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Archaeological and Natural History Society)

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CIVIL PLEAS
OF THE
WILTSHIRE EYRE, 1249

EDITED BY
M. T. CLANCHY

DEVIZES
1971

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P R E F A C E

The preface to Volume XVI of the Society's publications records that it had been the intention to publish the full Latin text, with English summaries, of the Wiltshire eyre roll for 1249. A change of plan resulted in the publication of that volume, in 1961, in the form of an English version of the Crown pleas only. It remained the intention of the Society (or, as it was called until 1967, the Records Branch of the Wiltshire Archaeological and Natural History Society) to publish a text of the civil pleas, and in 1966 it was fortunate in persuading Mr. Clanchy to edit an English version of the civil pleas, to write an introduction, and to compile the indexes.

Mr. Clanchy wishes me to record the help that he has received from a Latin transcript of the roll made by the late Mr. E. W. Safford and the late Col. G. E. G. Malet (whose interest in the project is mentioned in the preface to Volume XVI), and from an analysis of the cases made by Mr. C. A. F. Meekings, the editor of Volume XVI, who was also kind enough to read and comment on the introduction. Mr. Clanchy was helped in identifying names by Mr. R. W. Dunning, Mr. E. G. H. Kempson, and Mr. R. E. Sandell, and asks me also to express his debt to Professor S. F. C. Milsom for advice on the introduction.

November 1970

CHRISTOPHER ELRINGTON

ABBREVIATIONS

- Book of Fees* *The Book of Fees, commonly called Testa de Nevill*
(H.M. Stationery Office, 1920-31), 3 vols.
- Bracton, *De Legibus* Henry de Bracton, *De Legibus et Consuetudinibus*
Angliae, ed. G. E. Woodbine (New Haven,
1915-42), 4 vols. Reissued with translation and
revisions by S. E. Thorne (Cambridge, Mass.,
1968-)
- C.P. 25(1) Public Record Office: Feet of Fines, Series I
- Flower, *Introduction* C. T. Flower, *Introduction to the Curia Regis Rolls,*
1199-1230 (Selden Society), lxii (1943)
- J.I. 1 Public Record Office: Eyre Rolls, Assize Rolls, etc.
- K.B. 26 Public Record Office: Curia Regis Rolls
- Meekings, *Crown Pleas* *Crown Pleas of the Wiltshire Eyre, 1249*, ed. C. A. F.
Meekings (Wiltshire Archaeological and Natural
History Society, Records Branch vol. xvi, 1961)
- Pollock and Maitland, *History of English Law* F. Pollock and F. W. Maitland, *The History of*
English Law before the Time of Edward I, 2nd edn.,
reissued with introduction and bibliography by
S. F. C. Milsom (Cambridge, 1968), 2 vols.
- S.S. Selden Society
- V.C.H.* *Victoria History of the Counties of England*
- W.A.S. R.B. Wiltshire Archaeological and Natural History
Society, Records Branch, *since 1967* Wiltshire
Record Society

INTRODUCTION

THE WILTSHIRE EYRE OF 1249

The documents of which English versions are printed here comprise Wiltshire civil pleas heard by Henry of Bath and his fellow justices in the eyre of April–June 1249. Cases 1–532 in the edition comprise the first twenty-two membranes of a Wiltshire eyre roll preserved in the Public Record Office in the class of *Rolls of the Justices Itinerant, Eyre Rolls, Assize Rolls etc.* and numbered 996 (short reference J.I.1/996). Of the twenty-two membranes, nineteen record litigation from the county of Wiltshire (1–463), two record pleas from the bishop of Salisbury’s liberty (464–83), and the last membrane lists appointments of attorneys from Wiltshire and other counties (484–532). To these cases have been added entries on a membrane recording Wiltshire litigation from the same eyre (533–65), which was mistakenly filed by the clerks in another roll (J.I.1/777 m.31), and on a membrane recording essoins (excuses for not attending court in person) in Wiltshire civil pleas (566–86), which was filed in a roll of pleas from other counties taken at Wilton (J.I.1/997 m. 22). The relationship of the different rolls to each other is discussed in the second section of the Introduction.

The Crown pleas (i.e. mainly criminal matters) of the Wiltshire eyre of 1249, which follow the civil pleas in roll J.I.1/996, comprising membranes 23–40, have already been published in an English version edited by Mr. C. A. F. Meekings.¹ Mr. Meekings’s extensive introduction to the Crown pleas explains many matters which equally concern the civil pleas presented here. He discusses the judicial eyre in general in the reign of Henry III, the eyre circuit of 1246–9 in particular, the arrangements and exact dating of the eyre in Wiltshire in 1249, and the peculiarities and history of roll 996.² At the end of his introduction he estimates the financial profits accruing from the eyre totalling £673 4s. 5½d. from Wiltshire, of which £62 13s. 4d. arose from fines and oblations recorded in the civil pleas section of the roll.³ He appends biographical notes on the five judges conducting the eyre (Henry of Bath, Allan de Wassand, William of Wilton, Reynold of Cobham, and William le Breton), on Roger of Whitchester, the keeper of writs and rolls for this court, on two sheriffs of Wiltshire (Nicholas of Haversham who served until December 1245 and Nicholas of Lus Hill who succeeded him and was sheriff when the eyre began), and on eleven prominent Wiltshire landowners⁴ who

¹ Meekings, *Crown Pleas*. See Abbreviations opposite.

² *Ibid.* pp. 1–27; summarized by R. B. Pugh, ‘The King’s Government in the Middle Ages’, *V.C.H. Wilts.* v (1957), pp. 16–18.

³ Meekings, *Crown Pleas*, pp. 111, 107.

⁴ *Ibid.* appendix ii, pp. 126–46. The eleven landowners (see also below, Index of Persons and Places) are: Nicholas of Barbefet, Hamo of Beckhampton, Alexander de Cheverell, Richard Danesy, William Drues, Richard of Durnford, John of Easton, Henry of Hartham, Geoffrey de Scudemor, John de Vernun, and Henry of Whaddon.

are referred to in the civil pleas. As the reader will not necessarily have Mr. Meekings's volume to hand, a summary of the relevant parts of his introduction follows.

The eyre for the common pleas was a royal court held by the king's justices in the various counties of the realm at intervals of several years.⁵ On the civil side the justices were commissioned to hold all pleas which had been appointed to come before them, usually arising from writs addressed to the sheriff. The eyre as the chief institution for administering justice throughout the realm on a uniform pattern had evolved early in the reign of Henry II, and lasted until late in the reign of Edward I. Thereafter royal judges continued to perambulate the counties, but no longer with such wide terms of reference. Up to and including the time of the Wiltshire eyre of 1249 the central court at Westminster for civil or common pleas, the Bench, was suspended during eyre visitations because the senior Bench judges acted also as justices in eyre. For example Henry of Bath, chief justice of the Bench, was the principal judge in the Wiltshire eyre of 1249. In effect 'the eyre on the civil pleas side was the Bench itinerant.'⁶ Consequently the Bench justices, when on eyre in a particular county, might hear civil pleas arising from other counties as well as taking cases from the particular county. The pleas from other counties, called 'foreign' pleas, were usually enrolled separately, though a few found their way on to roll 996,⁷ and the attorneys' list concerns all counties indiscriminately. Most litigants waited for the Bench judges to come in eyre to their county, rather than following the court to other counties or to Westminster. On the whole only magnates could afford to appoint attorneys to follow the court from county to county. Furthermore clause 18 of Magna Carta had ruled that possessory assizes, the most common type of civil plea, must be taken in the county that they concern and not elsewhere. The popularity of doing business in the particular county is indicated by the size of civil plea rolls like roll 996 and also by the number of final concords (formal agreements between litigants) made in the counties. Of 740 feet of fines (the court's copies of final concords) surviving for Wiltshire from the reign of Henry III, 456 were made in Wiltshire eyres, 34 in eyres of other counties, and 250 in the Bench at Westminster.⁸

The Wiltshire eyre of 1249 was part of a countrywide visitation in 1246-9 conducted by two groups of judges on circuits headed by Roger de Thurkelby and Henry of Bath. Wiltshire was on the latter's circuit. Henry of Bath and his colleagues started in Cambridgeshire and Huntingdonshire late in 1247; they visited Essex, Hertfordshire, Surrey, Kent, and Sussex in 1248, and Hampshire in January-April 1249; Wiltshire then followed, and the circuit ended at the Strand with the Middlesex eyre of June-July 1249. Our Wiltshire eyre, therefore, was not an isolated or unique occasion, but had a place in a

⁵ The few areas of England outside the eyre system are described by Meekings, *Crown Pleas*, p. 10.

⁶ *Ibid.* pp. 2-3.

⁷ Six from Hants (56, 57, 61, 62, 69, 71), one from Suffolk (144), and two from Surrey (58, 157).

⁸ Meekings, *Crown Pleas*, p. 3. For final concords see below, nn. 58-60.

series of judicial sessions. Pleas had been adjourned to Wilton from the preceding Sussex and Hampshire sessions;⁹ others likewise were transferred from Wiltshire to the subsequent Middlesex eyre at the Strand, and those requiring longer adjournments to sessions of the Bench at Westminster in Michaelmas term after the summer vacation.¹⁰ As far as civil litigation was concerned, eyre sessions in the counties and the terms of the Bench at Westminster comprised one interlocking judicial system which was regular yet flexible. It was regular in so far as the Bench's framework of four annual terms (Hilary, Easter, Trinity, and Michaelmas) and of return days (specified dates for adjournments of cases) within each term applied where appropriate to eyre sessions in the counties. Yet the system was flexible in that the date for each county session was fixed at relatively short notice in accordance with the progress that the judges had made in the previous counties on their circuit. Thus our Wiltshire session was fixed for the quindene of Easter (Sunday 18 April) 1249 by a royal mandate late in 1248.¹¹ Writs addressed to the sheriff of Wiltshire originating pleas in the eyre were returnable 'whenever the justices come into those parts'. When the date of the eyre was fixed, all such writs became returnable on the opening day, the quindene of Easter in our case. 'Foreign' pleas from previous eyres, on the other hand, were adjourned directly to specific return days (the quindene of Easter, three weeks from Easter, one month from Easter, etc.).

The duration of the session can be established by the return days specified in the rolls and by the dates of final concords.¹² The last Wiltshire day specified in the rolls is Monday 14 June, to which day a case from Marlborough (350) was adjourned,¹³ because the bailiff of the borough of Marlborough claimed, and was allowed, the privilege of having Marlborough cases taken there instead of at the county town of Wilton. Similarly 374 was adjourned for jury trial 'before Henry of Bath on Monday at Marlborough'. As Henry of Bath's session at Marlborough was probably held after the eyre had formally finished, the last full session may have been completed the day before. All the ordinary sessions for pleas from the county as a whole were held at Wilton, as is indicated by the headings on membranes 1-19 of roll 996, but pleas from the bishop of Salisbury's liberty were taken at Salisbury. Whereabouts in Wilton the ordinary sessions were held is unspecified; the court may have sat in Wilton abbey itself.¹⁴

⁹ Sussex eyre roll J.I.1/909A, mm. 11d., 14 *bis*, 19; Hants eyre roll J.I.1/776, numerous instances on mm. 10-15; Hants foreign pleas roll J.I.1/777, mm. 3, 6, 6d. *bis*, 7d. *bis*.

¹⁰ See 'Strand' and 'Westminster' in the Index of Persons and Places. The Middlesex eyre roll is not extant, but most of the cases adjourned to Westminster (122, 170, 213, 251, 252, 277, 312, 314, 343, 366, 369, 371, 375, 381, 385, 404, 407, 419, 424, 428-31, 533, 547) can be traced in the surviving Bench rolls (K.B.26/135-143).

¹¹ *Close Rolls*, 1247-51, 215 (undated). At the same time two Sussex cases were adjourned to the quindene of Easter at Wilton, J.I.1/909A, m. 14 *bis*.

¹² See 'return days' in the Index of Subjects; Meekings, *Crown Pleas*, p. 21.

¹³ This amends Meekings, *Crown Pleas*, p. 21.

¹⁴ E. Crittall, 'Fragment of an Account of the Cellaress of Wilton Abbey', *Collectanea* (W.A.S. R.B. xii, 1956), p. 144 n. 2.

ROLLS OF THE WILTSHIRE EYRE OF 1249

As explained in the preceding section, the justices in eyre at Wilton in 1249 heard Wiltshire civil and Crown pleas and also civil pleas from other counties. Probably each justice, or pair of justices if they were hearing cases together, had a clerk or clerks who recorded the pleas on separate membranes of parchment. To facilitate subsequent searches of the rolls, the clerks allocated separate membranes to different types of plea. Thus Wiltshire civil pleas were recorded separately from Crown pleas, essoins in civil pleas (566-86) were distinct from the civil pleas themselves, one membrane was allocated specifically to appointments of attorneys (484-532), and civil pleas from counties other than Wiltshire were kept on membranes each headed with the return day on which they were taken, as was the practice with rolls of the Bench at Westminster. Making separate membranes of attorneys' appointments and keeping 'foreign' pleas distinct from the 'home' county's civil pleas were innovations of the eyre visitation of 1246-9. The system of differentiating enrolments had not been taken to its ultimate conclusion, as the list of attorneys concerns both 'home' and 'foreign' pleas and some 'foreign' cases were recorded among the Wiltshire pleas.¹⁵

When the session was finished, the separate membranes of pleas were stitched together at the head to constitute rolls. Two rolls were probably made for each justice or pair of justices: a 'home' county roll (comprising Wiltshire civil and Crown pleas in our case), and a 'foreign' pleas roll arranging the membranes by successive return days as in a Bench roll. The rolls made for the senior justice were the most authoritative and were distinguished from subsidiary rolls by marginal notes of adjournment (process marks) and by the cancellation of notes of amercement (liability to fines). Cancellations were made of each amercement note when at the end of the session the clerks went through the main rolls compiling a list of fines due to the Exchequer.

From our eyre there survive three rolls, or parts of rolls: J.I.1/996 (a 'home' county roll); J.I.1/997 (a 'foreign' pleas roll); J.I.1/777 (a subsidiary 'foreign' pleas roll). The membranes of pleas have not been stitched up in such an orderly fashion as that described above. Membranes 1-19 of roll 996, recording Wiltshire civil pleas taken at Wilton (1-463), evidently comprise part of a subsidiary roll, as the amercement notes are uncanceled. On the other hand, the next two membranes (mm. 20, 21), recording pleas from the liberty of Salisbury (464-83), have canceled amercement notes and should presumably have been filed with the main Wiltshire roll which is now lost. Furthermore these two membranes have been filed in the wrong order, as the principal heading is on membrane 21 (preceding 473) instead of membrane 20. Another membrane of Wiltshire cases (533-65) was filed with the subsidiary 'foreign' pleas roll 777. The mistake was probably made because the membrane has no title at its head. There is no doubt that it concerns Wiltshire business from the eyre because the pleas cross-refer to cases in roll 996 and to extant

¹⁵ Above, n. 7.

final concords. In addition, the Bench rolls of Michaelmas term 1249 refer to case 533 as having been 'before the justices in eyre at Wilton'.¹⁶

Altogether roll 777 comprises membranes (m. 1–10) of 'foreign' pleas from the Hampshire eyre which preceded the Wiltshire one, an attorneys membrane (m. 11) from the Hampshire eyre, membranes (mm. 12–30, 32) of 'foreign' pleas from the Wiltshire eyre, and the membrane (m. 31) of Wiltshire pleas described above. Thus membranes 12–30 and 32 of roll 777 comprise 'foreign' pleas of the Wiltshire eyre and could have constituted a separate roll. They record the same cases as roll 997, which has process marks, some cancelled amercement notes, and other corrections and additions, all suggesting that 997 is the main 'foreign' pleas roll of the Wiltshire eyre and that the latter part of 777 is a subsidiary roll. The pleas recorded on roll 997 concern counties other than Wiltshire, apart from a case on membrane 21 which repeats 311 on roll 996, and one membrane (m. 22) of essoins from Wiltshire (566–86) which immediately precedes the essoins membrane from other counties. Our edition of Wiltshire civil pleas thus comprises material from three rolls in all: J.I.1/996 (1–532), J.I.1/777 (533–65), and J.I.1/997 (566–86).

METHOD OF ENROLLING ESSOINS AND PLEAS

Essoins (566–86), excuses for not attending court in person,¹⁷ were enrolled separately from pleas because they required different treatment. There were two chief types, essoins *de malo lecti* alleging that the principal was too ill to appear, and essoins *de malo veniendi* alleging that he had difficulty in coming to the court. The Wiltshire essoins are all of the latter type. They are recorded in a more abbreviated form than pleas and usually give the following information: the name of the defendant on whose behalf the excuse is being made, the name of the plaintiff suing him, the type of plea, the name of the essoiner, the day and place on which he is to appear in court, and finally a note that the essoiner has pledged his faith (*affidavit*) to appear. If a baron or earl essoined himself (566, 578), the essoiner was required to give the name of a surety instead of an *affidavit*. Such sureties were often members of the baronial household, for example Countess Margery de Rivers's surety at 578 was Ralph the butler.

In the margin of the essoins roll the clerk noted whether the plea had been newly initiated (566, 567, 569), or whether it had been transferred from another court, for example the Bench (568, 571, 577, 586) or the county court (575). He also noted whether any other persons were required to appear, such as warrantors (586) or electors of a jury (568, 577). Essoins were recorded by the clerks before the justices made decisions on them. The clerks' table, where such preliminary business was done, was sometimes described as the 'Bench'

¹⁶ K.B.26/135, m. 27; /136, m. 22d.

¹⁷ On essoins see Bracton, *De Legibus*, fos. 336b–364, iv, pp. 71–146; D. M. Stenton, *Pleas before the King or his Justices*, i (S.S. lxvii, 1948), pp. 150–70; C. A. F. Meekings, 'Bench, Plea, and Esoins Rolls: Henry III' (shelved in the Round Room of the P.R.O., typescript, 1955), part ii.

(567, 574); this usage of 'Bench' is distinct from, though related to, its more common application to the court for civil pleas at Westminster.¹⁸ As essoins were enrolled in advance, some were set aside for discussion (581) with the justices, or subsequently disallowed, for example because the principal had defaulted before (576, 580). On others a cross in the margin indicates that the action did not proceed (572, 573, 574). In many instances small emendations were made, for example in the names of the parties (569, 579), in the type of plea (568, 569, 570), in the marital position of the principal (567, 574), when the clerks obtained fuller information from writs and pleadings. By indicating the provenance of pleas ('new' cases and 'old' cases), and emending and listing names of principals and their agents, essoins usefully supplement the main record of pleas.

Whereas essoins were recorded in advance of judicial decisions and subsequently emended on the roll itself, pleas seem to have been enrolled as fair copies from notes, which are no longer extant, containing the record of one or a number of cases.¹⁹ The rolls were evidently not copied directly from each other, as the sequence of cases often differs where two rolls recording the same material survive, as in the Wiltshire 'foreign' pleas rolls 997 and 777 (latter part). Consequently cases might be recorded in different sequences on separate rolls, and individual cases might be repeated on different membranes of pleas constituting the same roll. The latter hypothesis explains why a number of cases on roll 996 are enrolled twice. If an enrolment were repeated or partially repeated, it should have been cancelled by the clerk with a marginal note explaining the circumstances, for example 206 repeats the opening of 237, and 305 repeats the opening of 334; in both instances the former enrolment is cancelled with *error quia alibi* in the margin. Another pair (184 and 297) appear to have been written by one and the same clerk; 297 has *alibi* in the margin, though the enrolment has not been cancelled. More often repeated enrolments have not been noticed by the clerks at all, presumably because they were written by different clerks and the roll as a whole was never checked. In four pairs of repeated enrolments (14 and 106, 93 and 511, 262 and 299, 356 and 410) the handwriting differs but the matter is the same apart from variants in the spelling of names. These pairs suggest that the clerks were copying the enrolments from prepared notes. Variants in the spelling of proper names are insignificant since medieval writers did not aim at uniformity in that direction. Variants in four other pairs (80 and 320, 87 and 158, 165 and 169, 230 and 312), comprising omissions and confusions of names, should probably be attributed to careless copying.

In other pairs of enrolments the variants are greater. Although 94 and 108 appear on the same membrane in a very similar hand, 94 refers to a 'writ' of novel disseisin, whereas 108 calls it an 'assize', and 108 notes that the plaintiff

¹⁸ Flower, *Introduction*, p. 31. Cf. 113.

¹⁹ Notes for drafting final concords are referred to at 561. That similar notes existed for drafting pleas can only be inferred. For suggestions of what the latter notes contained see *Curia Regis Rolls*, viii, p. 1; ix, p. 207; x, p. 1; xii, p. 78; H. G. Richardson in *Law Quarterly Review*, lxxiv (1958), pp. 130-2; G. D. G. Hall in *English Historical Review*, lxxiv (1959), p. 109.

is pardoned, whereas **94** omits this. In another pair (**15** and **107**) the variants are so great that at first sight they might refer to separate cases. At **15** the plaintiffs fail to prosecute an action of 'novel disseisin' against Alice Lof in 'Malmesbury', whereas at **107** they fail to prosecute an action of 'entry' against Alice Lof in 'Ramsbury'. It is possible that Alice had property in both places, but the sequence of enrolments suggests that **107** repeats **15** just as **106** repeats **14**. Furthermore **107** refers to a third party only as the 'aforesaid Ellis', whereas he is named in full at **15**. To produce such variants as these, the clerks must have been working from notes which were highly abbreviated, or from dictation.

Some pairs of enrolments, written in different hands, are actually contradictory. At **114** Isabel wife of 'Peter' of Horton fails to prosecute an action of entry for 'half' a hide of land, whereas at **135** Isabel wife of 'William' of Horton prosecutes the same action for 'one third of half' a hide and loses. Similarly at **317** Thomas de Aune and 'Christian' his wife fail to prosecute an action of novel disseisin against Thomas le Sauvage and Geoffrey Doggeskyn, whereas at **127** the action is prosecuted and lost and Thomas's wife is called 'Cassandra'. The explanation in both these instances may be that the plaintiffs appeared before one of the judges and prosecuted, although their actions were due to be heard by another of the judges whose clerk thought they had failed to prosecute. The hypothesis is suggested by the non-prosecuted action at **555** where a marginal note records that the plaintiff prosecuted later 'as appears in the pleas' (**277**, **330**). The confusions in the names of the parties can be explained only by clerks' carelessness, since a misnomer was sufficient to invalidate an action, as at **262** where the plaintiff allegedly misnamed his mother.²⁰ It is equally hard to reconcile **274** and **358**. At **274** Peter de Nevill fails to prosecute an action *de fine facto* for £9 10s. 1d. of rent in Marlborough, whereas at **358** the sum in the same action is £9 9s. 6d. In the extant final concord, moreover, the sum is £9 9s. 1d.²¹ Probably the latter sum is correct and the clerk at **274** made an error in the shillings and his colleague at **358** in the pence. The mistakes are small, but theoretically any such error could invalidate the plea. The other differences between this pair, in the sureties' names and in the places specified, might be explained by different originating writs.

In other related enrolments the contradictions may be apparent rather than real. Pairs **17** and **304**, and **324** and **419**, could have originated from different writs. The trio (**153**, **193**, **251**) make sense when the sequence is changed: the defendant claims a view (an inspection of the property claimed) (**153**), he then produces a defence resulting in an adjournment for discussion with the king (**251**), and faced with this the plaintiffs withdraw (**193**). Nevertheless, the sum of £28 specified at **193** and **251** is carelessly written £27 at **153**. Enrolments like these leave no doubt that the membranes were compiled while the business was proceeding. Sometimes, as at **182** with the marginal note 'Tomorrow', a space was left to enter the next part of the proceedings, but

²⁰ At **540** the plaintiff prosecuted this action again with a different writ, and this time the defendants did not challenge his mother's name although it was the same as at **262**.

²¹ C.P.25(1)/251/14 no. 24.

in this case the second clerk never found the place and re-entered the proceedings at 272.

In addition to clerical errors in repeated enrolments, individual cases frequently contain small mistakes, particularly in the litigants' names and in confusion between masculine and feminine Latin pronouns and the singular and plural of verbs.²² The best example of a case riddled with inconsistencies is 258: 'brother' (*frater*) is confused with 'father' (*pater*); 'he says' is rendered 'they say'; in the plaintiff's statement at the beginning a 'mill' is claimed yet in the defendant's reply only 'land' is referred to; and finally the names 'Nicholas' (*Nicholaus*) and 'Neil' (*Nigellus*) are confused. Such errors confirm the suggestion that the county pleas on roll 996 constitute a subsidiary roll which was never checked. The pleas are written in at least three distinct hands by clerks who also compiled most of rolls 997 and 777. One clerk was evidently bored by the work; after cancelling an entry on roll 777 (m. 30) with *Error* in the margin, he made the usual flourish for a new enrolment below it and wrote in French 'Amurectes ke ieo ay me tenent gay e me mectent en ioie' (It's my little love affairs that keep me gay and give me fun).²³ The judicial bureaucracy, still in its formative stage, retained a fallible and human side.

RECORDS OF CIVIL PLEAS IN GENERAL

Rolls of civil pleas are one of the largest groups of records surviving from medieval England. The earliest date from the reign of Richard I, among them being the first Wiltshire eyre roll of 1194.²⁴ Practically all records of civil pleas up to the death of King John are now available in printed editions, due largely to the work of Lady Stenton and the Selden Society and of Sir Cyril Flower and the Public Record Office.²⁵ For Henry III's longer reign less has been published. Surviving Bench rolls up to 1232 are printed in *Curia Regis Rolls*, viii-xiv, supplemented by the abstracts made in *Bracton's Note Book*.²⁶ A number of eyre rolls from the 1218-21 visitation have been published by the Selden Society.²⁷ For the period after 1232, i.e. after Henry III had taken control of the government himself, relatively less is available in print, though some county record societies have published pleas concerning their respective counties.²⁸ No rolls from Henry of Bath's eyre circuit of 1247-9 have been

²² See the heading 'scribal errors' in the Index of Subjects.

²³ Meekings, *Crown Pleas*, p. 25.

²⁴ Ed. F. W. Maitland, *Three Rolls of the King's Court—Richard I* (Pipe Roll Soc. xiv, 1891), pp. 65-115.

²⁵ The main series are *Curia Regis Rolls*, i-vii. D. M. Stenton, *Pleas before the King or his Justices 1198-1212*, i-iv (S.S. lxxvii, lxxviii, lxxxiii, lxxxiv, 1948, 1949, 1966, 1967) includes writs, essoins, and some eyre rolls. Editions of plea rolls are listed by Milsom in Pollock and Maitland, *History of English Law*, i, pp. lxxvi-vii. The list does not aim to be exhaustive.

²⁶ Ed. F. W. Maitland (1887).

²⁷ Ed. D. M. Stenton (S.S. liii, lvi, lix, 1934, 1937, 1940).

²⁸ Notably Beds. Hist. Rec. Soc. (iii, ix, xxi, 1916, 1925, 1939); Lancs. and Ches. Rec. Soc. (xlvii, 1904); Som. Rec. Soc. (xi, xxxvi, 1897, 1923); Surtees Soc. [Northumb.] (lxxxviii, 1891); William Salt Arch. Soc. [Staffs.] (iv, 1883).

published apart from our Wiltshire one. Taking Henry III's reign as a whole, one hundred and two county eyre rolls recording civil pleas survive, of which about a quarter have been printed. In addition fifty-five 'foreign' pleas eyre rolls, dating from after 1247 when 'foreign' and 'home' pleas were enrolled separately, are extant; all the latter are in manuscript only.

The average civil pleas roll of Henry III's reign contains records of four or five hundred cases, approximately similar in arrangement and content to the cases printed here. The rolls provide detailed information about the ownership and conveyance of property in the counties they concern, since they give the names of litigants, their sureties and agents, and specify the amount and whereabouts of the property claimed. If more rolls were available in printed and indexed editions, the political, social, and economic situation at the time could be reconstructed in greater detail. Above all of course the rolls provide details of the development of English law, for example in the decline of archaic procedures like trial by battle (272), in the use of new forms of action (433), or in the adaptation of old forms such as the practice of enrolling agreements in actions of novel disseisin.²⁹

Viewed in the broader perspective of European legal development, the volume and scope of the English plea rolls is unique. Around the time that the Wiltshire rolls of 1249 were made, law was being systematized and compiled in books throughout Western Europe. The decretals of Pope Gregory IX, the *Liber Augustalis* of the Emperor Frederick II, the *Libro de las Leyes* of Alfonso X of Castile, Beaumanoir's *Coutumes du Beauvoisis*, the German *Sachsenspiegel*, the Norwegian and Icelandic law-codes, and the sections of St. Thomas Aquinas's *Summa Theologiae* devoted to law, are all examples of this. At the same time in England, Henry III's judge Bracton was composing his monumental treatise *On the Laws and Customs of England*. Like Bracton's work, most of the other compilations mentioned became the classic books upon which all subsequent commentaries rested. What is lacking, however, outside England is a comparably large body of actual records of litigation, as distinct from secondary treatises, by which the lawyers' theories can be verified in practice. For example the registers of the French *parlement* and of the *enqueteurs* surviving from the reign of Henry III's contemporary, St. Louis, are meagre when compared with English records like our Wiltshire rolls.³⁰ This is not to suggest that France was worse governed, but only that it did not have such a large bureaucracy making and preserving records.

The secondary literature surrounding the English plea rolls is comparable in quantity and quality with the rolls themselves. A brief introduction can do no more than indicate its main lines. In pride of place stand the two systematic treatises on English law: by Glanvill, written sixty years before the Wiltshire eyre of 1249; and by Bracton whose work is contemporary with it.³¹ Also

²⁹ Below, n. 67.

³⁰ *Les Olim ou Registre des Arrêts*, ed. A. Beugnot (Paris, 1839), i. 1254-73; *Enquêtes Administratives du Règne de St. Louis*, ed. L. Delisle in *Recueil des Historiens des Gaules*, xxiv (1904), 2 parts. The cases come mainly from 1247 and 1248.

³¹ *Glanvill*, ed. G. D. G. Hall (London, 1965). For Bracton see above p. viii.

approximately contemporary are the earliest pleaders' manuals like *Brevia Placitata* (c. 1260), the earliest registers of writs (from 1227), and short but detailed expositions of procedure such as the so-called *Consuetudines Diversarum Curiarum*.³² Of later lawyers' manuals the most generally useful is Anthony Fitzherbert's *New Natura Brevium*, a commentary on the different types of writ which formed the foundation of procedure, printed in English translation in many editions since 1652. A basis for modern critical scholarship was permanently laid in the 1890's by Pollock and Maitland's *History of English Law before the Time of Edward I*. Maitland's lectures, published posthumously in 1909, on *The Forms of Action at Common Law* remain the most straightforward short introduction to the different kinds of civil plea. A more detailed, but equally clear and specific, analysis of civil litigation is Sir Cyril Flower's *Introduction to the Curia Regis Rolls*.³³ Two other general legal histories, T. F. T. Plucknett's *Concise History of the Common Law* and S. F. C. Milsom's *Historical Foundations of the Common Law*, complement and modify Maitland's work in important respects, but do not aim to supersede it.³⁴

THE BASIC PATTERN OF LAWSUIT

At civil pleas the function of the court was of course to settle disputes. That could be done either by persuading the litigants through arbitration to make a compromise, or by giving a judgement in favour of one of the parties to the dispute and compelling the other to accept that judgement. In many medieval societies the former method was preferred, both because it was traditional and because those societies had no effective means of enforcing judgements. For example, in a famous passage in *The Life of St. Louis* the Sire de Joinville describes how the king, seated at the foot of his bed or out in the woods under an oak at Vincennes, arbitrated between litigants saying 'Keep silent all of you, and you shall be heard in turn.'³⁵ His counterpart in England, Henry III, acted in theory at least in a very different manner. The traditional function of the king of England in legal disputes, and of those to whom he delegated jurisdiction, was to judge and to enforce judgements, not to arbitrate amicably between disputants. From this different approach to justice in England flowed all sorts of consequences in the rules of procedure in civil litigation. A plaintiff who failed to prosecute his action, or gave notice to the court of withdrawing from it, or prayed the justices for permission to compromise, was liable to be amerced. This is

³² *Brevia Placitata* (S.S. lxvi, 1947); *Early Registers of Writs* (S.S. lxxxvii, 1970); *Consuetudines Diversarum Curiarum* in *Select Cases of Procedure without Writ* (S.S. lx, 1941). More treatises are listed by Milsom in Pollock and Maitland, *History of English Law*, i, p. lxxvi.

³³ S.S. lxii, 1943.

³⁴ Plucknett, 5th edn. (London, 1956); Milsom (London, 1969).

³⁵ Trans. M. R. B. Shaw, *Joinville and Villehardouin* (London, 1963), pp. 176-7; French text ed. M. N. Wailly (Paris, 1868), cap. xii, p. 21.

illustrated by numerous cases in our Wiltshire rolls, as in any other plea roll of the time.³⁶

The basic pattern of lawsuit in English medieval law was one that led to an unequivocal judgement in favour of one of the parties and a command to the sheriff to enforce that judgement. In order to facilitate a judgement of that sort it was necessary to reduce the plaintiff's grievances to as few points as possible and to require the defendant to answer those points and no others.³⁷ The plaintiff was not permitted to give his own discursive account of his grievances, but had to fit them within standardized formulas which the court already understood and could act upon. After hearing plaintiff and defendant on the points at issue, the next stage was to arrange for a decision on the facts. Here again English medieval law standardized the material to an extraordinary degree. The most common procedure was for twelve honest neighbours, selected from the place in dispute, to be sworn to give the court a collective true statement of the relevant facts, the *verdictum* or 'verdict'. The twelve men sworn, the *jurati* or 'jurors', were not usually examined individually by the judges as to their knowledge of the facts, but simply voiced their agreement with the foreman. Nor was the foreman of the jury, any more than the parties to the action, normally permitted to state all the facts as they were known to him and his fellows. He was to abide by the formalized allegation made by the plaintiff and preferably to answer simply 'Yes' or 'No'. Having elicited by this means a lucid statement by the plaintiff, a relevant defence, and an unequivocal opinion from knowledgeable persons, the court could proceed to an equally clear and firm judgement. Judgement given, the court provided the plaintiff, if successful, with means to enforce it by ordering the sheriff to give him possession or by threatening to seize the defendant's lands and chattels. Here also English law differed from other ancient and medieval systems which sometimes expected the successful party to get possession for himself or his lord to get it for him.

How the English system had developed, and why it differed from other systems, is too large a question to consider here. The main reasons are probably that England was a conquered country and that Henry II, in whose reign the system took definite shape, was a practical and impatient man. There is little doubt that the English system of royal Common Law had developed primarily from immediate administrative needs rather than from any abstract theory of justice. Its characteristic procedures, described above, were designed to facilitate rapid decision-making, rather than to dispense absolute justice and examine all aspects of a case. The French system of the same time, as described by Joinville and in surviving records of inquisitions, was more careful and flexible, but probably produced fewer decisions. As a result of the procedural rules, some of the decisions made by English royal courts were evidently arbitrary and ill-informed, if not actually unjust, but the system

³⁶ See the headings 'non prosecution' and 'withdrawal from actions' in the Index of Subjects, and below nn. 74, 75.

³⁷ The two parties to an action are referred to as 'plaintiff' and 'defendant' throughout this volume, although medieval lawyers described them by different terms (e.g. 'deforciant' and 'tenant') according to the type of action.

provided ready means of reversing a judgement, for example by 'attainting' (3, 139) an assize jury's verdict by a new panel of twenty-four jurors. Formalized and essentially automatic, the English system could be administered in its rudimentary stages by men unlearned in the law and less conscientious than St. Louis. (For example, commissions of four knights sometimes took assizes of novel disseisin.) In the long run formalism made the law extremely complex and technical, but in the beginning it was the minimum price for speed and predictability.

FICTION AND OMISSION IN THE RECORD

Formalism has exacted a heavier price when rolls of civil pleas are used by historians as quarries for significant facts. The purpose of records like our Wiltshire rolls was not to list interesting historical facts, as contemporary chroniclers like Matthew Paris did, but to record as uniformly as possible the essential procedural steps in lawsuits.³⁸ Although the recorded cases appear to be straightforward and adequate descriptions of grievances remedied, they have to be interpreted with discrimination and foreknowledge because so much is left unsaid. Take for example a short and simple enrolment like 85. This records in the first sentence that the plaintiff, Walter, has brought an action of 'novel disseisin' against the defendants, Eve and Alan, concerning an acre and a half in Berton [unidentified]. The record does not say what Walter's specific grievance was. He has been compelled by the procedural rules to state his complaint within the ready-made and uniform formula of 'novel disseisin'. When Walter or his agent went to the royal Chancery to obtain a writ initiating the action, he may have been examined by one of the Chancery 'preceptors' as to the actual details of his complaint,³⁹ but all he brings before the court is a standardized plea of 'novel disseisin'. Like procedure in court, the writ-issuing system was designed to be as automatic and fool-proof as possible. The Chancery clerk who penned the writ copied it from a formulary, substituting only the names of the parties, the amount and place of the claim, and the address of the sheriff. If the plaintiff obtained the wrong type of writ, he lost his action regardless of the merits of the case. The court might then recommend him to proceed by another writ 'if he wishes' (2, 164, 308).

The second sentence of 85, 'Eve and Alan come and say nothing to stay the assize', also leaves much unsaid. It means that the defendants were unable to make an 'exception' to Walter's formal plea, not that they did not have a reasonable explanation of their alleged misconduct. Furthermore in actions other than novel disseisin the defendants need not have come in person, as

³⁸ On the whole question of fact and formalism in medieval English law see S. F. C. Milsom, 'Law and Fact in Legal Development', *University of Toronto Law Journal*, xvii (1967), pp. 1-19.

³⁹ 'Ipsi autem collaterales et socii cancellarii *preceptores* esse debentur eo quod brevia, *causis examinatis*, remedialia fieri precipiunt', *Fleta* (S.S. lxxii, 1953), ii. cap. 13, p. 125 (italics added).

they could have attorneys to represent them. In our rolls, as in other plea rolls, the stereotyped form that had evolved for recording many actions often conceals the fact that litigants were appearing by attorneys.⁴⁰ In addition to attorneys to represent them, the litigants may have used professional pleaders to speak for them in court. The pleaders, called *narratores* in Latin documents and *conteurs* in French, were distinct from the attorneys and are nowhere referred to in our Wiltshire rolls. The reason for this is that the pleader was not a representative of the litigant like the attorney, but a mouthpiece who spoke as if he were the litigant. Since the pleader had no separate existence in the eyes of the court, it was unnecessary to name him in the record. That pleaders were present in the court at Wilton in 1249 can only be surmised, but the supposition is a strong one. As procedure was so formalized, it is unlikely that many of the litigants themselves would have been able to state their claims in the required forms. Furthermore a few litigants (**136, 345, 348, 406**) were minors and presumably had someone to speak for them, although this is not recorded. Finally we know that in 1239 there were professional pleaders called *narratores* in the Bench at Westminster, because Matthew Paris refers to them.⁴¹ Since the eyre was the Bench itinerant, it is reasonable to assume that the pleaders came down to Wilton along with the judges and other functionaries of the court at Westminster.⁴²

So far, the first two sentences of **85** have omitted a number of pertinent facts for understanding what was taking place. The third sentence, 'The jurors say that Alan and Eve unjustly disseised Walter of that land as the writ says', omits many more. It simply records the collective verdict of the jury. How was that verdict reached? Bracton illuminates this problem in his treatise. As soon as the plaintiff delivered his writ to the sheriff, the latter was to assemble potential jurors and send them to 'view' the holding. The 'view' was a sort of trial in the field. 'The jurors,' says Bracton, 'should diligently inquire on the mode of disseisin.'⁴³ This is where the actual facts were adduced and weighed up by the jurors for their future verdict. The jurors were not merely witnesses therefore; they were themselves gatherers of evidence and judges of it. When the jurors came to the eyre court itself, often many months later, all they had to do was to give their verdict in formal terms. How they gave it is described by Bracton and by the author of *Consuetudines Diversarum Curiarum*.⁴⁴ After being sworn, one of the jurors would say: 'Sir Judge, I speak for all on oath that we did so and so'. Having heard the verdict, the

⁴⁰ e.g. at **312** the plaintiff is said to appear by his attorney, but not at **230**. At **334** the defendant's attorney is mentioned, but not at **380**. At **153** the plaintiffs are described as 'John Aure and Agnes his wife, by Agnes's attorney', but at **193** they are 'John de Aures and Agnes his wife and Richard Bygot', i.e. the attorney has been confusingly named as a third plaintiff.

⁴¹ *Chronica Majora* (Rolls Series), iii, p. 619; Pollock and Maitland, *History of English Law*, i, p. 215.

⁴² In the particular case (**85**) under discussion, however, the parties may have pleaded in person, since novel disseisin was the simplest form of action and attorneys were generally not admitted.

⁴³ *De Legibus*, fo. 224, iii, p. 171, referring to novel disseisin of common of pasture; similar detailed advice for all novel disseisins at fos. 179b-180, iii, pp. 58-61.

⁴⁴ *Ibid.* fo. 185, iii, p. 72; *Consuetudines* (S.S. lx, 1941), p. cc.

judge would then say to all the jurors: 'Do you all speak thus on this assize?', and they would reply 'Yes, Sir'. In practice some flexibility was permitted in juries' verdicts. Sometimes instead of giving a simple affirmation or denial, they did produce circumstantial facts in court, but such cases are the exception not the rule.⁴⁵

After the jury's verdict followed the judgement: 'So it is adjudged that Walter recover his seisin [possession] and Alan and Eve are in mercy' (85). This meant that the court issued a precept to the sheriff ordering him to repossess Walter. The unsuccessful defendants, on the other hand, were liable to be amerced. In this case the marginal note of amercement is cancelled because the defendants are poor. Whether the sheriff did repossess Walter is unrecorded. Just as his case is brought to the point of legal record only after his grievance has been formalized, so it disappears immediately before actual remedy. Given the volume of complaints made against royal officials a decade later in the baronial revolution of 1258, it is possible, though not probable, that Walter never was repossessed by the sheriff; the records of the sheriff of Wiltshire no longer exist. If the defendant had failed to appear in the first place, a system of progressive penalties, exacted by the sheriff, would have operated to compel his appearance.⁴⁶ In an assize of novel disseisin like 85 the action would have proceeded regardless of his absence.

THE FORMS OF ACTION

Formalism reduced the infinite mass of complaints that a litigant might have to relatively few 'forms of action', to which lawyers gave distinguishing names for convenience. The different forms are set out in detail in the Index of Actions and summarized in the Table of Actions, at p. 29. Actions are arranged under twelve heads according to a scheme devised by Maitland for indexing *Bracton's Note Book*. They could of course be arranged in other ways. Bracton himself in his *De Legibus* used a different classification deriving from Glanvill and from Roman law. Maitland's scheme has been adopted because it is relatively simple and allows adequate space to be given to the more frequent types of action. Although our rolls contain examples of more than thirty different forms of action, only a few recur frequently, as the Table of Actions shows. Two forms (novel disseisin and mort d'ancestor) account for 45 per cent of the total, and three other forms (*de recto*, dower, entry) for another 26 per cent. Such a pattern of distribution is typical of eyre rolls of the period. Bracton likewise in the *De Legibus* gives most of his attention to these five forms of action. Of 178 folios devoted to civil pleas, 77 concern novel disseisin and 28 mort d'ancestor, amounting to 59 per cent of the total, and another 21 per cent concern *de recto*, dower, and entry.

⁴⁵ 52, 69, 74, 86, 88, 127, 147, 275, 344, 400, 404, 480; cf. Bracton, *De Legibus*, fo. 186, iii, pp. 73-4.

⁴⁶ See the heading 'default process' in the Index of Subjects; Bracton, *De Legibus*, fos. 364b-372b, iv, pp. 147-68; D. W. Sutherland, 'Mesne Process upon Personal Actions in the Early Common Law', *Law Quarterly Review*, lxxxii (1966), pp. 482-96.

Since clear and full accounts of the forms of action already exist,⁴⁷ it is not necessary to describe them here in detail. The most common actions, the assizes of novel disseisin and mort d'ancestor, were also the most rapid in procedure. In novel disseisin the plaintiff alleged that the defendant had recently dispossessed him of a specified holding. In mort d'ancestor he alleged that he was the rightful heir to a holding in the defendant's possession. Both types of action were governed by a time limitation. In novel disseisin the alleged dispossession had to have taken place after the crossing of Henry III into Brittany in 1230 and in mort d'ancestor the plaintiff's ancestor had to have died after the last return of King John from Ireland in 1210. As the limit in novel disseisin was nineteen years before 1249 and in mort d'ancestor nearly forty years before, the recentness of the dispossession was no longer a dominant element in these actions. Nevertheless in one case of mort d'ancestor (155) the jury found that the ancestor had died before the limitation. In special circumstances other limitations applied. In novel disseisin the plaintiff could allege very recent dispossession 'after the summons of the eyre' (56, 172, 287, 427)⁴⁸ and in cases of mort d'ancestor, where crusaders had failed to return, the limitation was 'on the day of setting out for the Holy Land' (276, 422, 447). In both types of action trial by jury, as described in the preceding section, was automatic. Procedure was similar in the assize of nuisance, an offshoot of novel disseisin (92, 443), in which the plaintiff alleged that the defendant had recently done something which was damaging to his property (148). The assize *utrum* (32, 99) provided for parsons of churches a procedure similar to mort d'ancestor for laymen. There are no examples of the assize of darrein presentment (Maitland's class VII) for patrons of churches because the reissue of Magna Carta (clause 15) in 1217 had ruled that such cases should be adjudged before the justices of the Bench at Westminster.

The assizes described above shared a common procedure in automatic trial by jury and originally a common emphasis on recent dispossession. Other forms of action were more complex. The old action *de recto*, which was still quite common (7 per cent of the total), was normally initiated in a feudal lord's court (373) and had to come through the county court (24) before reaching the royal justices. In it the plaintiff made a general claim to property by right of inheritance (181), whereas in mort d'ancestor he simply claimed to be the next heir. *De recto* was an archaic form of action in which battle could be offered (272), though the preferred alternative was a 'grand assize' of twelve knights (75, 77). An intermediate claim to inheritance was prosecuted by an action of 'cosinage' (362). More specific rights could be claimed by other actions, such as a right to services from the defendant (373). To recover lands or tenements from a person who had come into them lawfully by inheritance or purchase but who had thereby acquired only a defective or limited title the plaintiff proceeded by the appropriate action of 'entry'. He might allege for example that the grantor had been insane (229, 269), had had a life-interest only (262, 263), had dispossessed the plaintiff's father

⁴⁷ Above, nn. 33, 34.

⁴⁸ Below, n. 52.

(168), or had held the property only on behalf of a ward (138). A large group of actions (Maitland's class IX) concerned non-performance of contracts. The plaintiff alleged that the defendant owed him an annual rent (annuity), or actual money (debt), or withheld some object or animal (detinue), or had not kept to a private agreement (covenant), or to a final concord made in the king's court (*de fine facto*), or was required to uphold a written grant (warranty of charter).

Actions specifically concerning women's property rights were common. Women might acquire property from their families by inheritance if there were no male heirs (54, 88, 404), or by gift, frequently as a marriage portion (53, 314). Disputes usually arose over the wife's rights vis-à-vis her husband.⁴⁹ Over the lands of which the wife was tenant in fee the husband had power during the marriage. The wife was not entitled to alienate her lands without his consent. If she did so, he could reclaim them by an action of entry *sine assensu viri* (464). When a child was born of the marriage, the husband's power over the wife's land extended to the duration of his life as tenant 'by curtesy of the law of England' (231, 312). If the husband alienated the wife's land, she had redress only after his death, when she could bring an action of entry *cui in vita* (135, 477, 482) against the beneficiary, alleging that she could not contradict her husband in his lifetime.

Most litigation concerning the wife's rights, however, arose not from disputes over her family property by gift or inheritance, but from the widow's claim to a portion of her husband's property. The freeman's widow was entitled for life as her right at Common Law to one third of all land which her husband had held at *any* time during the marriage. She could sue the holders of such land 'whereof she has nothing' by an action of dower (Maitland's class II). The greater part of the land would usually have come into the possession of the heir or his lord or guardian; but, as a widow's rights extended to any alienations made during the marriage, she often seems to have been suing for small portions held by a variety of under-tenants (51, 173). Conversely, if the dowager alienated her former husband's lands, the heirs could recover them by an action of entry *ad communem legem* (319, 415). Because marriage laws were deeply engrained in local tradition, the king's court allowed some latitude to local custom, sometimes to the dowager's disadvantage. In Salisbury a woman who consented to her husband making an alienation in the city court could never afterwards reclaim the property as dower (465, 483). In Wilton a dowager's right did not extend to all her husband's lands if she accepted a capital sum as her 'freebench' (147, 173), a term that implied a right to a bench at the family fireside.⁵⁰

Finally there are some miscellaneous forms of action in Maitland's class VIII. Since the legal system aimed in theory to redress all wrongs, it provided writs for all sorts of special circumstances such as unlawfully erecting a gallows (254), or claiming a right of way (471), or hunting rights (520). The ramifications of the formulary writ system are vast, yet on the whole it did

⁴⁹ What follows derives from Pollock and Maitland, *History of English Law*, ii, pp. 403-36.

⁵⁰ *Ibid.* p. 419 n. 1.

succeed in reducing litigants' complaints to a few common types, as is indicated by the predominance of four or five forms of action in our Wiltshire cases.

THE STATUS OF LITIGANTS: FREE AND UNFREE

Most of the old commentators on English law, from Glanvill in the 12th century to Fitzherbert in the 16th, concentrated their attention on explaining the forms of action and the writs which originated them. This is understandable, since forms predominate in a formal system and practitioners at the time knew from experience what sort of people used the system and for what purposes. The historian today, however, has no such practical experience and must reconstruct the social relationships behind the forms used by litigants as best he can. For a start, the king's justices in civil pleas had jurisdiction over freeholders only. If the holder proved to be unfree, the case was dismissed (27, 418, 463) because the unfree must recourse to their lord's courts. The king's court was prepared to adjudicate on whether a particular person was free or not, either on a writ *de libertate probanda* brought by the alleged freeman against his lord, or on a writ *de nativo habendo* (naifty) brought by a lord claiming the defendant as his 'native' or villein. Whereas the action of naifty was initiated in the county court, the *de libertate probanda* came straight into the king's court and thus served as a kind of counter-appeal against the lord's allegation. William of Ilkenilde had actions of naifty brought against him by two different lords (354, 557) and retaliated with *de libertate probanda* actions against each (354, 556). One lord won his action (354) and the other, perhaps collusively, failed to prosecute (557). The recovered villein was delivered to the lord in court (162, 354). At 467, on the other hand, an alleged villein proved his liberty by the classic claim that he had lived as a freeman for a year and a day within a city,⁵¹ Salisbury in this case.

Although the majority of people in England at the time were presumably villeins, the category of freeman was relatively large and imprecise. Furthermore every freeman had a right to ultimate royal jurisdiction by virtue of the rule that 'no one is bound to answer for a freehold without a royal writ',⁵² whereas in France, for example, royal intervention was more often a privilege than a right. The category of freeman cut across the feudal relationship of lord and tenant and even to some extent across the economic division of rich and poor. At the top end of the scale it included the king himself (500), lay magnates like the heirs of the Earl Marshal (385), and prelates like the abbot of Glastonbury (29) and the bishop of Salisbury (128). At the bottom end were widows claiming their dower of one third of twenty acres of land (309)

⁵¹ Bracton, *De Legibus*, fo. 7, ii, p. 36.

⁵² R. C. van Caenegem, *Royal Writs in England from the Conquest to Glanvill* (S.S. lxxvii, 1958), pp. 212-31. An action alleging novel disseisin after the eyre had been summoned, i.e. after it was too late to obtain a writ from Chancery, could be brought on a writ issued by the justices in court (56, 172, 287, 427); cf. H. G. Richardson and G. O. Sayles, *Select Cases of Procedure without Writ* (S.S. lx, 1941, pp. xl-xli).

or half a messuage (353). Those two widows were pardoned by the court, when they lost their actions, on account of their poverty. In the action of novel disseisin at 85, already discussed in detail, the claim was for as little as an acre and a half of land and the losers were likewise pardoned on account of poverty. At 480 the jurors say in their verdict that the plaintiffs freely demised a messuage and a half in New Salisbury 'because they were exceedingly burdened by the annual rent which they had to render the canons of the church of Salisbury'.

Poverty in the record of the king's court was a relative term. It meant that the person concerned did not have sufficient goods and chattels to sustain his customary way of life if distrained for debt. Magna Carta clause 20 had ruled that no freeman should be amerced so heavily that he was deprived of his livelihood as assessed by a local jury. Thus a person described as poor in the plea roll was not destitute; for example at 168 the poverty of two sisters is noted, yet it is also recorded that they have other land. Nevertheless a man who could not sustain amercement, usually $\frac{1}{2}$ mark (6s. 8d.) in money terms, had more in common, from the economic and social viewpoint, with unfree tenants than he did with his fellow freemen at the top end of the scale, the earls and barons with incomes up to £2,000 a year. Discussing the resources of unfree tenants in Wiltshire at about this time, Mrs. Richenda Scott concludes that 'the general impression left by a close reading of the manorial account and court rolls, extents, and custumals is that in order to meet the number of small exactions levied upon him . . . the customary tenant must have been able to produce in cash anything from a shilling or two to eight or ten shillings a year.'⁵³ Thus a person incapable of paying 6s. 8d. was on the borders of the class of customary, i.e. unfree, tenants. At the bottom end of the scale small holdings seem to have merged into unfree tenures, as is suggested by 463 where the plaintiff, William Bat, lost his claim for three acres of land because the jurors said he was a villein. He was likewise pardoned by the court on account of poverty. Similarly at 559 the plaintiffs who withdrew their action of novel disseisin against William Longspee put themselves 'utterly in William's grace for those holdings', i.e. they surrendered their claim to protection in the king's court and by that surrender became the equivalent of villeins. The law's division of people into two classes only, free and unfree, was rather artificial. It probably owed more to the academic revival of Roman law in the 12th century than to the complex realities of social groupings in medieval England.⁵⁴

THE STATUS OF LITIGANTS: LORD AND TENANT

Because English law viewed all litigants simply as freemen, its records of pleas tend to obscure their status within that category. In particular they take little

⁵³ *V. C. H. Wilts.* iv (1959), p. 35.

⁵⁴ On the other hand, E. A. Kominsky, *Studies in the Agrarian History of England in the Thirteenth Century* (Oxford, 1956), pp. 330-1, argues that Roman law reflected medieval realities. On the whole question see R. H. Hilton, *The Decline of Serfdom in England* (London, 1969) and J. Z. Titow, *English Rural Society, 1200-1350* (London, 1969).

specific account of the characteristically medieval relationship of lord and tenant. In a few forms of action it is quite explicit that this is the position between the opposed parties, as in the pleas concerning free or unfree status already discussed, or in cases where a lord claims services (373) or a tenant objects to them (209). In other actions the lord and tenant relationship is not difficult to detect. For example at 29 the plaintiff, Jordan, demands to replevy (recover) his confiscated animals from the abbot of Glastonbury and Geoffrey del Brek'; Geoffrey is presumably one of the abbot's bailiffs. The abbot and Geoffrey answer that Jordan, a military tenant of the abbot, had failed to pay his share of a scutage (commutation of knight service) and so his beasts were being held until he paid. A number of other actions directly concern the lord and tenant relationship since they refer to the plaintiff's position within the hierarchy of feudal tenures. Thus in an action of warranty of charter (25) the plaintiff usually requires his immediate overlord to warrant his title, or in the rarer action of mesne (290) he requires the intermediate (mesne) tenant to acquit him of a service demanded by the chief lord of the fee.

In the numerous cases of novel disseisin and mort d'ancestor the lord and tenant relationship is not immediately apparent. A simple reading through the cases would give the impression that these actions were brought against mere wrongdoers, who had suddenly appeared and dispossessed the plaintiff (novel disseisin) or deprived him of his heritage (mort d'ancestor). In fact by the time of the Wiltshire eyre of 1249 the recent and arbitrary ejection implied in these actions was often a legal fiction. Dispossession no longer needed to be recent, as the time limitation for novel disseisin went back to 1230 and for mort d'ancestor to 1210.⁵⁵ Furthermore, if dispossession had really been arbitrary, plaintiffs might be expected to prosecute their actions and, on the whole, to win them, unless the legal system were totally corrupt and ineffective. Yet, as the Table of Actions shows, of the two hundred and fourteen plaintiffs bringing actions of novel disseisin and mort d'ancestor in our eyre, more than a quarter, fifty-six, either failed to prosecute or withdrew. Another forty-nine made agreements with their alleged dispossessors. The court gave judgements in only ninety-two of the cases, less than half. Of those judgements, thirty-six were given for the plaintiff and fifty-six for the defendant. In the cases of mort d'ancestor, only one plaintiff in ten won his action, as contrasted with novel disseisin where one plaintiff in four won.

One explanation for the frequency of agreements and withdrawals may be that some of the cases concern family disputes, not arbitrary wrongdoing. For example 112 is a case between half brothers of whom the defendant claims to be the elder; at 70 the plaintiff is in dispute with his brother's former wife, who claims that the property is hers and her daughters' by right of inheritance; at 400 the jury say that the plaintiff was ejected by his brother, not by the defendant. Other cases evidently concern disputes between lord and tenant rather than totally arbitrary ejections. In two cases of mort d'ancestor (136, 345) the defendant is evidently the lord's grantee, since he pleads that he

⁵⁵ Above, p. 15.

has been given the land in wardship by the bishop of Salisbury, who is the plaintiff's father's lord. One case of novel disseisin (69) seems to be a dispute between the kin of the chief lord, Geoffrey de Moneye, and an under-tenant, William, whom they had dispossessed because, according to the jury, William had talked Geoffrey into making him a charter of confirmation for the land. Similarly at 52 the jury attest that the lord had dispossessed an under-tenant for refusal to render him services. The action of novel disseisin for common of pasture at 86 illustrates the ruling of the Statute of Merton of 1236 which allowed a lord, the abess of Shaftesbury in this case, to enclose common land provided that the tenant had sufficient in proportion to his holding. The plaintiff, John of Totterdale, pleads that the statute should not apply in this case because he was specifically enfeoffed by charter of a previous abess. The action of novel disseisin at 74 arose because the lord, the master of the Templars, tried to prevent his tenant, Roger of Clerecote, from alienating his land to the prior of Monk Sherborne, who is the plaintiff. On the very day that Roger of Clerecote made the alienation, Roger Claviger of Bridzor forbade him to do so in the name of the master, but the prior had possession for a week until Roger Claviger of Bridzor and the other defendants dispossessed him again. In the action of novel disseisin at 33 the defendant acknowledges that he enfeoffed the plaintiff and then dispossessed her, so he is evidently the lord. As the plaintiff remits damages, one presumes that some compromise was reached out of court.

Litigation between lord and tenant is implicit in the structure and early history of the actions of novel disseisin and mort d'ancestor, as Professor Milsom has recently emphasized.⁵⁶ The writ of novel disseisin alleges that the plaintiff has been dispossessed 'unjustly and without judgement', which suggests wrongful dispossession by someone with authority to make a judgement, i.e. the plaintiff's lord. Furthermore the writ directs the sheriff to summon the dispossessor or, failing him, his bailiff. That assumes that the plaintiff has a bailiff. A mere thief of land would not have one of course, but a lord would. At 473 for example the bailiff answers for the defendants and says that he did not dispossess the plaintiff unjustly and without judgement, since he acted by judgement of the city court of Salisbury because the plaintiff was in arrears with his rent. Similarly, the action of mort d'ancestor was originally, in the Assize of Northampton of 1176, directed only at the lord. Its purpose was to compel the lord to give possession to the next heir, and not keep the land himself or give it to someone without a good hereditary claim.⁵⁷ Whereas in novel disseisin the typical parties are tenant and lord, in mort d'ancestor they are the tenant's heir and someone to whom the lord has given the land. On that interpretation both actions primarily concern the duties of lords to act justly towards their tenants, duties which were henceforward enforceable in the king's court. The high incidence of agreements and withdrawals, and the preponderance of judgements for defendant over judgements for plaintiff,

⁵⁶ Introduction to Pollock and Maitland, *History of English Law*, pp. xxxvi–xliv; *Historical Foundations of the Common Law*, pp. 114–19.

⁵⁷ Milsom, *Historical Foundations of the Common Law*, pp. 114–15; S. E. Thorne, 'English Feudalism and Estates in Land', *Cambridge Law Journal* (1959), pp. 201ff.

are understandable if many of the actions were brought, not against mere wrongdoers, but against lords enforcing their dues.

WAYS OF REACHING AGREEMENT

Evidence of a lord and tenant relationship in some forms of action leads to the general suggestion that in most cases the opposed parties had some connexion with each other within the local community, although the formalized plea roll gives no indication of it. If the parties had really been adversaries litigating in a vacuum, as the plea roll usually pictures them, they would not have made compromises with each other so frequently. As pointed out in the preceding section, agreements were common in actions of novel disseisin and mort d'ancestor, and withdrawals or non-prosecutions even more common. The Table of Actions shows that the pattern overall is similar. Of all cases counted 27 per cent ended in agreements and another 21 per cent in withdrawals or non-prosecutions, making a total of 48 per cent in which the plaintiff did not proceed as far as judgement.

Ways of reaching agreement varied. The most formal method was the final concord or chirograph, an indenture recording the terms of the agreement in triplicate. One part was retained by the plaintiff, another by the defendant, and the third part, the 'foot of the fine', was kept by the court.⁵⁸ Provisional issue of a chirograph was usually recorded by an enrolment noting 'Let them [the parties] have a chirograph'. There are ninety-two such enrolments on our rolls.⁵⁹ Most of them can be collated with the feet of fines retained by the court at the time and now preserved in the Public Record Office.⁶⁰ Twenty-four enrolments cannot be collated.⁶¹ In most of these instances the feet of fines have presumably been lost, though in a few cases the chirographs may never in fact have been issued. After the parties had been given the court's permission to have a chirograph, a day was fixed for its formal issue or delivery at which the principals and any other persons concerned had to be present.⁶² If one of the principals failed to appear (**431**), or the approval of a third party was required (**561**), the issue of the chirograph was postponed or cancelled. In addition to the record of the rolls, the justices' clerks kept notes from which the chirographs were drawn up (**561**);⁶³ the notes were filed separately and have been lost. The keeping of separate notes of chirographs may explain why fifteen Wiltshire feet of fines preserved in the Public Record Office from our

⁵⁸ In general see F. W. Jessup, introduction to *Calendar of Kent Feet of Fines* (Kent Archaeological Soc. Records Branch, xv, 1956); for Wilts., R. B. Pugh, *Abstracts of Feet of Fines for the Reigns of Edward I and Edward II* (W.A.S. R.B. i, 1939).

⁵⁹ See the heading 'concordes' in the Index of Subjects.

⁶⁰ C.P.25(1)/251/15 and 16. Listed by E. A. Fry, *Calendar of Feet of Fines relating to the County of Wiltshire* (Wilts. Archaeological Soc. 1930), pp. 37-44.

⁶¹ **8, 48, 66, 77, 91, 116, 137, 159, 163, 184, 247, 259, 260, 297, 328, 334, 370, 374, 393, 409, 416, 451, 479, 536.**

⁶² Flower, *Introduction*, pp. 267-9.

⁶³ *Ibid.* pp. 8-9, 270-1.

eyre are not referred to in the roll.⁶⁴ It is also possible that another membrane of the rolls was misplaced (like J.I.1/777 m. 31)⁶⁵ and has been lost.

To obtain a chirograph one or both the parties had usually to make an oblation (offering) to the Crown for permission to agree, as well as paying fees to the clerks for drawing up the document. Where no record of an oblation for a chirograph is enrolled (nine instances in our rolls),⁶⁶ the payment may have been waived and the parties given a free licence to agree. Usually, however, an oblation was required of $\frac{1}{2}$ mark (fifty-five instances in our rolls) or 1 mark (thirty-five instances). In special cases more might be charged. To compromise trial by battle at 272 40s. was offered, and at 209 40s. likewise to make an agreement on an action *de fine facto*. In the latter case the charge was so high doubtless because the defendant had already failed to keep to a final concord. Sometimes the payment of an oblation is enrolled without an accompanying note 'Let them have a chirograph'. In two cases (146, 234) this seems to be due to carelessness, as the chirographs still exist. In six other cases (1, 39, 126, 162, 209, 253) the terms of the agreement are recorded on the roll itself and it is probable that this was considered sufficient without a chirograph. In the remaining seven cases (119, 120, 156, 233, 239, 256, 435) neither an enrolled agreement nor a chirograph is extant. In these instances some difficulty had probably arisen which delayed or prevented the delivery of the chirograph. Thus John the Templar (156) required the approval of the master of the Knights Templar (561) before his agreement with Alexander de Cheverell could be formally issued.

Frequently the terms of agreements are recorded on the roll without specific mention either of an oblation to the Crown or of a chirograph. In these cases payment was presumably made to the clerks of the court to have the matter enrolled. The clerks occasionally enrolled private agreements which did not arise from actions brought in the eyre at all. Thus 266 confirms a charter of the prior of St. Denys, and 542 a recognizance on a charter granted by Richard de Syfrewast. This practice was similar to, though less common than, the recording of private deeds on the backs of Chancery rolls. Enrolment of a private deed on a royal record served as an additional reinforcement for the parties concerned. Other agreements were recorded on the eyre roll without oblation to the Crown because it was impermissible to obtain chirographs for them. In an action of novel disseisin a final concord was not permitted since it implied compromise by the plaintiff with a malefactor. It looks as though litigants circumvented the restriction, with the tacit approval of the court, by having their agreements recorded on the roll instead. There are fourteen instances of enrolled agreements following actions of novel disseisin and two in the cognate assize of nuisance.⁶⁷ The enrolled agreement following the action of novel disseisin at 565 refers to a chirograph in which the terms are more fully contained. Unfortunately this chirograph

⁶⁴ C.P.25(1)/251/15 nos. 7, 8, 16, 20, 42, 51; /16 nos. 54, 56, 65, 75, 77, 80, 89, 97, 98.

⁶⁵ Above pp. 4–5.

⁶⁶ Chirographs extant: 75, 388, 395, 478; chirographs not extant: 48, 260, 328, 370, 374.

⁶⁷ Novel disseisin: 5, 47, 117, 128, 145, 199, 202, 236, 249, 287, 349, 405, 559, 565. Nuisance: 9, 443.

no longer survives; it cannot have been made on the action of novel disseisin itself. In other instances of enrolled agreements the parties seem voluntarily to have chosen the method because it was cheaper, as the clerk's fee for an enrolment would have been less than that for drawing up a tripartite chirograph. A disadvantage was that in case of subsequent dispute it was, as it still is, easier to trace the foot of a fine on a file than an enrolment which might be anywhere among four or five hundred items. The best examples in our rolls are four enrolled agreements on actions of mort d'ancestor (**39, 126, 322, 535**), since such actions were more frequently settled by chirograph (thirty-two instances in our rolls). None of the four enrolled agreements have complex provisions, and in one of them (**322**) the terms are repeated in a chirograph as well.

The commonest types of enrolled agreements are recognizances of debt specifying dates of payment by instalments. Some are simply undertakings to pay debts to moneylenders; in our cases the debts are payable to Clare-munde of Southampton (**210, 211, 212, 311**), who seems to have been a professional broker (**55**) and may have been a Jew.⁶⁸ Similar recognizances arise from compromises on prosecuted actions of debt (**1, 161, 337**). Most of the recognizances of debt, however, concern payments arising from agreements, which are recorded either on the roll (five instances)⁶⁹ or on chirographs (seventeen instances).⁷⁰ An agreement conveying property usually included an undertaking by one of the parties to pay the other a sum of money as a 'consideration'.⁷¹ The purpose of the separately enrolled recognizance of debt was to specify dates and enforce payment by the provision that if the payer 'does not do so, the sheriff may do so from his lands and chattels' (**131**). At **243** the debt of 2 marks (26s. 8d.) specified in the enrolled recognizance is less than the 40s. sterling in the chirograph. The discrepancy may be due to a mistake in either the roll or the chirograph, or more probably a portion of the debt had been paid off as a preliminary instalment between drawing up the chirograph and enrolling the recognizance. There is a similar discrepancy at **204**, where 60 marks is specified in the chirograph and only 50 marks in the enrolled recognizance. Conversely at **200** a gross debt of 50 silver marks is enrolled, and also recorded in a chirograph not referred to in the roll, whereas the payments by instalment amount to 700s. Fifty marks is the equivalent of 666s. 8d. It looks as though silver marks are being computed above the standard rate and in this way a concealed interest charge of 33s. 4d. (2½ marks), or 5 per cent, is being made.

On the whole, enrolled agreements concern details of temporary duration, like dates for paying debts by instalments, whereas chirographs record more formal and longer-lasting provisions. The best example of the joint use of

⁶⁸ Meekings, *Crown Pleas*, p. 276.

⁶⁹ **9, 126, 200, 269, 405.**

⁷⁰ Enrolments specifically referring to the fine (i.e. chirograph) made between the parties: **131, 165, 169** (repeats **165**), **213, 243, 257, 365, 466, 534, 538, 560**. Enrolments not referring to the fine, but for which chirographs are extant: **179, 204, 372, 434, 553**; for **225** no chirograph is extant.

⁷¹ Jessup, *Kent Feet of Fines*, p. lxxxvii.

chirograph and enrolled agreement is the settlement of an action of right between William Beauchamp and Henry Hose (226). A chirograph was issued and is still extant recording that Henry has acknowledged William's right and in exchange William has granted the land to Henry for an annual rent of 40s.⁷² In addition, enrolment 338 records that Henry and William have concluded a marriage contract by which Henry's son will marry William's daughter, and if he refuses, Henry will give William's daughter an income for life.⁷³ The enrolment is evidently being used here to confirm the terms of a family agreement, which had probably been set out in a private charter as well.

ROYAL LAW AND THE PRIVATE LITIGANT

The agreements of which record survives, either by enrolment or by chirograph, are probably only a portion of the total number of agreements reached on cases brought in the eyre. Numerous settlements may have been made out of court, of which no record is extant because the king's justices' clerks were not concerned with what took place elsewhere. Out-of-court settlements are a possible explanation for the high proportion of withdrawn and non-prosecuted actions referred to in the rolls; as the Table of Actions shows, these cases constitute 21 per cent of the total. This is not to suggest that all such cases involve unrecorded agreements; some were simply due to errors made by the plaintiff. Bracton describes how the plaintiff could withdraw from a defective writ, or from his claim against A when he discovered the property was held by B.⁷⁴ In such cases the plaintiff did not lose his right to prosecute the same action again on another writ against the correct defendant provided he had obtained licence from the court to withdraw. If, however, in any plea 'he simply withdrew without any just cause',⁷⁵ he could never prosecute that action again, and he and his sureties for prosecuting were amerced. Thus simple withdrawal or failure to prosecute an action implied an irrevocable acknowledgement by the plaintiff of the defendant's position. Consequently simple withdrawal or non-prosecution constituted in itself a settlement of the case; an apparently negative procedure produced a positive result.

As cases of withdrawal and non-prosecution are numerous, it is probable that the majority of them implied some sort of settlement out of court rather than an error by the plaintiff. For example, the 44 plaintiffs (out of a total of 105) who failed to prosecute, or withdrew from, actions of novel disseisin cannot all have made errors. In novel disseisin withdrawal was the only way to settle, since a final concord was impermissible; in 14 instances withdrawal was made by licence and an agreement enrolled.⁷⁶ In some of the other cases

⁷² C.P.25(1)/251/16 no. 84.

⁷³ Flower, *Introduction*, pp. 253-4, gives examples of other enrolled marriage agreements.

⁷⁴ *De Legibus*, fo. 182b, iii, pp. 65-6.

⁷⁵ *Ibid.* p. 65.

⁷⁶ Above, n. 67.

of withdrawal from novel disseisin, where no agreement is enrolled, it is possible that the withdrawal was due to an error by the plaintiff. In the 31 cases of non-prosecuted actions of novel disseisin, on the other hand, the presumption is that some unrecorded settlement was made.⁷⁷ In a case of non-prosecution of the cognate assize of nuisance (443) an agreement is enrolled beneath the note of non-prosecution. In a pair of cases (98 and 441), of mort d'ancestor and warranty of charter respectively, the two parties fail to prosecute actions against each other, which implies a settlement between them.

Such settlements would have been reached in lower courts of which no record survives; the majority perhaps were made in the county court. Most actions brought in the eyre began life in the county court, since the writs initiating them were addressed to the sheriff of the county.⁷⁸ Writs of the common *precipe* type were in theory directions to the sheriff to coerce the defendant, who was to be summoned before the king's justices only if he failed to obey the sheriff. In the possessory assizes of novel disseisin and mort d'ancestor the sheriff had less discretion, but there also the action began in the county court, where the plaintiff had to find sureties for prosecuting his claim and the summoners and jurors were selected.⁷⁹ Hence, in an unknown number of cases, the parties may have been brought to agreement in the county court on the basis of the royal writ without ever reaching the king's court at all. In other cases the plaintiff found his sureties for prosecuting and the defendant remained obdurate until perhaps the imminent arrival of the royal justices brought them to agreement. In such cases the justice's clerks recorded only that the plaintiff had withdrawn or failed to prosecute and was therefore in the king's mercy. Their business was to record matters which concerned the king's interest, which was limited in such a case to keeping a note of the amercement. An agreement made in a lower court was irrelevant to their record.

In the eyes of the royal justices the county court was not a court of record.⁸⁰ This does not mean, however, that it kept no written records, but only that they were not legally sufficient in themselves like royal records. Nevertheless to some litigants at the time, an agreement reached in the county court, or even in a lord's court, may have been more useful than a chirograph drawn up by the king's justice's clerks. Procedure in local courts constituted normal and traditional practice,⁸¹ whereas the coming of the king's court into the shire was an abnormal occurrence. The royal justices came on eyre to Wilton only at intervals of several years. Day-to-day government depended on the sheriff and his bailiffs and on local lords' officials, all of whom theoretically exercised

⁷⁷ See Index of Actions, iv.

⁷⁸ A few of the oldest types of writs, however, were addressed to the lord. The addressees of writs are set out by G. D. G. Hall in *Glanvill*, pp. 199–201.

⁷⁹ *Ibid.* pp. 17–18, 151–2.

⁸⁰ G. Lapsley, 'The Court, Record and Roll of the County in the 13th Century', *Law Quarterly Review*, li (1935), pp. 299–325.

⁸¹ Milsom, *Historical Foundations of the Common Law*, pp. 6–8 and bibliography pp. 375–6.

authority in the king's name,⁸² though in reality local interests predominated. In such circumstances a property owner may have found local approval, however informal it was, preferable to the grander formulas and documents of the king's court. Some settlements in lower courts may not have been written down at all, since written titles to property only gradually became the rule rather than the exception. Although large ecclesiastical landholders had been accustomed to title deeds for centuries and carefully recorded them in their cartularies, small lay landowners did likewise very slowly.⁸³ Drawing up documents was expensive, as writing materials were costly and scribes relatively rare. Furthermore the traditional non-literate ways of doing legal business, by formal words and acts in feudal courts, died hard.⁸⁴ At Common Law the essence of a conveyance was the physical act of homage to a lord and the putting of the tenant in actual possession ('seisin') of the property. The conveyance was fundamentally a verbal and public act in the presence of witnesses; a document like a private charter was only a confirmation of the act and did not itself constitute a sufficient title. A charter was inapplicable if the grantee had never actually had 'seisin' (24, 127, 363, 442).⁸⁵

Property owners probably resorted to the king's court, with its elaborate bureaucratic apparatus, only as a means to an end or when other means had failed. There is no way of being certain that this was the pattern, since the records of lower courts are not extant, and some may never have existed. The survival of royal written records, like our eyre rolls, may distort the overall picture of how justice was administered and legal settlements made in 13th-century England. The eyre roll makes us view English law and society through the eyes of the king's justices' clerks, instead of looking at it from the point of view of the litigants themselves. To litigants at the time the local courts, in which they did their daily business, were probably more important than the king's court. The historian today, on the other hand, has to survey the judicial system from the top downwards, from the unique viewpoint of the king, because only royal court records survive from Wiltshire in the period.⁸⁶

CONCLUSION

The English system of royal Common Law, shaped in the reign of Henry II, seems to have aimed to cut through the tangle of feudal tenures and uncertain

⁸² In the inquest into local government in 1255 many Wilts. hundreds alleged that their lords had authority to 'return' writs, i.e. to execute all royal orders within their areas: *Rotuli Hundredorum* (Record Commission), ii (1818), pp. 230-8; *V.C.H. Wilts.* v, pp. 49-51.

⁸³ For early lay cartularies see E. King, 'Large and Small Landowners in 13th Century England', *Past and Present*, xlvii (1970), p. 39.

⁸⁴ M. T. Clanchy, 'Remembering the Past and the Good Old Law', *History*, lv (1970), pp. 173-5.

⁸⁵ Bracton, *De Legibus*, fo. 38b, ii, p. 121.

⁸⁶ The earliest record extant from a lower court in Wilts. is the Urchfont manorial roll of 1259: *V.C.H. Wilts.* v, p. 54. For Edward I's reign, a number of Wilts. local court rolls survive of which *The Rolls of Highworth Hundred* and *Court Rolls of the Wiltshire Manors of Adam de Stratton* have been published by W.A.S. R.B. xxi, xxii, xxiv.

titles to property by providing standardized forms of redress based on documents (writs, rolls, and chirographs) for all freeholders in the king's court. From the technical point of view this turned out to be more difficult than originally envisaged. Forms of action and procedural rules proliferated. In the prologue to his treatise Glanvill notes that 'it is utterly impossible for the laws and legal rules of the realm to be wholly reduced to writing in our time, both because of the ignorance of scribes and because of the confused multiplicity of those same laws and rules'.⁸⁷ Sixty years later, when Bracton came to write his treatise at the time of our Wiltshire eyre, the system was even more complicated and a longer treatise than Glanvill's was the result. Despite the length of his book, Bracton like Glanvill acknowledges that in England 'law derives from nothing written [but] from what usage has approved'.⁸⁸ In Bracton's view this made the English legal system uniquely different from systems based on Roman written law.

In addition to the technical difficulty of reducing the laws to writing, both Glanvill and Bracton indicate the political problems involved. The laws of England derived their authority from usage because they depended on the consent of the leading men of the realm as well as on promulgation by the king. Since Glanvill's time, the magnates had shown in Magna Carta that power lay with them and that they could amend the law. In the rebellion against Henry III in 1258 they were to show this once more. The Wiltshire eyre of 1249 occurred in a period of relative peace in England in which the Crown seemed to be regaining strength. Nevertheless Henry III's government could not realistically hope to impose unilaterally a uniform system of freehold land tenure, as Henry II had perhaps aimed to do. The royal legal system had to come to terms with feudal custom and traditional ways of doing business in local courts. The cases in a record like our Wiltshire eyre rolls are but part of a larger corpus of litigation and informal arrangements made in other courts which have left no records.

Although the forms of the Common Law remained largely unchanged, its emphasis shifted, particularly in assizes of novel disseisin and mort d'ancestor, from giving rapid judgements against wrongdoers to providing means for litigants to make settlements in writing. Only 35 per cent of all cases in our eyre proceeded as far as judgement, and of those judgements only 13 per cent were for the plaintiff. Why, if chances of success were low, were so many actions brought? The answer seems to lie in looking for criteria of success other than those predominating in the adversary pattern of lawsuit. Many plaintiffs probably did not hope to win outright, but to come to a workable agreement. In modern law they would never have brought a court action at all, but would have settled out of court. The old legal system on the other hand discouraged this. Parties could obtain an agreement in the king's court only after they had begun to sue each other. Whereas a modern lawyer usually advises his client to sue only as a last resort, a medieval practitioner must often have counselled 'Sue first, settle afterwards'. Despite the large volume

⁸⁷ *Glanvill*, ed. Hall, p. 3.

⁸⁸ *De Legibus*, fo. 1, ii, p. 19.

of litigation, property owners in 13th-century England were probably no more inherently litigious than those of today. Their dilemma was that the system of land tenure often compelled them to litigate. Because titles to property were only partially recorded in writing and were bound up in a network of dependent feudal tenures, it was harder for a person to know what he owned and on what conditions.

The precision, uniformity, and relative simplicity of the cases recorded here must have represented a less exact and more complicated set of situations in real life. The royal judges and their clerks in Wiltshire in 1249, like their contemporaries the canon lawyers and scholastic philosophers, constructed an artifice of opposed points of view from which agreement (*concordia*) could emerge.⁸⁹ In their methodically uniform treatment of all problems, great and small, legal records like our Wiltshire rolls are comparable to the works of scholastics like St. Thomas Aquinas, with which they are contemporary. Both are monuments to the characteristically medieval achievement of consistency, conciseness, and order by the elimination of circumstantial fact. Both likewise demand of the modern reader an initial effort to master their method and technical terms before they become intelligible.

⁸⁹ S. G. Kuttner, *Harmony from Dissonance: An Interpretation of Medieval Canon Law* (Latrobe, 1960), pp. 9–18. The term *concordia* occurs in the title of Gratian's fundamental *Concordia discordantium canonum* and is the usual term for an agreement at English Common Law.

TABLE OF ACTIONS

Actions are arranged under twelve heads as in the Index of Actions, where references to each enrolment will be found.

The following types of enrolment are excluded from the Table:

- appointments of attorney (390, 398, 399, 472, 484-510, 512-32, 550, 551);
- agreements on unspecified actions (187, 194, 255, 266, 338, 409, 416, 421, 542);
- essoins (566-86);
- recognizances of debt (131, 165, 169, 179, 204, 210-13, 225, 243, 257, 311, 365, 372, 434, 466, 534, 538, 553, 560);
- other unallocable enrolments (7, 157, 206, 237, 305, 431, 511, 545, 561).

On the other hand, five enrolments (12, 104, 129, 209, 274) have been counted twice in the Table because they each refer to two actions, and one enrolment (358) has been counted three times because it concerns three actions.

FORM OF ACTION	ACTION CONCLUDED BY					TOTAL	
	<i>Adjournment</i>	<i>Agreement</i>	<i>Non-prosecution or withdrawal</i>	<i>Judgement for plaintiff</i>	<i>Judgement for defendant</i>	<i>Actual</i>	<i>Per cent</i>
I <i>De recto</i>	14	8	1	2	6	31	7
Customs and services	3	2	6	0	1	12	2½
II Dower	12	5	3	13	5	38	8
III Entry	9	11	9	6	17	52	11
IV Novel disseisin	1	13	44	25	22	105	22
Nuisance	0	2	4	0	1	7	1
V Mort d'ancestor	16	36	12	11	34	109	23
Cosinage	2	0	0	0	2	4	1
VI <i>Utrum</i>	1	0	0	2	6	9	2
VIII Miscellaneous	5	11	7	2	6	31	7
IX Annuity	2	5	0	0	0	7	1
Covenant	8	9	1	0	0	18	4
Debt	2	3	0	0	0	5	1
<i>De fine facto</i>	2	2	2	1	0	7	1
Replevin	0	0	4	0	2	6	1
Warranty of charter	1	8	4	0	1	14	3
Other personal	2	0	1	2	0	5	1
XI Attaint	0	0	1	0	0	1	0
XII Prohibitions	1	0	0	0	0	1	0
Unspecified pleas of land	2	15	0	0	0	17	3½
ACTUAL TOTAL	83	130	99	64	103	479	—
TOTAL PER CENT	17	27	21	13	22	—	100

EDITORIAL METHOD

The main problem in presenting a comprehensible English version of the record is that the Latin text itself is full of common forms which are partly omitted and indicated by *etc.* Abbreviations and consistent omissions are most prominent in the frequent enrolments of assizes of mort d'ancestor and of novel disseisin. In the English version of those enrolments the abbreviated common forms are not translated word for word because they would not make sense. Instead shortened English forms are used throughout, e.g. 'Assize of mort d'ancestor to declare whether . . . ' (6), or 'Assize of novel disseisin to declare whether . . . ' (5). The Latin text of the first sentence of 6, with the common forms indicated by the scribe's *etc.*'s in brackets, reads as follows (the words in italic type are omitted in the English version):

Assisa venit recognitura si Alicia filia Roberti Maunsel, mater Thome Maunsel, fuit seisita *in dominico suo etc.* [*ut de feodo*] de dimidia virgata terre, excepa una roda terre, *cum pertinenciis in Stratton' die etc.* [*quo obiit*] *et si etc.* [*obiit post ultimum reditum domini Johannis regis patris nostri de Hibernia in Angliam et si ipse Thomas propinquior heres ejus sit,*] quam terram Alexander filius Ricardi tenet.

Similarly the text of 5 reads as follows:

Assisa venit recognitura si Adam de Monasterio et Elena uxor ejus injuste *etc.* [*et sine iudicio*] disseisiverunt Agnetem filiam Jordani le Mercer *de libero tenemento suo in Malmebir' post primam etc.* [*transfretacionem domini regis in Britannem*] *et unde queritur quod disseisiverunt eam de uno mesuagio cum pertinenciis.*

Similar omissions are made in enrolments of the assize of nuisance (9) which is akin to novel disseisin. In less frequent types of action the common form indicated by the scribe's *etc.* is supplied between square brackets in the English version, e.g. in the action of right (24) the Latin 'et quod tale sit jus suum offert *etc.*' is rendered 'and that such is his right he offers [to prove].' Square brackets are also used to supply any other words or phrases required to clarify the English version. On the same principle of presenting a comprehensible and consistent version, punctuation is modernized and standardized. Where a long sentence in the Latin is divided into shorter English sentences, the conjunctive *et* is omitted. Repetitious definitive adjectives and adverbs (*idem, inde, ipse, predictus*) are omitted where the sense in English is clear without them. Similarly membrane continuation headings saying 'Adhuc de Juratis et Assisis apud Wilton' are omitted; membrane numbers are shown thus: *m. 2*). All numbers, whether expressed in Latin words or Roman numerals, are rendered by Arabic numerals. Similarly sums of money are rendered in modern abbreviated form (£5 2s. 6d.). Italic type is used (as in Meekings, *Crown Pleas*) to indicate words which appear in the margin of the

roll; they are usually also included in the body of the text. In the expression ' $\frac{1}{2}$ mark' the ' $\frac{1}{2}$ ', which for typographical reasons is not in italic, is to be understood as forming part of the marginal note. Marginal notes drew the court's attention to matters which were still incomplete, e.g. that a party was in the king's *mercy* for default or that a case was adjourned until *tomorrow* (168). Any other peculiarities in the text are indicated by footnotes.

Proper names. Latin names (forenames, place-names, and surnames) are rendered by standard English forms unless they are unusual or do not lend themselves to translation: e.g. the Latin forename *Juliana* is rendered *Gillian* throughout, but the exceptional *Eliaduc* (227) is retained; the Latin *Sar'* and *Westm'* are rendered *Salisbury* and *Westminster* throughout, but *de Loco Sancti Edwardi* (421) for Edwardstow abbey at Netley is retained; the occupational surnames *Clericus*, *Faber*, and *Piscator* are rendered *clerk*, *smith*, and *fisherman* throughout, but less easily translatable surnames like *de Fonte* or *de Monasterio* are retained. The manuscript's renderings of French surnames, mostly of baronial families like *de Bohun* and *de Vescy*, are retained. Likewise the manuscript's renderings of English surnames of locality are retained: e.g. *Hachard of Medeburn'* (142) for Medbourne. Surnames of locality are identified where possible by cross-references to modern place-names in the Index of Persons and Places.

PLEAS OF JURIES AND ASSIZES AT WILTON IN THE COUNTY OF
WILTSHIRE OF THE EYRE OF HENRY OF BATH AND HIS FELLOW
JUSTICES ITINERANT IN THE 33RD YEAR OF THE REIGN OF
KING HENRY SON OF KING JOHN

1 Avice de Columbar¹ was summoned to answer Nicholas Kipping on a plea that she render him £35 14s. which she owes him.

Avice comes and they are agreed. Nicholas gives *1 mark* for licence to agree. The agreement is as follows: Avice acknowledges the debt, whereof she will render him £9 at Michaelmas in the 33rd–34th year [29 Sept. 1249], £9 at the Purification next following [2 Feb. 1250], £9 at St. John the Baptist next following [24 June 1250], and the whole residue at Michaelmas next following [29 Sept. 1250]. If she does not do so, she grants that the sheriff may do so from her lands.

2¹ Assize of mort d'ancestor to declare whether Ellen daughter of William Rufus, [mother of] Maud² wife of Walter Pralle, was seised of 1 messuage in Malmebir', which Gillian la Clergesse holds. She comes and says that she should not have to answer them on this writ, because she claims nothing in that messuage except the wardship of one Gillian, daughter of her and of Reynold Wyldebrek', her former husband who died seised thereof as of fee. Walter³ and Maud⁴ cannot deny this. So Gillian la Clergesse is without day and Walter³ and Maud⁴ are in *mercy*. They may proceed against Gillian daughter of Reynold by another writ⁵ if they wish.

¹ cf. 248.

² Mabel at 248.

³ *Willelmus*.

⁴ *Elena*; the clerks making this roll often confuse personal names [cf. Introduction, p. 8].

⁵ *aliud breve* cancelled.

3 Agnes of Brenbelhange, who brought a jury of 24 to attaint the 12, has not prosecuted. So she and her sureties for prosecuting are in *mercy*, namely Miles de Kayns and Thomas le Sweyn.¹

¹ chirograph C.P.25(1)/251/15/30.

4 Adam Waryn, who brought a writ against the abbot of Malmebir' that the abbot render him chattels to the value of 100s. thereon, has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Herlewin de Monte and William Plubel'.

5 Assize of novel disseisin to declare whether Adam de Monasterio and Ellen his wife unjustly disseised Agnes daughter of Jordan le Mercer of 1 messuage in Malmebir'. Later Agnes came and withdrew by licence. It is agreed between them that Adam and Ellen acknowledge the messuage to be the right of Agnes and they will render it to her, and for that Agnes has granted to Adam and Ellen $\frac{1}{2}$ of the messuage to be held for the whole of Ellen's life, and after her death the whole messuage, quit of Adam and Ellen in perpetuity, will revert to Agnes and her heirs.

6 Assize of mort d'ancestor to declare whether Alice daughter of Robert Maunsel, mother of Thomas Maunsel, was seised of $\frac{1}{2}$ virgate of land, excepting 1 rod of land, in Stratton', which land Alexander son of Richard holds. Alexander comes and says that he should not have to answer Thomas on this writ, because he does not hold that land entirely. For he says that the prior of the hospital of St. John of Jerusalem in England holds $\frac{1}{2}$ of 1 messuage which is of the appurtenances of that land, and Adam of Anesteye holds of that land 16 feet in length and 16 feet in width, and Ellis de la Drave likewise holds 16 feet in length and 16 feet in width. Thomas cannot deny this. So it is adjudged that Alexander is without day and Thomas is in *mercy*. He may proceed against the prior and the others if he wishes.

7 John son of Geoffrey of Sumerefeud and William the smith are in *mercy* by surety of Thomas Jurcyn and Christian his wife.

8 John le Clerc' gives 1 mark for licence to agree with Gilbert de Gardino on a plea of assize of mort d'ancestor by surety of the same Gilbert. Let them have a chirograph.¹

¹ chirograph lost.

9 Assize of nuisance to declare whether Walter the miller raised [the level of] a certain pool in Bradeton' to the nuisance of Hugh Bernard's free holding in the same vill. Later Hugh¹ came and withdrew and made a fine of 1 mark on behalf of himself and his sureties. It is agreed between Walter and Hugh that Walter will have the pool restored to its former state, and that Walter will give Hugh 18s., of which he will pay him [$\frac{1}{2}$] at St. John the Baptist in the 33rd year [24 June 1249] and the other $\frac{1}{2}$ at the Assumption next following [15 Aug.]. If he does not do so, he grants that the sheriff may do so from his lands.

¹ *Walterus*.

10 Herlewin de la Hull' gives $\frac{1}{2}$ mark for licence to agree with Adam of Perton' on a plea of liberty. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/96.

11 Philip de Molendin', who brought an assize of nuisance for a dike overthrown in Chisseden', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Richard Parys and Richard Bude. Philip is poor.

12 William le Juvene, who brought an assize of novel disseisin for common of pasture in Clive against Richard Pypard and an assize of nuisance for a dike raised up in the same vill, has not prosecuted. So he and his sureties for prosecuting are in *mercy*. He has made a fine of *1 mark* on behalf of himself and his sureties.

13 Walter of Pulton', who brought an assize of novel disseisin for his common of pasture in Sigliston', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Hugh of Dycheamton' and Walter Peregre. He has departed.¹

¹ *Profectus est.*

14¹ Richard Wafir, who brought an assize of novel disseisin for his common of pasture in Wynieleffud, came and withdrew. So he and his sureties for prosecuting are in *mercy*, namely Ellis of Kelewey and William of the same.

¹ cf. 106.

15¹ John of Helme and Sarah his wife, who brought an assize of novel disseisin against Alice Lof for a holding in Malmesbir', have not prosecuted. So they and their sureties for prosecuting are in *mercy*. Pardoned at the instance of sir Ellis of Cumbe.

¹ cf. 107.

16 Henry David gives $\frac{1}{2}$ *mark* for licence to agree with William of Brichelade¹ on a plea of assize of mort d'ancestor. Let them have a chirograph.²

¹ miscopying of *Cricklade*. ² C.P.25(1)/251/16/72.

17¹ Nicholas of Bereford, who brought an assize of mort d'ancestor against the prior of Ivychurch² for $\frac{1}{2}$ virgate of land in Bereford, has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely William son of Gilbert and Hugh de Cormaylles.

¹ cf. 304. ² *de monasterio Hederoso.*

18 John the cook and Edith his wife, who brought an assize of novel disseisin against Robert son of Alexander for a holding in Herdecote, have not prosecuted. So they and their sureties for prosecuting are in *mercy*, namely Geoffrey Hirdman and Peter de Celario.

m. Id]

19 Mabel who was wife of Peter of Munketon' claims against Walter of Munketon' and Christian his wife $\frac{1}{3}$ of 1 messuage and 76 acres of land in Deverel as her dower.

Walter and Christian come and say that she should not have dower thereof, because Peter [neither] on the day he married her nor ever afterwards held that land and messuage in fee so that he could dower her thereof. Thereon they put themselves on the country and Mabel likewise. So let there be a jury.

The jurors say that Peter held that messuage and land in his demesne as of fee, so that he could dower Mabel thereof, on the day he married her and afterwards. So it is adjudged that Mabel recovers her seisin and Walter and Christian are in *mercy*. Because Mabel's husband died seised of that messuage and land, they are to make her satisfaction for damages, which are assessed at 40s. by the aforesaid jurors. So the sheriff is ordered to have that money levied from Walter's lands and chattels and to let Mabel have it without delay.

20 Walter of Mukelton' and Christian his wife claim against William son of Peter 1 messuage and 11 acres of land in Mukelton' and against Margery daughter of Peter 1 messuage and 16 acres of land in the same vill, into which they have no entry except by Peter of Mukelton', to whom Walter and Christian demised those things for a term which has expired.

William and Margery come and defend their right and say that they should [not] have to answer them on this writ, because they readily maintain that Peter did not demise that holding to them for a term which has expired. They say on the contrary that Peter enfeoffed them by his charters which they proffer as evidence, and which attest this. They say that if anyone else sued them for those holdings, Walter would have to warrant them, because he is the son and heir of the aforesaid Peter and has sufficient land from the inheritance of Peter his father whereof he can warrant them. Walter and Christian cannot deny this. So it is adjudged that William and Margery are without day and Walter and Christian are in *mercy*.

21 Assize of novel disseisin to declare whether Ingram¹ parson of the church of Ellesden' unjustly disseised Walter son of Walter of common of pasture in Werfton', whereof he complains that he disseised him of his common of pasture in a certain meadow of Ingram's, in which he was accustomed to have common for his beasts after the hay had been lifted until the Purification, and that meadow should be brought back under pasture.

Ingram comes and does not deny that Walter was accustomed to have common in that meadow, nor can he deny that he brought that meadow under cultivation. So it is adjudged that Ingram disseised Walter of that common unjustly as the writ says. Walter recovers his seisin thereof and that land shall remain meadow, as it was before, and Ingram is in *mercy*. *Damages 1 mark, all to the clerks.*²

¹ *Ingelerus* throughout.

² abbreviated to *T' c'* [*totum clericis*].

22 William of Badenhurst and Christian his wife, who brought an assize of novel disseisin against John de Vernun for common of pasture in Heringesham, have not prosecuted. So they and their sureties for prosecuting are in *mercy*, namely Andrew son of Robert and Geoffrey Budell'.

23 Roger of Cornhal' and Agnes his wife, who brought an assize of novel disseisin against Thomas Mauditt parson of the church of Dene for common of pasture in Wermenistr' belonging to their free holding in Bugel', have not prosecuted. So they and their sureties for prosecuting are in *mercy*, namely Richard Michel and Geoffrey Davel.

24 Ralph Cole claimed in the county [court] against Robert Cole $\frac{1}{2}$ virgate of land in Dudington' as his right, whereof one Robert father of the aforesaid Ralph was seised in his demesne as of fee and right in the time of the present king by taking profits therefrom to the value etc., and from that Robert the right to that land descended to this Ralph who now lays claims as son and heir, and that such is his right he offers [to prove]. Consequently Robert came to the same county [court] and denied the right of that Robert [Ralph's father] and everything. He put himself on the king's grand assize and claimed that there be a recognition of which of them has the greater right in that land. The county [court] adjudged that a grand assize lay between them. Consequently 4 knights were summoned to be here to elect 12 to make a recognition of the grand assize. Ralph now comes and says that the grand assize between them should not proceed, because he says that they are brothers [born] of one father, so that this Robert¹ is his elder brother and was begotten outside lawful wedlock. Ralph says that the land which he claims against Robert should descend to him by right of inheritance from Robert their father. The county [court] cannot deny this. So to *judgement on the county* [court]. Ralph is told that he may narrate anew against Robert if he wishes. Ralph now comes and narrates against Robert as above.

Robert comes and denies Ralph's right. He readily acknowledges that the aforesaid Robert Cole, father of Ralph and Robert, was seised of that land in his demesne as of fee and that Ralph is his son and heir. But he says that Robert enfeoffed him of that land by his charter, which he proffers and which attests this, so that if anyone else sued him for it, Ralph would have to warrant that land to him.

Ralph comes and readily acknowledges that charter. But he says that the charter should not injure him, because Robert his father died seised of that land in his demesne, so that Robert his brother never had any seisin thereof by that charter during the life of the aforesaid Robert his father.² Thereon he puts himself on the country and Robert likewise. So let there be a jury.

The jurors say that Robert Cole did not die seised of that land. They say on the contrary that he enfeoffed Robert his son a long time before his death and that he put him in seisin and made a charter to him thereof. So it is adjudged that Robert is without day and Ralph is in *mercy*.

¹ *Radulfus.* ² *fratris sui.*

25¹ Walter son of Everard was summoned to answer Walter of Kalna on a plea that he warrant him 1 virgate of land and 2 acres of meadow in Yetesbir', which he holds² and claims to hold from him, whereof he had and has his charter.

Walter comes and readily acknowledges that he enfeoffed Walter of Kalna of that land and meadow, which he is held to warrant him, and he would freely warrant him if anyone had sued him [Walter of Calne]. Because no one has sued him for that holding, it is adjudged that Walter son of Everard is without day and Walter of Kalna is in *mercy*.

¹ cf. 197. ² *tene*.

26 John de la Pastur' and Walter of the same, who brought an assize of novel disseisin against the abbes of Rumesey for common of pasture in Aston', have not prosecuted. So they and their sureties for prosecuting are in *mercy*,¹ namely Adam of the pasture of Eston' and Philip son of Gilbert. Sureties of the aforesaid John: Ralph le Prude and Walter Slyrewey Syrewey [sic] of Bulkinton'. Sureties of the aforesaid Walter: [blank].

¹ terminated by a cross in the marginal note.

m. 2]

27 Assize of novel disseisin to declare whether Hawise who was wife of Robert Hukar clerk of Furfeud', Peter their son, Alfred¹ of Wyk', Hugh of Juprede, and Gilbert of Swalclive unjustly disseised Martin Albyn of $\frac{1}{4}$ virgate of land in Furfeud. Hawise and the others come² and say that the assize should not proceed, because Martin is Hawise's villein and holds that land from her in villeinage. Thereon they put themselves on the assize.

The jurors say that Martin is Hawise's villein and holds that land from her in villeinage. So it is adjudged that [Martin] takes nothing by this assize and is in *mercy* for a false claim.

¹ *Auluredus*. ² *non veniunt*.

28 Emma who was wife of William gives 1 mark for licence to agree with Geoffrey son of Thomas on a plea of land. Let them have a chirograph.¹

¹ C.P.25(1)/251/15/36.

29 The abbot of Glastingebir' and Geoffrey del Brek' were summoned to answer Jordan son of Urse on a plea [demanding] why they¹ took Jordan's beasts and unjustly detain them against gage and surety. Jordan complains that the abbot and Geoffrey at Pentecost in the 30th year [27 May 1246] took 3 oxen and 4 heifers² of his and impounded them at their manor at Kynnton',

¹ *cepit*; the singular of verbs is carelessly used throughout the enrolment.

² *juvenculas*.

and detained them in the pound against gage and surety from Pentecost in the 30th year until St. Mary Magdalen [22 July], when they were delivered by order of the king, whereon he has suffered damage to the value of 100s.

The abbot and Geoffrey come and deny force, injury, and all unjust caption and detention. They say that they took Jordan's beasts into keeping justly, because Jordan holds [holdings] in Langeleg', Cloppeton', and Swynele which are of the abbot's fee and are held from the abbot by feudal service of 1½ knights. They say that, because 20s. of the scutage of Kaunok'³ are in arrears, they took Jordan's beasts into keeping for that 20s. Jordan cannot deny this. So it is adjudged that the abbot and Geoffrey are without day, the beasts are to be returned to them,⁴ and Jordan is in *mercy*.

³ scutage of Gannoc [Degannwy] levied for the Welsh campaign of 1245.

⁴ *habeant returnum de predictis averiis*.

30 Thomas of Bremham gives ½ *mark* for licence to agree with William of Ludhaviton'¹ and Alice his wife on a plea of land. Let them have a chirograph.²

¹ miscopying of *Hullavington*.

² C.P.25(1)/251/16/85.

31 John son of William of Wycumb' gives 1 *mark* for licence to agree with John son of Alice and Maud his wife on a plea of land. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/71.

32 A jury comes to declare whether 1 messuage and 2 acres of land in Buterne are¹ free alms belonging to the church of Buterne whereof William of Buterne is parson, or the lay fee of William Buggi and John le Clerc. William and John come. William [the parson] says that one William, his predecessor, was seised in his demesne as of fee and right of his church in the time of the present king, and he puts himself on [the verdict of] the jury that such is the right of his church.

The jurors say that the messuage and land are the lay of fee of John and William² and not free alms belonging to that church. So it is adjudged that William² [the parson] takes nothing by this assize and is in *mercy*. The others are without day.

¹ *sit*.

² *Guillelmus* instead of the usual *Willelmus*.

33 Assize of novel disseisin to declare whether Peter son of Walter and John le Rydere unjustly disseised Maud daughter of Walter of 2 messuages in Audeburn'.

Peter and John come. Peter readily acknowledges that he first enfeoffed Maud of those messuages and, after he had enfeoffed her, he disseised her and enfeoffed John. So it is adjudged that Maud recovers her seisin and Walter and John are in *mercy*. *Plaintiff remits damages*.

34 Assize of mort d'ancestor to declare whether Walter of Audeburn', father of Walter of Audeburn', was seised of 2 messuages in Audeburn', which Walter son of Walter holds. He comes and says nothing to stay the assize . . . [unfinished].

35 The same assize by the same recognitors to declare whether Maud who was wife of Walter le Marescall', aunt of Peter le Marescall', aunt of Peter son of Walter, was seised of 1 messuage in Audeburn', which Maud who was wife of Walter Hoppe holds. She comes and calls Walter son of Walter to warranty, who is present and warrants her and says nothing to stay the assize.

The jurors day that Walter [le Marescall'] and Maud did not die seised of that messuage. So it is adjudged that Walter¹ and Peter take nothing by this assize and are in *mercy* for a false claim.

¹ ? referring to *Walter son of Walter of Aldbourne* at 34.

36 William le Charpenter and Maud his wife and Edith Pylet claim against Agnes who was wife of John le Pestur 1 messuage in Iwrth' as their right, into which Agnes has no entry except by John, to whom Alice Paylet, mother of the aforesaid Maud and Edith, whose heirs they are, demised that [messuage] for a term which has expired.

Agnes comes and they are agreed by licence. The agreement is as follows: Agnes acknowledges the messuage to be their right and she will render it to them, and for that William and Maud and Edith give¹ her 20s. Let them have their seisin.

¹ *dat.*

37 William Branch' and Joan his wife give $\frac{1}{2}$ *mark* for licence to agree with Robert Harding on a plea of assize of mort d'ancestor. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/102.

38 Osbert le Fevere and Margery his wife, John le Webbe and Alice his wife, Henry le Neve and Eleanor his wife, who brought an assize of mort d'ancestor against the prior of Mertton' for 1 croft and 2 acres of meadow in Chelewrth', have not prosecuted. So they and their sureties for prosecuting are in *mercy*, namely Simon of Gereston' and John Lungy.

39 Assize of mort d'ancestor to declare whether Alric of Wynewyne, father of Richard Wynewyne, was seised of $\frac{1}{2}$ virgate of land in Tydelvesthe, which the abbess of Caen¹ holds. She comes by her attorney and they are agreed. Richard gives $\frac{1}{2}$ *mark* for licence to agree. The agreement is as follows: Richard, on behalf of himself and his heirs, has remitted and quitclaimed every right and claim which he had in that land to the abbess and her church for 40s. which she gives him.

¹ *de Cadamo*; cf. *essoin* 579.

40¹ Cecily who was wife of Alexander the goldsmith presented herself on the 4th day against Roger de la Grene on a plea for $\frac{1}{2}$ of 1 message in Marleberg', which she claims against him in dower. Roger has not come and a summons [was issued]. Judgement: the $\frac{1}{2}$ to be taken into the king's hand. Roger is summoned to be present on the morrow [31 May] of Trinity.

¹ cf. 134, 350.

m. 2d]

41 Richard le Teler of Melkesham gives $\frac{1}{2}$ mark for licence to agree with the prior of Farleg' on a plea of naifty. Let them have a chirograph.¹

¹ C.P.25(1)/251/15/49.

42 The same Richard, who brought an assize of novel disseisin against the same prior for a holding in Brokehull', came and withdrew. So he and his sureties for prosecuting are in mercy, namely Adam le Clere of Milkesham and Walter Cole of the same.

43 Richard of Herton', who brought an assize of novel disseisin against William of Asewell' and others named in the writ for common of pasture in Byndeston', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely William of Begenhull' and John le Muner of Langeleg'.

44 Gilbert of Walcote and Agnes his wife, who brought an assize of mort d'ancestor against Roger le Neyr and William Byscop for 1 virgate of land in Upton', came and withdrew.¹ So they² and their sureties for prosecuting are in *mercy*, namely William Lof of Aldeburn' and Gilbert Gros in Leoyel'.

¹ *retraxit.* ² *ipso.*

45 Assize of mort d'ancestor to declare whether William son of Daniel, brother of Geoffrey Daniel, was seised of 1 message and 1 virgate of land in Orcheston', which William Armeny holds. William comes and calls the prior of Brimmore to warranty, who comes and warrants him. He says that the assize should not be taken, because William Daniel, on whose death Geoffrey brought this assize, gave the same land to the prior and his church of Brimmore in free, pure, and perpetual alms by his charter which the prior proffers, and which attests this. He also proffers Geoffrey's charter of confirmation of the same land, by which he grants that land to the prior and his church. Geoffrey cannot deny this. So it is adjudged that Geoffrey takes nothing by this assize and is in mercy for a false claim. Later he made a fine of 1 mark.¹

¹ cf. 283.

46 Richard Isemberd claims against the prior of Bradelegh' 2 virgates of land in Homton', which Richard Isemberd, father of that Richard, whose heir he is, gave to Joan his daughter and the heirs who issued from her, which [lands] should revert to him [the plaintiff] as his escheat, because Joan died without an heir.

The prior comes and defends his right and says that Richard can claim no right in that land, because Richard father of that Richard, whose heir he is, gave that land to the prior and his church by charter of that Richard which he proffers, and which attests this. Richard cannot deny this. So it is adjudged that the prior is without day and Richard is in *mercy*.

47 Assize of novel disseisin to declare whether John Ireshunte and Margery his wife unjustly disseised Maud daughter of Walter of Potterne of 6d. rent in Divisis.

John and Margery come. Maud has withdrawn by licence. It is agreed between them that John and Margery acknowledge that rent to be Maud's right and they will render it to her. Let her have¹ her seisin.

¹ *habeant*.

48 Alice who was wife of Ralph le Paumer of Wermenistr' claims against William le Vineter $\frac{1}{3}$ of 1 messuage in Wermenistr' as her dower.

William comes and they are agreed by licence. Let them have a chirograph.¹

¹ chirograph lost.

49 Assize of novel disseisin to declare whether William le Buteler unjustly disseised Henry de Dun of common of pasture,¹ whereof he complains that he disseised him of his common of pasture in a certain meadow of William's after the hay had been lifted.

William has not come, nor was he attached because he was not found. So let the assize against him be taken by default.

The jurors say that William disseised Henry of that common unjustly as the writ says. So it is adjudged that Henry recovers his seisin and William is in *mercy*. *Damages 2s*.

¹ *vicinage* omitted.

50 Assize of mort d'ancestor to declare whether Maud daughter of Henry, mother of Henry son of Maud, was seised of 12s. rent in Berleg', which Alan son of Warren holds. Alan comes and says that the assize should not be taken, because Bartholomew of Cumberford', father of Henry [the plaintiff], whose heir he is, demised and granted that rent to Alan for a term of 100 years, of which only 15 have expired, by a chirograph made between them which he proffers and which attests this. He says that if anyone else sued him for that rent, Henry would have to warrant him, since he has sufficient

from the inheritance of Bartholomew his father whereof he can warrant him. Henry cannot deny this. So it is adjudged that Alan is without day and Henry is in *mercy*.

51¹ Joan who was wife of John Isamberd claims against Eustace son of John $\frac{1}{3}$ of 30 acres of land in Bymerton', and against William son of Ralph $\frac{1}{3}$ of 40 acres in the same vill and $\frac{1}{3}$ of 1 mill in Pacheford' and $\frac{1}{3}$ of 12 shops in Wylton', and against the prior of St. Denys $\frac{1}{3}$ of 32 acres of land in Bimerton', as her dower.

Eustace and the others come. Eustace renders her dower to her. Let her have her seisin. William son of Ralph calls Eustace to warranty, who is present and warrants him [and] by licence renders her dower to her. So it is adjudged that William holds in peace and Joan is to have land from Eustace to the value [of William's holding]. For $\frac{1}{3}$ of 9 acres of land the prior calls Eustace to warranty, who warrants him and by licence renders [her dower] to her. So the prior holds in peace and Joan is to have land from Eustace to the value [of this holding]. For $\frac{1}{3}$ of 5 acres of land the prior calls Geoffrey son of William Hoese to warranty. Because it is attested that the said Geoffrey has no land whereof he can warrant the prior, nor a whereabouts [from which] he can be summoned,² nor is anything known to gainsay Joan having her dower thereof,³ it is adjudged that she recovers her seisin of $\frac{1}{3}$ of 5 acres of land against the prior and he is in *mercy*. For $\frac{1}{3}$ of 18 acres of land the prior calls Geoffrey of Weston' to warranty. He is to have Geoffrey here *on the morrow* [31 May] *of Trinity* by aid of the court. He is to be summoned in Somersetshire.

¹ cf. 173, 218, and chirograph C.P.25(1)/251/16/52.

² *nec ubi possit summoneri*; there was no means of compelling a landless person to appear in court.

³ *nec aliquid scit dicere per quod predicta Johanna dotem inde habere [non] debeat*.

m. 3]

52 Assize of novel disseisin to declare whether William of Bromhull' unjustly disseised William of Colevill' of 2 acres of meadow in Cove. William comes and says nothing to stay the assize.

The jurors say that the meadow was the right and inheritance of William of Colevill'. They say that William enfeoffed one Agnes of Sithwude of that meadow, so that Agnes was in seisin for a long time by that feoffment, and later Agnes gave that meadow to William of Bromhull' in free marriage with one Agnes her daughter, so that William of Bromhull' and Agnes were in full seisin for 3 weeks and more. The jurors also say that, after William and Agnes were in seisin of that meadow as by gift of Agnes of Sithwude', William of Colevill' came and ejected them and held that meadow in seisin himself, because William of Bromhull' and Agnes refused to render him the service owed from that holding. Because the jurors attest that William of Colevill' enfeoffed Agnes of Sithwude of that meadow in full, and Agnes later enfeoffed William of Bromhull' of that meadow and gave it to him in free marriage with

her daughter Agnes by doing William of Colevill' the service which pertains to that holding, it is adjudged that William of Colevill' has nothing in that holding excepting only the service owed him, and that William [of Bromhull'] did not disseise him of any free holding. William of Colevill' is in *mercy* for a false claim.

53 Parnel daughter of Roger de Molendin' claims against Richard Cruc 10 acres of land and 2 acres of meadow in Corleg', which Christian de Molendin' mother of Parnel gave with Parnel in marriage to Richard, and which should revert to Parnel because a divorce was later made between them.

Richard comes and defends his right. He readily maintains that this land is not Parnel's right and marriage portion, but is his acquisition. He says that 3 years and more after he married Parnel, he acquired that land from one Rocelin Hose. Thereon he puts himself on the country and Parnel likewise. So let there be a jury.

The jurors say that the land is Richard's acquired right and not Parnel's marriage portion. So it is adjudged that Parnel takes nothing by this writ and is in *mercy* for a false claim.

54 Assize of mort d'ancestor to declare whether Ralph of Estgerdele, father of Felicia wife of William le Hunte, was seised of $\frac{1}{2}$ hide of land in Estgerdel', which Alexander of Estgerdel' holds. Alexander comes and says that he should not have to answer them on this writ, because Ralph, on whose death Felicia brought this assize, had 2 daughters, namely this Felicia and one Christian. He says that from Christian there issued 2 daughters, namely Agnes and Emma, who have as much right in the land as this Felicia, and who are not named in the writ. William and Felicia cannot deny this. So it is adjudged that they take nothing by this writ and are in *mercy* for a false claim.

55 Claramunde who was wife of Stephen Joceaume presented herself on the 4th day against Margery de Ripar' on a plea for £10,¹ against William of Michildivere on a plea for 20s., against Robert of St. John on a plea for £25, and against the countess of Warewik' on a plea for 3 marks 6s., which they owe her and unjustly [withhold]. They have not come and have frequently made default. So the sheriff is ordered to distrain them by their lands so that he have their persons² at Wilton' 1 month [2 May] from Easter. The countess of Warewik' is to be distrained in Gloucestershire. Claramunda attorns [blank].

¹ £11 at 211. ² *habeat corpora eorum.*

56¹ Assize of novel disseisin to declare whether Roger le Marcaunt, Robert his son, and Walter Covere unjustly disseised Neil the smith and Maud his wife of 1 messuage in Cristichurche after the summons of the eyre. Robert and the others come and say nothing to stay the assize.

¹ this case concerns Hampshire.

The jurors say that Robert and Walter unjustly disseised Neil as the writ says. So it is adjudged that Neil and Maud recover their seisin and the others are in *mercy*. The jurors also say that Roger did not disseise them. So he is without day and Neil and Maud are in *mercy* for a false claim.

57¹ The abbess of St. Mary of Winton' presented herself on the 4th day by her attorney against John de la Hale on a plea for 10 acres of land in Lisse, which she claims against him as the right of her church. John has not come and a summons [was issued]. Judgement: the land to be taken into the king's hand. John is summoned to be at Wilton' 3 weeks [25 April] from Easter. Because he is from this county [Wiltshire] he is in *mercy*.

¹ this case concerns Hampshire, cf. 56.

58 A day is given to the prior of St. Swithun of Winton', plaintiff, and John of Hamms and Joan his wife, Michael of Styford', and Henry of Certess', tenants, on a plea of land on the octave [6 June] of Trinity at Wilton' by prayer of the parties. The prior attorns Oliver the clerk. John and the others attorn Robert of Hammes.

59¹ A day is given to the prior of Farlege, plaintiff, and Peter of Kenet on a plea of rent 3 weeks [25 April] from Easter at Wilton' by prayer of the parties.

¹ cf. 129.

60 Assize of mort d'ancestor to declare whether Peter of Cattlegh' [plaintiff's name omitted] was seised of 1 acre of meadow, in Floryle which John le Frere and Alice his wife hold. They come and call the abbess of St. Mary of Winton' to warranty. They are to have her at Wilton' 3 weeks [25 April] from Easter by aid of the court. The same day is given to all the jurors who are to come.

61¹ Amice who was wife of Ellis de Molendin' claims against the prior of St. Denys without Southampton $\frac{1}{3}$ of 15 acres of meadow in Maunebrig', as her dower.

The prior comes by his attorney and calls Roger son of Ellis of Mitlende to warranty. He is to have him at Wilton' on the morrow [14 May] of Ascension by aid of the court.

¹ this case concerns Hampshire, cf. 56.

62¹ The same Amice presented herself on the 4th day against the abbot of Nettel' on a plea for $\frac{1}{3}$ of 20s. of rent in Hammis, which $\frac{1}{3}$ she claims in dower against him. The abbot² has not come and a summons [was issued]. Judgement: the $\frac{1}{3}$ to be taken into the king's hand. He is summoned to be at Wilton' on the morrow [14 May] of Ascension.

¹ this case concerns Hampshire, cf. 56. ² prior.

63 The prior of St. Swithun of Winton' presented himself on the 4th day against William of Chelegrave on a plea that he do him the customs¹ and rightful services which he should do him from his free holding, which William holds from the prior in Wicheword. William has not come. He was attached by William Long and William Wimark'. He is to be bailed by better sureties and is to be at Wilton' on the octave [6 June] of Trinity. The prior attorns Oliver the clerk or William de la Bemere.

¹ *convencionem*, miscopying of *consuetudines*.

64 Hugh son of Richard of Scherlinges claims against Joan daughter of Walter Peys 20 acres of land in Houbeton' as [his] right. Joan comes and defends her right. She says that she should not have to answer on this writ, because she has a husband, namely John de la Dove, who married her before his writ was sued out and who is not named in the writ. Hugh cannot deny this. So Joan is without day and Hugh is in *mercy*. He may proceed by another writ if he wishes.

65 Geoffrey le Rus and Lucy his wife, who brought an assize of mort d'ancestor against William de la Style for a holding in [blank], have not prosecuted. So they and their sureties for prosecuting are in *mercy*, namely John Casse and Roger of the well.

66 Richer atte Frith gives $\frac{1}{2}$ mark for licence to agree with William of St. Clare on an assize of mort d'ancestor. Let them have a chirograph.¹

¹ chirograph lost.

67¹ Emma who was wife of William de la Hyde presented herself on the 4th day against Philip Baret and Joan his wife on a plea for $\frac{1}{3}$ of 1 hide of land in Emetewell', which she claims in dower against them. They have not come and a summons [was issued]. Judgement: the $\frac{1}{3}$ to be taken into the king's hand. They are summoned to be *at Wilton'* on the morrow [14 May] of Ascension.

¹ cf. 93.

m. 3d]

68 Assize of novel disseisin to declare whether Albreda de Linguire, Hugh the chaplain of Perle, Walter le Jounne, Adam Aleyn, Walter Man, Everard of Perl', William son of Robert of Mora, Robert the carter, William le Marchaunt, Thomas le Barbur, Herbert Heved, Robert Sigar, Thomas de la Pile, Richard of Lavet, Thomas Leyfrere, and Thomas Cok' unjustly disseised Maud of Perl' of land in Perle, 1 perch in width and 5 perches in length. Albreda and the others say nothing to stay the assize.

The jurors say that Albreda and the others did not disseise Maud of that holding, because she is in seisin of that holding. So it is adjudged that Albreda and the others are quit and Maud is in *mercy* for a false claim.

69¹ Assize of novel disseisin to declare whether Peter de Menaye and Robert his brother unjustly disseised William of Forham of 6 acres of land in Depehal'. Peter and Robert have not come, nor were they attached. So let the assize against them be taken by default.

The same assize by the same recognitors to declare whether William le Dal unjustly disseised the aforesaid William of 2 messuages in Crundal'.

The jurors of each assize say that the 6 acres of land were the right of one Robert le Dal, who set out abroad towards the land of Jerusalem. They say that this Robert, before he took his journey, enfeoffed William [of Forham] of that land, specifically so that,² if Robert returned, the 6 acres of land would revert quit to Robert without any contradiction, and if it happened that Robert did not return from that country, the land would then revert to this William and his heirs in perpetuity, by doing the chief lord of that fee the service which pertained to that land and by 100s. which he would pay to one Loretta of Crundal', Robert's aunt. And, when William was sure of Robert's death, he went to Geoffrey de Moneyee, chief lord of that fee, and did him his homage, and William talked so with Geoffrey³ that Geoffrey made him his charter of confirmation of that land. [The jurors] say that William was in seisin until Peter and Robert [Peter's brother] unjustly ejected him. So it is adjudged that William recovers his seisin and the others are in *mercy*. *Damages 20s.*

The jurors also say that William le Dal disseised William of Forham of the messuages unjustly as the writ says. So it is adjudged that William recovers his seisin and William le Dal' is in *mercy*. *Damages 1 mark, all to the clerks.*⁴

¹ this case concerns Hampshire, cf. 56.

² *ita scilicet quod.*

³ *ita locutus est cum eo.*

⁴ cf. 21.

70 Assize of mort d'ancestor to declare whether Hugh le Cupere, brother of Richard le Cupere, was seised of 2 messuages and 6 acres of land in Alleford, which Osbert le Folester and Maud his wife hold. They come. Concerning the messuages they say that Richard can claim no right in them, because the messuages were the right and inheritance of this Maud, former wife of this Hugh on whose death Richard brought this assize. They say that the same Hugh had no right in those messuages except by reason of Maud his wife. Thereon they put¹ themselves on the assize. Concerning the land they say that the assize should not proceed against them, because Hugh, on whose death Richard brought this assize, did not die last seised of that land. They also say that Hugh begat 2 daughters of Maud his wife, namely Felicia and Gillian, who entered that land after the death of this Hugh² as Maud's daughters and next heirs. Thereon they claim the assize.³

¹ *ponit.*

² *Ricardi.*

³ *de hoc petit assisam.* Here follows part of the previous entry [from *and if it happened to made him his charter of confirmation*] written in a different hand from entries 69 and 70, and cancelled and margined *vacat.*

The jurors say that Hugh did not die last seised of the land and messuages, because Felicia and Gillian, Maud's daughters and heirs, died last seised thereof. So it is adjudged that Osbert and Maud are without day and Richard is in *mercy* for a false claim.

71¹ Assize of mort d'ancestor to declare whether William of Houton', father of Robert of Houton', was seised of $\frac{1}{2}$ virgate of land in Houton', which Bernard parson of Houton' holds. Bernard has not come and he was resummoned. So let the assize against him be taken by default.

Richard of Wallepe, Ralph Coer, William Kay, Richard of Stanham, John de Fonte and John of Sunburne, recognitors of this assize, have not come. So they are in *mercy*.

The jurors say that William died seised of that land as of fee, and that he died after the last [return of king John from Ireland]. So it is adjudged that Robert recovers his seisin and Bernard is in *mercy*.

¹ this case concerns Hampshire, cf. 56.

72 William of Burgate presented himself on the 4th day against Hugh of Burgate on a plea that he keep the covenant made between them concerning $\frac{1}{3}$ of 1 knight's fee in Burgate. Hugh has not come and a summons [was issued]. Judgement: he is attached to be at Wilton' 3 weeks [25 April] from Easter. Because he is from this county [Wiltshire] and did not come, he is in *mercy*.

73 Assize of novel disseisin to declare whether John of Bermeshete unjustly disseised Hilary who was wife of Reynold Giffard of $\frac{1}{2}$ virgate of land in Bermeshete. John comes and says nothing to stay the assize.

The jurors say that John did not disseise Hilary. So it is adjudged that Hilary takes nothing by this assize and is in *mercy* for a false claim.

74 Assize of novel disseisin to declare whether brother Robert of Saunford' master of the Knights Templar in England, Roger of Bredehete, brother Thomas of Suthwik', Richard, brother Thomas de la Dene, Ralph Attefelde, John Attehoreyerde, John son of Peter Champeneys, William Attelade, Nicholas Tuhstan, Henry le Charpenter, John the smith, Richard le Fraunceys, William son of Stephen, William son of the smith, and John le Bok' unjustly disseised the prior of Sheleburne of 30 acres of land, 1 messuage, and 1 mill in Bradeshete. The master has not come, but John of Steppingl', his bailiff, comes and answers for him and for all the others. He says that they did not disseise the prior. He also says that, because Roger of Clerecote, who held that holding from the master, wanted to give it in alms to the prior of his church of Shelburne, Roger of Bradeshete came to that holding on behalf of the master and forbade the prior from entering his fee. He puts himself on the assize that he made no other disseisin.

The jurors say that on Saturday in the 1st week of Lent in the 33rd year of the reign of the present king [20 Feb. 1249] Roger of Clerecote came and gave that whole holding with appurtenances to the prior and his church of Sheleburne without any retainer,¹ and made him his charter thereof, and on the same day wholly demised himself thereof and put the prior in full seisin. On the very same day one Roger Claviger came to that holding and forbade the prior on behalf of the master from entering his fee, and likewise [forbade] Roger from alienating that fee, and the same Roger² withdrew therefrom immediately afterwards. The jurors also say that the prior was in full and peaceful seisin of that holding from that Saturday until Friday next following, so that the prior had fish removed from the stew³ and trees felled in the wood and the garden at his will. Thus the prior remained in that seisin until Roger of Bradeshete and the others ejected him therefrom.

A day is given them to hear their judgement on the morrow [31 May] of Trinity at Wilton'.⁴

¹ *sine aliqua retenencione.*

² *Roger Claviger* is probably meant.

³ *expscari fecit vivarium.*

⁴ a space 2 inches deep separates this entry from the preceding paragraph; no judgement recorded.

m. 4]

75 Richard of Durneford, John of St. Quintin, Alexander de Chiverel', Richard son of Aucher, 4 lawful knights summoned to elect 12 to make a recognition of the grand assize between Robert Folyot canon of Salisbury, plaintiff, and William Wrstayn, tenant, for 1 messuage in Wermenistre, whereof William, who is the tenant, put himself on the king's grand assize and claimed that there be a recognition whether he has the greater right to hold that messuage from the aforesaid Robert or whether Robert [has the greater right] to hold it in demesne, come and have elected these, namely Jordan la Warr', Richard Danesy, Godfrey Waspil', William Drues, Henry del Hull', Ellis del Hul, Roger Cernun, John of Clereberg', Henry of Wadden', Samson of Boxe, Adam de la More, Odo of Grimested', John de la Stane, Richard of Derneford,¹ John of St. Quintin,¹ Alexander le Cheverel',¹ and Henry Beynel'.²

Later they are agreed. Let them have a chirograph.³

¹ one of the electors.

² *miscopying of Keynel*; Henry de Kaygnel was a knight of standing in the county. Meekings, *Crown Pleas*, p. 259.

³ C.P.25(1)/251/15/46.

76 Alice who was wife of Jordan Malet claims against William Malet $\frac{1}{3}$ of 2 virgates of land in Knuke, and [against] Robert of Esse and Mabel his wife $\frac{1}{3}$ of 2 virgates of land in the same vill, as her dower.

William and the others come and by licence render her her dower. Let her have her seisin.

77 The same 4 knights¹ summoned to elect 12 to make a recognition of the grand assize between Margery daughter of Gilbert, plaintiff, and Joan daughter of Bartholomew for 1 virgate of land in Hudlaviton', whereof Joan, who is the tenant, put herself on the king's grand assize and claimed that there be a recognition whether she² has the greater right in that land or whether Margery [has it], come and have elected these, namely Samson de la Boxe, Adam de la Mare, John of Iston', Reynold of Luenton', Ellis of Kilwy, Henry of Herteyn, William of Bykenham, Hamo of Baynton', Richard of Henton', William of Calne, William de Gardevill', Robert of Stutescumbe, Henry of Watton', Jordan de la Ware, Nicholas Burdun, Richard Daney, and Godfrey Waspayl.

Later they are agreed. Joan³ gives 1 mark for licence to agree. Let them have a chirograph.⁴

¹ as at 75.

² *ipse*.

³ *Johannes*.

⁴ chirograph lost.

78 Richard of Derneford, Alexander Cheverel', William of Thorny, and Roger Suffewik', 4 knights summoned to elect 12 to make a recognition of the grand assize between William son of Gregory, plaintiff, and William le Frankeleyn, tenant, for 1 messuage and $\frac{1}{2}$ virgate of land in Ore, whereof William, who is the tenant, put himself on the king's grand assize and claimed that there be a recognition whether he has the greater right to hold that messuage and land in his demesne or whether William son of Gregory [has the greater right] to hold [them] from him, come and have elected these, namely Robert of Stutescumbe, William de Cardevill', William of Caune, Hamo of Bechmpton', Richard of Henton', Roger Gernun, William of Cotes, Richard Esturmiiy, William Husee, Humphrey de Esckevill', William son of Walter, William de Droys, Richard de Anesy, Henry of Hertham, and John of Iston'.

Later, after the knights took their oath, William le Frankeleyn withdrew from the court without licence and did not await their verdict. William son of Gregory presented himself against him and William le Frankeleyn could not be found. So it is adjudged that William son of Gregory recovers his seisin against him by default, quit¹ of William le Frankeleyn and his heirs in perpetuity. William Frankeleyn is to be arrested.²

¹ referring to *seisin*.

² *capiatur*, cf. 306.

79 Geoffrey son of Richard of Lakinton' presented himself on the 4th day against Isolde daughter of Roger of Sumerford' on a plea for $\frac{1}{2}$ of 12 acres of wood in Lokinton', which he claims against her¹ as his right. Isolde has not come and a summons [was issued]. Judgement: the wood to be taken into the king's hand. She² is summoned to be here on the octave [6 June] of Trinity.

¹ *eum*.

² *ipse*.

80 Assize of mort d'ancestor to declare whether Walter Sewale, father of John Sewale, was seised of 1 virgate of land in Burton',¹ which William of Kaneford² holds. William comes and calls Walter Daundely to warranty. He is to have him on the morrow [31 May] of Trinity by aid of the court. Because Walter Daundeli is from this county and did not come, he is in *mercy*.

¹ *Wroughton* is probably meant, cf. 320, 420. ² *essoin* 583.

81 Assize of mort d'ancestor to declare whether Richard Riveray, father of Maud Ryveray, was seised of 1 messuage in Gymested', which Henry Haget holds. Henry comes and calls Nicholas¹ of Gadeshull' to warranty. Hugh was summoned and later was resummoned to be [here] on this day.² Now he has not come and a resummons [was issued]. So let the assize against him be taken by default.

The jurors say that Richard died seised of that land³ in his demesne as of fee, and that he died after the term [specified in the writ] and that Maud is his next heir. So it is adjudged that Maud recovers her seisin of that land³ against Henry, and Henry is to have land from Hugh to the [same] value and he⁴ is in *mercy*.

¹ ? *recte* Hugh. ² sentence interlined.
³ ? *recte* messuage. ⁴ *Hugh* is probably meant.

82 William Trestewade, who brought an assize of novel disseisin against the same abbess¹ for a holding in Litleton', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Richard of Iscumbe and Richard son of the same.

¹ ? *abbess of Shaftesbury*, cf. 86.

83 Robert son of Henry who brought an assize of mort d'ancestor against William son of Walter of Hull' for 1 virgate of land in Sutton', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Robert of Moketon' and Eudo of Parva Wynterburn'.

84 Assize of mort d'ancestor to declare whether Reynold the smith, uncle of Roger the smith, was seised of 1 messuage and 2 acres of land in Opeham¹, which Alice who was wife of Reynold the smith holds. She comes and calls the prior of Farleg' to warranty. He comes and they are agreed. The prior gives $\frac{1}{2}$ *mark* for licence to agree. Let them have a chirograph².

¹ miscopying of *Chippenham*. ² C.P.25(1)/251/15/4.

m. 4d]

85 Assize of novel disseisin to declare whether Eve de la Spitel' and Alan Ekerman unjustly disseised Walter Attenewe of $1\frac{1}{2}$ acres in Berton'.

Eve and Alan come and say nothing to stay the assize.

The jurors say that Alan and Eve unjustly disseised Walter of that land as the writ says. So it is adjudged that Walter recovers his seisin and Alan and Eve are in mercy. They are poor¹.

¹ *miser cordia* in margin cancelled.

86 Assize of novel disseisin to declare whether the abbes of St. Edward of Shaftesbir' unjustly disseised John of Totedereshull' of his common of pasture in Tissebery, whereof John complains that, whereas he should have common of pasture for all his beasts in the abbes's whole common pasture in the said vill, she disseised him of that common, not permitting him to have common¹ there.

The abbes comes by her attorney and he² says that she did him [John] no disseisin of his common of pasture in that vill, because John has only 2 virgates of land in that vill, and he has sufficient pasture in the same vill in accordance with his holding, and free ingress and egress. He² also says that the abbes has about 2,000 acres of pasture, whereof she was well entitled in accordance with the provision made in the general council of Merton³ to make a profit from any part,³ saving John sufficient pasture in accordance with his holding. He also says that John brought a writ of novel disseisin for his common pasture in the same vill against the same abbes elsewhere, [namely] before the justices last in eyre here, for a certain part of that pasture, which the abbes had cultivated, and she answered there as she does now.⁴ Consequently it was adjudged then that the abbes did him no disseisin and that she was entitled to make from that part of that pasture in accordance with the aforesaid provision, as long as John had sufficient pasture in accordance with his holding. Consequently John then remained in mercy for a false claim. He² says that John has now put in view the same land of which he complained [previously]. He puts himself on the assize that John still has sufficient pasture in accordance with his holding.

John says that the abbes can make no profit from that pasture,⁵ because one Mary, former abbes of the same place, predecessor of this abbes, with the consent of her chapter enfeofed John of that land in that vill, with common of pasture in the same for every one of his beasts everywhere throughout the whole common pasture without exception,⁶ by the abbes's charter, which he proffers and which attests this. Wherefore he says that whatever she could do by the aforesaid provision is excluded by the charter of the abbes her predecessor.

The jurors say that the abbes did not disseise John of the whole common of pasture. They say on the contrary that John is in seisin of the whole common of pasture throughout that whole pasture, except in 3 acres of land to which the abbes barred access. They also say that John has put in

¹ *communicare*. ² the attorney, cf. 504.

³ *unde et bene licuit secundum provisionem factam in generali concilio Merton'* [statute of 1235] *comodum suum facere de aliqua parte*.

⁴ *ibidem respondit sicut et nunc facit*.

⁵ clause interlined and omission noted by *Error* in margin.

⁶ *ad omnimoda averia sua per totam communam pasture ubique nullo excepto*.

view that land of which he complained elsewhere before the aforesaid justices, as aforesaid, from which he then remained in mercy. Because the abbess made herself no profit from those 3 acres of pasture, nor enclosed them, nor had them cultivated, but only impeded John from having common¹ there, it is adjudged that the abbess disseised John on this account.⁷ He recovers his seisin by view of the recognitors and the abbess is in *mercy*. Because John has put in view that land of which he complained elsewhere before the aforesaid justices, and from which he remained in mercy as aforesaid, it is adjudged that John takes nothing by this assize on this account⁷ and is in *mercy* for a false claim. *Damages 12d. Nothing to the clerks.*⁸

⁷ *quo ad hoc*, perhaps meaning *as far as this*. ⁸ abbreviated to *C. Nich'*.

87¹ John son of Richard claims against William le Cryur $\frac{1}{4}$ of 1 virgate of land, 1 messuage excepted, in Huphavene, into which William has no entry except by Michael son of Bartholomew, John's uncle, whose heir he is, who demised it for a term which has expired.

William comes and says that he should not have to answer him on this writ, because he does not hold that land. He says on the contrary that one William Cok' holds it. John cannot deny this. So William is without day and John is in *mercy*.

¹ cf. 158.

88 Assize of novel disseisin to declare whether William of Grenestede and Galiena his wife unjustly disseised Gillian who was wife of Reynold de Ripar' of common pasture in Wodebrig', whereof she complains that they had 3 acres in the common of pasture enclosed by a dike and hedge and constructed houses and buildings there where she was always accustomed to have common.

William and Galiena¹ come and say nothing to stay the assize.

The jurors say that William [and Gillian]² and Galiena did not disseise Gillian, because Galiena has 3 sisters, her parceners.³ The jurors say that, when the division of their inheritance was made between them, because the chief messuage remained to their eldest sister, it was provided that each of the sisters should have as her share of that messuage 15 acres of land from the *forinsec* land. The jurors say that William and Galiena have constructed houses and buildings on 3 of the 15 acres of land which were assigned to them as her share of that messuage. So it adjudged that William and Galiena are without day and Gillian is in *mercy*.

¹ *Jul'* [Gillian] in error. ² cancelled.

³ the plaintiff *Gillian* is doubtless one of these.

89 Assize of mort d'ancestor to declare whether Walter Cove, father of Gillian Cove, was seised of 1 messuage and 1 acre of land in Melburn', which Adam Hyne holds. Adam comes and calls Walter son and heir of Richard Cumpayn, who is under age, to warranty by his father's charter, which Adam proffers. So the plea stands over until [Walter comes of] *age*.

90 Alan son of Walter le Tayllur, who is of full age, claims against William le Mercer $\frac{1}{2}$ of 1 messuage in Cave and against Hugh le Mercer $\frac{1}{2}$ of 1 messuage in the same vill, which he demised to them¹ while he was under age.

William and Hugh come and defend their right. They readily acknowledge that they have entry into those messuages by Alan. But they say that Alan was of full age, namely 25 years, when he demised those messuages to them in fee. Thereon they put themselves on the country and Alan likewise. So let there be a jury.

The jurors say that Alan was of full age when he demised those messuages to William and Hugh, and when he enfeoffed them thereof. So it is adjudged that William and Hugh are without day and Alan is in *mercy*.

¹ *ei*.

91¹ Assize of mort d'ancestor to declare whether Thomas de Molend', father of Roger de Molend', was seised of 2 acres of land and 1 mill in Werfton', which Maud de Mollins holds. She comes and they are agreed. Roger gives 1 mark for licence to agree. Let them have a chirograph.²

¹ essoin 569. ² chirograph lost.

92 James de Lucy, who brought a writ of novel disseisin against John de Strode for a certain dike raised up¹ in Fowynton', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely William Edward and John son of John.

¹ an action of nuisance, but writ of novel disseisin is not an error, as nuisance was a branch of novel disseisin.

m. 5]

93¹ Philip Baret on behalf of himself and Joan his wife claimed his land by replevin on Wednesday [21 April] next after the quindene of Easter, which was taken into the king's hand for the default which he made against Emma de la Hyde. Let him have [the land].

¹ repeated at 511, cf. 67.

94¹ Eve de la Mare, who brought a writ of novel disseisin against Robert of Langeton' and others [named] in the writ for a holding in Cnavewell', has not prosecuted. So she and her sureties for prosecuting are in *mercy*, namely Hugh Hlewe and John le Der.

¹ cf. 108.

95 William Phibel gives $\frac{1}{2}$ mark for licence to agree with Thomas of Cavereswell' on a plea of assize of mort d'ancestor. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/86.

96 Richard Testard gives $\frac{1}{2}$ *mark* for licence to agree with Osbert the smith and Margery his wife [and] her parceners on a plea of assize of mort d'ancestor. Let them have a chirograph.¹

¹ C.P.25 (1)/251/16/61.

97 Roger son of Wakelin, who brought a writ of mort d'ancestor against Simon Anketyn and others [named] in the writ for common of pasture in Hanekilholt, came and withdrew. So he¹ and his sureties for prosecuting are in *mercy*, namely Roger le Shirreve and Richard le Careter.

¹ *ipsa*.

98¹ John of Eston', who brought an assize of mort d'ancestor against Mary of Cherton for a holding in Old Eston', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely William of Cosham and Adam of Sheipweye.

¹ cf. 441.

99 A jury comes to declare whether 1 acre of land in Corseleg' is free alms belonging to the church of Corsell' whereof Adam is parson, or the lay fee of John son of John le Parmenter. Adam says that one Henry, his predecessor, former parson of that chapel, was seised in his demesne as of fee and right of his church in the time of king Richard. John has not come and a summons [was issued]. So let the jury against him be taken by default. William Stiward of Upton', Edward of Midilton', and Adam Serle, jurors of that jury, have not come. So they are in *mercy*.

The jurors say that the acre of land is free alms belonging to that chapel and not John's lay fee. So it is adjudged that Adam recovers his seisin, as the right of that chapel, and John is in *mercy*.

100 Master Walter of Derneford' gives 1 *mark* for licence to agree with Agnes Ferneton' on a plea of land. Let them have a chirograph.¹

¹ C.P.25(1)/251/15/22.

101 Assize of novel disseisin to declare whether Thomas They and Henry his son, William le Theyn, Richard le Theyn, John Foldis, John Holtt, Adam Hereb', William Thedri, and John Curage unjustly disseised William of Couelesse of $\frac{1}{2}$ acre of land in Couelesfeld'.

They have not come, nor were they attached because they were not found. So let the assize against them be taken by default.

The jurors say that Thomas and all the others disseised William of $\frac{1}{2}$ acre of land unjustly as the writ says. So it is adjudged that William recovers his seisin and the others are in *mercy*. *Damages 3s., all to the clerks.*¹

¹ cf. 21.

102¹ Assize of mort d'ancestor to declare whether Ellis Serle, uncle of Thomas son of Cade, was seised of $\frac{1}{2}$ of 1 mill and 9 acres of land in Biscob-peling', which Nicholas Bolevill' holds. Nicholas comes by his attorney and says that he claims nothing in that land and mill except by name of wardship for the son and heir of John of Devis', who is under age and in his wardship. Thomas cannot deny this. So Nicholas is without day and Thomas is in *mercy*.

¹ cf. 323.

103 Walter Beufiz, who brought an assize of novel disseisin against Gilbert of Holt' and Richard of Felling' for a holding in Bradstrode', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Gervase of Buddebir [and] Robert le Peet of Bradeford'.

104 The prior of St. Denys without Southampton gives 20s. for licence to agree with Eleanor daughter of Roger le Gros, [and] Margery and Maud her sisters, on a plea of assize of mort d'ancestor, and with John of Bereford and Felicia his wife on a plea of covenant. Let them have a chirograph.¹

¹ C.P.25(1)/251/15/15 and 15/29.

105 Thomas Burel, who brought a writ of novel disseisin against the abbot of Glaston' and others [named] in the writ for a holding in Langel', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely John Burel and Philip Pipard.

106¹ Richard Waifer, who brought an assize of novel disseisin for his common of pasture in Wineleffcelde, came and withdrew. So he and his sureties for prosecuting are in *mercy*, namely Ellis of Kaillewey and William of the same.

¹ cf. 14 which differs only in the spelling of names and in the hand of the scribe.

107¹ John of Helme and Sarah his wife, who brought a writ of entry against Alice Lof for a holding in Ramesbir', have not prosecuted. So they and their sureties for prosecuting are in *mercy*, namely [blank]. Pardoned at the instance of the aforesaid Ellis.

¹ largely a repetition of 15; the variants may simply be clerical errors; cf. 106, 108.

108¹ Eve de la Mare, who brought an assize of novel disseisin against Robert of Langeton' and others [named] in the writ for a holding in Cnappewell', has not prosecuted. So she and her sureties for prosecuting are in *mercy*, namely Hugh Blewe and John le Der. She is pardoned at the instance of Philip Basset.

¹ largely a repetition of 94.

109 Richard le Taillur and Mabel his wife give $\frac{1}{2}$ *mark* for licence to agree with Stephen Mertý on a plea of mort d'ancestor. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/62.

110 Assize of mort d'ancestor to declare whether John Chammfur, brother of Henry of Chammfur, was seised of 1 carucate of land in Gernecotte, which Robert de Gurnay holds. Robert comes and says that he should not have to answer Henry on this writ, because he does not hold that carucate entirely. For he says that one William of Botton' holds 1 virgate of that land. Henry cannot deny this. So it is adjudged that Robert is without day and Henry is in *mercy*. He may proceed against William if he wishes.¹

¹ cf. 392, 538.

111 Robert Waifer, who brought an assize of novel disseisin against Matthew Bosil for common of pasture in Sheldwode which belongs to his free holding in Wineslege', came and withdrew. So he and his sureties for prosecuting are in *mercy*, namely Roger of Cromhal' and William de Hyda of Schoostan'.

112 Assize of mort d'ancestor to declare whether Herbert Chedrich', father of Walter Chedrich', was seised of $\frac{1}{2}$ virgate of land in Upton', which Edward Chedrich' holds. Edward comes and says that the assize between them should not proceed, because he and Walter are brothers [born] of one father and of different mothers. He says that he, Edward, is the elder brother. Because Walter has brought an assize on the death of Herbert their father, he claims a judgement as to whether the assize between them should proceed. Walter cannot deny this. So it is adjudged that Walter takes nothing by this assize and is in *mercy* for a false claim.

113 Nicholas of Denton', essoiner of Henry of Essex, presented himself on the 4th day against Stephen subdean of Surr'¹ on a plea [demanding] why he held a plea in court christian concerning Henry's chattels, which do not relate to a will, contrary to the prohibition. Stephen² has not come and the sheriff was ordered to attach him. The sheriff has sent word that he is a clerk and has no lay fee by which [he can be attached]. So the bishop of Salisbury's official is told in the Bench³ that he is to make him [come] here on the morrow [14 May] of Ascension.

¹ ? for *Sarr'*, Salisbury.

² *Nicholaus*.

³ as opposed to *in curia*; cf. Flower, *Introduction*, pp. 31-2.

m. 5d]

114' Isabel who was wife of Peter of Herton', who brought a writ of entry for $\frac{1}{2}$ hide of land in Loppeshal' against Alureda de Lynguire, has not prosecuted. So [she] and her sureties for prosecuting are in *mercy*, namely Geoffrey of Trowe and Robert of Bordemerton'.

¹ cf. 135.

115 William le Fraunceis and Alice his wife, who brought a writ of novel disseisin against John le Jounne of Pevesse and others [named] in the writ for a holding in Peves', came and withdrew. So they and their sureties for prosecuting are in *mercy*, namely . . . They found no surety except [good] faith.

116 Stephen Prat gives $\frac{1}{2}$ mark for licence to agree with Eve daughter of Godewyn on a plea of assize of mort d'ancestor by surety¹ of William le Cu and Adam Paseavind. Let them have a chirograph.²

¹ spelt *pleiagium*.

² chirograph lost.

117 Richard Serlo and William del Hull', who brought an assize of novel disseisin against Stephen son of Ralph for common of pasture in Fovfunte, came and withdrew. So they and their sureties for prosecuting . . . Later they made a fine of $\frac{1}{2}$ mark on behalf of themselves and their sureties by surety of the aforesaid Stephen. It is agreed between them that William and Richard, on behalf of themselves and their heirs, have remitted and quit-claimed to Stephen and his heirs every right and claim which they have in that common of pasture in perpetuity.

118 Gillian who was wife of William Golde claims against Robert the cook $\frac{1}{3}$ of $\frac{1}{3}$ of 1 virgate of land in Dudington' as her dower.

Robert came elsewhere and called Nicholas of Haversham to warranty,¹ who now comes and warrants him. Nicholas calls Matthew of Bimberton' to warranty, who comes and warrants him. Matthew knows nothing to say against her having her dower. So it is adjudged that Gillian recovers her seisin against him and Matthew is in *mercy*. Matthew is to make an exchange with Nicholas to the value [of Gillian's claim], because he has none of the land of William Golde, Gillian's former husband, wherefrom she can receive the value of her claim.

¹ cf. 296.

119 Robert of Kaundevever gives $\frac{1}{2}$ *mark* for licence to agree with William son of William on a plea of land by surety of William Drugun.

120 Walter Bule gives $\frac{1}{2}$ *mark* for licence to agree with Richard Han on a plea of warranty of charter by surety of that Richard.

121 Geoffrey Syfrewast gives *1 mark* for licence to agree with Ralph le Fraunkelien on a plea of right of way¹ by surety of that Geoffrey. Let them have a chirograph.²

¹ *ch[i]mini.* ² C.P.25(1)/251/15/34.

122¹ Assize of mort d'ancestor to declare whether Richard Fuch', father of Walter Fuch', was seised of 1 virgate of land in Ore, which William of Hewes holds. William comes and calls William Fuch' to warranty, who comes and warrants him. He says that Walter can claim nothing by right in that land, because Walter was born before Richard his father had married Agatha his mother. So William is *without day*. The bishop of Salisbury is ordered [to discover] the truth and to make it known by his letters patent.²

¹ cf. 78, 306. ² adjourned and Walter defaulted (K.B.26/141, m.23d).

123 Assize of novel disseisin to declare whether Solomon Foliot unjustly disseised Henry Crocke of $\frac{1}{3}$ of 1 messuage in Crawecote.¹ Solomon comes and says nothing to stay the assize.

The jurors say that Solomon did not disseise Henry of that holding, because they say that he never was in seisin. So it is adjudged that Henry takes nothing by this assize and is in *mercy* for a false claim.

¹ miscopying of *Draycot* [in Chisleton] where Foliot held of Crocke, *Book of Fees*, p. 727.

124 Nicholas de Goys gives *1 mark* for licence to agree with Nicholas of Wyche and Alice his mother on a plea of assize of mort d'ancestor. Let them have a chirograph by surety of that Nicholas.¹

¹ *Nicholas of Wyche* is probably meant; chirograph C.P.25(1)/251/16/53.

125 A jury comes to declare whether 2 messuages, 11 acres of land, and 1 acre of wood in Aleweston' are free alms belonging to the church of Cernay, or the lay fee of the abbot of Gloucestr'. The abbot comes and says that he should not have to answer him on this writ, because he holds nothing except only 1 acre of wood. For he says that one Thomas de Grava and William de Ponte hold those holdings. The aforesaid Richard¹ cannot deny this. So the abbot is without day and Richard is in *mercy*.

¹ *Richard of Cerney*, cf. 215, 268.

126 Assize of mort d'ancestor to declare whether Aline of Dunton', mother of Maud daughter of Aline and of Agatha her sister, was seised of 1 messuage in Dunton', which Nicholas of Wyli holds. He comes and they are agreed. Maud and Agatha give $\frac{1}{2}$ mark for licence to agree. The agreement is as follows: Nicholas acknowledges the messuage to be Agatha's and Maud's right, and he has rendered it to them for 20s., which they will render him on the octave [6 June] of Trinity by surety of Laurence Aynel'. If they¹ do not do so, they¹ grant that the sheriff may do so from [their] lands.

¹ *fecerit, concedit.*

127¹ Assize of novel disseisin to declare whether Thomas Sauvage and Geoffrey Dogekyn unjustly disseised Thomas de Aune of 1 mill and $\frac{1}{2}$ virgate of land in Fovhunte.

Thomas and Geoffrey come and say nothing to stay the assize.

The jurors say that Thomas le Sauvage gave to Thomas de Aune in free marriage with one Cassandra his daughter 10s. annual rent, which Thomas le Savage used to receive from one John of Bawode, who held that land and mill in demesne, so that he [Thomas Savage] made them his charter thereof, but he did not put them in seisin. Later Thomas le Sauvage came and gave the same land and mill to Geoffrey Dogeskyn and made him his charter thereof and put him in seisin. The jurors say that up until now Geoffrey was always in seisin, with the result that Thomas and Cassandra did not have any seisin thereof.² So it is adjudged that Thomas and Geoffrey did not disseise Thomas de Aune and that he takes nothing by this assize and is in *mercy*.

¹ cf. 317.

² *ab [recte absque] hoc quod predictus Thomas et Cassandra aliquam seisinam inde haberent.*

m. 6]

128 Assize of novel disseisin to declare whether William bishop of Salisbury, Walter of Stokes, Baldwin le Provost of Kaninges, and William le Bret unjustly disseised Richard son of Michael of Kaninges of 2 virgates of land in Eston'.

Richard came and withdrew by licence. He has remitted and quitclaimed, on behalf of himself and his heirs, to the bishop and his successors, and to his church of Salisbury, his right and claim which he had in that land.

129¹ The prior of Farleg' gives 1 mark for licence to agree with William son of Reynold of Sumerford on a plea of covenant [and with] Peter of Kenet on plea of rent. Let them have a chirograph.²

¹ cf. 59.

² C.P.25(1)/251/16/94 with William son of Reynold.

130¹ Richard of Derneford gives *1 mark* for licence to agree with Henry of Derneford on a plea of assize of mort d'ancestor. Let them have a chirograph.²

¹ essoin 570. ² C.P.25(1)/251/15/19.

131 The prior of St. Margaret without Merleberge acknowledges that he owes Walter Etevene 8 silver marks on the fine made between them,¹ whereof he will pay him half at St. John the Baptist in the 33rd year [24 June 1249], and the other half at Michaelmas next following. If he does not do so, he grants that the sheriff may do so from [his] lands and chattels.

¹ C.P.25(1)/251/15/5, cf. 515.

132 William of Wrton' claims against Walter of Wrton' 2 virgates of land, excepting 1 messuage and 8 acres of land, in Wrton' as his right.

Walter comes and they are agreed. William gives $\frac{1}{2}$ *mark* for licence to agree by surety of that Walter. Let them have a chirograph.¹

¹ C.P.25(1)/251/15/28.

133 Nicholas son of Henry claims against William Hose 2 parts of $\frac{1}{2}$ hide of land excepting 1 messuage, 6 acres of land, and 1 acre of meadow in Norhamton', and against Richard of Colingburn' 1 messuage, 6 acres of land, and 1 acre of meadow in Norhamton', and against Richard of Colingburn' 1 messuage, 6 acres of land, and 1 acre of meadow in the same vill, as his right, whereof Alice daughter of Stephen, cousin of Nicholas, whose heir [the plaintiff] is, was seised in her demesne as of fee on the day she died. William, Gillian, and Richard¹ come. William calls Robert de Bosco to warranty. They are to have him at Westminster 3 weeks [20 Oct.] from Michaelmas by aid of the court.² He is to be summoned in Somersetshire.

¹ Gillian is William's wife, cf. 170 and 567. *Gillian and Richard* replaces a cancelled *and the others*.

² where Nicholas defaulted (K.B.26/136, m.18).

134 Master Roger de la Grene claimed his land by replevin on Tuesday [4 May] next after the Invention of the Cross, which was taken into the [king's] hand for the default which he made against Cecily who was wife of Alexander the goldsmith.¹ Let him have [the land].

¹ cf. 40, 350.

135 Isabel who was wife of Peter¹ of Horton' claims against Albreda de Lineringe $\frac{1}{3}$ of $\frac{1}{2}$ hide of land in Lopeshal' which she claims as her right and inheritance, into which Albreda has no entry except by the aforesaid Peter, Isabel's former husband who demised it to Albreda, whom Isabel could not contradict in his lifetime.

¹ *Willelmus*, cf. 114.

Albreda comes and defends her right and says that she claims no right in that land except by name of dower, which touches her from the free holding which belonged to Giles of Craneburne, her former husband and brother of Isabel, whose heir Isabel is. For Albreda says that after Giles's death, because he died without a direct heir, the whole right to his land descended to Isabel as his sister and heir, and then Peter and Isabel came and endowed her with that land. Albreda says that, after Peter's death, the said land should revert to Isabel as to the warrantor of her dower. Isabel cannot deny this. So it is adjudged that Albreda is without day and Isabel is in *mercy*.

136 Assize of mort d'ancestor to declare whether Idonea Cumok', mother of Nicholas Cumok' who is under age, was seised of 1 hide of land in Horton', which Geoffrey of Heingham holds. Geoffrey comes and says that he claims no right in that land except by name of wardship until Nicholas's lawful age. He readily acknowledges that Idonea, Nicholas's mother, died seised of that land as of fee and [as] her marriage portion. But he says that Nicholas Cumok', father of Nicholas [the plaintiff], did homage for that [land] to Robert former bishop of Salisbury. Consequently for that reason, after Idonea's death, the same bishop gave Geoffrey the wardship of that land until Nicholas's lawful age. Later Geoffrey gave that wardship to one Geoffrey of Horton', who now holds it. Nicholas de Vallibus, guardian of Nicholas [the plaintiff], acknowledges this. So it is adjudged that Geoffrey is without day and Nicholas is in *mercy*. He is pardoned because he is under age.

137 Michael son of Peter of Chellinton' gives *1 mark* for licence to agree with Chemenc' daughter [or son] of Richard de Bosco on a plea of covenant by surety of Richard son of Peter of the same [Chellinton']. Let them have a chirograph.¹

¹ chirograph lost.

138¹ Jordan of St. Lycius and Gillian his wife claim against Albreda daughter of Hugh of St. Martin 1 virgate of land in Burbach' as Gillian's right, into which Albreda has no entry except by the aforesaid Hugh, to whom Mabel Hose demised it, while Gillian was under age and in her wardship.

Albreda comes and calls Peter of St. Martin to warranty. She is to have him on the morrow [14 May] of Ascension by aid of the court. Because Peter is from this county and did not come, he is in *mercy*.

¹ cf. 442, 505, 584.

139¹ Assize of novel disseisin to declare whether Thomas of Wynton' and James le Serjaunt unjustly disseised John of Shiford of 1 virgate of land in Wlhal'.

Thomas and James do not come, but Robert the German,² their bailiff, answers for them and says nothing to stay the assize.

The jurors say that Thomas and James did not disseise John, because he never was in seisin. So it is adjudged that John takes nothing by this assize and is in *mercy* for a false claim by surety of Gilbert the clerk.

Later John came and offered the king 1 *mark* to have a jury of 24 to attain the 12. It is received.

¹ at the head of the enrolment in the margin is *c'*, perhaps indicating that the amerced party in the case is to be remanded in custody [*custodiatur*].

² *Teotonicus*.

140¹ Assize of novel disseisin to declare whether Cecily wife of John le Paumer [and] William her son unjustly disseised Christian wife of Walter Pin of 2 acres of land [and] 1 message.

The jurors say that Cecily and William did not disseise Christian. So it is adjudged that Walter² Pin and Christian his wife take nothing by the assize, but are in *mercy* for a false claim by surety of the sheriff.

¹ *c'* in margin, cf. 139. ² *Willelmus*.

141 Aline daughter of Bernard,¹ who brought a writ of mort d'ancestor against the prior of Stiveton' for 1 message and 1 virgate of land in Havirlegh', has not prosecuted. So she and her sureties for prosecuting are in *mercy*, namely William le Brun and William le Brochet of Westbr'.

¹ *Brardi*, cf. 403, 518.

142¹ Osbert the smith and Margery his wife claim against Hachard of Medeburn' 1 croft in Kirkelade, so that Hachard has no entry except by Nicholas the fisherman and Aveline his wife, to whom Osbert and Margery demised it for a term which has expired.

Hachard comes and they are agreed. Hachard gives $\frac{1}{2}$ *mark* for licence to agree. Let them have a chirograph.²

¹ *c'* in margin, cf. 139; cf. also 243. ² C.P.25(1)/251/16/63.

143 Geoffrey of Punperlegh' claims against Roger Wyking' 1 virgate of land in Burton' as his right, whereof Ernald of Mere, cousin of Geoffrey, whose heir he is, was seised in his demesne as of fee on the day he died.

Roger comes and says that Adam his father, whose heir he is, died seised of¹ that land as of fee, and that he cannot answer Geoffrey because he is under age. Geoffrey cannot deny this. So the plea stands over until [Roger comes of] *age*.

¹ *in*.

m. 6d]

144 Osbert of Dagewrth' was summoned to answer Robert of Raundeston' on a plea that he keep the covenant made between master William of Raundeston', Robert's brother whose assignee he is, and Richard of Dagewrth', Osbert's brother whose heir he is, concerning 1 messuage, 60 acres of land, 2 acres of meadow, $\frac{1}{2}$ of 10 acres of wood, and 6s. of rent in Raundeston'. Whereof Robert complains that Osbert unjustly withholds those holdings from him, since Robert should have them for 4 years by that covenant.

Robert comes and they are agreed by licence. The agreement is as follows: the same Robert remits the said covenant to him [Osbert] for 6 marks which the same Robert¹ will render him on the quindene of St. John the Baptist in the 33rd year [6 July 1249]. If he does not do so, he grants that the sheriff may do so from his lands and that he is liable for costs.² *This plea from Norfolk.*³

¹ ? *recte* Osbert. ² *teneatur ad custum.* ³ *recte* Suffolk.

145 Assize of novel disseisin to declare whether Margery de Ripar' unjustly disseised Hugh le Butiller of 9s. of rent in Merston'. Margery comes. Hugh has withdrawn and made a fine of $\frac{1}{2}$ mark on behalf of himself and his sureties. Later it is agreed between Hugh and Margery that Margery has acknowledged and granted that she owes Hugh the aforesaid annual rent of 20s., payable each year in the vill of Merston' from the holding which Stephen Sefar holds in that vill, in accordance with the tenor of Margery's charter which Hugh has thereon. Moreover she gives him 6 silver marks for her arrears, which she will pay him here on the octave [6 June] of Trinity. If she does not do so, she grants that the sheriff may do so, from her lands.

146 Assize of mort d'ancestor to declare whether Neil Avenel, uncle of Philip Avenel, was seised of 1 virgate of land in Stratton'. He¹ comes and they are agreed. Philip gives 1 mark for licence to agree.

¹ defendant's name is *William Avenel* in chirograph C.P.25(1)/251/16/100.

147 Agnes who was wife of Saer of Burebrigg' claims against Ralph Hervy $\frac{1}{3}$ of 2 mills, 4 acres of land, 4 acres of meadow, [and] 1 curtilage in Wilton' as her dower.

Ralph comes and says that she¹ can claim nothing against him by name of dower from any holding which he holds. Because he says that she has sufficient dower, for as much as touches her from the aforesaid Saer's holding, in accordance with the custom of the town of Wylton', so that she is in full seisin thereof. Thereon he puts himself on a jury of the town of Wylton'. For this inquest² he offers the king 40s. which are received. So let there be a jury thereon.

¹ *ipse.* ² *per sic quod inquiratur.*

The jurors say that the holdings are within the liberty of the borough of Wylton'. They say that the custom of the town is such that there is a choice for women after the deaths of their husbands [either] to choose their freebench³ and to hold that for all their lives, excluding them from being able to demand anything from the other holdings of their husbands,⁴ or to have 100s. for their dower and remit their freebench. The jurors say that after her husband's death Agnes chose her freebench, so that she has an entire house by name of her freebench and was content with that and is in full seisin of it. So it is adjudged that Ralph is without day and Agnes is in *mercy*.⁵

³ a type of dowager tenure.

⁴ *absque hoc quod aliquod exigere possit de aliis tenementis virorum suorum*, cf. 173.

⁵ *Hert*[fordshire] in margin, or perhaps *Heri* [yesterday].

148¹ Assize of nuisance to declare whether John de la Strode and Geoffrey of Wyvelisford' unjustly raised up a certain dike in Foshunt'² to the nuisance of Robert le Sauvage's free holding in the same vill. John and Geoffrey come and say nothing to stay the assize.

The jurors say that the dike was not raised up to any nuisance of his free holding. So it is adjudged that Robert takes nothing by this assize and is in *mercy* for a false claim.

¹ *c'* in margin, cf. 139.

² miscopying of *Fovant* near Burcombe, held by Robert le Sauvage, *Book of Fees*, p. 721.

149 Galiena who was wife of Robert Malebise presented herself on the 4th day against Gillian and Christian of Wrth' on a plea that they render her 1 messuage in Altwrth' as her right and marriage portion, into which Gillian and Christian have no entry except by Richard of Wydehal', to whom Robert Malebise, Galiena's former husband, demised it, whom Galiena could not contradict in his lifetime.

Gillian and Christian have not come and a summons [was issued]. Judgement: the messuage is to be taken into the king's hand by default. They are summoned to be here on the octave [6 June] of Trinity.

150 Thomas of Kaveswell' gives *1 mark* for licence to agree with William Ruffin on a plea of land by surety of that William. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/87.

151 Richard Bide, who brought a writ of novel disseisin against Thomas Shirloc and others [named] in the writ, has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely William Bide of Merston' [and] Henry le Teinturer of Crikelade.

152 William Fraunkelein claims against the abbot of Hyda $\frac{1}{4}$ of 1 virgate of land in Pevesy, into which the abbot has no entry except by Walter former abbot of that house, this abbot's predecessor, to whom Alice, William's wife, demised [it] for a term which has expired.

The abbot comes and readily grants that he does not have that land except for a term, but he says that the term lasts until the forthcoming Michaelmas. He proffers Alice's charter which attests this. So it is adjudged that the abbot is without day and William and Alice are in *mercy* by surety of the sheriff.

153 John Aure and Agnes his wife, by Agnes's attorney, claim against Walter de Pavilly £28¹ of land in Westbyr' as Agnes's right and inheritance. Walter came and claimed a view thereof and has it. A day is given them here on the morrow [14 May] of Ascension.

¹ *xxvii*, but 28 is correct, cf. 193, 251.

154 Henry of Burlay claims against John of Burlay 1 messuage in Chippeham, [into] which John has no entry except by Walter de Godervill', to whom Henry demised it for a term which has expired.

John comes and they are agreed. John gives 1 mark for licence to agree. Let them have a chirograph.¹

¹ cf. 187, chirograph C.P.25(1)/251/15/24.

155 Assize of mort d'ancestor to declare whether Godfrey of Farnileg', father of Emma daughter of Godfrey, was seised of 1 messuage and 14 acres and 3 rods of land in Farnileg', whereof Henry le Dun holds 2 $\frac{1}{2}$ acres, Hugh of Farnileg' 3 acres, John le Waleys 4 acres and 3 rods, William del Muster 1 $\frac{1}{2}$ acres, John of Netheravene 1 $\frac{1}{2}$ acres, Cecily of Farnileg' $\frac{1}{2}$ acre, John Quintin $\frac{1}{2}$ acre, and Hawise daughter of Richard le Archer 1 messuage and $\frac{1}{2}$ acre thereof. They come and say nothing to stay the assize.

The jurors say that Godfrey died seised in his demesne as of fee of that land, but they say that Godfrey died before the term [specified in the writ]. So it is adjudged that Emma takes nothing by this assize, but is in *mercy* for a false claim. She is poor, so she is pardoned.

156¹ John le Templer gives $\frac{1}{2}$ mark for licence to agree with Alexander Cheverel on a plea of naifty by surety of that John.

¹ cf. 561.

m. 7]

157 John Pimpe claimed his land by replevin on Sunday [2 May] next after St. Philip and St. James, which was taken into the king's hand for default against John of Stanygrave. Let him have [the land]. *Surrey*.

158¹ John son of Richard claims against William le Criur $\frac{1}{4}$ of 1 virgate of land, excepting 1 messuage, in Huphave, into which William has no entry except by Michael son of Bartholomew, John's uncle whose heir he is, who demised it for a term which has expired.

William comes and says that he should not have to answer him on this writ, because he does not hold that land. He says on the contrary that one Walter² Cok holds it. John cannot deny this. So it is adjudged that William is without day and John is in *mercy*.

¹ repetition of 87 apart from variants in the names. ² *William* at 87.

159 Joan who was wife of Richard le Archer claims against Henry Dun $\frac{1}{3}$ of 30 acres of land in Farleg', and against John of Archeaven' and Joan his wife $\frac{1}{3}$ of 30 acres of land in the same vill, and against Hugh del Muster and Amice his wife $\frac{1}{3}$ of $\frac{1}{2}$ virgate [and] of 15 acres,¹ and against William del Moster $\frac{1}{3}$ of 7 acres, and against John le Chapman and Cecily his wife $\frac{1}{3}$ of 1 messuage and of 4 acres, and against Ralph de la Burere $\frac{1}{3}$ of 1 messuage and of $\frac{1}{2}$ acre, and against John le Walleys $\frac{1}{3}$ of 12 acres and of 1 messuage, and against Richard de la Hull' $\frac{1}{3}$ of 1 messuage and of 12 acres, and against Peter Aylward $\frac{1}{3}$ of 9 acres, and against Richard de la Fenne $\frac{1}{3}$ of $\frac{1}{2}$ acre, and against Nicholas Felaghe $\frac{1}{3}$ of 1 messuage, as her dower.

Henry and all the others come and they are agreed. Henry and all the others give *1 mark* for licence to agree. Let them have a chirograph.²

¹ *of land in the same vill* repeated in each instance. ² chirograph lost.

160 Edith who was wife of Gervase of Lavaterdich' claims against Robert¹ $\frac{1}{3}$ of 1 virgate of land in Walepl', and against Walter le Venur $\frac{1}{3}$ of 10 acres of land in Neweton', and against William le Brun $\frac{1}{3}$ of 10 acres of land in the same vill, and against Thomas of Foxcote $\frac{1}{3}$ of 10 acres in the same vill, and against William Parlebin and Maud his wife $\frac{1}{3}$ of 10 acres of land in the same vill, as her dower. Robert and the others come. Robert says that he does not entirely hold that land of which she claims $\frac{1}{3}$. He says on the contrary that one Maud who was wife of Richard of Flexbur' holds $\frac{1}{3}$ of that virgate by name of dower. Edith cannot deny this. So Robert is without day thereon, and for $\frac{1}{3}$ of $\frac{2}{3}$ of that virgate he calls Gilbert le Engleys to warranty.²

¹ surname omitted. ² case unfinished.

161 Nicholas le Tayllur was summoned to answer Reynold de Mohun on a plea that he render him 183 marks, which he owes him and unjustly withholds. Reynold complains that, whereas Nicholas was bound to him for 300 marks sterling on his harvest from Cumpton', Wynterburn', and Hupp-havine,¹ of which he should have paid him 100 marks on the quindene of Easter in the 32nd year [3 May 1248], 100 marks at St. Giles next following

¹ Reynold de Mohun held fees in Compton Bassett [near the Winterbournes] and in Upavon, cf. Meekings, *Crown Pleas*, p. 234, no. 426A; p. 267 n. 235.

[1 Sept.], and 100 marks on the quindene [13 Oct.] of Michaelmas next following, Nicholas has up to now withheld from him 183 marks of that sum of money. Wherefore he says that he has suffered damage to the value of 60 marks.

Nicholas comes and they are agreed by licence. The agreement is as follows: Reynold has remitted him that debt for £100,² whereof Nicholas will pay him 20 marks at St. John Baptist in the 33rd year [24 June 1249], 20 marks at Michaelmas next following, 10 marks at Easter in the 34th year [27 March 1250], 10 marks at Michaelmas next following, [and] every year, from year to year, and from term to term, namely at Michaelmas next following and at Easter, Nicholas will render 20 marks until that money shall have been paid in full, by surety of Philip of Cumberwell', Reynold of Stonlegh', Walter of la Caune, Walter of Michevaler, [and] Richard of la Wyke', who have all granted that, [if] Nicholas does not pay the money at the terms specified, the sheriff may do so from [their] lands and chattels.

² *usque ad C ll.*, i.e. for 150 marks.

m. 7d]

162 Ralph le Frekere [and] Ralph of Ockeburne give¹ *1 mark* for licence to agree with Walram of Bluntesdon' on a plea of naifty by surety² of Walram. The agreement is as follows: Ralph and Ralph, Richard Jordan, John Hevhene', Maud the widow, John Pylleheved', and William Brok', named in the writ, acknowledge themselves to be Walram's villeins and fugitives. They are delivered to him in court.

¹ *dat.* ² repeated.

163 John le Muner gives $\frac{1}{2}$ *mark* for licence to agree with Osbert le Muner on a plea of assize of mort d'ancestor. Let them have a chirograph.¹

¹ chirograph lost.

164 Assize of mort d'ancestor to declare whether William de Ros, father of Hugh de Ros, was seised of 20 acres of wood in Pateleg', which Reynold de Blanmuster holds. Reynold comes and says that the assize should not proceed, because Hugh, after he was in full seisin, enfeoffed Reynold of that wood by his charter, which he proffers and which attests this. Hugh says that the charter should not injure him, because that charter was made while he was under age and in Reynold's wardship. Because Hugh does not deny that he was in seisin of that wood after William his father's death, upon whose death he brought this assize, it is adjudged that he takes nothing by this writ and is in *mercy* for a false claim. He may proceed by another writ if he wishes.¹

¹ cf. 424 and Meekings, *Crown Pleas*, p. 270, n.343-4.

165¹ Richard Costard acknowledges that he owes Osbert le Fayre and Margery his wife, John Lungy and Alice his wife, Simon de la Hull' and Christian his wife, [and] Henry of Bluntesdon' and Eleanor his wife *1 mark* on the fine made between them, which he will render them² immediately.

¹ cf. 96, 169. ² *ei.*

166 Roger de Cruce gives *1 mark* for licence to agree with Philip le Bret and Joan his wife on a plea of assize of mort d'ancestor. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/74.

167 Alice who was wife of Richard Isamberd claims against the prior of Bradeleg' $\frac{1}{3}$ of 2 virgates of land in Humgeton' as her dower.

The prior comes by his attorney and calls Richard son of Richard Isebard¹ to warranty, who is present and warrants him. He knows nothing to say against Alice having her dower and renders [it] to her by licence. Let her have her seisin. So it is adjudged that the prior holds in peace and Alice is to have land from Richard to the [same] value.

¹ cf. 46.

168 Avice daughter of Herbert Noblet and Isabel her sister claim against Alice who was wife of John Noblet and Richard her brother 6 acres of land in Hakinton' as their right, into which Alice and Richard have no entry except by John Noblet, to whom William Noblet demised them, who unjustly and without judgement disseised Herbert, Avice's and Isabel's father, whose heirs they are.

Richard and Alice come and defend their right. They readily acknowledge that they have entry into that land by John Noblet and that John had entry by William Noblet, because William enfeoffed John of that land by his charter, which they proffer and which attests this. They say that Avice and Isabel are William's heirs and that Herbert, their father, was William's son and heir. Wherefore they say that if anyone else sued them, Avice and Isabel would be held to warrant them,¹ since they have sufficient from William's inheritance whereof they can warrant them.

Avice and Isabel come and say that they have no land of William's which descended to them by right of inheritance from William. They say on the contrary that William enfeoffed Herbert their father of a certain holding in that vill, and later William disseised Herbert of that holding and enfeoffed John Noblet of one part of that holding and died seised of the other part, which they now hold. They put themselves on the country that they have no other land by inheritance from William excepting only the land of which William disseised Herbert their father. Richard and Alice do likewise. So let there be a jury thereon. *Tomorrow.*

¹ *ei.*

The jurors say that William Noblet never disseised Herbert, Avice's² and Isabel's father, of the 6 acres of land which they claim, because Herbert never was in seisin. They also say that Avice² and Isabel have sufficient from William's inheritance, and land other than that of which William allegedly disseised Herbert,³ whereof they can warrant Richard and Alice if necessary. So it is adjudged that Richard and Alice are without day and Avice² and Isabel [are in mercy]. They are poor.

² *Alicia.*

³ *aliam terram quam illam de qua predictus Willelmus debuit disseisire predictum Herbertum.*

169¹ Richard Costard acknowledges that he owes Osbert le Fevere and Margery his wife, John Lungy and Alice his wife, Simon de la Hulle and Christian his wife, [and] Henry of Bluntesdon' and Eleanor his wife [1 mark on the fine made between them] which he will render them immediately.

¹ largely a repetition of 165, cf. 96.

170¹ Nicholas son of Henry de Lisle² claims against William Huse and Gillian his wife 2 parts of $\frac{1}{2}$ virgate of land, excepting 1 messuage, 6 acres of land and 1 acre of meadow in Netherhamton', and against Richard of Colingburn' 1 messuage, 6 acres of land, and 1 acre of meadow in the same vill, as his right, whereof Alice daughter of Stephen, cousin of Nicholas, whose heir [the plaintiff] is, was seised in her demesne on the day she died. Nicholas says that one Stephen Graunt died seised of those lands as of fee [and from Stephen the right descended to Alice].³ Because she died without a direct heir, the right to that land reverted, as to Alice's uncle [and heir], to one Walter, Stephen's brother [born] of one and the same father and mother, and from Walter to one Henry as son and heir, and from Henry to Nicholas who now claims as son and heir, and that such is his right he offers [to prove].

William and the others come. William and Gillian come and call Robert de Bosco to warranty. They are to have him at Westminster 3 weeks [20 Oct.] from Michaelmas by aid of the court.⁴ He is to be summoned in Somerset.

Richard of Colingburne comes and defends his right. He readily acknowledges that Alice died seised of that land. But he says that no right could revert from Alice to Walter, Stephen's brother, because Walter and Stephen were not legitimate brothers, nor were they born of a lawful marriage, because they were of different mothers. Thereon he puts himself on the country and Nicholas likewise. *On the morrow* [14 May] *of Ascension.*

The jurors say that Stephen, Alice's father, was a bastard, so that no right could revert, as to Alice's heir, from Alice to Walter, Stephen's brother. So it is adjudged that William Huse and Gillian as well as Richard of Colingburn' are without day and Nicholas is in *mercy*.

¹ partly a repetition of 133, cf. essoin 567.

² *Insula.*

³ some such formula needs to be inserted to make sense of what follows.

⁴ where Nicholas defaulted (K.B.26/136, m.18).

m. 8]

171 Assize of mort d'ancestor to declare whether Richard Cut, father of Idonea Cut, was seised of 1 virgate of land in Erlestok', which Roger Buzun holds. Roger comes and calls Peter son of Herbert to warranty, who is present and warrants him. They are agreed. Peter gives $\frac{1}{2}$ mark for licence to agree. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/95.

172 Assize of novel disseisin to declare whether James parson of the church of Stapelford' unjustly disseised John son of John of Uthamton' of 4 virgates of land in Berwyk' and Uphamton' after the summons of the eyre.

James comes and acknowledges that he disseised him of those holdings unjustly as the writ says. So it is adjudged that John recovers his seisin and James is committed to *gaol*. *Damages remitted*.

173¹ Joan who was wife of John Isembard claims against John son of Thomas $\frac{1}{3}$ of 1 messuage in Wylton', and against the prior of St. Denys without Southampton $\frac{1}{3}$ of 14 acres of land in Bymerton', and against William Mauger $\frac{1}{3}$ of 2 acres of land in the same vill, as her dower.

John and all the others come. The prior and William render her dower to here. Let her have her seisin. John says that she can claim nothing against him by name of dower from that messuage. Because he says that she has sufficient dower, for as much as touches her from the free holding which was John's her former husband's, in accordance with the custom of the borough of Wilton'.² He also says that, after the death of John her former husband, Ranulf son of Richard of Bedeford' settled³ £10 on her as her freebench, so that she held herself content with the £10 as her freebench. He says that the custom of the borough of Wilton' is such that, if any woman holds her freebench, she can claim nothing from the other lands which were her husband's. Later John came and by licence rendered her freebench to her. Let her have her seisin.

¹ cf. 51, 218. ² cf. 147. ³ *pacavit*.

174¹ Vincent le Sauvage, who is of full age, claims against William Buggy 66 acres of land in Buterne as his right by gift of Geoffrey le Sauvage, into which William has no entry except by Mabel of Sherevill', who demised them to him, who [Mabel] had nothing except the wardship thereof while Vincent was under age and in her wardship.

William comes and says that he should not have to answer on this writ, because he holds nothing except only 55 acres of land. Vincent cannot deny this. So William is without day and Vincent is in *mercy*.

¹ cf. 175, 326, 434.

175¹ The same Vincent claims against John le Lung 1 messuage and 19 acres of land in Butemere, and against John the clerk of Butemere 3½ acres in the same vill, as his right by gift of Geoffrey le Sauvage, into which they have no entry except by William Buggy, to whom Mabel of Schetevill' demised it, who [Mabel] had nothing except the wardship thereof while Vincent was under age and in her wardship.

John and John come. John le Lung says that he holds nothing except only 15 acres of land. John the clerk says that he holds nothing except only 3 acres. Vincent cannot deny this. So they are without day and Vincent is in *mercy*.

¹ cf. 174, 326, 434.

176 Assize of mort d'ancestor to declare whether Henry of la Wyke, uncle of Richard¹ son of Nicholas of la Wyke, was seised of 1 messuage in Redburn', which Nicholas de Grevill' holds. Nicholas comes and by licence renders him that messuage. Let him have his seisin.

¹ *Ricardus*.

177 Hugh Druveys gives 1 *mark* for licence to agree with William of Fernleg' on a plea of warranty of charter. Let them have a chirograph.¹

¹ C.P.25(1)/251/15/45.

178 Ralph son of Sweyn presented himself on the 4th day against Ralph le Chanu, who claimed him as his naif and fugitive. Ralph [le Chanu] has not come and he was the plaintiff. So he and his sureties for prosecuting are in *mercy*, namely Peter le Blund of Redburn' and Stephen Kyng' of the same. Ralph Sweyn is without day.

179¹ Nicholas of Cokbregg' acknowledges that he owes John Punchar 20s. sterling, which he will render him at Michaelmas in the 33rd year [29 Sept. 1249]. If he does not do so, he grants that the sheriff may do so from [his] lands.

¹ cf. 231.

180 Thomas de Ford' gives ½ *mark* for licence to agree with Matthew of Becevill' and Lucy his wife on a plea of assize of mort d'ancestor. Let them have a chirograph.¹

¹ C.P.25(1)/251/15/33.

181 Peter of Sausey claims against William of Worton' 3 virgates of land in Merston' as his right, whereof one Peter his ancestor was seised in his demesne as of fee and right in the time of king Henry [II], grandfather of the present king, by taking profits therefrom to the value etc. and from that

Peter the right to that land descended to one Ralph as son and heir, and from that Ralph to this Peter, who now lays claim as son and heir, and that such is his right he offers [to prove].

William comes and they are agreed. William gives *1 mark* for licence to agree. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/78.

182 Thomas son of William the clerk of Safton' claims against William de la Chambr' 1 messuage, and $\frac{1}{2}$ hide of land excepting 1 messuage, in Dunheved as his right.

William comes and calls the abdess of St. Edward of Safton' to warranty. He is to have her on Monday [17 May] next after the Ascension by aid of the court. *Tomorrow*.¹

¹ cf. 272, 534.

183' A jury comes to declare whether 1 virgate of land in Haydon and Haydon' Wyk' is free alms belonging to the church of Redburn' whereof Hugh of Redburn' is parson, or the lay fee of Walter Heydech' and John the carter of la Wyke. Hugh [says] that one Peter, his predecessor, was seised in his demesne as of fee and right of his church in the time of king John, father of the present king, and that such is the right of his church he offers [to prove].

Walter and John come. John calls Walter to warranty, who is present and warrants him and answers for everything. Hugh, asked from whom Peter his predecessor had seisin of that land, says that one Robert Oysel held that land of that church by service of 5s. a year, and Robert killed himself and committed felony on himself, whereupon Peter seised that land into his hand as his escheat. Because that land could not be Peter's escheat on account of any felony which he [Robert] committed on himself, nor can² Hugh show that that church was in seisin thereof in any other way, it is adjudged that Hugh takes nothing by this jury and is in mercy for a false claim and the others are without day.

¹ cf. 329. ² corrected from *potuit* by expunction.

184' Thomas of Gymill' gives 20s. for licence to agree with Roger of Merlay on a plea of covenant. Let them have a chirograph.

¹ repeated at 297, chirograph lost.

185 Godfrey son of Silvester, who brought a writ of entry against Hawise Russel and others [named] in the writ for 1 messuage in Buggehill', has come and withdrawn. He has made a fine of *1 mark*.

186 Alexander parson of the church of Sutton' was summoned to answer Ranulf son of Richard of Bedeford' on a plea that he render him a certain charter which he unjustly holds.

Alexander comes and by licence renders him that charter. So Alexander is without day.

187 John of Ruggebraz gives *1 mark* for licence to agree with Henry of Burl' on a plea for 1 messuage. Let them have a chirograph.¹

¹ cf. 154, chirograph C.P.25(1)/251/15/24.

m. 8d]

188 Assize of novel disseisin to declare whether Richard le Esquier and William Strunt unjustly disseised Richard Cusyn of 1 hide of land in Aleston'. Richard and William come and say nothing to stay the assize.

The jurors say that Richard and William did not disseise Richard, because he never was in seisin. So it is adjudged that Richard takes nothing by this assize and is in *mercy* for a false claim.

189 Philip Lucyen and Joan his wife give *20s.* for licence to agree with Berenger of Welles and Christian his wife [and] Richard of Wiggeberg' and Ela his wife on a plea of covenant by surety of Berenger and Richard. Let them have a chirograph.¹

¹ C.P.25(1)/283/12/236; *Somerset Fines* (Som. Rec. Soc. xi), p. 370, no. 236.

190 A jury comes to declare whether 1 hide of land excepting 17 acres in Wyli is free alms belonging to the church of Wyly whereof Martin of Wyli is parson, or the lay fee of the abbess of Wylton'. Martin says that one Ranulf, his predecessor, was seised of that land in his demesne as of fee and right of his church in the time of king Henry [II] grandfather of the present king, and he puts himself on [the verdict of] the jury that such is the right of his church.

The abbess comes by her attorney and says nothing to stay the assize.

The jurors say that the land is the lay fee of the abbess and not free alms belonging to the church of Wyly. So it is adjudged that the abbess is without day and Martin¹ takes nothing by this jury and is in *mercy* for a false claim.

¹ *Marcianus.*

191¹ Margery Vernun presented herself on the 4th day against Odo Herre on a plea for 1 virgate of land in Everle, which she claims as her right and escheat. A summons [was issued]. Judgement: the land to be taken into the king's hand. Odo is summoned to be here on the morrow [31 May] of Trinity.

¹ cf. 321, 563.

192 Assize of novel disseisin to declare whether Adam son of Serle, Christian who was wife of Jocelin of Bissopsestr', and Roger le Juvene unjustly disseised Jordan of Smalebrig' of his common of pasture in Puttesdon' which belongs to his free holding in Smalebrig', whereof he complains [that] they disseised him of common of pasture for 80 oxen.

Adam and the others come and say nothing to stay the assize.

The jurors say that Adam and the others disseised Jordan of his common of pasture unjustly as the writ says. So it is adjudged that Jordan recovers his seisin of that common of pasture and Adam and the others are in *mercy*. *Damages* $\frac{1}{2}$ mark, all to the clerks.¹

¹ cf. 21.

193¹ John de Aures and Agnes his wife and Richard Bygot, who brought a writ against Walter de Pavely for £28 of land in Westbir', came and withdrew. So they and their sureties for prosecuting are in *mercy*, namely Henry son of Nicholas of Chelmerford' and William le Teynturer of Chippeham.

¹ cf. 153, 251.

194 Herbert of Putton' gives $\frac{1}{2}$ mark for licence to agree with John of Wdefaud' and Alice his wife on a plea for 1 messuage. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/79.

195 Godfrey Waspayl, who brought a writ of novel disseisin for his common of pasture in Wermenstr' against William Maudit and others [named] in the writ, came and withdrew. So he and his sureties for prosecuting are in *mercy*, namely Thomas of Smalebrok' and John son of Hugh of Werton'.

196 Godfrey Waspayle and Alice his wife were summoned to answer Walter of Dunstanvill' on a plea [demanding] by what right they demand common in Walter's lands in Eggesbir', whereas Walter has no common in Godfrey's and Alice's land, nor do Godfrey and Alice do him a service whereby they should have common. Whereof Walter complains that Godfrey and Alice demand common in a certain wood of Walter's, which is called Sullegeth', where they should not have common.

Godfrey and Alice come and deny force and injury. For they say that they demand common in that wood of Sulleg' by this right, that they, Godfrey and Alice, once held a certain virgate of land in Eccildesbir' to which that common belongs. They say that later they enfeoffed one Nicholas Gyniat of the same land without that common and they retained the common in that wood. Consequently Nicholas has no common there, nor does any animal pasture in any common belonging to that land. They put themselves on the country that this is the case. Later they [the parties] are agreed. Walter gives 20s. for licence to agree. Let them have a chirograph.¹

¹ C.P.25(1)/251/15/48.

197¹ Assize of novel disseisin to declare whether Walter son of Everard unjustly disseised Walter of Kalna of his common of pasture in Yetebir', whereof he complains that he disseised him of common pasture of 3 acres of meadow, in which he was accustomed to have common after the hay had been lifted.

Walter son of Everard comes and says nothing to stay the assize.

The jurors say that Walter son of Everard disseised Walter of Kalna of that common of pasture unjustly as the writ says. So it is adjudged that Walter recovers his seisin by view of the recognitors and Walter son of Everard is in *mercy*. *Damages 12d., all to the clerks.*²

¹ cf. 25. ² cf. 21.

198 Roger of Lokinton' was summoned to answer Adam vicar of Lokinton' on a plea [demanding] why he took Adam's beasts and detained them against gage and surety. Adam complains that, on Saturday [26 Sept. 1248] before last Michaelmas, Roger took into keeping¹ 6 oxen at Lokinton' in Adam's common of pasture, and detained them there against gage and surety until the next Thursday, when they were delivered by the sheriff's bailiff. Later, at the next Martinmas [11 Nov.], Roger had a certain firstling² taken outside Adam's gate on the royal highway³ and detained it likewise against gage and surety, until it was delivered by the aforesaid bailiff. Whereon he says that he has suffered damage to the value of 50s.

Roger comes and denies force and injury. He readily denies every unjust caption and detention. He readily acknowledges that he had those beasts of Adam's taken, and justly [did so]. For he says that he found them doing damage in his separate [enclosure],⁴ and not in the common pasture of that vill. Thereon he puts himself on the country and Adam likewise. So let there be a jury.

The jurors say that Roger had those beasts of Adam's taken doing damage in his separate [enclosure],⁴ and not in Adam's common of pasture in that vill. So it is adjudged that Roger is without day and Adam is in *mercy*. The beasts are to be returned to Roger⁵ until Adam makes him satisfaction for damages.

¹ *capere cepit.*

² *verem.*

³ *vico regio.*

⁴ *in dampno suo et in suo separabili.*

⁵ *Roger habeat returnum averiorum.*

199 Assize of novel disseisin to declare whether Clement of Odestok' unjustly disseised the master of the hospital of St. John of Wilton' of $\frac{1}{2}$ acre of land in Odestok'. Later the master came and withdrew. So he and his sureties for prosecuting are in *mercy*, namely Robert the miller of Fontesiuell' and John de la Forde.

Later Clement came and acknowledged that land to be the master's and hospital's right and Clement renders it to him. So let him have his seisin.

m. 9]

200 Hugh de Vivun was summoned to answer Ancelm of St. German on a plea that he render him £9, which are in arrears from the annual rent of 60s. which he owes to him. Hugh comes and they are agreed by licence. The agreement is as follows: Anselm, on behalf of himself and his heirs, has remitted and quitclaimed to Hugh the whole right and claim which he had in that annual rent in perpetuity, and similarly in the arrears, for 50 silver marks which [Hugh] gives him, whereof [Hugh] will render him 100s. at St. John the Baptist in the 33rd year [24 June 1249], 100s. at Michaelmas in the same year, 100s. at Christmas next following, 100s. at Easter next following, 100s. at St. John the Baptist next following, 100s. at Michaelmas next following, and 100s. at Christmas next following.¹ If he does not do so, he grants that the sheriff may do so from his lands.

¹ the debt amounts to 700s. whereas 50 marks is 666s. 8d., cf. chirograph C.P.25(1)/251/15/6.

201 *B* [? Berkshire]. Richard Siifrewast claims against Roger de Siifrewast 1 carucate of land in Cettre, into which Roger¹ has no entry except by Nicholas de Wauncy and Isabel his wife, to whom [a former] Richard Siifrewast and Maud his wife, grandmother of Richard [the plaintiff] whose heir he is, demised it² for a term which has expired. Richard says that Roger withholds that land from him, because he says that Nicholas de Wauncy and Isabel his wife held that land as Isabel's dower from the inheritance of Maud Syfrewast, grandmother of Richard [the plaintiff] whose heir he is, and that after Isabel's death that land should have reverted to Richard as to Maud's heir.

Roger comes and defends his right and entry. He readily maintains that Nicholas¹ and Isabel did not hold that whole land as Isabel's dower. He says on the contrary that Richard Syfrewast, [his] Roger's father, enfeoffed him, Roger, of 2 parts of that land by his charter, which he proffers and which attests this, so that he made over³ to Roger the service of Nicholas and Isabel from the third part which they held as Isabel's dower. Wherefore he says that he should not have to answer him [Richard the plaintiff] on this writ.

Richard says that Nicholas and Isabel held the whole carucate of land as Isabel's dower on the year and day on which she was alive and dead. He says that earlier they [had] held only the third part, and later they received 2 parts of that land in exchange for Isabel's dower which pertained to her in Herierd. Thereon he puts himself on the country and Roger likewise.

Roger grants that, if it is found that Nicholas and Isabel held that land in Cettre as Isabel's dower, Richard recovers his seisin. So let there be a jury thereon.

A day⁴ is given to the parties as from day to day. Later Roger withdrew without licence and in contempt of court, and Richard presented himself against him from day to day. So that land is to be taken into the king's

¹ *Ricardus.* ² *illas.* ³ *atornavit.* ⁴ what follows is in a different hand.

hand and he [Roger] is summoned to be [here] on the morrow [14 May] of Ascension to hear his judgement. Later, on that day, Roger came and Richard held himself precisely to the default. Roger cannot save that default. So it is adjudged that Richard recovers his seisin against him by default and Roger is in *mercy*.

202 Assize of novel disseisin to declare whether Richard Siifrewast and Walter Coleman unjustly disseised William Fynamur of 60s.¹ rent in Maideneburn'. Later William came and withdrew by licence. It is agreed between them that William has remitted and quitclaimed the whole right and claim which he had in that rent to Richard² and his heirs in perpetuity.

¹ *acris* cancelled. ² Roger confused with *Richard* as in 201.

203 Assize of novel disseisin to declare whether Robert parson of the church of Kemel' unjustly disseised Lettice de Kaynes of $\frac{1}{10}$ acre of land in Sunerford. Robert has not come, nor was he attached because [he is] a clerk. So let the assize against him be taken by default.

The jurors say that Robert disseised Lettice of that land unjustly as the writ says. So it is adjudged that Lettice recovers her seisin and Robert is in *mercy*.

204¹ Hugh of Dunestor' acknowledges that he owes the abbot of Dureford 50 silver marks on behalf of Roger Siifrewast, whereof he [Hugh] will render him [the abbot] 40 marks at St. John the Baptist in the 33rd year [24 June 1249], and 10 marks at St. Giles [1 Sept.] next following. If he does not do so, he grants that the sheriff may do so from his lands.

¹ cf. chirograph C.P.25(1)/251/15/12.

205 Assize of mort d'ancestor to declare whether Margery of Kirkelade, mother of Alice wife of Henry le Teynterer, was seised of 1 messuage in Kirkelade, which John Brachel holds. John comes and calls¹ Walter of Upton' and Lucy his wife to warranty, who come and warrant him. They say nothing to stay the assize.

The jurors say that Margery died seised of that messuage as of fee, and that she died after the term [specified in the writ] and that Alice is her next heir. So it is adjudged that Henry and Alice recover their seisin and Walter is in *mercy*, and John is to have land of Walter's to the [same] value.

¹ *dicit* cancelled.

206 The king has ordered the justices to inquire by oath of honest and lawful men from the neighbourhood of Bissopeston' and Byndon' whether Robert former *bishop* of Salisbury [1229–46] was seised of 2 carucates of land in Byssopeston' and Byndon', which William Chubbe holds by bail of the king at his will, and they [the justices] are to send the [finding of the] inquest to the

king himself without delay.¹ Richard of Heynton', Alexander Cheverell', Robert of Stanescumbe, William of Calne, Henry Aynuel, William of Thorny, John Barbat, William of Everl', John of Colingeburne, Richard Sokeman, John of Fifide, and Walter of Henton', jurors, who are all from outside the bishop of Salisbury's liberty, say that Herbert former bishop of Salisbury [1194–1217] held 1 carucate of land in Baydon' as the escheat of his church of Salisbury. Later he gave that [carucate] to one Peter de Camera, who held it throughout his life. After Peter's death, Robert bishop of Salisbury seised that carucate of land into his hand as the right and escheat of his church of Salisbury. He gave it to one Philip of St. Ellen. Later the same bishop gave Philip 10 marks so that he should quitclaim that land to the bishop and his church of Salisbury, [and] he [the bishop] died seised thereof. Concerning the 1 carucate of land in Byssopton', they say that one Orieta held that carucate of land in villeinage from Richard former bishop of Salisbury [1217–28]. After Orieta's death the same bishop came and seised that land into his hand and gave it to one Adam Drake to hold throughout his life. After Adam's death, bishop Robert seised that land into his hand and died seised thereof. Later, the see being vacant, the king gave over the aforesaid 2 carucates to the aforesaid William Chubbe.

¹ preceding sentence repeated at 237. Cf. E. A. Fry, *Wilts. Inquisitiones Post Mortem* (Index Library, Brit. Rec. Soc., xxxvii), p. 4.

207 William de la Themere and Eve his wife who brought a writ . . .¹ John Brun and Joan his wife, who brought a writ of mort d'ancestor against the prior of Bradenestoke for 2 virgates of land in Litlecote, have not prosecuted. So they and their sureties for prosecuting are in *mercy*, namely William Everard of Caleston' and John Sproy.

¹ *breve* cancelled, perhaps meaning that the preceding names should also be cancelled.

m. 9d]

208 Walter son of Roger of Berton' claims against William son of Walter of Werton' 4 virgates of land and 1 messuage in Wrotton' as his right, whereof one Alexander his ancestor was seised in his demesne as of fee and right in the time of king Henry [II] grandfather of the present king by taking profits therefrom to the value etc., and from that Alexander the right to that land descended to one Everard as son and heir, and from that Everard to one Roger as son and heir, and from that Roger to this Walter who now lays claim as son and heir, and that such is his right he offers [to prove].

William comes and defends his right. He says that Walter can claim no right in that land and messuage, because Roger, Walter's father, on whose descent he claims that land and messuage, quitclaimed it to Walter of Wrotton', whose son and heir¹ he [William] is, by his charter which he proffers and which attests this. Walter cannot deny this. So it is adjudged that William is without day and Walter is in *mercy*.

¹ *heres* repeated.

hand and he [Roger] is summoned to be [here] on the morrow [14 May] of Ascension to hear his judgement. Later, on that day, Roger came and Richard held himself precisely to the default. Roger cannot save that default. So it is adjudged that Richard recovers his seisin against him by default and Roger is in *mercy*.

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The jurors say that Robert disseised Lettice of that land unjustly as the writ says. So it is adjudged that Lettice recovers her seisin and Robert is in *mercy*.

204¹ Hugh of Dunestor' acknowledges that he owes the abbot of Dureford 50 silver marks on behalf of Roger Siifrewast, whereof he [Hugh] will render him [the abbot] 40 marks at St. John the Baptist in the 33rd year [24 June 1249], and 10 marks at St. Giles [1 Sept.] next following. If he does not do so, he grants that the sheriff may do so from his lands.

¹ cf. chirograph C.P.25(1)/251/15/12.

205 Assize of mort d'ancestor to declare whether Margery of Kirkelade, mother of Alice wife of Henry le Teynterer, was seised of 1 messuage in Kirkelade, which John Brachel holds. John comes and calls¹ Walter of Upton' and Lucy his wife to warranty, who come and warrant him. They say nothing to stay the assize.

The jurors say that Margery died seised of that messuage as of fee, and that she died after the term [specified in the writ] and that Alice is her next heir. So it is adjudged that Henry and Alice recover their seisin and Walter is in *mercy*, and John is to have land of Walter's to the [same] value.

¹ *dicat* cancelled.

206 The king has ordered the justices to inquire by oath of honest and lawful men from the neighbourhood of Bissopeston' and Byndon' whether Robert former *bishop* of Salisbury [1229–46] was seised of 2 carucates of land in Byssopeston' and Byndon', which William Chubbe holds by bail of the king at his will, and they [the justices] are to send the [finding of the] inquest to the

king himself without delay.¹ Richard of Heynton', Alexander Cheverell', Robert of Stanescumbe, William of Calne, Henry Aynuel, William of Thorny, John Barbat, William of Everl', John of Colingeburne, Richard Sokeman, John of Fifide, and Walter of Henton', jurors, who are all from outside the bishop of Salisbury's liberty, say that Herbert former bishop of Salisbury [1194-1217] held 1 carucate of land in Baydon' as the escheat of his church of Salisbury. Later he gave that [carucate] to one Peter de Camera, who held it throughout his life. After Peter's death, Robert bishop of Salisbury seized that carucate of land into his hand as the right and escheat of his church of Salisbury. He gave it to one Philip of St. Ellen. Later the same bishop gave Philip 10 marks so that he should quitclaim that land to the bishop and his church of Salisbury, [and] he [the bishop] died seized thereof. Concerning the 1 carucate of land in Byssopton', they say that one Orieta held that carucate of land in villeinage from Richard former bishop of Salisbury [1217-28]. After Orieta's death the same bishop came and seized that land into his hand and gave it to one Adam Drake to hold throughout his life. After Adam's death, bishop Robert seized that land into his hand and died seized thereof. Later, the see being vacant, the king gave over the aforesaid 2 carucates to the aforesaid William Chubbe.

¹ preceding sentence repeated at 237. Cf. E. A. Fry, *Wils. Inquisitiones Post Mortem* (Index Library, Brit. Rec. Soc., xxxvii,) p. 4.

207 William de la Themere and Eve his wife who brought a writ . . .¹ John Brun and Joan his wife, who brought a writ of mort d'ancestor against the prior of Bradenestoke for 2 virgates of land in Litlecote, have not prosecuted. So they and their sureties for prosecuting are in *mercy*, namely William Everard of Caleston' and John Sproy.

¹ *breve* cancelled, perhaps meaning that the preceding names should also be cancelled.

m. 9d]

208 Walter son of Roger of Berton' claims against William son of Walter of Werton' 4 virgates of land and 1 messuage in Wrotton' as his right, whereof one Alexander his ancestor was seized in his demesne as of fee and right in the time of king Henry [II] grandfather of the present king by taking profits therefrom to the value etc., and from that Alexander the right to that land descended to one Everard as son and heir, and from that Everard to one Roger as son and heir, and from that Roger to this Walter who now lays claim as son and heir, and that such is his right he offers [to prove].

William comes and defends his right. He says that Walter can claim no right in that land and messuage, because Roger, Walter's father, on whose descent he claims that land and messuage, quitclaimed it to Walter of Wrotton', whose son and heir¹ he [William] is, by his charter which he proffers and which attests this. Walter cannot deny this. So it is adjudged that William is without day and Walter is in *mercy*.

¹ *heres* repeated.

209¹ Margery countess of the Isle [of Wight] was attached to answer John of Englefeud' on a plea that she keep the fine made in the king's court before the justices itinerant at Oxford between that John, plaintiff, and the countess, impediēt. Whereon John complained that the countess exacted from him other customs and services than he used to have to do from his free holding which he holds from her in Blundtesden' and Crikelade, whereon a chirograph [was made between them].²

Margery comes by her attorney, and they are agreed. Margery gives 40s. for licence to agree. The agreement is as follows: Margery³ readily acknowledges that fine, and what is contained in that fine, and grants that in future she will keep all the articles contained in that fine.

¹ essoin 578. ² C.P.25(1)/251/14/25. ³ what follows is in a different hand.

210 The abbes of St. Edward [of Shaftesbury] acknowledges that she owes Cleremunde of Suht' £20 sterling, whereof she will pay her £10 at St. Martin¹ in the 33rd year [1249], and £10 at Michaelmas in the same year. If she does not do so, she grants that the sheriff may do so from [her] lands.

¹ *St. Martin* (4 July) is probably meant rather than *Martinmas* (11 Nov.).

211 Margery de Ripariis acknowledges that she owes Cleremunde of Suht' £11 sterling,¹ which she will render her 1 month [22 July] from St. John the Baptist in the 33rd year [1249] by surety of William of Erneford' and Peter de Chenay. If she does not do so, she grants [that the sheriff may do so from her lands].

¹ £10 at 55.

212 Gilbert Chynune acknowledges that he owes the same Cleremunde 106s., which he will render her at Michaelmas in the 33rd year [1249]. If he does not do so, he grants that the sheriff may do so [from his lands].

213 William le Dun and Agnes his mother acknowledge that they owe Robert¹ le Venur 60 marks on the fine made between them, whereof they will pay² him 20 marks at Trinity in the 33rd year [30 May 1249] at Stanford' at the house of Hugh son of Reynold, and 20 marks at the octave of Michaelmas next following,³ and 20 marks at Mid-Lent [6 March 1250]. If they do² not do so, they grant² that the sheriff may do so from their lands.

¹ *William* at 240 and in chirograph C.P.25(1)/251/16/68.

² *reddet, fecerit, concedit.*

³ when William le Venur acknowledged that William le Dun had paid him 40 marks K.B.26/136, m.9.

214 Assize of mort d'ancestor to declare whether William Stut, father of Gillian¹ Stut, was seised of 5 acres of land in Mere, which Richard Gallye holds. Richard comes (and says that he claims nothing in that land except

¹ *Joh'*, but *predicta Jul'* is repeated twice in the judgement.

for the term of his life.)² He calls John of Wyteburn' and Iselena [sic] his aunt to warranty thereof, who come and warrant him. They say nothing to stay the assize.

The jurors say that William died seised of those 5 acres of land and that Gillian is his next heir and that he died after the term [specified in the writ]. So it is adjudged that Gillian recovers her seisin, and Richard is to have land of John's and Ellen's to the [same] value, and John and Ellen are in *mercy*.

² interlined.

215 A jury comes to declare whether 9½ acres of land and 1 acre of meadow in Haleweston' are free alms belonging to the church of Cernay, whereof Richard of Cernay is parson, or the lay fee of Thomas Drus' and William de Ponte. They come and call the abbot of Gloucester' to warranty. They are to have him *on the morrow* [31 May] of *Trinity* at Wylton' by aid of the court. He is to be summoned in *Gloucestershire*. The same day is given to all the recognitors who are to come then.¹

¹ space left for verdict and judgement; cf. 125, 268.

216 Assize of mort d'ancestor to declare whether Richard le Paumer, father of Christian le Paumer, was seised of 25 acres of land and 2 parts of 1 messuage in Burton', whereof Roger of Walteford' and Alice his wife hold 20 acres of land, and Grace de Meys 2 parts of 1 messuage and 5 acres of land. They come and say nothing to stay the assize.

The jurors say that Richard, father of Christian, died seised only of the messuage and 2 acres of land. Roger renders her that messuage and the 2 acres of land by licence. Let her have her seisin. Christian is in *mercy* for the rest. She is poor.

217 Maud who was wife of Richard¹ of Derneford claims against Geoffrey of Wyvelsford' ½ of 4 marks rent in Dorinton', and against John de Strodes ½ of 10s. rent in Middleton' and Sumburne, as her dower.

Geoffrey and John² come. Geoffrey calls the aforesaid John to warranty, who is present and warrants him and answers for everything. He calls William, son and heir of William of Derneford', to warranty, who is under age and whose land is in the wardship of Robert de Columbar' [and] Henry de la Mare.³ So they are summoned to be [here] on the morrow [14 May] of Ascension to warrant [him]. Later Robert comes and warrants John for as much as pertains to him. He knows nothing to say against her having her dower. So it is adjudged that John holds in peace, and Maud is to have land of William's, which is in Robert's hand and is valued at 17s. Let her have her seisin in Dorsetshire because she has no land from that heir's inheritance

¹ *William*, father of the ward vouched by the defendants, is more likely, as *Richard* is living at this time (cf. 75, 78, 130, 226); also he is called *William* at 371.

² *Willelmus*.

³ *Walter* inserted after this name in error; cf. 345.

in this county. Later Henry comes by his attorney and by licence renders Maud her dower for as much as pertains to him. So it is adjudged that John holds in peace, and Maud is to have land of the heir [William's] to the [same] value, which is in Henry's hand and is valued at 17s. Let her have her seisin.

218¹ Joan who was wife of John Isembard claims against Ranulf Isembard 1 messuage in Wylton' as her dower.

Ranulf comes and they are agreed by licence. Ranulf gives 1 mark for licence to agree. Let them have a chirograph.²

¹ cf. 51, 173. ² cf. C.P.25(1)/251/16/52.

m. 10]

219 Assize of novel disseisin to declare whether Thomas Burel unjustly disseised Philip of Cerne and Lettice his wife of 1 virgate of land in Laungel' Burel.

Thomas has not come, but Robert Curteis comes and answers for him. He cannot deny that Thomas disseised them of that land as the writ says. So it is adjudged that Philip and Lettice recover their seisin against him and Thomas is in *mercy*. *Damages 1 mark.*

220 Assize of mort d'ancestor to declare whether Bartholomew, father of Reynold son of Bartholomew, was seised of 1 virgate of land in Wodeberge, which Henry of Wudeberge, Christian of Wudeberge, and Walter Chaffins hold. They come. Henry says that he holds only half of the land. Christian and Walter say that they hold none of that land. Reynold cannot deny this. So it is adjudged that Henry and the others are without day and Reynold is in *mercy*.

221 Assize of mort d'ancestor to declare whether Alice of Limoges, mother of Alice daughter of Alice, was seised of 1 virgate of land in Wrceshal', which Henry Malerbe and Agnes his wife hold. They come and call [Geoffrey], son and heir of Eustace of Wrokeshal' who is under age, to warranty by charter of feoffment, which they proffer, of Ellis of Wrokeshal', Geoffrey's grandfather, whose heir he [Geoffrey] is. So the plea stands over until Geoffrey's [full] *age*.

222 Assize of mort d'ancestor to declare whether Henry of Bissopistun', brother of Thomas of Bissopiston', was seised of 1 virgate of land and 1 mark rent in Bissopiston', which John of Barnevill' holds. He comes and says that he does not hold that land or rent entirely. For he says that he holds only $\frac{1}{2}$ virgate of land and 12s. rent. Thomas cannot deny this. So it is adjudged that John is without day and Thomas is in *mercy* for a false claim.

223 William son of Matthew of Laungel', who brought a writ of assize of mort d'ancestor against Henry of Kanc' for 1 virgate of land in Laungel', has nor prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Roger le Mariscal of Chipha¹ and John le Fraunkelein of Cokeberge.

¹ across a tear in the parchment.

224 Assize of novel disseisin to declare whether Walter Balewe, William le Provost, Roger de Luverasce, William le Newe, William Laurence, Gilbert le Cauf, Geoffrey Snel, and John de Loverace unjustly disseised Henry Faireye of $\frac{1}{2}$ virgate of land in Wynterslawe.

Walter and the others have not come. Roger de Loverasce was attached by John Lokeberge and William Eadward. So they are in *mercy*. The others were not attached because they were not found. So let the assize against them be taken by default.

The jurors say that Walter and the others disseised Henry as the writ says. So it is adjudged that Henry recovers his seisin against them by view of the recognitors and they [the defendants] are in *mercy*. *Damages 16s. 6d.*

225 Nicholas le Witte acknowledges that he owes Nicholas Cote 8 marks, whereof he will render him 2 marks on the octave of Trinity in the 33rd year [6 June 1249], 2 marks at the Nativity of Mary [6 Sept.], 2 marks at All Saints [1 Nov.] next following, and 2 marks at the Purification [2 Feb.]. If he does not do so, he grants that the sheriff may do so from [his] lands.

226¹ Richard of Derneford', Alexander Cheverel, Nicholas of Haverisham, and Adam de Greinville, 4 knights, summoned to elect on oath 12 of the lawful² [men] from the neighbourhood of Tytecumbe, to make a recognition of the grand assize between William de Bello Campo of Elmeleye, plaintiff, and Henry Hose, tenant, for the manor of Titecumbe with appurtenances, excepting 4 virgates of land in the same vill, whereof Henry, who is the tenant, put himself on the king's grand assize and claimed that there be a recognition whether he has the greater right of holding that manor, excepting the 4 virgates of land, from the aforesaid William, or whether William should hold it in demesne, come and have elected these, namely William of Thurney, Richard Pipard, William of Calne, Thomas le Tabler, Jordan la Warre, Adam de la Mare, John of Chereburgh', Henry of Hertham, Henry of Wadon', Henry Crok, John de Columbar', Reynold of Lokinton', John de la Stane, Richard de Anesy, Samson of la Boxe, Nicholas of Haversham, Richard of Derneford. Later they [the parties] are agreed. Henry gives *1 mark* for licence to agree by surety of William. Let them have a chirograph.³

¹ essoin 568. ² *de legarioribus*. ³ cf. 338 and C.P.25(1)/251/16/84.

227 Eliaduc [sic] de Ros, who brought a writ of novel disseisin against master Giles of Brideport and others [named] in the writ for a holding in

Midilton', has not prosecuted. So he and his sureties for prosecuting are in mercy, namely Hugh de Ros and John de la Tench'. Later he made a fine of $\frac{1}{2}$ mark on behalf of himself and his sureties.

228¹ A day is given to Maud who was the wife of Roger of Beneteham and to the master of the Knights Templar in England, tenant, on a plea of dower on the morrow [31 May] of Trinity by prayer of the parties.

¹ cf. 309.

229 Edward Scull' claims against master Giles of Brideport, archdeacon of Berchshir', 18 acres of land in Hetredebur' as his right, into which master Giles has no entry except by Christian Blauncharde, Edward's cousin, whose heir he is, who demised them to him [Giles] when she was not of sound memory.¹

Master Giles comes and defends his right and entry.² He readily maintains that he does not have entry into that land by Christian, but by William of Raleg', former archdeacon of Berksir', his predecessor. Edward cannot deny this. So it is adjudged that Giles is without day and Edward is in *mercy*.

¹ *compos memorie sue* for the usual *compos mentis sue*; cf. 269.

² *magistrum* for *ingressum*.

230 John de la Stone presented himself on the 4th day against William son of Mabel and Nicholas Poine on a plea that they warrant him $\frac{1}{2}$ knight's fee, excepting 1 virgate of land, in Fiserton' and Waketon',¹ which William Braunche and Joan his wife claim as Joan's right against John, whereof John calls William and Nicholas to warranty [against] them. They [William and Nicholas] have not come. The sheriff was ordered to summon them to be here to warrant. The sheriff attests that they do not have [anything] in this county whereby they can be summoned. Thereon it is attested that they have land in Somersetshire. So the sheriff of Somerset is ordered to summon them to be here on the morrow [31 May] of Trinity, whereon the sheriff is to attest [that he makes the summons].²

¹ miscopying of *Babeton*, cf. 312 and essoyn 586.

² they default at 312.

m. 10d]

231 Nicholas of Cokesbergh' was attached to answer John Punchard on a plea that he keep with him the fine made in the king's court before the justices itinerant at Wilton' between that John and Ela his wife, plaintiffs, and Nicholas, impediens, for 2 messuages and 1 virgate of land in Cokesbergh', whereon a chirograph [was made].¹ John complains that, whereas by that fine those messuages and that land remained to John and Ela his wife and to Ela's heirs to be held from Nicholas and his heirs, and after Ela's death John should

¹ C.P.25(1)/251/12/16.

hold the same land and messuages throughout his life by the law of England, Nicholas contrary to that fine does not permit John to have his common of pasture in a certain pasture which is called Manniscroft, which is one of the appurtenances of that land and which was common on the day that fine was made. For when John wished to have common there for his beasts, Nicholas resisted John with his men and by force of arms so that he could not enter that pasture. Moreover John complains that Nicholas had some houses, buildings, and a fishpond constructed in John's common of pasture, where the same John should have common, which was common of pasture when that fine was made. Also he says that, whereas he demised one of those messuages at farm to one William le Oyselur for a term of 8 years by rendering John 3s. a year, Ralph of Cokesbergh², Nicholas's son, on the order of Nicholas himself, ejected William from that messuage, nor did he permit John to enter that messuage or to distrain for the 3s. annual rent. Consequently 4s. 6d. from 3 instalments² are in arrears to him. Wherefore he says he has suffered damage to the value of 100s.

Nicholas comes and denies force and injury. He readily acknowledges the fine and what is contained in the fine and readily maintains that in nothing did he go³ against the fine. For he says concerning the messuage that neither he nor his son ever ejected William le Oyselur from that messuage. He says on the contrary that the same William⁴ demised that messuage to Ralph his [Nicholas's] son for his said term of 8 years, wherefore he says that he has nothing in that messuage nor claims anything in it. Ralph is present and says that he claims nothing in that messuage except only that term of 8 years by demission of William le Oyselur. He freely wishes to render John the annual rent of 3s., and the arrears likewise, if anything should be in arrear to him. John holds himself content thereon. So it is adjudged that Ralph render the arrears and the farm of 3s. every year up until the end of that term. Concerning the pasture of Maniescroft and the buildings and fishpond whereof John complains, [Nicholas] says that that pasture of Mainiescroft is not, nor should be, John's common of pasture, nor even [is that] where he had the houses and fishpond constructed, nor was it common pasture on the day the fine was made, nor ever afterwards. Thereon he puts himself on the country and John likewise. So let there be a jury thereon.

Later they are agreed. Nicholas gives *1 mark* for licence to agree. Let them have a chirograph.⁵

² *terminis.* ³ *venit.* ⁴ superfluous *suam* omitted.

⁵ C.P.25(1)/251/16/64; cf. 179.

232 John son of Simon gives *1 mark* for licence to agree with Roger of Pedewrth' on a plea of land by surety of Richard of Pedewrth'. Let them have a chirograph.¹

¹ C.P.25(1)/251/15/21.

233 Gilbert le Messer gives $\frac{1}{2}$ *mark* for licence to agree with Walter le Suur on a plea of assize of mort d'ancestor by surety of that Walter.

234 John of the market gives $\frac{1}{2}$ *mark* for licence to agree with Walter Barnard on a plea of mort d'ancestor.¹

¹ chirograph C.P.25(1)/251/15/25.

235 Philip of Cumberwell', who brought a writ of novel disseisin against Reynold de Mohun for common of pasture in Cumton', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Ralph de Aune and Robert of Holt.

236 Assize of novel disseisin to declare whether the abbot of Cyrecestre unjustly disseised Thomas of Essy of his common of pasture in Essy, whereof he complains that he disseised him of pasture for 100 sheep.

Later Thomas came and withdrew. So he and his sureties for prosecuting are in *mercy*, namely William son of Robert of Eton' and Robert son of Geoffrey de Meisy. Later it is agreed between them that the abbot has granted Thomas pasture for 50 sheep only in that vill, so that he can¹ have those sheep in the same, saving his [right to] common of pasture for his other beasts which he is accustomed to have there.

¹ *non possit*.

237 [The first sentence of **206** cancelled with *error quia alibi* in the margin. Bishopstone is spelt *Bissopisdene* and *Bissopiston*', and Baydon is spelt *Beydon* and *Beidon*.]

238 The prior of Ferleg' gives $\frac{1}{2}$ *mark* for licence to agree with Walter of Brocweye on a plea of land. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/88.

239 Gregory de la Mare gives $\frac{1}{2}$ *mark* for licence to agree with William of Hall' on a plea of customs and services.

240 William le Dun gives $\frac{1}{2}$ *mark* for licence to agree with William le Venur on a plea of assize of mort d'ancestor. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/68; cf. **213**.

241¹ Assize of mort d'ancestor to declare whether Walter Cok', uncle of Henry Crok', was seised of $\frac{1}{2}$ virgate of land and 1 mill in Hasilbergh', which the prior of Farnlegh' holds. He comes and says that one John of Foccomb' holds that land and mill from the prior for the term of his life. Henry cannot deny this. So it is adjudged that the prior is without day and Henry is in *mercy*.

¹ *c'* in the margin, cf. **139**.

m. 11]

242¹ Assize of mort d'ancestor to declare whether Adam Alred, father of Adam Alred, was seised of 1 virgate of land in Wintirburn', which William Portebrae holds. He comes and says that the assize against him should not be taken, because he does not hold that land. He says on the contrary that one Margery who was wife of Adam son of Albred' holds that land for the term of her life. Adam cannot deny this. So it is adjudged that William is without day and Adam son of Adam Albred' is in *mercy*.

¹ cf. 423.

243 Master Hachard¹ acknowledges that he owes Osbert the smith and Margery his wife 2 marks on the fine made between them,² whereof he will pay them³ 1 mark at Pentecost in the 33rd year [23 May 1249] and 1 mark at St. Peter's Chains [1 Aug.] next following. If he does not do so, he grants that the sheriff may do so from [his] lands.

¹ of Medbourne, cf. 142. ² C.P.25(1)/251/16/63. ³ *ei*.

244 James le Sauvage presented himself on the 4th day against Thomas son of Thomas on a plea that he keep with him the covenant made between them concerning $\frac{1}{2}$ of 1 messuage, of 1 carucate of land, and of 25s. rent in Burhach'.¹

Thomas has not come and a summons [was issued]. Judgement: he is to be attached to be here on the morrow [14 May] of Ascension. Because he is from this county and did not come, he is in *mercy*.

¹ miscopying of *Burbach'*, cf. 428.

245 William son of Gilbert, who brought a writ of novel disseisin against Margery de Balun and others, has not prosecuted. So he¹ and his sureties for prosecuting are in *mercy*, namely Gilbert Bube and William son of Alexander.

The same Gilbert,² who brought a writ of novel disseisin against the same Margery, has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely [forename omitted] of Berewyk' and John of the same [place].

¹ *ipsi*. ² *William son of Gilbert* is presumably meant.

246 Ralph Daunger gives 1 mark for licence to agree with John Moiuene and Galiena his wife on a plea of warranty of charter. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/81.

247 Nicholas of Wyly gives 1 mark for licence to agree with Goda of Berwik' on a plea of assize of mort d'ancestor. Let them have a chirograph.¹

¹ chirograph lost.

248 Gillian daughter of Gillian la Cleregesse gives $\frac{1}{2}$ mark for licence to agree with Walter Prall' and Mabel his wife on a plea of assize of mort d'ancestor. Let them have a chirograph by surety of Robert of Kanc'.¹

¹ C.P.25(1)/251/15/23, cf. 2.

249 Assize of novel disseisin to declare whether Nicholas Wace and Avice his wife unjustly disseised Alexander le Cheverel of $\frac{1}{2}$ perch of land in Bulkinton'.

Nicholas and Avice come. Alexander has come and withdrawn and made a fine on behalf of himself and his sureties of $\frac{1}{2}$ mark. It is agreed between them that Nicholas and Avice acknowledge that meadow¹ to be Alexander's² right, and for that Alexander has granted Nicholas and Avice that meadow, to have and to hold for Nicholas and Avice and Avice's heirs from Alexander and his heirs in perpetuity by service of 1 pair of white gloves³ a year for every service.

¹ *predictum pratum*, though *terra* is referred to in the count. ² *Nicholai*.

³ *cirotecarum*.

250 Felicia who was wife of Henry of Bereford presented herself on the 4th day against William son of Gilbert and Beatrice his mother on a plea for $\frac{1}{3}$ of 1 messuage and of 22 acres of land in Pendliswrth', which she claims in dower against them. They have not come and a summons [was issued]. Judgement: the $\frac{1}{3}$ to be taken into the king's hand. They are summoned to be at Wylton' on the morrow [31 May] of Trinity.¹

¹ cf. 391.

251¹ John de Aure and Agnes his wife claim against Walter de Pavilli £28 of land in Westbir' as Agnes's right, whereof one Roger her ancestor was seised in his demesne as of fee in the time of king Henry [II] grandfather of the present king by taking profits therefrom to the value etc., and from that Roger the right to that land descended to one Geoffrey as son and heir, and from that Geoffrey the right to that land descended to one Odo as son and heir, and from that Odo the right to that land descended to this Agnes, who now lays claim as daughter and heir, and that such is her right she offers [to prove].

Walter comes and denies Agnes's right. He says that he cannot answer them without the king. For he says that king Henry, grandfather of the present king, enfeoffed one Reynold de Pavilly, Walter's father, whose heir he is, of that land to hold from the king and his heirs by his charter which he proffers in these words:

Henry by the grace of God, king of the English etc., to all faithful in Christ etc. Know that I have given and granted to Reynold de Pavilly for his service £60 of land, namely £50 of land in Westbir' with its appurtenances and £10 in Chipeham, for him and his heirs to hold from me and my heirs.

¹ cf. 153, 193.

Wherefore I will and command firmly that Reynold de Pavilly, and his heirs after him, have and hold those £60 of land in the aforementioned manors with all their appurtenances.

[Walter] says that the king is in seisin of his homage so that he cannot answer them without the king. John and Agnes say that the charter should not harm them. For they say that they claim to hold the £28 of land from the king in chief. Also they say that Maud the Empress, mother of king Henry, grandfather of the present king, gave those £28 of land to one Humphrey son of Odo, Agnes's ancestor, whose heir she² is, to have and to hold from the Empress and her heirs by charter of the Empress, which they proffer and which attests this. Also they proffer [a charter] of king Henry, the king's grandfather, by which the same king grants and confirms the same land to one Richard as son of Odo, brother of the aforesaid Humphrey. Also they proffer a charter of king Henry, the king's grandfather, which attests that the king has granted and confirmed the same land to Roger son of Odo, Agnes's ancestor on whose descent she claims that land. Also they say that the £28 of land which they claim against Walter are not of the £60 of land which king Henry, the king's grandfather, enfeoffed an ancestor of the aforesaid Walter of Westbir'. They say on the contrary that they are utterly distinct,³ and that Walter has £50 of land in that vill of Westbir' apart from⁴ those £28 of land which they claim against him.

A day is given them to hear judgement 1 month [27 Oct.] from Michaelmas at Westminster, and meanwhile *it is to be discussed with the king.*⁵

² ipse. ³ penitus divisē. ⁴ preter.

⁵ cf. 193; adjourned (K.B.26/135, m.22d; /139, m.8d; /141, m.26).

252 Assize of mort d'ancestor to declare whether Ellis of Martin, father of Beatrice wife of the marshal of Turwell', was seised of 2 carucates of land and 40s. rent,¹ which land and rent Adam Cok' holds. He comes and says that he cannot answer him without the king. For he says that the present king enfeoffed him of that land by his charter, which he proffers and which attests this. So a day is given them 1 month [27 Oct.] from Michaelmas at Westminster and meanwhile *it is to be discussed with the king.*²

¹ vicinage omitted; *Fittleton in Charter Rolls, 1226-57*, pp. 309, 400.

² adjourned (K.B.26/135, m.21d; /136, m.19d; /139, m.11; /140, m.14).

253 Margery who was wife of Richard Cunseil presented herself on the 4th day against John Coleman on a plea for 1 virgate of land in Chetelere, which she claims in dower against him by writ of entry. John has not come and a summons [was issued]. Judgement: the land to be taken into the king's hand. He is summoned to be here *on the morrow* [31 May] *of Trinity*.

Later,¹ they are agreed. Margery gives $\frac{1}{2}$ mark for licence to agree. The agreement is as follows: John has granted her that land by name of dower. She is to have her seisin. And for that, Margery has granted him half of the produce² of that land.

¹ what follows is in a different hand. ² vesture.

254 Walter de Godarvill', who brought a writ concerning the erection of a manorial gallows¹ in Tulrut, has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Robert of Deyerd and Richard Payn.

¹ *de furcis levatis de manerio*.

255 Walter de Pavilli gives $\frac{1}{2}$ mark for licence to agree with Richard of Brokton' on a plea of pasture. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/82.

256 Simon of Pitton' gives *1 mark* for licence to agree with the abbess of St. Mary of Winton' on a plea of annual rent.

257 The same Simon acknowledges that he owes the aforesaid abbess 6 marks on the fine made between them concerning an annual rent of 100s. a year, whereof he will render her half at St. John the Baptist in the 33rd year [24 June 1249], and the other half at Michaelmas next following. If he does not do so, he grants that the sheriff may do so from [his] lands.

m. 11d]

258 Adam son of Luke claims against James the miller $\frac{1}{2}$ of 1 mill in Tuderington' as his right, into which James has no entry except by Nicholas the miller, to whom Eve who was wife of Luke of Tuderington' demised it while Richard, Adam's brother,¹ whose heir he is, was under age and in her wardship.

James comes and defends his right. He readily grants that he has entry by Nicholas, [but] readily denies that Nicholas had no entry except by Eve. He says² on the contrary that Nicholas had entry by one Eidwin his father, who died seised thereof as of fee, which land³ descended to him by right of inheritance from Eidwyn his father. Thereon he puts himself on the country, and Adam likewise. For this inquest he [Adam] offers the king $\frac{1}{2}$ mark, which is received. James likewise gives $\frac{1}{2}$ mark. So let there be a jury thereon.

The jurors say that the aforesaid Nicholas⁴ had entry by Eve, as is said [in the writ], and not by Edwin. So it is adjudged that Adam recovers his seisin and James is in *mercy*.

¹ *pater for frater*. ² *dicunt*. ³ only a mill mentioned in the count above.

⁴ *Nigellus*.

259 John the cook gives *1 mark* for licence to agree with Agnes Hod on a plea of mort d'ancestor. Let them have a chirograph.¹

¹ chirograph lost.

260 Richard of Wike and Cecily his wife claim against Walter son of Reynold of Caune $\frac{1}{3}$ of 1 virgate of land in Ytesbyr' as Cecily's dower.

Walter comes and they are agreed by licence. Let them have a chirograph.¹

¹ chirograph lost.

261 Peter of Launton' presented himself on the 4th day against William de la Sale on a plea that he keep the covenant made between Simon of Laventon', Peter's father, whose heir he is, and the aforesaid Sarah¹ concerning 1 virgate of land in Wamberg'. They have not come and have frequently made default. So the sheriff is ordered to distrain them by all [their] lands [so] that he have their persons² here on Wednesday, and because they are from this county, they are in *mercy*.

¹ William's wife, cf. 382. ² *habeat corpora eorum*.

262 Geoffrey le Chayn¹ claims against Roger son of Emma 3 acres of land in Brokeineberg',² and against Amice daughter of Agnes 10 acres of land in the same vill, and against Agnes daughter of Emma 6 acres of land in the same vill, as his right, into which Roger, Amice, and Agnes have no entry except by Emma daughter of William, Geoffrey's mother, whose heir he is, [who] demised those things for a term which has expired. He says that Emma demised the lands to them for the term of Emma's life [only].

Roger, Agnes, and Amice come. Roger says that he should not have to answer on this writ, because he says that he does not hold the 3 acres of land which are claimed against him. Geoffrey cannot deny this. So Roger is without day and Geoffrey is in *mercy*.

Agnes and Amice say that they should not have to answer him on this writ, because they say that Geoffrey's mother, by whom he says they have entry into that land, is called Susanna³ and not⁴ Emma as is contained in the writ. Geoffrey cannot deny this. So Agnes and Amice are without day and Geoffrey is in *mercy*.

¹ repeated at 299 where the spelling is *Chanu*; cf. 540. ² *Brokeneberg*' at 299.
³ *Susanna* at 299. ⁴ *non* omitted at 299.

263 Richard of Wintirburn' and Parnel his wife claim against Henry Scopere 1 virgate of land in Abbodeston' as Parnel's right, into which Henry has no entry except by Gervase¹ le Scopere, to whom Richard le Carpenter, Parnel's father, whose heir she is, demised it for a term which has expired. They readily say that Richard demised that land to the aforesaid Gervase for the term of Gervase's life [only].

Henry comes and readily acknowledges that [he has] entry into that land by Gervase, but readily maintains that Gervase did not have entry by Richard le Carpenter. He says on the contrary that he had entry by one Saher, his grandfather, whose heir he is, who died seised thereof as of fee. Thereon he puts himself on the country, and Richard and Parnel likewise. So let there be a jury thereon.

The jurors say that Gervase did not have entry by Richard le Charpenter. They say on the contrary that he had entry by one Peter Mauveisin, who demised that land to him to hold² from him [Peter] in villeinage. So it is adjudged that Richard and Parnel take nothing by this writ and are in *mercy* for a false claim.

¹ *Gerardus*, but *Gervase* in every subsequent instance. ² *tenet*.

264 Assize of novel disseisin to declare whether Richard of Ortieye, Robert of Tywe, and William le Buker unjustly disseised [blank] of Sutton' of common of pasture in Sutton', whereof he complains that they disseised him of his common in a wood which is called Illegh'.

Richard and the others have not come. Richard was attached by Hugh Duraunt,¹ and Robert by Everard of Newenham and Walter in Cumba, and William by Osbert le Oter and the other surety has died. So all are in *mercy*, and let the assize against them proceed by default.

The jurors say that Richard and the others unjustly disseised the aforesaid William and Robert² of that common as the writ says. So it is adjudged that William and Robert recover their seisin and the others are in *mercy*. *Damages 1 mark, all to the clerks.*³

¹ other surety omitted.

² omitted from the count above, where only one plaintiff is implied. ³ cf. 21.

265 Anastasia who was wife of John of Burkil', who brought an assize of novel disseisin against Hugh of Cadehull' for a holding in Grimstedon', has not prosecuted. So she and her sureties for prosecuting are in *mercy*, namely Richard Hercus of the same and Peter Butelar' of the same.

266 The prior of St. Denys and convent of the same place have acknowledged that they gave, granted, and confirmed by their charter to William son of Ralph Isingbard the whole meadow of Pacheford to have and to hold for William and his heirs, and to whoever he should want to give or assign it, excepting men of religion, from the prior and his successors and his church, freely and quit, by right of inheritance, in perpetuity, by rendering at St. John the Baptist to the prior and his successors and his church 4s. sterling a year for every service and custom, as the charter made between them attests.

267 Assize of novel disseisin to declare whether Peter Grey unjustly disseised Elysabet Grey of 1 virgate of land in Fukeleston'. Peter comes. Elysabet has withdrawn by licence.¹

¹ cf. chirograph C.P.25(1)/251/15/50.

268¹ A jury comes to declare whether 1 acre of wood,² 9½ acres of land, and 1½ acres of meadow in Aleweston' are free alms belonging to his church of Cernay, whereof Richard of Cernay is parson, or the lay fee of the abbot of Glouceste and Thomas de Druse and William de Ponte, whereof the abbot holds 1 acre of wood,² Thomas 4½ acres of land and ½ acre of meadow, and William 5 acres of land and 1 acre of meadow. Richard says that one Miles, his predecessor, former parson of that church, was seised in his demesne as of fee and right of his church in the time of king John, father of the present king, and another Miles, his predecessor, was seised similarly in the time of the

¹ sequel of 215.

² omitted from 215, but claimed against the abbot of Gloucester at 125.

present king. He puts himself on [the verdict of] the jury that such is the right of his church.

The abbot and the others come. Thomas and William call the abbot to warranty, who is present and warrants them and answers for everything. He says that he holds those holdings by gift of the ancestors of the king of England, wherefore he says that he cannot answer him [Richard] without the king. He proffers a charter of William [I] the Bastard, former king of England, which attests that William gave and granted those holdings to God and to the church of St. Peter of Gloucestr'. Also he proffers a charter of king Henry [II], the king's grandfather, of confirmation of those lands and holdings.

Richard comes and readily acknowledges that the abbot had those lands and holdings by gift of that king William. But he says that the abbot is advocate of that church [Cerne], and that one Godfrey, former abbot of Gloucestr', predecessor of this abbot, enfeoffed that church of Cernay of those lands and holdings, so that that church was always in seisin thereof, as by gift of that abbot, until one Henry, former abbot of Gloucestr', predecessor of this abbot, seised them into his hand on the death of Miles, who recently died as parson in that church. The abbot says nothing else to stay the jury. So it is adjudged that [the verdict of] the jury be taken.

The jurors say that those lands and holdings are the lay fee of that abbot and not free alms belonging to that church. So it is adjudged that Richard takes nothing by this jury and is in *mercy* for a false claim.

m. 12]

269 Thomas son of John of Wytemore claims against Richard of Cumbe-sheved 1 messuage and 8 acres of land in Whytemore as his right, into which [Richard] has no entry except by Gillian, Thomas's grandmother, whose heir he is, who demised [those things] to him, when she was not of sound mind.

Richard comes and defends his right. He readily acknowledges that he has entry into that land by Gillian, [but] says that when she demised that messuage and land to him, Gillian was of sound mind and of good memory. Thereon he puts himself on the country, and Thomas likewise. For this inquest Thomas offers the king $\frac{1}{2}$ mark, and it is received. So let there be a jury thereon.

Later they are agreed by licence. The agreement is as follows: Richard acknowledges that land and messuage to be Thomas's right and renders them to him. He is to have his seisin. And for that, Thomas will give Richard 2 silver marks, whereof he will render him 1 mark at St. Peter's Chains in the 33rd year [1 Aug. 1249], and 1 mark at Michaelmas next following. If he does not do so, he grants that the sheriff may do so from [his] lands.

270 Humphrey de Bohun earl of Hereford was summoned to answer Lettice de Kaynes on a plea [demanding] by [what] right he demands common of pasture in her land of Sumerford', whereas Lettice has no common¹ in

¹ *habet communam* repeated.

the earl's land,² nor does the earl do her a service whereby he should have common in her land.

Humphrey comes and claims a view thereof. Let him have it. A day is given them here on the morrow [31 May] of Trinity, and meanwhile [arrange for the view]. Later they are agreed. Lettice gives *1 mark* for licence to agree. Let them have a chirograph.³

² *terre.* ³ C.P.25(1)/251/15/2.

271 Assize of mort d'ancestor to declare whether Walter de Kadiho, father of William de Kadiho, was seised of $\frac{1}{2}$ virgate of land in Fisserton', which land the prior of Bradenestok' holds. He comes and calls John de la Stane to warranty. He is to have him here on Wednesday [9 June] next after the octave of Trinity. Later¹ John comes on this day and warrants him and says nothing to stay the assize.

The jurors say that William is not Walter's next heir. So it is adjudged that William takes nothing by this assize and is in *mercy* for a false claim by surety of William of Wynteburne and Hamo of Hacche.

¹ what follows is in a different hand.

272 Thomas son of William le Clerk claims against William de la Chambre 1 messuage, and $\frac{1}{2}$ hide of land excepting 1 messuage in Dunesheved as his right, whereof one Roger his ancestor was seised in his demesne as of fee and right in the time of king John father of the present king by taking profits therefrom to the value etc., and from that Roger the right to that land descended to one Henry as son and heir, and from that Henry, because he died without a direct heir, the right to that land reverted to one William, Roger's brother, as Henry's uncle and heir, and from that William [the right descended] to this Thomas who now lays claim as son and heir, and that such is his right he offers [to prove].

William comes and calls¹ the abess of Shaftesbir' to warranty, who is present and warrants him.² She denies his [Thomas's] right and the seisin of the aforesaid Roger and everything. She offers to defend this by the body of a certain free man of hers by name of John le Juvene, who offers to defend this by his body, as the court sees fit.

Thomas says that she unjustly denies his right and the seisin of the aforesaid Roger his ancestor, because he says that Roger was seised thereof in his demesne as of fee and right as is aforesaid. He offers to prove this by the body of a certain free man by name of Archibald, who offers to prove this by his body and by view of Archibald his father, as the court sees fit, and if he defaults on him [Thomas will prove it] by another. So it is adjudged that there be *battle* between them, and that John is to give a gage for defending and Archibald is to give a gage for proving. John's sureties: Walter de Pavely, Richard of Derneford', John de la Strode, William of Gossel', William son of Gilbert, and Roger Gernun. Archibald's sureties: Thomas son of William, Wakelin Kady, William Skirebek', and Robert of Lek.

¹ repeated. ² cf. 182.

A day³ is given them on the morrow [31 May] of Trinity. They are to come then armed. The abbes attorns John of Shaftesbir' or Richard of Rymbesbir'.

Later they are agreed. Thomas gives 40s. for licence to agree by surety of the abbes. Let them have a chirograph.⁴

³ this passage at the foot of the enrolment is cancelled with a marginal note *vacat concordant*.

⁴ C.P.25(1)/251/15/17; cf. 534.

273 A jury comes to declare whether 1 virgate of land in Prestesheht' is free alms belonging to the church of Prestesheth', whereof William of Presteshethe is parson, or the lay fee of Nicholas of Barbefiet. William says that one Robert of Saunford', his predecessor, former parson of that church, was seised in his demesne as of fee and right of his church in the time of the present king, and that such is the right of his church he offers [to prove].

Nicholas¹ comes and calls Agnes of St. Maurus to warranty, who is present and warrants him. She says nothing to stay the assize. The jurors say that the land is free alms belonging to the church of Prestesheth' and not Agnes's lay fee. So it is adjudged that William recovers his seisin and Agnes is in *mercy*. She is to make an exchange with Nicholas to the value [of his holding].

¹ *Willelmus*.

274¹ Peter de Nevill', who brought a writ *de fine facto* against Agnes of St. Maurus for £9 10s. 1d. of rent in Marleberg',² and against Nicholas of Barbefiete for customs and services from a holding in Presteshethe, has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Henry le Dun and Peter of Dudington'.

¹ cf. 358.

² C.P.25(1)/251/14/24.

275 Hugh of Mikelham and Gillian his wife, Laurence of Nitepretret, Robert le Muner, and John son of Matthew were attached to answer Roger of Wyk' and Beatrice his wife on a plea [that] they keep the fine made in the king's court before the justices last itinerant at Wilton' between that Beatrice, plaintiff, and Hugh, Gillian, Laurence, Robert, and John, withholders, for common of pasture in Yppered, whereon a chirograph [was made].¹ Roger and Beatrice complain that whereas by that fine they should have common of pasture throughout the land² of [Hugh and the others] in Nippered for all their own beasts, Hugh and the others have raised up dikes and houses in that pasture so that they cannot have common there. Also they say that [whereas] by that fine Hugh and the others should have common of pasture throughout the land² of Roger and Beatrice only for their own beasts, Hugh and the others bring on alien beasts for themselves and avow them as their own beasts in that pasture. Wherefore they say that they have suffered damage to the value of 40s.

¹ C.P.25(1)/251/12/20.

² *per totum in terra*.

Hugh and the others come and deny force and injury. They readily acknowledge that fine and what is contained in the fine. They readily deny that they have had any houses or other dikes raised up in that pasture, nor have they brought on or avowed alien beasts. Thereon they put³ themselves on the country, and Roger and Beatrice likewise. So let there be a jury thereon.

The jurors say that Hugh and Gillian held a certain piece⁴ of land which is called La Lee so fenced⁵ that Roger and Beatrice cannot enter there with their beasts nor have common there. Also they say that Laurence holds a certain croft enclosed by a hedge round 10 acres so that Roger and Beatrice cannot enter there nor have common there. Also they say that one of the others raised up a certain house in his lands where Roger and Beatrice should have common. Also they say that they brought on alien beasts for themselves to have common in Roger's and Beatrice's land. So it is adjudged that the hedge and house be brought down at [the defendants'] expense, that Roger and Beatrice recover their seisin of that common, and that Hugh and the others be put in custody and make satisfaction to them for damages.

³ *ponit repeated.* ⁴ *placiam.* ⁵ *ita in defensione.*

m. 12d]

276 Assize of mort d'ancestor to declare whether Robert of Wudeton', father of William of Wudeton', was seised of 2 virgates of land in Sanlinche on the day he set out on pilgrimage for the Holy Land, which land Laurence Aygnel of Stanlingh' holds. He comes and calls Robert son and heir of Geoffrey of Bathon' to warranty, who is under age, and whose person is in the wardship of his mother Maud and his land in the wardship of John of Stapele. So the plea stands over without day until [Robert comes of] *age*.

277¹ Aumflisa who was wife of Robert of Wudeton' claims against Laurence Aygnel $\frac{1}{3}$ of 2 virgates of land in Stanlinch' as her dower. Laurence comes and calls William son of Robert of Wudeton' to warranty, who is present and warrants him. He renders her her dower by licence. So it is adjudged that Laurence holds in peace and Aumflisa is to have land of William's.

¹ *cf. 330, 555; K.B.26/135, m.11; /138, m.16.*

278 Thomas Ernewy, who brought a writ against John David that he take his homage and relief thereon, has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Robert of Ernewy and Geoffrey Kaf.

279 Master Richard of Aldwarbir', who brought a writ against the prior of Ivychurch¹ that he take his homage and relief thereon, has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Nicholas Cissor of Aldwarbir' and William of Froggemere.

¹ *de monasterio hederoso.*

280¹ A day is given to the prior of Farley by his attorney, plaintiff, and to William Maudut and Eve his wife, Jordan of Grately and Lucy his wife, tenants, on a plea of land on the morrow [31 May] of Trinity here by prayer of the parties. The prior attorns William Wace or John Marescall².

¹ cf. 401, 462.

281 The prior of Ivychurch¹ presented himself on the 4th day against Robert de Cardevill² treasurer of Salisbury on a plea [demanding] by what right he demands common in the prior's land in Alwaldebir³, whereas the prior has no common in Robert's land, nor does he do him a service whereby he should have common. Robert has not come and a summons [was issued]. Judgement: he is attached to be at *Westminster* on the morrow [3 Nov.] of All Souls.

¹ *de monasterio ederoso*.

282 Maud who was wife of Richard le Paumer presented herself on the 4th day against Ellis de la Mare and Grace his mother on a plea for $\frac{1}{3}$ of 5 acres of land in Burton⁴, which $\frac{1}{3}$ she claims in dower against them. They have not come and a summons [was issued]. Judgement: the land to be taken into the king's hand and the day [of confiscation to be made known to the justices]. They are summoned to be [here] on the morrow [31 May] of Trinity.¹

¹ cf. 452.

283 The prior of Brimmore gives $\frac{1}{2}$ *mark* for licence to agree with Geoffrey Daniel on a plea of rent. Let them have a chirograph.¹

¹ C.P.25(1)/25/15/13; cf. 45.

284 Walter le Petiit [claims]¹ against the prior of Farleg² 1 virgate of land in Shypeward³ as his right, into which he has no entry except by Robert Kinch⁴, to whom Hugh le Petiit, Walter's father whose heir he is, demised it for a term which has expired.

The prior comes and denies his right and says that he should not have to answer him on this writ, because he says that he does not hold that land entirely. For he says that one Simon the clerk holds 5 acres of land and 1 messuage [which are part] of that land. Also he says that [he] the prior does not have entry into that land by Robert² Kinch⁴. He says on the contrary that he has entry by Henry, former prior of Farleg³, the predecessor of this prior, and that prior had entry by one Galiena who enfeoffed that prior thereof. Walter cannot deny this. So it is adjudged that the prior is without day and Walter takes nothing by this writ and is in *mercy* for a false claim.

¹ omitted. ² *Roger*.

285 William Wytrh', who brought a writ against William le Cryur for beasts of William's taken and withheld against gage and pledge, has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely John Bacun and John Pyg'.

286 Assize of novel disseisin to declare whether William of Hewyhc' unjustly disseised William Cotele of his common of pasture in Hewysse, which belongs to his free holding in Ore, whereof he complains that he disseised him of a certain common in a certain wood which is called Dungrave, so that [whereas] he used to have common in that wood for all his beasts of whatever kind,¹ William of Hewysse does not permit him to have common for his pigs.

William of Hesewych' comes and says nothing to stay the assize.

The jurors say that William of Hewych' disseised William Cotel' of that common of his pasture for his pigs unjustly as the writ says. So it is adjudged that William Cotele recovers his seisin against him by view of the recognitors and William of Hewych' is in *mercy*. *Damages 3s., all to the clerks.*²

¹ *omnimoda averia.* ² cf. 21.

287 Assize of novel disseisin to declare whether Robert of Stutescumbe unjustly disseised Alexander de Cheverel and Isabel his wife of their common of pasture in Stutescumbe, which belongs to their free holding in the same vill, after the summons of the justices.¹

Robert comes, and Alexander and Isabel have withdrawn and made² a fine on behalf of themselves and their sureties by $\frac{1}{2}$ mark. Later it was agreed between them that Robert has granted them that common of pasture, namely of 1 acre of land, to have and to hold for them and their heirs in perpetuity. Let them have their seisin.

¹ *post sum' justic'* corrected from *post primam etc.*; usual formula for this procedure is 'after the summons of the eyre' (cf. 56, 172).

² *fecit.*

288 William le Dyakne was summoned to answer Godfrey¹ Cok' of Corsle on a plea that he render him [a charter]² which he unjustly withholds, whereof Godfrey complains that one Richard of Cestre enfeoffed him of $\frac{1}{2}$ carucate of land in Corsle by his charter, and [whereas]² Godfrey committed the charter to William's custody until Godfrey paid Richard 6 marks, William unjustly withholds the charter a long time after³ he has paid him the money, wherefore he says that he has suffered damage⁴ to the value of 40s.

William comes by his attorney and readily acknowledges that he has the charter and undertakes to render it to him tomorrow. So the sheriff is ordered to distrain him to render the charter to Godfrey.

¹ *Galfrido*, but all subsequent references are to *Godefrido*.

² omitted.

³ *cum multo tempore transacto.*

⁴ *dampnificatus est* for the usual *deterioratus est*.

289 John of Mangford' gives $\frac{1}{2}$ *mark* for licence to agree with Matthew le Venur and Maud his wife on a plea of warranty of charter.

290 Thomas Andreu was summoned to answer Walter le Buteler on a plea that he acquit him of the service which John of Thyny demands of him from his free holding which he holds from Thomas in Stocton', whereof Thomas who is the *mesne*¹ [tenant] between them ought to acquit him. Whereon he complains that, whereas he holds from Thomas 2 virgates of land in Stocton' for a term of 15 years by an annual rent of 17s. to the aforesaid John, the chief lord of that fee, on behalf of Thomas² and his heirs, John distrains him for 19s.

Thomas says that he should not have to answer him on this writ, because he says that Walter has no free holding there, but only [a holding] for a term of 15 years. Walter³ cannot deny this and prays licence to withdraw from his writ. He has it.

¹ *medius*. 'Mesne' is the technical term for this form of action. ² *Waltero*. ³ *Thomas*.

291 Christian daughter of Richard, who brought a writ of novel disseisin against William of Edmerston', has not prosecuted. So she and her sureties for prosecuting are in *mercy*, namely Isaberd of Wykeford' and John the smith.

292 Richard Marescall' and Isabel his wife, who brought a writ for Isabel's dower of 1 messuage in Divisis against Walter Richard', have not prosecuted. So they and their sureties for prosecuting are in *mercy*, namely Roger Marescall' and John of Grimeford'.

293 William of Certesheye, who brought a writ of entry against Reynold of Certesheye for 1 acre of land in Wodeford', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Simon de Parco and John Alayn.

294 Margery of Mere, who brought a writ of novel disseisin against Geoffrey of Mere for a holding in Mere, has not prosecuted. So she and her sureties for prosecuting are in *mercy*, namely Clement of Odestreke and William de Ponte of Langeford'.

m. 13]

295 John Lamberd claims against Richard le Lung 1 virgate of land, excepting $1\frac{1}{2}$ acres of land, in Neuton', and against Sarah his [Richard's] mother $\frac{1}{2}$ virgate of land in the same vill as his right, whereof Lambert his father was seised in his demesne as of fee and right in the time of king John father of the present king, and from that Lambert the right to that land descended to this John who now lays claim as son and heir, and that such is his right the offers to [prove].

Richard and Sarah come. Sarah calls Richard to warranty, who is present and warrants her and answers for everything. He says that John can claim nothing in that land, because he says that one Richard son of Ralph, this Richard's grandfather whose heir he is, sued Lambert, John's father, in the court of king Henry [II] the king's grandfather before his justices itinerant at Wilton' so that a fine was made between them, by which Lambert rendered that land to Richard, ancestor of this Richard whose heir he is, for him and his heirs to hold from Lambert and his heirs by doing foreign service¹ to the lord of the fee, which fine Richard proffers and which attests this.² So it is adjudged that Richard is without day and John is in mercy. He is poor.

¹ *forinsecum servitium*, i.e. service due to someone other than the immediate lord.

² the fine is lost.

296¹ Walter Goolde claims against Robert the cook $\frac{1}{3}$ of 1 virgate of land in Dudinton' as his right, into which Robert has no entry except by Nicholas of Haveresham, who unjustly and without judgement disseised William Goolde, Walter's father whose heir he is, after the first [crossing into Brittany, 1 May 1230].

Robert comes and calls Nicholas to warranty, who is present and warrants him. He readily maintains that he did not disseise William, Walter's father, of that land. For he says that William demised that land to one Matthew of Bymerton', who was seised thereof for many years, and later he enfeoffed Nicholas of that land. Walter cannot deny this. So it is adjudged that Robert is without day and Walter is in mercy. He is poor.

¹ cf. 118.

297 Thomas of Gymill' gives 20s. for licence to agree with Roger of Merlay on a plea of covenant. Let them have a chirograph. *Elsewhere*.¹

¹ at 184.

298 Alice daughter of Nicholas of Ypred claims against John le Ware and Isabel his wife $\frac{1}{2}$ of $1\frac{1}{2}$ virgates of land in Burelak' as her right, whereof one Stephen Cuck her ancestor was seised in his demesne as of fee and right in the time of Richard [I] uncle of the present king, and from that Stephen the right to that land descended to one Roger as son and heir, and from that Roger to one Roger as son and heir, and from that Roger who died without a direct heir the right to that land reverted to Denise and Gunild as daughters and heirs of Stephen and aunts of Roger, and from that Denise the right to that land descended to this Alice as daughter and heir, and that such is her right she offers [to prove].

John and Isabel come and defend their right. They readily acknowledge that Stephen, on whose descent she claims that land, was seised of that land, and that the right to that land descended to Roger as son and heir, and from that Roger to this Roger as son and heir, but¹ from this Roger no right could

¹ *et*.

revert to Denise and Gunild because they say that the same Roger is still alive. Alice cannot deny this. So it is adjudged that John and Isabel are without day and Alice is in mercy. She is poor.

299 [A complete repetition of **262** where variants are noted.]

300 Adam of Littecote claims against Christian who was wife of Ralph de Wauncy $\frac{1}{2}$ hide of land, excepting 2 acres, in Clyvewancy as his right, into which she has no entry except by Geoffrey de Wauncy, who had nothing except the wardship thereof while William of Littecote, Adam's father whose heir he is, was under age and in his wardship.

Christian comes and defends her right and entry. She readily maintains that she does not have entry into that land by Geoffrey. She says on the contrary that she has entry into that land by Ernald,¹ her father² whose heir she is, as into that [land] which descended from Ernald her father by right of inheritance. Thereon she puts herself on the country and Adam likewise. For this inquest Christian offers the king $\frac{1}{2}$ mark, and Adam gives another $\frac{1}{2}$ mark for the same. So let there be a jury thereon.

Later they are agreed. Christian gives $\frac{1}{2}$ mark for licence to agree. Let them have a chirograph.³

¹ *Elnald*. ² *patrem ipsius*. ³ C.P.25(1)/251/16/69.

301 A day is given to the prior of Farleg' by his attorney, plaintiff, and to Adam de Greynvill' on a plea that he acquit [him] on the morrow [31 May] of Trinity at Wilton'.¹

¹ cf. **445**.

302 Herbert of Heche, who brought a writ against the abbess of St. Mary of Wynton' for common of pasture in Yrchesfunt, came and withdrew. So he and his sureties for prosecuting are in *mercy*. Later he came and made a fine on behalf of himself and his sureties by $\frac{1}{2}$ mark.

303 Sarah of Colingburn' gives $\frac{1}{2}$ mark for licence to agree with Richard the clerk on a plea of warranty of charter. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/59.

m. 13d]

304¹ Assize of mort d'ancestor to declare whether Gilbert Attewrthe, father of Nicholas of Bereford, was seised of 20 $\frac{1}{2}$ acres of land in Bereford', which the prior of Ivychurch² holds. He comes and they are agreed. The prior gives $\frac{1}{2}$ mark for licence to agree. Let them have a chirograph.³

¹ cf. **17**. ² *de monasterio edrosco*. ³ C.P.25(1)/251/15/41.

305 [The first paragraph of **334** cancelled with *error quia alibi* and *cras* (tomorrow, cf. **380**) in the margin.]

306¹ William le Frankelin claims against Adam Fucher 11½ acres of land in Ore, and against William Fucher 11 acres of land in the same vill, and against Gillian mother of William and Adam 11½ acres of land in the same vill, and against Maud daughter of Gillian ½ acre of land in the same vill as his right, whereof one William his ancestor was seised in his demesne as of fee and right in the time of Henry [II] grandfather of the present king by taking profits therefrom to the value etc., and from that William the right to that land descended to one Walter as son and heir, and from that Walter to one Thomas as son and heir, and from that Thomas to one William who now lays claim as son and heir, and that such is his right he offers [to prove].

Adam² and all the others come and defend their right. They say that he can claim no right in those lands, because they say that Thomas, William's father whose heir he is, and on whose descent he claims those lands, remitted and quitclaimed on behalf of himself and his heirs to Reynold de Fucher, the father of Adam and William, and to his heirs every right and claim which he had in those lands by his charter which he [Adam] proffers and which attests the same. So it is adjudged that Adam and all the others are without day and William is in mercy. He is poor.

¹ cf. 78, 122. ² *Ada*.

307 Adam le Blund, who brought a writ of warranty of charter for 1 hide of land in Kettewe, has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely William le Blund and Philip of Comberford'.

308¹ Assize of mort d'ancestor to declare whether Ilbert de Macy, father of Maurice de Macy, was seised of 1 carucate of land in Lokeregg', which Thomas de Macy holds. He comes and says that he should not have to answer him on this writ, because he says that he does not hold that carucate of land entirely. For he says that one Ralph Frebald' holds ½ virgate of land thereof and one William Mascy holds 7 acres of land thereof. Thereon he puts himself on the assize.

The jurors say that Thomas does not hold that carucate of land entirely. Also they say that Ralph holds the aforesaid ½ virgate of land and William the aforesaid 7 acres. So it is adjudged that Maurice takes nothing by this writ and is in *mercy* for a false claim. He may proceed by another writ if he wishes. He is poor.

¹ process mark in margin.

309 Maud who was wife of Roger of Benetham claims against the master of the Knights Templar in England ½ of 20 acres of land in Pyritun' as her dower.

The master comes by his attorney¹ and says that she should not have dower thereof, because he says that Roger, her former husband, [neither] on the

¹ cf. 390.

day he married her nor ever afterwards held that land in fee so that he could dower her thereof. Because he says that one Nicholas of Benetham, Roger's father, formerly held that land and died seised thereof as of fee, and the same Nicholas had an elder son, Thomas by name, who was in Ireland when Nicholas died. Because it was not certain whether Thomas was alive when Nicholas his father died, William Lungesspeye, chief lord of that fee, came and rendered that land to Roger, Maud's former husband, saving the right of Thomas if he returned to England. Later Thomas came to England and Roger rendered that land to Thomas, his elder brother, as his right so that Roger² never had any seisin thereof. Maud cannot deny this. So it is adjudged that the master is without day and Maud is in *mercy*. She is poor.

² *ita quod idem Rogerus repeated.*

310 Assize of mort d'ancestor to declare whether Matthew le Bret, father of William le Bret, was seised of 18½ acres in Kalne¹ whereof William son of William le Franceis holds 3 acres, Roger Pal 2 acres, Roger le Clakere 2½ acres, Walter son of Philip 3 acres, Thomas Cod 3 acres, the master of the hospital of St. John of Kalne 3 acres, Walter Pistor 1 acre, and Hugh le Mercer 1 acre. They come and say that the assize should not proceed, because they say that William [the plaintiff] has an elder brother, Walter by name, who is still alive. He held that land for 4 years or more after the death of Matthew, his father, and later enfeoffed the aforesaid William son of Ralph² and the others aforesaid. William le Bret cannot deny this. So it is adjudged that William le Fraunceys is without day and William le Bret takes nothing by this writ and is in *mercy* for a false claim. He is pardoned because he is poor.³

¹ *Salne.* ² *William son of William le Franceis, the first defendant, is meant.*

³ cf. 359 where he is pardoned because he is under age.

311¹ Robert del Holt acknowledges that he owes Claremunde of Suht' 40s., which he will pay her at St. Peter's Chains in the 33rd year [1 Aug. 1249]. If he does not do so, he grants that the sheriff may do so [from his lands].

¹ repeated at J.I.1/997, m.19.

m. 14]

312 John de la Stane presented himself on the 4th day by his attorney against William de Fortibus and Nicholas Poynt on a plea that they warrant him ½ knight's fee, excepting 1 virgate of land, in Freton' and Babbington', which William Branch' and Joan his wife claim as Joan's right against him,¹ whereof John calls William and Nicholas to warranty against them. They [William and Nicholas] have not come and a summons [was issued].² Judgement: [land] to the [same] value is to be taken into the king's hand from

¹ *essoin 586.* ² *at 230.*

the lands of William and Nicholas. Because they do not have [any] land in this county, but have land in Somersetshire, in that Hugh de Vivune holds land of William de Fortibus by the law of England³ and Robert de Musegros holds all the land of Nicholas de Poynz by the same law, the sheriff of Wiltshire is ordered to have that land surveyed and valued and make the valuation known tomorrow, and then [land to the same value] is to be taken into the king's hand from the lands which Hugh and Robert have in their hand from the inheritance of William and Nicholas in Somerset and [the sheriff is to make known] the day [of confiscation], and they are to be summoned to be at *Westminster* on the octave [6 Oct.] of Michaelmas.⁴

³ i.e. tenure as a widower, cf. 231.

⁴ return day and place are enrolled in another hand. This complex though routine procedure is described by Bracton, *De Legibus*, fo. 384b. The case was subsequently adjourned (K.B.26/136, m.2d; /140, m.9d).

313 Alice who was wife of Osbert Ive claims against Richard de la More $\frac{1}{3}$ of 10 acres of land in la More as her dower.

Richard comes and renders her her dower by licence. Let her have her seisin.

314 Robert of Skyteburn' claims against Isabel de la Brome 1 virgate of land in Segre de Huse as his right, whereof one Alice mother of the same Robert was seised in her demesne as of fee and right in the time of the present king by taking profits therefrom to the value etc., and from that Alice the right to that land descended to this Robert, who now lays claim as son and heir, and that such is his right he offers [to prove].

Isabel comes by her attorney and defends her right and says that Robert can claim no right in that land, because she says that Alice, Robert's mother whose heir he is, and on whose descent he claims that land, gave that land in marriage to the same Isabel, her daughter, when one Alexander de la Brome married her, by her charter which she [Isabel] proffers and which attests this. Robert readily admits that charter and says that the charter should not injure him, because he says that the charter was made when Alice gave that land to Alexander in marriage with Isabel, when she [Alice] was herself married to one John Mikelfot and [was] under his power. Also he says that he, Robert, sued Isabel for that land before R. of Lexinton' and his fellow justices itinerant at Wylton'. By judgement of that court he recovered his seisin against her because it was recognized before him [R. of Lexinton'] that Alice was married to John before he gave that land to Isabel, but he [Robert] says that he did not follow up his writ to have his seisin. Thereon he puts himself on the rolls of that eyre, and Isabel [does] likewise. For this inquiry Robert offers the king *1 mark*, and it is received by surety of Walter of Bradewell'. So a day is given them 1 month [27 Oct.] from Michaelmas at Westminster, and meanwhile the rolls are to be searched.¹ *Tomorrow*.

¹ The case was adjourned *pro defectu rotulorum de itinere R. de Lexinton'* (K.B.26/135, m.26; /136, m.23d) and subsequently Robert defaulted (/141, m.24d).

315 Assize of novel disseisin to declare whether Godfrey de Eskidimor, Absalom of Norton', Richard Skarlet, and Peter Skarlet unjustly disseised William le Fevere of $\frac{1}{2}$ acre of land and a certain heath in Redehurst.

Godfrey comes and the others do not come, but Godfrey answers for them and says nothing to stay the assize.

The jurors say that Godfrey and all the others disseised William le Fevere of that heath unjustly as the writ says, and that only Godfrey disseised him of that $\frac{1}{2}$ acre of land and not the others. So it is adjudged that William recovers his seisin of that land and heath by view of the recognitors and Godfrey and all the others are in *mercy*. William is in *mercy* for a false claim against Absalom, Richard, and Peter. *Damages 2s., all to the clerks.*¹

¹ cf. 21.

316¹ Roger of Upton' and Cecily his wife claim against Philip Marmium 1 carucate of land in la Ley as Cecily's right and inheritance, into which Philip has no entry except by Peter de Saviari, who had nothing except the wardship thereof while Cecily was under age and in his wardship.

Philip comes and says that he claims nothing in that land except for a term of 20 years by demission and concession of Peter de Saviary, the term beginning at Hokeday in the 22nd year [20 April 1238] of which 11 years are still to run.² He calls William, Peter's son and heir, to warranty thereof by a chirograph between Philip and Peter concerning that term, which he proffers and which attests this. [William] comes and warrants him and by licence renders Roger and Cecily that land. So let them have their seisin and Philip is to have land from William to the [same] value.

¹ cf. 384. ² *futuri*, in fact 11 years have *passed* since April 1238.

317¹ Thomas de Auna and Christian² his wife, who brought a writ of novel disseisin against Thomas le Sauvage and Geoffrey Doggeskyn for a holding in Fofhunte, have not prosecuted. So they and their sureties for prosecuting are in *mercy*, namely Jordan of Gratele and Roger of Upton' of Lya.

¹ action prosecuted at 127. ² *Christiana*, whereas she is *Cassandra* at 127.

318 Geoffrey son of Robert claims against Geoffrey le Pestur 3 messuages and 3 acres of land, and against Simon Serle¹ 1 messuage, and against Simon Wytebakere 1 messuage, in Cherleton' as his right, whereof one Richard his ancestor was seised in his demesne as of fee and right in the time of king Henry [II] grandfather of the present king by taking profits therefrom to the value etc., and from that Richard the right to that land descended to one Robert as son and heir, and from that Robert to this Geoffrey as son and heir, and that such is his right he offers [to prove].

Geoffrey and the others come. Geoffrey calls Peter son of Peter to warranty, who comes and warrants him and calls Nicholas of Wyltesir' to warranty. He is to have him 1 month [27 Oct.] from Michaelmas at Westminster by aid

¹ *essoin* 581.

of the court. Simon Serle calls Richard of Wyltesir', who is present, to warranty by charter of Nicholas father of the aforesaid Richard, whose heir he is. This [charter] attests that Nicholas gave and granted to Serle father of the aforesaid Simon, whose heir he is, that messuage and $\frac{1}{2}$ virgate of land² to have and to hold for him and his heirs by service of $\frac{1}{2}$ mark a year and that he³ [Nicholas] and his heirs should warrant [Serle]. Richard comes and says that he should not warrant him by that charter, for he readily acknowledges that charter, but says that he himself enfeoffed one Nicholas of Wilt', his brother, of the homage and every service of Simon's, so that Simon of his own free will turned himself over⁴ to Nicholas who is in seisin thereof. Simon cannot deny this. So it is adjudged that Richard is quit of warranting and that Geoffrey son of Robert recovers his seisin against him [Simon] and Simon is in *mercy*.

Simon le Wytebakere calls the aforesaid Peter, who is present, to warranty. He prays to show by what he should warrant him. Because Simon knows nothing to show by which Peter should warrant him, it is adjudged that Peter is without day and that Geoffrey recovers his seisin against Simon and Simon is in *mercy*.

² omitted in the count above.

³ *ipsi*.

⁴ *se attornavit*, i.e. Simon should have vouched Nicholas, not Richard.

319 Geoffrey of Budebir' and Idonea his wife, William of Budebir' and Joan his wife, claim against William de la Porte $\frac{1}{2}$ virgate of land in Rokesleg' as the right of Idonea and Joan, into which William has no entry except by Edith who was wife of Ralph of Rokesleg', grandfather of Idonea and Joan, whose heirs they are, which she held in dower by gift of Ralph her former husband.

William comes and cannot deny the entry. So it is adjudged that the aforesaid Geoffrey¹ and the others recover their seisin and William is in *mercy* by surety of Gervase of Bodebir' and William of the same.

¹ *Gervas'*.

m. 14d]

320¹ Assize of mort d'ancestor to declare whether Walter² Sewale, father of John Sewale, was seised in his demesne of 1 virgate of land in Ufton',³ which William of Kaneford' holds. He comes and calls Walter de Aundely to warranty, who comes and warrants him. He says that he should not answer him on this writ, because he says that Walter, on whose death John brought the assize, was his villein and held that land from him in villeinage. Thereon he puts himself on the assize.

¹ cf. 80, 583.

² *Willelmus*, but he is *Walterus* below and at 80.

³ *Wroughton*, where Walter de Aundely had land (*Book of Fees*, p. 735), is perhaps meant. At 80 the name is *Burton'* and at 420 *Urton'*.

The jurors say that Walter was a free man and held his land freely and died seised thereof as of fee and that John is his next heir. So it is adjudged that John recovers his seisin and Walter⁴ is in *mercy* and is to make an exchange with William [of Kaneford⁵] to the [same] value.

⁴ *Willelmus*.

321¹ Margery de Vernun claims against Odo Herre 1 virgate of land in Everle as her right and escheat. Odo comes and says that he claims no right in that land, nor does he hold it except from year to year at the will of Simon de Monteforti, earl of Leicestr⁷. Margery cannot deny this. So it is adjudged that Odo is without day and Margery takes nothing by this writ and is in *mercy* for a false claim. She is poor.

¹ cf. 191, 563.

322 Assize of mort d'ancestor to declare whether Ernold of Wytmed, uncle of Alice daughter of Maud, was seised of $\frac{1}{2}$ acre of land in Heywrth⁸, which William the miller holds. He comes and they are agreed. The agreement is as follows: Alice has remitted and quitclaimed on behalf of herself and her heirs every right and claim which she had in that land in perpetuity for 8s. which William has given her.¹

¹ repeated in chirograph C.P.25(1)/251/15/47.

323¹ Assize of mort d'ancestor to declare whether Ellis son of Serle, uncle of Emma daughter of Simon son of Ellis, was seised of 1 mill and 18 acres of land in Bissopster⁹, which Nicholas of Bouevill¹⁰, William son of Nicholas, and Ela his wife hold. They come and William and Ela say that John le Daveys, Ela's father whose heir she is, died seised of that land. Because Ela is under age, they claim [an adjournment on account of] her *age*, and have it. So the plea stands over without day until Ela [comes of] age. Nicholas says that he claims nothing in that holding except the wardship of Ela until [she comes of] age by grant of the king, so he is without day.

¹ cf. 102.

324 Assize of mort d'ancestor to declare whether John Sweting, father of Denise wife of William Sweting, was seised of 2 parts of 1 virgate of land and 5 acres in Sutton¹¹, which Roger de Cormeylles¹² and Adam Durant hold. They come and Roger says that he holds none of that land. He says on the contrary that Adam holds all that land, so Roger is without day and Denise is in *mercy*. Adam says that he does not hold that land entirely, for he says that one Christian holds 2 acres thereof.² So Adam is without day and Denise is in *mercy*.

¹ over an erasure with *Tomorrow* in the margin.

² cf. 419.

325 Assize of novel disseisin to declare whether Henry of Mileburn' and Goda his wife, Richard parson of Berewyk, [and] Robert le Gentil unjustly disseised Maud Frye of $\frac{1}{2}$ of 1 curtilage in Furtell'.¹ Robert and all the others come and say nothing to stay the assize.

The jurors say that Henry and all the others did not disseise Maud. So it is adjudged that Henry and the others are quit and Maud is in *mercy* for a false claim.

¹ perhaps a miscopying of *Furtell'*, i.e. Fonthill.

326 William Buggi give *1 mark* for licence to agree with Vincent le Sauvage on a plea of land. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/70, cf. 174, 175, 434.

327 Robert¹ son of William claims against Henry of Burdeleg' 1 virgate of land in Chipham, into which he has no entry except by Walter² de Cardevill', who unjustly and without judgement disseised William Colerun thereof, Robert's father whose heir he is, after the first [crossing into Brittany, 1 May 1230].

Henry comes and readily acknowledges that he has entry by the aforesaid Walter, but says that William Colerun, Robert's father, held that virgate of land from the aforesaid Walter de Godardeville' in villeinage and that after William's death Walter took³ that land into his hand as his villeinage. He [Henry] offers the king $\frac{1}{2}$ *mark* to have an inquest thereon, and it is received. Robert son of William says that William, his father, held that land from Walter freely. He offers the king $\frac{1}{2}$ *mark* to have an inquest, and it is received. So let there be a jury thereon.

The jurors say [blank, not completed].

¹ *Johannes*.

² *Willelmus*, but he is called *Walter* below, and Walter de Cardevill' held land in Chippenham (cf. 154, and *Book of Fees*, pp. 736, 739), whereas William de Cardevill's property was in Selkley hundred (*Book of Fees*, pp. 747, 748).

³ *tenuit* for the usual *cepit*.

328 Assize of mort d'ancestor to declare whether Adam Radwyn, uncle of Agnes wife of Thomas Goldsing and of Cecily wife of Richard Bucot, was seised of 1 virgate of land in Wolfhale, which Berenger son of Richard of Wolfhal' holds. He comes. Later they are agreed by licence. Let them have a chirograph.¹

¹ chirograph lost.

329¹ A jury comes to declare whether 5s. rent in Haydon' and Haydeward' is free alms belonging to the church of Rudurne whereof Hugh Luvel is parson, or the lay fee of Walter Edich'. Walter comes and says that he cannot

¹ cf. 183.

answer him thereon, because he says that he does not hold that rent. He says on the contrary that one Rose of Corneville holds that rent. Hugh cannot deny this. So it is adjudged that Walter is without day and Hugh is in *mercy*.

330¹ Amphelisa who was wife of Robert of Wudeton' claims against Laurence Aygnel $\frac{1}{3}$ of 2 virgates of land in Stanlinch' as her dower.

Laurence comes and calls Robert son and heir of master Geoffrey of Baton' to warranty, who is present and is under age, and whose person is in the wardship of Maud who was wife of Geoffrey, and his land is in the wardship of John of Stapel'. So John is summoned to be at the Strand in the county of Middlesex on the octave [1 July] of St. John the Baptist. Amphelisa attorns William Merlin or William her son.

¹ cf. 276, 277, 555; K.B.26/135, m.11; /138, m.16.

331 Assize of nuisance to declare whether Robert of Laverestok' and Richard of Mileford' unjustly raised up a certain dike in Meleford' to the nuisance of Robert de Mucegros's free holding in the same vill.

Robert de Mucegros comes and withdraws by licence.¹

¹ C.P.25(1)/251/15/37 and 38.

332 Assize of mort d'ancestor to declare whether William of Patesford, father of Walter of Patesford, was seised of $\frac{1}{2}$ of 1 messuage in Caune, which William Olebred holds. He comes and says that he cannot answer him on this writ, because he says that he does not hold that $\frac{1}{2}$. He says on the contrary that Cecily of Patesford, mother of the aforesaid Walter, whose inheritance that $\frac{1}{2}$ was, enfeoffed Hugh and William merchants of Caune by her charter, which he [William Olebred] proffers and which attests this. He says that he claims nothing in that $\frac{1}{2}$ except at the will of Hugh and William, tenable from them from year to year. Walter cannot deny this. So it is adjudged that William is without day and Walter is in *mercy*.

333 Assize of mort d'ancestor to declare whether Andrew Spileman, uncle of Peter Spileman, was seised of $\frac{1}{2}$ virgate and 4 acres of land in Cuvelesfeld', which William of Wertemull' and Philip of Aston' hold. They come and readily acknowledge that Andrew died seised in his demesne of that land, [but] they say that Peter is not his next heir. For they say that Andrew died without a direct heir, and that Andrew had a brother, William by name, from whom issued one John, who is alive and is a nearer heir of Andrew than Peter [is]. Peter cannot deny this. So William and Philip are without day and Peter is in *mercy*.

m. 15]

334¹ William Plusbel claims against Maud of Aldrinton' 1 messuage and 5 acres of land in Aldrinton' as his right, whereof one Nicholas father of

¹ cf. 305, 380.

that William was seised in his demesne as of fee and right in the time of king John father of the present king by taking profits therefrom to the value etc., and from that Nicholas the right to that land descended to this William, who now lays claim as son and heir, and that such is his right he offers [to prove].

Maud² comes by her attorney and calls Richard of Pudewrth' to warranty, who is present and warrants her. He denies his [William's] right and the seisin of Nicholas his father and everything. He puts himself on the king's grand assize and claims that there be a recognition whether he has the greater right in that messuage and land or whether William [has it]. Alexander Cheverel, William of Dundel', William of Thorni, and William de Kardevill', 4 knights, have come and elected these, namely Samson de la Boxe, Adam de la Ware, Henry of Wydon', John of Eston', Henry Crok', Reynold of Ledington', John of St. Quintin, John of Chereburg, Hamo of Bachampton', Richard Pipard', William of Bygham, Richard of Heniton', Peter of Meubyr', Henry de la Hull', Ellis of Deverell', and Eudo of Sturton.'

Later they are agreed and Richard Pedeworth' gives $\frac{1}{2}$ mark for licence to agree by surety of William Plusbell'. Let them have a chirograph.³

² corrected from *Mabel*, cf. 380. ³ chirograph lost.

335 John de Kardevill' gives 2 marks for licence to agree with Richard son of William on a plea of land. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/57.

336 Assize of novel disseisin to declare whether John le Ostricer unjustly disseised Hamo of Paghham of land 18 perches in length and 15 perches in width in Merleberg'. John comes and says nothing to stay the assize.

The jurors say that John disseised Hamo of that land unjustly as the writ says. So it is adjudged that Hamo recovers his seisin by view of the recognitors and John is in *mercy*.

337 Philippa de Nevill' was summoned to answer Robert of Esturmethorp on a plea that she render him 6 marks, which she owes him and unjustly withholds.

Philippa comes and they are agreed by licence. The agreement is as follows: Robert has remitted her that debt for 2 silver marks, whereof she will pay him half at St. Peter's Chains in the 33rd year [1 Aug. 1249] and the other half at Michaelmas next following. If she does not do so, she grants that the sheriff may do so from her lands.

338¹ It is agreed between William de Bello Campo, plaintiff, and Henry Huse, tenant, concerning the manor of Titescumbe as follows: William has remitted and quitclaimed on behalf of himself and his heirs every right and claim which he had or could have in that manor. And for that, Henry has given William

¹ cf. 226.

the marriage of Hubert his first-born son to be married to Margery, William's daughter. Henry readily grants that, when Hubert² his son shall have contracted the marriage with the said Margery, he can dower her with the manor of Tateswyk. If it happens that Hubert, when he reaches the age at which he can legitimately make a contract, does not wish to consent to the marriage contracted between himself and the aforesaid Margery, Henry Hoese has granted to Margery on behalf of himself and his heirs the whole aforesaid manor of Tateswyk to hold throughout her life from Henry and his heirs, in such a way that the manor of Tateswyk after Margery's decease shall revert completely and fully without any contradiction to Henry and his heirs, as is more fully contained in the chirograph made between them.

² *Herbertus*.

339 Assize of mort d'ancestor to declare whether Arnulf le Muner, father of Agnes daughter of Arnulf, was seised of 1 messuage in Berghton', which Robert the smith holds. He comes and says that he should not have to answer her on this writ, because he says that the messuage is a villeinage of the king. Agnes cannot deny this. So Robert is without day and Agnes is in mercy. She is poor.

340 Assize of mort d'ancestor to declare whether Richard le Betere, uncle of William le Betere, was seised of 3 virgates of land in Fifide, which John le Betere holds. He comes and says that he does not hold those 3 virgates of land entirely, because he says that the prior of St. Swithun of Wynton' holds 10 acres thereof. William cannot deny this. So it is adjudged that John is without day and William is in *mercy*.

341 Assize of mort d'ancestor to declare whether Thomas Walkelyn, father of Robert Walkelyn, was seised of 1 virgate of land in Aylwerber, whereof William Edward holds 2 parts and Richard le Lung the third part. They come and William cannot deny that Thomas, Robert's father, died seised of those 2 parts of that virgate of land, nor that Robert is his next heir. So it is adjudged that Robert recovers his seisin of those 2 parts and William is in *mercy*. Richard says that he claims nothing in that land except by Agnes, his wife, who is not named in the writ. Robert cannot deny this. So Richard is without day and Robert is in *mercy*.

342 Robert son of Simon le Engleys, who brought a writ of novel disseisin against William of Haneketon' and others [named] in the writ, has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely William Paternoster of Segre and John of Chegelewe.

343 A day is given to Philip Avenel and to Ralph le Chanu, Peter of Gurmevill', Walter Hastmanger, John Warin, Nicholas of Gurmevill', [and] William Paumer on a plea of *quo jure* on the octave [1 July] of St. John the

Baptist at the Strand in the county of Middlesex by prayer of the parties.¹ The aforesaid Ralph, Peter, Walter, John, Nicholas, and William attorn Rayner of Hok'.

¹ adjourned to Westminster (K.B.26/135, m.37d) and settled by chirograph C.P.25(1)/251/17/1.

344 Assize of mort d'ancestor to declare whether Maud of Ludington' [? mother of John]¹ was seised of 1 virgate of land and 1 mill in Ludinton', which land and mill Reynold le Neyr holds. He comes and says nothing to stay the assize.

The jurors say that Maud did not die seised in her demesne of that land and mill. For they say that Adam le Nereyr, Reynold's father whose heir he is, demised and granted to one Philip of Basingeburn' and to the aforesaid Maud his wife that land and mill for the term of their lives, so that Maud never was seised thereof. So it is adjudged that Reynold is without day and the aforesaid John takes nothing by this assize and is in *mercy* for a false claim.

¹ plaintiff's name omitted.

345 Assize of mort d'ancestor to declare whether Richard Pachet, father of Walter Pachet, was seised of $\frac{1}{2}$ hide of land in the vill of Stradford, which Mabel [*alias* Maud] of Durneford¹ holds. She comes and says that she claims nothing in that land except wardship until that Walter's² lawful age. For she says that one Everard [*alias* William] of Durneford³, former husband of that Maud, enfeoffed the aforesaid Richard Pachet, Walter's father whose heir he is, of that land by service of 1 pound of pepper and of making summonses to the court of the bishop of Salisbury and of carrying royal writs⁴ which are impleaded in the court of that bishop, as the same Everard used to do for that land. She says that when Richard died, the aforesaid Walter being under age, the aforesaid William of Durneford³, former husband of that Mabel, seised the land into his hand. And when the same William died, the bishop of Salisbury, chief lord of that fee, came and seised the same land into his hand because it belonged to his fee. And one William, son and heir of the aforesaid William [*alias* Everard of Durnford], is under age and in the wardship of Henry de la Mare.⁵ Later the same bishop sold the wardship of the land to the aforesaid Mabel, because the aforesaid William held from him [the bishop] by the aforesaid serjeanty. The jurors attest the same. So it is adjudged that Mabel is without day and Walter takes nothing by this writ [and is is] *mercy*. He is pardoned because he is under age.

¹ Burneford'. ² Willelmi. ³ Bernefford'. ⁴ *deferendi brevia regia*. ⁵ cf. 217.

346 Nicholas of Wily gives $\frac{1}{2}$ mark for licence to agree with Hamo of Hacce on a plea of covenant. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/58.

m. 15d]

347 Assize of novel disseisin to declare whether Samson of Berewyk, Hugh the miller, John le Charpenter, and Hugh le Tanur unjustly disseised John le Blund and Maud his wife of 1 messuage in Marleberg'. Samson and the others come and say nothing to stay the assize.

The jurors say that Samson and the others did not disseise John and Maud of that messuage, because they say that they never were in seisin. So it is adjudged that John and Maud take nothing by this assize and are in *mercy* for a false claim.

348 Assize of mort d'ancestor to declare whether Philip le Blund, father of John le Blund, was seised of 11 acres of land in Sutton', which Ranulf son of Richard and Gillian who was wife of Richard of Badeford' hold. They come and say nothing to stay the assize.

The jurors say that the aforesaid Philip¹ died seised of that land in his demesne as of fee and that John is his next heir and that he died after the term [specified in the writ]. So it is adjudged that John recovers his seisin and Ranulf and Gillian are in *mercy*. They are pardoned at the instance of Reynold of Cobeham.²

Later Alice,³ John's mother and guardian, came and acknowledged that Philip, former husband of that Alice, borrowed from Richard, former husband of that Gillian, 10 marks on that land. She acknowledges that she will render Gillian the aforesaid 10 marks at St. Peter's Chains in the 33rd year [1 Aug. 1249]. And if she does not do so, she grants on behalf of herself and of John that Gillian may hold that land until John's lawful age, so that every year 5s. of the aforesaid 10 marks are to be allocated her in payment. And when John comes of lawful age, he is to have his seisin of that land, saving Ranulf's and Gillian his mother's [right] of action on those monies.

¹ *Stephanus*. ² one of the justices. ³ name repeated.

349 Assize of novel disseisin to declare whether Philip Werkman and Margery his wife unjustly disseised Orenge daughter of William of 1 messuage in Marlesberg'. Orenge came and withdrew by licence. It is agreed between them that Philip and Margery have acknowledged that messuage to be Orenge's right and render it to her. Let her have¹ her seisin.

¹ *habeant*.

350¹ Cecily who was wife of Alexander the goldsmith claims against Roger de la Grene $\frac{1}{2}$ of 1 messuage in Marleberg' as her dower.

Master Roger comes and says that he should not have to answer her on this writ, because he says that the liberty of the borough of Marleberg' is such that no one should be sued for any holdings of that borough except in the same borough by charter of king John, father of the [present] king, which he

¹ cf. 40, 134.

proffers and which attests the same.² Thereon the bailiff of the borough comes and claims his liberty and that the charter be kept to by them. For this he offers the king *10 marks* and it is received. So a day is given them on Monday next [14 June] after the quindene of Trinity at Marleberg'.

² *Rotuli Chartarum*, p. 135.

351 Assize of novel disseisin to declare whether Robert son of William of Merleberg' unjustly disseised William de Cardevill' of his free holding in Marleberg', whereof he complains that he disseised him of 20 feet in length and 16¹ feet in width. Robert comes and says nothing to stay the assize.

The jurors say that Robert disseised William unjustly as the writ says. So it is adjudged that William recovers his seisin and Robert is in *mercy*. *Damages 12d. Nothing to the clerks.*

¹ reading unclear.

352 Philip of Wyrnay, who brought a writ of novel disseisin against the prior of St. Swithun of Wynton' for his common of pasture which belongs to his free holding in the same vill,¹ has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Adam Bat and William son of the clerk of Rugge.

¹ vicinage omitted.

353 Margery who was wife of John Cokynharlot claims against Thomas Crune $\frac{1}{2}$ of 1 messuage in Crekelade, and against Herlewin le Paumer $\frac{1}{2}$ of 1 messuage in the same vill, as her dower.

Thomas and Herlewin come and Herlewin renders her her dower by licence. So let her have her seisin. Thomas says that he does not hold the $\frac{1}{2}$ which she claims against him. He says on the contrary that one William son of Richard holds it and Margery cannot deny this. So Thomas is without day and Margery is in *mercy*. She is poor and may proceed against the aforesaid William if she wishes.

The same Margery presented herself on the 4th day against Alice who was wife of Geoffrey le Paumer on a plea for $\frac{1}{2}$ of 1 messuage in Kirkelad', which she claims in dower against her. Alice has not come and a summons [was issued]. Judgement: the $\frac{1}{2}$ to be taken into the king's hand and the day [of caption to be told to the justices]. She is summoned to be at the Strand in the county of Middlesex on the octave [1 July] of St. John the Baptist.¹

¹ adjourned (K.B.26/135, m.12).

354¹ William of Wrton' claims William Ilkenild' as his naif and fugitive with all his chattels, who fled from his land after the last return [of king John from Ireland, 25 Aug. 1210].

¹ cf. 556, 557.

William Ilkenild comes and acknowledges himself to be the aforesaid William's villein. So he is to be delivered to him. Because the same William Ilkenild brought a writ against William to prove his freedom and has not proved [it], he and his sureties for prosecuting are in *mercy*, namely Thomas Perdriht of Bukington'.²

² no other surety named.

355 Nicholas Portehors, who brought a writ of novel disseisin against Thomas son of Thomas for a holding in Wilton', came and prayed licence to withdraw from his writ. He has it on account of [his] poverty.

356¹ John Kymy gives $\frac{1}{2}$ mark for licence to agree with William of Wydeull' on a plea of mort d'ancestor. Let them have a chirograph.²

¹ cf. 410. ² C.P.25(1)/251/15/14.

357 William of Wastavill', who brought a writ against Adam of Gey on a plea of customs and services, has not prosecuted. So he and [his] sureties for prosecuting are in *mercy*, namely Roger son of Roger of Wadehull' and Ralph Page of Langel'.

358¹ Peter de Nevill', who brought a writ of novel disseisin against Agnes of St. Maurus for his free holding in Wyk', and a writ *de fine facto* against the same [Agnes] for £9 9s. 6d. of rent in Marleberg', and a writ of customs and services against Nicholas of Barbefelt for a holding in Wyk', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Peter of Woventon' and John of Rollewude.

¹ cf. 274 in a different hand where some details differ.

359 William son of Matthew le Bret, who brought a writ of novel disseisin against William de Kantelupo and others [named] in the writ, has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely William le Grim of Well' and Herbert de Kanvill'. Nothing from the amercement because [William is] under age.¹

¹ cf. 310.

m. 16]

360 Assize of novel disseisin to declare whether John de la Grene, Gilbert Crippe, [and] Walter the carpenter unjustly disseised Maud of Wynterburn' of 5 messuages in Merleberg'. All except Walter the carpenter come and say nothing to stay the assize. Walter has not come, and he was not attached because he was not found. So let the assize against him be taken by default. The jurors say that John and the others did not disseise Maud. So it is adjudged that they are without day and Maud is in *mercy* for a false claim.

361 Agnes Morgan, who brought a writ of novel disseisin against Henry Golde, has not prosecuted. So she and her sureties for prosecuting are in *mercy*, namely Simon the clerk of Paulesholte and Adam Hert of Werfton'.

362 Thomas son of Nicholas claimed against John of Bedeford and Dulcia his mother 1 messuage in Wylton' whereof Nicholas Child, cousin of Thomas, whose heir he [Thomas] is, was seised in his demesne as of fee and right on the day he died.

John and Dulcia come and say that they claim nothing in that messuage. They say on the contrary that one Ranulf of Bedeford, John's brother, holds that messuage. Because Thomas cannot deny this, it is adjudged that [they are] without day and Thomas son of Nicholas is in *mercy*.

363 Assize of novel disseisin to declare whether Maud Thurkill unjustly disseised Robert Thurketil of his common of pasture in Thornhill' which belongs to his free holding in the same vill, whereof he complains that she disseised him of 4 acres of his pasture.

Maud comes and says that Robert unjustly complains of her and unjustly brought this assize, because¹ she says that the same Robert enfeoffed her of $\frac{1}{2}$ virgate of land with appurtenances in the same vill to have and to hold for her and her heirs with meadows and pastures and with all other liberties belonging to that land by his charter, which she proffers and which attests this. She says that the aforesaid pasture is an appurtenance of that holding. Robert readily acknowledges the charter but says that the charter should not injure him, because he says that by that charter she never was in seisin of that land nor of that pasture until she unjustly and recently disseised him thereof. Thereon he puts himself on the assize.

The jurors say that [blank].

¹ *qui for quia*.

364¹ Adam son of Stephen of Norton' gives $\frac{1}{2}$ mark for licence to agree with Stephen Archur on a plea of land. Let them have a chirograph.²

¹ cf. 372. ² C.P.25(1)/251/16/76.

365¹ Robert son of John Isenbard acknowledges that he owes William Fabien 27 marks on the fine made between them, whereof he will render him 7 marks at Michaelmas in the 33rd year [29 Sept. 1249] and 10 marks at Christmas in the 33rd year² and 10 marks at Easter next following [27 March 1250]. If he does not do so, he grants that the sheriff may do so from his lands and that he be held to the cost and to damages.

¹ cf. 388. ² *recte* 34th year, 25 Dec. 1249.

366. Walter of Wirlton'¹ presented himself on the 4th day against John son of Walter on a plea that he keep with Walter the covenant made between

¹ miscopying of *Wirfton*' i.e. *Wroughton*.

them concerning 1 virgate of land in Werfton'. John has not come and a summons [was issued]. Judgement: he is to be attached to be at *Westminster* on the quindene [13 Oct.] of Michaelmas.²

² settled (K.B.26/136, m.7d) by chirograph C.P.25(1)/251/15/9.

367 Hugh Luvel presented himself on the 4th day against Ralph Luvel on a plea that he warrant him 2 carucates of land in Clive, which he holds and claims to hold from him whereof [he has] his charter. Ralph has not come and a summons [was issued]. Judgement: he is to be attached to be at *Westminster* on the quindene [13 Oct.] of Michaelmas.

368¹ Assize of mort d'ancestor to declare whether Roger Pain, father of William Pain, was seised of 1 virgate of land in Franleg', which Alice daughter of William Goreberd holds. She comes and says that she does not hold that land. She says on the contrary that one Richard son of Richard Spinoc holds that land. He is under age and in the wardship of Robert of Lavirkestone. William cannot deny this and prays licence to withdraw from his writ and has it.

¹ cf. 460.

369 Assize of mort d'ancestor to declare whether master Richard of Wermenistre, brother of William of Wyntirbir', was seised of 22s. rent in Weleford, which John of Wiliford holds. John has not come. Judgement: he is to be resummoned to be at *Westminster* on the morrow [3 Nov.] of [All] Souls.¹ The same day is given to all the recognitors who came.

¹ adjourned due to default of recognitors (K.B.26/136, m.27); judgement for William at /140, m.11.

370 Assize of mort d'ancestor to declare whether William Hereward, father of William son of William, was seised of 12 acres of land and $\frac{1}{2}$ acre of meadow in Wermenistre, whereof Richard of Kanc' holds 12 acres of land and $\frac{1}{2}$ acre of meadow and William son of Walter $\frac{1}{2}$ acre of land thereof.¹ Richard comes and says nothing to stay the assize. William has not come and a resummons [was issued]. So let the assize against him be taken by default.

The jurors say that [blank]. Later William [the plaintiff] and Richard are agreed. Let them have a chirograph.²

[Concerning] the $\frac{1}{2}$ acre of land which William son of Walter holds, the jurors say that William Hereward, father of William son of William, did not die seised as of fee because he did not hold that land except only for the term of his life. So it is adjudged that William son of William takes nothing by this assize and is in *mercy* for a false claim.

¹ the additional $\frac{1}{2}$ acre of land omitted in the count above.

² chirograph lost.

371¹ Maud who was wife of William of Derneford presented herself on the 4th day against Geoffrey of Wivelsford on a plea that he keep the covenant made between them concerning 9s. rent in Dunitton'. Geoffrey has not come and a summons [was issued]. Judgement: he is to be attached to be at *Westminster* on the morrow [3 Nov.] of [All] Souls.²

¹ cf. 217. ² adjourned (K.B.26/136, m.27; /140 m.15; /141, m.6d).

372¹ Stephen Archur acknowledges that he owes Adam son of Stephen 1 silver mark, whereof he will pay him $\frac{1}{2}$ at St. Peter's Chains in the 33rd year [1 Aug. 1249] and the other $\frac{1}{2}$ at Martinmas in the 33rd year.² If he does not do so, he grants that the sheriff may do so from his lands.

¹ cf. 364. ² *recte* 34th year, 11 Nov. 1249.

m. 16d]

373 Richard son of Richard was summoned to answer John Edgar on a plea that he do him suit at John's court of Estcote which by right he should do. John complains that whereas Richard holds $\frac{1}{2}$ carucate of land from him in Estcote by service of 5s. a year and by doing suit at John's court when anyone is sued by the king's writ of right and when a thief is to be judged there and by affording the court, by the gift and assignation of one Philip of Havekischereche, who sold and granted to the same John the homage and service of Richard father of the aforesaid Richard, whose heir he is, so that the same John was in seisin of the homage and service of Richard father of this Richard on the year and day on which he was alive and dead in the time of the present king, and the same Richard was accustomed throughout his time to do the aforesaid suit, Richard [the son] refuses to do him the aforesaid suit.

Richard comes and denies force and injury. He readily maintains that he does not hold the land from John nor claims to hold from him. He says on the contrary that he holds that holding from the son and heir of the aforesaid Philip, so that that heir is in seisin of the homage. So Richard is without day and John may proceed by another writ against him if he wishes.

374 Gilbert of Walccote and Agnes his wife claim against William Bissop and Lucy his wife 1 virgate of land in Hupham as Agnes's right, into which William and Lucy have no entry except by Christian who was wife of Hubert de Clere, who had nothing except the wardship thereof while Agnes was under age.

William and Lucy come and deny Agnes's right. They readily grant that they have entry by Christian, but say that Christian did not have the wardship of that land. They say on the contrary that it was Christian's inheritance and that the same Christian within her lawful power¹ gave the land in free marriage with Lucy to one Thomas son of Hugh, Lucy's former husband. They offer the king $\frac{1}{2}$ mark to have an inquest whether this is the case, and it is received.

¹ *in ligia potestate sua.*

William and Agnes give another $\frac{1}{2}$ mark. So let there be a jury thereon. They are to come before Henry of Bathon' on Monday at Mereleberge.² *Tomorrow.*
 Later they are agreed by licence. Let them have a chirograph.³

² probably *Monday 14 June* as at 350. ³ chirograph lost.

375¹ Richard of Milefford' presented himself on the 4th day against Simon Cusyn on a plea that he warrant him 1 acre of land in Putton' which Robert Thurst claims as his right against him, whereof Richard called Simon to warranty against him [Robert]. Simon has not come and a summons [was issued]. Judgement: land of Simon's to the value [of that holding] is to be taken into the king's hand and the day [of caption told to the justices]. He is summoned to be at Westminster 1 month [27 Oct.] from Michaelmas.²

¹ cf. 377. ² where Simon defaulted again (K.B.26/136, m.20d).

m. 17]

376 Assize of novel disseisin to declare whether Hugh de la Forest and Eustace son of Lucian unjustly disseised Geoffrey of Wyvelesford of 2 virgates of land in Netirhavene.

Hugh and Eustace have not come. Hugh was attached by Geoffrey de Cundiz and John de Cormaill'. So they are in *mercy*. Eustace was not attached because he was not found. So let the assize against him be taken by default. The jurors say that Hugh and Eustace unjustly disseised him as the writ says. So it is adjudged that Geoffrey recovers his seisin against them by view of the recognitors. Hugh and Eustace are in *mercy*. *Damages 1 mark, all to the clerks.*¹

¹ cf. 21.

377 Robert Thurstan claims against Richard of Huleford'¹ 1 acre of land in Petton' as his right, into which Richard has no entry except by Simon Cusin, who had nothing except the wardship thereof while Robert was under age and was in his wardship.

Richard comes and calls the aforesaid Simon to warranty. He is to have him here on the morrow [31 May] of Trinity by aid of the court, and because Simon is from this county he is in *mercy*.

¹ miscopying of *Muleford*, cf. 375.

378 Thomas of Bedeford was summoned to answer the prior of Bradenestok' on a plea that he render him 30s. which are in arrears to him from the annual rent of 2s. which he owes him, whereof he complains that, whereas one Muriel of Deneford had granted him [the prior] the annual rent of 2s. a year payable from a holding which Philip of Caune holds in Clyveauncy, the aforesaid Thomas contrary to that grant receives that annual rent unjustly since he is Muriel's heir.

The prior comes and they are agreed. The prior gives $\frac{1}{2}$ mark for licence to agree. Let them have a chirograph.¹

¹ C.P.25(1)/251/15/40.

379 John of Grimstede presented himself on the 4th day against Gerard of Wellop on a plea that he do him the customs and services which he should do him from his free holding, which he holds from him in Bretford as homage. Gerard has not come and a summons [was issued]. Judgement: he is to be attached to be at the Strand in the county of Middlesex on the octave [1 July] of St. John the Baptist. He is to be attached in the county of Southampton, and because he is from this county [Wiltshire] he is in *mercy*.

380 William Plusbel claims against Mabel [*alias* Maud]¹ of Aldrington' 1 messuage and 5 acres of land in Aldrington' as his right.

Mabel comes and says that she claims nothing in that land except for the term of her life. She calls John son of Simon to warranty, who is present and warrants her. He calls Richard of Pedewrth' to warranty. He is to have him here on the morrow [31 May] of Trinity by aid of the court, and because he is from this county he is in *mercy*.

¹ cf. 334.

381¹ John son of Warren presented himself on the 4th day against John of Linc' and Petra his wife [and] Paulina sister of Petra on a plea that they keep with him the fine made in the king's court before the justices itinerant at Wylton' between Philippa who was wife of Reynold of Bungeye, mother of Petra and Paulina whose heirs they are, and the aforesaid John, tenant, for 1 carucate of land in Westambribir', whereon a chirograph [was made].² They have not come and have frequently made default. So the sheriff is ordered to distrain them by all their lands and to have their persons³ at *Westminster* on the morrow [3 Nov.] of [All] Souls,⁴ and because they are from this county they are in *mercy*.

¹ the introductory flourish is ornamented with what is either a plant motif or a face in left profile, cf. 385, 388.

² C.P.25(1)/251/9/26.

³ *habeat corpora eorum*.

⁴ adjourned (K.B.26/135, m.28d; /140, m.14).

382 Peter of Laventon', who brought a writ of covenant against William de la Sal' and Sarah his wife for 1 acre¹ of land in Wambergh', comes and prays licence to withdraw from his writ, and has [it].

¹ *virgate* at 261; cf. chirograph C.P.25(1)/251/16/83.

383 The prior of Ivychurch¹ presented himself on the 4th day against Joan daughter of Jordan on a plea for 1 virgate of land in Lavirstok', which he

¹ *de monasterio Ederus*.

claims as the right of his church. Joan has not come and a summons [was issued]. Judgement: the land to be taken into the king's hand and the day [of caption told to the justices] and she² is summoned to be³ here on the morrow [31 May] of Trinity, and because she is from this county she is in *mercy*.

² *ipse.* ³ *sint.*

384 Roger of Upton' and Cecily his wife claim against Philip Marmiun 1 acre of land in Lya as Cecily's right.

Philip comes and calls Robert¹ son and heir of Peter Savary to warranty. He is to have him here on the morrow [31 May] of Trinity by aid of the court, and because he is from this county he is in *mercy*.

¹ *William* at 316.

385¹ Robert de la Herlotere claims against John of Hamme 2 virgates of land and 10s. rent in Hamme, and against Adam of Portelaunde and Isabel his wife 2 virgates of land in the same vill, and against the same Adam 10s. rent in the same vill as his right.

John, Adam, and Isabel come. Adam and Isabel,² both for the land which he [Adam] holds for himself and for that which he holds in common, call the aforesaid John of Hamme to warranty, who is present and warrants them. He calls the heirs of the earl Marshal to warranty for everything, namely Roger le Bigot earl of Norfolk, Richard de Clere earl of Warwick,³ William de Valence and Joan his wife, Humphrey Boun and Eleanor his wife,⁴ William de Vescy and Agnes his wife,⁴ William de Cantelupo and Eve his wife, Roger de Mortuomari and Maud his wife, Reynold de Moun and Isabel his wife, John de Moun and Joan his wife, William de Vallibus and Eleanor his wife, Maud who was wife of Simon of Kime, Frank de Boun and Sibyl his wife, [and] Agatha de Ferrariis who is under age and in the wardship of the king. He is to have them on the morrow [3 Nov.] of [All] Souls at Westminster by aid of the court. The earl Roger is to be summoned in Berkshire, the earl of Gloucester in Dorsetshire, William de Valence in Herefordshire, William de Cantilupo in Devonshire, Roger de Mortuomari in Berkshire, Humphrey de Boun in Herefordshire, William de Vescy in Lincolnshire, Reynold de Moun in Wiltshire, John de Moun is to be summoned in the same county, William de Vallibus in Norfolk, Maud of Kime in Lincolnshire, Frank de Boun in Sussex, and Agatha who is under age is to be discussed with the king.

¹ ornamented flourish as at 381; cf. chirographs C.P.25(1)/251/15/3 and 17/7; and K.B. 26/139, m.12, /140, m.10d *bis*.

² *Johannes.* ³ error for *Gloucester.* ⁴ named twice.

386¹ John of Toteredehull', who brought a writ of warranty of charter against the abbess of St. Edward of Shaftisbir' for a holding in Tisseburn',

¹ cf. 86.

has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely John Gurnay and Roger Maskerel.

387 Robert de Spineto gives 1 mark for licence to agree with Sarah de Spineto for 1 messuage and 3 virgates of land in Lavinton'. Let them have a chirograph.¹

¹ C.P.25(1)/251/15/26.

388¹ William Fabion claims against Robert son of John Isumbard 1 messuage [and] 3 mills with appurtenances in Wylton' as his right, whereof one Hubert his ancestor was seised in his demesne as of fee and right in the time of king Henry [II], grandfather of the present king, by taking profits therefrom to the value etc., and from that Hubert the right to that land descended to one Ellis as son and heir, and because Ellis died without a direct heir the right to that land descended to one Fabian as brother and heir, and from that Fabian the right to that land descended to one William as son and heir, and from that William the right to that land descended to this William, who now lays claim as son and heir, and that such is his right he offers [to prove].

Robert comes and denies his right and says that he should not have to answer him on this writ. For he says that at some time in the court of king Richard [I], uncle of the present king, a plea was started at Westminster between one Mary former abbess of Wylton', plaintiff, and one John Isumberd, father of the aforesaid Robert whose heir he is, for the aforesaid mills with appurtenances in Wylton', so that a fine was made between them thereon in the aforesaid court,² by which fine the abbess granted the mills with appurtenances to John to hold for him and his heirs from the abbess and her successors in perpetuity by service of 20s. a year for every service. In as much as Fabian, ancestor of William, on whose descent [the plaintiff] claims the mills, was of full age and in England and out of captivity³ and did not lay his claim, he [Robert the defendant] claims judgement as to whether he should answer him thereon.

William says that the fine should not injure him. For he says that Fabian was in parts beyond the seas, and that he sued for the mills within a year and a day. Later they are agreed by licence. Let them have a chirograph.⁴

¹ ornamented flourish as at **381**.

² dated 4 Feb. 1198, in printed *Feet of Fines* (Pipe R. Soc. xxiii), p. 98, no. 135. The fine mentions 1 mill only.

³ *extra priosnam*.

⁴ C.P.25(1)/251/15/27, cf. **365**.

389 Roger le Gras gives 1 mark for licence to agree with Savericus son of John and others on a plea of land. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/67.

390 The master of the Knights Templar attorns William le Wilde or Richard le Bacheler against [Maud wife of]¹ Roger of Benitham on a plea of dower.

¹ cf. 309.

391¹ Felicia who was wife of Henry of Bereford claimed against William Gilbert $\frac{1}{2}$ of 1 messuage and 22 acres of land in Pendleswurth' as her dower.

William comes and renders [it] to her by licence. So let her have² her seisin.

¹ cf. 250. ² *habeant*.

392 Henry de Chafur gives *1 mark* for licence to agree with Robert de Gurnay on a plea of mort d'ancestor. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/92, cf. 110, 538.

393 The abbot of Bynendon' gives *20s.* for licence to agree with the abbot of Mammesbir' on a plea of warranty of charter. Let them have a chirograph.¹

¹ chirograph lost.

m. 17d]

394 Eustace son of Lucian, who brought an assize of novel disseisin against William of Wintreshull' and other tenants in Netherhaven', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Teodelfus le Bule of Ambresbir'. The other surety has died.

395 William of Wrth' and Alice his wife claim against Walter le Lung in Widehal' 1 virgate of land in Widehal' as Alice's right, into which Walter has no entry except by William son of Amaury who demised it to him, who had nothing except the wardship thereof while Alice was under age and was in his wardship.

Walter comes and denies such entry. He says that he had entry by one Alexander, father of Alice whose heir she is, who enfeoffed him thereof by his charter which he proffers and which attests this.

William and Alice do not deny the charter, but they say that that charter should not injure them. For they say that, when that charter was made, Alexander was not in seisin of that land. They say on the contrary that one Thomas le Cygur held that land from him for the term of Thomas's life, who lived for 7 years after Alexander's death, and that after Thomas's death the aforesaid William de Amar', in whose wardship Alice was, seised that land into his hand by reason of Alice's wardship. They offer the king $\frac{1}{2}$ *mark* to have an inquest whether this is the case.

Walter readily acknowledges that Thomas le Cygur held that land for the term of his life, but he says that, by assignation of Alexander, Thomas rendered him [Walter] throughout [his] Thomas's life *2s.* which Thomas had used to render Alexander, and after Thomas's death Walter entered into that

land by feoffment of Alexander and by the aforesaid charter. Thereon he puts himself on the country and offers the king $\frac{1}{2}$ mark to have an inquest whether this is the case, and it is received. So let there be a jury thereon.

Later they are agreed by licence. Let them have a chirograph.¹

¹ C.P.25(1)/251/15/43.

396 John of Chalke, who brought an assize of novel disseisin against the abbess of Wylton' for a holding in Chalke, has come and withdrawn. So he and his sureties for prosecuting are in *mercy*, namely Thomas of Edeveston¹ and John Cusin.

¹ ? miscopying of *Alvediston*.

397 The same John, who brought a writ against the same abbess whereon the abbess should do suit at John's mill, has come and withdrawn. So he and his sureties for prosecuting are in *mercy*, namely Simon de Parco and William of Sereseye.

398 Roger of Waltesfeud and Alice his wife attorn Walter of Winburn' or William of Scirebek' against Maud who was [wife] of Richard le Paumer on a plea [for] chattels, and against Maud who was wife of William le Paumer on a plea of land.

399 Grace de Meysy attorns Nicholas de la Mare against Maud who was wife of William le Paumer and Constance her daughter on a plea of land.

400 Assize of novel disseisin to declare whether Adam le Chammbeleng' of Kemirford, Roger Chimer, [and] Walter Swein unjustly disseised William son of Matthew of 2 parts of 1 mill [and] 9 acres of land in Calne.

Adam and the others come and say nothing to stay in the assize. Adam le Blund and Richard the marshal, recognitors, have not come. So they are in *mercy*.

The jurors say that Adam and the others did not disseise him. They say on the contrary that one Walter his brother ejected him. So it is adjudged that William takes nothing by this assize and is in *mercy* for a false claim.

401 The prior of Farleg' claims against Jordan of Grateleye and Lucy his wife $\frac{1}{2}$ of 4 virgates of wood in Lya as the right of his church.

Jordan, on behalf of himself and in place of Lucy his wife, comes and calls Robert son of Robert de Maneriis to warranty. They are to have him on the morrow [12 Nov.] of Martinmas at *Westminster* by aid of the court.¹

¹ adjourned (K.B.26/140, m.16d).

402 Alice who was wife of William of Stok', who brought a writ of entry against Richard vicar of Ernescoumba for a holding in Cheriton', has not prosecuted. So she and her sureties for prosecuting are in *mercy*, namely Suein of Salisbury and Thomas le Joven' of Demerham.

403 Assize of mort d'ancestor to declare whether Bernard le Burginun', father of Mary wife of Savaricus of Havekerigge and of Aline sister of Mary, was seised of $\frac{1}{2}$ of 1 messuage and of 1 virgate of land and of 2s. rent in Westbir', which $\frac{1}{2}$ the prior of Stivinton' holds. It should be known that the other part is excepted because the aforesaid Savaricus and Mary' his wife do not prosecute on their part.

The prior comes and says that the assize should not proceed, because he says that the aforesaid manor of Westbir' was ancient demesne of the king where no one may be sued for any holding in that manor except by little writ of right. Aline cannot deny this. So the prior is without day and Aline is in *mercy*.² She is poor.³

¹ *Margia* for *Maria*. ² cancelled. ³ cf. 141, 518.

404 Assize of mort d'ancestor to declare whether Constance daughter of Parnel, sister of Alice wife of Richard of Dunmere and of Joan¹ wife of William Paynet, was seised of 11s. rent in Bereford, which rent William de Munceus holds. William has not come and a resummons [was issued]. So let the assize against him be taken by default.

The jurors say that one Nicholas Avenel gave that rent to one Warren de la Lyde in marriage with Parnel his daughter, the mother of the aforesaid Constance, Alice, and Joan, so that after the death of Warren and Parnel the rent was assigned to Constance as a share of what pertained to her from the inheritance of Warren her father. Later William de Munceus came and married Constance and from her begat offspring in Somersetshire and died forthwith. Because the jurors do not know whether that birth was abortive or not, and [because] Richard and Alice [and] William and Joan sued William before the justices in Somersetshire for other lands and holdings which were Constance's, *judgement* is adjourned until 1 month [27 Oct.] from Michaelmas and meanwhile a fuller inquiry is to be made whether they have deraigned other lands against him [William] or not.

A day is given them to hear judgement 1 month [27 Oct.] from Michaelmas at Westminster.²

¹ *Johanna*. ² adjourned to search the rolls (K.B.26/136, m.22).

405 Assize of novel disseisin to declare whether William Paynel and Maud his wife unjustly disseised Henry Toly of 21s. rent in Litleton'.

Later Henry came and withdrew. So he and his sureties [are in mercy]. He made a fine for $\frac{1}{2}$ mark by surety of William Paynell', which he will pay.¹ It is agreed between them as follows: Henry Toly on behalf of himself and his heirs has remitted and quitclaimed to William and Maud and their heirs every right which he had in that rent in perpetuity, and for this William and Maud will give him 13 silver marks, whereof they will render² him 40s. at St. John the Baptist and 5 marks at Michaelmas next following and 5 marks at All Saints in the 33rd year.³ If they do not do so,² they grant² that the sheriff may do so from [their] lands.

¹ *quam solvet* interlined. ² *reddet, fecerit, concedit*. ³ *recte* 34th year, 1 Nov. 1249.

406 Assize of mort d'ancestor to declare whether Walter son of Christian, father of Richard son of Walter, was seised of 1 virgate of land in Hallecot', which John Cusin and Albreda his wife hold. They come and say that the assize should not proceed, because they say that they are villeins of the abbess of Wylton' and hold that land in villeinage. Richard cannot deny this. So John and Albreda are without day and Richard is in *mercy*. Nothing from the amercement because [he is] under age.

407 Simon Bernard¹ presented himself on the 4th day against Godfrey of Aunho on a plea that he keep with him the covenant made in the king's court between that Godfrey and Simon Bernard, father of the aforesaid Simon Bernard whose heir he is, for his common of pasture in Rustishal'.

Godfrey has not come and has frequently made default. So the sheriff is ordered to distrain him by all [his] lands and chattels so that he have his person² on the octave [1 July] of St. John the Baptist at the *Strand* in the county of Middlesex.³

¹ *de Burehard at essoin 580.* ² *habeat corpus ejus.*

³ adjourned to Westminster, where judgement was given for Simon (K.B.26/136, m. 30).

408 Philip Avenel, who brought an assize of novel disseisin against Peter of Moydon' for a holding in Swindon', has not prosecuted. So he and his sureties for prosecuting are in *mercy*. He has made a fine of $\frac{1}{2}$ mark on behalf of himself and his sureties.

409 William Buggi gives 1 mark for licence to agree with Robert de Gurnay on a plea of [omitted] [by surety] of Richard of Ingelpenn'. Let them have a chirograph.¹

¹ chirograph lost.

410¹ John Kymi gives $\frac{1}{2}$ mark for licence to agree with William of Wydehull' on a plea of mort d'ancestor. Let them have a chirograph.

¹ repetition of 356 in a different hand.

411 Agnes Byn, who brought an assize of mort d'ancestor against William of Farehull' and others for a holding in Rig', has not prosecuted. So she and her sureties for prosecuting are in *mercy*, namely Roger Trapel and William Brid of the same.

412 William son of Robert, who brought a writ of entry against Laurence Aynel for a holding in Stanleg', has not prosecuted. So he and his sureties for prosecuting are in *mercy*.

413 Jordan son of Urse, who brought a writ for customs and services against Adam of Clopton', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely William Plusbel and John Coleman, clerk.

414 The prior of St. Denys without Southampton gives $\frac{1}{2}$ mark for licence to agree with Roger of Langeford on a plea for customs and services. Let them have a chirograph.¹

¹ C.P.25(1)/251/15/35.

m. 18]

415¹ Margery of Hodeston' claims against Walter le Sauser 1 virgate of land in Hodeston' as her right, into which Walter has no entry except by Philip de Molend' and Muriel his wife who held it as Muriel's dower by gift of William of Hodeston', her former husband, grandfather of Margery whose heir she is.

Walter comes and they are agreed by licence. Let them have a chirograph.²

¹ cf. 543. ² C.P.25(1)/251/16/99.

416 Adam of Hywere gives $\frac{1}{2}$ mark for licence to agree with Roger Creu and Edith his wife, [with] Maud who was wife of Martin, and with Hugh of Croft on a plea for pasture by surety of the aforesaid Roger and the others. Let them have a chirograph.¹

¹ chirograph lost.

417 Richard Blid, who brought a writ of novel disseisin against Philip Lucyen for his holding in Weylesberg', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Geoffrey of Grumdewell' and Walter of Aylesbyr'. In Wall'.¹

¹ presumably meaning that the surety, *Walter*, is in Wales.

418 Assize of novel disseisin to declare whether Thomas le Prestre, Robert of Opynton', Hugh Osmund, Thomas Elyes, Nicholas Newe, Roger of Norput, and John le Sneker unjustly disseised Richard Byde of his common of pasture in Welberg'.

Thomas and the others come and say that the assize should not proceed thereon,¹ because they say that [Richard] is a villein. Thereon they put themselves on the assize.

The jurors say that the aforesaid Richard is a villein. So it is adjudged that Thomas and the others are without day and Richard takes nothing by this assize and is in *mercy* for a false claim.

¹ formula confused, *nichil dicunt quare assisa non debeat inde procedere*.

419 Assize of mort d'ancestor to declare whether John Suoting', father of Denise wife of Walter¹ Sueting', was seised of 2 parts of 1 virgate of land and 5 acres of land in Synton',² excepting 2 acres, which land Adam Duraunt holds.

¹ *William* at 324. ² miscopying of *Sutton*' at 324.

He comes and calls Richard of Cronhull' to warranty, who is present and warrants him and calls William of London' to warranty. He is to have him on the morrow [3 Nov.] of [All] Souls at Westminster by aid of the court.³ William is to be summoned in Nottinghamshire because he has no land in this county. The same day is given to all the recognitors of the same assize who are to come.

³ adjourned because the land is in the queen's wardship (K.B.26/135, m.27; /140, m.15).

420 Assize of mort d'ancestor to declare whether Christian,¹ sister of Emma wife of Ralph son of Robert, was seised of $\frac{1}{2}$ virgate of land in Urton',² which William of Caneford holds. He comes and calls Walter of Randel' to warranty, who is present and warrants him.³ He says that he claims nothing in that land except the wardship of Avice and Agnes, the daughters and heirs of John Vyene, who are under age and in his wardship, whereby he committed the wardship to William of Kaneford until their lawful age. Also he says that Christian, on whose death Ralph and Emma brought the assize, enfeoffed John Vyen of the land by her charter which he proffers and which attests the same, [and he says] that John died seised thereof as of fee. So the plea stands over until the heirs [come of] age.

¹ *Cristina*, but *Cristiana* below. ² miscopying of *Wroughton*, cf. 320, 550. ³ *eis*.

421 The abbot de Loco Sancti Edwardi¹ gives $\frac{1}{2}$ mark for licence to agree with William Lungespey. Let them have a chirograph.²

¹ Netley, Hants. ² C.P.25(1)/251/16/66.

422¹ Assize of mort d'ancestor to declare whether Thomas of Samford', uncle of Adam of Piriton' and of Hugh Peverel, was seised of 12 acres of meadow and 5s. rent in Aston' and la Ley' on the day he set out on pilgrimage for the Holy Land on which journey he died, which meadow William de la More holds and which rent Thomas of Aldebir' holds. William and Thomas have not come and a resummons [was issued]. So let the assize against them be taken by default.

The jurors say that Thomas [of Sampford Peverell] was seised in his demesne as of fee of that meadow and rent on the day [he set out] etc. So it is adjudged that Adam and Hugh recover their seisin and William and Thomas are in *mercy*.

¹ *essoin* 575.

423¹ Assize of mort d'ancestor to declare whether Adam Aylfret, father of Adam Aylfret, was seised of 2 parts of 1 virgate in Wynteburne, which Margery who was wife of the aforesaid Adam holds. She comes and calls William Portebref to warranty, who is present and warrants her. He calls

¹ cf. 242.

Grace de Meysi to warranty. He is to have her² on the morrow [3 Nov.] of [All] Souls at *Westminster* by aid of the court.³ The same day is given to all the recognitors who are to come then.

² *eum.* ³ where Grace rendered the land to Adam (K.B.26/140, m.13).

424¹ Hugh de Ros presented himself on the 4th day against Reynold de Albo Monasterio on a plea for 20 acres of wood in Pateshal, which Hugh claims as his right against him. Reynold has not come and a summons [was issued]. Judgement: the wood is to be taken into the king's hand and the day [of caption told to the justices] and he is summoned to be at *Westminster* on the morrow [3 Nov.] of [All] Souls.²

¹ cf. 164 and Meekings, *Crown Pleas*, p. 270, nn.343-4.

² where judgement was given for Hugh (K.B.26/135, m.29), but adjourned *coram rege* on appeal.

425 Alice¹ of Wyke gives $\frac{1}{2}$ mark for licence to agree with Waleran of Blundesdon' on a plea of mort d'ancestor. Let them have a chirograph.

¹ *Richard* in the chirograph, C.P.25(1)/251/15/44.

426 Assize of novel disseisin to declare whether the prior of Ivychurch' unjustly disseised Richard of Aldewybir' of $1\frac{1}{2}$ acres of land and 1 messuage and 1 garden in Aldewyber'. The prior comes and says nothing to stay the assize. John Strut, one of the recognitors, has not come. So [he is] in *mercy*.

The jurors say that the prior unjustly disseised Richard as the writ says. So it is adjudged that Richard recovers his seisin and the prior is in *mercy*.

¹ *de monasterio de Ederoso*.

427 Assize of novel disseisin to declare whether Alice daughter of Ellis the miller unjustly disseised Richard son of Ellis of 1 messuage in Wylton' after the summons of the justices.¹ Alice has not come. So let the assize against her be taken by default.

The jurors say that Alice disseised Richard of that messuage unjustly. So it is adjudged that Richard recovers his seisin and Alice *is to be put in custody*.

¹ cf. 287.

428¹ James le Sauvage presented himself on the 4th day against Thomas le Sauvage on a plea that he keep with him the covenant made between them concerning $\frac{1}{2}$ of 1 messuage, of 1 carucate of land, and of 25s. rent in Burbeche. Thomas has not come and has frequently made default. So the sheriff is ordered to distrain him by [his] lands so that he finds mainpernors and to have his person² on the quindene [8 July] of St. John the Baptist at the Strand in the county of Middlesex.³

¹ cf. 244. ² *habeat corpus ejus*.

³ adjourned (K.B.26/135, m.22) and settled (/137, m.12d; /138, m.16) by chirograph C.P.25(1)/251/17/6.

429 Adam of Hywey presented himself on the 4th day against John of Langeton' and Maud his wife on a plea that they keep¹ with him the covenant made between them concerning $\frac{1}{2}$ of 1 virgate of land in Hyveye. They have not come and a summons [was issued]. Judgement: they are to be attached to be at *Westminster* on the quindene [13 Oct.] of Michaelmas.²

¹ *teneat*. ² where Adam defaulted (K.B.26/135, m.12d).

430 Christian daughter of Ellis¹ presented herself on the 4th day against John of Fifide on a plea that he render her 12 marks 3s. 4d., which he owes her and unjustly withholds. John has not come and a summons [was issued]. Judgement: he is to be attached to be at *Westminster* on the morrow [3 Nov.] of [All] Souls.²

¹ miscopying of *Eustace son of Lucien*.

² adjourned (K.B.26/135, m.30d; /140, m.12d; /141, m.30d).

431¹ The prioress of Aubemarle by her attorney presented herself on the 4th day against Geoffrey son of Daniel on a plea that he be [present] at the drawing up of their chirograph on the fine made between them in the king's court before the justices at Wilton' between the prioress, plaintiff, and Geoffrey, tenant, for 6s. rent in Maydenwynterburne. Geoffrey has not come and has frequently made default. So the sheriff is ordered to make him come at *Westminster* 3 weeks [20 Oct.] from Michaelmas.²

¹ cf. 451. ² where Geoffrey defaulted again (K.B.26/135, m.17d).

432 Thomas of Smaleburne and Lucy his wife claim against John son of Hugh $\frac{1}{2}$ of $\frac{1}{2}$ virgate of land and of 3 messuages and of 3 acres of land and of 1 acre of meadow in Vermenistre as Lucy's dower. John comes and by licence renders her the aforesaid thirds. Let her have her seisin.

433 Hugh of Farleg' presented himself on the 4th day against Henry le Dun on a plea [demanding] why he withholds¹ from Hugh 16 acres of land in Farleg' which John le Archer demised to him [Hugh] for a term which has not yet expired, within which term the same John sold that land to Henry, on occasion of which sale Henry has ejected Hugh from that land. Henry has not come and a summons [was issued]. Judgement: he is to be attached to be at *Westminster* on the morrow [3 Nov.] of [All] Souls.

¹ *quare deforciat*, the new action *quare ejecit infra terminum*, cf. Pollock and Maitland, *History of English Law*, ii, pp. 107-8.

434¹ William Buggy acknowledges that he owes Vincent le Sauvage 10 marks, whereof he will pay 2 $\frac{1}{2}$ marks at St. Peter's Chains in the 33rd year [7 Aug. 1249], 2 $\frac{1}{2}$ marks at Michaelmas in the same year, 2 $\frac{1}{2}$ marks at the Purification in the 34th year [2 Feb. 1250], and at Easter next following [27 March 1250] 2 $\frac{1}{2}$ marks.

¹ cf. 174, 175, 326.

m. 18d blank]

m. 19]

435 Geoffrey of Chaubecumbe gives $\frac{1}{2}$ *mark* for licence to agree with Robert Blamquee¹ on a plea that he acquit [him]² by surety of that Robert.

¹ *sic.* ² an action of mesne.

436 Agnes who was wife of Walter son of Michael presented herself on the 4th day against John de Cardevill¹ on a plea for $\frac{1}{3}$ of 1 messuage and of 32 acres of land in Werton², which she claims in dower against him. John has not come and a summons [was issued]. Judgement: the land is to be taken into the king's hand and the day [of caption told to the justices] and he is to be¹ [here] on the morrow [31 May] of Trinity.²

¹ *sint.* ² cf. 548.

437 Jordan¹ of Smalebrok² gives $\frac{1}{2}$ *mark* for licence to agree with Godfrey Waspayl on a plea of warranty of charter. Let them have a chirograph.²

¹ *Jodanus.* ² C.P.25(1)/251/15/10.

438 John son of Matthew, who brought a writ of entry against Agnes who was wife of Richard le Burgeys on a plea for $\frac{1}{2}$ of 1 messuage in Aldeburn², has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Adam Hervy and John Coveytus.

439 Assize of novel disseisin to declare whether Peter Spileman, Stephen Spileman, and Henry Herberd² unjustly disseised Richard Fyldes of Gouilesfeld¹ of 1 messuage in Couielesfeud¹.

Peter and the others come and say nothing to stay the assize. Clement of Edestoce, one of the recognitors, has not come. [So he is] in *mercy*. The jurors say that Peter and the others disseised Richard of that messuage unjustly as the writ says. So it is adjudged that Richard recovers his seisin and Peter and the others are in *mercy*.

440 Lora who was wife of Gilbert of Saunford presented herself on the 4th day against Roger of Saunford and Laurence his brother on a plea for 1 messuage and 1 carucate of land in Todewrth², which she claims as her right and marriage portion.¹ They have not come and a summons [was issued]. Judgement: the messuage and land are to be taken into the king's hand and the day [of caption told to the justices] and they are summoned to be here on the quindene [13 June] of Trinity.

¹ i.e. by action of entry *cul in vita*, cf. 149.

441¹ Mary of Cherington', who brought a writ of warranty of charter against John of Eston', has not prosecuted. So she and her sureties for prosecuting are in *mercy*, namely Thomas of Cherwrth' and John of Usseburne.

¹ cf. 98.

442¹ Jordan of St. Licius and Gillian his wife claim against Albreda daughter of Hugh of St. Martin 1 virgate of land in Burgbeche as Gillian's right, into which she has no entry except by the aforesaid Hugh, to whom Mabel Huse demised it, while Gillian was under age and in her wardship.

Albreda came elsewhere² and called Peter son of the aforesaid Hugh to warranty, who now comes by summons and warrants her. He denies Gillian's right and says that Jordan and Gillian can claim no right in that land, because he says that that land was [never] Gillian's right. Asked what right they claim in that land, Jordan and Gillian say that one Geoffrey le Sauvage enfeoffed Gillian, who was his daughter, of that land by his charter a long time before his death. He put her in full seisin thereof in that he, Geoffrey, made over one Emma, who held that land from him in villeinage, to render to Gillian the annual farm which she used to render to Geoffrey for that holding. They say that because Gillian was then under age when she was enfeoffed, Geoffrey assigned one Hugh le Sauvage, his brother, to answer as Gillian's guardian for the annual farm from Emma in Gillian's interest.³ After Geoffrey's death Hugh came and rendered Gillian with that land to the aforesaid Mabel Huse. Consequently Mabel sold that land to the aforesaid Hugh of St. Martin, Albreda's father, while Gillian was under age and in her wardship.

Peter readily denies that Gillian ever was in seisin of that land in the lifetime of Geoffrey her father. He says on the contrary that Geoffrey died seised thereof. Thereon he puts himself on the country, and Jordan and Gillian likewise. So let there be a jury thereon. Jordan and Gillian offer the king $\frac{1}{2}$ *mark* to have an inquest whether this is the case. Peter gives another $\frac{1}{2}$ *mark* and it is received. So let there be a jury thereon.

The jurors say that Geoffrey, Gillian's father, did [not] die seised of that land. For they say that Geoffrey enfeoffed Gillian of that land a long time before his death and put her in full seisin thereof. So it is adjudged that Jordan and Gillian recover their seisin and Peter is in *mercy* and is to make an exchange with Albreda to the value [of that holding].

¹ symbol in margin, to draw attention to this enrolment. ² at 138.

³ *ad opus predictæ Juliane.*

443 William of Quenacre, who brought a writ of novel disseisin against Thomas of Clinton' and others [named] in the writ for obstructing a pathway to the nuisance of his free holding in the same vill,¹ has not prosecuted. So he and his sureties for prosecuting are in *mercy*. He has made a fine on behalf of himself and his sureties for 1 *mark*. It is agreed between them [the litigants]

¹ vicinage omitted. Thomas of Clinton' held in Lydiard Millicent: *Book of Fees*, pp. 710, 736.

that Thomas and the others have granted that in future William may have that pathway in that vill for all his beasts [and] for his carriages and carts.²

² *ad charras et caretas suam* [sic].

444 William of Weye, who brought an assize of mort d'ancestor against Richard of Haveringe for 1 messuage and 1 virgate of land in Grafton', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Philip de Newe of Eblesburn' and Roger Galle of the same.

445 The prior of Farleg' gives $\frac{1}{2}$ *mark* for licence to agree with Adam de Greynvill' on a plea that he acquit [him]. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/60.

446' Master John Bacun, who brought a writ against Nicholas of Lusteshull' for beasts taken and unjustly withheld, has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Roger de la Saliz and Vincent le Chaunceler.

¹ cf. 554.

447 Assize of mort d'ancestor to declare whether Walter Cusyn, father of William Cusyn, was seised of 1 messuage and 1 acre of land in Paulesholt on the day he set out on pilgrimage for the land of Jerusalem on which journey he died, which land and messuage Mabel who was wife of Walter Cusyn holds. Mabel has not come and a resummons [was issued]. So let the assize against her be taken by default.

The jurors say that Walter Cusyn on the day he set out on his journey for the land of Jerusalem was seised of that messuage and land as of fee and that William is his next heir. So it is adjudged that William recovers his seisin and Mabel is in *mercy*.

448 John¹ Hummeden gives $\frac{1}{2}$ *mark* for licence to agree with Herbert son of William of Stoke on a plea of land. Let them have a chirograph.

¹ *Robert* in the chirograph, C.P.25(1)/251/16/55.

449 Albreda daughter of Reynold Craue of Worton', who brought a writ of novel disseisin against William son of Reynold of Worton', has not prosecuted. So she and her sureties for prosecuting are in *mercy*, namely Simon of Wyke in Poterne and Peter le Forester of the same.

450 Gillian who was wife of Robert Saulf, who brought a writ of novel disseisin against Osmund Syreman for her free holding in Lattegareshal, has not prosecuted. So she and her sureties for prosecuting are in *mercy*, namely Walter le Messager and Ranulf le Careter.

451 The prioress of Ambresbir' gives $\frac{1}{2}$ mark for licence to agree with Roger son of Daniel on a plea of warranty of charter. Let them have a chirograph.¹

¹ no chirograph, cf. 431.

m. 19d]

452' Maud who was wife of Richard le Paumer claims against Ellis de la Mare and Grace his mother $\frac{1}{3}$ of 5 acres of land in Berton' as her dower.

Ellis and Grace come by their attorney and say that they hold nothing except only $2\frac{1}{2}$ acres of land. They render her her dower thereof by licence. Let her have her seisin.

¹ cf. 282.

453 Assize of mort d'ancestor to declare whether John Hundrey, father of Edith who was wife of William Quintin and of Agnes wife of Laurence of Wychefeud, was seised of 2 parts of 2 virgates of land in Nuppered, whereof Roger of Wyke and Beatrice his wife [hold] the aforesaid 2 parts excepting 2 acres of land, whereof Walter vicar of Tissebire holds 1 acre of land and Alexander Pynel 1 acre.

Roger and Beatrice come and call William of Lusteshull' to warranty, who is present and warrants her and calls John de Nevill', son and heir of William de Nevill', to warranty, who is under age and in the wardship of Herbert de Nevill'. So the guardian is summoned to be at the Strand in the county of Middlesex on the morrow [25 June] of St. John the Baptist. William of Lusteshull' attorns Nicholas of Freton' or Roger of Wyke. Edith and Agnes attorn Roger le Treur or Laurence of Wykeford. Walter and Alexander have not come and a resummons [was issued]. So let the assize against them be taken by default.

The jurors say that John son of Humphrey died seised in his demesne of those 2 acres of land and that he died after the term [specified in the writ] and that Edith and Agnes are his next heirs. So it is adjudged that they recover their seisin and Walter and Alexander are in *mercy*.

454 Assize of mort d'ancestor to declare whether Nicholas de la More, father of Richard de la More, was seised of 12 acres of land and 1 acre of meadow in Woreministre, which Richard Foliot holds. He comes and says nothing to stay the assize.

The jurors say that Nicholas died seised of that land and meadow and that he died seised after the term [specified in the writ] and that Richard is his next heir. So it is adjudged that Richard de la More recovers his seisin and Richard Folyot is in *mercy*.

455 Assize of mort d'ancestor to declare whether Adam of Bradeleg', father of Adam of Bradeleg', was seised of 2 parts of 1 virgate of land in Neuton', which Agnes who was wife of Richard of Wkeseye holds. She comes and they

are agreed. Agnes gives $\frac{1}{2}$ *mark* for licence to agree. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/90.

456 Assize of mort d'ancestor to declare whether Martin son of Herbert, father of Agnes wife of Gilbert of Walton', was seised of 3 virgates of land excepting 3 acres of land and 1 messuage in Upham, which Agnes le Neir holds.

The same assize by the same recognitors to declare whether the same Martin, father of the aforesaid Agnes wife of Gilbert of Walton, was seised of 3 virgates of land . . . *Tomorrow*.

457¹ William son of Gilbert claims against Henry son of William and Clarice his mother 1 mill in Swaleclive as his right. Henry and Clarice come. For $\frac{1}{3}$ of the mill Henry calls Henry his son to warranty, who is present and warrants him. He calls Geoffrey de Maundevill', John Maudut, and John de Cantilupo and Margery his wife to warranty for everything. He is to have them on the octave [1 July] of St. John [the Baptist] at the Strand in the county of Middlesex by aid of the court.² Geoffrey de Maundevill' is to be summoned in Somersetshire and the others are to be summoned in Wiltshire.

¹ cf. 573. ² adjourned to Westminster (K.B.26/140, m.18d; /143, m.6).

458 John Puchard, who brought a writ for beasts unjustly taken, has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Robert Papard' and Peter of Fexburn'.

459 Ralph son of Ralph, who brought a writ of entry against Roger son of William le Paumer for 2 parts of 2 virgates of land in Aseton', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Reynold of Eseleg' and William of Budeby.

460¹ Assize of mort d'ancestor to declare whether Roger of Farnleg', father of William son of Pagan, was seised of 30 acres of land in Farnleg', which Roland of Doddinghull' and Alice his wife hold. They come and say that they should not have to answer him on this writ, because they say that they do not hold that land nor claim anything in it except only the service of 1 knight and 1 pound of pepper. William cannot deny this. So it is adjudged that Roland and Alice are without day and William is in *mercy*.

¹ cf. 368.

461 Gilbert son of Savari of Heywde, who brought a writ to prove his liberty, has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Stephen of Kyvel and William de' Blakesmith.

¹ sic.

462 The prior of Farleg' give *1 mark* for licence to agree with William Maudut and Eve his wife on a plea for a wood, and with Walter de la Well' on a plea of covenant. Let them have chirographs.¹

¹ C.P.25(1)/251/15/39 and 15/1.

463 Assize of novel disseisin to declare whether Richard de la More of B[e]merton', Martin de la More, and William Strad unjustly disseised William Bat of 3 acres of land in la More. Richard and all the others come and say nothing to stay the assize.

The jurors say that Richard and the others did not disseise him, because they say that he never was in seisin. They say moreover that he is a villein. So it is adjudged that he takes nothing by this assize and is in mercy for a false claim. He is poor.

PLEAS OF JURIES AND ASSIZES AT SALISBURY OF THE LIBERTY OF THE BISHOP OF SALISBURY

m. 20] [This membrane has been misplaced and should follow m.21, which bears the heading given above; m.20 is headed *Adhuc de Juratis et Assisis apud Sar' de libertate Episcopi Sar'*].

464 William of Glaston' and Agnes his wife claim against Ralph Cuvenaunt 1 messuage in Salisbury as Agnes's right, into which Ralph has no entry except by Nicholas of Rumes', to whom Agnes demised it without the assent of her husband.

Ralph comes and readily acknowledges that he has entry by Nicholas, but says that on the day Agnes demised that messuage to Nicholas she was not under the power of William of Glaston' nor was she married. Because William of Glaston' acknowledges that he has not solemnly married her but had only privately betrothed her,¹ it is adjudged that Ralph is without day and William and Agnes are in *mercy*.

¹ *solempniter non desponsavit ipsam nisi tantum quod privatim affidaverat ipsam.*

465 Margery¹ who was wife of Ralph de Prestre claims against Thomas of Bretford $\frac{1}{3}$ of 16s. rent in New Salisbury, and against Emma who was wife of Edmund of Happendeden' $\frac{1}{3}$ of 15s. rent in the same vill, as her dower.

Thomas and Emma come. Emma calls Stephen son and heir of the aforesaid Edmund, her former husband, to warranty, who is present and warrants her. He calls Roger son of the aforesaid Ralph le Prestre to warranty. He is to have him etc. . . . Roger comes and warrants him and answers as appears below.

Thomas says that he should not have to answer her thereon, because he says that Ralph and Margery gave the aforesaid messuage² in marriage with one Maud their daughter, and in full court put her in seisin thereof. He says that the custom of the city of Salisbury is such that, if a woman in full court with her husband consents to a gift or sale which her husband makes to anyone for any holding, she can never after the decease of her husband claim anything from that holding by name of dower. Because the same whole court records this, it is adjudged that she takes nothing by this writ and is in *mercy* for a false claim.

Roger comes and says that Ralph le Prestr', Margery's former husband, in full court with Margery's assent and wish gave the aforesaid rent³ to Edmund, Emma's former husband, and he alleges the above mentioned custom. So Roger⁴ is without day and Margery is in *mercy*.

¹ *Maria*, but *Margeria* throughout below.

² only *rent* is specified in the count above.

³ *Radm'*, miscopying of *reddm'*. ⁴ *Radulfus*.

466 John de Thany acknowledges that he owes John de la Mare 69s. 8d. on the fine made between them, whereof he will render him $\frac{1}{2}$ at Michaelmas in the 33rd year and the other $\frac{1}{2}$ at Easter in the 33rd year.¹ If he does not do so, he grants that the sheriff may do so from his lands.

¹ *recte* 34th year, 27 March 1250.

467 John of Grimestede claims Robert of Alwarbir' as his naif and fugitive, who fled from his land after the last return of king John, father of the present king, from Ireland into England [25 Aug. 1210]. He produces several of his [Robert's] kindred from both the father's and the mother's side who acknowledge themselves to be John's villeins.

Robert comes and does not deny kinship, but says that he has now lived continually for the last 10 years in the city of Salisbury in lot and in scot and in the guild merchant as a free burgess of the city. He says that the custom and liberty of the aforesaid city is such that, if anyone shall have been [there] for a year and a day without any challenge¹ and in the guild merchant as a burgess, he shall remain free in perpetuity without anyone being able to claim him in naifty. He puts himself on the jury of the vill that it is the case that he has remained in the city.

The jurors say that Robert has remained in the city as freeman and burgess for a year and a day before John acquired his writ or placed any claim of his naifty. So it is adjudged that Robert remains free without challenge¹ from John or his heirs and John is in *mercy*.

¹ *calumpnia*.

468 Assize of novel disseisin to declare whether Cecily who was wife of William of Cestr' unjustly disseised Rose wife of Walter le Cutiller of 1 messuage in New Salisbury. Cecily comes and says nothing to stay the assize.

The jurors say that Cecily did not disseise Rose of that messuage because she never was in seisin. So it is adjudged that Walter and Rose take nothing by this assize and are in *mercy* for a false claim.

469 Assize of novel disseisin to declare whether Hugh Bonard unjustly disseised William Hode and Isabel¹ his wife of $\frac{1}{2}$ messuage in Salisbury. Hugh comes and says nothing to stay the assize.

The jurors say that Hugh did not disseise them of that $\frac{1}{2}$ messuage because they never were² in seisin. So it is adjudged that William and Isabel [take] nothing by this assize and are in *mercy* for a false claim.

¹ corrected from *Johanna*. ² *fuit*.

470 Walter le Especcer, who brought an assize of novel disseisin against Richard son of Emma for a holding in Salisbury, has come and withdrawn. So he and his sureties for prosecuting are in *mercy*, namely John le Especcer and William Pinnoc.

471 William Bonard was summoned to answer Deulecresse the jew of Wylton' on a plea [demanding] why he does not permit him to have his right of way¹ over his land in Salisbury, which he should have there. He complains that, whereas he [William] had granted him a pathway to go to water through the middle of his curtilage for a term of 10 years by a chirograph made between them, which he proffers and which attests this, William does not permit him to have that pathway.

William comes and claims judgement whether he should answer him on this writ, inasmuch as he [Deulecresse] has brought a writ of right against him and speaks of nothing except an agreement, nor can he show that any ancestor of his was seised of that pathway as of fee and right.² So it is adjudged that Deulecresse takes nothing by this writ and is in *mercy* for a false claim.

¹ *cheminum*.

² the point is that an action *quod permittat* has the nature of a writ of right, so the plaintiff must count on his right.

472¹ Agnes wife of Robert Furbisur attorns Robert her husband against Henry le Flaoner on a plea of land.

¹ cf. 482.

m. 20d blank]

m. 21]

473 Assize of novel disseisin to declare whether Geoffrey Wyncelin, Thomas Makerel, Walter of Wynterburn', Richard Makerel, and Henry Coinentaun unjustly disseised William le Portir of 1 messuage in New Salisbury.

None of the aforesaid come except Thomas Makerel, who comes and answers for himself and the others as their bailiff. He says that the assize should not be taken, because he says that he did not disseise William unjustly nor without judgement. He says on the contrary that he disseised him of that messuage by judgement of the court of the city of Salisbury. For he says that Geoffrey Wincelin had granted that messuage to William le Porter for him to hold throughout his life from Geoffrey and his heirs by service of 28½d. a year, so that if William defaulted on the payment of that annual rent, Geoffrey was fully entitled to distrain that holding for his arrears. He proffers a chirograph made between them which attests this. He says that because William ceased payment of the annual rent, Geoffrey came and complained at the aforesaid court, so that by judgement of the same court Geoffrey seised that holding into his hand. Thereon he puts himself on the record of the same court. Because the mayor and citizens of Salisbury and the whole court record that they did not adjudge that Geoffrey should seise¹ that holding into his hand, but that he should distrain the said holding for his arrears by the chattels found therein in accordance with the purport of the chirograph, it is

¹ *seisivit* for *seisiverit*.

adjudged that Geoffrey and the others disseised William unjustly of that holding and that he recovers his seisin and that Geoffrey and the others are in *mercy*. *Damages 40s., all to the clerks.*²

² cf. 21.

474 Philip of Rugeburn' and Parnel his wife, who brought a writ for Parnel's dower against William Godelyn, have not prosecuted. So they and their sureties for prosecuting are in *mercy*, namely Philip de Prebend and Roger son of Michael.

475 Maud de Wauncy, who brought a writ of novel disseisin against Henry of Dunemere for a holding in Salisbury, has not prosecuted. So she and her sureties for prosecuting are in *mercy*, namely Robert le Furbur and Hugh Jupiter. She is poor.

476 Roger le Charpenter of Dunton' claims against John le Stit $\frac{1}{3}$ of 1 messuage in New Salisbury as his right, into which [John] has no entry except by Geoffrey of Wyvelesford, to whom Joan who was wife of Hugh Carpenter' [demised it, who] held it in dower by gift of that Hugh her former husband, the brother of the aforesaid Roger whose heir he is.

John comes and denies such right and entry. He readily maintains that he does not have entry into that land by Geoffrey. He says on the contrary that he has entry into that land by one William of Leycestre, who demised it to him at fee farm. Roger cannot deny this. So it is adjudged that John is without day and Roger takes nothing by this writ and is in *mercy* for a false claim.

477 Margery who was wife of Walter Crux claims against Adam de Flaundres and Richard de Munpeynelrs 1 messuage in New Salisbury as her right, into which they have no entry except by the aforesaid Walter, Margery's former husband who demised it to them,¹ whom she could not contradict in his lifetime.

Adam and Richard come and deny such right and entry. Adam says that he has entry into $\frac{1}{3}$ of that house by one Margery his wife and Richard says that he has entry into the other $\frac{1}{3}$ by one Maud his wife, the daughters and heirs of one John de Munpeylers, who gave that messuage [in marriage] with them. Margery cannot deny this. So Adam and Richard are without day and Margery is in *mercy*. She is poor.

¹ *ei*.

478 Henry Stalun claims against John Anestas 1 messuage in New Salisbury as his right, into which [John] has no entry except by Cecily who was wife of Peter le Tayllur, who held it in dower by gift of that Peter her former husband, the cousin of Henry whose heir he is.

John comes and denies his right. He readily maintains that Cecily did not hold that messuage in dower. He says on the contrary that Peter le Tayllur,

a long time before he married Cecily, enfeoffed that Cecily of the messuage by his charter, which he proffers and which attests this, whereof Cecily died seised as of fee. He says that he claims nothing in that messuage except the wardship of Margery and Ela, Cecily's daughters and heirs who are under age and in his wardship.

Later they are agreed by licence. Let them have a chirograph.¹

¹ C.P.25(1)/251/16/101.

479 Geoffrey of Wyvelsford, Taggeskyn, gives $\frac{1}{2}$ mark for licence to agree with Henry Sclaveyn on a plea of land. Let them have a chirograph.¹

¹ chirograph lost.

480 Assize of novel disseisin to declare whether Henry of Dunmare, John Tessun, and Robert le Cupere unjustly disseised William of Glaston' and Agnes his wife of $1\frac{1}{2}$ messuages in New Salisbury, in that Henry and John disseised them of 1 messuage and Robert of $\frac{1}{2}$ messuage. Henry and the others come and say nothing to stay the assize.

The jurors say that Henry and the others did not disseise William and Agnes of that messuage. For they say that William and Agnes of their own free will demised that holding because they were exceedingly burdened by the annual rent which they had to render the canons of the church of Salisbury for that holding. So it is adjudged that William and Agnes take nothing by this assize and are in *mercy* for a false claim.

481 Agnes who was wife of Alexander the smith, who brought a writ of entry against Peter of Colecestr' and others [named] in the writ for 1 messuage in New Salisbury, has not prosecuted. So she and her sureties for prosecuting are in *mercy*, namely Walter of Glaston'¹ in Salisbury, and she did not have [another] surety.

¹ *William of Glastonbury* (464, 480) is probably meant, in which case the writ for this action was obtained before Agnes married William as he is not named as co-plaintiff (cf. 464).

482 Robert le Furbur and Agnes his wife claim against Henry le Flanener 1 messuage in New Salisbury as Agnes's right, into which he has no entry except by Robert of Cardeford', to whom John le Charpenter Agnes's former husband demised it, whom she could not contradict in his lifetime.

Henry comes and cannot deny that he had entry into that messuage by Robert, nor that John, Agnes's former husband whom she [could not contradict] in his lifetime, demised that messuage to Robert. So it is adjudged that Robert and Agnes recover their seisin and Henry is in *mercy*.

483 Christian who was wife of Walter le Tayllur claims against Matthew of Cadeleg' 1 messuage in New Salisbury as her dower whereof she was specifically endowed at the church door.

Matthew comes and says that he should not have to answer her on this writ. For he says that Walter, Christian's former husband, before he set out on his journey to the Holy Land, sold that messuage to Matthew, Christian being present and agreeing to the sale, so that by the law of the city of Salisbury¹ Christian can claim nothing in that messuage. Christian cannot deny this. So it is adjudged that Matthew is without day and Christian is in *mercy*. She is poor.

¹ cf. 465.

ROLL OF ATTORNEYS AT WYLTON' BOTH FROM FOREIGN
COUNTIES AND FROM THE COUNTY OF WILTSHIRE

484 *Lincolnshire*. The prior of Kyme attorns Simon Michelcop' or Adam le Forester against Roger de Evermud' and Alice his mother on a plea of covenant.

485 *Oxfordshire*. The abbes of Godestowe attorns Gilbert le Pestur or Hugh of Etton' against John of Shorham on a plea of debt.

486 *Buckinghamshire*. Agnes of Welledon' attorns Gilbert son of Luke against William of Rameston' on a plea of land.

487 Robert le Noreys and Alice his wife, Henry of Lavinton' and Agnes his wife, John Burnel and Isabel his wife, and Denise wife of Robert of Lyttelton' attorn that Robert [her] husband of Littleton' or Julian son of Roger on a plea of land.

488 *Hampshire*. Reynold son of Peter attorns Matthew of Dunigton' against Peter son of Matthew on a plea of mesne.

489 *Buckinghamshire*. Katharine who was wife of Peter le Muner attorns Robert son of Ellis against John le Breuse and others named in the writ on a plea of dower.

490 Cecily of Everei attorns Thomas Harang against Thomas of Uppehull' on a plea of land.

491 Albreda de Boterell' attorns Richard of Pireshet or John of Langeford' against John Maunsel on a plea of land.

492 Thomas of Bishopet' attorns Walter Paskes or John of Dudington' against John of Barneville' on a plea of land.¹

¹ cf. 222.

493 Joan who was wife of Matthew de Vernun attorns Richard son of Hugh or Nicholas son of Richard against Philippa countess of Warwick' and Robert Fin and others named in the writ on a plea of dower.

494 *Somerset*. Master Garnerius archdeacon of Taunton¹ attorns William Russel against Christian de la Bere on a plea of dower.

¹ probably *Warner archdeacon of Totnes*.

495 Roger of Coddeford attorns Robert le Archer or Richard the clerk of Widehill' against John of Worthe on a plea of land.¹

¹ cf. ? 547.

496 Agnes of Runged' attorns Ralph . . . [unfinished].

497 Walter Fucher attorns William Cotel against William of Hiwesse on a plea of land.¹

¹ cf. 122.

498 *Herefordshire*. Robert de Verney attorns Geoffrey le Norreis against John de la Rivere on a plea of trespass.

499 Clemence who was wife of Andrew of Wateford attorns Robert of St. Cross against Walter Clement and William Loereng on a plea of dower and a plea of wardship.

500 *Hampshire*. William de Lucy and Maud his wife attorn William Bastard or Walter de Cormaylles against the lord king on a plea of land.

501 *Gloucestershire*. The same William and Maud his wife attorn the aforesaid [persons] against Ascelina Cotel on a plea of land.

502 *Warwickshire*. Robert le Fraunkelein of Chiriton' attorns Robert of Chiriton' clerk against Peter dean of Warwik' and Nicholas rector of the church of Chiriton' on a plea of prohibition [to court christian].

503 Cecily Maudut attorns Nicholas the clerk against Geoffrey Waspayl on a plea of withholding cattle [i.e. replevin].

504 The abbess of St. Edward attorns John of Shafesbyr' or John of Sunnenges against John of Totoredehull',¹ and [against] Claramunda who was wife of Stephen Joccaume on a plea of debt,² and against Henry of Melleburne and Goda his wife on a plea of waste.

¹ cf. 86. ² cf. 210.

505 Jordan of St. Liciz and Gillian his wife attorn James le Sauvage against Albreda daughter of Hugh of St. Martin on a plea of land.¹

¹ cf. 138, 442.

506 *Hampshire*. Alexander de la Hay attorns Walter de Clycy or Henry de Ouvel' against Robert de Enfervet and others [named] in the writ on a plea of land, and against Geoffrey de Lisle¹ on a plea of land.

¹ *de Insula*.

507¹ Ellen of Sebneston' attorns Richard Michel against Amfelisa who was wife of Geoffrey Turpyn on a plea of dower.

¹ cf. 516.

m. 22d]

508 William Braunch and Joan his wife attorn Roger of Raden' against Robert Harding on a plea of assize of mort d'ancestor.¹

¹ cf. 37.

509 Grace¹ de Meysy attorns Walter Abbe against Geoffrey of Wencheford on a plea of covenant, and against Maud of Byssopestre on a plea of land.

¹ *Gricia*.

510 Annora who was wife of Richard of Brembeham attorns John of Aundevere against Henry of Foyle on a plea of dower.

511 [A complete repetition in a different hand of 93.]

512 The abbot of Glastingber' attorns Simon of Donerham or Walter Bernard against Jordan son of Ursy on a plea of customs and services.¹

¹ cf. 29.

513 Lucy wife of Jordan of Gratel' attorns Jordan her husband against the prior of Farlegh' on a plea of land,¹ and against Richard Morin likewise on a plea of land.

¹ cf. 280, 401.

514 Cecily wife of Roger of Opton' attorns Roger her husband against Philip Marmium on a plea of land.¹

¹ cf. 316, 384.

515 The prior of St. Mary of Marleg' attorns Walter le Clerk against Walter Etenewe on a plea of assize of mort d'ancestor.¹

¹ cf. 131.

516¹ Ellen of Samelton' and William of Chenewyde attorn Richard Michel against Aunsil' who was wife of Geoffrey Turpyn on a plea of dower.

¹ cf. 507.

517 *Northamptonshire*. William Tylly attorns James of Northampton against Lettice who was wife of William de Kaynes on a plea of dower, and against Richard Syward on a plea of warranty of charter.

518 The prior of Stiventon' attorns Roger of Styventon' against Aline daughter of Bernard on a plea of assize of mort d'ancestor,¹ and against Sibyl of Helewey on a plea of withholding cattle [i.e. replevin].

¹ cf. 141, 403.

519 Alice wife of William de la Posterne attorns William her husband against Thomas of Brimelham on a plea of land.¹

¹ cf. 30.

520 The abbot of Radinge attorns Richard of Haveringes or William of Thurston' against Richard de Clare earl of Gloucester on a plea of chase.¹

¹ *chasye*, an action to enforce hunting rights

521 Godfrey de Eskidimor' attorns Thomas the clerk of Norton' against William the smith of Rodhurst.¹

¹ cf. 315.

522 John Brachel attorns Richard Scotmodi against Henry le Teinturer and Alice his wife on a plea of land.¹

¹ cf. 205.

523 The same John attorns the aforesaid Richard against Alice and Christian daughters of Nicholas David on a plea of land.¹

¹ cf. 585.

524 Alan la Suche attorns Walter le Page or Robert of Stotiscumbe against Roger de Sumery on a plea of debt.

525 *Lancashire*. Master Henry de Sanzwiz [attorns] Oliver le Faukener or John de Pyrie against Aundrina de Saunzwiz on a plea of dower.

526 Geoffrey Nichols' attorns Adam Bat or Richard Bat against Simon Serle and others [named] in the writ on a plea of land.

527 Julia¹ wife of William Hose attorns William Hose her husband against Nicholas son of Henry de Lisle² on a plea of land.³

¹ sic. ² *de Insula*. ³ cf. 170.

528 The prior [of] Bradenestok¹ attorns brother Robert of Humiton' against Alice who was wife of Richard Isumberd on a plea of dower.

¹ *Bradeleg(h)*' at 46 and 167.

529 Peter Fareman of Hungirford attorns Ralph Tapping of the same [place] against Geoffrey Nicholf and others [named] in the writ on a plea of land.

530 Vincent le Sauvage attorns James le Sauvage against William Buggi, John le Lung, and John the clerk of Butilmere on a plea of land.¹

¹ cf. 175.

531 The prior of Bradenestok' attorns brother Gervase his canon against William de Cadeho on a plea of land.¹

¹ cf. 271.

532 Geoffrey the baker of Cherleton' attorns Geoffrey his son against Geoffrey Nichols' on a plea of land.¹

¹ cf. 318.

[UNTITLED MEMBRANE OF WILTSHIRE PLEAS FROM THIS
EYRE]

533 Simon of Blundesdon' and Alice [his] wife, John de Newe and Agnes his wife, [and] Henry le Chareter and Gillian his wife presented themselves on the 4th day against Azo Beneit and Natara his wife and Hawise, Natara's sister, on a plea that they keep¹ the fine made in the king's court before the justices itinerant at Wilton between William le Oiselur, father of the aforesaid Agnes, Alice, and Gillian, whose heirs they are, plaintiffs, and John son of Peter, brother of the aforesaid Nazara and Hawise, whose heirs they are, tenants, for 5 hides of land in Bluntedon', whereon a chirograph was made.² They have not come and have made default elsewhere. So the sheriff is ordered to distrain them by [their] lands so that he have [their] persons³ 1 month [27 Oct.] from Michaelmas at *Westminster*.⁴

¹ *teneat*. ² C.P.25(1)/251/5/13. ³ *habeat corpora*.

⁴ adjourned (K.B.26/135, m.27) and settled by chirograph C.P.25(1)/251/17/2.

534 The abess of Shaftesbir' acknowledges that she owes Thomas son of Walter¹ le Clerk' 17 marks on the fine made between them,² whereof she will render him 10 marks on the octave of St. John the Baptist in the 33rd year [1 July 1249] at the Strand in the county of Middlesex, and 7³ marks within the octave [6 Oct.] of Michaelmas in the same year. If she does not do so, she grants that the sheriff may do so from her lands.

¹ *William* at 182 and 272. ² C.P.25(1)/251/15/17. ³ *vi*.

535 Assize of mort d'ancestor to declare whether Maud of Werneffeld, sister of Edith de la Cote, was seised of 1 messuage in Altawurth', which Agnes daughter of John le Paumer holds. She comes and they are agreed by licence. The agreement is as follows: Agnes acknowledges the messuage to be Edith's right and renders it to her.

536 John son of Robert and Hugh le Fraunc give $\frac{1}{2}$ mark for licence to agree with the abbot of Hyda on a plea of common of pasture in Collingburn'. Let them have a chirograph.¹

¹ chirograph lost.

537 Alice of Wrth' claims against William son of Levich' $\frac{1}{2}$ of 1 messuage and $\frac{1}{4}$ acre of land in the same vill¹ as her right, into which William and Adam² have no entry except by Levicha of Wembrgh' to whom Ernald of

¹ perhaps *Highworth*, cf. 560. ² son of *Levine* at 560.

Wttedich', Alice's uncle whose heir she³ is, demised them for a term which has expired. Whereon Alice says that Ernald demised that [message and] land to Livena for the term of Livena's life [only]. William and Adam come and readily acknowledge that they have entry by Levina and readily maintain that Levina did not have entry by Ernald. They say on the contrary that she had entry by Warren son of Gerard. They offer the king $\frac{1}{2}$ mark for an inquest and it is received. So let there be a jury thereon. Later they are agreed by licence and Alice gives $\frac{1}{2}$ mark for licence to agree by surety of the aforesaid William. Let them have a chirograph.⁴

³ *ipse*. ⁴ C.P.25(1)/251/16/91.

538 Robert de Gurnay acknowledges that he owes Henry de Chamfur 10 silver marks on the fine made between them,¹ whereof he will render him $\frac{1}{2}$ at the quindene of Michaelmas in the 33rd year [13 Oct. 1249], and the other $\frac{1}{2}$ at the feast of St. Hilary [13 Jan.] following. If he does not do so, he grants that the sheriff may do so [from his lands].

¹ C.P.25(1)/251/16/92, cf. 110 and 392.

539 The abbot of Bureford¹ presented himself on the 4th day by his attorney against Robert Osebern on a plea that he render 20s. which are in arrears to him from the annual rent of 2s., which he owes him. Robert has not come and has frequently made default. So the sheriff is ordered to distrain him by [his lands] so that he have his person² on the quindene [13 Oct.] of Michaelmas at Westminster,³ and because he is from this county he is in *mercy*.

¹ miscopying of *Dureford*. ² *habeat corpus*.

³ adjourned (K.B.26/136, m.14; /137, m.18; /138, m.17d) and settled by enrolled agreement (/141, m.14d).

540 Geoffrey son of Miles claims against Agnes daughter of Emma 6 acres of land in Brokenesber', and against Alice¹ daughter of Agnes 10 acres of land in the same vill as his right, into which Agnes and Avice¹ have no entry except by Emma of Brokenesbir', to whom William le Ceyn, Geoffrey's grandfather whose heir he is, demised them for a term which has expired. Whereon Geoffrey says that [William] demised that land to Emma for the term of Emma's life [only]. Agnes and Alice come and readily acknowledge that they have entry by Emma, but they say that Emma was enfeoffed of that land by the aforesaid William, to hold for her and her heirs in perpetuity. They offer the king $\frac{1}{2}$ mark for an inquest, and it is received. So let there be a jury thereon.

The jurors say that William Cheyn gave that land to Emma in marriage and that Emma gave that land to Agnes and Avice,¹ to hold for her and her heirs in perpetuity. So it is adjudged that Geoffrey takes nothing by this writ and is in *mercy* for a false claim.

¹ *Amice* at 262.

541 Nicholas of Hamton' gives $\frac{1}{2}$ mark for licence to agree with Gilbert of Walcotte and others on a plea [of mort d'ancestor]. Let them have a chirograph.¹

¹ C.P.25(1)/251/15/11.

542 Richard de Siffrewast acknowledges that he has given, granted, and by his charter confirmed to Richard of Henred for his homage and service and for 40 marks, which he has given him [Richard de Siffrewast] in consideration,¹ 120 acres of land in Cettle, for Richard and his heirs to have and to hold from Richard de Siffrewast and his heirs in perpetuity by service of $\frac{1}{3}$ of $\frac{1}{2}$ knight's fee for every service, suit of court, and lordship,² and Richard [de Siffrewast] warrants the land to Richard for everything, as Richard de Siffrewast's charter, which he has made thereon for Richard, more fully attests.

¹ *in cersumam*.

² *domand'*.

543¹ Margery of Odeston' presented herself on the 4th day against Walter le Sauser on a plea for 1 virgate of land in Eston', which she claims as her right against him. Walter has not come and a summons [was issued]. Judgment: the land is to be taken into the king's hand and the day [of caption told to the justices] and he is summoned to be here on Wednesday [9 June] next after the octave of Trinity, and because he is from this county and did not come he is in *mercy*.

¹ cf. 415.

544 Assize of novel disseisin to declare whether William of Hesewyse unjustly disseised Roger Daniel of his common of pasture in Hesewyse.

William comes and says that the assize should not proceed, because he says that the common of which Roger complains, and whereon the view was made, is in Bracote¹ [and] is not in Hesewyse. Roger cannot deny this. So it is adjudged that Roger takes nothing by this writ and is in *mercy* for a false claim.

¹ miscopying of *Draycot*.

545 Warren Bugge, who brought a writ against John Trot for 1 message in Audingburn', has not prosecuted. So he and his sureties for prosecuting [are] in *mercy*, namely Henry le Hert of Aldeburn' and Thomas son of Agnes of the same [place].

546 Walter of Berewik', who brought a writ of warranty of charter against Herbert of Calna and Maud his wife for 10s. rent in Winterburn', has not prosecuted. So he and his sureties for prosecuting [are] in *mercy*, namely William le Cnave of Meredene and Nicholas Seli of the same [place].

547 John le Fraunceis presented himself on the 4th day against Alice wife of Roger of Sadeford¹ on a plea for 1 messuage [and] 1 acre of land in Heywurth', which he claims as his right against her. A summons [was issued] and Alice has not come. Judgement: the land and messuage are to be taken into the king's hand and the day [of caption told to the justices] and they are summoned to be 1 month [27 Oct.] from Michaelmas at Westminster.² The same day is given to Roger, Alice's husband, in the Bench.³

¹ miscopying of *Codford*.

² where judgement was given for Alice (K.B.26/135, m.25d; /136, m.20d).

³ as opposed to *in curia*, cf. 113.

548¹ Agnes who was wife of Walter son of Michael claims against John de Cardevill' $\frac{1}{3}$ of 2 parts of 1 hide of land in Werfeton' as her dower.

John comes and by licence renders her her dower.

¹ cf. 436.

549 Robert Marreward presented himself on the 4th day against John of Husseburn' on a plea that he do him the customs and rightful services, which he should do him from his free holding which he holds from him in Perinton'. John has not come and has frequently made default. So the sheriff is ordered to distrain him by his lands so that he have his person¹ on the quindene [13 Oct.] of Michaelmas at *Westminster*, and because he is from this county he is in *mercy*.

¹ *habeat corpus ejus*.

550 Ralph son of Robert of Werfeton and Emma his wife attorn their son Robert against William of Caneford on a plea of land.¹

¹ cf. 420.

551 William Braunche attorns Roger Clot against John de la Stane on a plea of land.¹

¹ cf. 230, 312.

J.I. 1/777, m. 31d]

552 Assize of mort d'ancestor to declare whether Walter Rogel', father of Nicholas, was seised of 1 messuage in Cybrige,¹ which Sybil daughter of Alexander holds. She comes and says that she should not have to answer him, because she says that she holds that messuage in villeinage from William de Lungepeie. Nicholas cannot deny this. So Sybil [is] without day and Nicholas [is] in *mercy*.

¹ miscopying of *Sheepbridge*.

553 John de Marisco acknowledges that he owes Henry de Chaunflur 2 silver marks [on the fine made between them],¹ whereof he will render him him 1 mark on the quindene of Michaelmas in the 33rd year [13 Oct. 1249] and another mark on the quindene of St. Hilary in the same year.² If he does not do so, he grants that the sheriff may do so from [his] lands.

¹ C.P.25(1)/251/16/93. ² *recte* 34th year, 27 Jan. 1250.

554¹ Master John Bacun, who brought a writ of replevin² against Oliver steward of St. Swithun of Winton' and William le Bedel, has come and withdrawn. So he and his sureties for prosecuting [are] in mercy. He has made a fine on behalf of himself and his sureties of $\frac{1}{2}$ mark.

¹ cf. 446. ² *detecionis averiorum*.

555 Aunfelisa who was wife of Robert of Wiketon',¹ who brought a writ of dower against Laurence Ainel for a holding in Stanlingh, has not prosecuted. So she and her sureties for prosecuting are in *mercy*, namely William of Withinton' and Reynold of Fullton'. *Later Aunfelisa came, as appears in [the] pleas.*²

¹ miscopying of *Wideton'*. ² at 277, 330.

556¹ William of Ekenge, who brought a writ to prove his liberty against William of Colevill', has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Thomas Patrizk' and Nicholas of Withinton'.

¹ cf. 354, 557.

557¹ The same William of Colevill', who brought a writ of naifty against the aforesaid William of Ikenilde, has not prosecuted. So he and his sureties for prosecuting are in *mercy*, namely Geoffrey Havehin and Ralph of Pavelestune

¹ cf. 354, 556.

558 Assize of novel disseisin to declare whether Mabel Bacun and Peter her son, Thomas le Noreis, John le Blund, William Julian, Geoffrey Bull', William of Chiteli, Geoffrey de Porta, John Sibili, William Blund, John Stot, Nicholas son of Richard, John Herberd, Edmund of Forttesbir', and William le Serjaunt unjustly disseised John of Forttesbir' of 50 acres of land in Forttesbir'.

Mabel has not come, but Peter her son comes and answers for her and for everyone and says nothing to stay the assize. The jurors say that Mabel and all the others disseised John of that land unjustly. So it is adjudged that John recovers his seisin and Mabel [and all the others are] in *mercy*. *Damages 40s., 20s. to the clerks. They are to be distrained in Berkshire.*¹

¹ *Bacon's* or *Fosbury* (in Shalbourne) was partly in Berkshire.

559 Walter son of Robert and Ida his wife, by Ida's attorney by writ of the present king, who brought an assize of novel disseisin against William Lungepeie for holdings in Scepperinge and Heniton, Farlegh' and Bidinham,¹ have come and withdrawn by licence. It is agreed between them that Walter and Ida put themselves utterly in William's grace for those holdings.

¹ miscopying of *Didenham*.

560 William son of Levene and Adam son of Levina acknowledge that they owe Alice of Hewrth' 40s. on the fine made between them,¹ whereof they will render 10s. at St. John the Baptist in the 33rd year [24 June 1249], 10s. at Michaelmas next following, and 20s. at Easter next following. If they do not do so, they grant that the sheriff may do so from [their] lands.

¹ cf. 537.

561¹ A day is given to Alexander de Chiverel, plaintiff, and John son of Adam le Templar for levying their chirograph on the morrow [25 June] of St. John the Baptist at the Strand in the county of Middlesex, because the master of the Knights Templar in England must come to grant that fine. Note that the chirograph is among the notes of chirographs.²

¹ cf. 156. ² *inter notas cir'*; cf. Flower, *Introduction*, pp. 8-9 270-1.

562 Assize of novel disseisin to declare whether Thomas Martin unjustly disseised John le Peintur and Maud his wife and Isabel, Maud's sister, of 1 messuage in Marlebergh'. Thomas comes and says nothing to stay the assize.

The jurors say that Thomas did not disseise John and the others of that messuage, because they say that John never was in seisin. So it is adjudged that Thomas [is] without day and John [is] in *mercy*.

563¹ Margery de Vernun presented herself on the 4th day against Simon de Monteforti, earl of Leicester, on a plea for 1 messuage and 1 virgate of land in Everle, which Margery claims as her right, and which should revert to her as her escheat, because Jordan Vernun, who held those things from Margaret, was a bastard and died without a direct heir. Simon has not come, and a summons [was issued]. Judgement is postponed until Simon's return from Gascony, because Simon has the king's letters of protection while he is in his service overseas. Margery de Vernun attorns Robert her son.

¹ cf. 191, 321.

564 Assize of novel disseisin to declare whether Thomas Caudel unjustly disseised John Caudel of 1 messuage in Merlebergh'. Thomas comes and says nothing to stay the assize.

Later Thomas came and rendered [the messuage] to him by licence.

565 Assize of novel disseisin to declare whether Christian Luvell unjustly disseised Alice who was wife of Robert C.¹ of her common of pasture in Crawecote.²

Christian comes and Alice has withdrawn from her writ by licence. So Christian [is] without day. Later it is agreed between them³ that Christian has granted to Alice common of pasture in the manor of Draucote as she [Christian] was accustomed to have [it] and moreover she has granted Alice $\frac{1}{2}$ acre of land in exchange for that $\frac{1}{2}$ acre which lies alongside the ditch⁴ opposite the house of Michael the reeve. She has also granted to the same Alice $\frac{1}{2}$ acre in her demesne in exchange for that $\frac{1}{2}$ acre in which there is marl,⁵ and for this Alice has remitted and quitclaimed on behalf of herself to Christian every right and claim which she had in a certain place in which is situated the house of the aforesaid Michael the clerk, as is more fully contained in the chirograph made between them thereon.⁶

¹ illegible. ² miscopying of *Draycot*, cf. 123.

³ what follows is in a different hand. ⁴ *in longitudine juxta fossatum*.

⁵ *marlala*. ⁶ chirograph lost.

J.I. 1/997, m. 22]

ESSOINS DE MALO VENIENDI FROM THE COUNTY OF WILT-
SHIRE TAKEN AT WILTON BEFORE HENRY OF BATH AND HIS
FELLOW JUSTICES IN THE 33RD YEAR OF THE REIGN OF KING
HENRY SON OF KING JOHN ON THE QUINDENE OF EASTER
[18 APRIL 1249]

566¹ *New case.*² William Longespe [defendant], who³ is overseas, against the abbot of Radinges [plaintiff] on a plea of warranty of charter by Ralph le Bule [essoiner], on the octave [6 Oct.] of Michaelmas at Westminster by surety of Peter of Brumford'.

¹ no cross-reference.

² *no[vum] est*, here and likewise in the entries which follow.

³ *quod*.

567¹ *New case.* William le Hosee [defendant] (he has a wife, Gillian)² against Nicholas son of Henry de Lisle³ [plaintiff] on a plea of land by William the clerk [essoiner], in 1 month [2 May] from Easter here. [William the clerk] has pledged his faith.⁴ The same day is given to Gillian, William's wife, in the Bench.⁵

Richard of Colingburn' against the same [Nicholas] on the same [plea] by Alfred of Bulebrigg'. [Alfred] has pledged his faith⁴ on a plea of hearing the election [of jurors]⁶ on the plea of land.

¹ cf. 133, 170. ² interlined. ³ *Insula*.

⁴ *aff[idavit]*, here and likewise in the entries which follow.

⁵ as opposed to *in curia*, cf. 113. ⁶ cf. 170.

568¹ *Old case from the Bench.*² *The 4 knights are to be exacted* [to come].¹ Henry le Hosee [defendant] against William de Bello Campo [plaintiff] on a plea of right³ by John the clerk [essoiner], in 1 month [2 May] from Easter here. [John] has pledged his faith.

¹ cf. 226.

² *ve[tus] est de Banco*, here and likewise in the entries which follow.

³ *j[uris]*, corrected from *terre*.

569¹ *New case.* Maud de Molendinis² [defendant] against Roger son of Thomas³ [plaintiff] on a plea of assize of mort d'ancestor⁴ by Adam of Wynterborn' [essoiner], in 1 month [2 May] from Easter here.

¹ cf. 91.

² corrected from *Werfton*'.

³ corrected from *Kok*'.

⁴ corrected from *terre*.

570¹ *New case.* Richard of Durenford [defendant] against Henry of Durenford [plaintiff] on a plea of assize of mort d'ancestor² by Roger of Derneford [essoiner], in 1 month [2 May] from Easter here. [Roger] has pledged his faith.

¹ cf. 130. ² corrected from *terre*.

571¹ *Old case from the Bench.* Robert of London [defendant] against Henry of Pedel' [plaintiff] on a plea of land by Richard son of John [essoiner], in 1 month [2 May] from Easter here. [Richard] has pledged his faith.

¹ no cross-reference.

572¹ W[illiam] bishop of Wynton' [defendant] against Robert de la Mare [plaintiff] on a plea of assize of mort d'ancestor by Simon of Dunton' [essoiner].

¹ no cross-reference; no action on this essoin indicated by ± in margin.

573¹ William Gilbert [? plaintiff] against Henry le Muner [? defendant] on a plea of land by Roger le Tayllur [essoiner].

¹ cf. 457; no action on this essoin indicated by ± in margin.

574¹ *New case.* Beatrice (she has a husband, Andrew)² wife of Andrew of Stretford [defendant] against William Malewayn [plaintiff] on a plea of land by John de Albo Monasterio [essoiner], in 1 month [2 May] from Easter [here]. [John] has pledged his faith. The same day is given to Andrew, Beatrice's husband, in the Bench.³

¹ no cross-reference; no action on this essoin indicated by ± in margin.

² interlined. ³ as opposed to *in curia*, cf. 113.

575¹ *New case by [writ] pone.*² Adam of Perinton' [defendant] against Hugh Peverel [plaintiff] on a plea of land by Roger of Writel' [essoiner], in 1 month [2 May] from Easter here. [Roger] has pledged his faith.

¹ no cross-reference; cf. 422 where Adam and Hugh are both plaintiffs.

² removing plea from county court.

576¹ (Philip de Nevill' [defendant] against William of Wyntreshull' and Beatrice his wife [plaintiffs] on a plea *de fine facto* by William son)² of Richard [essoiner]. [The essoin] does not lie because the sheriff was ordered to have his [Philip's] person³ here.

¹ no cross-reference. ² cancelled. ³ *corpus*.

577¹ *Old case from the Bench.* The 4 knights [electors] are to be exacted [to come]. The abbot of Cyrencestr' [defendant] against John of Aundevre

¹ no cross-reference.

[plaintiff] on a plea of hearing the election of those [jurors] on a plea of land² by William le Daveys [essoiner], in 1 month [2 May] from Easter at Wylton'. [William] has pledged his faith.

² corrected from *assise mortis antecessoris*; settled by chirograph C.P.25(1)/251/16/73.

578¹ *New case.* Margery de Rypariis [defendant] against John of Ilsefeud [plaintiff] on a plea *de fine facto* by Henry Horn [essoiner], in 1 month [2 May] from Easter here by surety of Ralph le Butiller.

¹ cf. 209.

579¹ *New case.* The abbess of Kaine [defendant], who² is overseas, against Richard Ingwyne³ [plaintiff] on a plea of assize of mort d'ancestor⁴ by Richard le Mestre [essoiner], on the morrow [31 May] of Trinity here.

¹ cf. 39. ² *quod.* ³ corrected from *Ywyngewyne.* ⁴ corrected from *terre.*

580¹ (Godfrey de Alneto [defendant] against Simon of Burehard [plaintiff] on a plea of covenant by Peter of Aundeber')² [essoiner]. [The essoin] does not lie because the sheriff was ordered to have his [Godfrey's] person³ [here].

¹ cf. 407. ² cancelled. ³ *corpus.*

581¹ *Discussion.*² Simon Serle [defendant] against Geoffrey Nidold [plaintiff] on a plea of land by William le Paumer [essoiner].

¹ cf. 318; no action on this essoin indicated by ± in margin. ² *lo[quendum].*

582¹ Isabel wife of John of Chauke [defendant] against Alice la Russe [plaintiff] on a plea of land by Nicholas of Denton' [essoiner].

¹ no cross-reference; no action on this essoin indicated by ± in margin.

583¹ William of Caneford [defendant] against² John Seual [plaintiff] on a plea of land by William of Candevere [essoiner].

¹ cf. 80, 320, which are actions of mort d'ancestor; no action on this essoin indicated by *I[tinere]* (eyre) cancelled in margin.

² repeated.

584¹ *New case.* Albreda of St. Martin [defendant] against Jordan of St. Licius and Gillian his wife [plaintiffs] on a plea of land by John le Moyune [essoiner], in 1 month [2 May] from Easter here. [John] has pledged his faith.

¹ cf. 138.

585¹ *New case.* John Brachel' [defendant] against Christian daughter of Nicholas David' and Alice her sister [plaintiffs] on a plea of land² by John son of Jordan [essoiner], in 1 month [2 May] from Easter here. [John son of Jordan] has pledged his faith.

¹ cf. 205 and appointment of attorney 523.

² corrected from *assise mortis antecessoris.*

ESSOINS *DE MALO VENIENDI* FROM THE COUNTY OF
WILTSHIRE IN 3 WEEKS FROM EASTER [25 APRIL]

586 *Old case from the Bench.* John de la Stane [defendant] against William Braunch' and Joan his wife [plaintiffs] on a plea of land by Peter le Forester [essoiner], in 1 month [2 May] from Easter here. [Peter] has pledged his faith against¹ the aforesaid William and Joan. The essoiner is told that he is to await the 4th day against the warrantors.² *William son of Mabel and Nicholas Poynz, warrantors, are to be exacted* [to come].

¹ *versus*] corrected from *de*. ² cf. 230, 312.

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Where a person is entered in the index under a place-name although having an alternative surname, it is necessary, to be sure of finding all the references to that person, to turn to the entry under the alternative surname: for example Richard de la More is entered under Bemerton but additional references for him are to be found under More.

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