethyngman*. Except where otherwise noted the clerks normally use *decennarius*.
[4] Both sureties had since been killed: see 58-9 below.
[5] Altered from *Balewell*.

Reynold le Taylur, Gilbert the clerk, Walter Hardepate, William Dylling' and William Buffebrig', all of Cyrencestr', of the death of Henry Tray, etc.

Nicholas and the rest do not come. They were not attached since they belonged to the County of Gloucester. The jurors say they are all guilty of the said death. So *let them be exacted and outlawed*. Let inquiry be made concerning the chattels in the County of Gloucester.

Afterwards the official of the bishop of Worcester comes, by letters patent of the said bishop, and asks for Nicholas, the chaplain, Norman the clerk, Walter Golfing' and Gilbert the clerk, as clerks. (*t*) William Dilling' and William Bukebrig' come and are committed to the bailiff of the abbot of Cirencester, so that concerning them *inquiry may be made by the County of Gloucester, etc.*[1]

4. Richard le Despenser of Crickelade cut his throat so that he died on the third day. No one is suspected besides Richard. Judgment: felonia de se ipso. His chattels: £12 os. 7*d*., whereon let the sheriff answer.

5. William Strodel was found drowned in Smolelak'.[2] The first finder[3] has died. No Englishry. So *murder*.

6. Miles of Cernay struck Gilbert the man of master Nicholas of Heysy and fled at once. The jurors say he is guilty. So *let him be exacted and outlawed*. He was not in a tithing being free. He had no chattels. William the goldsmith, in whose house the quarrel first arose between Miles and Gilbert, was attached for the said murder by Richard the tithingman[4] of the Heysey and William de la Hull'. So they are in *mercy*.[5] But William is not guilty of the said death. The township of Heysey did not pursue Miles, so it is in *mercy*. *Let enquiry be made* in Harnhull' hundred[6] in the County of Gloucester concerning Miles' chattels.

7. Evildoers unknown came by night to the house of Robert Edward of Latteton' and burnt the house and killed Simon, Robert's servant. It is not known who they were and the inquest was held, etc. The township of Latton' did not pursue the evildoers, so it is in *mercy*.

8. Geoffrey of Nubbelegh' put himself in Crykelade church, confessed to stealing two oxen and *abjured* the realm. It is testified that William

[1] This postea has been added later.
[2] Not identified.
[3] *Inventrix*.
[4] tethingman.
[5] Presumably William the goldsmith did not come.
[6] The out-hundred of Cirencester.

of Arundel was attached for the oxen by the bailiffs of the lady Margery de Ripariis in Crikelade and they allowed him to go away without judgment. So to *judgement* on the liberty of Margery.[1] Nicholas Reyns deraigned the oxen as his in the said court and obtained them.

9. Alan Bernard fled to Crikelade church, confessed to having killed William the carter and *abjured* the realm. He was in the tithing of Chelewrth', so it is in *mercy*.

10. Concerning escheats, etc., they say that the township of Pulton' is the King's escheat and the patronage of the church of the same town belongs to the King.

11. Concerning serjeanties, they say that Margery de Ripariis holds the hundred of Crikelade, by the serjeanty of finding a Chamberlain at the King's Exchequer.

12. Concerning purprestures, they say that William But made a certain purpresture on the King in the town of Crikelade. It is therefore commanded that it be viewed and brought back to its original state and William is in *mercy* for his offence.

13. The sheriff is commanded to take into the King's hand the liberty of Margery de Ripariis because she does not have bailiffs who answer before the Justices concerning attachments pertaining to the Crown.[2]

14. The chattels of evildoers, to the value of *2s.*, were found in the house of Henry Dernid. Henry comes and says that the chattels were pawned to him for sixpence and the jurors testify the same. Let the sheriff answer for the chattels.

15. John le Heyward, accused of larceny, does not come. The jurors say he is guilty. So *let him be exacted and outlawed*. He was in the tithing of Eston', so it is in *mercy*. His chattels: *16s. 10d.* whereon [etc.].[3]

16. John Purnele and William Berksir, accused of larceny, for good [etc.]. The jurors say they are not guilty, so they are acquitted.

17. Margery who was the wife of William Fyttel was found drowned. The aforesaid William her husband, accused of the said death, comes and for good [etc.]. The jurors say he is not guilty, so he is acquitted.

[1] Cf. 13, below.
[2] Cf. 8, above. She held both the town and hundred.
[3] See 64, below.

THE BOROUGH OF MAMBESBYR' COMES BY TWELVE

18. William the chaplain of Mambesbyr', Thomas the goldsmith's son and Adam and John, stranger scriveners,[1] came about midnight to the house of Stephen Spillefol in the town of Mammesbir' and went in and drank there. At length a quarrel arose between them and Stephen, so that Thomas struck Stephen with a brass club[2] and William the chaplain struck him with his knife, and they so treated him that he died on the third day.

The jurors say that all are guilty of the said death. William the chaplain was taken and imprisoned in the gaol of Salisbury Castle and escaped from the gaol. So to judgement on William le Champiun who is, by fee, the gaoler. Thomas, Adam and John fled at once and are guilty, so *let them be exacted and outlawed*. Adam and John were not in a tithing, being strangers, and they had no chattels. Thomas was of the frankpledge[3] of Thomas of Cherleton' in the town of Mammesbyr', so it [the frankpledge] is in *mercy*. He had no chattels.

19. William the chaplain of Mammesbyr' was found drowned in the water of Mammesbir'. The first finder, John de Corescumb', comes and is not suspected, nor is anyone else. Judgement: *misadventure*.

20. Robert de Templegarwy put himself in St Paul's church in Mamlmesbyr', confessed to being a thief and *abjured* the realm. He was a stranger and had no chattels.

21. Concerning wines sold contrary to the assize, they say that Peter le Moller, William Hasard and William de Humlanton' have sold wine contrary to the assize. So all are in *mercy*.

22. Walter le Blakyere and Joan his wife, accused of harbouring John of Kynemeresford, an approver who appealed them, come and deny all and put themselves on the country. The jurors say they are not guilty, so they are acquitted.

23. Ralph of Redborn', accused of larceny, comes and denies all and for good [etc.]. The jurors say he is not guilty, so he is acquitted.

[1] *Scriptores extranei.*
[2] *Clava erea; ferrea* was originally written, then deleted.
[3] *de plegio.*

THE HUNDRED OF CHESGELEG' COMES BY TWELVE

24. Geoffrey, son of Roger of Kamele, was crushed by a waggon[1] in Kemel' so that he died in the night following. No one is suspected. Judgement: misadventure. The price of the waggon with four oxen is 35*s*. 6*d*. (*Deodand*). Roger of Kemel', father of Geoffrey, appealed Richard Benne, who drove the waggon, and he came at once and pursued him. Richard fled at once. The jurors say that Geoffrey was run over[2] by the waggon and not by any felony but by misadventure. So let there be *a discussion* on this.

25. A stranger was found killed in Hesleg' field. Gerard of Hesseleg', the first finder, comes and is not suspected. It is not known who killed him. No Englishry. So *murder*. The twelve jurors falsely presented the finder, so they are in *mercy*.

26. Anger the servant of the parson of Redmerton' struck Hugh the carter of William of Esselegh' so that he died very soon afterwards. Robert Trulboch' and William of Saperton' were there aiding him and fled at once. The jurors say they are guilty of the death, so *let them be exacted* (*and outlawed*). They are all of Gloucestershire: Anger of Redmerton', Robert of Cherinton' and William of Saperton'. So [let it be enquired] there more fully concerning the tithings and chattels of Anger, Robert and William.

27. Richard de la Pole put himself in Sutton[3] church, confessed to being a thief and *abjured* the realm. He was from Gloucestershire and was outlawed otherwise in that county. It is testified that when Richard put himself in the church he left a cart[4] with a mare and a bundle in which there was a mark of silver. Hugh Noyk and Richard the reeve of Torinton'[5] came and claimed[6] the chattels and deraigned them in the court of the abbot of Malmesbyr', because they had been seized in the abbot's liberty. The chattels were committed to Hugh and Richard, however, but so that they might produce them before the Justices in case anyone should wish to proceed against them.[7] The coroners record that the chattels were committed to Hugh and Richard by pledges.

[1] *plaustrum*.
[2] *suppeditatus fuit*.
[3] Presumably Sutton Benger, since the Abbot held Startley Hundred.
[4] *careta*.
[5] Not identified; possibly Cherrington, Co. Gloucester.
[6] *vendicaverunt*.
[7] *si quis versus eos loqui voluerit*.

m. 23d]

28. Ralph de Harpetr' was found killed in Haseleg' field. William Fugimar' [and] Nicholas his brother were suspected of the death. The jurors say they are guilty. So *let them be exacted and outlawed.* It is testified that this matter was concluded before the Justices last itinerant in Gloucestershire.

29. Evildoers unknown came by night to the house of Isabel Soppok' and killed Isabel herself, John the miller, Ralph de Hampton' and Maud, Isabel's maidservant, and carried away their goods. It is not known who they were. A certain Robert of Lutleton', who at present abides in the town of Lutleton' in Somerset, is suspected of this deed and of the theft of a horse, of which the jurors say he is guilty. So more about him there. Adam Perdriz of Nyweton', accused of the aforesaid burglary,[1] comes. The jurors say he is not guilty, so he is acquitted.

30. Peter le Marchant, accused of harbouring thieves, comes and denies all and for good [etc.]. The jurors say he is guilty, so to judgement on him. *Hanged.* His chattels: 8*s.* whereon [etc.].

31. Walter de Parco, accused of harbouring thieves, comes and denies all and for good [etc.]. The jurors say he is not guilty, so he is acquitted.

32. Walter Goddrich' and William de Cubrig' [are] accused of burglary and homicide. William comes and says he is a clerk and declines to answer this. Whereupon the official of the bishop of Salisbury [comes] and asks for him as a clerk and he is delivered to him. The jurors say he is guilty, wherefore he is delivered to him as convicted in this Court. They say moreover that Walter is not guilty, unless it be of [taking] sheaves in harvest.[2] So let him find pledges for good behaviour, etc.[3] William the clerk's chattels: 3*s.* 3½*d.*, whereon [etc.].

33. Concerning defaults, they say that Robert son of Pain, Richard Burle, Henry Scolace and Walter Techeden' did not come on the first day, so they are in *mercy.*

34. Concerning squires holding a whole fee etc., they say that Robert son of Pain holds a whole knight's fee and is of full age and not yet a knight.

Afterwards it is testified that he is still in the Queen's custody.

[1] *facto:* deed, originally written and deleted.
[2] *de garbis in autumpno*
[3] *de fidelitate, etc.*

THE HUNDRED OF STERKELE COMES BY TWELVE

35. William the groom[1] of brother Thomas of Gloucester was found drowned in the water outside Cristemuleford. The first finder, John son of Roger of Cristesmuleford, comes and is not suspected, nor is anyone else. Judgement: misadventure. Richard Bruet was then with him. The township of Cristesmuleford did not attach Richard so it is in *mercy*.

36. Laurence the huntsman of Roger of Dantesy fell from his horse in Sumerford, so that he died at once. Philip Calic first found him. He comes and is not suspected, nor is anyone else. Judgement: misadventure. Price of the horse: *10s.* (*Deodand*), whereon [etc.].

37. Evildoers unknown came by night to the house of Adam son of Isabel in Cristemaref' and killed Adam and carried away his goods. It is not known who they were. The first finder, Maud of Cristesmalef', comes and is not suspected. No Englishry, so *murder*.

38. Richard Blanchard and Geoffrey le Quellere, coming from Malmesbur', quarrelled with each other,[2] so that Geoffrey was taken and delivered to the township of Wollavynton'. He escaped from the custody of the township. So let it answer *for the escape*. It is testified that Geoffrey is guilty, so *let him be exacted and outlawed*. He was in the tithing of William Warin in Wollavynton', so it is in *mercy*. His chattels: *6s.* whereon [etc.].

39. Robert the son of Henry Badding', in climbing up a hayrick[3] in Segre meadow, fell from the rick so that he broke his neck. John son of Maud, William Skywe, Walter son of Alice and Robert Stormy were then present there. William Skywe, accused of the death of Robert, comes and denies the said death and for good [etc.]. The jurors say he is guilty of the said death, for they say that Robert fell from the rick on to William Skywe and William, startled by this,[4] struck Robert twice on the head with his staff, so that he killed him. But they say that William did not do this in felony but rather out of witlessness[5] because he is under age being twelve years old. So it is awarded that William be taken into custody and this case be told the King. etc. It is testified that

[1] *garcio.*
[2] A description of the crime, presumably homicide, has been omitted.
[3] *mulo feni.*
[4] *ob hoc commotus.*
[5] *per simplicitatem.*

Henry of Hertham the coroner received one mark to conceal this matter. Henry himself is present and cannot deny this, so he is in *mercy*.

40. Ralph the carter of Tederingdon', Simon atte Berne, John le Heyward his son, Henry his brother and Roger the ploughman wounded William Caudel so that he died six days afterwards. Ralph and Roger fled at once on account of his death. The jurors say they are guilty, so *let them be exacted and outlawed*. Ralph was a stranger and had no chattels. Roger was harboured in the town of Abbot's Langel' outside the tithing, so it is in mercy. He had no chattels.

Simon, John and Henry [are] accused of the death. Henry is dead.[1] Simon comes and denies all and for good [etc.]. The jurors say he is not guilty, so he is acquitted. John comes and denies the death and for good and ill puts himself on the hundreds of Sterkel' and Chypeham. The jurors say he is guilty, so, etc. (*hanged*). His chattels[2]

41. Osbert le Sayhere came to the house of John Purs in Cristemaleford and, by the counsel of John's wife Alice and of John's servant Maud, killed John and fled at once. It is testified that Osbert, Alice and Maud are guilty of the death. So *let* Osbert *be exacted and outlawed* and *let* Alice and Maud *be waived*. Osbert was in the tithing of Michael de Streyme in Cristemaleford, so it is in *mercy*. His chattels: *18d.*, whereon [etc.].

42. Robert Pyron, coming to the tavern[3] of Malmesbur', killed Edith his wife in Sterkele field and fled at once. The jurors say he is guilty. So *let him be exacted and outlawed*. He was in the tithing of Michael de Streme in Crestemeleford', so it is in *mercy*. His chattels: *18d.*, whereon [etc.].

43. Henry le Focryr was accused of clipping coins and was delivered by the sheriff to Austin the tithingman of Somerford, with his tithing, to produce him before the Justices, and now he has not got him. So he [Austin] is in *mercy*. Let Henry be taken.

Afterwards he comes and for good [etc.]. The jurors say he is not guilty. So he is acquitted.[4]

44. Juliana, who was the wife of Walter of Bradefeld, comes and appeals William de Radendenn' and Walter de Burgate[5] in that, as she

[1] *Cf.* 53 below.
[2] The entry is incomplete.
[3] *veniens in taberna.*
[4] This postea has been added later.
[5] Walter's name is inserted.

was in the King's peace in her house in Bradefeld on the Sunday next after the feast of SS. Peter and Paul in the 32nd year [5 July 1248], the said William came with his abettors[1] at dawn of day and burgled her house, carrying away goods to the value of 33 li. That he did this wickedly and in felony against the King's peace she offers, etc. as the Court shall hold.

William and Walter come and deny the burglary, robbery and whatever is against the King's peace, etc. And he asks that it may be allowed him[2] that she did not make mention in her appeal of what sort the goods were which were carried away from her, that she did not make suit immediately after the deed nor raise the hue, nor has she said anything to which he ought to answer at law.[3]

So it is held that her appeal is null and that *she be taken into custody*, and that inquiry be made concerning the fact by the country.

45. The same Juliana appeals for the same deed by the same words Ignarus de Clifford knight, Henry de Wodecote, Giles de Trunco, Nicholas de Clovill' and William de Kemereford who came together with the said William and Walter. They do not come nor were they found nor are they of this County.

The jurors say that Richard son of Walter, with Juliana his mother, held a tenement in Bradeford of the fee of William de Radendenn'. so that after Walter's death William sent a servant to take simple seisin of the tenement. Richard did not permit William's servant to have any entry in the tenement nor to take any seisin of it. William and Walter [de Burgate] coming afterwards ejected Juliana and Richard by force from the tenement. They remained three days in the tenement, wasting the goods found therein and carrying some away. They say that Walter de Burgate, Ignarus de Clifton', Henry de Wodecot and Nicholas de Clovill' were at the doing of this deed with William de Radendenn'. just as Juliana herself pleaded against them.

William and Walter, being present, cannot deny this. So *let them be taken into custody*.

Afterwards they make a fine of *100 marks*, if it please the King, by the pledges of Patrick de Chauwrz, William Mauduit, Sampson Folyot, Alexander of Cheverel, Robert de la Mare, Eudes of Grimstede, William of the same, Nicholas de Vallibus, Elias de la Mare, Ralph de Stopham, Geoffrey de Cundy, Peter de Kyngesmulne, Thomas Teysun, William of St. Martin, William Carbelet and Mauger of St. Albans.

[1] *cum forcia sua.*
[2] *et petit sibi allocari.* It is probably William who excepts.
[3] *nec aliqua dixit verba per que poni debeat ad legem.*

m. 24]

And since it is testified by the jurors that Ignatius[1] de Clyfton', Henry de Wodecote and Nicholas de Cravill' were present at the doing of this robbery and they themselves do not come, it is commanded that *they be exacted and outlawed*, and let inquiry be made concerning their lands and chatelts.[2]

Ignatius the squire of Ignatius de Clyfton', Thomas de Susemire, Geoffrey son of Alan, Hugh the man of Henry de Wodemancote and William de Camerford, accused of the said robbery, do not come. The jurors say that Ignatius is guilty, so *let him be exacted and outlawed*, and let inquiry be made concerning his chattels. But they say that they do not know whether or not Thomas, Geoffrey, Hugh and William were at the deed. So it is commanded that they assure themselves on this matter.[3]

46. Richard de Boynton' comes and appeals[4] Hugh the ploughman of Brykewrth' and Gilbert, brother of Roger the smith of Fastmere, of setting fire to his houses by felony and against the King's peace, etc. Hugh and Gilbert do not come. So let enquiry be made concerning the felony by the country. The jurors say they are guilty, so *let them be exacted and outlawed*. They were harboured in Brikewrth' and Wtton', outside the tithing, so [the townships] are in *mercy*. They had no chattels.

47. John Brun who, in the County, appealed John son of Walter of Brynkewrth', Alice wife of Geoffrey de la Breche and John son of Alice of battery and premeditated assault, does not come. So *let him be taken* and his pledges for prosecution are in *mercy*, namely Richard Caperun of Brynkewrth' and Roger de la Mote of the same. John, Alice and John do not come. John was attached by Richard le Norreys and Adam Tory, Alice by Adam Baldewin' and John Gaugy, and John by Richard le Norreys [and] the tithingman[5] of Brinkewrth'. So all are in *mercy*.

Afterwards it is testified that they have made a compromise, so *let* all *be taken*.

48. William le Poter appealed Nicholas le Wodeward in the County

[1] Altered from *Ignarus*.
[2] A blank space over an inch deep has been left here for a continuation.
[3] *Ideo preceptum est quod super hoc se certificent.*
[4] *In comitatu* has been deleted.
[5] thethingman.

of the peace, etc. Nicholas was *outlawed* in the County at William's suit. He was not in a tithing, being a stranger.

49. Peter Pollard, accused of harbouring William Blanchard and Walter the miller, thieves, comes and denies the harbouring and for good [etc.]. The jurors say he is not guilty, so he is acquitted.[1]

50. Richard the clerk and Elias the clerk, strangers, John the man of the apparitor of Mamelbur', Roger le Frankeleyn, Henry the clerk of Lewe, William Blanchard and Walter the Miller [are] accused of robbery and larceny. Roger le Frankeleyn comes and denies all, and for good [etc.]. The jurors say he is not guilty. So he is acquitted. The others do not come. The jurors say they are guilty, so *let them be exacted and outlawed*. Richard and Elias the clerks were strangers. They had no chattels. John was not in a tithing, being free, nor did he have any chattels. William[2] the clerk, William Blanchard and Walter the miller were in the tithing in Sumerford Mautravers, so it is in *mercy*. Walter the miller's chattels are worth *18d.*, whereon [etc.]. The others had no chattels.

51. Adam Bradrip was taken for stealing a certain box[3] and imprisoned in the prison of the abbot of Glastonbury in Cristesmuleford. He escaped from prison. So let the abbot answer for the *escape*. It is testified that Adam is guilty. So *let him be exacted and outlawed*. He was in tithing in Cristemuleford. So as before.[4] He had no chattels.

52. Robert Edwyne, accused of larceny, comes and for good [etc.]. The jurors say that.[5]

53. Richard Balle, accused of the death of Henry de la Berne,[6] comes and denies all and for good [etc.]. The jurors say he is not guilty, so he is acquitted.

54. Robert de Plestowe comes and appeals Robert Ballemund and John Ballemund of premeditated assault, etc. Robert and John come and say that they are clerks and decline to answer this. The official of the bishop asks for them as clerks and they are delivered to him, etc. (*t*). And let the deed be inquired into by the country.

The jurors say that Robert and John, by a premeditated assault, gave

[1] The text has *non sunt, culpabiles* and *quieti*.
[2] Apparently an error for Henry.
[3] *cista*.
[4] The tithing is put in mercy.
[5] This entry is incomplete.
[6] See 40, above.

Robert a wound to the depth of an inch. So the official is told to show full justice to them, etc.[1]

THE HUNDRED OF STAPEL' COMES BY TWELVE

55. An unknown person was found killed in Heton' field. Warner le Messer, the first finder, comes and is not suspected. It is not known who killed him. No Englishry, so *murder*.

56. John Myswened put himself in Perton' church, admitted himself to be a thief and *abjured* the realm. He was not in a tithing being a tramp.[2] He had no chattels. Afterwards it is testified that he was in the tithing of Wanberge in Thornull' Hundred, so it is in *mercy*. Let it be *inquired* about his chattels in the said Hundred.

57. John de Aqua of Chelewrth' killed Henry Wlwyn and was hanged for the death of Henry[3] before the Justices of Gaol Delivery, etc. John's[3] chattels: *37s. 4d.* whereon [etc.]. Ralph the tithingman of Chelewrth' with his tithing received the chattels and he has not got them now before the Justices, so he is in *mercy*.

58. Alice, who was the wife of Richard Bagge, raised the hue in the town of Chelewrthe upon Roger Peverel and David de Aqua, saying that Roger and David had put Richard Bagge her husband in the stocks,[4] whence he died. Alice does not come now and she was attached by the tithing of Chelewrth'. So it is in *mercy*. The bailiff of the liberty of Adam of Periton' dismissed Roger and David by pledges without warrant. So let the liberty *be taken* into the lord King's hand. Roger and David are present and committed to gaol. Henry of Hertham, then coroner, commanded that they should be committed under pledges. So *a discussion* about this. Afterwards Roger and David come and deny the said death and for good [etc.]. The jurors say they are not guilty, so they are acquitted.[5]

59. Evildoers unknown came by night to the house of Richard Wythergant[5] in Chelewrth' and killed Richard himself, his wife Edith and his sons Ralph and Gilbert and John le Chet. It is not known who they were John Wythergant, [who] first found them, comes and is not

[1] *quod plenam de eis exhiberi faciat justiciam*, etc. The whole of this entry seems to have been made later than those above it.
[2] *itinerans*.
[3] The text has *John* for *Henry* and vice versa.
[4] *ceppaverunt*.
[5] See also 2, above, for Richard Bagge and Richard Wythergant.

suspected. The twelve jurors present that Englishry was presented and the sheriff and coroners testify that no Englishry was presented. So the jurors themselves are in *mercy*.

60. Richard of Chelewrth' appealed Herlewyn de Hulle, John de Fumasye and Gilbert Jacob[1] of battery, mayhem, etc. He himself does not come *so let him be taken and* his pledges for prosecution are in *mercy*, namely Ralph of Heggewrth' [and] Ralph de Wydyham. Gilbert is dead and John de Fumasye was not attached, being a stranger. Herlewyn comes and denies the mayhem and asks that it should be allowed him that no one makes suit against him. The jurors say that a dispute arose between Richard, Herlewyn, John and Gilbert so that they struck each other, but there was no mayhem there. So nothing.

61. Concerning serjeanties, they say that Hugh Peverel and Adam of Perton' hold the town of Chelewrth' by the serjeanty of going with the King in the army for forty days at their own expense and it is worth 12 li. yearly.

62. Concerning defaults, they say that Adam of Perton', Thomas Nel, Henry Dru, Stephen de Longocrofto, Richard Marescall' and William Lonkespeye did not come on the first day. So all are in *mercy*.

m. 24d]

63. Walter Wodecok, William Nyweman and Adam Munte, accused of larceny, come and deny all and for good [etc.]. The jurors say that William Nyweman is not guilty, so he is acquitted. But they say that Walter Wodecok and Adam Munte are guilty. So to judgement on them. (*Hanged*). Walter's chattels: *44s. 8d.*, whereon [etc.]. Adam's chattels: *3s.*, whereon [etc.].

64. William, stepson of Walter Wodecok, [and] John le Messer, accused of larceny, do not come. The jurors say they are guilty. So let them be exacted and outlawed. William was in the tithing of Perton', so it is in *mercy*. He had no chattels. John is called in the Hundred of Crikelade for exaction and outlawry.[2] His chattels are there confiscated and the tithing amerced.[3]

[1] Jacob.
[2] *vocatur in hundredo de Crikelade exigendus et utlagandus.*
[3] See 15, above.

THE HUNDRED OF HAUTEWRTH' COMES BY TWELVE

65. From Roger de la Brye and his fellow twelve jurors, for a fine before judgement . . . *5 marks.*

66. Walter le Cuppere and John le Pastur of Lusteshull' were together in Lusteshull' pasture and quarrelled with each other.[1] At length, Walter struck John on the head with a staff, so that he died very soon afterwards. Walter fled at once and put himself in Etton' church; later he went out of the church of his own accord and was taken and committed to the tithing of Lusteshull'. He escaped from the custody of the tithing (*escape*), fled to Fayrford church in Gloucestershire and *abjured* the realm. He was in the tithing of Lusteshull'. So it is in *mercy*, and let it answer for the escape. Walter's chattels: *3s.*, whereon [etc.]. He had also in Gloucestershire: *9s. 8d.* So let it be inquired more fully if they were confiscated in the Eyre of the Justices itinerant in the County, etc.

67. Stephen Eylur struck Richard son of William Stephen[2] with a staff so that he died on the third day. Stephen fled at once. The jurors say he is guilty, so let him be *exacted and outlawed*. He was in the tithing in[3] Bluntesdenn', so it is in *mercy*. His chattels: *7s.*, whereon [etc.].

68. John Edulf put himself in Sevenhampton' church, admitted himself to be a thief and *abjured* the realm. He was in the tithing of Sevenhampton', so it is in *mercy*. He had no chattels.

69. Ralph, brother of Ralph Haringmangh', was taken in Berkshire and fled to Stratton' church and *abjured* the realm. He was in the tithing of Neal of Stratton' who is therefore in *mercy*. He escaped in Berkshire (*escape*).

70. John le Messer and Gregory his brother of Redburn' killed John son of Robert le Gros. Gregory fled at once. The jurors say he is guilty. So *let him be exacted and outlawed*. He was in the tithing of Redburn'. So it is in *mercy*. His chattels: nothing. John le Messer fled to Stratton' church and *abjured* the realm. He was in the aforesaid tithing, so as before.

71. Nicholas Habraham put himself in Wrth' church for the death of

[1] *et similiter litigabant.*
[2] *Stephen* should probably have been omitted.
[3] *in* instead of the normal *de.*

a certain man and *abjured* the realm. He was in the tithing of Wrth' so it is in *mercy*. He had no chattels.

72. John le Taylur of Merston struck John le Meysy with a knife so that he died ten days later. John fled at once. The jurors say he is guilty, so *let him be exacted and outlawed*. He was not in a tithing, being free. His chattels: *12s. 4d.*, whereon let William of Tynhide, the new sheriff, answer.

73. Beatrice of Sevenhampton' was found dead in Sevenhampton' field. The first finder, her son Thomas, does not come and was attached by the tithing of Sevenhampton, so it is in *mercy*. No one is suspected. Judgement: misadventure.

74. Nicholas Cnapping' struck Robert of Sevenhampton' with a knife so that he died on the third day. Nicholas fled at once. The jurors say he is guilty, so *let him be exacted and outlawed*. He was in the tithing of Sevenhampton', so it is in *mercy*. His chattels: *2s.*, whereon let the said sheriff answer.

75. Robert Bat of Hampton' struck John Bat his brother with his knife so that he died at once. Robert fled at once to Wrth' church, admitted that he had killed his brother and *abjured* the realm. He was in the tithing of Westrop in Wrth, so it is in *mercy*. His chattels: *12d.*, whereon [etc.].

Richard Bat was there when Robert killed John and he raised the hue. Henry of St. Germain, Gilbert de Columbers and William Breket held Richard Bat and hindered him from following Robert. It is testified by the jurors that, if it had not been for this hindering, Robert would have been taken by Richard's pursuit. So *let* Gilbert de Columbers, who is present, be *taken into custody*, and *let* William Breket and Henry of St. Germain, who do not come, *be taken*. It is established by the jury that Richard Bat who pursued was imprisoned in the liberty of Margery de Ripariis. So *let* the said liberty *be taken* into the King's hand.

The jurors say that Gilbert was not at the doing of the hindrance; and it is testified by the rolls of the coroners that Gilbert was at the doing of the hindrance. So to *judgement* on the jury.

76. Thomas of Swndon' put himself in Wrth' church, admitted himself to be a thief and *abjured* the realm. He was harboured in the town of Crikelade, outside the tithing, so [the town] is in *mercy*. He had no chattels.

77. Evildoers unknown came by night to the house of Maud de Roue-

ton' in Wydehull', broke into the house, killed Maud, her son John and two strange clerks, and wounded Maud's daughter Florence, so that she nearly died, and carried away the goods found in the house. Nicholas son of Joette of Stratton', William son of Elias, Richard and John his brothers, accused of the said deed, come and deny all and for good [etc.]. The jurors say they are not guilty, so they are acquitted.

78. Richard le Blit, William Put, John le Clerk, Thomas le Clerk and Nicholas le Clerk of Eton' were at a tavern at Kynerford and there they argued, drinking[1]. At last they left the tavern. Outside the town of Kynerford' William Put struck John le Clerk with a staff so that he died three days later. The jurors say that none is guilty of the death unless it be William le Put. So *let him be exacted and outlawed*. He was in the tithing of Merston', so it is in *mercy*. He had no chattels. Richard le Blyt fled because of the death and not because he was guilty. So he is acquitted and may return if he wishes.

79. John Horn of Estratton', ferrying two strangers across the Thames in an old boat . . . so that the boat capsized[2] and the strangers barely escaped. No one is suspected. Judgement: misadventure. The price of the boat is *12d.* (*Deodand*), whereon [etc.].

80. Concerning maidens, etc., they say that Bartholomew Pech' has the custody of the two daughters of Robert Turmevill' and their lands are worth *15* li. yearly.

m. 25]

81. Concerning ladies, etc., they say that Margery de Ripariis is marriageable and holds of the King the town of Suth', the hundred of Wrth', the hundred of Crikel' and the town of Crikelad' by the serjeanty of finding one knight and one clerk at the King's Exchequer. It is worth 100 li. yearly.

82. Bartholomew de Husa holds Inglesham by the serjeanty of carrying and mewing a hawk[3] and that land is worth 100s. [yearly].

83. Concerning defaults, they say that the lady Margery de Ripariis, Bartholomew Peche, Robert de Moysy, Roger Folyot and John de Gardino did not come on the first day. So all are in *mercy*.

[1] *potando litigabant.*
[2] *in quodam batello debili ita quod batellus ille subvertebatur:* a phrase seems to have been omitted, since John was apparently drowned.
[3] *hosterium.*

84. Concerning tenants of whole knights' fees, they say that Walerand of Bluntesdon', Walter de Golefra, Adam le Gray, Peter of Morden', John de Gardino and Ralph Chanu hold whole knight's fees and are of full age and are not yet knights. So *let* their lands *be taken* into the King's hand.

85. Thomas son of Walter of Haldeyn, a clerk accused of housebreaking. William son of Basilia, accused of larceny, do not[1]

86. Hugh Tutprest, William son of Geoffrey, Alexander the man of the parson of Lydyht', Roger Goddard, Simon the shepherd[2] of Werston', John son of master Reynold of Hanedon', Hugh son of Cappe, William Palmer, Thomas Cabbel, Richard Scymmere, Nicholas the one eyed,[3] Roger the son of his wife, Henry le Gegh' and John de la Lana [are] accused of larceny. William Palmar', Nicholas the one eyed, Roger the son of his wife and John de la Lana come and deny all and for good [etc.]. The jurors say they are not guilty, so they are acquitted. They say also that William son of Basilia is guilty. So. etc. (*Hanged*). He had no chattels.

Thomas son of Walter, Hugh Tutprest, William son of Geoffrey, Alexander the man of the parson of Lydierth', Roger Godard, Simon the shepherd, John son of Master [Reynold], Hugh Cappe[4], Thomas Cabbel, Richard Skynnere and Henry Geg' do not come. The jurors say they are guilty, so *let them be exacted and outlawed*. Thomas son of Walter, was not in a tithing, being a clerk. He had no chattels. Hugh was not in a tithing being free and William son of Geoffrey and Alexander were not in a tithing being free. They had no chattels. Roger[5] Goddard was in the tithing of Suth', so it is in *mercy*. Simon was in the tithing of Werston', so it is in *mercy*. His chattels: *11s.*, whereon [etc.]. John was harboured in Hanedon' and was free. He had no chattels. Hugh was in the tithing of Hanedon' and had no chattels. Thomas, Richard and John were in the tithing of Stratton', so it is in *mercy*. Richard's chattels: *8d.*, whereon [etc.].

Afterwards Simon the shepherd of Werston' comes and denies all larcenies and for good [etc.]. The jurors say he is guilty. So etc. (*Hanged*).[6]

87. Walter Aldeyn put himself in Puckelechirch' church, confessed to

[1] This entry is incomplete.
[2] *Pastor.*
[3] *Monoculus.*
[4] The text has telescoped two names.
[5] The text has *Reginaldus.*
[6] This postea was added later.

being a thief and abjured the realm. He was in the tithing of Lydierth', so it is in *mercy*. His chattels: 60*s*. whereon [etc.].

88. Alice of Lamborn', taken with the theft, escaped from the custody of the township of Stratton' and fled to Fuleston' church, admitted the theft and abjured the realm. So let the township of Stratton' answer for *escape* (*c* or *t*).

THE HUNDRED OF BLAKYNGGRAVE COMES BY TWELVE

89. From William de Hurdevill' and his fellow twelve jurors for a fine before judgement—40*s*.[1]

90. William Tayl struck Nicholas Balle so that he died on the fifth day and William fled at once. The jurors say he is guilty, so *let him be exacted and outlawed*. He was in the tithing of Costowe, so it is in *mercy*. His chattels: 51*s*. 2*d*., whereon [etc.].[1]

91. Walter son of Cecily and William the shepherd[2] of the prior of Bradenestoke quarrelled. Walter struck William with a knife so that he died on the second day. Walter fled at once. The jurors say he is guilty, so *let him be exacted and outlawed*. He was not in a tithing being a tramp.[3] He had no chattels.

92. Isaac of Hampton' struck William Cok with a double edged hatchet[4] so that he died on the fourth day. Isaac fled. Alice wife of William appealed Isaac, William Lovetrot, Adam Wop[5] and Walter Lovetrot in the County for the death so that they were *outlawed*. Isaac was from Selkelg' Hundred, so let it be inquired more fully there concerning his tithing and chattels. William and Walter were of the aforesaid Hundred, so concerning the tithing and chattels let it be more fully enquired there. (*Let it be inquired in Selkel'*). They were in the tithing of Heinton', so it is in *mercy*. No chattels.

93. John de Cumtton' of Somerset stole a horse at the grange of Tengelegh' and out of fear put himself in Wotton' church, confessed to being the thief of the said horse and *abjured* the realm. Nothing is known about tithing or chattels.

94. Concerning defaults, they say that the prior of Winchester,

[1] No. 89 and no. 90 up to the value of the chattels is in the hand of a casual assistant; the usual clerk then resumed, entering the value of the chattels.
[2] *Bercarius*.
[3] *Vagus*.
[4] *hachia bisacuta*.
[5] This name has been inserted.

William de Valenc', John Lovel and William Pypard of Swyndon' did not come on the first day. So they are in *mercy*.

THE HUNDRED OF MERE COMES BY TWELVE

95. Robert son of Robert Nony, wishing to water a horse in the fish-pond[1] of Sturton', fell from the horse so that he was drowned. Arnold of Sturton', the first finder, comes and is not suspected. Judgement: misadventure. The price of the horse is 3*s.* (*deodand*) whereon [etc.].

96. Thomas Baril, Roger Kokyn, Richard le Peletor and Maud, wife of Michael the carpenter, accused of larceny and the clipping of money, come and deny all and for good [etc.]. The jurors say they are not guilty, so they are acquitted.

97. Concerning wines sold etc., they say that Anketyl and Nicholas Careter sold wine contrary to the assize. So they are in *mercy*.

THE TOWNSHIP OF CORSHAM

which otherwise used to come with the Hundred of Chypham now comes by itself for Earl Richard[2] and now it

COMES BY SIX

98. Evildoers unknown came into the earl's liberty in Corsham and killed Robert de la Mare, Robert of Farnlegh' and Robert the cobbler. It is not known who they were. The first finder[3] is dead. The inquest was held and they were buried by view of the coroner.

m. 25d]

THE BOROUGH OF UILTON' COMES BY TWELVE

99.[4] Aubrey de Lillemere was found strangled in her house in Wilton'. The first finder has died. And John Mulesunte, John Reyn', accused of the said death, was taken for the burglary and the said death and

[1] *vivarium*.

[2] Richard of Cornwall was granted Corsham on 9 March 1242: *Close Rolls, 1237-42*, 400.

[3] *inventrix*.

[4] The text of this entry has been translated verbatim with modern punctuation. It is impossible to say which John was convicted and hanged and which was imprisoned and escaped.

larceny and was convicted and hanged.[1] And John Malesunte was imprisoned in Salisbury Castle by the earl's[2] bailiffs and escaped from the said Castle and fled to St. Edith's church at Wilton' and confessed to being a thief and *abjured* the realm. He had no chattels. The chattels of the aforesaid John: *8s. 4d.*, whereon let Walter Galun answer. Let William le Champium, who is by fee the gaoler, answer for the escape of the said John Reyn'.

Afterwards it was established that the said William is not the gaoler[3] and they escaped in the time of Nicholas of Haveresham. So let him answer for the *escape*.[4]

100. John le Waye found Ralph Bede of Sutton'[5] sick and very weak at Dunton' fair and, at Ralph's request, took him in his cart so that he might carry him to Sutton'. Ralph was so weak and infirm that he died[6] on the journey. John, passing through the liberty of Wylton', told the bailiffs of the liberty that Ralph had died. The bailiffs attached him and committed him under the pledge of the tithingman of the tithing[7] of Sutton'. John does not come now, so the said tithing is in *mercy* because it has not produced John before the Justices as it had pledged. The jurors say that John is not guilty, so he is acquitted.

101. Thomas of St. Albans, coming to the town of Wylton', carried a cup[8] for sale and said the cup was silver. And because it was found that the cup was of copper, Thomas was taken and imprisoned in Wylton' and he escaped from prison. So let the bailiffs of Wilton' answer for *escape*.

102. William of Devon' and John his brother drove six oxen through the town of Wilton' and there they were arrested on suspicion.[9] Since no one made suit against them, the bailiffs of Wylton', at their petition, permitted John to go to his own country to seek his warranty, meanwhile keeping William in custody. As John did not return on the appointed day,[10] William the prisoner was afraid and took a knife and struck himself in the stomach so that he lay as if dead. Afterwards William[11] grew better and escaped from prison and fled to the church,

[1] *rettatus . . . captus fuit . . . convictus . . . suspensus.*
[2] Richard earl of Cornwall.
[3] *ergastelarius*; the first 'r' of which is written over 'st'.
[4] This postea has been added later.
[5] The journey taken suggests Sutton Mandeville.
[6] *exaspiravit.*
[7] *Decennar' de cen' de Sutton'.*
[8] *cyphum.*
[9] *propter suspicionem.*
[10] *die statuto.*
[11] *Johannes* in original.

confessed himself to be a thief and abjured the realm (*escape*). Nothing is known about the tithings or chattels since they were strangers.

103. Margery, who was the wife of Richard Bissop, was found killed in her house in Wylton'. John her son first found her.[1] He comes and is not suspected. It is not known who killed her. She was buried by view of the coroner, etc.

104. Three strange youths were taken in St. Edith's churchyard at Wilton' on suspicion of larceny and held in custody in the churchyard. They escaped from custody and put themselves in the church, confessed themselves to be thieves and *abjured* the realm. They had no chattels.[2] It is testified that these strangers were detained both by the earl's[3] bailiffs and by the bailiffs of the abbess of Wilton'. So let the earl and the abbess answer *for escape*.

105. A stranger, Adam of Hereford' by name, was taken with two sheepskins, and comes now. It is testified by the coroners that he confessed himself to being a thief and became an approver and now withdraws his appeal. So to judgement on him as on one convicted. (*Hanged*). No chattels.

106. Concerning wines sold etc., they say that William Isamberd, Henry Mauger, Ralph Hervy, Juliana de Bedeford and Robert Gilbert sold wines contrary to the assize. So they are in *mercy*.

107. Concerning cloth sold contrary to the assize, they say that Henry Mauger, John de Bedeford, Richard le Bunt, Rocelin his brother and William Mauger have sold cloth contrary to the assize. So they are in *mercy*.

108. Edith, the daughter of Thomas Gilbert, appealed William Gray of rape and now Edith comes and withdraws her appeal. Therefore let her[4] be taken into custody and her pledges for prosecution are in *mercy*, namely Thomas her father and Thomas Gilbert the younger. William comes and it is testified that they have made a compromise. So let him be *taken into custody*.

THE HUNDRED OF RAMESBYR' COMES BY TWELVE

109. William, the usher of the bishop of Salisbury, fell from his horse

[1] *eum.*
[2] *habuit.*
[3] Richard earl of Cornwall.
[4] *ipse.*

outside the town of Ramesbur' so that he was dead.[1] The first finder, Nicholas, William's groom,[2] comes and is not suspected nor is anyone else. Judgement: misadventure. The price of the horse *13s. 4d.* (*deodand*)[3] whereon [etc.].

Afterwards it is testified that Randal the chamberlain and Richard the underusher killed William and fled. So *let them be exacted and outlawed.* They were of the household of the said R[obert Bingham] bishop of Salisbury. They had no chattels.

110. Walter Algar, suffering from the falling sickness, suddenly fell dead. Ralph the miller of Byssupeston' fled to the church because of the death. Afterwards he came out freely and he comes now. The jurors say he is not guilty, so he is acquitted.

111. A stranger, Walter of Monemue by name, put himself in Ramesbur' church, confessed to being a thief and *abjured* the realm. The price of a horse which he had: *2s. 2d.*, whereon [etc.].

112. Roger le Teler struck William son of Ralph in the belly with a knife so that he died on the morrow. Roger fled to the church, confessed to being a thief and *abjured* the realm. He was in the tithing of Bysuppeston', so it is in *mercy*. His chattels: *4d.*, whereon let the bishop of Salisbury answer.

113. Evildoers unknown came by night to the house of Henry the chaplain of Beyndon' and killed him and carried away his goods. It is not known who these evildoers were. William de Gardino with his tithing undertook to produce [before the Justices] a certain Alice, who was in the house of Henry the chaplain, and now he has not got her. So he is in *mercy*. The jurors presented this matter falsely, so they are all in *mercy*.

114. Thomas Cap was taken for larceny and imprisoned in Bissupeston' and escaped from the prison and fled to the church, confessed to being a thief and *abjured* the realm. He was in the tithing of John la Pape in Bissupeston', so it is in *mercy*. He had no chattels. It is testified that he escaped from the custody of the township of Bysuppeston'. So let the township answer for *escape*.

m. 26]

115. Joyce le Messer struck Osmund Geraud on the head with an axe

[1] *ita quod mortuus fuit.*
[2] *garcio.*
[3] In the margin the value has been deleted, but not the abbreviation for 'deodand'

so that he died. Alwina, Osmund's wife, appealed Joyce so that by her suit he was *outlawed*. He was harboured in the town of Heyeford, outside the tithing, so it is in *mercy*. He had no chattels.

The same Alwina appealed Peter Friday in the County of abetting, so that he was taken and, by the King's writ, delivered by bail to Stephen Gardener, Andrew of[1] , Nicholas[1] , Adam Friday, Absalom de Eduldestreth', Osbert son of Richard Man, Nicholas the reeve's son, Ralph at the Cross[2] and Robert Friday. He does not come. The jurors say he is guilty of many larcenies. So *let him be exacted and outlawed*. He was in the tithing of Nywenham,[3] so it is in *mercy*. His chattels: 20s., whereon let the said bishop[4] answer.

William Tewy, Richard de la Mere and Nicholas Diliter'[5], accused of the said death, come and put themselves on the country. The jurors say they are not guilty, so they are acquitted.

116. Warin son of Philip de la Ford, [is] accused of [taking] sheaves in harvest.[6] Robert Walaynt, William Poytevin, Henry of Bissopeston' a clerk, Henry son of John Baudewyne, Richard of Boydon' a clerk, William Aiswy, Alice his wife and Ralph Galapyn [are] accused of larceny and burglary. Robert le Vaillant, William le Poitevin, Henry of Bissopeston', Henry son of John, Ralph of Bedewynde[7] and Ralph Galapyn do not come. It is testified by the jurors that all are guilty of burglary and larceny. So *let them be exacted and outlawed*. They were harboured in the town of Remesbir' outside the tithing. So [the town] is in *mercy*. They had no chattels.

Warin, William Aiswy and Alice his wife come and deny all larcenies and for good [etc.]. The jurors say that Warin is not guilty. So he is acquitted.[8] They say also that William is not guilty, so he is acquitted. They say also that Alice the wife of William is guilty of petty larcenies.[9] So let her find pledges for future good behaviour.[10]

117. Walter of Wynterburn', who appealed Sampson the cook of Dralecote in the County of felony and robbery, does not come. So *let him be taken* and his pledges for prosecution, namely Stephen de Perham of

[1] Spaces left blank in text.
[2] *ad crucem.*
[3] Not identified.
[4] The bishop of Salisbury.
[5] This name might also be read as Dilmer', Dilner', or Dilver'.
[6] *de garbis in autumpno.*
[7] Not previously mentioned.
[8] Up to this point the entry is in the hand of a casual assistant; the usual clerk then resumes.
[9] *de minutis latrociniis.*
[10] *de so de cetero fideliter habendo.*

Lavinton' and Ralph de Flores of the same, are in *mercy*. Sampson comes and asks for it to be allowed him that no one makes suit against him. It is testified that they have made a compromise. So let Sampson *be taken into custody*. It is testified that Peter de Mymber' maintained the said appeal out of dishonesty,[1] so he is in *mercy*.

118. Concerning defaults, etc., they say that William Culbe, Adam Pyg, Roger of Ramesbyr', John le Paumer, William Baldemmashull' and Roger le Maf' did not come on the first day. So all are in *mercy*.

THE HUNDRED OF KANINGKES COMES BY TWELVE

119. Evildoers unknown came by night to the house of Roger Neckere of Nutstede and killed Roger himself and a small boy.[2] Mary, Roger's wife, the first finder, comes and is not suspected. No Englishry, so *murder*.

120. Evildoers unknown came by day to the house of Walter le Cu in the township of Nutstede whilst Walter was at Dyvis' church, and killed Edith, a guest in the house. It is not known who they were. The first finder[3] comes and is not suspected. The township of Nutstede did not pursue the evildoers[4] so it is in *mercy*.

121. Peter of Hechelhampton' and Richard le Herberiur wrestled with each other, and Richard threw Peter to the ground so that he died immediately.[5] Richard fled at once. The jurors say he is guilty. So *let him be exacted and outlawed*. He was not in a tithing being free. His chattels: 33*s*., whereon let the said bishop[6] answer.

Richard Bulle was then passing by them and he was attached by Peter the forester of Poterne and Walter le[7] Poter of the same and now they have not got him. So they are in *mercy*.

122. Adam, son of the monk of Nutstede, Walter Moddoc, Roger Decham'[8] and Michael Spirewit, accused of larceny, do not come. The jurors say they are guilty. So *let them be exacted and outlawed*. Adam was in tithing in the township of Wyk'. So it is in *mercy*. He had no chattels. Walter was in the tithing of Kanyges. So it is in *mercy*. His chattels: 7*s*. 8*d*., whereon let the said bishop[9] answer. Roger was in the

[1] *per improbitatem.*
[2] *quendam puerum.*
[3] *inventrix.*
[4] *non fecit sectam post dictos malefactores.*
[5] *ita quod in continenti obiit.*
[6] The bishop of Salisbury.
[7] 'de' precedes this word but has been expunged.
[8] *Dycham'* deleted and *decham'* written above it.
[9] The bishop of Salisbury.

tithing of Hortton', so it is in *mercy*. He had no chattels. Michael was in the tithing of Betteberwe. So it is in *mercy*. He had no chattels.

123. Concerning defaults, they say that William of Glanmorgan, Hugh of Kottes, Geoffrey Hamelyn, Eustace of Hywise and Richard Makerel did not come on the first day. So all are in *mercy*. Later it is testified that Eustace and Hugh are sick.

THE HUNDRED OF RUEBERWE COMES BY TWELVE

124. Henry of Poterne put himself in Poterne church for stealing corn, confessed to being a thief and *abjured* the realm. He was in the bishop's tithing of Poterne, so it is in *mercy*. He had no chattels.

125. Evildoers unknown came by night to the houses of Walter Wyk' and Hugh of Wyk' in Litleton' town, and killed Walter and Hugh, Alice, Walter's wife, William his son, Maud his daughter, Maud, Hugh's wife, and Ralph his son. John son of Thurbert, Christiana Lug, Peter Ernald and Simon son of Thurbert, [are] accused of the said deaths. John [son] of Thurbert, and Christiana Lug come and deny the death and ask for it to be allowed them that they were otherwise acquitted of the said deaths by the county before the King. Because this is established[1] by the twelve jurors it is held that they be acquitted therein. Peter Arnold and Simon come and deny the said death and for good [etc.]. The jurors say they are not guilty. So they are acquitted. But they say by their oath that Ralph Masegar indicted them out of hate. Ralph himself is present and is convicted upon this. So *let him be taken into custody*. And because the twelve jurors put in their private returns those who had otherwise been acquitted[2] of the deaths before the King, it is held that they are in *mercy*. Afterwards Ralph comes and makes a fine of *one mark* by the pledges of the tithing of Pelhamton'.[3]

126. Concerning squires and maidens, etc., they say that the son and heir of John le Rus is of the King's custody and Robert Walerand has custody of the said heir and his lands are worth 10 li. a year. He holds the lands by the serjeanty of being the King's chamberlain if it pleases.

127. Thomas Red of Cheverel, accused of the theft of six shillings, Walter le Nywe accused of sheep stealing, Henry de Hallincton', accused of housebreaking, and Gocelin le Pufer, accused of the same,

[1] *convictum est.*
[2] *ponebant illos inter privata sua quos alias . . . acquietabant.*
[3] This sentence was added later. Pelhamton' is a corruption of Stipel Lavinton', *cf.* 129, below.

do not come. The jurors say that they are all guilty, so *let them be exacted and outlawed.*

It is afterwards testified: that Henry and Gocelin were delivered to Nicholas of Haveresham, then sheriff—he committed them under pledges, without writ, so he is in *mercy*—and that Henry and Gocelin confessed before the King's bailiffs that they were burglars. Thomas and Walter Niwe were harboured in Little Cheverel and Lutleton', so [the townships] are in *mercy*. They had no chattels. Henry and Gocelin had no chattels.

It is testified that Henry Dun, then bailiff, received ten shillings from Walter le Nywe to compound the theft.[1] Henry is present and cannot deny this. So *let him be taken into custody*. Afterwards he makes a fine of *one mark* by pledges.[2]

128. Concerning defaults etc., they say that John son of Alan, Walter de Cardevill, Richard de la Rochele and Henry Trenchard did not come on the first day. So all are in *mercy*.

129. John Wolmere, accused of larceny, does not come. The jurors say he is guilty. So *let him be exacted and outlawed*. He was in the tithing of Richard de la Rokele in Stipelhampton, so it is in *mercy*. He had no chattels.

130. Everard le Berk' of Lavinton', who appealed John le Messer of Wodeford and Peter Brun [of] Erchefunte of breaking the King's peace, does not come. So *let him be taken*. Pledges for prosecution: his faith, because he is poor. John and Peter do not come. John was attached by William Fysi of Wylevefeud and Walter son of Michael of the same. So they are in *mercy*. Peter comes and asks for it to be allowed him that no one makes suit against him. It is testified that he is not guilty. So he is acquitted. Because the twelve jurors did not present this matter before the Justices they are in *mercy*.

m. 26d]

THE HUNDRED OF WONDERDICH COMES BY TWELVE

131. Robert son of Ralph was found in Durneford field killed by evil-doers unknown. The first finder comes and is not suspected. It is not known who killed him. No Englishry, so *murder*.

[1] *pro redempcione latrocinii.*
[2] This sentence was added later.

132. William Buche of Derneford, accused of sheepstealing, Robert Bissup, accused of larceny and consorting with thieves by Henry an approver who appealed him, Robert Cok, accused of the same and appealed by the same approver, and Richard le Sorte, accused of the death of William Guylemin, come except for William Buch'. The jurors say he is guilty. So *let him be exacted and outlawed*. He was in the tithing of Nyweton' so it is in *mercy*. His chattels: *8d.*

Richard le Schorte comes and denies the death of the said William and for good [etc.]. The jurors say he is not guilty. So he is acquitted. It is found[1] that Richard was committed by the King's writ to bail,[2] namely to Robert Attemere of Lake, Laurence Cotel' of the same, William Scot of the same, Walter le Schyrwe of the same, Robert Goldin of the same, Symon le Ryde of the same and Richard le Brun of Wyvesleford'. They did not have him before the Justices on the first day, so all are in *mercy*. Robert Bissup and Robert Cok come and deny all and for good [etc.]. The jurors say they are not guilty, so they are acquitted.

THE HUNDRED OF BRADFORD COMES BY TWELVE

133. From Philip of Combrewell' and his fellow twelve jurors for a fine before judgement—*40s.*

134. Evildoers unknown came by night to the house of Alan Bouebrok, broke into the house and killed Alan and his son Adam. Ernisyus de Bertton' was hanged for the death. He had no chattels. They were buried by view of the coroner etc. No Englishry, so *murder*.

135. A stranger, William of Hereford by name, killed his wife Isabel in Farnleg' field and afterwards put himself in Forde church, confessed the deed and *abjured* the realm. No tithing or chattels since [he was] a stranger.

136. William son of Godfrey of Attewrth' put himself in Attewrth' church, confessed to being a thief and *abjured* the realm. He was harboured in the township of Attewrth', so it is in *mercy*.

137. John son of Adam le Folur was found torn to pieces under the wheel of Bradeford mill. Nicholas le Folur, the first finder, comes and is not suspected. Judgement: misadventure. The price of the millwheel: *2s.* (*deodand*) whereon [etc.].

[1] *compertum est.*
[2] The writ does not appear to have been enrolled on the *Close Rolls.*

138. John son of Adam of Staverton was found drowned in the Avene. Adam his father, the first finder, does not come. He was attached by John le Nywe and John le Hert of the same, so they are in *mercy*. Judgement: *misadventure*.

139. William Tybote, William Cutling', Nicholas Cumbretancel [and] Sybil who was the wife of William Tybote, were attached in the town of Bradeford for clipping coin. William Cutling has died. William Tybote was imprisoned in the town of Bradeford [in the prison] of the abbess of Shaftesbury.[1] He escaped from the prison, fled to the church, confessed the deed and *abjured* the realm. His chattels: *6d.* whereon [etc.]. Let the abbess answer for the *escape*. Nicholas Combretancel does not come. He was attached by John Peche of Bradeford with the whole tithing, so it is in *mercy*. Sybil does not come and she was attached by the aforesaid tithing, so as before. The jurors say no one is guilty of the aforesaid clipping except William Tybote, who abjured the realm as above.

140. Gilbert le Nappere was hanged before the King for the death of John le Nappere. His chattels: *3s.*, whereon [etc.].

141. Agnes of Westwode appealed Roger of Cheveral in the County of rape and the violation of her body etc., and now she comes and makes suit against him. Roger does not come and he was attached by Walter de la Hache of Chiverel and William of Williamton', so they are in *mercy*. It is testified by the jurors that he is guilty and that he raped her. It is testified by the coroners that Roger confessed in the full County that he had raped her with violence. So it is held that Roger *be exacted and outlawed*. He was in the tithing of Great Cheverel, so it is in *mercy*. His chattels: *4s.*, whereon [etc.].

142. A youth,[2] David by name, was found torn to pieces under the wheel of Aveneclive mill. The first finder, Maud his mother, does not come and she was attached by Everard de la Hache of Aveneclive and William the miller of the same. So they are in *mercy*. No one is suspected. Judgement: misadventure. The price of the wheels: *13d.* (*deodand*).

143. Concerning wines sold, they say that Nicholas Marescall' of Bradeford sold wine against the assize, so he is in *mercy*.

144. A certain Batinus[3] an outlaw journeyed through Wiltshire and

[1] *Sepstonia*, a freakish form for *Shafton'*.
[2] *garcio*.
[3] *Cf.* below, 146, 288.

some pursued him with the hue, so that he was taken in Somerset in the liberty of Alexander de Montfort. Alexander kept a mare on which Batinus had ridden and sent Batinus to gaol at Yvelcestr'[1] and he died in gaol. The price of the mare: *5s.* whereon let Alexander answer. And to *judgement* on him because he kept the mare on his own authority when he had no right thereto etc.[2]

145. Concerning defaults etc., they say that Peter Carbonel, Robert Peytevin, William Finamur, Alfager the fisherman and Geoffrey de Pimbir' did not come on the first day. So all are in *mercy*.

146. Robert le Folur, Agnes his wife, John le Hevye, Nicholas son of Robert of the well, Ralph le Tuk', Christiana Hubelot, William le Cole and John le Wyte, accused of larceny, and Isabel daughter of Nicholas the smith, accused of burning houses, come and deny all and for good [etc.]. The jurors say that John le Hevye, Nicholas son of Robert of the well, Ralph le Tuk', William le Cole, John le Wyte and Isabel daughter of Nicholas the smith, are not guilty. So they are acquitted. But they say that Robert le Folur and Agnes his wife and Christiana Hobelot are guilty of harbouring Batinus, a thief, knowing him to be an outlaw. So to judgement on them, etc., (*Hanged*). And because it is testified by the jurors that Agnes wife of Robert was so subjected to him that she had to obey,[3] it is held that she be acquitted. The chattels of Robert: 10*s.*, whereon [etc.]. Christiana had no chattels.

147. Robert Doriloth' of Bradeforth, Roger Cule, Peter Cule and Elias le Pestur of Ferleg', Richard Banne, William Page and Walter son of Roger the chaplain, accused of larceny, do not come. The jurors say that[4] Roger Cule, Peter Cule and Walter, son of Roger the chaplain, are not guilty. So they are acquitted. But they say that Robert Doriloth', Elias le Pestur, Richard Beaune and William Page are guilty. So *let them be exacted and outlawed*. [Robert] was in the tithing of Bradeford, so it is in *mercy*. He had no chattels. Elias was not in a tithing, being free. His chattels: 38*s.* 2*d.*, whereon [etc.]. Richard was in tithing in the town of Chippeham, so it is in *mercy*. He had no chattels. William was harboured in the town of Wermenistr', outside the tithing, so [the town] is in *mercy*. His chattels: 3*s.* 6*d.*, whereon [etc.].[5]

[1] The Somerset County gaol.
[2] *quia retinuit dictam equam auctoritate proprio cum nullum jus inde habuit, etc.*
[3] *Agnes uxor dicti Roberti est ei sic subdita quod necesse habuit parere.*
[4] *Ricardus Banne* was written and erased.
[5] For more of William see nos. 303, 305 and 327; in the last he is said to have left no chattels.

148. William Jog', accused of [poaching] fishponds[1] does not come. The jurors say he is guilty, so it is commanded that *he be taken.*

m. 27]

THE HUNDRED OF AMBERSBYR COMES BY TWELVE

149. From William of Eblinton' and his fellow twelve jurors for a fine before judgement—*5 marks.*

150. Evildoers unknown came by night to a certain sheephouse[2] of Bultingford and killed Robert le Kylywe, Nicholas Culywe and John le Culewy. It is not known who they were. The first finder comes and is not suspected. Englishry was presented etc.

151. Alice who was the wife of Gilbert Kyng comes and appeals Robert Albon' [and] Thomas Puintel of the death of Gilbert her husband etc. They themselves do not come.[3] It is testified by the jurors that they were guilty.[4] So *let them be exacted and outlawed.* They were in the tithing of Fykeldene, so it is in *mercy*. No chattels.

152. Richard of Seperich' was found killed outside his door in Seperich', having severe wounds. It is not known who killed him. The first finder, William son of Richard, comes and is not suspected. No Englishry. So *murder*. And Alice wife of the said Richard, *let her come* before the justices etc.[5]

153. Simon of Cheldrincton' struck himself in the belly, plucked out his intestines and with his own hands tore them apart and speedily died. No one is suspected beside Simon himself. Judgement: felonia de se ipso. His chattels: *9s. 6d.*, whereon [etc.]. The jurors *falsely* presented the chattels and so are in *mercy*.

154. Nicholas de Perco, John de Eston' and Laurence de Aula were accused of the death of Walter de Bydeham and of his son John and of certain other men and the case was brought to an end[6] before the King at Reding' so that Nicholas, John and Laurence, Amisius and Nicholas Wygot were convicted upon the deed. Nicholas Wygot was hanged.

[1] *rettatus de vivariis, etc.*
[2] *ad quandam domum ovium.*
[3] *Et ipsa non ven'.*
[4] *quod culpabilis fuit.* It is to be presumed that the clerk was confused over the singular and plural throughout this entry and that in fact there were two appellees, both male.
[5] A blank nearly two inches deep was left for the continuation of this suit.
[6] *loquela termina* [sic] *fuit.*

Amisyus and John de Eston' *abjured* the realm and fled to the church. Nicholas de Perco and Laurence de Aula ought to have been outlawed.[1] And since it is not testified whether or not they were outlawed, it is ordered that *they be exacted and outlawed*, unless it is possible to find they have been otherwise outlawed. Concerning the chattels: *a discussion*, since it is not known if they have been confiscated or not.

155. Eve daughter of Earl[2] of Rothefen comes and appeals Adam Mikel of rape etc. He himself does not come and he was attached by Roger le Marchant of Ambersbir' and Henry le Nywe of the same. So they are in *mercy*.

Afterwards Adam comes and denies the said rape and whatever is against the King's peace, etc., and puts himself on the country. The jurors say he is not guilty, so he is acquitted and let Eve be taken into custody for a false appeal. Afterwards she is pardoned, because poor.

156. Concerning serjeanties etc., they say that Matthew Turpyn holds four hides of land in Wynterslawe, by the serjeanty of making a tun of claret at the King's cost according to the King's will. The land is worth 100s. yearly.

157. Concerning wines sold etc., they say that John Cupere of Bulteford [and] John de la Mar' sold wines contrary to the assize. So they are in *mercy*.

158. Walter Baudric, Walter le Fot, William Matte of Tudeworth', Eustace of Aldinton' and William le Slynk, accused of larceny, do not come. The jurors say they are guilty, so *let them be exacted and outlawed*. Walter Baudrik, Walter le Fot and William le Matte were in the tithing of Robert le Crok' in Tudeworth, so it is in *mercy*. They had no chattels. Eustace was in the tithing of Thomas le Paumer of Aldinton', so it is in *mercy*. His chattels: *6s.*, whereon [etc.]. William le Slynk was harboured in the town of Andevere, outside the tithing, so [the town] is in *mercy*. He had no chattels.

159. Concerning defaults, they say that Ralph son of Roger de Baddefeud, Philip Lovel, Alan de Bassingburn', John Eustace, Henry the miller of Ambresbyr', John son of Walter the shepherd, Robert de Leham, the Abbot of Dureford, Guy de Femes, William de Cantilupo, Robert de Britmereston', Henry de la Mar', Geoffrey Dispensarius and Bartholomew de Bydham did not come on the first day. So all are in *mercy*.

[1] *deberent utlagari.*
[2] *Comit' or Count':* an unusual name.

160. Concerning Normans' lands etc., they say that William de Cantilupo holds lands in Myddelston' of the Normans' lands and it is worth 100s. yearly. The Normans held it by the service of half a knight.

161. Likewise Walter the clerk of Tydewyk' and Agnes his wife hold Compton' of the Normans' lands of sir Simon de Montfort and it is worth 10 li. yearly. It is not known by what service he holds the land.

162. Robert Talebot abjured the realm of England before the Justices and he has his port at Portesmue.[1]

THE HUNDRED OF DUNTON' COMES BY TWELVE

163. John Lode was found drowned in the river Avene near Stanleg'.[2] The first finder, William the miller, does not come because he has died. William le Whyte of Chileton'[3] was suspected of the death and imprisoned in Salisbury Castle. Afterwards he was committed to bail by the King's writ. Nicholas of Haversham has not produced those to whom he committed the said William nor is he able to name them.[4] So to *judgement* [on Nicholas]. William le Whyte comes and denies the death and for good [etc.]. The jurors say he is not guilty, so he is acquitted. The twelve jurors presented this matter falsely, so they are in *mercy*.

Later it is testified that William[5] was committed to the underwritten, namely to Walter the miller, William Govare,[6] Walter Palmere, Gilbert de Aqua, Ralph Mody, Ralph Cok, John Foppinch, Gilbert Grant, Geoffrey Bren, Bernard Kanc and Andrew Fogel.[7]

164. Roger Pygburd was found killed in his bed in Eblesburn'. Susan his wife first found him. She does not come and she was attached by Auger the tithingman of Falerston' with his tithing. So it is in *mercy*. Susan was attached for Roger's death and was committed to the tithings of Bysuppeston', Crocheston' and Netteton' and she escaped from the custody of these tithings and fled to Bysuppeston' church, confessed to having killed Roger and *abjured* the realm. She had no chattels. Walter Scut, accused of the said death, does not come. The jurors say he is guilty, so *let him be exacted and outlawed*. He was in the tithing

[1] This entry seems to have been made later than those preceding it and perhaps relates to something which happened during the Eyre.
[2] Presumably Standlynch.
[3] Presumably Charlton, in Standlynch.
[4] *nec ipsos sit nominare.*
[5] The text has *Walter*.
[6] *Crowe* was originally written, then deleted.
[7] This postea was added later.

of Eblesburn', so it is in *mercy*. His chattels: 7*s*. 6*d*. whereon [etc.].

165. Roger de Fonte came to the sheep pen of the bishop of Winchester, and there he trussed up a sheep and tried to carry it away by stealth. Walter the bishop's shepherd,[1] seeing this, chased him to try to take the sheep from him. Roger struck Walter with a staff and Walter retaliated, striking Roger,[2] so that he died at once. Walter comes and fully admits that he struck him, not to kill him but to defend himself from him and to save his lord's sheep, and on this he puts himself on the country.

The jurors say that Roger was a thief and went there to steal the sheep. Walter seeing him chased him and raised the hue and Roger, fearing the hue, ran upon Walter and struck him. Walter, in defence, struck Roger so that he killed him but not by felony, rather in self defence. So Walter is acquitted.

Joan, wife of Roger de Fonte, fled after her husband's death, put herself in Dunton' church, admitted herself to be a thief and *abjured* the realm. Her chattels: 5*s*. whereon [etc.].

166. William Plance, the son of Robert of Boteham, came to the house of the aforesaid Robert his father in the town of Buteham and carried away two tunics worth 5 shillings and two cloaks[3] worth 3 shillings and pawned them in the Jewry. Robert comes and makes suit against him. William comes and fully admits that he pawned the tunics and cloaks in the Jewry at Wilton', but he emphatically denies [the larceny, saying] that he did not carry away the tunics and coats by stealth but compelled by necessity, since his father Robert would neither keep him nor permit him to enter into service with anyone.[4] He puts himself on the country that he did no felony in the said deed.

The jurors say that William, driven by necessity and great want, pawned the said clothes as has been said by witlessness[5] and not by felony. They say that Robert suggested to William that he should appeal Andrew his brother and Robert's son and Maud his [Robert's] wife, as having been with him in stealing the clothes. He did this by fraud, desiring that William, Andrew his son and Maud his wife might be hanged. They say emphatically that William did no felony, so he is acquitted. And that most wicked father, namely Robert, *let him be taken into custody*.

[1] *Walterus le berk' dicti Episcopi.*
[2] *Rogerus percussit ipsum Walterum . . . et dictus Walterus repercussit ipsum Rogerum.*
[3] *pallia.*
[4] *ipsum non exhibuit nec voluit permittere quod cum aliquo staret in servicio.*
[5] *per simplicitatem.*

167. Hubert the shepherd[1] and Ralph the cook and certain others found nine pennies, namely baselinges, in a moor that is called Monemora.[2] It is testified by the jurors that nothing more was found but the steward of the bishop of Winchester claimed the said 9d. because it was found in the bishop's liberty. Therefore *a discussion* about this.

168. Godfrey the hayward[3] of Britford [is] accused of the death of Walter de Bereford by Agnes, Walter's wife, who appealed him. Godfrey comes. He was committed in bail to Ralph Sabode, John le Sankere, Walter atte Wythye, John le Blund, Walter in la Herne, Hugh Bruning,[4] William atte Pyle, Gilbert Crume, Geoffrey Calveleye, William Hering, William Tylye and Richard Blund, who are all of Britford. Because they did not have him before the justices on the first day, all are in *mercy*. Geoffrey denies the said death and for good [etc.]. The jurors say he is guilty. So to judgement. (*Hanged*).

m. 27d]

169. Lucy, wife of Gilbert Morin, comes and appeals Adam le Traitur, in that Adam, on the vigil of St. Barnabas the Apostle in the 28th year [10 June 1244] came in Botham field and there, in robbery, took from her three piglings and gave her a wound in the head an inch long. That he did this wickedly and in felony she offers to prove as the court shall award.

Adam comes and denies the robbery and whatsoever is against the King's peace. He says that in truth he found the pigs in the field in his corn and that he tried to impound them.[5] Lucy came, carrying a staff in her hand and obstructed the impounding. As Lucy tried to strike him on the head he caught the staff in his hand and Lucy, dragging away the staff towards herself, struck herself on the head. On this he puts himself on the country.

The jurors say that Adam did nothing to her in felony nor in robbery nor anything else against the peace etc. So Adam is acquitted, and *let her be taken into custody* for a false appeal.

170. Concerning defaults etc., they say that Walter de Ambdely, John de Bremlescote, Elias Tolose and William of Bereford did not come on the first day. So all are in *mercy*.

[1] *Berkarius.*
[2] Not identified.
[3] *Messor.*
[4] *Buriman* was written and deleted.
[5] *voluit inpercare dictos porcellos.*

171. Concerning prises, etc., they say that Laurence Aynel received, for the death of John Lude,[1] 8s. from Andrew Fughel, 8s. 4d. from William Dal, 7s. 4d. from Simon the smith, 16d. from Ralph Pynnel, 12d. from Walter le Fyssere [and] 12d. from John Pys; and from Walter Tyrel,[2] for stealing a calf, half a mark. Laurence is present and cannot deny this, so *let him be taken into custody*.

Afterwards he makes a fine of 40s. by pledges.

Afterwards it is testified by sir Paulin Peyvere that the King had all the aforesaid monies. So [Laurence is] acquitted thereon.[3]

172. Margery Pytte comes and appeals William Fucher of the death of her daughter Maud, and she appeals him in that, as Maud was in Dunton' field, William came wickedly and in felony and against the King's peace and beat Maud and out of malice maltreated her, so that Maud was ill for six weeks and then died from the beating. That he did this wickedly etc., she offers etc.

William comes and denies the said death and whatsoever is against the King's peace, and for good [etc.].

The jurors say that William found Maud in the field of his lord, the bishop of Winchester, gleaning without permission[4] and because she did this without permission he took his gage[5] and struck her with a little stick. But they say emphatically that she did not die from this. They say that Maud afterwards was in good health and cheerful[6] for a long time, whence they say that William is not guilty of the said death. So he is acquitted and *let* Margery *be taken into custody* for her false appeal.

173. Alard Fughel, accused of the death of Margery his stepsister,[7] Brice the Devonian and Thomas Tripput, accused of the theft of a cow, William Torel,[8] accused of stealing a calf, and Roger Curefegel', accused of larceny, come except for William and Roger and for good [etc.]. The jurors say they are not guilty, so they are acquitted. And they say that a certain Peter de Forda indicted them[9] out of hatred and malice. Peter is present and cannot deny this, so *let him be taken into custody*. They say also that William is guilty, so *let him be exacted and*

[1] Probably the John Lode of 163. above.
[2] Probably the William Torel of 173. below.
[3] The first postea seems to have been written at the same time as the rest of the entry, the second later.
[4] *sine licencia.*
[5] *cepit vadium suum.*
[6] *yllaris.*
[7] *filiastra.*
[8] See 171, above.
[9] *eum.*

outlawed. He was in the tithing of Robert le Man in the parson's tithing of Dunton', so it is in *mercy*. He had no chattels. They say that Roger is not guilty, so he is acquitted and may return if, etc.

THE TOWNSHIP OF DONTON' COMES BY TWELVE

174. Edith of Donton' appealed Walter Chapun of rape and does not come because she has died. Walter does not come and he was attached by William le Teler of Donton' and Anketyl Chapun of the same. So they are in *mercy*. The jurors concealed this matter, so they are all in *mercy*.

THE HUNDRED OF CNOEL COMES BY TWELVE

175. John de Puntrefeud was crushed in a marl pit in Cnoel. The first finder, Robert his brother, comes and is not suspected. Judgement: misadventure. Robert Johye of Segeshull' and Peter de Pounefeud of Cknoel falsely presented Englishry, so they are in *mercy*.

176. John of Funtel and Robert Schofe appealed Reynold le Messer and Elias le Wyndervill' in the County of the death of Thomas, brother of John and Robert. Reynold and Elias were outlawed in the County at the suit of John and Robert. They were in the tithing of Stocton', so it is in *mercy*. They were from Brontesbergh' hundred. The jurors have not come to answer concerning their chattels but have withdrawn without licence, so they are in *mercy*.[1]

177. Philip de Ange [was] attached with clipped money of sixpenny weight and was committed to the tithing of Cnoel to have before the Justices, and the tithing has not got him before the Justices. So it is in *mercy*. Philip fled on account of the deed. The jurors say he is guilty of the clipping, so *let him be exacted and outlawed*. He was in the tithing of Cnoel, so as before. His chattels: *half a mark* whereon [etc.]. Since it is testified that he was imprisoned and escaped the custody of the said tithing, therefore let it answer for *escape*.

178. William le Webbe, Philip Osegood and Walter le Webbe, accused of divers larcenies, come except for Walter. William and Philip deny all larcenies and put themselves on the country. The jurors say they are guilty. So to judgement etc., (*Hanged*). William le Webbe's chattels: *32s. 6d.*, Philip Osegoods chattels: *11 li. 2s. 9d.*, whereon [etc.]. The jurors say that Walter is guilty, so *let him be exacted and*

[1] *Cf. 545*, below.

outlawed. He was not in a tithing but he was harboured in the town of Hynedon', so it is in *mercy*. He had no chattels.

THE HUNDRED OF CHIPEHAM COMES BY TWELVE

179. From Adam de la Mare and his fellow twelve jurors for a fine before judgement—*100s.*

180. John de Bosco comes and appeals William son of Ysyly of battery and breaking the King's peace etc. William does not come and he was attached by Clement of Schorston' and Roger de Hull' of the same, so they are in *mercy*. John is told that he may make suit against him in the County.

181. Robert de la Forde of Ardeniyse and Richard Hubert were mowing together in Herdeniyse meadow when by misadventure Richard struck Robert in the leg with his scythe. Robert thereafter languished with a wound which healed badly and soon afterwards died.[1] Richard, fearing for himself, fled at once. The jurors say that in this deed Richard did nothing in felony, so he is *acquitted* and may return if he wishes.

182. A stranger was found dead in Brenble field. The first finder comes and is not suspected. No Englishry, so *murder*. The four neighbouring townships, namely Saul'[2], Breml', Tyndelinton' Calew and Tyndelinton' Lucas did not come to make the inquest, so they are in *mercy*.

183. Evildoers unknown waylaid Walter Bigge in the marsh of Stahull'[2] and killed [him]. The first finder, Margery his wife, does not come. She was attached by John Stille of Saul'[2] and Walter Avenel of the same, so they are in *mercy*. It is not known who those evildoers were.

184. Felicity of Wrockeshal' was crushed by a part of a grindstone in Cumb' mill.[3] The first finder comes and is not suspected. Judgement: misadventure. The price of the grindstone: *40d.* (*Deodand*), whereon [etc.].

185. Geoffrey son of William Sampson was found killed by evildoers unknown at his father's sheepfold in Cumb' field. The first finder, William his father, comes and is not suspected. Cumba, Great Weyton', Little Weyton' and Bynteleston' did not come fully to the inquest, so they are in *mercy*.

[1] *postea languebat per quandam cicatricem eo quod male sanabatur et cito postea decessit.*

[2] Not identified.

[3] *oppressa fuit quadam parte cujusdam mole.*

m. 28]

186. William, son of Roger of Alinton', sporting[1] with Maud, daughter of Gunnilda of Skaterford, by misadventure fell on Maud's shears[2] so that he was wounded and died on the tenth day. Maud, out of fear, fled at once. The jurors say that Maud is not guilty, so she is *acquitted* and may return if she wishes.

187. Nicholas Spyrun was found drowned in a ditch below Stanleg'. The first finder, Juliana, wife of Nicholas, does not come because she has died. This happened within the liberty of Walter de Dunstanvill'. No attachment was made, so *let* the said liberty *be taken* into the King's hand etc.

188. Roger Hechele comes and appeals John de Campeden' and Thomas Prut for the death of Richard his brother etc. John and Thomas do not come. They were not attached because they were not found. It is testified by the jurors that John and Thomas are guilty of the death, so *let them be exacted and outlawed.* They were in the tithing of Great Schereston', so it is in *mercy*. They had no chattels.

189. Basilia, daughter of Christiana of Wroxhall', gave birth to a boy and immediately after the birth hid him in a ditch in Wroxeshall', so that a dog found him and carried him, dead, through the middle of Wroxhall' town. Basilia fled at once. The jurors say she is guilty, so *let her be* exacted and *waived*. No chattels.

190. Nicholas God struck John Payn of Chippeham with his knife so that he died immediately. Nicholas fled at once. The jurors say he is guilty. So *let him be exacted and outlawed.* He was not in a tithing, being free, but was harboured in the borough of Cyppeham, outside the frank-pledge, so it is in *mercy*. His chattels, with the year, day and waste of a cottage[3]: *7li. 9s. 8d.*, whereon [etc.].

191. Thomas le Norreys was found crushed in a quarry beside Netlinton'. Isolda his wife, the first finder, comes and is not suspected. Judgement: misadventure. The townships of Nettlinton', Luteleton', West Kyngeston' and Langel' did not come fully to the inquest etc., so they are in *mercy*.

192. Thomas, son of Roger, was crushed in a quarry. The first finder

[1] *ludens.*
[2] *forcie.*
[3] *borda.*

comes and is not suspected. Judgement: misadventure. The townships of Boxhe, Colerne, Dichering', and Hertham did not come fully to the inquest etc., so they are in *mercy*.

193. Edith, daughter of Richard le Munner, [and] Alice de Firmar' were found killed by evildoers unknown in Edith's house in Nuns' Kyngeston'. The first finder comes and is not suspected. The townships of Abbot's Kyngeston, Nuns' Burgton', Leg' and Gretylinton' did not come fully to the inquest etc., so they are in *mercy*.

194. Nicholas Comyn and William Friday waylaid Martin of Hyeton' in Budeston' field, killed him and fled at once. Sibyl, his wife, appealed them for the death in the County, so that they were *outlawed*. They were harboured in the townships of Cumbe and Heyton', outside the tithing, so [the townships] are in *mercy*. No chattels.

195. William Pache was found drowned in a marl pit in Kyngeswet. The first finder comes and is not suspected. Judgement: misadventure. The townships of Aldrinton', Lukinton', Sopeworth' and Kyngeswod did not come fully to the inquest etc., so they are in *mercy*.

196. Evildoers unknown came by night to the house of Alexandria of Riglay and killed her. It is not known who they were. They bound Emelota and Margery her daughters. The townships of Salterford, Righal' and Haselbur' did not come fully to the inquest etc., so they are in *mercy*.

197. Walter the miller put himself in Avene church, confessed to being a thief and abjured the realm. His tithing was amerced elsewhere in Sterkel' Hundred.[1] His chattels: *18d.*, whereon [etc.].

198. William de la Pyrie was crushed by a cart [loaded] with wood so that he died at once. Simon of Wrokeshall' was then with him. He comes and is not suspected, nor is anyone else. Judgement: misadventure. The price of the cart, wood and horse: *10s.* (*Deodand*), whereon [etc.].

199. Evildoers unknown came to the sheepfold[2] of Hugh de Vevonia at Kyngeston' and killed James the shepherd. It is not known who they were. The first finder does not come because he has died. The townships of Nettlinton', Wrokessal', Forde and West Kyngton' did not come fully to the inquest etc., so they are in *mercy*.

[1] See *50*, above.
[2] *Berkaria*.

200. Robert Long struck Walter of Lupygate on his head with a stone, so that he died on the sixth day. Robert fled at once. The jurors say he is guilty of the death. So *let him be exacted and outlawed*. They say moreover that Henry de Wappeleg' is guilty of the death in that he held Walter whilst Robert struck him on the head. So *let him be exacted and outlawed*. Robert was in the tithing of Netlincton' so it is in *mercy*. His chattels: 22*s*. 6*d*., whereon [etc.]. Henry was harboured in the town of Netlincton' outside the tithing, so it is in *mercy*. He had no chattels.

201. A stranger came to the house of Maud la Large, killed Adam her son a suckling, and Maud herself. He fled at once. It is not known who that stranger was. The inquest was made by the aforesaid townships etc.

202. Eve Scolace was found scalded[1] in her house in Little Sharston'. The first finder comes and is not suspected. Judgement: misadventure. The township of Little Sharston' buried her without view of the coroners, so it is in *mercy*.

203. Evildoers unknown came by night to the house of William of Bouedon' and killed him and William his son. It is not known who they were, but the kin of William of Radewell[2] of Wrton' are suspected because William was hanged at the suit of William of Bouedon'. But they cannot name the kin since they belong to Blakyngrave Hundred. Let it be more fully inquired there. The townships of Nessemore, Stahull'[3] and Lakham did not come fully to the inquest, etc., so they are in *mercy*.

204. John le Pestur of Colerne appealed John the clerk of Chyppeham, Thomas his brother, Richilda Thomas's mother, and Margery, who was the wife of Adam le Dublerwrite, of breaking the King's peace etc. He does not come because he has died. John and the rest do not come. John was attached by Walter Wyhok [and] Geoffrey Kenefeg of the same. Thomas was attached by Robert le Pestur and Ralph Copping of the same. Richilda was attached by Adam le Teler and John le Dauber of the same. Margery was attached by Benet the baker and Robert Belami of the same. So they are all in *mercy*.

205. Walter son of Walter of Litleton', who appealed Walter le Burgeys of Schyrynden', Richard son of Walter, Roger brother of Walter le Frye, Alexander the man of Roger the reeve, and Roger Burgeys, all of the same, of wounds and breaking the King's peace etc., does not come.

[1] *scaturizata*.
[2] Now Ruddlesmead.
[3] Not identified.

So *let him be taken* and his pledges for prosecution, namely William, son of the parson of Litleton' and Robert de la Berwe, are in *mercy*. Walter Burgeys and the other appellees come. They have made a compromise, so *let all be taken into custody*.

Afterwards Walter, Roger, Alexander and Roger le Burgeys come and make a fine of *one mark*.[1]

206. Elias Tyl appealed John le Dun in the County of breaking the King's peace. He does not come, so *let him be taken* and his pledges for prosecution, namely Walter Cynel of Chyrie and Roger le Careter of the same are in *mercy*. John does not come, nor was he attached, because he was not found, etc.

207. Maud, wife of Richard le Cupere, comes and appeals Warin the man of the constable of Divis' [saying] that by force he lay with her, etc. Warin does not come and he was attached by Ralph Pril. Ralph Neir and John Faukes [all] of Divis', so they are in *mercy*. Maud is told that she may make suit against him in the County, etc.

208. Walter de Allegh', taken with [his] theft was hanged in the Court of Chippeham. His chattels, with a year, day etc.,[2] whereon [etc.].

209. Richard Cude [is] accused of burglary, Nicholas son of Robert [is] accused of larceny, Walter Cademan [is] accused of stealing wool, Robert Britwy [is] accused of larceny, William Cule [is] accused of sheep stealing [and] Nicholas de Lusseburn', [is] accused of harbouring thieves. Roger Cude, Nicholas son of Robert and Nicholas de Lusseburne come and deny all and for good [etc.]. The jurors say they are not guilty. So they are acquitted. But William Cademan, Robert Britwy and William Cule do not come. The jurors say that Robert Britwy and William Cole are not guilty. So they are acquitted. They say that Walter Cademan is guilty, so *let him be exacted and outlawed*. He was not in a tithing being free. His chattels with a year, day and waste: *2s.*, whereon [etc.].

210. A stranger imprisoned in the prison of Brokhale escaped from the prison, so let it answer for *escape*.

211. Alexander Harding' comes and appeals John of Eston' and Peter his son of mayhem, namely the cutting off of his thumb etc. John and Peter do not come and they were attached by Richard of Muleford, Nicholas Wace of Bukilton', Matthew of Bymerton' and Walter of

[1] This postea has been added later.
[2] The value has been omitted.

Corsham. So they are in *mercy*. Since John and Peter fraudulently absented themselves, the sheriff is commanded that their chattels and land *be taken* into the King's hand.

Afterwards John of Eston' and Peter his son come and Alexander withdraws his appeal. It is testified that they have made a compromise, so let them be taken into custody. Later John comes and makes a fine of *ten marks* for himself and Peter his son and his pledges and for Alexander and his pledges, by the pledges of William of Caune, John of Cherlton' and William of Somerford'.[1]

212. Concerning escheats, they say that the King gave W[illiam] de Valences the manor of Sappeworth, which is the King's escheat and worth 100s. yearly.

213. Reynold le Batur was hanged at Bradeford. His chattels: *one mark*, whereon [etc.].

214. Concerning serjeanties, they say that Walter de Cardevill' holds the townships of Chippeham and Suldon' of the King's gift, by the serjeanty of the quarter part of a knight and they are worth 20 li. a year.

215. Also William de Pavely holds Lolledon' of the King's gift and it is worth 10 li. It is the King's escheat.

216. Also Hugh de Vivonia holds the manor of West Kyngton' of the King's gift, and it is worth 15 li. yearly.

217. Matthew de Beslys holds the manor of Great Scharston' of the King's gift and it is worth 36 li. yearly.

m. 28d]

218. Concerning defaults, they say that Adam Yves, Hugh le Dol, Elias of Calewey, John de Crey,[2] and the prior of Sclateford' did not come on the first day. So they are in *mercy*.

219. Adam son of Maud was run over[3] by a waggon in Brembre so that he died at once. The said Maud, the first finder, comes and is not suspected. Judgement: misadventure. The price of the waggon and six oxen: *31s.* (*Deodand*), whereon [etc.]. Walter son of Seywe was driving the cart and fled from fear. The jurors say he is not guilty of any felony. So he is acquitted and may return if he wishes.

[1] Both posteas seem to have been added later.
[2] An error for Grey.
[3] *subpeditatus fuit.*

220. Peter of Morden and his fellow twelve jurors of Hauteworth' hundred are in mercy for a default because they went away without licence.

THE BOROUGH OF CALNE COMES BY TWELVE

221. From William of Pateford' and his fellow twelve jurors for a fine before judgement—*one mark*.

222. A stranger put himself in Stodlegh' church, confessed to being a thief and abjured the realm. He had no chattels.

223. Concerning wines sold etc., they say that Thomas the miller [and] Roger de Boveresbrok sold wines contrary to the assize. So they are in *mercy*.

THE HUNDRED OF CALNE COMES BY TWELVE

224. From Andrew of Stratton' and his fellow twelve jurors for a fine before judgement: *40s.*

225. Richard le Waleys a groom was found killed outside Brocham.[1] Richard de Stowell' the first finder comes and is not suspected. No Englishry: so *murder*. The townships of Bromham, Odinton', Blakelonde and Halleston' did not come fully to the inquest etc., so they are in *mercy*.

226. Evildoers unknown came by night to the house of Alice, who was the wife of Herbert Wop, burgled her house and wounded her son William. Robert Galwey and William the miller were taken for the deed and were delivered before the Justices[2] etc.

227. Roger Cachefreyns came to the house of John son of Aldrich' and lay with John's wife Emma. John came upon them and killed Roger. John and Emma fled at once. He was in the tithing of John son of Geoffrey's Chyriel, so it is in *mercy*. His chattels: *20s.* whereon [etc.].

228. Walter Chiryel was found killed in Peuesham wood. Helewyse his wife first found him. She comes and is not suspected. William le Wodeward of Chyriet was attached for the death by John Aser and William de la Slo tithingmen of Cheriel with their tithings, so they are in *mercy*, and let him be taken. Elviva, wife of William le Tywler,

[1] Probably Bromham.
[2] Presumably the Justices of Gaol Delivery.

accused of consent to the death, does not come. The jurors say she is guilty, so *let her be exacted and waived.*

Afterwards[1] William le Wdeward comes and denies the death and for good [etc.]. The jurors say he is not guilty, so he is acquitted.

229. A stranger was found killed in Peuenesham forest. He was found by the foresters and verderers. It is not known who killed him. The coroners testify that they commanded William le Clerk, bailiff of William de Cantilupo, to summon the four neighbouring townships to be at the inquest on the death. The bailiff declined to do anything in the matter.[2] So *a discussion* on the matter. The coroners caused the corpse to be buried before anyone had made inquest on the death, so to *judgement* on them. Nicholas of Haveresham, then sheriff, held no inquest thereon, so he is in *mercy*.

230. William Derwyne, accused of the death of a serjeant of Theobald de Englechevill' does not come. The jurors say he is guilty.[3] So *let him be exacted and outlawed.* He was in the tithing of Compton'. His chattels: 25*s*. 10*d*., whereon [etc.].

231. Clement of Odestok', in mercy for an offence, makes a fine of *half a mark* by the pledges of Nicholas Cumb' [and] Lawrence Aygnel of Dunton'.

232. Elias le Opere put himself in Compton' church for the death of the serjeant of Theobald de Englechevill' and admitted the deed and *abjured* the realm.[3] He was in the said tithing. His chattels: 9*s*., whereon [etc.].

233. Richard Dolling struck Richard Godwyne with a knife so that he languished for six weeks and afterwards died. Richard fled at once. The jurors say he is guilty, so *let him be exacted and outlawed.* He was in the tithing of Edemeton.[4] so it is in *mercy*. His chattels: 28*s*. 3*d*., whereon [etc.]. Walter de Langestret, Walter Aylward, Symon de Fraxino and Ralph Swan were then there present and they come. The jurors say they are not guilty, so they are acquitted.

234. Walter son of Nicholas was crushed by a cart in Hendon' field. The first finder comes. No one is suspected. Judgement: misadventure. The price of the cart with one draught beast: *half a mark*, whereon [etc.].

[1] This postea seems to have been added later, in a different hand.
[2] *inde nichil facere voluit.*
[3] Cf. 266, below.
[4] Possibly Heddington.

235. Concerning defaults etc., they say that the abbot of Stanlegh', Reynold de Meyun and the abbot of Battle do not come on the first day. So all are in *mercy*.

236. Nicholas de Fynmore and Walter Michael, accused of the death of Walter le Provost of Chiriol, come and deny all and for good [etc.]. The jurors say they are not guilty, so they are acquitted.

237. John Sercheche, who appealed William le Fort, Henry le Hethene, John Smaleman, Adam Cakeman, Henry le Careter, Robert son of Perment' [and] Reynold of Bathon' of robbery and breaking the King's peace etc., does not come. So *let him be taken* and his pledges for prosecution are in *mercy*, namely Walter Cloudegirofe[1] of Lacham and Richard son of Robert the reeve, of the same. William and the other appellees come. It is testified by the jurors that they are not guilty, so they are acquitted.

THE HUNDRED OF ELNESTUB COMES BY TWELVE, they decline to make a fine.

238. William le Hore, suffering from the falling sickness, was found dead in Nutheravene field. No one is suspected. Judgement: misadventure. The twelve jurors did not present the finder, so they are in *mercy*.

239. A boy of two years old was torn to pieces by a pig in the house of John Blund in Hemeford. The first finder, his mother Cecily, comes. No one is suspected. Judgement: misadventure. The price of the pig: *18d.* whereon [etc.].

240. Peter of Netheravene, who appealed Stacey of Netheravene, Richard his brother and William Wyndut of battery, robbery and the King's peace etc., does not come. So *let him be taken* and his pledges for prosecution are in mercy, namely Everard le Bracur of Ambresber' and Walter Page of the same. Stacey and the others named come and deny all. The jurors testify that they have made a compromise, so *let them be taken into custody*. Afterwards it is established[2] that John of Nurthavene, one of the twelve jurors, maintained and defended[3] Stacey his son, who is appealed, and for this reason put himself among the jurors, so *let him be taken into custody*, and the eleven, who associated John with themselves, *let them be taken into custody*. Afterwards John

[1] The writer has made of Walter's unusual name two persons, Walter Cloude and Girofe of Lacham.

[2] *convictum est.*

[3] *manutenebat et defendebat.*

came and made a fine for himself and his son of *4 marks* by the pledge of Denis of Chessingbur', Philip of Lutletcote, Roger de la Folye and John of Fyfyhide.[1]

241. Helen, who was the wife of Adam the miller, appealed Roger of Hakeneston' and Alice his aunt[2] of Adam's death in the County, so that at Helen's suit they were outlawed in the County, as the sheriff and coroners record. They were in the tithing of Richard de Munden' in Hakeneston', so it is in *mercy*. Their chattels: *3s. 6d.*, whereon [etc.].

m. 29]

242. William Gargate, who appealed William Pyper and Gervase Sandel of robbery and imprisonment etc., does not come. So *let him be taken* and his pledges for prosecution are in *mercy*, namely John de Westhyde of Haneford and Hugh le Bedel of the same. William and Gervase do not come. William was attached by John Burel of Everlegh' and John le Frank of the same. Gervase was attached by Roger son of Edith of Everleg' and Adam Sulbe of the same. So they are all in *mercy*. It is testified that William was imprisoned in the earl of Leicester's [liberty] at Everleg' by the said William Pyper and Gervase de Cande [and by] Nicholas the reeve who is dead [and] Simon the parker who is dead, and he was there detained until delivered by Nicholas of Haveresham then sheriff. So *let* William and Gervase *be taken* and to *judgement* on the earl's liberty.

243. A thief named Ralph le Berk' was imprisoned in the prior of Winchester's prison at Heneford and escaped. So let the prior answer for *escape*. He was not in a tithing, being a stranger. He had no chattels.

244. John the shepherd of Nurthaven' [is] accused of stealing a pig, Stephen le Fayre [is] accused of receiving the said stolen pig, Ralph, son of William Russell [is] accused of stealing a sheep and John Heyward of Nerthaven' [is] accused of breaking the coffer[3] of Denise, daughter of Richard de Bern'. All come, except Ralph son of William Russel', and for good [etc.]. The jurors say they are not guilty, so they are acquitted. They also say that Ralph is guilty, so *let him be exacted and outlawed*. He was in the tithing of William Ovsyn in Nerthaven', so it is in *mercy*. No chattels.

245. Concerning Normans' lands etc., they say that Adam Cok' holds

[1] The second postea has been added later.
[2] *amita.*
[3] *fractio arche.*

a carucate of land with appurtenances of the King's gift in Fycelden', rendering thence 6d. yearly to the King. It is worth ten marks yearly.

246. Concerning defaults, etc., they say that the prior of Karebrok', Richard Mauduit, the earl of Winchester, the earl of Leicester, John de Beaumunt, Richard Makerel and Peter Kyng did not come on the first day. So they are all in *mercy*.

THE HUNDRED OF HEYTREDEBYR' COMES BY TWELVE

247. From Henry de Hull' and his fellows for a fine before judgement—*40s.*

248. Alice Balring was crushed by a cart outside Heytrebur'. The first finders, Silvester and Robert of Tydelsyde, come. No one is suspected. Judgement: misadventure. The price of the horse and cart *5s.* (*deodand*), whereon [etc.]. The townships of Heytredebur', Todrinton', Knuke and Hubeton' did not come fully to the inquest etc., so they are in *mercy*.

249. Robert le Fevre of Heytredebir' accused of burgling houses[1] does not come. The jurors say he is guilty, so *let him be exacted and outlawed*. He was in the tithing of William Kywyl in Heytredebur', so it is in *mercy*. His chattels: *3s.*, whereon [etc.]. The twelve jurors did not present this matter in the County, so they are in *mercy*.

250. Azo of Knuke killed Ralph Wadel' and fled at once to Upton' church, confessed the deed and abjured the realm. He was in the tithing of Knuke, so it is in *mercy*. His chattels: *6s. 4d.*, whereon [etc.]. The townships of Coteford, Aston' and Knuke did not come fully to the inquest etc., so they are in *mercy*.

251. William, son of Jul[iana] de la Stane, killed Reynold, the squire of John Eskylling, sleeping in his bed. He fled at once. The jurors say he is guilty, so let *him be exacted and outlawed*. He was in the tithing of Knuke, so it is in *mercy*. His chattels: *20d.*, whereon [etc.]. Gervase the reeve first found Reynold and was attached by Ralph le Holt of Knuke and the whole tithing of Knuke. It is testified that Gervase fled on account of the death and that he is guilty, so *let him be exacted and outlawed*. He was in the aforesaid tithing, so as before. He had no chattels.

252. Gilbert son of Stephen appealed John son of Walekelin and now he comes and appeals John, that in the King's peace he assaulted him,

[1] *rettatus de Heytredebir' rettatus de burgeria domorum.*

giving him five wounds in his right hand. That he did this wickedly etc., he offers etc. John comes and denies all and for good [etc.]. The jurors say John did not assault Gilbert nor give him any wound, so he is acquitted, and *let* Gilbert *be taken into custody*.

Afterwards he comes and makes a fine of *half a mark* by the pledge of Stephen de Wodefaud.[1]

253. Walter Bauketre appealed Walter Gobold of battery and he does not come because he lies at death's door.[2] Walter Gobold does not come and he was attached by Henry Gobold of Bradel' and Richard Andrez of Spekynton'. So they are in *mercy*. (*Tomorrow*).

254. John Eskylkyng mainprised[3] to bring before the Justices Serlo of Cherlton' and Miles, who were attached for an offence. They do not come, so he is in *mercy*. No one charges them with anything.[4]

255. Concerning wines sold contrary to the assize, they say that Matthew de Meresden' sold wine contrary to the assize, so he is in *mercy*.

256. Aubrey de Boterell' holds in chief of the King twenty librates of land in Codeford by the service [*blank*].

m. 29d]

257. William of St. Martin holds twenty librates of land. is of full age and not yet a knight. So let his land be taken into the King's hand.

258. Simon le Bone, Roger de Estinton' and Michael le Byn, accused of larceny, come and deny all and for good [etc.]. The jurors say they are not guilty. so they are acquitted.

259. John le Prestre of Cudeford, accused of larceny, does not come. The jurors say he is guilty, so *let him be exacted and outlawed*. He was in the tithing of Cudeford, so it is in *mercy*. No chattels.

260. William Cake, and William Milys and Roger Porh', accused of larceny, come and deny all and for good [etc.]. The jurors say they are not guilty. so they are acquitted.

261. (*Berkshire*) Haukins the cook of Abendon' and Robert Curteys of the same, accused of larceny and of consorting with thieves by the

[1] This postea was added later.
[2] *quia jacet ad mortem.*
[3] *manucepit.*
[4] *Et nullus aliquid eis apponit.*

appeal of John of Kynemeresford', who appealed them of consorting etc., come and deny all and for good and ill put themselves on the country namely on four townships of Berkshire. The jurors say they are not guilty, so they are acquitted.

THE HUNDRED OF KYNGEBRIG' COMES BY TWELVE

262. From Richard Pypard and his fellow twelve jurors for a fine before judgement—40s.

263. Evildoers unknown came by night to the house of Adam Gelus and killed him. Margery his wife, the first finder, comes and is not suspected. No Englishry, so *murder*. The townships of Clyva Pypard, Clyva Wancy, Wdecumbe and Helmerton' did not come fully to the inquest, so they are in *mercy*.

264. Evildoers unknown came by night to the house of Acelyne of Lutleton' in the town of Lutliton' and killed Acelyne herself and a certain Agnes. Juliana, Acelyne's mother, first found them. She does not come for she has died. William Fesant, his wife Sylda, his son Robert and his daughter Isabel, were taken for the death and imprisoned in Wallingeford Castle. But it is not known how they were delivered, so let it be inquired etc. (*Tomorrow*).

265. Helen wife of Robert Maduit was found drowned in the fishpond of the Frythe.[1] The first finder, Stephen Champeneys,[2] comes. No one is suspected. Judgement: misadventure.

266. William, John and Gilbert, the sons of Walter de Marisco, Robert the miller of Bromham and William Dureweyin of Compton killed John Bans the serjeant of Theobald de Englechevill'. They were *outlawed* for the death by the King's command. Walter de Marisco, their father, put himself in the church on account of the death, and *abjured* the realm. He was in the tithing of Walhull', so it is in *mercy*. His chattels, 6 li. 18s., were delivered to Theobald de Englechevill' by the King's writ.

267. Concerning purprestures etc., they say that the monks of Winchester priory have made a purpresture at Kinkebrig' to the extent of half an acre of the King's demense, where the King's Hundred is held. The sheriff is commanded [to see] that the purpresture be reduced to its former state and the monks are in *mercy* for the offence.

[1] *in vivario de la Frythe:* possibly in Lydiard Tregoze.
[2] *primus inventor* repeated after the name.

268. Concerning escheats etc., they say that Theobald de Englechevill' holds the manor of Wahull' of the King's gift by the service of three barbed arrows. It was the King's escheat and is worth 10 li. yearly.

269. Robert of Lavinton' appealed Gilbert son of Richard de Benigton', Gilbert the said Richard's servant, John Sampson, Adam Trowe, Thomas the shepherd of Thokeham and Richard de Kenigton' of battery etc. He does not come, so *let him be taken* and his pledges for proscution are in *mercy*, namely John Turtel of Petteham[1] and William le Warener of Thokeham. Gilbert and the others come. The jurors say they are not guilty, so they are acquitted.

270. William Aldwyn appealed Walter, son of Elias of Bysupeston', and Edulf, of the same, of unjust imprisonment etc. He does not come because he has died. Walter and Edolf come. It is testified that Walter and Edolf imprisoned William and detained him in prison until he was delivered[2] by the King's bailiff. So *let* Walter and Edolf *be taken into custody*. To *judgement* on the said Court. Walter and Edolf call to warranty Henry Byseth a monk of Winchester and John Mauduit. They do not come nor might they be attached etc. (*c* or *t*).

271. (*Southampton*) Walter Dolling' the chaplain, Alexander le Mone, John Langhervest, Martin the cobbler [and] Richard Attegate, accused of the deaths of Roger Careter and Roger, the merchant of Romesy, come except for Martin the cobbler and Richard Attegate and they deny the death. Walter Dolling' declines to answer to this, being a chaplain, and he is delivered to the Bishop. Alexander and John for good [etc.]. The jurors of four Hundreds of the Counties of Southampton and Wiltshire say that none of them is guilty of the death apart from Martin the cobbler [who] fled, so *let him be exacted and outlawed*. He had no chattels. The others are acquitted. The jurors of the Hundred of Ambresbir' did not come, so they are in *mercy*.

m. 30]

272. Edith, daughter of Robert of Wythehull' comes and appeals John le Jay of rape, etc. John comes and denies all and for good [etc.]. The jurors say he is not guilty but they say that they have made a compromise, so *let them be taken into custody*.

273. Margery, daughter of Walter, appealed William de Cattesden', the

[1] Not identified.
[2] *deliberati fuerunt.*

hayward of the prior of Winchester, of rape. She does not come, so *let her be taken* and her pledges for prosecution are in *mercy*, namely Gilbert the tithingman of Wadhull' with his tithing. William was *outlawed* at Margery's suit and was harboured in the town of Bysupbiston', so it is in *mercy*. No chattels.

274. The same Margery appealed Godfrey of Bysupbeston', Peter Bonhome, Walter the carter, Robert the shepherd and John the shepherd of unjust imprisonment. Godfrey, Peter, Robert and John come. It is testified that as Margery pursued William[1] with cries soon after the rape, the aforesaid Edulf and others imprisoned her. So *let them be taken into custody*.

275. John Strangweder and Richard Geogere, accused of larceny, do not come. The jurors say they are guilty, so let them be exacted and outlawed. They were harboured in the townships of Aston'[2] and Bynknelle, outside the tithing, so they are in *mercy*.

276. Concerning defaults etc., they say that Theobald de Englechevill', Geoffrey Dispensator and William de Tanton' did not come on the first day. So they are in *mercy*.

THE FREE MANOR OF DEVEREL COMES BY SIX

277. From Geoffrey Huse and his fellow six jurors for a fine before judgement—*one mark*.

278. Godfrey le Cok was torn to pieces by the wheel of Crokerton' mill. The first finder comes and is not suspected. Judgement: misadventure. The price of the wheel: *2s.*, (*deodand*) whereon [etc.].

279. A stranger was found killed in the field of Chevenepare.[2] The first finder, John Gilbert, comes and is not suspected. No Englishry, so *murder*. The townships of Great Sotton', Little Sotton', Muneketon' and Deverel Lungpund did not come fully to the inquest etc., so they are in *mercy*.

280. Alice of Redenhurst comes and appeals Thomas le Thawyere of wounds and breaking the King's peace and breaking into her house etc. Thomas does not come and was attached by William the tithingman of Wyrmenistr' with his tithing and William Malherbe of Werministr'

[1] The text has *Walter*.
[2] Not identified.

and Vincent[1] of Bukel' of the same, so they are in *mercy*. The jurors say that Thomas tried to rape Alice's daughter and in the attempt struck Alice with his arms.[2] So Alice is told that she may make suit against him in the County.

281. Concerning defaults etc., they say that the abbot of Glastonbury did not come on the first day, so he is in *mercy*.

THE HUNDRED OF WERWLESDEN' COMES BY TWELVE

282. From Peter de Prato and his fellow twelve jurors for a fine before judgement—*four marks*.

283. Christiana daughter of Nicholas of Packeleford, who appealed John Lude in the County of rape etc., does not come. So *let her be taken* and her pledges for prosecution are in *mercy*, namely Alfred and Roger of Packelescrofte. John comes. The jurors say he is not guilty, so he is acquitted.

284. Alice daughter of Peter of Coveleston' was found drowned in a ditch outside Coveleston' town. The first finder comes and is not suspected. Judgement: misadventure. The townships of Bratton', Stokes, Tyndide and Kyvele did not come fully to the inquest, so they are in *mercy*.

285. Mabel wife of Crum of Hayston', suffering from the falling sickness, was holding a boy in her arms when she stumbled so that the boy fell into the fire and died at once.[3] Mabel, coming round after her fit,[4] found the boy in the fire. She comes now. No one is suspected. Judgement: misadventure. The townships of Westaston', Bradel' and Kyvel' did not come fully to the inquest etc., so they are in *mercy*.

286. Richard Bastard of Packestrete appealed Gilbert of Rudes of mayhem, robbery etc. Gilbert[5] was *outlawed* in the County at Richard's suit. He was not in a tithing but was harboured in the town of Rudes, so it is in *mercy*. His chattels[6]

287. The same Richard appealed Nicholas de Belond of abetting and command.[7] Richard comes and withdraws his plea, so *let him be taken*

[1] *Wync'*.
[2] *per medium brachii sue* [sic].
[3] *incontinenti*.
[4] *evigilans de morbo suo*.
[5] The text has *William*.
[6] The entry is incomplete.
[7] *de forcia et de precepto*.

into custody. It is testified that Nicholas is not guilty, nor have they made a compromise. So he is acquitted.

288. Nicholas Lude appealed William the clerk of Chaudefeud, John nephew of the chaplain of Kyvel', John's brother Batinus, Clement of Semelton', Gilbert of Wolvemere, John Kakel',[1] Roger Holys, Robert Hok and Sweyn Sturdi, of battery, burglary, robbery etc. Sweyn, John Kakel', Roger Houles, William the clerk, John the chaplain's nephew and Batinus were *outlawed* in the County at Nicholas' suit. Sweyn was in the mainpast of James Huse, so he [Huse] is in *mercy*. He had no chattels. He was later beheaded. John Kakel was received in Sende outside the tithing, so [the township] is in *mercy*. Roger Hokel' was in tithing in Wolvemere, so it is in *mercy*. No chattels. He was later hanged. William was not in tithing, being a clerk. No chattels. John [the chaplain's nephew] pretended to be a clerk and was later hanged. Batinus was in the tithing of Gumbyr', so it is in *mercy*. His chattels [are answered] elsewhere in Bradefeud Hundred.[2]

John Kakel',[3] Gilbert Wlvemere and Robert Hok did not come. John was attached by William Hug' of Wlvemere, William Clof of the same, Richard Palmer of Saynde, Richard Blundel of Melkesham and Thomas Ereward of the same. Gilbert was attached by Robert le Harpur of Melkesham and William Godfrey of Wolvemere. Robert Hok was attached by Seyn de Hese of Chytewe, Roger Hok and Soylf of the same. William[4] atte Slade of Bromham and William the smith of the same. So all are in *mercy*. It is testified that all are guilty, so let them be exacted and outlawed. John was in the tithing of Seynde, so it is in *mercy*. No chattels. Gilbert was in the tithing of Wolvemere, so it is in *mercy*. Robert was in the tithing of Chytewe, so it is in *mercy*. No chattels.

Clement of Semeleton' was appealed for the same deed and was delivered before the King. He was afterwards accused of the death of Nicholas Cok. His wife was attached to be before the Justices and does not come. She was attached by John Cupere and William Clof of Seynde, so they are in *mercy*. It is testified that he is guilty, so *let him be exacted and outlawed*. He was in the tithing of Semeleton', so it is in mercy. No chattels.

[1] Originally written *de Kalkel* and corrected to above by expunction.

[2] For Batinus' later history see 144 and 146, above; his tithing was probably Cumberwell.

[3] There is obviously an error either in the preceding paragraph or here. Possibly there was a third John who had been outlawed.

[4] *de* followed and has been expunged.

It is later testified that Robert Hok is not guilty, so he is not to be outlawed and may return if he wishes.[1]

289. Concerning defaults, they say that Henry Damanger, Adam le Vylur of Langeneham[2] [and] Peter le Petit of Bradelg' did not come on the first day. So they are in *mercy*.

290. Walter Selke, Robert de la Woderowe, Sampson the carter [and Richard[3]] le Sene [were] coming from Trobrig fair, and a quarrel started among them. Robert struck Walter under the ear with a staff so that he died next day. Robert comes and denies the death and for good [etc.]. The jurors say he is guilty, so etc., (*Hanged*). No chattels. Sampson the carter and Richard le Sene were then present there and they were attached and now they come.[4] The jurors say they are not guilty,[5] so they are acquitted.

m. 30d]

291. Roger Woleward fell from his cart in Heyndon field and broke his neck. Juliana his wife first found him and is not suspected. The price of the horse and cart: 8*s.* (*Deodand*) wheron [*etc.*].

292. Edward le Wag', Stephen the forester, Richard his groom and Roland de Branton' [are] accused of robbery and consorting with evil-doers [and with] John de Pymbyr'. Avice[6] of Kyvel' and her daughter Juliana [are] accused of harbouring Nicholas [who was] hanged. Edward, Richard and Roland come. Edward and Roland say they are clerks and the bishop's official seeks them as clerks. Richard for good [etc.].

Avice and Juliana come and likewise put themselves on the country. The jurors say that Edward and Roland are guilty, so they are delivered to the official as convicted in this Court. They say also that Stephen is guilty and he does not come, so *let him be exacted and outlawed*. He was not in a tithing but was of the mainpast of James Huse, so he [Huse] is in *mercy*. His chattels: nothing. They say that Richard, Stephen's groom, is guilty, so etc. (*Hanged*). His chattels: 22*s.*, whereon

[1] This sentence has been added later. Many phrases in this entry have escaped margination. The appeal has plainly been largely determined but in what Court the hangings took place is not clear.
[2] *Langtham* was originally written and erased.
[3] The name is here omitted.
[4] *Et fuerunt* altered to *et modo veniunt*.
[5] non *est culpabilis*.
[6] Here *Amicia*; elsewhere *Avicia*.

[etc.]. John de Pynbyr' was hanged before the King. No chattels. Avice and Juliana were acquitted before the King at Clarund' of the accusation made against them.[1] No suspicion has since emerged concerning them,[2] so they are acquitted.

THE HUNDRED OF WESTBUR' COMES BY TWELVE

293. From Philip Marmyun and his fellow twelve jurors for a fine before judgement—*40s.*

294. Richard of Danes' comes and appeals Robert de Poluggeheney in that, as he was in the King's peace on Tuesday next after Christmas[3] in the 28th year [29 December 1243] before the hour of prime in the town of Deul',[4] Robert came in armour and wickedly, in felony, with premeditated assault and against the King's peace gave him a wound in his right ankle which cut two veins and a nerve, and did this wound with a sword. Afterwards he struck him with an anlas[5] between the short ribs, giving him a wound two and a half inches deep, and in robbery took from him four shillings and a penny. That he did this wickedly and in felony and against the King's peace he offers to prove as a mayhemed man, if mayhem shall be awarded him, or by his body if mayhem shall not be awarded, as the Court may hold etc.

Robert comes and denies the premeditated assault, wounding, mayhem and robbery and whatsoever is against the King's peace. He offers to defend himself by his body. Because mayhem is not awarded to Richard it is held that they shall exchange gages for a duel.[6] And gages are given.[7] Robert's pledges: William Mauduyt of Wermenistr'. Richard de Kent of Cnappewell, William Greyny of Westbyr', Ralph the miller of the same, Peter de Saucey, Nicholas de Barbeflete, Michael of Lutlitton', William Walerand of Audeborn', Thomas of Bradel'. Nicholas son of Adam of Lusteshull', John Pessod of Bradefeud [and] Thomas brother of the vicar of Westbur'. Richard's pledges: William of Corsseleg', Richard Danesy, Alexander Cheverel, Henry of Wadden'. James Hause and Rocelin of Bratton'.

They come armed on Wednesday next after Trinity [2 June 1249].

[1] *de predicto retto quod eis imponebatur.*
[2] *Et nulla postea de eis emersit suspicio*
[3] *Natall' domini;* from the circumstances of 295 one would have expected Midsummer rather than Christmas.
[4] This may be Dilton or Penleigh, cf. 295, below.
[5] *cum uno hanelacio;* Chaucer's Franklin had one hanging at his girdle: *Canterbury Tales, Prologue,* line 357.
[6] *consideratum est quod mutuo vadiant duellum.*
[7] *Et vadiatum est.*

Afterwards Richard withdraws his plea, so *let him be taken into custody* and his pledges for prosecution are in *mercy*. It is testified by the jurors that they have made a compromise. Because Richard did not come armed as he ought to have done, his pledges who pledged him are in *mercy*. Afterwards Robert de Pluggeneye comes and makes a fine of 60*s*. 1*d*. for himself and his pledges and for Richard of Danes' and his pledges, by the pledges of William Mauduyt and Walter de Pavely.[1]

295. Walter son[2] of Danesy comes and appeals the aforesaid Robert of Pollugeneham that, as he was going along the King's highway between Penl' and Dulton' on the Tuesday next before Christmas[3] in the 28th year, [22 December 1243], Robert wickedly and in felony and in premeditated assault and against the King's peace and in robbery took from him three carts loaded with hay, five horses, two mares and four oxen to the value of 14 marks. That he did this wickedly and in felony he offers to prove by his body as the Court shall award.

Robert comes and denies the premeditated assault and whatever is against the peace etc. He asks for it to be allowed him that [Walter] made no mention of the hue being raised soon after the robbery which he says was done him, nor does [Walter] say anything else by which, etc. Therefore it is awarded that the appeal is null and let Walter be taken into custody for a false appeal. Let the facts be enquired into by the County because of the King's peace, etc.

The jurors say that Robert is not guilty of the robbery nor of the taking of the carts, horses and oxen. For they say that Richard Danysye held a meadow for a term from Eudes Burel,[1] which meadow he leased to Walter the marshal of the abbot of Glastonbury, reserving to himself the hay of the meadow which he himself would mow. Walter the servant of Richard Danysye thus came with carts, horses and oxen to carry away the hay to Richard's house. Then came the force of Alan son of Warin, namely Roger de Paveley[5] and William of Coventre, and others whom they do not know. With force and arms they took from Walter the carts, hay, horses and oxen and carried them to the court of Eve de Tracy and afterwards to the court of Alan son of Warin. They say that Alan son of Warin is in seisin of the said chattels. So *let* Alan be *taken* for receiving them and *let* Roger de Paveley and William of

[1] This paragraph has been added later, the second *postea* after the first.

[2] Apparently an error for 'servant', as in the jurors' verdict; when Richard died in 1250 his eldest son Richard was a boy of twelve.

[3] *Natal'*.

[4] An error for *Burnel*.

[5] Possibly an error for 'Reynold', who was Walter de Paveley's eldest son and who succeeded his father in 1256.

Coventre *be taken*. The jurors say that Robert was not at the doing of this force, and since it is established by the juror's rolls and also by the coroners' rolls that Robert was at the deed, and that Robert appealed Walter in the County of this very same deed,[1] it is therefore held that the jurors be taken into custody. Afterwards they make a fine of *ten marks*.

296. Maud who was the wife of Walter de la Hurst appeals Philip son of Philip Marmium of rape etc. She does not come. So let her be taken and her pledges for prosecution are in *mercy*, namely Walter le Cnate of Caldecote and Walter de la Hurst. Philip comes and denies all and puts himself on the county. The jurors say that he lay with Maud by force and that they have made a compromise. So *let* Philip *be taken into custody*. Afterwards he makes a fine of *one mark* by the pledge of Philip Marmyun his father.

297. Richard Hernys was found drowned in the marlpit of Hevedbill.[2] The first finder comes. No one is suspected. Judgment: misadventure. The township of Westbir', Bratton', Hewewode and Hakerig' did not come fully to the inquest, so they are in *mercy*.

298. Peter Wakelyn of Chaudecote killed Walerand of Chaudecote and fled at once. The jurors say he is guilty, so *let him be exacted and outlawed*. He was in the tithing of Chaudecote, so it is in *mercy*. His chattels: *34s.*, whereon [etc.]. The townships of Dulton', Lye, Cheteres-cestr'[3] and Westbyr' did not come to the inquest etc., so they are in *mercy*.

299. Evildoers unknown came by night to the house of the widow Emma de la Brak and killed her. Peter Averil [and] Roger Martok.[4] Peter was hanged for the death by the Justices for Gaol etc. He had no chattels. Because Roger was delivered by the country as innocent of the deed,[5] therefore, etc.

300. Adam le Heyward of Dulton' killed Adam le Franceis and fled at

[1] This suggests that Robert had made a counter appeal unless, which is equally possible, the names have merely been misplaced.

[2] The text has *Henedbill*, but the *n* seems to be an error. The place was apparently in Westbury, so the identification made in *Wiltshire Place Names*, p. 152, with Hunten-hull in Corsley seems to be mistaken.

[3] Not identified, but apparently in Westbury.

[4] A phrase such as 'were taken for the deed' would seem to have been omitted.

[5] *Et quia Rogerus fuit deliberatus per patriam sicut immunis a facto*. Presumably Roger was acquitted and allowed to return if he wished.

once to Faurewill'[1] church and abjured the realm. [He was] in the tithing of Dulton', of the mainpast of Richard de Danesye [who is] therefore in *mercy*. His chattels: 3*s*. 6*d*. whereon [etc.].

301. Evildoers unknown came by night to the house of John Campayn of Haywode and killed John himself and carried away his goods. It is not known who they were. The townships often aforesaid did not come to the inquest. So as before.

302. An unknown man was found killed outside the town of Bratton'. The first finder comes and is not suspected. It is not known who killed him. No Englishry: so *murder*.

303. Evildoers unknown came by night to the house of the widow Christiana of Heywode and killed her and Isabel her daughter and carried away her goods. William Page, guilty of the said deaths, [was] outlawed elsewhere in Bradeford Hundred. . . .[2] Herbert, now accused of the said deaths and of larceny, does not come. The jurors say that he is not guilty. So he is acquitted and may return if he wishes.

m. 31[3]]

304. Concerning purprestures etc., they say that Edward le Wag' made a purpresture in Lye and built a cottage.[4] The sheriff is told *to take* the purpresture into the King's hand, and Edward is in *mercy* for the offence.

305. William Page[5] and Thomas his brother were taken for threatening to burn down the houses of Richard of Daneys'. They were in Salisbury gaol in the time of Nicholas of Haveresham, then sheriff. Nicholas does not answer for them, so to *judgement* on him etc.

306. Concerning the withdrawal of suits etc., they say that the precentor of Salisbury, the parson of Westbur', has a tithing which withdraws itself from suit of the Hundred of Westbur'. So let the aforesaid tithing be distrained to do the suit as it used to do of old. It is testified that the tithing does not permit itself to be judged by the said Hundred.[6] So a *discussion* about this.

[1] Not identified. Farleigh Hungerford, in Somerset, is possible.
[2] Three words illegible; the bottom of m. 30d. is badly rubbed and part of 303 is legible only by artificial means. For more of Page see 147, above, and 305, 327, below.
[3] A short membrane, with blank dorse, and until recently not numbered.
[4] *borda*.
[5] For more of William Page see 147 and 303, above, and 327, below.
[6] *non permittit se justiciari per dictum Hundredum*.

It is presented that John Pypping', Roger le Berch', Roger son of Richard Berk', Peter of Chaudefeud [and] Walter son of Richard Oslak' give, each of them, two capons yearly to the precentor of Salisbury at Westbur' for having warranty of the precentor, on which pretext they do not permit themselves to be judged by the Hundred. They themselves are not of the tenure of the precentor nor do they hold anything of him. John and the others come and fully admit this. So *let them be taken into custody* and to *judgement* on the precentor etc.

m. 32]

THE HUNDRED OF WERMINISTR' COMES BY TWELVE

307. From Godfrey Waspayl and his fellow twelve jurors for a fine before judgement—*100s.*

308. A horse running through the town of Wermenystr' trampled under foot Christiana the three year old daughter of Sweyn. and she died. The first finder comes and is not suspected. Judgment: misadventure. The price of the horse: *5s.* (*Deodand*), whereon [etc.].

309. Parnel of Neuton', who appealed Robert de Waus, Thomas le Messer, Edward of Schorston', William of Schorston', William Griffyn. Richard his brother, Philip the cobbler and Alan le[1] Mathere of battery etc., does not come. So *let her be taken* and her pledges for prosecution are in *mercy*, namely Walter the smith of Norton' and Nicholas Bastard of the same. Robert and the other appellees do not come. They were attached by the tithings of Gaudinus de Albo Monasterio and of the prebend in the town of Wermenistr', so they are in *mercy*.

310. Edith daughter of Richard de Wytewell' comes and appeals William le Escot of Wermenistr' of rape etc. William does not come and he was attached by Godfrey de Welle the tithingman of Wermenystr', so he is in *mercy*. It is testified that William lay with Edith but he did not violate her because she was already known to him.[2] So *let* William *be taken* for the offence.

Later it is testified that he is a thief, so *let him be exacted and outlawed*. He was in the tithing of William Manuduyt in Wermenystr', so it is in mercy. His chattels: *5s.* whereon [etc.].

311. The same Edith appeals Alice daughter of Thomas the reeve of

[1] *de* expunged.
[2] *quia fuit precognita.*

335. Evildoers unknown came by night to the house of William Champeneys, broke into the house, killed Gunnilda his daughter and carried away the goods found there. It is not known who they were. The townships of la Kote, Hurdescote, Wanberge and Ludinton' did not come fully to the inquest etc., so they are in *mercy*. Nicholas of Haveresham, then sheriff, made no attachment, so he is in *mercy*.

Later it is testified that Nicholas de Molendino, William le Daneys and Nicholas' servants Matthew and Robert were attached for the death by the coroner. They come and deny the death and put themselves on the country. The jurors say they are not guilty, so they are acquitted.

336. Thomas Chauler was torn to pieces by the wheel of Ludinton' mill. The first finder comes. No one is suspected. Judgement: misadventure. The price of the wheel: 3*s.* (*Deodand*) whereon [etc.]. The townships of Cheselden', Ludinton [and] Wyk' did not come to the inquest etc., so they are in *mercy*.

337. Robert son of Peter of Baddebur' and John de Curmurvill' accused of the death of Adam son of William of Aldelunde do not come. The jurors say that Robert is guilty, so *let him be exacted and outlawed*. He was in the tithing of Baddebyr', so it is in *mercy*. His chattels: 2*s.*, whereon [etc.]. They say also that John was together with Robert in killing Adam and is equally guilty, so *let him be exacted and outlawed*. He was not in a tithing, being free. He had no chattels. The townships of Limppenworth,[1] Cheselden', Burithorp and Ludinton' did not come fully to the inquest, so they are in *mercy*.

338. Simon Ruffus and Henry Cole of Brome were driving twenty seven stolen sheep so that Simon was taken at Lamburn' and hanged there. His chattels: 17*s.*, whereon [etc.]. Henry fled. The jurors say he is guilty, so *let him be exacted and outlawed*. He was in the tithing of Brome, so it is in *mercy*. He had no chattels.

339. Geoffrey the smith of Chesden' and Walter of Hauteworth' were at Spersholt in Berkshire and, in a quarrel between them, Geoffrey killed Walter and fled at once. The jurors say he is guilty, so *let him be exacted and outlawed*. He was in the tithing of Cheselden', so it is in *mercy*. His chattels: 20s., whereon [etc.].

340. Evildoers unknown came by night to the house of Ralph of Hyneton' in Hyneton' and robbed Ralph. It is not known who they

[1] Not identified.

327. William Page and Roger le Messer [are] accused of the death of Christiana of Hewode and Isabel her daughter. Roger comes and denies the death and for good [etc.]. The jurors say he is not guilty, so he is acquitted. William Page does not come. The jurors say he is guilty, so *let him be exacted and outlawed*. He was not in a tithing, but was harboured in the town of Bradeford', so it is in *mercy*. His chattels were in Bradeford' Hundred, so let it be inquired more fully there. Afterwards it is testified that he had no chattels.[1]

328. Concerning defaults, they say William Ludduc, Absolom of Norhton', sick,[2] Richard son of Henry of Wermenistr', Walter Lestre, Roger Wygod, Richard Skyder, Robert Hurtand, William Pydeman, William de Stanton' and Ralph of Stratton' did not come on the first day. So they are all in *mercy*.

329. John Cok of Corsl' [and] John of Hemewell', accused of larceny, do not come. The jurors say they are guilty, so *let them be exacted and outlawed*. They were in the tithings of Nortton' and Corsl' which are therefore in *mercy*. They had no chattels.

330. Swen Catel of Wermenistr', accused of larceny, does not come. The jurors say he is guilty, so *let him be exacted and outlawed*. He was in the tithing of Wermenistr', so it is in *mercy*. His chattels: *half a mark*, whereon [etc.].

331. William Scot, accused of larceny, does not come. The jurors say that he is guilty, so *let him be exacted and outlawed*. He was in the tithing of Wermenistr', so as before. He had no chattels.

332. Walter Pede, accused of larceny, does not come. The jurors say he is guilty, so let *him be exacted and outlawed*. He was in the aforesaid tithing etc. He had no chattels.

m. 33]

THE HUNDRED OF THORNHULL' COMES BY TWELVE

333. William Tan and Geoffrey Folyot, two of the twelve jurors, did not come, so they are in *mercy*.

334. From Roger le Grant and his fellow twelve jurors for a fine before judgement—2 *marks*.

[1] *Cf.* 147, 303 and 305; but in the first he had chattels.
[2] This word was written at the same time as the rest of the entry.

denied having found the money.[1] Then, at the merchant's plaint,[2] Peter and Roger were taken and imprisoned in William's prison and by compulsion[3] confessed that they had found the money and carried it away and hid it in the field, and they showed the money to William Mauduit's bailiffs. Those bailiffs received 40s. from the merchant and returned him his 40 marks as his chattels. They say that they received the 40s. for an amercement into which the merchant had fallen for not making sufficient suit against Peter and Roger.[4] William Mauduit is present and fully admits that Peter and Roger were taken and detained in his Court with the 40 marks with the mainour.[5] He says that he has the liberty of imprisoning thieves and of condemning and convicting them in his Court and of hanging them from his gallows. He fully admits that his bailiffs dismissed Peter and Roger from his Court and sent them to the King's gaol in Salisbury Castle, doing no judgement on them.[6] So it is held that the said liberty *be taken* into the King's hand. and to *judgement* on the Court which took the theft from[7] Peter and Roger, not doing them justice. Let Peter and Roger be taken. Afterwards. William Maudit comes and makes a fine of *20 marks* for his liberty.

324. John Paris. Robert Hoveles [are] accused of stealing baconers in the parson's house of Duninton' [and] John Falledewe and John Scillebybir, [are] accused of sheep stealing. All [come] except John Scillebybir and for good [etc.]. The jurors say they are not guilty, so they are acquitted. They say also that John Scillebybir is guilty, so *let him be exacted and outlawed*. He was in the tithing of Duninton'. So it is in *mercy*. He had no chattels.

325. Adam le Jovene of Sutton', accused of sheep stealing and taken to Salisbury gaol, escaped from the gaol in the time of Nicholas of Haveresham then sheriff. So let [Nicholas] answer for *escape*. The jurors say he is guilty, so *let him be exacted and outlawed*. His chattels: *half a mark*, whereon [etc.].

326. The widow Maud of Emewell' accused of harbouring thieves, does not come. The jurors say she is guilty, so *let her be exacted and waived*. She had no chattels.

[1] *expresse diffitebantur.*
[2] *querimonia.*
[3] *per compulsionem.*
[4] *quod insufficienter sequebatur versus predictos. . . .*
[5] *cum manu opere.*
[6] *nullum inde faciendo judicium.*
[7] *curia que seperavit latrocinium de predictis P. et R. nullum inde faciendo judicium.*

are in *mercy* because they did not produce [before the Justices] those whom they had pledged.

319. Richard Pyolf of Wermenistr', accused of stealing eight sheep which merchants by chance left outside the town of Wermenystr', comes and denies all and for good [etc.]. The jurors say he is not guilty. So he is acquitted. But they say that Ralph le Furt' stole those sheep and fled at once, so *let him be exacted and outlawed.* He was in William Mauduit's tithing, so it is in *mercy*. His chattels: 100*s*., whereon [etc.]. It is testified that Osbert le Kyver of Wermenistr' indicted Richard out of hatred and malice .So *let him be taken.*

Later he comes and makes a fine of 20*s*. by the pledges of John de Vernun and Thomas of Somborn'. William de Radene and William Lok of Somerset took some of Ralph's chattels, so they are in *mercy*.[1]

320. Hugh Dudding' of Purteworth and Walter Wawe of the same, accused of larceny, come and deny all and for good [etc.]. The jurors say they are not guilty, so they are acquitted.

321. Robert le Franc of Donyton' and his son William, accused of stealing a cow, come and for good [etc.]. The jurors say they are not guilty, so they are acquitted.

m. 32d]

322. Agnes Tuppel of Wermenystr' by misadventure struck a six-months'-old boy, William son of Michael the vintner, with an axe so that he died at once. Roger le Wodeward was then there and fled from fear. The jurors say that no one is guilty of the death besides Agnes, so Roger may return if he wishes. Agnes put herself in the church and *abjured* the realm. No chattels.

323. It is presented by the jurors that Peter Dwelye and Roger Notte the shepherd of Wermenistr' were taken and imprisoned in the court of William Maudwyt in Wermenistr' for 40 marks which Peter and William found in the saddle bag of a horse wandering in Wermenystr' field; which horse had by chance been let go by a merchant of Bristol'. Peter and Roger found the horse with the money, took the money and left the horse and carried away the money and hid it in a sheep pen in Wermenistr' field. The merchant later finding the horse, with the money gone, came to Peter and Roger and asked for his money back. They

[1] This postea has been added later.

Edward's suit. They were received in the township of Byssubpestre outside the tithing so [the township] is in *mercy*. No chattels.

317. Matthew son of Roger de Myreyefeud appeals John Cusin of Wattel' of the death of his brother Michael. Matthew does not come, so *let him be taken* and his pledges for prosecution are in *mercy*, namely Henry de Was of Haam and William le Porter of Salisbury. John Cusin is in the King's prison at Ivelcestr'.[1] It is therefore ordered that he come etc.

318. The same Matthew appeals of force and aiding Geoffrey Bochyr, Henry de Stokwyke, William de la Mare, John the miller of Wattel', Adam le Wader, Osbert de Ly, Robert Payn, Robert Lilye, Adam Streche, William le Jovene, Robert le Jovene, Ralph le Wodeward, Walter de la Syrmale, John Cusin, Henry of Watel', Gilbert son of Robert le Jovene, Ralph Golfinch and Walter the miller of Watel' etc. They do not come. Geoffrey was attached by William son of Henry of Wermenistr' and Adam le Frankelyn of Corsl'. Henry was attached by Edward Subbe, and William [son] of Henry of Wermenistr'. William was attached by Henry Just of Horingham and Edward Havestye. John was attached by Adam le Wyte of Wyteburn' and Walter Accorman of Corle. Adam was attached by John de Fonte of Wyteburne and Robert le Porcher of the same. Osbert was attached by Walter atte Hewell of Wyteburn' and Walter atte Hurne. Robert Payn was attached by John Newman and Adam atte Worth [both] of Corsl'. Robert Lylyle was attached by Ralph Simon of Wattel' and John le Nywe of Corsl'. Adam Streche was attached by Sampson of Corsl' and Peter le Acorman of the same. William le Jovene was attached by Gilbert Atteworth' of Wattel' and Adam de Boscote of Corsl'. Robert le Jovene was attached by Warin Atteworth' of Wattel and John de la Porte of the same. Ralph le Wodeward was attached by John le Messer of Wattel' and John the miller of Corsl'. Walter was attached by Adam son of Gunnilda of Corsl' and John Prat of the same. John was attached by Hugh de la Slo and Thomas de Bosco of the same. Henry was attached by John de Foro of Wermenystr' and William [son] of Henry of the same. Gilbert was not attached because he was outlawed in the County at Matthew's suit. William son of Robert, Ralph Golfinch and Walter le Monner were *outlawed* in the County at Matthew's suit. Their tithings and chattels are not known because they were strangers. They were outlawed in the County for abetting before anyone was convicted of the deed. So it is held that the whole County be in *mercy*. All the other pledges aforesaid

[1] The Somerset County gaol.

Cufaud of abetting, namely that she aided William where he lay with her by force and in robbery took from her a brooch worth eightpence. Alice does not come and was attached by Albert Heter of Sutton' and Gilbert of Samborn', so they are in *mercy*.

It is testified by the jurors that Alice is not guilty, so she is acquitted.

312. Margery who was the wife of John Mete appealed Robert son of Roger Selene of the death of her husband John. Robert[1] was hanged at the suit of Margery before the Justices for Gaol etc. His chattels: 7*s*. 7*d*.. whereon [etc.].

313. Evildoers unknown came by night to the house of Agnes, who was the wife of Robert Bat, in Dunyton'. They broke into the house, killed Juliana her daughter, bound Agnes and carried away the goods found in the house. It is not known who those evildoers were. Robert the deacon of Bunynton'[2] and William de la Dene of Fossinton',[3] accused of the deed, do not come. The jurors say they are guilty, so *let them be exacted and outlawed*. They were not in a tithing, being free. Robert's chattels: nothing. William's chattels: *one mark* whereon [etc.]. The townships of Donynton', Theffynton', Fycherestan', and Babynton' did not come fully to the inquest etc., so they are in *mercy*.

Richard Bat and Agnes were in the said house and were attached to come before the Justices and they come. William de la Dene comes now and denies the death and for good [etc.]. The jurors say he is guilty so etc. (*Hanged*.)

314. Thomas Cole was torn to pieces by the inner wheel of Dunynton' mill. Emma, daughter of Walter Dun, first found him and is not suspected. Judgement: misadventure. Price of the wheel: 2*s*. (*deodand*) whereon [etc.].

315. Two three-year-old boys were found burnt to death in the house of their father Adam de la Slo, who first found them. No one is suspected. Judgement: misadventure. The townships of Wermenistr', Bugel', Wytteburn' and Corsl' did not come fully to the inquest, etc., so they are in *mercy*.

316. Edward Saky appealed Nicholas son of Henry the smith of Corsl' and Luke the man of Osbert Kyngman of Bissuppestre of the death etc. of his brother John the miller. Nicholas and Luke were *outlawed* at

[1] *Johannes*.
[2] Possibly Bapton.
[3] Possibly Teffont.

were. The townships did not come to the inquest etc., because this matter was not presented in the County, so the whole Hundred is in *mercy*.

341. Hugh le Poter and his son Henry, accused of larceny by an approver at London, come and deny all larcenies and put themselves on the country. The jurors say they are not guilty, so they are acquitted.

THE HUNDRED OF KYNEWARDSTUN' COMES BY TWELVE

342. From Roger of Clafford and his fellow twelve jurors for a fine before judgement—5 marks.

343. Hugh de Ros, who appealed Ralph de Wyhton' in the County of premeditated assault, robbery and wounds etc., does not come. So *let him be taken* and his pledges for prosecution are in *mercy* namely William of Uphavene and William [son of] Adam[1] of the same. Ralph comes. It is testified that he gave Hugh a wound with a staff. So *let him be taken into custody*. Later he is dismissed by the pledges of John Mautravers and Robert de la Mara.

344. The same Hugh appeals Roger[2] de Albo Monasterio of command etc. Roger does not come. He was not attached because he was not found. It is testified that he is not guilty, so he is acquitted.

345. Adam of Borham was accused of allegedly beating[3] Miles son of John de Hore so that he died on the third day. Adam fled at once. The jurors say he is guilty, so *let him be exacted and outlawed*. He was in the tithing of Kenete in Selkel' Hundred, so it is in *mercy*. His chattels: *16s. 8d.*, likewise a year day and waste of a cottage: *3s. 3d.*, whereon [etc.]. The townships of Fyfhyde, Peuesbeye, Mydilton' and Wotton' did not come to the inquest etc., so they are in *mercy*.

346. William de la Hogge, Henry de la Hogge, Walter de Kynntton' and Peter son of Roger were killed by evildoers unknown in Savernak' forest. William de Durnley and his wife Maud first found them, come and are not suspected. No Englishry: so *murder*. John the smith of Ramesbyr', Richard the smith of Haceford', Robert le Somyer and Richard Fond' of Ramesbur were then passing by there. They do not come. They were attached by the tithing of Rammesbur', so it is in *mercy*. The townships

[1] *Willelmus Ade.*
[2] An error for Reynold.
[3] *quod debuit verberasse.*

of Essebyr',[1] Wlfhale, Crofton and Burbache Esturmy did not come to the inquest etc., so they are in *mercy*.

347. Osbert the man of the parson of Peuenes', killed Maud la Nurich' of Peuenes'. He fled at once. The jurors say he is guilty, so *let him be exacted and outlawed*. He was not in a tithing but was of the mainpast of Salon' the parson of Peuens', so he is in *mercy*. *No chattels*.

348. John Harold was found dead in the town of Cnolle. The first finder has died. The townships of Estbedewynde, Froxfeude, Cherlton[2] and Hensete did not come to the inquest etc., so they are in *mercy*. It is testified that [the body] was removed from Rammesbur' Hundred before it had been viewed by the coroner, so Ramesbur' Hundred is in *mercy*.

349. Two strangers travelling through the town of Eston' were shooting arrows in sport so that by misadventure Alice daughter of John was hit by an arrow[3] so that she died eighteen days later. The strangers fled at once. It is not known who they were. The towship of Eston' did not pursue them, so it is in *mercy*.

350. Walter of Rammesbur' pursued Peter of Rammesbur' [who had] a net [?],[4] which he had carried away by stealth, so that Walter, seeing Peter in the field of Hynsete, raised the hue. Peter turning, tried to strike Walter on the head with a hatchet and Walter in defending himself killed Peter. He was taken and imprisoned in Salisbury gaol in the time of Nicholas of Haveresham then sheriff, who comes and says that he was delivered by the Justices for Gaol Delivery etc.

351. An unknown woman was found killed in Mydilton' Lilleborn' field and was removed from the field before the body had been seen by the coroner. So the township of Midelton' is in *mercy*. It is not known who killed her.

352. Evildoers unknown came by night to the house of William Selke in Colingeburn', broke into his house, killed him and his son Michael and bound his wife. It is not known who they were. The townships of Colingeburn' Earls, Colingeburn' Abbots, Everl' and Burbach' did not come to the inquest etc., so they are in *mercy*.

353. Concerning treasure trove, they say that Eveloca daughter of

[1] Probably Chisbury.
[2] Possibly Chilton Foliat.
[3] *sagitata fuit*.
[4] *quodam fyleto*.

Richard Fuel and Avice daughter of Roger the smith found a pitcher in a pit[1] in which pitcher silver was found, as is believed. Roger the smith comes and fully admits that his daughter Avice brought the pitcher to his house and gave it to his wife who is dead. He says that Jordan of Eston' then bailiff of Eston', who is dead, imprisoned [him] Roger for three days without food or drink so that his wife gave up the pitcher to him. He says that he never saw that pitcher.

m. 33 d]

354. Robert de Kynnosre,[2] who appealed Geoffrey Esturmy of felony and breaking the King's peace, does not come. So *let him be taken* and his pledges for prosecution, namely John le Bolt, Michael Pygot and Roger Swetegode [all] of Nerthavene are in *mercy*. Geoffrey does not come because he has died.

355. Geoffrey Sydewyne killed John le Maures and fled. The jurors say he was outlawed at the suit of Felicity his [John's] wife. He was in the tithing of Sandeborn',[2] so it is in *mercy*. His chattels: 16d., whereon [etc.].

356. Thomas Skayl of Manyton', Hugh Gosmanger of Rokel', accused of stealing foals; Alan Struphatte [accused] of sheep stealing; Peter the carter, William Blanchard of Derls', John son of Roger of Durles, accused of housebreaking; William Bluche accused of sheep stealing; Fabian Bouchir accused of sheep stealing; Edith Balle accused of housebreaking [and] Eve her mother who harboured her; John Drake, Ralph Buus, accused of housebreaking; William Belkebaton', Gilbert Hayward of Chilton', John Paye [and] William Beverech', accused of stealing sheep; Sybil Donncwe accused of housebreaking; Godfrey Peliparer [and] William Dedelowe, accused of the same; William Putel, William Blanchard of Colingeburn' [and] John Rydeler, accused of larceny; William Joke [and] Peter Newman[3] accused of larceny; and Adam the cobbler of Burbach, accused of housebreaking: do not come.

The jurors say that William Blanchard of Colingeburn' and John Rydeler are not guilty, so they are acquitted and may return if they wish. They say that all the others are guilty, so *let them be exacted and outlawed*. Thomas Skayl and Hugh Gosmangere were in the tithing of

[1] *in quadam fovea*.
[2] Not identified.
[3] *Novus*; he is later called *Newman*.

Rokel' in Selkel' Hundred, so it is in *mercy*. They had no chattels. Alan [Struphatte] was in the tithing of Suthcote in Peues', so it is in *mercy*. No chattels. Peter the carter, William Blanchard [of Derls], John son of Roger, William Balch', Fabian [Bouchir], Peter Neweman and Adam the cobbler, were in the tithing of Burbach' Sturmy. So it is in *mercy*. Peter's chattels: 2s., whereon [etc.]. John's chattels: 4s., whereon [etc.]. Peter Newman's chattels: 3s., whereon [etc.]. William Balch, William Banchir, Fabian and Adam the cobbler had no chattels. Edith had no chattels. Eve Balle's chattels: 6s., whereon [etc.]. Ralph Bus and John Page were in the tithing of Est Grafton'. So it is in *mercy*. Ralph had no chattels. John's chattels: 10s., whereon [etc.]. Gilbert [Hayward] was harboured in the Honor of Walingeford', so [the Honor] is in *mercy*. His chattels: 2s., whereon let the Bailiff of Walingeford' answer. William Beverech' was in the tithing of Bedewynde, so it is in *mercy*. His chattels: 6d., whereon [etc.]. William Dedeloue was in the tithing of Colingeborn', so it is in *mercy*. His chattels: 11s., whereon [etc.]. William Putel was in the same tithing, so it is in *mercy*. His chattels: 20s. 2d., whereon [etc.]. Godfrey Peliparer was in the tithing of Mydelton', so it is in *mercy*. His chattels: 9s., whereon [etc.].[1]

357. They also say that Richard Edwy is a fugitive for larceny, so let him be exacted and outlawed. He was in the tithing of Grafton', so it is in mercy. His chattels: 12d., whereon [etc.].

358. William Tufhers, accused of larceny, Robert Bonchir, Robert Baudechum, Eve Dunewe, Robert Young,[2] Richard Granger and William le Carpenter, accused of larceny, come and deny all and for good [etc.]. The jurors say that Robert Bonchir, Eve Dunewe, Robert Young, Richard Grancher and William le Carpenter are not guilty. So they are acquitted. But they say that William Tuffers and Robert Baudechun are guilty. So to judgement etc. (*hanged*). William's chattels.[3]

359. Concerning defaults, they say that Simon de Montfort, the abbot of Hyde, the abbot of Cyrencestr', the prior of St. Swithuns in Winchester, Robert le Mucegros, Thomas of Winchester, Alan son of Warin. William le Sauvage, Hugh de Ros, John de Nova villa, William Camerarius [and] Robert de Ros did not come on the first day. So all are in *mercy*.

[1] Nothing is said of the tithings and chattels of John Drake, William Belkebaton', Sybil Donncwe and William Joke.

[2] *Juvenis*.

[3] The entry is incomplete.

THE BOROUGH OF BEDEWYNDE[1] COMES BY TWELVE

360. From Robert Godman[2] and his fellow twelve jurors for a fine before judgement—20*s*.

361. John Freke killed John Alywyne and fled at once to Bedewynde church, admitted the deed and abjured the realm. He was in the tithing of the prebend of Bedewynde. So it is in *mercy*. His chattels: 20*s*., whereon let the bishop of Salisbury answer.

362. Concerning exchanges, they say that John the goldsmith of Bedewynde holds an exchange. So *let him be taken*.

363. William Pynnok of Bedewynde and Ralph Austin of the same, accused of housebreaking, and Robert Beverech' of the same, accused of stealing sheep, do not come. The jurors say they are guilty, so *let them be exacted and outlawed*. They were in the said tithing of Bedewynde, so as before. No chattels.

364. Concerning wines sold contrary to the assize, they say that, Nicholas le Hay of Sutht' sold wine contrary to the assize. So he is in *mercy*.

THE HUNDRED OF SELKEL' COMES BY TWELVE

365. Walter le Bud was appealed of rape before the Justices otherwise itinerant in this County [in 1241], by Agnes of Catecumbe who appealed him of the rape of her body, so that Robert was not then found before the Justices. It was testified by the Jurors that he was alleged to have raped her[3] [so] it was commanded that he be exacted and outlawed in the County. Walter afterwards came into the County in the time of Nicholas of Haveresham then sheriff. Nicholas dismissed him until the coming of the Justices by the pledges of Walter de Gardino and Hugh Glendy. So to *judgement* on Nicholas and the whole County because it dismissed Walter under such a pledge.[4] Walter de Gardino and Hugh Glendy are in *mercy* because they have not produced him whom they pledged. Let Walter Bud once more be exacted and outlawed. His chattels were confiscated in the other Eyre.

[1] The writer got as far as *Hundredum de Bede*, then erased it and entered the proper heading.
[2] *homo Dei*.
[3] *quod debuit eam rapuisse*.
[4] *sub tali plevina*.

366. Agnes of Okeburn', who appealed William [the] Wodeward of the Prior of Okeburn' of the rape of her body, comes and withdraws her appeal. So let her be taken into custody. Later she is pardoned because poor, nor did she find pledges other than her faith.[1] The jurors say that[2] William[3] did not rape her. So he is acquitted.

367. William le Messer of Berwyk killed Adam the smith's son of Wynterburn', fled to the church and *abjured* the realm. He was in the tithing of Wynterburn' Basset. So it is in *mercy*. No chattels. The townships of Winterburn' Abbots,[4] Wynterburn' Basset, Heinton' [and] Avebir' did not come fully to the inquest etc. So they are in *mercy*. Walter son of Lucy and Richard Waweyn were then there and fled through fear. The jurors say that they are not guilty. So they are acquitted and may return if they wish.

368. Thomas son of Alice de Kenigton' fell suddenly dead from the falling sickness from which he suffered. The first finder, his mother Alice, comes. No one is suspected. Judgement: misadventure. The townships of Wethampton'[5] Heverton, Kenete and Schae did not come to the inquest. So they are in mercy.

m. 34]

369. William of Leycestr' appealed Walter son of Roger of Caune and William of Caune in the County of robbery, wounds and the King's peace etc. He does not come. So let him be taken and his pledges for prosecution are in *mercy*, namely Robert le Clerk of Wetebir'[5] and Adam Godwyn of Heynton'. Walter and William come. The jurors say they are not guilty. So they are acquitted.

370. Richard le Fol killed William of Warwik', the King's huntsman and fled at once to Merleberg' church and *abjured* the realm. He was of the King's mainpast. No chattels.

371. William Purchaz of Richemaneston' killed Maud daughter of Robert the reeve because she would not let him have ado with her.[6] William fled at once. The jurors say he is guilty. So *let him be exacted and out-*

[1] *nisi fidem.*
[2] *non est culpabilis* originally followed and has been struck out.
[3] *Walter* in text.
[4] *Winterburn' Abbatis Glastoniensis.*
[5] Not identified.
[6] *eo quod non permisit ipsum habere rem cum ea.*

lawed. He was in the tithing of Clafford', so it is in *mercy*. No chattels. The township of Richardeston' did not come to the inquest. So it is in *mercy*.

372. Hugh Toneyre struck Peter of Horton' with a knife so that he died on the third day. Hugh was taken and imprisoned in Salisbury gaol in the time of Nicholas of Haveresham then sheriff. Nicholas is present and says that he does not know what became of Hugh. So a *discussion* about this.

373. Reynold le Rus of Heynton' appealed Walter de la Forde and Adam le Pur of robbery and the King's peace etc. He does not come because he is sick. Walter comes. The jurors say that he did no robbery to Reynold. For they say that Reynold let certain land to Walter for a term. Reynold caused the corn from the land to be seized[1] saying that Walter's term had expired. At Walter's plaint[2] Robert de Crumushull' caused Reynold to be summoned[3] to the court of Merleberg' and he held that plea in the court so that at length, because Reynold did not make suit, the said bailiff caused the corn to be valued,[4] so that Walter should answer for its price if Reynold wished to make suit against him. Walter carried away the corn. Because the said bailiff held this plea in his court without sufficient warrant it is held that he be in *mercy*. It is testified that Adam Pur was outlawed in the County at Reynold's suit and since it is established that no appeal of felony was made in the matter it is held that the outlawry be annulled[5] and Adam may return if he wishes. The whole County is in *mercy* for an unjust outlawry.

374. Edith Aufrey comes and appeals William the prior of Avesbir', Walter the prior's nephew, Robert his brother [and] Walter Godard, of her brother's death etc. William the prior, Robert and Walter were imprisoned and afterwards by the King's writ delivered by bail. They were delivered to: William de la dale of Wynterburn', John Barbast of Kenete, William Walerand of Audeborn', William Cok of Uphavene, Elias of Luttewyk', Richard of Luttewyk', Hugh of Upham, William de Stanbrig', Adam Syward of Kenete, Adam of Rokle, Philip de Ros, William de Hamstall', William Marscall' of Merleberg', Thomas Wade of the same, Robert Blamchevill', Sampson of Berewik', Walter Fader of Merlegberge, Roger de Falton', Adam of Evesbir', John Marscall', Richard

[1] *fecit arestari.*
[2] *queremonia.*
[3] *fecit vocare.*
[4] *fecit appreciari.*
[5] *Consideratum est quod utlagaria nulla.*

Funcanyne, Henry Bacheler, Robert de Berwe, Hugh de Crumeshull', Richard de la Sale, Thomas Munty, Walter of Bristoll', John Ysaac, Adam son of Simon, John Vyel, Walter atte Neve, Rowland of Newland,[1] John de Thokeham, Adam le Pestur and John Godman. So, because they did not have them before the Justices on the first day, all are in *mercy*.

William the prior, Ralph [sic] and Robert come and deny the death. The prior declines to answer to this because he is a clerk. He is delivered to the Bishop's official who seeks him as a clerk. (*c* or *t*.) Ralph and Robert for good [etc.]. The jurors say they are not guilty for they say that John was sick for a long time and died from his natural infirmity. So William the prior and the other appellees are acquitted.
Afterwards the prior comes and makes a fine of 40 marks for his pledges [and those] of the other appellees, by the pledges of William de Hardevill'. Nicholas de Hampton', Robert Pypard, Adam Pulton', Hugh of Upham and William Marscall of Merleberge.

375. A ditch was found newly dug in Maninton' field, in which treasure was found as is presumed. An inquest was held by the coroner but he was unable to find out[2] who dug the ditch or about any treasure found in it. So *let it be enquired* more fully.

376. Christiana of Stotecumbe was found drowned in Stottecumbe. The first finder comes and is not suspected. Judgement: misadventure. The townships of Myldehale', Stotecumbe, Pulton' and Audeborn' did not come fully etc., so they are in *mercy*.

377. A stranger was found drowned in Deneford.[3] The first finder has died. No Englishry: so *murder* upon Myldehale, because it does not take part with the Hundred.

m. 34d]

378. John of Kenete, Robert Sarp [and] Thomas Mut of Yttesbur' killed Roger, son of Roger the fisherman, in the King's warren outside Merleberg'. They fled at once. The jurors say they are guilty. So *let them be exacted and outlawed*. They were in the tithing of Yttesbur'. So it is in *mercy*. They had no chattels. Roger's sister Alice first found Roger. She does not come nor could she be attached because of the prior of

[1] *de nova terra.*
[2] *sed non potuit inquiri quis . . . fecit nec de aliquo . . . invento.*
[3] Possibly a ford near Durnsford mill.

Winchester's liberty, so *let* the liberty *be taken* into the King's hand etc. The townships of Hoverton' and Fyhyde did not come to the inquest etc. So they are in *mercy*.

379. Osbert le Forester appealed Alan le Vacher of Roger of Danesye of battery and the King's peace etc. He does not come. So *let* him *be taken* and his pledges for prosecution are in *mercy*, namely Ralph Godgrom of Avebyr and Walter Quinch of Codecumbe.[1] Alan does not come and he was attached by William [son] of Aylwyn of Danesye and John of Essex' of the same etc. (*mercy*).[2]

380. Concerning escheats etc., they say that Robert le Juvene holds a hide of land with appurtenances in Hokeburn' of the Normans' lands. It is not known by what warrant [it is held] and it is worth 20s. a year. Because the warrant of the tenant is not known it is ordered that the land *be taken* into the King's hand etc.

381. Hayne of Wyrecestr', taken for the death of Vincent of Kenete, was delivered by the bailiff of Merleberg' castle to the gaol of Salisbury castle in the time of Nicholas of Haveresham, then sheriff, and escaped from the gaol. So let Nicholas answer for *escape*. It is testified by the jurors that he is guilty. So *let him be exacted and outlawed*. He was harboured in Burbach' outside the tithing. So [the township] is in *mercy*. No chattels.

382. William son of Sarah of Clafford, accused of stealing lambs, [and] Robert Sorp, accused of the death of Roger Fulfys, do not come. Enough is said above about Robert.[3] It is testified that William is guilty. So *let him be exacted and outlawed*. He was in the tithing of Clafford'. So it is in *mercy*. His chattels: *15s. 2d.*, whereon [let] Robert le Mucegros, keeper of Merleberg' castle [answer].

383. Concerning defaults, they say that the tithing[4] of Bechampton', the tithing[4] of Monk's[5] Wynterburn', Reynold de Moun, the abbot of Stanleg', the prior of Winchester, Peter of Kenecke, Hugh de Dol and Robert de Holte did not come on the first day. So all are in *mercy*.

384. William Langbetere, John le Goder, Dusa of Maninton', John Hunfrey of Audeborn' and John le Franceys of Upham [are] accused

[1] This might be Catcomb or Stitchcombe.
[2] This may refer to either the pledges for prosecution or the attachments for appearance, or both.
[3] See 378, above.
[4] *Tethynga* instead of the usual *Decenna*.
[5] *Monachorum Glaston'*.

of larceny. William Langebetere [and] John le Cuder come and deny all and for good [etc.]. The jurors say that William is not guilty. So he is acquitted. But they say that John is guilty. So to judgement etc. (*hanged*). His chattels: 8s., whereon [etc.]. Dusa of Maninton', John Hunfrey and John Franceys do not come. The jurors say they are guilty. So let them be exacted and outlawed. They were in the tithing of Dudingborn', so it in *mercy*. They had no chattels.

m. 35]

THE HUNDRED OF STODFOLD COMES BY TWELVE

385. Adam le Bel comes and appeals Peter Griffyn in that, as Adam was in the town of Herchefeud and there held in his right hand Hugh de Mara his nephew, on Wednesday next before Whitsun in the 32nd year [3 June 1248], after nones, Peter came wickedly and in felony and with premeditated assault and against the King's peace, with Adam le Lechur, John le Mouner and others. There Peter, wickedly and in felony, commanded Adam le Lechur to kill Hugh, so that Adam le Lechur at Peter's command struck Hugh de Mara on the head with a staff[1] so that he died the same day about vespers; whence Adam le Lechur was afterwards convicted and hanged. That Peter, wickedly and in felony and in all ways as aforesaid, commanded Adam le Lechur to kill Hugh, he offers to prove by his body, etc., as the Court shall award.

Peter comes and denies the death, command and whatever is against the King's peace. He asks that it may be allowed him that Adam has departed from the form by which he appealed him in the County, because he says that in the first appeal in the County he [Adam le Bel] said[2] that Adam le Lechur allegedly[3] struck Hugh de Mara before the hour of prime. It is established by the rolls of the coroners that Adam le Bel in his first appeal in the County spoke about the hour of prime. It is therefore held that the appeal be null and let Adam le Bel be taken into custody for his false appeal.

Let the facts be inquired into by the country. Peter puts himself on the country that Adam le Lechur did not strike Hugh at his command nor was he [Peter] there where he struck him. He puts himself fully on the country excepting his enemies.[4] The jurors say that a certain beast

[1] *tynellus.*
[2] *narravit.*
[3] *debuit percussisse.*
[4] *Plenarie ponit se super patriam exceptis cum inimicis suis.*

was hunted by force up to the town of Herchesfunte, which beast was skinned by a certain serjeant outside the town of Herchefunte. He sent one limb of the beast to the serjeant of the town by a groom, namely William the man of Richard the serjeant of Herchesfunt. They say that Hugh de Mara, John de Stok' and Adam le Bel came upon William the groom carrying the limb, and because the groom did not allow the limb to be taken from him, Hugh de Mara struck the groom many times on the head with a bow so that he felled him to the ground. John de Stokes seized the limb. The groom raised the hue to which hue came the said Peter, Robert of Poterne, John le Moyner, Geoffrey le Bole [and] Adam le Lechur. Robert of Poterne seized Hugh de Mara by [his horse's] bridle and Hugh struck him many times on the head so that Robert cried out, to which clamour, came Adam le Lechur and at Robert's command struck Hugh in the head with a staff[1] and John le Mouner struck him on the head with a peel.[2] Geoffrey le Bole dragged him from his horse and maltreated him so that he died in the evening. And they say that Peter came up to John de Stoke, who was carrying the limb, to rescue the limb from him. Adam le Bel coming to help John seized Peter in his arms. Peter raised a clamour shouting 'strike, strike'. They say well that after Peter was released from John and Adam le Bel he raised no hue nor made any pursuit after those who had killed Hugh. They say rather that Hugh's fellows were impeded by Peter, by which they were less able to help Hugh, whence they say that Peter himself is guilty of the said death. So to judgement etc. (*Hanged*). Peter's chattel's, with a year day and waste: *53s. 6d.*, whereon [etc.] (*t*).

386. Philip de la Provendre one of the twelve jurors [is] in *mercy* for a great offence. Later he makes a fine of *one mark* by the pledge of William le Droys.

387. Thomas de Mara, William de Mara, Robert de Mara [and] Simon of Lavinton' appealed in the County Adam le Lechur, John le Mouner, Robert of Poterne, Geoffrey le Bole, William Pandulf the chaplain and Ralph nephew of the dean of Erchisfunte of the death of Hugh[3] de la Mare etc. They do not come. So *let* them *be taken*, and their pledges for prosecution are in *mercy*. Thomas' pledges: John of Langeford and Clement of Odestok'. William's pledges: Richard of Hokeseye and Robert and Peter of the same. Robert's pledges: William de Torny and John de Chereburg'. Simon's pledges: William de Wrkel' and Matthew

[1] *tynellus.*
[2] *pelus.*
[3] The text has *Robert* but clearly the Hugh de Mara of 385 is referred to.

of Bymerton'. Adam le Hole[1] was *outlawed* in the County for the said death. He was in the tithing of Herchesfunte. So it is in *mercy*. His chattels: 33*s*., whereon [etc.]. John le Mouner was hanged for the death. No chattels. Robert of Poterne and Geoffrey le Bole were *outlawed* in the County for the death and were in the tithing of Erchesfunte. So as before. Robert's chattels, with a year day and waste: 8 *li*. 18*s*. 2½*d*., whereon [etc.]. Geoffrey le Bole's chattels: none. The King's year of Robert's land lasts until Ladyday, for which term John de Moles makes a fine of *one mark* by the Sheriff's pledge. Adam le Lechur's chattels with a year day and waste: 36*s*. 4*d*., whereon [etc.]. William Pandulf and Ralph the dean's nephew come and deny the death. Because they are clerks they decline to answer thereto. So let them be delivered to the Bishop's official who seeks them as clerks. Let the fact be inquired into by the country. The jurors say they are not guilty. So they are acquitted.

388. Rober le Careter and Nicholas Bidecok' were found killed by evil-doers unknown on Keneke downs. The first finder, William Hunfr', comes and is not suspected. It is not known who killed them. No Englishry, so *murder*. The townships of Hereden',[2] Chirinton', Keneke and Wedhampton' did not come to the inquest. So they are in *mercy*.

389. Lucy of Stokes, accused of the death of William of Stokes her husband, whom she is alleged to have killed by poisoning[3] as is said, comes and denies the death and for good [etc.]. The jurors say she is not guilty. So she is acquitted. Because the jurors concealed this affair they are in *mercy* for concealing etc.

390. Adam Dunning' of Wyvelesford and John his son, accused of the death of John le Roter, do not come. The jurors say they are guilty. So *let them be exacted and outlawed*. They were in the tithing of Wyvelesford. So it is in *mercy*. Adam's chattels: 33*s*. 8½*d*., whereon [etc.]. John has no chattels. Denise, John's aunt,[4] was then present where Adam and John killed John, and she fled through fear. The jurors say she is not guilty, so she may return if she wishes.

391. Geoffrey son of Warin the reeve was found drowned in a ditch outside Alinton'. His father the first finder comes. No one is suspected. Judgement: misadventure. The townships of Hechelhampton, Can-

[1] Not mentioned in the list of appellees but probably the same as Adam le Lechur.
[2] Harding in Great Bedwyn.
[3] *quem debuit interfecisse per impoisonamentum.*
[4] *Et Dyonisia amita dicti Johannis:* the sense perhaps suggests that she was the aunt of John son of Adam.

ninges, Cotes and Allington' did not come to the inquest. So they are in *mercy*.

392. Concerning defaults, they say that the prior of Winchester, the abbot of Glastonbury [and] Roger of Berewyk' did not come on the first day. So they are in *mercy*.

393. Alice Hors was taken and imprisoned in the town of Pettenye. She escaped (*escape*) from the town's prison and fled to the church and abjured the realm. Later it is testified that she was hanged for larceny.

THE BOROUGH OF LUTEGARESHALE COMES BY TWELVE

394. Thomas Lodesman was found drowned in a well in Merleberg'. The first finder does not come and was attached by Nicholas of Hampton' and Sampson of Berewyk'. The coroner of Merleberg' and Thomas de la Grene, bailiff of the said town, did not attach the finder. So they are in *mercy*. No one is suspected. Judgement: misadventure. The township of Merleberge did not come to the inquest, so it is in *mercy*.

m. 35d]

395. Concerning wines sold etc., they say that Nicholas de Barbeflet' [and] Thomas Martin sold wine contrary to the assize. So they are in *mercy*.

THE BOROUGH OF LUTEGARESHALE COMES BY TWELVE

396. Herbert the oxherd of Lutegaresle, taken for the death of Miles the carter, comes and defends the death and for good [etc.]. The jurors say that he is guilty. So to judgement etc. (*Hanged*). No chattels.

397. Concerning ladies etc. They say that the lady of Cet is in the King's gift but they do not know whether she is marriageable or not.

THE BARTON OF MERLEBERG' COMES BY TWELVE

398. Edith of Merleberg' was found drowned in the fishpond[1] of Merleberg'. The first finder does not come, having died. No one is suspected. Judgement: misadventure. The townships of Pulton', Okeborn', Hylde-

[1] *vivarium.*

hale[1] and the Barton of Merleberg' did not come to the inquest etc. So they are in *mercy*.

399 A. The jurors present that Nicholas de Barbeflet raised a ditch in the King's demense, namely where the villeins of the King's Barton used to have their common. It is therefore ordered that the ditch be viewed and overthrown if it be raised to the damage of the villeins. Nicholas is in *mercy* for an offence. Later Nicholas comes and says he has a warrant from the King.

399 B. Likewise Nicholas raised a ditch close to the King's street[2] two furlongs long, to the damage of the King's villeins and of his demesne etc. Nicholas comes and says that he is well able to raise the ditch because he says he can build there. He says the the ditch is not to King's damage and asks for an inquest. Let it be inquired etc.

399 C. Likewise Nicholas deforced the King's villeins of their pasture which they used to have in Stolemede meadow etc. It is therefore ordered that the villeins have the pasture as they used to have it and Nicholas is in *mercy* for an offence.

399 D. Likewise Nicholas wasted a pasture with his sheep which pasture used to be assigned to the cattle of the King's villeins so that from Hockday [second Tuesday after Easter] to Martinmas [11 November] no sheep ought to come into the pasture. Nicholas, within this term, depastured his sheep in the pasture to the damage of the King and of his villeins. So it is ordered that the villeins hold the pasture as they used to hold it and Nicholas is in *mercy* for the offence.

400. Robert Dorbeger of Merleberg' altered the course of the water of Keneton',[3] making a purpresture on the King fifteen feet broad and seventy-two feet long. So Robert is in mercy for the offence and let the purpresture be brought back to its original state.

m. 36]

THE BOROUGH OF DEVIZES[4] COMES BY TWELVE

401. From Walter Buchard and his fellow twelve jurors for a fine before judgement—20*s*.

[1] Mildenhall.
[2] *juxto vicum domini regis.*
[3] Kennet.
[4] *Burgus Divisarum.*

402. William Corlyk' killed Adam Guntelyn in Devizes borough[1] and he was taken. He was hanged for the death before the Justices for Gaol etc. No chattels. Walter the forester, Peter Asketil, Alexander Hurburn', William Buncelyn [and] Robert the miller were attached for the death because they were then present where William killed Adam. They do not come and were attached by the tithings of Worton' and Merston'. So they are in *mercy*. The jurors say that none of them is guilty, so they are acquitted.

403. Agnes of Lavinton' was crushed by an old house in which she was lodged in Divis'. The first finder comes. No one is suspected. Judgement: misadventure. The price of the timber: *18d.*, (*Deodand*), whereon [etc.]. The free manor of Divis' did not come fully to the inquest, so it is in *mercy*.

404. William le Cupere fled to Rudes church, confessed to being a thief and *abjured* the realm. He had no chattels and was not in a tithing being a stranger.

405. Geoffrey de Covele put himself in Divis'[2] church, confessed to being a thief, and *abjured* the realm.

406. Concerning churches etc., they say that the King is patron of the Churches of the Blessed Mary and St. John of Divis' and they are worth ten marks yearly.

407. Concerning wines sold etc., they say that William Cachepel sold wine contrary to the assize. So he is in *mercy*.

THE MANOR OF RUDES COMES BY EIGHT

408. Concerning serjeanties, they say that Juliana of Rudes and Peter of Bulkinton' hold three virgates of land by serjeanty of being with the King for forty days in time of war, and it is worth 15s. yearly

409. Concerning churches etc., they say that the Church of Rodes is in the King's patronage and is worth 20 marks yearly.

THE HUNDRED OF SWANBERWE COMES BY TWELVE

410. From Bartholomew de Merton' and his fellow twelve jurors for a fine before judgement—40s.

[1] *Burgus Divisarum.*
[2] *Rudes* was written and deleted.

411. Adam the shepherd of Upavene, appealed Reynold[1] of Bath, Robert Hayward' and Gilbert, Reynold's[2] man, of premeditated assault and mayhem. He comes and withdraws his appeal, so *let him be taken* into custody and his pledges for prosecution are in mercy. Later it is testified that he found no pledge but his faith etc. Reynold[3] and Robert come. The jurors say that Reynold[4] and Robert maltreated Adam but gave him no wounds except dry blows.[5] *So let them be taken into custody*. Later Reynold[6] of Bath *is pardoned* at the instance of Geoffrey de Langel'.

412. A stranger named Robert Turbut put himself in Uphavene church. confessed to being a thief and abjured the realm. No tithing, being a stranger. His chattels: 3*d*., whereon [etc.].

413. Agnes daughter of Beatrice fell from a plum tree[7] so that she died at once. Agnes [sic] her mother the first finder comes and no one is suspected. Judgement: misadventure. The townships of Rustehall', Cherlton', Wyveton' and Uphavene did not come to the inquest etc., so they are in *mercy*.

414. Walter son of Walter de Wyteweya was crushed by a cart laden with poles[8] on Nyweton' downs. Adam his brother the first finder comes. No one is suspected. Judgement: misadventure. Price of the cart and two horses: 14*s*. (*deodand*), whereon [etc.]. Adam Esturmy was then there where Walter was crushed and fled through fear. The jurors say he is not guilty. So he is acquitted and may return if he wishes. The townships of Avene, Fyserston', Wychesford and Nyweton' did not come to the inquest, so they are in *mercy*.

415. Adam son of Agnes struck Adam son of Edith with a knife so that he died on the third day. Adam son of Agnes fled at once. The jurors say he is guilty. So *let him be exacted and outlawed*. He was in the tithing of Wyvelesford, so it is in *mercy*. No chattels.

416. William Curteis of Wyvelesford struck Adam of Hullecote with a knife so that he died at once. William fled at once. The jurors say he is

[1] *Rogerum* was written and partly corrected by turning the o into an *e* but the *er* abbreviation was left unaltered.
[2] *Rogeri*.
[3] *Rogerus*.
[4] Corrected to *Reginaldus* from *Rogerus*.
[5] *nisi obibus* (rightly, *orbis*) *ictibus*, blows which graze or bruise but do not draw blood.
[6] So written without alteration.
[7] *de prunerio*.
[8] *caretata cum virgis*.

guilty. So *let him be exacted and outlawed*. He was harboured in the town of Wyvelesford outside the tithing, so the town is in *mercy*. No chattels.

417. Richard of Rusteshull' fell from a mare and died at once. The first finder comes and is not suspected. Judgement: misadventure. Price of the mare: 10*s*. (*Deodand*), whereon [etc.].

418. Alexander Pullegandre appeals Nicholas Heyward, Humphrey Woderoue and Lawrence Woderoue of battery and he does not come. So *let him be taken* and his pledges for prosecution are in *mercy*, namely William Heyward and John de Godestall'. Nicholas and Lawrence do not come. They were attached by John of the well of Nyweton' [and] Richard Cusin of the same [and by] Jordan of Wyvelesford and Geoffrey Pallig'. So they are in *mercy*. Humphrey and Adam[1] come. The jurors say they have made a compromise. So *let them be taken into custody*. Later they are pardoned, being poor.

419. Isabel, who was the wife of Simon German, was found dead in her bed in Stanton'. The first finder does not come, having died. No one is suspected. Judgement: misadventure. The townships of Wodelestok', Stanton' and Aulton' Priors[2] did not come to the inquest. So they are in *mercy*.

420. William Sprot and Nicholas Chepman were hanged at Wilton' before the Justices for Gaol etc. for the death of William Murmeder whom they killed. William Sprot's chattels: 6*s*.. whereon[3] let the tithing of Aulton Priors answer. Nicholas' chattels: nothing.

421. Robert Barat comes and appeals Peter le Heyward' that in felony he struck him with an arrow so that he knocked out his left eye. Peter does not come nor was he attached because he was not found. The jurors say he is guilty. So Robert is told that he may make suit against him in the County.

422. William Scut killed William le Somunur, and was *outlawed* in the the County for the death. He was a stranger, no tithing or chattels. After the outlawry he was harboured in the house of the widow Christiana of Costeswell'.[4] Christiana was taken for harbouring and imprisoned in Salisbury gaol in the time of Nicholas of Haveresham then sheriff. She escaped from the gaol, so let Nicholas answer for

[1] Adam was apparently omitted before.
[2] *Aulton' Prioris Wyntoniensis.*
[3] *vicecomes respondeat* had been written and deleted.
[4] Not identified, possibly Eastwell.

escape. It is testified that he was harboured in the town of Estwell' after the said outlawry. So *let* the town *be taken* into the King's hand etc. The township of White Nyweton' harboured him before the deed. So it is in *mercy*. The chattels of Christiana the fugitive: *4s. 11d.*, whereon [etc.].

m. 36d]

423. Richard le Spyz was *outlawed* in the County at the suit of Alice daughter of Edith of Maningeford' who appealed him of the rape of her body etc. He was in the tithing of Maningeford'. So it is in *mercy*. His chattels: *3d.*, whereon [etc.].

424. Richard Aleyn appeals John the servant of the chaplain of Stokes[1] of wounds etc. He does not come because he has died. John does not come. He was attached by Gilbert Macecrey and John of Bradeford'. So they are in *mercy*.

425. Concerning wines sold etc., they say that William Scharpe of Uphavene sold wine against the assize, so he is in *mercy*.

426 A. Concerning escheats, they say that Upavene was an escheat of the King. Reynold de Moyun now holds it of Fulk Basset, bishop of London. It is worth 20 li. yearly.

426 B. Likewise Merden' was the King's escheat, of the Norman's lands, and the said bishop holds it of the King. It is worth *15* li. yearly.

427. Concerning serjeanties etc., they say that Hywys is held by the serjeanty of finding a breast plate for forty days when the King is with his army. The bishop of Carlisle has the wardship of the son and heir of Robert Dunyel, lord of the said town, from the King, and it is worth [*blank*].

428. Thomas Rochel, John Blakeman and Walter Quellebriw, accused of larceny, do not come. The jurors say they are guilty. So *let them be exacted and outlawed*. They were in the tithings of Uphavene and Hywys. So they are in *mercy*. Thomas' chattels: *15d.* whereon [etc.]. John's and Walter's chattels: nothing.

429. Concerning the withdrawal of suits etc., they say that Uphaven' withdraws itself from suit of the Hundred and County and that they give the sheriff one mark yearly for this suit. The sheriff says that the

[1] Presumably Beechingstoke.

said mark is the King's rent and not for this suit. So it is ordered that the town of Uphampton' be distrained to make the said suit. The jurors presented this matter falsely, so they are in *mercy*.

THE HUNDRED OF CHELKE COMES BY TWELVE

430. From John Alein' and his fellow twelve jurors for a fine before judgement—2 marks.

431. John of Durneford' comes and appeals Roger Cusin and Geoffrey Cusyn in that, as he was in the King's peace in Eblesburn' field on the morrow of the Assumption in the 28th year [16 August 1244] about the hour of prime, Roger came and Geoffrey with him [and] wickedly and in felony and against the King's peace Geoffrey took from him a cart, loaded with corn, a horse and an iron fork. That Geoffrey did this wickedly etc., he offers etc.

Roger does not come and he was attached by Thomas le Bretun of Heblesburn' and Robert de la Hele of the same, who are therefore in *mercy*. Geoffrey comes and denies the felony and whatever etc., and asks that it may be allowed him that he [John] does not make mention of any certain day nor does he put forward anything etc. So it is held that the appeal is null and let John be taken into custody for his false appeal etc., and let the facts be inquired into by the country.

The jurors say that Geoffrey delivered some of his land to John of Durneford to cultivate in champarty,[1] by a covenant made between them. John, by fraud, allowed the land to lie uncultivated for two years and in the third year he cultivated six acres out of the land.[2] At harvest John came and stealthily carried away the corn without assigning any part to Geoffrey. Geoffrey came where John was carrying away the corn and asked that his part be assigned him. John's wife raised the hue. The bailiff of the abbess of Wylton' took the cart and horse without doing any justice to the parties.[3]

So let the liberty of the abbess be taken into the King's hand, and let the horse and cart be restored to John etc.[4]

432. Nicholas Cucy of Semel' accused of larceny, does not come. The jurors say he is guilty. So *let him be exacted and outlawed*. He was in

[1] *ad colendam ad champartum.*
[2] *excolebat de dicta terra sex acra.*
[3] *ad huc nullum jus partibus faciendo.*
[4] The margin has *t.*

the tithing of Semel'. So it is in *mercy*. His chattels: 12s.,[1] whereon [etc.].[2]

433. Warin the servant of Hugh de Lucy was found dead in Toulard field. The first finder comes. No one is suspected. Judgement: misadventure. The townships of Estgrave, Eston',[3] Crudemere[4] and Toulard did not come to the inquest etc., so they are in *mercy*.

434. Margery daughter of William the reeve was torn to pieces by a colt in Toulard field. The first finder comes and is not suspected nor anyone else. Judgement: misadventure. Price of the colt: 3s., whereon [etc.].[5]

435. Thomas le Clerk struck Robert le Brode with a knife so that he died at once. Thomas fled at once *so let him be exacted and outlawed*. No tithing because a clerk. No chattels. The townships [sic] of Burchelk' did not pursue Thomas. So it is in *mercy*.

436. A woman was found dead on Chelk' downs. The first finder comes. No one is suspected. Judgement: misadventure. The townships of Great Chelke, Stokes, Kenecton' and Fifhide did not come to the inquest. So they are in *mercy*.

437. John Blakpy [and] Robert le Wyte were attached for a certain pit dug outside Chelk', in which pit, as it is said, treasure was found. They do not come and were attached by Philip of Durneford, William le Jay of the same, Adam of Durneford and Thomas Brekebat. So all are in *mercy*. It is later testified that nothing was found in the ditch etc.

438. Robert de Blakemore, Osbert Triphup, John Lulkere, Thomas de la Holeweya [and] Thomas Sukeling', accused of larceny, come and deny all larcenies. They put themselves on the country. The jurors say they are not guilty. So they are acquitted.

439. Nicholas Cocy, Roger son of Thomas, William son of Puppe and William his brother [and] Thomas Brochard, accused of larceny, do not come. The jurors say they are not guilty. So they are acquitted.

440. Concerning treasure [trove], they say that a pit was found in the field of Burclych' on the land of John of Durneford. John came to this pit in the night time with torches burning. [Asked] whether anything

[1] *12d.* in the margin.
[2] The margin has *c* or *t*.
[3] Probably Alvediston.
[4] Presumably an error for Brudemere, now Bridmore.
[5] No deodand noted in the margin.

was found in the pit they say that [something] was found by John but they do not know whether or not anyone else found anything. They say that John, William of Gerardeston' his servant, John Blampy, Adam Scult, Stephen Bree, William Scriphayn [and] William of Brudemere were imprisoned on account of the ditch. And for a fine of five marks, which they made to Nicholas of Haveresham then sheriff, they were delivered without any judgement. Nicholas is present and cannot deny this. So he is in *mercy*. *Let* John and the others who are present *be taken into custody*. Later John of Durneford comes and makes a fine for himself and the others who were committed to gaol of *40s.*, by the pledges of Humphrey of Chyppham and Reynold of Hasleg'.

This fine is also for the amercement into which he fell in the appeal with Roger Cusyn as above.[1]

441. Everard of Cumpton' was arrested in the County with thirty seven sheep.[2] He confessed to being a thief and became an approver and later withdrew himself from the appeal. Nicholas of Haveresham, then sheriff, had him hanged.[2] So to *judgement* on him who hangs an approver. There were left with the sheriff twenty two sheep to the value of *18s.*[3] whereon let Nicholas answer. Nicholas de Cucel deraigned in the County fifteen sheep against Everard etc.[4]

442. Concerning defaults etc., they say that the lady abbess of Wilton', John Verdun of Stokes, Isambert de Funteynes and Robert of Seles did not come on the first day before, etc. So they are in *mercy*.[4]

m. 37]

THE HUNDRED OF MELKESHAM COMES BY TWELVE

443. From Henry of Wadden' and his fellows for a fine before judgement—*20s.*

444. Nicholas Cok and his wife Isabel and his two daughters were found killed in Nicholas's house in the town of Wevemere. The first finder William Brok comes and is not suspected. Richard le Waleys, Richard his father, Roger Faukes, Nicholas Doggerel, Maud of Rodes, William Hogel, William of Semeleton', William Lende, Juliana of Wlvemere, Roger Persone, William Canun[5] and Alice daughter of

[1] See 431, above. This sentence was added later.
[2] See 519, below for his chattels.
[3] *18d.* was originally written and then altered to *s.*; the margination is *18s.*
[4] The margin has *c* or *t* against these entries.
[5] See 453 for William.

Juliana were imprisoned for the death, and afterwards delivered by the Justices for Gaol etc. Richard le Waleys, Richard his father, Roger Faukes, William Hocgel and William Lude do not come. The jurors say that all are guilty except William Lude. So he is acquitted. *Let* all the others be *exacted and outlawed*. Richard le Waleys is dead. Richard his father was not in a tithing nor did he have chattels, being a stranger. Roger Faukes was in the tithing of Rudes. So it is in *mercy*. No chattels. William Hucgel was in the tithing of Kymele. So it is in *mercy*. No chattels. Maud of Rudes, accused of the said death, comes and denies all and puts herself on the country. The jurors say she is not guilty. So she is acquitted.[1]

445. Christiana Sprot, accused of a certain merchant's death, comes and denies all and for good [etc.]. The jurors say that Christiana's husband, Walter Sprot, was hanged for this death and they say that Christiana did not take part unless by the compulsion of her husband and her fear of him.[2] So she is acquitted. Walter's chattels were answered for before the Justices *coram Rege*. Later they offer 27*s*. 6*d*. for his chattels, whereon [etc.].

446. William of Hereford, taken with a stolen tunic, comes and says that he found the tunic and was taken. He was taken in flight. So to judgement on him. (*Hanged*). No chattels.

447. Adam Hereman was found killed in Melkesham forest. The first finder comes and is not suspected. No Englishry: so *murder*. The townships of Bulcigton', Melkesham, Wadden' and Stok' did not come to the inquest etc. So they are in *mercy*.

448. Henry son of Roger of Legh' comes[3] and appeals Robert Page, Robert Waweyn, Walter his brother [and] Hugh le Moner of robbery and battery and the King's peace. He does not come. So *let him be taken*, and his pledges for prosecution are in *mercy*, namely the tithing of Melkesham. Robert Page does not come nor was he attached. Robert Waweyn, Walter and Hugh come and deny all. The jurors say that Robert Page gave Henry a wound in the head and Robert Walweyn, Walter and Hugh were abetting and aiding. So *let them be taken into custody*. Later they come and make a fine of 20*s*. by the pledge of Henry of Wadden'.

449. Concerning wines sold contrary to the assize, they say that

[1] Although *misericordia* occurs only twice in the text it is marginated thrice.
[2] *non fuit consenciens nisi invita per compulsionem et timorem viri sui.*
[3] Apparently written through force of habit, since Henry did not come.

William Drapar' of Melkesham sold wine contrary to the assize. So he is in *mercy*.

450. Ralph le Chauf of Berkshire put himself in Troubreg' church for false money and *abjured* the realm. He was a stranger, so no tithing. Chattels: 9*d*., whereon [etc.].

451. Thomas le Fox and William his son, accused of larceny, do not come. The jurors say they are guilty. So *let them be exacted and outlawed*. They were in the tithing of Stokes. So it is in *mercy*. Their chattels: 20*s*., whereon [etc.].

452. An unknown woman was imprisoned in the town of Bulkynton' and was afterwards delivered by the Justices for Gaol etc.

453. William Canun[1] put himself in Brug' church, confessed to being a thief and *abjured* the realm. He was in the tithing of Wlvemere. So it is in *mercy*. His chattels: 6*s*., whereon [etc.].

454. William son of Roger was crushed by the wheel of a cart so that he died. The first finder comes. No one is suspected. Judgement: misadventure. The price of the cart: 3*s*. (*deodand*), whereon [etc.].

455. Juliana de la Bytherne who appealed Richard son of Maynard of rape does not come etc. So let her be taken and her pledges for prosecution are in *mercy*, namely William Spake and Clement de Aqua of Semelton'. Richard does not come and was [not] attached because he was not found.

456. Concerning defaults etc., they say that Humphrey de Scovill', Roger de Syverewast, John of Cromhall', Moses of Paulesholte, Ralph Lovel [and] Ralph the frank[2] of Bulkynton' did not come on the first day. So they are in *mercy*.

THE HUNDRED OF AILWARBYR' COMES BY TWELVE

457. From Richard of Muleford and his fellow twelve jurors for a fine before judgement—2 *marks*.

458. Margery la Grasse of Alwarbyr' hanged herself in her house. The first finder comes. No one is suspected besides Margery. Judgement: felonia de se ipsa. Her chattels: 3*s*. whereon [etc.]. The townships of

[1] He was among those indicted in 444, above.
[2] *franciscus*.

Wesgrimstede, Wadden', Muleford and Alwarbyr' did not come to the inquest, so they are in *mercy*.

459. Edith daughter of Robert Culney appealed Gilbert[1] of Puteney of rape. She does not come. So *let her be taken* and her pledges for prosecution, namely Robert Culney of Laverkestok' and Gilbert le Paumer of Putton' are in *mercy*. Gilbert comes. The jurors say he did not rape her, so he is acquitted.

460. Maud, who was the servant of Richard le Paumer, appeals Roger le Taylur of rape etc. She comes and withdraws her appeal. So *let her be taken* and her pledges for prosecution are in *mercy*, namely William Chevaler of Salisbury and Richard le Paumer of Putton'. Roger comes. The jurors say he did not rape her. So he is acquitted.

461. Agnes of Wynterslawe appeals Elias Brom of rape etc., comes and withdraws her appeal. So *let her be taken* and her pledges for prosecution are in *mercy* namely.[2] Elias comes. It is testified that they have made a compromise so that Elias ought to marry Agnes.[3] So let them be taken into custody. Later by the grace of the Justices Elias takes Agnes to wife by words of present etc.[4]

The same Agnes appeals William Brut of abetting etc. William does not come and was attached by Roger Ascyr of Wynterslawe [and] Walkelin son of Gilbert of the same.

462. Daniel le Porter struck Robert Perle on the head with a staff so that he died on the fifteenth day. He fled at once. The jurors say he is guilty, so *let him be exacted and outlawed*. He was harboured in the town of Petresfeuld outside the tithing, so it is in *mercy*. No chattels.

463. Robert Cachepayn, accused of stealing oxen, does not come. The jurors say he is guilty, so *let him be exacted and outlawed*. He was harboured in the town of Ailwarbyr' outside the tithing, so it is in *mercy*. No chattels.

464. Thomas de Bonevill' and Philip the forester his fellow [were] accused of the death of Maud de Monasterio etc. Thomas was hanged for the death. No chattels. Philip fled. The jurors say he is guilty, so *let*

[1] Altered from Robert.
[2] The names are not given.
[3] *ita quod E. debet dictam A. disponsare.*
[4] *per graciam justiciariorum dictus Elyas cepit dictam Angnetem in uxorem per verba de presenti, etc.* Elias had presumably made a contract *per verba de futuri;* the Justices allow him to marry in the most immediate form.
There is a large cross in the margin opposite this entry.

him be exacted and outlawed. He was not in a tithing being a stranger. No chattels.

465. Concerning defaults etc., they say that William Longespeye. John son of Geoffrey, John of Monemue, Robert Walerand' and Robert de Mucegros did not come on the first day. So they are in *mercy*.

m. 37d]

THE HUNDRED OF DOLLESFEUD COMES BY TWELVE

466. From Humphrey of Chippeham and his fellow twelve jurors for a fine before judgement—40s.

467. A house was burnt in the town of Tydulfeshyde with a six months old boy inside it. No one is suspected. Judgement: misadventure. The townships of Tydulfeshyde, Horeston', Gares and Elyston' did not come to the inquest, so they are in *mercy*.

468. Concerning serjeanties etc., they say that William le Moyne holds ten librates of land in Madinton' by the serjeanty of making purchases for the King's kitchen etc.

469. The jurors present that a stranger with two horses was lodged at the house of Roger Coyphyn and he went away stealthily in the night time, leaving the other horse at the house. This horse was brought to the County and delivered there to Robert of Grafton' then bailiff of Dollesfeud. Robert took 20s. from Roger because the stranger was lodged at Roger's house. So *a discussion* about this. Later Nicholas of Haveresham then sheriff comes and says that the horse was delivered to a certain John who made suit for the horse etc.

470. Roger son of Roger the young was arrested for larceny in the liberty of William Longespeye at Chyrinton'. It is said that he was afterwards delivered under pledges but no one answers concerning the pledge. So *let* the liberty *be taken* into the King's hand. The jurors say he is a thief. So let him be exacted and outlawed. He was not in a tithing, being free. His chattels: 2*s*., whereon [etc.].

471. John le Wyse and Nicholas Polling', accused of larceny, come and deny the whole and for good [etc.]. The jurors say that John is not guilty. So he is acquitted. But they say that Nicholas Polling' is guilty. So to judgement etc. (*Hanged*). His chattels: 15*s*., whereon etc.

472. Ralph and John son of William Hurdeler', Henry Knythewyn,

Thubert Dolling', William Copswell', Henry of Dulton' and Walter Tresfold, accused of larceny, and Roger Goseman, accused of larceny, do not come. The jurors say that all are guilty except for John son of William. So *let them be exacted and outlawed*. John may return etc. Ralph was in the tithing of Tydulfeshyde. So it is in *mercy*. No chattels. Henry Knythewyne and Turbert were[1] in the tithing of Wynterburn' Stok'. So it is in *mercy*. No chattels. William Copswell was in the tithing of Madinton'. So it is in *mercy*. No chattels. Henry of Dulton' was in the tithing of Horsston Tryvyrs. So it is in *mercy*. His chattels: nothing. Walter Threswald was in the tithing of Cutre. So it is in *mercy*. His chattels: *12d.*, whereon [etc.]. Roger Goseman was in the tithing of Wynterburn' in Stok'. So it is in *mercy*. No chattels.

473. Roger le Jovene harboured Roger le Jovene his outlaw son. He fled at once. The jurors say he is guilty. So *let him be exacted and outlawed*. He was not in a tithing being free. No chattels.

474. The jurors present that the Hundreds of Dollesfaud and Brecheslebeerwe were put to farm for ten marks.

THE HUNDRED OF DUNWRTH' COMES BY TWELVE

475. From William Gilbert and his fellow twelve jurors for a fine before judgement—2 marks.

476. John de Cattesdenn' who appealed John de [Saint][2] Mart'n of battery etc., does not come. So *let him be taken* and his pledges for prosecution are in *mercy* namely, Matthew le Venur of Sutton'[3] and John le Sumer of the same. John de [Saint][2] Martin does not come and he was attached by Roger the frank[4] [and] Hugh Gurnay. So they are in *mercy*

477. Robert Pynston appeals of robbery and wounds etc., Geoffrey de Otteford, Richard the usher of Robert [Bingham] bishop of Salisbury. Robert Boltere, Richard Boltere, John Lyffot, Philip of Poterne [and] Richard who was with the archdeacon of Salisbury. Geoffrey and the others do not come. Geoffrey was attached by William de Clovill' of Berton' and Richard Serl' of Fofhunte. So they are in *mercy*. It is testified that he gave himself up to the Charterhouse of Heynton'[5] and the prior of the Charterhouse of Heynton' admitted him to the habit before

[1] Originally only Henry's name was entered; subsequently Turbert's was added over a caret and *fuit* altered to *fuerunt*. For the end of his case see 568, below.
[2] MS. 'Munt'.
[3] Presumably Sutton Mandeville.
[4] *franciscus*.
[5] Hinton Charterhouse, Somerset.

he was delivered of the appeal. So *a discussion* about this. Richard Boltere comes and denies all and puts himself on the country. The jurors say he is not guilty. So he is acquitted and let Robert be taken into custody for a false appeal etc. He is afterwards pardoned by [the agency of] John Mansel. Robert Boltere was attached by Robert de Seresy of Wodeford and Walter de Gardino of the same. Richard Boltere was attached by Henry Wriere of Stratford' and Simon le Poter of the same. John Lyffot was attached by William of Chissebur' and John Bacche of Holte. Phillip of Poterne was attached by John Savar' of Stratford and John Hawemund' of Salisbury. Richard the archdeacon's man was not attached since he has died. So all are in *mercy*.

478. Henry of St. Edward, Luke de Cynnok', William of Sutton'[1] and Roger de Septon'[2] appeal all the aforesaid etc. They are told that they may make suit against them in the County etc.

479. Robert le Cu of Cyrynton' [comes] and appeals Walter[3] le Gant in that as he was in Berewyk' field on the Thursday next before the feast of St. Dunstan in the 30th year [17 May 1246] Walter came with premeditated assault and against the King's peace and struck him on the nose with a hatchet so that he gave him a great wound. That he did this wickedly and in felony he offers etc.

Walter comes and denies all and for good [etc.]. The jurors say that he is guilty just as Robert pleaded against him etc. So etc.[4]

Robert appeals Walter Welthewell and William Wyting etc. of abetting. Walter and William come and deny all and put themselves on the country. The jurors say that they are not guilty. So they are acquitted and *let* Robert *be taken into custody* for his false appeal etc.

480. Geoffrey de Meryet put himself in Dunheved church for larceny and *abjured* the realm. He was a stranger: no chattels or tithing.

481. Roger son of Gilbert le Cat came to Westhache field and there met Gunnilda daughter of Agnes de Marisco and in sporting with her threw her to the ground and fell on her. Gunnilda was wounded by a knife which Roger carried in a broken sheath so that she died on the ninth day. Roger was taken for the death and by the King's writ delivered in bail, namely to William Gilbert of Swalweclyve, Matthew of Lundlegh', Gilbert le Cut of Hache, Robert of Funtel', John de

[1] Presumably Sutton Mandeville.
[2] Possibly Shaftesbury.
[3] *Le Walon* deleted.
[4] There is no marginal note to show whether Walter was hanged or merely remanded in custody until he made a fine.

Kaynes of Balbestok', Thomas Wysedom of Dunwrth', William Achaz of Linlegh', John de Chelfunte, Henry of Swelweclyve and to Nicholas of Haveresham in place of [the rest of] the twelve because he cannot name [the rest of] the twelve,[1] who did not produce Roger before the Justices on the first day. So all are in *mercy*. Roger comes and denies the death and puts himself on the country. The jurors say that in truth Gunnilda was wounded by the knife but she did not die from that, but they say she died suddenly from a certain ailment called 'le felon''.[2] So Roger is acquitted etc.

m. 38]

482. Agnes daughter of Beatrice of Holdebyr'[3] and Agnes her daughter were killed in Beatrice's house in Holdebyr'. The first finder has died. Agnes Bone of Aldebur'[3] and William le Copyner her brother [were] accused of the death of Agnes and Beatrice [sic]. William is in gaol. Let him come etc. Agnes Bone fled because of the death. *So let her be exacted and waived.* Her chattels: 3s., whereon [etc.]. The townships of Cumbe, Estgrave, Cherlton' and Dunhevede did not come to the inquest etc. So they are in *mercy*.

483. Walter son of Walter Macun, suffering from the falling sickness, was drowned in the water outside Billug'. The first finder, his sister Agnes, comes and is not suspected. Judgement: misadventure. The townships of Esthache, Westhache, Funteyl' and Rygge did not come to the inquest, so they are in *mercy*.

484. Emma daughter of Robert le Corb' put herself in Anestye church, confessed to being a thief and *abjured* the realm. No chattels.

485. Luke son of Sybil was found drowned in the Neddre. The first finder has died. No one is suspected. Judgement: misadventure. The townships of Haselden', Brudehersted' and Tysebur' did not come fully to the inquest etc., so they are in *mercy*.

486. Walter le Turk, Robert de la Mare of Berewyk', Hugh de Muleburn' and John Smeppe of Stoppe, accused of larceny, do not come. The jurors say that, except for Walter, they are not guilty. So *let* Walter *be exacted and outlawed.* He was in the tithing of Chilmerk', so it is in *mercy*. No chattels. Robert and the rest are acquitted.

[1] The ex-sheriff is to answer for the three bailors he cannot name.
[2] The meaning of this is not known.
[3] Not identified.

487. Concerning defaults etc., they say that Geoffrey de Mandevill', Simon de Kancumb', Ralph de Chaluns and John de Cantel did not come on the first day. So all are in *mercy*.

488. Walter Bagge, Walter in la Grave, Ralph son of Chypman of Funtel and William Blacbard, accused of larceny, come and deny all and for good [etc.]. The jurors say that William Blacberd is guilty. So, etc., (*Hanged*). His chattels: 6*s*., whereon [etc.]. They say that the rest are not guilty, so they are acquitted.

489. Robert de Molendino, one of the twelve jurors, is convicted of taking 9*s*. from Philip Hasegheld', a thief, for saving him. So let Robert be committed to gaol etc. Later he makes a fine of a hundred shillings by the pledges of Thomas de Lyngynere, Matthew of Chilmerc, Hamo of Westhache and William Gilbert'.

THE HUNDRED OF FURSTESFELD COMES BY TWELVE

490. From Richard de la More and his fellow twelve jurors for a fine before Judgement—40*s*.

491. Robert Coleman fell from his horse out of weakness in Cuvelesfeld', so that he died at once. The first finder has died. No one is suspected. Judgement: misadventure. The townships of Cuvelesfeld Luveras, Cuvelesfeld Spileman, Cuvelesfeld Sturmy and Aldredeston' did not come to the inquest etc., so they are in *mercy*.

492. Richard son of Robert de la Hulle was ploughing with Thomas son of Elias de Hyms' in Welpel' field and as Richard was unyoking the oxen[1] he was overcome by illness and suddenly died. The first finder comes. No one is suspected. Judgement: misadventure. The townships of Aldredeston', Welpel' and Albedeston' did not come to the inquest. so they are in *mercy*.

493. Concerning serjeanties etc., they say that Richard Starie[2] holds a hide of land with appurtenances in Cuvelesfeld of the gift of Robert de Mucegros, by the service of keeping Savernak' forest and it is worth 60*s*. yearly.

494 A. They say also that John of Forstesbur' holds a hide of land in Ystenesfeld' by the serjeanty of hunting wolves, of the gift of Walter de Loveraz. and it is worth 10*s*. yearly.

[1] *sicut . . . distringere boves volebat.*
[2] An error for Sturmi.

494 B. They say also that William Spileman holds a [hide] of land with appurtenances in Cuvelesfeld of the King's gift, by the service of finding a serjeant with a hauberk for the King's service.

495. Walter Buket, accused of stealing two bushels of corn, John Curage, Henry le Zeyn, William le Wlfhunte, Nicholas le Prichere and Richard Cultram, accused of larceny, do not come. The jurors say that Walter Buket and Nicholas Prichere are not guilty. So they are acquitted and may return if they wish. But they say that John Curage and the others are guilty, so *let them be exacted and outlawed.* John Curage was harboured in the town of Cuvelesfeld', so it is in *mercy*. His chattels: 15d., whereon [etc.]. Richard Cultram was harboured in the same, so as before. No chattels.

496. A stranger came by night to the town of Cuvelesford and the watchmen watching in the town attempted to arrest him. He threw away an ox's horn and a hatchet and made off toward Messet wood whereupon they raised the hue and pursued him but they lost him on account of the darkness of the night and of the woods. The horn and hatchet were presented before the Justices and were given to the lepers by the Justices' command.

497. Agnes daughter of Edrich' of Abedeston' and Hawys of the same appealed in the County Roger Culbel' the servant of Clarice of Hache and John the servant of Hawys, sometime wife of Robert Huscard, of burglary, robbery and the King's peace etc. They come and deny all and for good [etc.]. The jurors say they are guilty. So to judgement (*Hanged*). No chattels.

498. Elias son of Thomas of Nyweton' [was] hanged for larceny before the Justices for Gaol etc. at Clarendon'. His chattels: *12s. 1d.*, whereon [etc.].

499. Concerning defaults etc., they say that Robert de Chartres, Reynold de la Brech and Walter Huscard did not come on the first day. So all are in *mercy*.

500. The jurors say that Furstesfeld Hundred was put to farm for 20s. in the time of Nicholas of Haveresham and the present sheriff and it is worth 20s. yearly.

THE HUNDRED OF CADEWORTH' COMES BY TWELVE

501. From Geoffrey de Chaucomb' and his fellow twelve jurors for a fine before judgement—2 *marks*.

502. Reynold Houles was found dead on Sutton' downs. Henry son of Robert Betel', the first finder, does not come and he was attached by Thomas of Sutton'. So he is in *mercy*. No Englishry: so *murder*. The townships of Sutton', Foffhunte, Bereford and Hurdecote did not come to the inquest etc. So they are in *mercy*. Maud, Reynold's wife, appealed in the County John Coterel of St. Edward of her husband's death and he was outlawed in the County at Maud's suit. No chattels.

m. 38d]

503. Adam the swineherd[1] suffering from the falling sickness fell suddenly dead in Netherhampton' outside the church door. The first finder does not come for she has died. No one is suspected. Judgement: misadventure. The townships of Nerthampton' and Harham did not come, etc., so they are in *mercy*.

504. Simon Coppe of Wycheford killed John Chek' of Alwoldescumb'[2] and fled to Wycheford church and *abjured* the realm. The township of Wycheford did not pursue him. So it is in *mercy*. He was in the tithing of Wycheford, so etc. His chattels: *18s. 10d.*, whereon [etc.].

505. Maud daughter of Roger the forester of Bereford, who is in the King's gift, was married to William Carenteyn by Philip Haket, to whom the King gave the marriage. Her lands are worth 20s. a year.

506. John le Coverur of Bereford, accused of [stealing] a bushel of corn, does not come. The jurors say he is not guilty, so he is acquitted.

507. The jurors say that this Hundred of Cadewrth' was put to farm for 40s. in the time of Nicholas of Haveresham and it is worth 40s. yearly and no more.

508. Ralph Hose was angry with his sister's child Adam because he was careless in looking after his sheep and let them go unprotected;[3]

[1] *Porcarius.*
[2] Not identified.
[3] *quia bidentes sue ibant in defenso per malam custodiam.*

on account of which Ralph threatened to give Adam a beating. Adam, afraid of Ralph's threats, ran away from him but it is not known what became of him nor was anything ever heard of him afterwards. Ralph found a pledge for coming before the Justices, namely the tithingman[1] of Bereford. He comes and says that he does not know what became [of him] nor did he ever hear anything of him afterwards and that he came to no harm through him. On this he puts himself on the country. The jurors say he is not guilty. So he is acquitted.

509. Concerning defaults, etc., they say that Drew de Barenteyn did not come on the first day. So he is in *mercy*.

510. Walter de Yllingham, accused of larceny, comes and puts himself on the country. The jurors say he is not guilty, so he is acquitted.

THE BOROUGH OF SALISBURY[2] CASTLE COMES BY TWELVE

511. From William Aufrey and his fellow twelve jurors for a fine before judgement—1 *mark*.

512. Concerning churches etc., they say that St. Peter's church in Salisbury Castle is in the King's gift and it is worth 2s.

513. Concerning escheats etc., they say that John le Keu holds an escheat of the King of three acres, without warrant. So *let* the land *be taken* into the King's hand.

514. Concerning cloth sold etc., they say that William Alveredi sold cloth contrary to the assize. So he is in *mercy*.

m. 39]

THE HUNDRED OF DOMERHAM COMES BY TWELVE

515. From John le Blund and his fellow twelve jurors for a fine before judgement—4 marks.

516. William de la Lake and Richard Graigos were crushed in the marlpit of Harlebolte.[3] The first finder comes. No one is suspected. William was a stranger. No Englishry: so *murder*. The townships of Domerham',

[1] *Tethyngman*.
[2] The name is throughout written in the abbreviated form traditionally, though wrongly, expanded as *Sarum*.
[3] Not identified.

Stapelham', Herton'[1] and Rohelesberg'[2] did not come to the inquest etc. So they are in *mercy*.

517. Juliana daughter of Robert of Nortton' appeals William of Mertton' of rape etc. She withdraws her appeal. So *let her be taken into custody*. She found no pledges being poor. Henry comes and it is testified that he raped her. So let him be taken into custody. Later he makes a fine of 40*s*. by pledges: Henry le Joven' of Mertton', Gilbert of the same and Ralph of Mertton'. By licence of the Justices he may take Juliana to wife.

518. Concerning defaults etc., they say that the abbot of Glastonbury[3] he has a writ,[3] Peter de la Mara, Elias Tulus of Cumpton and Richard de Lymysy of Domerham' did not come on the first day. So all are in *mercy*.

519. The chattels of Everard of Compton', hanged as above:[4] *half a mark* whereon let Nicholas of Haveresham, who took the chattels, answer. The Bishop of Bath ought to have these chattels.

THE HUNDRED OF CAUDON' COMES BY TWELVE

520. From Laurence Aygnel and his fellow jurors for a fine before judgement—2 marks.

521. Ralph le Paumer of Mynstede killed Robert Wassepowe and was taken and carried to Winchester gaol in the County of Southampton. So let it be inquired about him in the said County. William Randulf was then there where William killed Robert. He comes. The jurors say he is not guilty, so he is acquitted. The jurors say expressly that William is guilty of the death. So it is *commanded* that an inquiry be made about him in the County of Southampton and if he be found let him be taken but if not let him be exacted and outlawed. Nothing is known of his chattels in this Hundred because he was of another County, as above.

522. Gunnilda of Cumb' fell from Cumb' bridge and was drowned. The first finder has died. No one is suspected. Judgement: misadventure. The townships of Stratford, Homyton', Odestok' and Cumb' did not come fully to the inquest etc. So they are in *mercy*.

[1] Probably an error for Merton', now Martin.
[2] Probably an error for Bohelesberg', now Boulsbury.
[3] This phrase has been interlineated later.
[4] See 441, above.

523. A stranger was found dead in Langford. The first finder comes. No one is suspected. No Englishry: therefore *murder*. The townships of Langeford. Britford', Harreham and Odestok' did not come to the inquest, so they are in *mercy*.

524. Robert the chaplain of Harreham hanged himself in his house in Harreham. The first finder, his son Thomas, does not come and was attached by Clement of Odestok' and Hugh Dudde. So they are in *mercy*. No one is suspected besides Hugh himself. Judgement: felonia de se ipso. Robert's chattels: *4*os. ½*d*., whereon [etc.].

525. Alice la Lavendere was crushed by a cart of John de Plescy outside Harham' so that she died at once. The first finder has died. No one is suspected. Judgement: misadventure. The price of the cart and three draught beasts: *32s*., whereon [etc.]. Inquest was made etc.

526. Clement of Odestok' comes and appeals Roger of Langeford in that as, he was in the King's highway outside Langeford. Roger came wickedly and in felony etc., and with the handle of an earthenware pitcher[1] struck him on the head so that he gave him a great wound, and took from him, in robbery, a knife, a hood and a silver clasp worth 9d. That he did this wickedly etc., he offers etc.

Roger comes and denies all and asks that it may be allowed him that he [Clement] does not name a day or hour nor says anything else by which etc. So it is held that the appeal is null. Let Clement be taken into custody for his false appeal and let the facts be inquired into by the country. The jurors say that Roger did no robbery to Clement but they say that, on account of some offensive and opprobrious words which Clement used in quarrelling with him, Roger struck him with the said handle and gave him a wound. So let Roger be taken into custody for the offence. Later he is pardoned[2] by the Justices.

527. Walter de Aqua of Britford appeals William of Benigton of battery and robbery etc. William does not come. He was attached by John Edmund of Harham, William Baggepype and Simon Red of Harham. So they are in *mercy*. The jurors say that William is guilty of battery. Walter is told that he may make suit against him in the County if he wishes.

528. William of Benigton' appeals Walter de Aqua, Michael Gylle, Roger son of Cecily and Walter his brother, William de la Hull and

[1] *cum maniclam* [sic] *cujusdam pycherii terre.*

[2] *condonatur; quia pauper*, because he is poor, followed but has been deleted: Roger de Langeford was a leading man in the district, cf. 534, 536, below.

John le Wyte of battery and robbery etc. He does not come. So *let him be taken* and his pledges for prosecution are in *mercy*, namely Geoffrey Huse of Harham and Hugh Franchome of Grimstede. All come and they ask that it should be allowed them that no one makes suit against them etc. The jurors say that they are not guilty of any robbery nor have they made a compromise. So they are acquitted.

529. Walter de Aqua appeals Richard son of John Edmund of abetting the battery and robbery which William of Benigton' did to him etc. Richard comes and denies the abetting. He asks for judgement whether he should answer on abetting before the deed itself has been established. So it is held that the action of abetting remain in supense until it is established etc.[1]

530. Robert Curteys. Thomas and Roger his sons, accused of larceny come and deny all and for good [etc.]. The jurors say that Roger is not guilty, so he is acquitted. But they say that Robert and Thomas are guilty, so to judgement etc.[2]

531. A stranger from the County of Dorset was taken for stealing seven oxen. He was imprisoned in the town of Britford in the prison of Parnel de Thony. He escaped from the prison. So let Parnel answer for *escape*.

532. The chattels of William le Creg, hanged in the County of Southampton, of whom some chattels are in this County namely: *16s. 6d.*, whereon let Nicholas of Lusteshull' then sheriff answer. Chattels of the same: *6s.* whereon let the said William of Tynhide the sheriff answer.

533. The jurors say that Robert of Grafton', by undue extortions, took from Gilbert Kant a cow worth 3s. and five ewes and five lambs. The same Robert took a goose[3] [worth] 3s. and four sheep from Emma of the bridge. So to *Judgement* on Robert.

534. Concerning serjeanties, they say that Roger of Langeford' holds ten liberates of land in the same by the serjeanty of finding at his own cost a man at arms with a breastplate when the King is with his army.[4]

535. Concerning ladies etc., they say that the two daughters and heirs of John Biset have been married by the King to Ralph de Nevill' and Hugh de Ples'. Their land in this County is worth 20 li. yearly.

[1] *quod actio de forcia remaneat in suspenso quousque convincatur, etc.*
[2] There is no marginal note, but presumably they were hanged.
[3] *auca mariola.*
[4] *c* or *t* is in the margin opposite this entry.

536. Concerning defaults etc., they say that John de Plassetis earl of Warwick, Ralph de Nevill, the abbess of Pratellis, Parnel de Tony, Ralph son of Nicholas of Harham, Roger of Langeford, William le Butiler, Elias the cook and Thomas le Perdreur did not come on the first day. So they are in *mercy*.

m. 39d]

THE HUNDRED OF BRENCHEBURG COMES BY TWELVE

537. From John of Langeford and his fellow twelve jurors for a fine before judgement—*40s.*

538. Walter Love and Adam the servant of the chaplain of Chyrinton' were quarrelling with each other and Adam killed Walter with a peel.[1] He fled at once. The jurors say that he is guilty. So *let him be exacted and outlawed*. He was harboured in the town of Chyrinton' in the mainpast of Thomas of Lydiert the infirmarer of Chyrinton'. So the township and Thomas are in *mercy*. The townships of Stocton', Codeford and Aston' did not come to the inquest, etc. So they are in *mercy* etc. Adam's chattels: *2s. 6d.*, whereon let the sheriff answer for 12d. and Robert of Grafton' for 18d.

539. Robert a servant of William de Tracy of Gloucester struck Philip de Ranye on the head with a hatchet so that he died at once. Robert at once fled. The jurors say he is guilty. So *let him be exacted and outlawed*. He was harboured in Little Langeford outside the tithing. So [the town] is in *mercy*. He was in the mainpast of the said William, so he is in *mercy*. Chattels: nothing. The townships of Great Wychford. Little Wycheford, Little Langhaford and Haginhangeford did not come fully to the inquest etc. So they are in *mercy*.

Later it is testified that Great Wycheford came fully.[2]

540. William son of Mar' fell from a horse so that he died. The first finder comes. No one is suspected. Judgement: misadventure. The price of the horse: *half a mark* (*deodand*), whereon [etc.]. The townships of Stocton', Wyle and Babington' did not come to the inquest etc., so they are in *mercy*.

541. Hugh Gales was burnt in the house of Robert the fisherman in Bymerton'. The first finder comes. No one is suspected. Judgement: mis-

[1] *cum quodam pelo.*
[2] This sentence does not seem to have been added later.

adventure. The townships of Bymerton' and Quedhampton' did not come to the inquest, so they are in *mercy*.

542. Walter Godrich struck John Wydye on the head so that he died. Walter fled at once. So *let him be exacted and outlawed*. He was in the tithing of Stocton', so it is in *mercy*. His chattels: *4s.*, whereon [etc.].[1]

543. Alice daughter of Edith was found drowned in a ditch outside Fysserston'. The first finder comes and she is not suspected, nor is anyone else. Judgement: misadventure. The townships of Brudecumbe and Fysserston' did not come to the inquest etc., so they are in *mercy*.

544. Walter Grym [was] hanged for larceny in the Hundred of Brencheberg etc. His chattels: *14s. 6d.*, whereon [etc.].

545. Reynold Ram, Elias Wonderful, Walter Godrich, Walter Muchyr [and] Roger son of Everard', accused of larceny, do not come. The jurors say the Walter Muchyre and Roger son of Everard' are guilty. So *let them be exacted and outlawed*. Walter was in the tithing of Stocton', so it is in *mercy*. No chattels. Roger was in the tithing of Wyly, so it is in *mercy*. No chattels. But they say that Elias is not guilty, so he is acquitted.[2] Concerning Reynold and Walter Godrig' enough is said above.[3]

546. A stranger from the County of Somerset, as is believed, was taken with four beasts at Quedhampton' by Robert of Grafton' then bailiff of this Hundred. Robert took *2s.* from the thief and allowed him to go away by pledges. The prior of Stanwell'[4] later came and deraigned the said beasts and he had them but the stranger never afterwards came back. So to *judgement* on Robert because he allowed the stranger to go away etc.

547. Adam le Jovene [was] imprisoned in Salisbury gaol in the time of Nicholas of Haveresham then sheriff, and he escaped from the gaol. So let Nicholas answer for *escape*. Adam's chattels: *5s.*, whereon let the said Nicholas the sheriff answer.

548. Concerning defaults etc., they say that the prior of Winchester, John of Monenwe and William de Canvill' did not come on the first day. So they are in *mercy*.

[1] See also 545, below.
[2] But in 176 Elias le Wyndervill is outlawed.
[3] This presumably refers to 176, where Reynold the Hayward is outlawed; see 542, for Walter.
[4] Since the thief came from Somerset, Stanwell may mean Stavordale; the fourth letter is a bold, unambiguous 'n'.

m. 40]

PLEAS OF THE CROWN AT SALISBURY[1] OF THE LIBERTY OF THE BISHOP OF SALISBURY

549. The names of Coroners since the last Eyre } William the baker[2] Bryan de Badistan'.
The Names of the Bailiffs } Henry of Oxon', sworn. John of Wellop', sworn.
Electors } John le Especer, sworn. Gilbert le Seler, sworn.

Jurors.

Elias Bucher, sworn; Walter le Especer, sworn; William de Hevekeshet, sworn; John Anest, sworn; Rayner the smith,[3] sworn; Robert le Cupere, sworn; Stephen de Ford, sworn; John Ruffus, sworn; Robert Golf, sworn; William de Norht',[4] sworn.

550. Agnes of Glaston', who appealed Walter Tautre in that against the King's peace he came in the night time into her garden and in robbery took away two of her shifts[5] etc., comes and withdraws her appeal. So *let her be taken into custody* and her pledges for prosecution are in *mercy*, namely William de Glaston' of Salisbury and Robert le Furbur of the same. Walter comes and the jury testifies that they have made a compromise, so *let him be taken into custody*.

551. Edith of Old Salisbury appeals Simon of Oxon', a cobbler, of force and the rape of her body etc. Simon does not [come] and he was attached by Robert the baker[6] of Salisbury and Nicholas the baker[7] of the same. So they are in *mercy*. Afterwards it is testified that Simon is dead.

552. Henry Ode of Salisbury killed Martin a vicar of St. Mary's church in Salisbury and fled at once. Lucy his wife and Agnes his sister fled because of the death. The jurors say Henry is guilty of the death, so *let him be exacted and outlawed*. Henry was in the Aldermanry of

[1] The name is throughout written in the abbreviated form traditionally, though wrongly, expanded as *Sarum*.
[2] *Pistor.*
[3] *Faber.*
[4] Possibly of Norton, not Northampton.
[5] *heuca.*
[6] *Pistor.*
[7] *Pistor.*

Ernold Brun'. So it is in *mercy*. His chattels: 12*s*., whereon let the town of Salisbury answer. Lucy and Agnes are not guilty of the death but the jurors say they fled through fear, so they are acquitted and may return if they wish.

553. Alice, who was the wife of Henry of Wyly, appealed Robert Pycot, Robert Sterre and Gilbert Chynne in that against the King's peace wickedly and in felony they ejected her by force from a house in Salisbury. That they did this etc., she offers etc.

Robert Pycot is dead. Robert Sterre and Gilbert come and deny the force and whatsoever is against the King's peace. They fully admit that they ejected Alice from the house but not in robbery, rather by judgement of the Court of Salisbury and by the command of Robert Pycot then mayor of Salisbury. On this they put themselves on a jury and call the aforesaid Court to warranty. Upon this the aforesaid Court comes and says that Henry of Wyly, sometime Alice's husband, held the house and after Henry's death Alice was in seisin of the house for half a year. Then Avice, Henry's sister, sought the house in the Court of Salisbury saying that Alice was never married[1] to Henry. And, because it did not appear[2] to the Court whether Alice was married to Henry or not, the Court presented[3] the seisin of the house to Avice. But they did not warrant that Alice should be ejected from the house by force. And because the aforesaid Court held this plea without writ and warrant it is held that the aforesaid Court be in *mercy* and *let* Robert Sterre and Gilbert, because they dispossessed,[4] *be taken into custody* for the offence etc.

Later it is testified that Alice received seisin of the house because she proved that she was married to Henry and that Henry in his will left[5] her the house.

554. William le Burser of Romesy killed William le Gauter of Devon'. William and Maud his wife[6] and Richard his nephew fled for the death. The jurors say that William is guilty. So *let him be exacted and outlawed*. He was in the Aldermanry of Henry le Pestur which is therefore in *mercy*. His chattels: 3*s*., whereon let the City of Salisbury answer. But they say that Maud and Richard are not guilty of the death. So they may return if they wish.

[1] *dessponsata.*
[2] *non constitit.*
[3] *advocavit.*
[4] *quia devocantur.*
[5] *in testamento suo legavit.*
[6] *soror* was written and deleted.

555. An approver who was imprisoned in the gaol of Salisbury Castle appealed William le Taburer and William le Tavener [both] of the City of New Salisbury of consorting etc. William and William fled and the approver was meanwhile carried up to London by the King's command. William le Taburer later returned and was delivered under pledges to John of Wellop, Walter le Cuteler, Robert le Furbur, Thomas of Britford, Walter the smith and Walter le Chapelein all of Salisbury city, and so, because they have not got him now before the Justices, they are all in *mercy*. The jurors say that William and William are not guilty of any larceny. So they may return if they wish.

556. Bernard of Putton', believed to be an outlaw, was taken in the city of New Salisbury and was delivered to the gaol of Salisbury Castle in the time of Nicholas of Haveresham then sheriff. He escaped from the gaol, so let Nicholas answer for *escape*.

557. A certain Helen put herself in St. Thomas' church in Salisbury and confessed to stealing a rochet. The coroners and bailiffs of Salisbury city made her abjure the realm. Because Helen by the compulsion of the coroners and bailiffs abjured the realm for so small a crime[1] it is held that the coroners and bailiffs be in *mercy*.

558. Robert le Furbur appealed John le Cupere of robbery and battery etc. He comes and withdraws his appeal. So *let him be taken into custody*, and his pledges for prosecution are in *mercy* namely Henry Wykyng and Adam le Tresorer. John comes. It is testified that they have made a compromise. So *let him be taken into custody*.

559. Simon of Schorstan' put himself in St. Thomas' church, Salisbury, and abjured the realm. No chattels nor was he in a tithing, being a stranger.

560. Philippa of Redinges who appealed Alice de Bruges of felony and robbery and breaking into her chamber and carrying away money by stealth etc., does not come. So *let her be taken* and her pledges for prosecution are in *mercy* namely John Anastes and Clement of Odestok'. Alice comes and denies all and for good and ill puts herself on a jury of the City. The jurors say she is not guilty. So she is acquitted.

561. Avice of Bristol', who appealed Thomas Pypard and Geoffrey de Foxcoth', clerks, of the robbery of a cloak[2] and a brooch, does not come. So *let her be taken* and her pledges for prosecution are in mercy.

[1] *pro tam modico delicto.*
[2] *pallium.*

Later it is testified that her pledges are dead. Thomas and Geoffrey do not come nor were they attached, being clerks.

562. Cecily wife of Robert the merchant who appealed Philip of Andevere in that wickedly and in felony in the King's highway in Salisbury city he beat her and maltreated her so that she miscarried, comes now and withdraws her plea. So *let her be taken into custody* and her pledges for prosecution are in mercy. Later it is testified that she did not find pledges but only her good faith being poor. Philip comes and denies the death and [says] that he never beat her so that she miscarried and on this he puts himself on a jury of the town. The jurors say Philip struck her with a small rod but they say by their oaths that she did not miscarry through the blow. So he is acquitted. However because he struck her *let him be taken into custody.*

m. 4od]

563. Robert the baker,[1] Bartholomew of Salisbury and Walter of Homyton appealed by Henry an approver who appealed them of consorting etc.; and William Turgis, Thomas Lung [and] Adam Russel, appealed by Walter de Meleburn' of consorting etc.; and William Sceyn and William le Daubur, appealed by Reynold an approver who appeals them of consorting etc.; and Robert Reyner, appealed by John Snotte who appealed him of consorting. All the appellees come and deny all and for good and ill put themselves on a jury of the city. The jurors say that they are not guilty of any larceny nor of harbouring thieves. So they are acquitted. And note that[2] all the approvers were hanged at London.

564. Robert Cornub' of Salisbury struck a certain Humphrey in the belly with a knife so that he died at once. Robert and Maud his mother and Avice his sister were taken and imprisoned in the Bishop's gaol at New Salisbury in the time of R[obert Bingham] bishop of Salisbury. Maud and Avice were hanged for the death. Robert Cornub' escaped from gaol. So to judgement of *escape*. His chattels: *18d.*, whereon let the City answer.

565. Luke the carpenter [is] accused of allegedly aiding[3] in the breaking of the bishop of Salisbury's gaol whence certain clerks escaped from the gaol namely Henry le Fort and Richard le Escryvein who were

[1] *Pystor.*
[2] *Et sciendum est quod . . .*
[3] *quod debuit esse in auxilio.*

imprisoned by the Bishop of Salisbury for forging bulls.[1] He comes and denies all and [says] that he was never there where the gaol was broken. On this he puts himself on a jury etc. The jurors say that Luke did not abet[2] the gaol breaking but they say that they believe he was an accomplice[3] to the gaol break and also to the escape of the clerks, for they say that Luke took eight marks for the delivery of the clerks whence they say he was an accomplice of their escape. So *let him be taken into* custody. They say that Agatha, Richard's wife, produced a certain saw[4] for the gaol break. So *let her be taken into custody*.

566. Concerning cloth sold etc., they say that Roger de Monte Acuto, Peter of Andevere, Henry Wykyng, Gilbert Chinne, Arnulf and Stephen his fellow and Matthew of Cadeleg' sold cloth[5] against the assize. So they are in *mercy*.

567. Concerning wines sold etc., they say that Roger le Flandreys, Gilbert Chynne, Roger de Monte Acuto and Richard de Bedeford' sold wine etc. So they are in *mercy*.

568.[6] Thurbern' Dolling' of Wynterburn Stok', accused of larceny, comes and denies all and for good and ill puts himself on a jury of *Dollesfeud* Hundred. The jurors say he is guilty. So etc. (*Hanged*). His chattels: nil.

569.[7] Henry son of Jordan Beneton' of Westambersbyr', accused of larceny, does not come. The jurors say he is guilty. So *let him be exacted and outlawed*. He was not in a tithing being a tramp.[8] He had no chattels.

[1] *pro falsis bullis.*
[2] *non fuit in forcia.*
[3] *quod fuit consensciens.*
[4] *quendam syam.*
[5] *vina*, an obvious error.
[6] Not a Salisbury plea; see 472, above, for the earlier proceedings on this thief, who seems to have been caught since the pleas of the hundred had been heard.
[7] Not a Salisbury plea.
[8] *itinerans.*

NOTES TO TEXT

1. This first entry at once poses what is the main problem presented by our roll: the garbling of proper names. The four men listed after the sheriff as not having recorded an outlawry must be the coroners. John de Vernun vacated this office on 21 April 1250, *Close Rolls 1247-51*, 278; but after prolonged search no trace has been found of the others' existence, let alone of their being coroners, and since the known coroners of the period are all readily traceable in accessible records in their capacities as knights and landowners, there seems little doubt that the other three names are garbled.

Bakeny or *Dageyn*, about whom the clerk was himself uncertain, seem possible misreadings for *Daubeny* or some such spelling: Henry de Albiniaco or Daubeny, a knight who served on assize commissions between 1225 and 1238, was coroner at the time of the 1241 Eyre, when his removal was ordered; further mandates to the same effect on 22 March 1243 and 8 March 1244 suggest that the order was not immediately effective or that he was re-elected and in any case continued to serve after 1241, *Close Rolls 1242-7*, 92, 167. *Aignel* seems a possible misreading of *Kaygnel*; Henry de Kaygnel was a knight commissioned for assizes between 1238 and 1241 and therefore of standing to be coroner. Less probable is a misreading of *Laur'* for *Henr'*, since what is known of Lawrence Aygnel (notes 171, 520) suggests that he was not of sufficient standing to be elected coroner. *Pichard* is possible as a misreading of *Pipard*; Richard Pypard died in office as coroner between 1256 and 1268, the date of his election being unknown (*cf.* note 262).

10. Poulton (now co. Gloucester) was an escheat which came into the King's hands on the death of Wentleyn Tech or Thek, who was successively the wife of Baldwin de Boullers lord of Montgomery, *Red Book of Exchequer, II*, 485, and of Robert de Brictwell, *Fees*, 380, 738. Order for the inquest issued on 3 Oct. 1243, the inquest returning its value as £17 7s. 6d. and stating that it was not Norman's lands, *Cal. I.P.M., I*, 14; order taking it into the King's hands issued on 15 Dec. 1243 to the sheriffs of both Gloucester and Wilts, *Fine Roll 28 Hen. III*, m. 10. It was apparently granted at pleasure to William de Cantelupe, who soon surrendered it; order taking it into the King's hand again issued on 25 Oct. 1247, *Fine Roll 35 Hen. III*, m. 1d. On 15 Sep. 1250 it was given along with other royal manors in the county into the keeping of Hugh Gargate, keeper of many royal manors in the western counties, *Fine Roll 34 Hen. III*, m. 3. It was tallaged at £5 in 1251 and its value was returned at £28 in 1255.

11. See note 81 below.

18. Thomas of Cherleton' held ⅙ fee as Charlton of the abbot of Malmesbury, *Fees*, 733; the tenants of his estate presumably formed their own frankpledge.

33-34. Robert held Poole Keynes of the Salisbury fee, *Fees*, 709, 722.

40. This crime probably took place in 1248. A writ *de odio et atya* ordering an inquest issued on 2 Aug. 1248 (not enrolled on close rolls) and with the return it is the earliest such documents for Wiltshire preserved among the *Criminal Inquisitions*: *C. 144/3*, no. 31. As a result of the inquest the three accused may have been delivered to bail, though no bail writ has been found; it is equally possible that they remained in gaol until the Eyre. The following is a translation of writ and inquest.

Henry by God's grace King of England, Lord of Ireland, Duke of Normandy and Aquitaine, Count of Anjou, to the sheriff of Wiltes', greeting. We command you that by the oaths of good and lawful men of your county you make diligent inquest whether Simon Atteberne, John his son and Henry his son, taken and detained in our prison at Sar' for the death of William de Kaundel whence they are appealed be appealed thereon out of spite and malice or because they are guilty therein. And if out of spite and malice by what spite and malice and if they are not guilty who is guilty therein. And without delay send us that inquest under your seal and the seals of those by whom it is made, and this writ. Witness myself at Ryseberg', 2 August in the 32nd year of our reign.

Simon de Segre, John de Eston', Adam de la Mara, Henry de Burley, Adam Lucas, Ralph de Foxcota, Walter de Langele, Henry de Kancia, Henry Harding, William de Haywde, Walter le Chamberlenc, William le Hardman, William Baillemund, Ralph Bluet, Adam de Clopcot, Richard de Hales, John de Cnabbewell', John Lucass, Roger de Doddeford, Robert Duriard, Thomas Duriard, the townships of Langeleghe Burel, Langeley fitz Urse [*fil' Ursii*], Tedringten' [of] Adam Lucas, Bremel, Hardenwih [and] Alintone, sworn, say that:

Simon Ateberne, John and Henry his sons, taken and imprisoned, are not guilty of the death of William de Caudel but are appealed out of spite and malice because a certain dispute was moved between Elias de Calewey and his men and between Philip de Cerna and his men because of a certain dog taken at Elias's mill which was carried away to the house of the said Philip, uncle of the William who was killed, and was there detained; whence often between their men disputes were moved at aledrinkings [*cervisias*] and elsewhere. Also by other spite and other hatred because the aforesaid John who is imprisoned appealed Philip's men because they wounded his brother Henry at a tavern. Also they say that Ralph the carter of Godfrey de Escudemor killed William with an axe [*securus*] and in their return from the tavern of Langeley because of a dispute moved between them there, so that the said Ralph de la Monte is guilty and none other.

It seems likely from no. 53 below that Henry's wounds resulted in his death between August 1248 and April 1249.

44. William de Radenden' held ½ fee in Bradfield of the earl of Hereford's fee and ¼ fee of the Mortimer fee, *Fees*, 711, 729; his chief estate seems to have been at Rodden in Frome Selwood, co. Somerset: *Somerset Fines, I (Somerset Rec. Soc., VI)*, 186; *Somerset and Dorset Notes and Queries, VI*, no. 18.

45. (1) Ignatius de Clifton's chief estate was at Clifton, co. Gloucester; he

was also called indifferently *Ignarus* and *Ignatius* in the 1248 Gloucester Eyre, *J.I.* 1/274, ms. 12d, 14.

(2) Henry may be the knight of this name who held fees of the St. Johns at Kingsclere and Woodcott, co. Hants, *Fees*, 694.

(3) Patrick was a baron with extensive holdings in Wilts and many other counties.

(4) William Mauduit was a baron whose chief holding in the county was at Warminster, *cf.* no. 323 below.

(5) Sampson was a knight who held many fees in cos. Oxford and Wilts.

(6) On Alexander see appendix II.

(7) Robert de la Mare held ½ fee in chief at Gore and ½ fee at Beversbrook of the Marshal fee, *Fees*, 732-4, and *cf.* Fry, *Wilts Fines*, 35 (2).

(8) Eudes was a knight who held in Grimstead of John of Monmouth, *Fees*, 747, and served on a grand assize panel in 1249.

(9) Elias was a tenant of the Maudits at Bishopstrow, *Fees*, 718, and held lands elsewhere, Fry, *Wilts Fines*, 32 (34), 51 (3).

(10) Geoffrey held lands in co. Hants of the St. Johns, *Fees*, 695

(11) William de St. Martin held a fee in Wardour, Upton Lovell and Knighton of Wilton abbey and ½ fee in Knook of the Gloucester fee, *Fees*, 723.

(12) On 28 June 1249 William de Radenden's fine was attermed, to be payable at 5 marks half-yearly, commencing Michaelmas 1249, *Fine Roll 33 Hen. III*, m. 6. The pipe rolls record its clearance as follows: 1251-2, 30 marks paid; 1252-3, 20 marks paid; 1253-4, 25 marks pardoned by writ; 1254-5, 5 marks paid; 1257-8, 20 marks paid and the debt quit: *Pipe Roll 36 Hen. III*, m. 4d.; *37 Hen. III*, m. 4d.; *38 Hen. III*, m. 12d.; *39 Hen. III*, m. 8; *42 Hen. III*, m. 9. In 1253-4 and subsequently *de Gillingeham* is added to William de Radenden's name.

53. See note 40 above.

58. Roger and David must be Chilworth manor officials who had put Richard in the stocks pursuant to an order of the manor court; Henry de Hertham presumably held the inquest into Richard's death and then ordered the manor bailiffs to attach Roger and David by sureties.

61. Hugh and Adam had in fact to find a mounted serjeant, not to do service themselves. The serjeanty was originally the keeping of Braydon forest; it is described, with the sub-tenants, in the arrentation of 1250, *Fees*, 1226. In 1268 it was valued at £15.

62. Thomas held in Purton, Fry, *Wilts Fines*, 48 (19).

65. Roger also served as a juror in 1255.

66. The record of this case in the roll of Roger de Thurkelby's 1248 Gloucestershire Eyre (*J.I.* 1/274, m. 2) is a follows: Walter le Cuper killed a stranger in Lusteshull' field in Wiltshire and was taken and detained in Fayrford prison, whence he escaped. So to judgement of *escape* on Fayrford. It is testified that he fled to Fairford church, admitted the deed and *abjured* the realm before the bailiffs of the abbot of Cyrnecestre. Nothing is known about his chattels or tithing since he was from Wiltshire. And *to judgement* on the bailiffs.

69. This case has not been found in the 1248 Berks Eyre roll.

71. The record of this case in the roll of Roger de Thurkelby's 1248 Berkshire Eyre (*J.I. 1/38*, m. 36d) is as follows: Nicholas son of Abraham, of Wiltshire, killed John le May on Burewardcote bridge by day and fled at once to Alta Wrth church in Wiltshire, admitted the deed and *abjured* the realm before the coroner. He had no [chattels]. He was in the tithing of Robert the baker in Hegwrth' in Wiltshire, so it is in *mercy*. The hue was raised and the town of Burewardescote did not take the aforesaid felon, so it is in *mercy*. The first finder has died. No Englishry. Judgement: *murder* on the hundred.

75. Gilbert de Columbers, a knightly tenant of the abbot of Abingdon at Harwell and Uffington, *Fees*, 852, was a Berkshire coroner 1241-8, possibly longer, *J.I. 1/37*, m. 27; *J.I. 1/38*, m. 31. He was presumably acting in his official capacity and believed Richard Bat to be an accomplice to the crime; accordingly he arrested him and sent him to the prison of Richard's lord. A case presented by the Hungerford town jury in the 1248 Berks Eyre seems to be connected with this crime (*J.I. 1/38*, m. 33d): John the miller was killed in Wiltshire and Adam Bat, Richard Bat, William Stabler and Walter son of Walter de Ledecumb', accused of that death, come and deny the death and all etc. and for good and ill put themselves on the country. They offer the King 5 *marks* for having an inquest of this county and Wilts and this is accepted by the pledge of Robert Benchard, Ralph Page, Walter de Fershesdon' and Godwin the smith. The jurors say on their oath that Adam and the rest are not guilty of the death, so they are *acquitted*.

On 6 June 1243 a bail writ issued in favour of William, Richard and Walter, imprisoned at Wallingford for the death of John le Muner, since Roger the cobbler of Ledebur' and William le Messager had been found guilty of the death and hanged at London, *Close Rolls* 1242-7, 103.

80. On 20 Aug. 1238 Bartholomew was granted the wardships and marriages of Robert Turvill's daughters, for a fine of 140 marks, *Cal. Patent Rolls* 1232-47, 230. In 1255 the land was said to be worth £17.

81. The history of this serjeanty has been discussed by Elizabeth Kimball, *Serjeanty Tenure in England*, 90-92.

82. In the serjeanty survey of 1212 and in the Eyres of 1227 and 1241 this serjeanty had been returned under Berks, not Wilts: *Fees*, 106, 1382. In 1268 it was valued at £10.

83. (1) On Margery and Bartholomew see 80-1 above.

(2] Moysy is an error for Meysey; he held ½ fee in Castle Eaton of the earl of Gloucester, *Fees*, 723.

(3) Roger held ½ fee in Stratton of the honor of Kington, *Fees*, 730.

(4) John held a fee in Stratton of the same honor, *Fees*, 730.

84. (1) Walerand held 6 hides in chief at Stratton, *Fees*, 738.

(2) Walter held a fee at Blunsdon of Margery de Rivers, *Fees*, 736.

(3) Gray is an error for Gay; he held a fee in Blunsdon of the Salisbury fee, *Fees*, 720.

(4) Peter, who was the senior of the jurors for this hundred (no. 220 below), held a fee in Moredon of Robert Tregoz, *Fees*, 725

(5) Ralph held in Rodbourne Cheney of the honor of Wallingford, *Fees*, 725.

94. (1) The prior held Nether Wroughton.

(2) William de Valence held Swindon manor under the grant made to him on 12 March 1249 of all the land lately held by Robert de Pont del Arche, *Cal. Charter Rolls 1226-57*, 339, 402.

(3) John held ½ fee in Elcombe of the earl of Leicester, *Fees*, 730.

(4) William Pypard held ¾ fee at Nethercott as a mesne tenant of the honor of Dover, *Fees*, 731.

102. John had to find a vendor, who could be vouched to warrant that William and John had acquired the oxen lawfully. A good example of such a voucher to warrant, about a pig, in which the vouchee denied sale and the vouchor was accordingly adjudged to lose his ears, *quia modicum est latrocinium*, is the case of Hugh atte Watersype, *J.I. 1/776*, m. 33.

109. This crime must have been committed before 2 Nov. 1246, when bishop Bingham died.

115. The bail writ for Peter Friday, imprisoned at Salisbury for the death of Osmund de Throp', issued on 29 Dec. 1248, *Close Rolls 1247-51*, 134.

117. Peter de Mymber served on a grand assize panel in 1249 and what is known of him suggests that he was a prominent knightly tenant of the bishops of Salisbury. A conveyance in 1252, whereby for 300 marks he sold out his interests to the bishop, shows him with 2 carucates at West Lavington and lesser estates at Cadley and Rangebourne, in Potterne, and at Marston and Worton nearby, Fry, *Wilts Fines*, p. 43 (16); he also held a messuage and ½ hide at All Cannings of the abbess of Shaftesbury, Fry, *Wilts Fines*, p. 50 (15); a conveyance in 1256 of a carucate and 20s. rent at Le Hurst may concern Hurst in Worton, *ibid.*, p. 46 (18). His estates at Membury marched with those of Henry of Bath in the Lambourne valley, which were always the favourite residence of Henry's wife Alina, and a local dispute was probably the reason why Peter in March 1242 was imprisoned in the Fleet gaol on a charge of robbing Henry's wife, *Close Roll 1237-42*, 403; that the special commission to hear the case included the King's treasurer and the mayor is a tribute to Henry's position rather than Peter's knightly standing. There is accordingly some piquancy in finding Peter accused of fomenting a dispute, in a court presided over by his most powerful neighbour and sometime enemy; but the men must have composed their differences by 1249 for in this year Peter secured Henry's appointment as assize commissioner to take a novel disseisin he had brought about a tenement at Whittonditch, in Ramsbury, *Close Rolls 1247-51*, 229.

118. Adam held in Baydon, Fry, *Wilts Fines*, 34 (61).

123. William held at Horton in Bishop's Cannings, Fry, *Wilts Fines*, 26 (68).

126. John's son and heir held 2 carucates at Imber, fully described in the arrentation of 1250, *Fees*, 738, 1224. The wardship had been granted to Arnold Cotin on 6 Dec. 1247 but on 28 Dec. he was given leave to sell or assign it, *Cal. Patent Rolls 1247-58*, 3, 4, which he must have done to

Walerand, who was a minor baron in the early years of what was to prove an eminently successful career in the royal service.

128. (1) John, a baron with lands in many counties, held the barony of Keevil with lands in Bulkington, *Fees*, 730-1.

(2) Cardevill is an error for Godardevill; Walter held a fee in Great Cheverell of John de Balun: *Fees*, 731; *Cal. I. P. M., I*, 181.

(3) Richard held Market Lavington, then known as Steeple Lavington, as a fee in chief, *Fees*, 732; *cf.* above, p. 43.

133. Philip held a fee in Cumberwell of Walter de Dunstanvill, *Fees*, 726. On 18 May 1251 order issued to the sheriff to hold an inquest into his holdings and if they were less than £20 or a whole fee not to distrain him to knighthood, *Close Rolls 1247-51*, 540. He served again as a juror in 1255.

144. Alexander de Montfort's liberty was probably at Wellow, co. Somerset, a few miles west of Bradford, *cf. Somerset Pleas, I (Somerset Rec. Soc., XI)*, no. 839; he had another estate at Nunney, near Frome, and was a knight active in Somerset affairs.

152. Sheepbridge was one of the Longespee estates lying in Berkshire which because of their tenurial connexion with the earls of the county became reckoned as a part of Wilts and for adminstrative purposes were part of the Longespee hundred of Amesbury. The connexion must have been an annoying one for the sheriff. For example, in the 1241 Berks Eyre the sheriff of Wilts was amerced 20 marks because when ordered to supply 12 knights of the vicinity for an attaint jury he could at first only produce 6 men and when he did produce 12 they were all of insufficient standing and utterly unqualified to give a verdict: *J.I. 1/37*, m. 20d. It is reasonably certain that there were no knights or prominent freeholders and only a handful of minor freeholders at Sheepbridge or any of the other detached parts of the county, all Longespee estates, in co. Berks.

154. This crime probably happened in 1244, for in the Wilts pipe roll account for 28 Henry III Bartholomew Peche accounted for £7 12s. of the chattels of Amisius le Porter, abjurer for felony, and Nicholas de Barbeflete accounted for 28d. of the chattels of Nicholas Wigot, hanged.

159. (1) Alan held a fee of the Marshall Fee in Cholderton, *Fees*, 745.

(2) The abbot held two parts of a fee of the earl of Winchester in Ablington, *Fees*, 746.

(3) William Longespee had been given leave to lease at farm his manors of Aldbourne, Amesbury and Trowbridge for four years from Michaelmas 1248, in view of his impending departure on the crusade on which he died; Henry de la Mare (of Ashstead, co. Surrey, a *coram rege* justice 1247-49, 1253-6), who may well have been his steward since he was long connected with his affairs and was an executor of his will, was the principal farmer: *C.P.R., 1247-58*, 25; *Close Rolls 1247-51*, 329.

160. This escheat had been granted to the Cantelupes by King John, *Fees*, 381.

163. William's bail writ has not been found in the Close Rolls.

165. This event must have happened in the few months preceding the Eyre, for in the accounts of the episcopal manors for the year ending 1249 Michaelmas there are three entries about it under Downton: an amercement of 2s. on the tithing of Wick for concealing the ill character, *pravitas*, of Roger de Fonte; a payment of '4s. from Ralph Mody for a linen cloth found in the house of the thief who was killed at the bishop's sheepfold'; and in the stock accounts, among the beasts taken on charge during the year, is 'a mare belonging to Roger de Fonte, killed'; Hampshire Record Office, *Eccl.* 2/159290, m. 12, 12d.

166. Robert of Bodenham was apparently a prosperous villein tenant of the bishop's manor of Downton, for in the accounts for the year ending 1249 Michaelmas he appears as giving 4s. for his daughter Avice to marry within the manor; Hampshire Record Office, *Eccl.* 2/159290, m. 12. Three other entries there seem to relate to this case. One is a payment of 5s. from Bodenham tithing for concealing the ill character, *pravitas*, of the son of Robert de Botteham; another is a payment of 12d. from Robert Pockedene and William Moys for the same offence. There is also a payment of 4s. from Bodenham tithing for having the prison of Salisbury at the bailiff's petition. This suggests that the father's accusation was made a few months before the Eyre took place and that after the accusation William may have been sent to Salisbury gaol for safe custody.

167. Baselinges presumably means old coins, superseded by the great recoinage of 1247-8. There was a similar presentment in the 1249 Hants Eyre *de antiqua moneta que vocata Baselard'*, *J.I.* 1/776, m. 32.

168. This crime probably took place in 1245; Geoffrey was imprisoned in Old Salisbury gaol and on 13 July 1245 his bail writ issued for a fine of ½ mark, *Fine Roll 29 Henry III*, m. 7d, but the writ was not entered in the Close Rolls.

171. Sir Paulin Peyvere (d. 1251), a Buckinghamshire knight who through service with the Cantelupes passed to the King's service and was a steward of the royal household, 1245-51, had been a keeper of the temporalities of Winchester during the long vacancy of 1238-44. When bishop William de Raleigh at last took over his temporalities in the autumn of 1244 the serjeant of Downton manor was Lawrence, Hampshire Record Office, *Eccl.* 2/159287, m. 1d. Lawrence Aygnel must therefore have been appointed manor bailiff during the vacancy and these four amercements must have been imposed at some time between July 1241 and September 1244; they had been answered for among the perquisites of courts in the accounts of the keepers of the temporalities, for which no detailed particulars of account survive.

173. Brice the Devonian was a tenant of Bishopstone manor, under which he appears in 1249 as amerced 6d. for breaking the assize of ale, Hampshire Record Office, *Eccl.* 2/159290, m. 13. William Torel is perhaps identical with the Walter Tyrel of no. 171 above.

178. From the bishop's manorial accounts for the year ending 1249 Michaelmas it seems that some of the chattels of William and Philip (called

both Osegood and Angot) were sold and some were taken on charge among the beasts of Knoyle manor: Hampshire Record Office, *Eccl.* 2/159290, ms. 1d, 2. Those sold appear under the heading of 'The chattels of the condemned'. William's, totalling 16s. 5½d., were: a weak draught beast, 4s.; 2 old cart wheels, 1s.; 1 young bullock, 2s. 1½d.; 1½ acres sown with maslin and 1½ acres sown with oats, 8s.; flax and beans, amount unspecified, 1s. 4d. Philip's, totalling 47s. 2d., were: a draught beast, 8s.; 8 weak young bullocks, 15s. 6d.; wainage at Hindon, 17s. 8d., and in Chicklade field, 4s.; 2 acres sown with oats, 3s. Those taken on charge appear under the accounts for the various sorts of beasts; draught beasts, Philip and William, each 1; bullocks, Philip 7; cows after calving, Philip 6 and William 4; young bullocks, *boviculli*, Philip 8 and William 1; calves, Philip 5 and William 4; ewes, Philip and William together, 52; hoggets, Philip 31 and William 5; lambs, Philip 32 and William 9; sows, Philip 2; piglings, Philip 10. Their lands escheated to the bishop and so appear in his hands, Philip's being worth 15¼d. and William's 7½d. A draught beast of Philip, sold separately for 15s., is also entered.

179. Adam was a knight who held nearly 2 fees in Leigh Delamere, of the Marshal fee, *Fees*, 724, and other estates elsewhere in the county, Fry, *Wilts Fines*, 26 (55-6), and who served on 4 of the 5 grand assize panels in the 1249 Eyre.

187. It is not clear which of Walter's several estates in the hundred is referred to because none was in the vicinity of Stanley.

195. Kingswood (now co. Gloucester) was a detached part of the county in Gloucestershire which for administrative purposes formed part of Chippenham hundred.

205. Surrendell, in Hullavington, in the thirteenth, fourteenth and fifteenth centuries formed part of Chippenham hundred: *Collectanea*, pp. 90 (101), 93 (131), 94 (132); *Feudal Aids, V*, 208, 253.

211. On John de Eston see appendix II.

212. William received Sopworth under the grant given in note 94 (2), above; *cf. Collectanea*, p. 117 (75).

214. As in no. 128 above, Cardevill' is an error for Godardevill'. Walter died shortly before 2 Jan. 1250: *Excerpta e Rotulis Finium, II*, 68; *Cal. I.P.M., I*, 181. The jurors have confused his holdings, since he held part by serjeanty and part by knight's service, *ibid.* and *Fees*, 736, 739. That comprising the borough of Chippenham and manor of Suldon was an escheat of the Norman William Beauvilein, granted on 27 July 1231 to hold as ¼ fee, *Cal. Charter Rolls 1226-57*, 138. Walter was a distinguished servant of the King. *Cf.* also *Collectanea*, p. 114 (69).

216. This estate of the Norman Ralph de Feugeres was granted to Hugh, a very distinguished royal servant (d. 1249), on 8 Aug. 1235, *Cal. Charter Rolls, 1226-57*, 211. *Cf. Collectanea*, p. 114 (70).

217. This was Norman's lands, granted to Matthew or Matthias, for life,

on 11 Jan. 1241, *Cal. Charter Rolls, 1226-57, 255. Cf. Collectanea*, p. 115 (71).

218. (1) Hugh was a knight who held in Grittleton, Kington and Nettleton, *Fees*, 732, and also in Surrey, being prominent in the affairs of that county for many years, but inactive in Wilts.

(2) Elias was a knight who held in Kellaways, *Fees*, 717, 747, and served on a grand assize panel in 1249.

220. On Peter see note 84 (4) above.

224. Andrew held at Stock Street, in Calne, Fry, *Wilts Fines*, 50 (38).

227. John fitz Geoffrey, steward of the household and justiciar of Ireland, held a fee at Cherhill in chief, *Fees*, 730.

229. William de Cantelupe held the hundred and town of Calne at fee farm, with immunities which excluded the sheriff from the district save after default by his bailiffs.

235. (1) Reynold held in Compton Basset a fee of Walter de Dunstanvill and another, in his wife's right, of the honor of Wallingford, *Fees*, 726-7.

(2) The abbot held Bromham.

237. Walter's unusual name, which perplexed the clerk, was probably derived from the holding by him or an ancestor of a tenement which owed a rent of a clove of gillyflower. He was a leading burgess of Lacock and there survives a grant to him and his wife Eve by Ela abbess of Lacock (1239-57) of a burgage there, to hold at 12d. rent, *E.* 42/346. In this his surname is spelt *Clovdegilafre*.

246. (1) The earl of Winchester held ½ fee at Compton in Enford, *Fees*, 746.

(2) The earl of Leicester held Everleigh, *cf.* no. 242 above.

247. Henry was a knight who held ½ fee at Hill Deverill of the Salisbury barony of Chitterne, *Fees*, 708, 720, and who served on 2 grand assize panels in 1249.

250. This crime seems to be the same as that committed by Simon de Knuk, who was imprisoned at Salisbury castle gaol for the death of one Ralph and for whom a bail writ issued on 8 April 1244, *Close Rolls* 1242-7, 176.

256. Unfinished: as a daughter and coheir of Walter Walerand, Aubrey held, with other coheirs, a fee in chief at Codford, *Fees*, 735.

257. On William see above, note 45 (11).

262. Richard was a knight who held in Clyffe Pypard of the Lisle fee, *Fees*, 727, and also at Broad Town, Fry, *Wilts Fines*, p. 24 (57); he served on 2 grand assize panels in 1249; *cf.* also note 1, above.

264. Broad Town, in which Littleton lies, was a fee of the honor of Wallingford, held by Fulk Basset of the earl of Cornwall, *Fees*, 727; hence the prisoners were not sent to the Wilts county gaol.

266. *Cf.* nos. 230, 232, above. The writ issued on 29 Oct, 1248, ordering the

sheriff of Wilts to give Theobald seisin of the chattels of Walter de Mariscis and his son, outlawed for homicide, *Close Rolls 1247-51*, 123.

267. The priory held Bushton in Clyffe Pypard; *cf. Wiltshire Notes and Queries, I*, 413-5. This purpresture was again presented in the 1268 Eyre, when it was said to be ½ acre of land worth 6d. in Bushton; a discussion about it with the prior was then ordered.

268. Woodhill, held formerly by the Norman Richard de Escorchevielle, had been granted to Theobald on 20 May 1248, *Cal. Charter Rolls 1226-57*, 331. The service was really 4 barbed arrows, *ibid.*, 331, 378; in 1268 the estate was valued at £5.

270. The court is that of the Winchester priory manor of Bushton, in Clyffe Pypard.

274. Edulf seems to be the priory manor official mentioned in no. 270 above; the other appellees were presumably other manorial officials and suitors of the court.

277. Geoffrey held in Longbridge Deverill of the abbot of Glastonbury and in Hill Deverill of Henry Huse, *Fees*, 732, 728; *cf.* also Fry, *Wilts Fines*, pp. 16 (44), 19 (20), 27 (74), 28 (87), 40 (48).

280. Raesters, now in Bishopstrow, was apparently considered to be, at least partly, in Longbridge Deverill in the thirteenth century. Litigation in 1238 between the abbot of Glastonbury and Maurice de Radehurst and his wife Christina, *Patent Roll 22 Henry III*, ms. 11d, 10d, 4d, ended in an agreement made at an assize session held at Ilchester after the Devon Eyre, *J.I. 1/174*, m. 43d. The abbot allowed them common of pasture from Radenbir' to Alecumbehevid (Aucombe) and alderground in Radenhurst; they granted him land pertaining to Maurice's freeholding in Radehurst, from Selewde to the head of Alecumbe, except common in heath. There was further litigation about this agreement in 1249. Fry, *Wilts Fines*, 39 (32).

282. Peter served again as a juror in 1255.

290. About 14 Dec. 1248 a bail writ issued, after an inquest *de idio et atya*, in favour of Robert Guyzun, imprisoned in the King's gaol of Salisbury for the death of Walter Selk, *Close Rolls* 1242-7, 491.

293. Philip Marmyun held ⅓ fee in Westbury of Walter de Paveley, *Fees*, 736; *cf.* also Fry, *Wilts Fines*, 70 (350).

294. (1) On Richard de Danesy see appendix II. He held 4½ hides in Dilton and Bratton; considerable portions of these had been alienated, the tenants of these portions being listed in the arrentation of 1250, *Fees*, 1225-6. Robert, the usual form of whose name was *Plugenet* or *Plugenay*, held 2 virgates of these alienated portions; others of his family held in chief at Westbury. Robert had served as deputy sheriff in 1235-6, was a juror for this hundred in 1255 and was related to Richard by marriage, Fry, *Wilts Fines*, 66 (200).

(2) On William Mauduit see note 323 and on Nicholas de Barbeflet see appendix II.

(3) Nicholas son of Adam held ⅔ fee in Lus Hill of Walter de Dunstanvill, *Fees*, 726.

(4) James held land in Chippenham, *Fees*, 739; he died before 13 Nov. 1249, *Cal. I.P.M.*, *I*, 173, 194.

(5) Rocelin, who was a juror for this hundred in 1255, held 4 virgates of the alienated part of Richard de Danesy's serjeanty in Dilton and Bratton, *Fees*, 1225.

(6) 60s. 1d. was the customary fine payable by one defeated in the judicial duel, Pollock and Maitland, *History of English Law*, *II*, 459, but this is the only occasion in about a dozen compromised crown pleas duels in the late 1230s and 1240s when we have found this sum as the fine.

(7) Walter de Paveley, a knight who was deputy sheriff in 1233-4, an assize commissioner in 1235, 1241-2, and a gaol delivery commissioner in 1243, held several parts of fees at Westbury in chief or of William de Plugenet; he also held an acre of the alienated portion of Richard de Danesy's serjeanty, *Fees*, 736, 740, 1225.

295. (1) Eudes Burnel held Penleigh in chief, *Fees*, 740; *cf.* Fry, *Wilts Fines*, 33 (60).

(2) The Fitz Warin holdings included ½ fee and £5 worth of land in Westbury and $\frac{1}{16}$ fee in Leigh, *Fees*, 729, 740, 736.

(3) There were several Paveley holdings in chief and in mesne in Westbury, *Fees*, 736.

(4) Eve de Tracy was mesne tenant of several fitz Warin holdings in Westbury and Leigh, *Fees*, 729, 736, 740.

306. The rectory of Westbury was attached to the precentorship of Salisbury, Jones, *Fasti*, 326.

307. Geoffrey Waspayl was a knight who held a fee in Smallbrook of the earl of Gloucester, *Fees*, 723, and who served in 2 grand assize panels in 1249.

309. Gaudinus held 2 hides in Heytesbury by serjeanty of the earl of Gloucester: *Fees*, 739; Fry, *Wilts Fines*, 24 (28). Nothing has been found about a holding of his in Warminster, so perhaps some of the appellees were Heytesbury men. At Warminster 2 hides formed a prebend for one of the sub-deacon canonries in Salisbury cathedral: Jones, *Fasti*, 427; *Fees*, 737.

310. The Mauduit tenants at Warminster formed their own tithing, separate from that of the prebend (no. 309).

323. The authority for the Mauduit's gallows may have been a twelfth century charter or prescription; at the time of the 1281 and 1289 Eyres, when most such franchises in the county were challenged at *quo warranto* and their history was often narrated, the then head of the family was a minor in the King's ward and there were no claims to be challenged.

333. Geoffrey held ½ fee in Badbury of the abbot of Glastonbury, *Fees*, 732; *cf.* Fry, *Wilts Fines*, 28 (5).

334. Roger served again as a juror in 1255.

338. No reference to this case has been found in the roll of the 1248 Berks Eyre.

339. The record of this case, under Wantage hundred, in the roll of Roger de Thurkelby's 1248 Berks Eyre (*J.I. 1/38*, m. 34) is as follows:

Agnes who was the wife of Walter de Alta Wrth' appealed Geoffrey son of Gregory of the death of her husband Walter, and he was *outlawed* in the county at Agnes's suit. Geoffrey had no chattels. Nothing is known of his tithing because he was of Wiltshire. The twelve jurors concealed this appeal, so they are in *mercy*. Gregory the smith of Spersholte, Robert Godchep, Walter of Eton', Hugh Hereward, William le Punter of Coleshill' and William Childesluve were attached because they were there where Walter was killed. They come and the jurors say they do not suspect them of the death, so they are acquitted. But because they were present and did not take Geoffrey they are in *mercy* [deleted in margin]. Afterwards Robert and the rest come and make a fine of 20*s*. for their mercy, by the pledges of Gilbert de Columbariis and Simon of Uffinton', except for Gregory who is poor.

343-4. Hugh de Ros held at Wilton, in Grafton, Fry, *Wilts Fines*, 45 (19). Reynold de Albo Monasterio or Blancmuster was a knight or minor baron with considerable holdings in the south-western counties who apparently held at Puthall, in Little Bedwyn; and in the 1244 Savernake forest inquest a park recently made by him at a place unspecified is reported, *E. 146/2/23*, m. 7. On the civil pleas side in 1249 Hugh brought a mort d'ancestor against Reynold for 20 acres of wood at Puthall (Pateleg', Pateshal), alleging that Reynold had obtained this estate by a charter which Hugh had made when a minor and in Reynold's ward; but he lost this action because he admitted that he had been in seisin of the wood after his father's death and so the assize did not lie; he thereupon began an action of right for the same estate: *J.I. 1/996*, ms. 7d, 18. Ralph de Wyliton was a distinguished knight who held at Calne, Calstone and Hilmarton, Fry, *Wilts Fines*, 36 (18), 49 (24) and fees at Bulkington of the fitz Alans and at Etchilhampton of Hugh de Ver, *Fees*, 718, 735. The Savernake forest inquest of 1244 reported that Ralph had taken 5 beasts at various times while passing through the forest, adding that he used to stay at the house of Reynold de Albo Monasterio, *E. 146/2/23*, m. 15. It is not improbable that the trespasses complained of in these actions were connected with the dispute about the wood.

354. The trespass complained of must have taken place before the autumn of 1245 when Geoffrey left for the Welsh campaign in which he met his death, *cf.* The earl of Cardigan, *The Wardens of Savernake*, 42-5.

359. (1) Simon de Montfort held 9/10 fee in Chute, *Fees*, 730.
(2) The abbot of Hyde held in Collingbourne, *Fees*, 714.
(3) Robert de Mucegros held the Sturmy lands in wardship, see note 493.
(4) On Hugh de Ros see note 343-4.

373. Had Robert de Crumushull' been bailiff of a liberty, judgement would have been given against the lord of the liberty which would presumably have been taken into the King's hand. But as he is bailiff of a royal manor—he was

also constable of Marlborough castle, *Close Rolls 1247-51*, 243—he is himself in mercy.

374. (1) This event probably happened late in 1248; prior William, Robert and Walter were imprisoned at Marlborough, the bail writ for them issuing on 9 Jan. 1249. *Close Rolls 1247-51*, 135. The prior's nephew is there called Ralph, and Edith's brother was John de Ponte. Robert was the brother of the prior, not of Walter.

(2) In the Wilts pipe roll accounts for 34 and 35 Henry III the names of the first two sureties for the fine are given as William de Cardevill and Nicholas de Barbeflet. William's surname in the text is therefore probably a mistake; Nicholas is known to have been called both Barbeflet and Hampton, *E. 146/2/23*, m. 9. The fine was not attermed and was accounted for in full by the sheriff on the next account, *Pipe Roll 36 Hen. III*, m. 4d.

378. The prior held both Fyfield and Overton, *Fees*, 748.

382. The amercement and felon's chattels in this case were the only small debts from the crown pleas to be entered individually in the Wilts pipe roll accounts. In 1254 Robert de Mucegros (keeper of Marlborough 1235-54) accounted in full for the value of the chattels; the town of Amesbury had been amerced £1 for harbouring William, of which 10s. was cleared: *Pipe Roll 38 Hen. III*, m. 12d. The final payment for Amesbury's amercement has not been traced.

383. (1) Reynold held 10 hides in Mildenhall in free marriage of the Marshal fee and the manor of Winterbourne Basset as ½ fee of Walter de Dunstanvill, *Fees*, 748-9.

(2) On the prior's holding see note 378.

385. A bail writ for Peter Griffin, imprisoned at Winterburn' for Hugh's death, issued on 3 Oct. 1248; it had been executed by 28 Dec. 1248 when the sheriff of Wilts was ordered to return Peter's chattels to him. *Close Rolls 1247-51*, 91, 134.

On 11 June 1249, while the King was at Clarendon immediately after the end of the Eyre, the sheriff was ordered to allow 50s. out of Peter's chattels to his widow Alice, for herself and her children, *Cal. Liberate Rolls 1245-51*, 239. This sum was among those deducted from the first lump sum payment of the Eyre issues in the account for the 2 years to 1251 Michaelmas.

Those mentioned here and in no. 387 below were not the only men implicated in this deed. About 3 July 1248 Nicholas de Lusteshull, Matthew de Bymerton, Richard de Muleford, Simon Cosin, Ralph and Simon de Paulesholt, mainprised for the appearance before the King or his justice on the Monday after the octave of Trinity [22 June] of Nicholas son of Adam de Lusteshull and his man Richard accused of consent to the death of Hugh de Mara, *Close Rolls 1247-51*, 116. They were presumably acquitted, *cf.* note 294 (3).

386. On William le Droys see appendix II.

387. (1) William de Torny, Thorny or Thurney was a knight who served as elector or juror in three grand assize panels in 1249 and in a perambulation

in 1247, *Glastonbury Cartulary*, ed. Watkin, (*Somerset Rec. Soc. 64*), *III*, no 1194.

(2) John de Cherburgh held ¼ fee in chief at Seend and a fee in Winterbourne Gunner of the earl of Hereford, *Fees*, 744, 747. He also had estates in cos. Berks and Surrey and was very prominent in the affairs of the latter county between about 1205 and 1235. He served on 2 grand assize panels in 1249. See also appendix II, *s.n.* Barbeflet.

(3) Ralph the dean's nephew is probably identical with Ralph of Stok', imprisoned at Salisbury on appeal by Peter and Robert de la Mare for the death of Hugh de la Mare, in whose favour a bail writ issued on 24 Sep. 1248, *Close Rolls 1247-51*, 89.

389. William must have died in 1243 for on, or about, 27 April 1243 a bail writ issued for Lucy Erchefont', imprisoned at Salisbury for the death of her husband William de Stok', *Close Rolls 1242-7*, 97. Moreover it seems likely that some of her neighbours had profited by Lucy's imprisonment for in the Dorset Eyre held in June-July 1244 Lucy de Erchesfunte brought a novel disseisin against Richard the vicar of Urchfont about a virgate and messuage there, recovering this estate and 20s. damages, *J. I. 1/200*, m. 11.

392. The prior held Patney, *Fees*, 737.

394. The attachment of the first finder was presumably made by the sheriff or a county coroner, on the bailiff's default.

395. Nicholas and Thomas were both borough jurors in 1255.

397. Avice de Columbariis was the lady of Chute forest and manor. On 2 Dec. 1246 the rent for her Chute bailiwick had been reduced from £3 to 10s., *Fine Roll 30 Hen. III*, m 19d.

399 A-D. On Nicholas see appendix II. It is possible that connected with one or other of these disputes is an undated inquest held between 1246 and 1249 into a dispute between Nicholas and the men of the Barton: *Cal. Misc. Inquests, I*, 469; Fry, *Wilts Inquests, I*, 69-70. The verdict was in favour of Nicholas, the men of the Barton not being entitled to common in his holding at Cadecroft nor in a meadow held by him at Manton.

401. Walter served again as a juror in 1255.

406. In 1268 the churches were valued at 8 marks.

408. In 1255 it was presented that Richard de Bynnakre and his sister Juliana held these 3 virgates but had alienated 1½ virgates to Peter and a messuage and 1½ virgates to Nicholas de Barbeflet; the service was to be performed in Devizes castle: *Rot. Hundr., I*, 236. The jurors do not mention a larger estate here also held by serjeanty.

409. The church was also valued at 20 marks in 1268.

410. Bartholomew served again as a juror in 1255.

411. Reynold of Bath, who died not long before 22 Feb. 1255, held in cos. Somerset and Bedford, *Cal. I.P.M., I*, 328, but has not been traced in Wilts.

Geoffrey de Langley (d. *c.* 1260) was a distinguished royal servant and at this time chief justice of the southern forests.

414. If the townships are Upavon, Wilsford and Newnton, in this hundred, *Fyserton'* must be a mistake for Charlton. More likely is the possibility that the accident happened near Salisbury and that the townships are Avon, Great Wishford, South Newton and Fisherton Anger.

426A. Upavon, formerly held by Ralph de Tankervill the chamberlain of Normandy, was granted to Gilbert Basset on 23 Jan. 1229, *Cal. Charter Rolls 1226-57*, 86. Fulk succeeded on his death in 1241.

426B. In fact Fulk seems to have held Marden as a fee by knight service of the honor of Leicester, *Fees*, 730; in the 1227 Eyre it was returned as an escheat held by knight service, *Fees*, 381.

427. In 1227 this serjeanty was valued at £5; the alienated parts are described in the arrentation of 1250: *Fees*, 381, 1227. The service owed was that of a mounted man at arms. The wardship had been granted to the bishop of Carlisle on 27 Dec. 1247, *Cal. Patent Rolls 1247-58*, 4; *Close Rolls 1247-51*, 12. Probably shortly before this there was held the undated inquest (*Cal. I.P.M., I*, 894; Fry, *Wilts Inquests, I*, 66) which returned the value of the estate as 79s. 8d.

429. In 1255 the jurors reported that suit of court for Upavon had been withdrawn 20 years before in the time of Gilbert Basset (1229-1241, *cf.* note 426A) to the King's damage of a mark, *Rot. Hundr. I*, 234. No payments from Upavon are found under Swanborough hundred in the sheriff's particulars of account for 30 and 31 Henry III. The sheriff evidently distrained for the suit after the Eyre, for on 9 Oct. 1249 Reynold de Moyun and his men of Upavon were granted respite against the sheriff's demands in respect of customary duties withheld from the King's hundred, *Fine Roll 33 Hen. III*, m. 2. The return of 1255 shows that they continued to enjoy exemption from this suit.

431. Broad Chalke was the chief manor of the abbess of Wilton's barony, *Fees*, 739.

442. John held Stoke Farthing (Verdun), *Cal. I.P.M., II*, 78.

443. On Henry see appendix II.

456. (1) Humphrey held in Hilperton a fee of Ralph Mortimer and ⅕ fee of the Salisbury fee, *Fees*, 718, 721.

(2) Roger held a fee of the fitz Alans in Paulshot, *Fees*, 718.

(3) Ralph presumably held the subordinate manor of Melksham Lovel.

457. Richard held ½ hide in Milford by the serjeanty, shared with two others, of keeping Clarendon forest: *Fees*, 587; *Cal. I.P.M., I*, no. 188.

462. Nothing has been found about this case in the roll of the 1249 Hampshire Eyre.

465. (1) John of Monmouth shared fees in West Dean, Grimstead and Whaddon, *Fees*, 747.

(2) Robert Walerand held ⅓ fee in Whaddon of Aubrey de Boterell, *Fees*, 747.

468. This serjeanty, which had been partly alienated, is described in the arrentation of 1250, *Fees*, 1227-8; it pertained to the manor of Shipton Moyne, co. Gloucester.

470. All three fees in Shrewton were held by William in chief, *Fees*, 721.

474. Branch and Dole hundreds had presumably been farmed since the autumn of 1247, for they were in the sheriff's own hands in 1246-7. In the particulars for the year ending Michaelmas 1247 the issues received from them totalled £7 11s. 10d.; in the particulars for ¾ year ending Michaelmas 1246 the issues were £3 13s. 8d.: E. 370/6/12, 15. The farm rent, of £6 13s. 4d., thus appears as a reasonable one.

475. William Gilbert held ⅔ fee in Swallowcliffe of the abbess of Wilton, *Fees*, 715, 733.

477. John Mansel (d. 1265) was for over two decades close confidant, counsellor and servant of Henry III.

481. This accident probably happened early in 1243 for on 15 March 1243 a bail writ issued for Roger son of Gilbert, imprisoned at Salisbury for the death of Gunilda daughter of Agnes, *Close Rolls*, 1242-7, 92.

487. (1) Geoffrey held Fonthill Giffard in chief and Apshill of the abbess of Shaftesbury, *Fees*, 734-5.

(2) Ralph was a juror for this hundred in 1255.

(3) John held a portion of a fee in Fonthill Gifford, *Fees*, 735.

489. Robert held in Tisbury, Fry, *Wilts Fines*, 31 (20), 33 (56).

493. Geoffrey Sturmy's death in the Welsh campaign of 1245-6 was presumed by 6 March 1246, when order issued for the taking of his lands into the King's hand; on 20 April the wardship of the lands and heir was granted to Robert de Mucegros, *Fine Roll 30 Henry III*, ms. 13d, 12d. Geoffrey's brother Richard had presumably been discharging his duties in his absence, for on 25 April 1246 he was ordered to hand over to Robert the bailiwick of Savernake forest, *Close Rolls 1242-7*, 418. Robert presumably let Richard continue in office until the majority of the heir. In 1268 the serjeanty was valued at £5.

494A and **B.** In 1268 both these serjeanties were valued at £5.

497. Clarice had lost her husband Richard de Hache by 1241, Fry, *Wilts Fines*, 32 (38). Hawise's husband Robert was then still living when the pair were concerned in a concord about lands at Ridge in Chilmark, *ibid.*, 29 (19).

499. (1) Robert held in Alderstone and Whiteparish, Fry, *Wilts Fines*, 48 (12).

(2) Walter was presumably the heir of Robert (no. 497 above) but the lands of the Huscards or Huscarls in this hundred have not been identified.

500. In the sheriff's particulars of account for ¾ year ending Michaelmas

1246 the issues for Frustfield hundred were 16 debts, totalling £1 3s. 6d.; in the year ending 1247 Michaelmas there were 10 debts, totalling 9s.: *E.* 370/6/12, 15.

501. Geoffrey, who held in Barford St. Martin, Fry, *Wilts Fines*, 39 (36), served again as a juror in 1255.

505. These lands appear to include the virgate held in Barford by William as part of an estate held by the serjeanty of keeping Grovely forest, *Fees*, 743.

507. In the sheriff's particulars of account for ¾ year ending Michaelmas 1246 the issues for Cadworth hundred were put with those of Cawdon, being 25 debts totalling £2 15s.; in the year ending Michaelmas 1247 there were 33 debts from the two hundreds, totalling £3 9s. 10d.: *E.* 370/6/12, 15.

512. In 1268 the church was valued at a mark.

518. The abbot held Damerham; a quittance of common summons is enrolled in respect of him for the 1248 Berks Eyre but not for this Eyre. Peter held a fee of him in Little Damerham, *Fees*, 732.

520. On Lawrence see note 171 above; in 1249 he was litigating about interests in Standlynch, *J.I.* 1/996, m. 15d.

525. John de Plescy held Coombe Bissett in wardship, *Fees*, 741 and *cf.* no. 535 below.

531. Parnel window of Ralph de Tony held Britford in chief, *Fees*, 741.

535. The wardship and marriages of Ellen (who married Ralph) and Isabel (who married Hugh) Biset were on 9 Dec. 1241 granted to John de Plescy, one as a gift, the other for 100 marks fine, *Excerpta e Rotulis Finium*, I, 362.

536. (1) The earl held a virgate in Winterbourne Gunner of the alienated portions of the de la Mare serjeanty there, *Fees*, 1179, 1227; *cf.* also no. 535 above.

(2) Ralph's holdings were in his wife's right, no. 535 above.

(3) The abbess of St. Léger, Les Préaux, held a hide at Homington of the earl of Leicester, *Fees*, 741.

(4) Parnel held Stratford in dower and Britford in barony, *Fees*, 741.

(5) Ralph held East Harnham of John son of Geoffrey de Nevill, *Fees*, 741.

(6) William held at Down, probably in Harnham, *J. I.* 1/996, m. 2d.

537. John held parts of fees in Little Langford, of the Salisbury fee, *Fees*, 721.

539. William de Tracy held ½ fee in Little Langford, of the abbess of Wilton, *Fees*, 733.

548. (1) The prior held Stockton.

(2) John had a share in a fee at Steeple Langford and parts of fees there and in Great Wishford, *Fees*, 734-5.

(3) William probably held ¼ fee in Ditchampton of Philip Marmion, *Fees*, 716, 747.

553. Sterre and Chynne were probably bailiffs and acting in this capacity along with the mayor.

555. William le Taverner of Salisbury was among 10 persons appealed by Robert the baker of Besington of robbery and consorting with robbers whom on 23 Oct. 1242 the sheriff was ordered to arrest and carry to Newgate gaol, *Cal. Liberate Rolls 1240-5*, 151.

562. On 30 Oct. 1247 a writ *de odio et atya* issued to the sheriff of Wilts to hold inquest on Philip de Anduvre 'taken and detained in the bishop of Salisbury's prison at New Salisbury for the death of a certain aborted infant, as is said', *C. 144/3*, no. 55. The inquest is not preserved with the writ but was favourable, for on 12 Dec. 1247 a bail writ issued for him, it having been found by inquest that he had been appealed of the death of a miscarried infant by spite and malice and was not guilty therein, *Close Rolls 1247-51*, 16.

566-7. Among the civil pleas is a recognizance of debt by Gilbert Chynne that he owed 106s. to Cleremund of Southampton, who had dealings with several Wilts landowners and merchants and was probably a Jew, *J.I. 1/996*, m. 9d.

INDEX OF PERSONS AND PLACES

(1) TEXT AND NOTES TO TEXT

All references are to entry numbers of the Text or, where *n* is suffixed, to the Notes to the Text; reference to a note is not given where the name occurs also in the relative entry. Where 'd' is prefixed to a reference, the person is mentioned only as a defaulter on the common summons (*cf.* pp. 30, 45). 'J.' prefixed to a reference indicates that the person is mentioned as a member of a presenting jury (*cf.* pp. 33-34). Places, except for those unidentified, are indexed under the current modern form. The names of the parishes in which non-parochial places lie are enclosed in square brackets.

(2) INTRODUCTION AND APPENDIXES

All references are to pp. 1-150. References to Eyres of particular counties and some references to legal authors and to matters known by personal or place names will be found in the Subject Index.

SUBJECT INDEX

All references are to the numbered entries of the Text unless otherwise indicated, by 'p.' for page references or by '*n.*' for Notes to the Text. To avoid confusion, references to entries or their notes have, as far as possible, been grouped separately from references to pages. Cross references to the Index of Persons and Places are to Index 1 (Text and Text Notes) unless otherwise indicated. Much incidental matter mentioned in discussing cases in the Introduction has not been indexed, since it is fully covered by references to the Text.