

## INQUISITIONES POST MORTEM.



FOR a complete elucidation of the following Records, a strong temptation presents itself to reprint the fourth and fifth chapters of book ii. of Blackstone's Commentaries, wherein the entire history of ancient English tenures is most lucidly treated; but we must not occupy our pages with information that is readily accessible to all who choose to interest themselves in our early constitutional history. A few quotations with reference to the different kinds of tenure, and specially that by knight-service, will suffice for our present purpose, an explanation, namely, of the origin and nature of the Inquisitions which form the subject of this paper.

“Almost all the real property of this kingdom is by the policy of our laws supposed to be granted by, dependent upon, and *holden* of some superior lord, by and in consideration of certain services to be rendered to the lord by the tenant or possessor of this property. The thing holden is therefore styled a *tenement*, the possessors thereof *tenants*, and the manner of their possession a *tenure*. Thus all the land in the kingdom is supposed to be holden, mediately or immediately, of the king; who is styled the lord *paramount*, or above all. Such tenants as held under the king immediately, when they granted out portions of their lands to inferior persons, became also lords with respect to those inferior persons, just as they themselves were still tenants with respect to the king; and, thus partaking of a middle nature, were called *mesne*, or middle,

lords. So that if the king granted a manor to A, and he granted a portion of the land to B, now B was said to hold of A, and A of the king; or in other words, B held his lands immediately of A, but mediately of the king. The king therefore was styled lord paramount; A was both tenant and lord, or was a mesne lord; and B was called tenant *paravail*, or the lowest tenant; being he who was supposed to make avail, or profit, of the land."

"All tenures being thus derived, or supposed to be derived, from the king, those that held immediately under him, in right of his crown and dignity, were called his tenants *in capite*, or in chief; which was the most honourable species of tenure, but at the same subjected the tenants to greater and more burdensome services than inferior tenures did. This distinction ran through all the different sorts of tenure; of which I now proceed to give an account.

"I. There seem to have subsisted among our ancestors four principal species of lay tenures, to which all others may be reduced: the grand criteria of which were the natures of the several services or renders, that were due to the lords from their tenants. The services, in respect of their *quality*, were either *free* or *base* services; in respect of their *quantity* and the time of exacting them, were either *certain* or *uncertain*. *Free* services were such as were not unbecoming the character of a soldier or a freeman to perform; as, to serve under his lord in the wars, to pay a sum of money, and the like. *Base* services were such as were fit only for peasants, or persons of a servile rank; as to plough the lord's land, to make his hedges, or other mean employments. The *certain* services, whether free or base, were such as were stinted in quantity, and could not be exceeded on any pretence; as, to pay a stated annual rent, or to plough such a field for three days. The *uncertain* depended upon unknown contingencies: as, to do military service in person, or pay an assessment in lieu of it, when called upon; or to wind a horn whenever the Scots invaded the realm; which are *free* services: or to do whatever the lord should command; which is a *base* or villein service.

"Where the service was *free*, but *uncertain*, as military service with homage, that tenure was called the tenure in chivalry, *per servitium militare*, or by knight-service. Secondly, where

the service was not only *free*, but also *certain*, as by fealty only, by rent and fealty, etc., that tenure was called *liberum socagium*, or free socage.

“The first, most universal, and esteemed the most honourable species of tenure, was that by knight-service, called in Latin *servitium militare*. . . . To make a tenure by knight-service, a determinate quantity of land was necessary, which was called a knight’s-fee (*feodum militare*), the measure of which in 3 Edw. I. was estimated at twelve ploughlands, and its value (though it varied with the times) in the reigns of Edw. I. and Edw. II. was stated at £20 per annum. And he who held this proportion of land (or a whole fee) by knight-service, was bound to attend his lord to the wars for forty days in every year, if called upon; which attendance was his *redditus* or return, his rent or service, for the land he claimed to hold. If he held only half a knight’s-fee, he was only bound to attend twenty days, and so in proportion.”<sup>1\*</sup>

There were also—

“Seven fruits and consequences, as inseparably incident to the tenure by knight-service, viz. 1, AIDS; 2, RELIEFS; 3, PRIMER SEISIN; 4, WARDSHIP; 5, MARITAGIUM; 6, FINES FOR ALIENATION; and 7, ESCHEAT.”

To each and all of these the King had a claim from tenants *in capite*, i.e. from those who held immediately from the Crown by knight-service.<sup>2</sup>

1. By the first, “AIDS,” the tenant was bound to ransom the King’s person, if taken prisoner; to provide the costs of making his eldest son a knight; and to find a portion for marrying his eldest daughter.

2. By the second, “RELIEF,” the tenant had to pay a fine, or “Relief,” to the King, on the death of his ancestor, as a composition for taking up his estate; but this was only demandable if the heir was of full age at the time of his succeeding to the estate, when he did his fealty and homage to his lord; that is, he took an oath to be faithful to his lord, and did homage by kneel-

\* The notes will be found at p. 313, etc.

ing before him, ungirt, uncovered, and holding up his hands both together between those of his lord, who sate before him, and professing that he did become his "man, from that day forth, of life and limb and earthly honour," and he then received a kiss from his lord. At first the "Relief" was an arbitrary payment, and at the will of the lord, so that if he pleased to demand an exorbitant Relief, it was, in effect, to disinherit the heir, and thus it became one of the greatest grievances of military tenure. After various struggles between the Crown and its tenants, the composition was finally fixed at 100s. for every knight's-fee.

3. By the third, "PRIMER SEISIN," the King had a right, when any of his tenants by knight-service *in capite* died, to receive of the heir (if of full age) one year's profits of the lands, if they were in possession; and half a year's profits if they were in reversion, expectant on an estate for life.

4. By the fourth, viz. "WARDSHIP," if the heir were under age of twenty-one, being a male, or fourteen, being a female, the King was entitled to the guardianship, which consisted in having the custody of the body and lands of such heir (without rendering any account of the profits) till the age of twenty-one in males, and sixteen in females.<sup>3</sup> And when the heir thus came of full age, provided he held a knight's-fee *in capite* under the Crown, he was to receive the order of knighthood, and was compellable to take it upon him, or else pay a fine to the King. On arriving at full age, the heir had his writ "de ætate probandâ." A jury was summoned to inquire into his age, returning their verdict on oath; on which, if proved of full age, he obtained livery and seisin of his lands. Occasionally, frauds were attempted on the Crown, by false representations of age, and reinvestigation became necessary. Among the Inquisitions are frequently found the evidences used on these proofs

of age,—an exceedingly interesting class of documents, which we shall print in order as they occur.

5. And during the same period of nonage, the fifth incident, viz. the right of MARRIAGE, “maritagium,”<sup>3</sup> accrued to the King over his tenants. By this, while the infant was in ward, he had the power of tendering him or her a suitable match, without disparagement or inequality, which, if the infants refused, they forfeited to him the value of the marriage, that is, so much as a jury would assess, or any one would *bonâ fide* give for such an alliance; and, if the infants married without his consent, they forfeited double the value.

6. The sixth incident was the “FINE,” which the tenant was obliged to pay to the King upon every alienation of his land, which he could not effect without a license from the Crown. If he did, it was in ancient strictness an absolute forfeiture of the land. But this severity was mitigated by the statute 1 Edw. III. cap. 12, which ordained, that in such case the lands should not be forfeited, but a reasonable fine be paid to the King. It was also settled by the same statute that the Crown should not demand more than one-third of the yearly value for a license of alienation.

7. The last incident was “ESCHEAT,” whereby, if the tenant died without an heir, or convicted of treason or felony, the estate reverted or “escheated” to the Crown.

The description here given is that of knight-service proper, which was to attend the king in his wars. There was also another species of knight-service of a more honourable nature, but attended with the same fruits and consequences. Such was the tenure by ‘grand serjeanty,’ *per magnum servitium*, whereby the tenant was bound, instead of serving the King *generally* in his wars, to do him some special honorary service in person, such as to carry his banner, his sword, or the like, or to be

his butler, champion, or other officer at his coronation; only a tenant of this kind was not bound to pay aid or escuage; and while the tenant by ordinary knight-service paid five pounds for a "Relief" on each knight's-fee, the tenant by grand serjeanty paid one year's value of the land whether it was much or little.

"These services, both of chivalry and grand serjeanty, were all personal, and uncertain as to their quantity and duration. But the personal attendance in knight's-service growing troublesome and inconvenient in many respects, the tenants found means of compounding for it; by first sending others in their stead, and in process of time making a pecuniary satisfaction to the lord in lieu of it. This pecuniary satisfaction at last came to be levied by assessments, at so much for every knight's-fee, and therefore this kind of tenure was called *scutagium*, *scutum* being then a well known denomination for money.

"By the degenerating of knight-service, or personal military duty, into escuage, or pecuniary assessments, all the advantages (either promised or real) of the feudal constitution were destroyed, and nothing but the hardships remained. Instead of forming a national militia composed of barons, knights, and gentlemen, bound by their interest, their honour, and their oaths, to defend their king and country, the whole of this system of tenures now tended to nothing else but a wretched means of raising money to pay an army of occasional mercenaries. In the meantime the families of all our nobility groaned under the intolerable burdens, which (in consequence of the fiction adopted after the Conquest) were introduced and laid upon them by the subtlety and finesse of the Norman lawyers. For, besides the scutages to which they were liable in defect of personal attendance, which however were assessed by themselves in parliament, they might be called upon by the king or lord paramount for *aids*, whenever his eldest son was to be knighted or his eldest daughter married; not to forget the ransom of his own person. The heir, on the death of his ancestor, if of full age, was plundered of the first emoluments arising from his inheritance, by way of *relief* and *primer seisin*; and, if under age, of the whole of his estate during infancy. And then, as Sir Thomas Smith very feelingly complains,

‘when he came to his own, after he was out of *wardship*, his woods decayed, houses fallen down, stock wasted and gone, lands let forth and ploughed to be barren,’ to reduce him still further, he was yet to pay half a year’s profits as a fine for suing out his *livery*; and also the price or value of his *marriage*, if he refused such wife as his lord and guardian had bartered for, and imposed upon him; or twice that value if he married another woman. Add to this, the untimely and expensive honour of *knighthood*, to make his poverty more completely splendid. And when by these deductions his fortune was so shattered and ruined, that perhaps he was obliged to sell his patrimony, he had not even that poor privilege allowed him, without paying an exorbitant fine for a *license of alienation*.

“A slavery so complicated, and so extensive as this, called aloud for a remedy in a nation that boasted of its freedom. Palliatives were from time to time applied by successive acts of parliament, which assuaged some temporary grievances. Till at length the humanity of King James I. consented, in consideration of a proper equivalent, to abolish them all; though the plan proceeded not to effect.

“At length the military tenures, with all their heavy appendages (having during the usurpation been discontinued) were destroyed at one blow by the statute 12 Car. II. c. 24, which enacts, ‘that the court of wards and liveries, and all wardships, liveries, primer seisins, and ousterlemains, values and forfeitures of marriages, by reason of any tenure of the king or others, be totally taken away. And that all fines for alienations, tenures by homage, knight-service, and escuage, and also aids for marrying the daughter or knighting the son, and all tenures of the king *in capite*, be likewise taken away. And that all sorts of tenures, held of the king or others, be turned into free and common socage; save only tenures in frankalmoign, copyholds, and the honorary services (without the slavish part) of grand serjeanty.’ A statute, which was a greater acquisition to the civil property of this kingdom than even *Magna Carta* itself: since that only pruned the luxuriances that had grown out of the military tenures, and thereby preserved them in vigour; but the statute of King Charles extirpated the whole, and demolished both root and branches.”

Thus far we have cited from Blackstone, somewhat

copiously perhaps, but we have done so in order that we may be spared hereafter the necessity of endless notes and discussions during the progress of our transcripts. Our readers too are thus furnished, at the onset, with a running commentary, elucidating nearly every question that may arise during the examination of these Inquisitions, as necessary to explain the Records before us; for the rest, we would urge our readers, learned or unlearned, to study carefully the fourth and fifth chapters of the second book of Blackstone's Commentaries, and can promise them much enjoyment in the perusal of that luminous writer's history of the origin and nature of the feudal system and its requirements, as specially exemplified in early English Tenures. The study too of these chapters will enable them to appreciate correctly the Records now presented to them.

In order to ensure to the Crown the rights which we have enumerated, when a supposed tenant by knight-service *in capite* died, "Inquisitiones post Mortem" were taken, by virtue of the King's writ, directed to the sheriff or escheator of the county or district in which the party died, requiring the said officer to summon a jury to inquire—if the deceased held *in capite*—of what lands he had died seized,—and by what services the same were held,—who was the next heir,—and of what age he was,—and to make their return upon oath and under seal, in order that the King might ascertain his rights of wardship, marriage, etc., and take the lands into his own hands during the minority of the heir, or permanently if the estate had actually escheated.

These writs and the returns to them,<sup>4</sup> made by the escheator and his jury, are preserved among the public records of the kingdom, from the early part of the reign of Henry III. There are, as might be expected, many deficiencies, especially in the more early periods; but, with these exceptions, a series of them is preserved from



that period till the abolition of the Courts of Wards and Liveries by Charles II., when all tenures by knight-service, and of the King *in capite*, were abolished.

The great importance of these records to ordinary county history has long been acknowledged. In the descents of family and property, they are the best evidence that can be produced, and nearly the only one on which we can thoroughly rely. Moreover, if the tenant was convicted of treason or felony, it appears on these Records, which often furnish an actual "extent" or survey of the manors and lands held by the tenant, with their quality and measurement and value, recorded in full detail. Many obsolete customs too are here recorded. But, to *this* county, it is impossible to overrate their value. To us they are not merely interesting items in archæological research, but they are the indispensable evidences, in many instances the only title, which some of us have to our property. Herein are specified what particular estates are held by the custom of Gavelkind, and which are exempt therefrom.

Many an estate has been partitioned among coheirs, on an intestacy, to which the younger brothers had no more right than an utter alien in blood, and the elder son has thus been unconsciously robbed of his inheritance, merely from ignorance of the fact which these Records would have developed, that his estate was originally held by knight-service, and therefore exempt from the operation of Gavelkind. Within the last four years the writer of these lines has himself rescued two important estates from being lost to the elder son, by the evidence supplied from these very documents which we here purpose to print, in regular series, for the use of our county. In the instance of "Pedes Finium," we have printed the Record entire in the original Latin, because a short heading in English suffices, in those Records, to give the whole substance of the document ; but in these

Inquisitions, which contain minute details of every particular attaching to the estate in question, no abstract would suffice. In these therefore, for the convenience of the general reader, we have rendered into English all the items of the Record. It will enable him to trace the descent of families and property from a very early period; and ever and anon, in cases of intestacy, the heir, in this county, will here find a clue to save himself from the distribution of his estate among younger brothers, securing thereby, in almost every instance, a result for which the father, had he made a will, would most probably have provided.

The English translation will suffice for general purposes; in every instance we have given the reference to the original Record, so that, in those cases where legal evidence is required, the party needing it can always obtain by this reference a verbatim copy of the original, which will be undeniable evidence in all the Courts of Law in the kingdom.

Literary friends in whose counsel we have great confidence, have, we are free to confess, advised the non-admission of these Records, and the "Pedes Finium," into our Volume; but we have so strong a conviction of their conferring something of much higher benefit to our Members than mere archæological information (which, by the way, is of itself, in these instances, exceedingly interesting), that we have resisted their counsel, and printed them. It rests with our Members to decide whether they approve the step or no. If any strong intimation be given (which we can hardly anticipate) that they are not acceptable, they shall be discontinued. As we descend to the fifteenth and sixteenth centuries, we have in these Inquisitions the most minute particulars, (very often even descending to actual fields,) of the manors and estates of deceased tenants *in capite*; and, after a study of these Records, through their course as it proceeds, the reader

will find himself as conversant with the early history of the lands in his parish, as he is of the farms around him in the present day. Connected with the "Pedes Finium," he will trace them through all their alienations, and map them out as readily as though he had lived in the times whose changes they record.

We have given, at page 298, a facsimile of one of the earliest writs, and the return of the Inquisition to it, viz. that of William le Taillur, relating to his estate in Milton, etc.; it is a fair sample of the earliest of these Inquisitions. We have selected it, as an instance where the Jury, in their return, carefully distinguish between the lands held in Gavelkind, divisible among all the brothers, and those held by knight's-service, not so divisible. Having now made our readers acquainted with the nature and history of these Records, we proceed to print them in regular series.

But we must first render our cordial acknowledgments to our old and valued friend, Thomas Duffus Hardy, Esq., and the officers presiding over the different departments of the General Record Office, for their unremittingly kind attentions. To that gentleman, and to the Rev. J. Hunter, H. J. Sharpe, Esq., the Rev. Professor Brewer, W. Nelson, Esq., J. J. Bond, Esq., C. Cole, Esq., J. Burt, Esq., and W. B. Sanders, Esq., we cannot be sufficiently grateful for the valuable assistance rendered to us in preparing for publication the Records which we have used in this and our former volume; and we cannot refrain from adding our testimony to the great efficiency of the office, and to the uniform courtesy and attention rendered to those literary students who have occasion to consult the Public Records.

The earliest Inquisition for the county of Kent is that relating to the rents of the Prior of MODINDEN, as follows<sup>5</sup>:—

## I.

[Esc. No. 13, 20 Hen. III., 1235-6.]

*Writ to inquire if the Prior of Modinden was seised of certain rents etc., of the gift and grant of Robert de Rokel, during the life of the said Robert, etc., and for how long the said Prior was in seisin thereof in the time of the said Robert. Tested at Rochester, 18th January, 20 Hen. III.*

The Inquisition was taken by—

Godard de Cilgrave,—William Godeholt,—William de Kingeslond,—Martin de Pirnlee,—Pagan de Wilgare,—Baldewin de Wulgare,—Hamo de Forstalle,—Thomas de Wode,—Henry Becket,—William de Pecke,—Peter de Wilgare,—William Fitz Adam;

Who say upon their oath, that—The PRIOR OF MODINDEN<sup>6</sup> was in seizin of 14s. 6d. and eight hens rent, of the gift and grant of ROBERT DE ROKEL, in the lifetime of the said ROBERT, out of a tenement which the said ROBERT had in OSPRING, for two years before his death. And likewise of eleven seams of barley, of the gift of the said ROBERT, in his lifetime,—likewise for two years before his death, out of a tenement which the said ROBERT had in PLUMWORTH.<sup>7</sup> But of the entire domain which the said ROBERT had in PLUMWORTH, they say that the PRIOR had no service therefrom before the death of the said ROBERT, as they believe. But the said PRIOR had seisin of the rents, homages, and other pertinencies to the said domain, for two years before the death of the said ROBERT, as above.<sup>8</sup>

## II.

[Esc. No. 8, 20 Hen. III., 1236.]

*Writ to inquire how much land Richard Noel held of the King in capite; etc.; who is next heir, etc. Tested at Clarendon, 17th June, 20 Hen. III.*

The Inquisition was taken by—

Josceus at Hamme,<sup>9</sup>—Bartholomew de Shyrland,—Hamo the Monk,—Richard Smecok,<sup>9</sup>—Philip Upedune,—Alan de Ryde,

—Hamo Upetune,—Luke de Hornesclyve,—Henry de Shilgrave,—Godard de Sylgrave,—William de Beggyngge,—Andred de Trulegh ;

Who say upon their oath, that—RICHARD NOEL had in the hundred of MILTON land worth £4. 10s. per annum, and a rent of two sieves<sup>10</sup> of Salt, worth 10s. per annum ; and in the hundred of FAVERSHAM, an annual rent in money, viz. £4. Out of all the above, he paid to our Lord the King one pair of gilt spurs per annum. WILLIAM, son of the said RICHARD, is next heir of the said RICHARD.<sup>11</sup>

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### III.

[Esc. No. 2, 30 Hen. III., 1245-6.]

*Writ to inquire how much land Thomas de Normanvill held in capite, etc.; who is next heir, etc. Tested at Westminster, 14th March, 30 Hen. III.*

The Inquisition was taken by—

Sir<sup>12</sup> John de Cryoll,—Sir<sup>12</sup> Simon de Cryoll,—Robert de Gatton,— . . . . . John de Hukinge,—William de Shamelesforde,—Warin Gernetarius,— . . . . . de Pecham,<sup>13</sup>—Hamo de la Dune ;

Who say upon their oath, that—RALPH DE . . . . . NORMANVILLE,—and is of full age, and holds of our Lord the King *in capite*, . . . . . of one knight's-fee . . . . . and is in all, by the year, £10. 15s.<sup>14</sup>

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### IV.

[Esc. No. 7, 30 Hen. III., 1246.]

*Writ to inquire how much land Geffrey de Euerle held of the inheritance of Alice his wife, and of what value. Tested at Faversham, 20th May, 30 Hen. III.*

The Inquisition was taken by—

Richard de Gredle,—Jocens Puynant,—William Parcarius,—

Walter Wyse,—Alan Brid,—Simon Grobee,—William de Monte,—John de Holte,—Roger de Luffinton,—Roger Wython,—Geoffry Carpentar,—Roger de Tanilonde;<sup>15</sup>

Who say upon their oath, that—The said GEFREY holds at SMETH ninety-eight acres of land worth 73s. 6*d.* per annum, at 9*d.* the acre. Also, he holds there sixteen acres of meadow, worth 24s. per annum, at 18*d.* the acre. He also holds pasture there, worth 6s. 8*d.* per annum, and Rent of Assize<sup>16</sup> 14s. 8*d.* And in mills, the annual value of 30s., and a rent of twenty hens,<sup>17</sup> worth 2s. 6*d.* per annum. And that he has a garden worth 9s. per annum. And that he has there in average,<sup>18</sup> 6s. 8*d.*, and in the custom of mowing<sup>19</sup> half an acre, 2*d.* And that he has there, by the year, one hundred eggs worth 3*d.* Sum total thereof £8. 7s. 5*d.* of my Lady's dower. They say also, that the marriage of the heir of the said Alice<sup>20</sup> is worth, to sell, ten marks.

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V.

[Esc. No. 5, 30 Hen. III., 1246.]

*Writ to inquire how much land Isolda de Grey held in capite, etc.; who is next heir, etc. Tested at Beaulieu, 18 June, 30 Hen. III.*

The Inquisition was taken by—

John Fitz Godfrey,—John Malemein,—John Pede,—Stephen de Hallestowe,—Simon de Delham,—Geffrey Salomon,—Philip de Delham,—Osbert de Fonte,—William de la Hoke,—Henry de Ecclá,<sup>21</sup>—Henry de Bradefeld,—Robert Fitz Alan;

Who say upon their oath, that—ISOLDA DE GREY held half the manor of HOV, by exchange made with her four parceners, by service of half a knight's-fee; they say also, that no more than a fifth part of the entire manor came to her by inheritance. They say also, that half the entire manor is worth per annum, in domains, rents, homages, and all other issues from land, £33. 17s. 11*d.* And that RICHARD DE GRAY is her son and next heir.<sup>22</sup>

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## VI.

[Esc. No. 39, 30 Hen. III., 1246.]

*Writ to inquire how much land Jollan de Nevill held of the King in capite, etc.; who is next heir, etc. Tested at Windsor, 5th October, 30 Hen. III.*

The Inquisition was taken by—

John de Grene,—John de Dunlege,—William de Tumberwode,—Adam de Puteo,—Roger de Tumberwode,—Philip de Merston,—Henry de Lamare,—Geffrey le Fugel,—Christopher de Sorene,—Henry de la Hoke,—Jordan de Brenne,—Hugh le Sone,—Henry de Sorens,—Thomas Smaleman,—Sefan de Sorene;

Who say on their oath, that—JOLAN DE NEVILL held of our Lord the King, in SORENE,<sup>23</sup> twenty librates<sup>24</sup> of land *in capite*, by service of one knight's-fee. They say also that one JOLAN, son of the said JOLAN,<sup>25</sup> is his next heir, and of the age of twenty-two years and a half.

VII.<sup>26</sup>

[Esc. No. 11, 31 Hen. III., 1247.]

*Writ to Henry de Wengeham, the Escheator, to inquire how much land Elyas de Boctun held of the King in capite, etc. Tested at Westminster, 1st Oct., 31 Hen. III.*

The Inquisition was taken by—

Richard de Sotinden,—Richard de Bocton,—Stephen atte Lese,—Simon de Ecchesdenne,—William de Gatele,—Robert de Golstanstrete,—Richard de Gatele,—Roger de Regisdune,—Richard de Aula,—Andrew de la Redee,—Adam Bedell,—Benedict de Frenchisburne;

Who say upon their oath, that—the said ELYAS held the manor of BOCTON<sup>27</sup> of our Lord the King *in capite*, by service of one knight's-fee. They say also that he had in the same manor £29. 4s. 0½d. of rent of assize by the year; and two carucates<sup>28</sup> of land, with one watermill, and a windmill, with meadows and

pasture worth £12. per annum. They say also that the customary services of the tenants of the said manor, and the perquisites of Courts,<sup>29</sup> ought to be worth in ordinary years 119s. and 7d.; and there is due therefrom every year, to the hospital of lepers at Boulogne, £20. The Jury also say that the said ELYAS held a certain land called GRESSIMERE, by the service of half a knight's-fee, of Sir Reginald de Cobbeham; and a mill there, of the fee of the Abbot of St. Augustine's, Canterbury; and that they are worth ten marks per annum. They say also that PETER,<sup>30</sup> eldest son of the said ELYAS, is his next heir, and is twenty-two years old and more.

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### VIII.

[Esc. No. 17, 31 Hen. III., 1247.]

*Writ to inquire how much land Master Odo de Scerinton<sup>31</sup> held of the King in capite, etc.; who is the next heir, etc. Tested at Westminster, 15th Oct., 31 Hen. III.*

The Inquisition was taken by—

Simon Potyn,—Henry de Baiff,—Richard Clericus,—Gilbert Unwine,—Eustace Fitz Reymer,<sup>32</sup>—Alan le Gey,—Ralph the Forrester,—John Lacy,—Hugh, son of the Priest,<sup>33</sup>—Arnold Tirlwine,—Ivo Fitz Ralph,—John Tirlwine;

Who say upon their oath, that—Master Odo held *in capite* of our Lord the King the manor of DELCE,<sup>34</sup> by service of one knight's-fee and a half, and ward to Rochester Castle as much as belongs to one knight's-fee and a half, and that the manor is worth £16 per annum. WALRAN DE SCERINTON, brother of the said Odo, is his next heir, and is forty years old and more.

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## IX.

[Esc. No. 56, 33 Hen. III., 1248-9.]

*Writ to H. de Wengeham, and his Co-Escheator of Kent, to inquire how much land Robert de Seuanz held of the King in capite, etc.; who is the next heir, etc. Tested at Merton, 3rd January, 33 Hen. III.*

The Inquisition was taken by—

Wibert Ketiére,—Thomas ate Dune,—Gilbert ate Dune,—Bartholomew ate Wode,—Hugh Gold,—John Brutin,—Godofry Horn,—Ralph de Ysindane,—Nicholas de Wielmeston,—Arnold de Shorne,—Adam de Forstalle,—and Thomas Kix;

Who say upon their oath, that—the said ROBERT held one knight's-fee in ALDINTON<sup>85</sup> of our Lord the King *in capite*, and has in domain sixty-six acres of arable land and eight acres of pasture, at 6*d.* per acre per annum, Total 37*s.*; and in rent of assize per annum 40*s.* 1½*d.*, and thirty hens at 1½*d.* each, Total 3*s.* 9*d.*, and three ploughs, 2*s.*,—Total of this, £4. 2*s.* 10½*d.*; and thereout is due to the castle of Rochester for ward, by the year, 14*s.* They also say that the said ROBERT held in MELLETON<sup>86</sup> one knight's-fee of the Earl of Gloucester, and had in domain seventy-five acres of arable land and twelve acres of pasture, worth per acre 4*d.*,—Total 29*s.*; and sixteen acres of meadow, worth 16*s.*; and sixteen acres of pasture in the Alders,<sup>87</sup> worth 8*s.*; and he had a mill worth 30*s.* per annum; also he had 40*s.* rent of assize; and thirty-five hens, worth 1½*d.* per hen, total 4*s.* 4½*d.*; and also five ploughs, worth 2*s.* 6*d.*: Total, £5. 19*s.* 10½*d.* They also say that the said ROBERT held in WIELMESTON<sup>88</sup> half a knight's-fee of the Archbishop of Canterbury, and it is all in homages, and it is worth per year in rent of assize in money 38*s.* 4*d.*; and thirteen hens at 1½*d.* each,—total 19½*d.*: Total of this, 39*s.* 11½*d.* Sum total £12. 2*s.* 8½*d.*, but thereout is due, as aforesaid, 14*s.* Also they say that the said ROBERT held two knights'-fees in the County of ESSEX of William de Shoford, but they know not the value. And they say that ROBERT DE SEUONT, son of the said ROBERT, is his next heir, and is about forty years old.<sup>89</sup>

## X.

[Esc. No. 22, 34 Hen. III., 1249-50.]

[Verbatim transcript of the facsimile, *in extenso*, and a translation.]

Henricus dei gratia Rex Angliæ, Dominus Hybernie, Dux Normannie, Aquitanie, et Comes Andegavie, dilecto clerico suo Henrico de Wengham et coescaetori suo in Comitatu Kancie salutem.

Mandamus vobis, quod per sacramentum proborum et legalium hominum de Comitatu predicto, per quos rei veritas melius sciri poterit, diligenter inquiratis quantum terre WILLELMUS LE TAYLOR tenuit de nobis in capite in comitatu predicto et alibi, et quantum de aliis et per quod servicium, et quantum terra illa valeat per annum, et quis propinquior heres ejus sit, et cujus etatis. Et inquisitionem inde factam, sub sigillis vestris et sigillis eorum per quos facta fuerit, nobis sine dilacione mittatis et hoc Breve. Teste meipso, apud Westmonasterium, vij die Marcii, anno regni nostri xxxiiij<sup>to</sup>.

Transmittitur Aluredo de Den, Escaetori Kancie.

Nomina eorum per quos facta fuit inquisicio terrarum que fuerunt WILLELMI LE TAILOR in Comitatu Kancie, scilicet—Robertus de Godiston,—Rogerus de Northwod,—Matheus de Eyn-ton,—Radulphus Salvage,—Petrus Dudeman,—Turtheyn de Bobbing,—Radulphus de Cardeslose,—Radulphus de Barke-sore,—Rogerus de Bosco,—Johannes de Codested,—Radulphus de Boldestred,—Radulphus de Chechele ;

Qui dicunt per sacramentum suum, quod dictus WILLELMUS tenuit c solidatas<sup>40</sup> terre, in terris, redditibus, et serviciis, de domino Rege, in capite, per liberum servitium unius sperverii sori,<sup>41</sup> pro omnibus serviciis, per annum, in hundredo de MIDDELTON. Dicunt etiam, quod idem WILLELMUS tenuit de domino Rege in predicto hundredo de MIDDELTON, xl solidatas terre et redditus, per servicium viij solidorum iiij denariorum, pro omnibus serviciis, et est illa terra partibilis secundum consuetudinem Kancie.<sup>42</sup> Preterea, idem WILLELMUS tenuit xl solidatas terre, in terris, redditibus, et aliis serviciis, de pluribus dominis, et est similiter partibilis, in eodem comitatu. Dicunt etiam quod idem WILLELMUS habuit j marcam annui redditus in civitate WYNTONIE, de pluribus civibus ejusdem civitatis, et hoc dicunt per auditum. Dicunt etiam quod idem WILLELMUS habuit v filios,



scilicet, WILLELMUM primogenitum, JOHANNEM, ROBERTUM, BALDEWINUM, et RADULPHUM. Et dicunt quod WILLELMUS filius suus primogenitus est propinquior heres ejus de libero tenemento suo, videlicet de predictis c solidatis terre quas tenuit de domino Rege in capite per liberum servicium unius sperverii, et etatis xxij annorum, et est maritatus tempore patris sui, et quod iste WILLELMUS est heres predicti WILLELMI patris sui cum fratribus suis prenomiatis secundum equalem porcionem quemlibet contingentem de terra predicta que est partibilis secundum consuetudinem Kancie.

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[Translation.]

Henry, by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Aquitaine, Earl of Anjou, to his beloved Clerk, Henry de Wengham, and his Co-Escheator in Kent, greeting.

We command you, that, by the oath of good and legal men of the foresaid County, by whom the truth of the thing may be better known, you diligently inquire how much land WILLIAM LE TAYLOR held of us *in capite*, in the foresaid county and elsewhere, and how much of others, and by what service, and how much that land is worth per annum, and who is the next heir, and of what age. And that the Inquisition thereof made, under your seals and the seals of those by whom it is made, you send to us without delay, and this Writ. Witness myself at Westminster, the 7th day of March, in the year of our reign the 34th.

It is transmitted to Alured de Den, the Escheator of Kent.

The names of those by whom the Inquisition of the lands which were WILLIAM LE TAYLOR'S, in the county of Kent, was made, viz.—Robert de Godiston,—Roger de Northwod,—Mathew de Eynnton,—Ralph Salvage,—Peter Dudeman,—Turtheyn de Bobbing,—Ralph de Eardeslose,—Ralph de Barkesore,—Roger de Bosco,—John de Codested,—Ralph de Boldestred,—Ralph de Chechele;

Who say upon their oath, that—the said WILLIAM held 100 solidates<sup>40</sup> of land, in lands, rents, and services, of our Lord the King *in capite*, by the free service of one sperver sore<sup>41</sup> by the year, for all services, in the hundred of MILTON. They

say also that the said WILLIAM held of our Lord the King, in the said hundred of MILTON, 40 solidates of lands and rents, by service of 8s. 4d., for all services, and that land is divisible according to the custom of Kent.<sup>42</sup> Further, the same WILLIAM held 40 solidates of land, in lands, rents, and other services, of more lords, in the same county, and it is in like manner divisible. They say also that the said WILLIAM held one mark of annual rent, in the city of WINCHESTER, of many citizens of the said city, and this they say by hearsay. They say also that the said WILLIAM had five sons, viz. WILLIAM the firstborn, JOHN, ROBERT, BALDEWIN, and RALPH. And they say that his eldest son WILLIAM is his next heir of his freehold, viz. of the foresaid hundred solidates of land which he held of our Lord the King *in capite*, by the free service of one sperver sore; and he is twenty-two years of age, and was married in his father's lifetime; and that the said WILLIAM is heir of the said WILLIAM his father, together with his foresaid brothers, according to the equal portion belonging to each, of the foresaid land, which is partible according to the custom of Kent.<sup>43</sup>

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 XI.

[Esc. No. 5, 34 Hen. III., 1250.]

*Writ to inquire whether ten acres, which William Turstan (who has abjured the kingdom<sup>44</sup> for felony) held in Hecham,<sup>45</sup> have been in the King's hands a year and a day, and of whom he held the land. Tested at Westminster, 30th April, 34 Hen. III.*

Inquisition taken by—

Adam de Berfeld,—Stonhord de Marisco,—Henry de la Hok,—Reginald de Acle,—Turstan de Cruce,—Adam de Lefwell,—William de Dunleg,—Turstan Fitz Walter,—Turstan Fitz Aleys,—Fulco Winter,—Lambert de Acle,—and John de Regedweya;

Who say upon their oath, that—the said ten acres were in the hands of our Lord the King for a full year and a day and more;<sup>46</sup> and that the said WILLIAM held the said ten acres *in capite* of the Prioress of Hecham.<sup>47</sup>

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## XII.

[Esc. No. 17, 34 Hen. III., 1250.]

*Writ to Henry de Wengham, and his Co-Escheator in Kent, to inquire what land Aluf de Roking held of the King in capite. Tested at Windsor, 27th Sept., 34 Hen. III.*

Inquisition held by—

William Dore,—Adam Hunte,—Turstan le Dykere,—John de Hoddeworth,—William de Parco,—Henry de Stonheld,—Eylword de Holestrete,—Dionisius de Horton,—Theobald de Roking,—William Peyteuin,—Philip de Herring,—William de Brokeshole,—Walter de Stoneheld;

Who say upon their oath, that—the said ALUF held *in capite* of our Lord the King, of the honour of HAGENET,<sup>48</sup> in the ville of Roking, thirty-six acres of land, by service of half a knight's-fee, and it is worth per annum in domains, homages, rents, and other issues of the land, 36s. 4d. They say also that the same ALULF held, of the fee of Roger de Markeshale, in SUTHENE, twenty-one acres, by service of 14d. per annum; and of John Fitz Bernard, twenty-two acres of gavelkind land, by service of 7s. per annum in the same ville; and those two lands are worth in domains, rents, and other issues of lands, 37s. . . . d. per annum. They say also that THOMAS, his eldest son, is his next heir, for all the land which he holds by knight-service, and Sir . . . . and ROGER, brothers of the said THOMAS, are heirs of all the remainder of his land, which he held in gavelkind. And the said THOMAS was twenty-three years old on the Translation of . . . . 34 Hen. III.<sup>49</sup> And this Inquisition was taken on the day . . . . St. Michael in the same year.

## XIII.

[Esc. No. 47, 35 Hen. III., 1250.]

*Writ to Henry de Wingham to inquire what lands Richard de Wrotham held of the King in capite in Somersetshire and Dorsetshire. Tested at Winchester, 27th December, 35 Hen. III.*

Inquisition taken by a Jury, who delare the lands held in those counties by the said RICHARD DE WROTHAM, and that

WILLIAM DE PLESSETZ, aged thirty, and CONSTANCE the wife of John le Blund, aged forty, GEFREY DE SKELONDE, aged twenty-four, and CHRISTIANA, wife of Thomas Pikot, aged thirty, are his next heirs. They say also that the said RICHARD had in Kent, in the ville of HEGHELAND, certain land which he held of the Archbishop of Canterbury, worth 46s. 8d. per annum.<sup>50</sup>

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XIV.

[Esc. No. 34, 35 Hen. III., 1250-1.]

*The King's Writ to B. de Cryoll, and R. de Cobbeham, his Sheriff ("Vicecomiti suo") of Kent, to take into the King's hands and keep till further precept from the King, the house which was Isabella Goldwin's in Canterbury, about which there is a contention between the Prior and Convent of Christ Church, Canterbury, and the Burgesses of Canterbury; and to hold an Inquisition to inquire if the said Isabella left the said house by will to the said Prior and Convent, and whether the said Prior and Convent were in seisin thereof before the death of the said Isabella, or she herself died in seisin thereof, and if so, what seisin; and if the said Isabella could bequeath the said house, which was of her inheritance as it is said "de perquisito;" and if the said house was in the King's fee or of the fee of the said Church; and what damage the King will sustain, etc. Tested at Woodstock, 6th February, 35 Hen. III.*

The Inquisition was taken at Canterbury, on Tuesday next before the feast of St. Peter in Cathedra,<sup>51</sup> by—

Henry le Jay,—Meyner the Dyer,—Nigell Talebot,—William Clericus,—Peter de Malling,—Dionisius le Mercer,—Gregory le Palmer,—Henry Talebot,—William Russel,—John Alex,—Robert Burre,—and Columbinus Clericus;

Who say upon their oath, that—ISABELLA did not and could not bequeath the said house to the said PRIOR and CONVENT, according to the custom of the said town, because it is of her inheritance "super seisinam Prioris et Conventus." They say that the said ISABELLA, about the feast of St. Nicholas last past, labouring under some illness, made a certain deed of feoffment to the said PRIOR and CONVENT; but, after the making of the said deed, the said ISABELLA remained in seisin for six weeks, and died in the seisin thereof, and with her John le Porter

and Maria his wife, daughter and heir of the said ISABELLA ; and that the said monks had no seisin of the said house, except by the intrusion which they made therein on the day that the said ISABELLA was buried, and ejected the said John and Maria his wife. They say also that the said house is of the fee of our Lord the King, which if it were given in frank-almoigne<sup>52</sup> it would be to the damage of our Lord the King, etc. etc., because if any laic held it in fee, and forfeited by any misfortune life and limb, our Lord the King would lose felon's chattels and waste<sup>53</sup> of the said tenement ; also talliage, when any such might be collected in the said city. They say also that after the making of the said deed, on the same day, the said monks caused the said ISABELLA to be carried to the house of Andrew le Soler, but she immediately perceiving that she was not in her own house, she rose up and returned to her own house aforesaid, and drove out certain monks whom she found there, and remained in the same house as is aforesaid, in which she died. And that she had a husband, by name Robert Tolo [? Telo], who is still living ; and that she, during her husband's life, could not make any gift or bequest of any tenement, according to the custom of the said city.<sup>54</sup>

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 XV.

[Esc. No. 65, 35 Hen. III., 1251.]

*Writ to Nicholas de Hauilo, Sheriff of Kent, and the Bailiffs of Canterbury, to inquire into the circumstances of a robbery committed on Giles Godintin, servant of John Alverdon, a merchant of Bruges, in Canterbury, of which Henry Baudewin, the host of the said Giles, his wife, and Peter Ruban, a merchant of Boulogne, are suspected. Tested at Woodstock, 6 July, 35 Hen. III.*<sup>55</sup>

The Jury are,—

William le Brazur,—William Cokin,—Robert Polre,—John Dodeker,—William le Jay,—Henry Talebot,—Meyner the Dyer [le Tenturer],—Nigell Talebot,—Peter de Meauling,—William de Westgate,—Thomas Malemy,—Arnold the Goldsmith,—Robert Burre,—John Digge,—Alan Pecok,—Robert le Marescall,—Symon Turgis,—Walter Oysel,—Geffrey de Stureya,—and John Alex ;

Who say upon their oath, that—they suspect HENRY BAUDEWIN,



the host of the said GILES, and his wife, and PETER RUBEN, merchant of Boulogne, and for this reason,—because the said PETER was commonly, through the whole of the preceding Lent, viz. for three or four days in each week, at the house of the said HENRY, in the company of the said HENRY, and used to take his meals with him at his table, and often afterwards. And they say, that the same PETER lay, the same night in which the theft was committed, on a certain floor joining the floor on which the said GILES lay, so that no one could enter the chamber in which the said GILES lay without passing by the bed of the said PETER, and without the said PETER's hearing any one who might pass towards the chamber of the said GILES. And they suspect the said HENRY BAUDEWIN and his wife of the said robbery because of the constant companionship which the same PETER and HENRY had together, and because no one could have committed this act without the consent and abetting of others. And they say this, asking for a cessation of further inquiry until our Lord the King shall have declared his will concerning these [parties]. And further, the said Jury testify in their verdict, that the said GILES carried the said money which he seeks into the house of the said HENRY, and that in it it was thus stolen.

*Another writ to the Bailiffs of Canterbury, to inquire by good and legal men of the ville of Canterbury, whether Henry Baldwin was taken in clerical habit<sup>56</sup> or not. Tested at Reading, 29 July, 35 Hen. III.*

The names of the Jury,—

Meyner the Dyer,—Geffrey de Stureya,—Alexander the Mercer,—John his brother,—Stephen Cissor,—Stephen his brother,—Alan Pecok,—Andrew le Seler, John Ferre,—Gregory le Palmer,—Robert le Fenur,—Robert Burre,—Robert Ferrer ;

Who say on their oath, that the said BALDWIN was taken in a lay habit, and not a clerical one, and that he always counted himself among them as a layman. Also there was exhibited the mandate of our Lord the King to the Bailiffs of Canterbury, to hold the said Inquisition on Monday next after the feast of St. Peter ad Vincula, [7 August,] before Sir Nicholas Hadlo, Sheriff of Kent, etc.

*Then follows the writ to the Sheriff, ordering him to be at Canterbury on the Monday after the feast of St. Peter ad Vincula, and on that day to cause to come before him and others thereto assigned, twelve out*

*of each of the four neighbouring hundreds, knights as well as others, by whom inquiry may be made concerning crimes in the said city.*<sup>57</sup>  
*Tested at Windsor, 1 August, 35 Hen. III., by Ralph Fitz Nicholas.*

Inquisition taken by,—

The four neighbouring hundreds of the City of Canterbury, concerning crimes committed in the said city, to wit, by the hundreds of Whitstapel, Westgate, Dunhamford, and the half hundred of Blengate.

The Jury of Whitstapel say upon their oath, that—they well understand, and by report know, that GILES DE GODENTYN, servant of JOHN ALUERDON took into the house of HENRY BALDEWYN two wallets, with £200, of which, one with £100 was stolen in the said house. And they say, that they hold no one suspected of the said robbery, but the foresaid HENRY BAUDEWIN and SUSANNA his wife, and NICHOLAS the servant boy of the said HENRY, who is since dead. And they know this, because the said host acknowledges that the said merchant brought the said money into his house. Being required, however, to give verdict concerning PETER RUBIN, merchant of Boulogne, they say that they do not suspect him in any way concerning the said robbery, because he was an unknown man, and having no acquaintance with any one in the said City of Canterbury. The Jurors of all the other hundreds agree in everything with the said Jurors of Whitstapel. And because the said HENRY, as well by this foreign Inquisition,<sup>58</sup> as by the Inquisition formerly taken by the citizens of the Town, was convicted of the said robbery, the Justices thereto assigned were ready to render justice thereon, but, because thereupon came Master Peter Lumbard, official Commissary of the Archbishop of Canterbury, and demands him as a cleric, the foresaid judgment was prorogued until the will of our Lord the King as he shall command. And SUSANNA the wife of the said HENRY comes and says that she is pregnant, and further seeks judgment if she ought to suffer judgment “desicut ei despons est,” and so judgment upon her is likewise deferred. And because PETER RUBEN did not present himself before the Inquisition of the Town by which he was found guilty, and now by this foreign Inquisition is found altogether guiltless, judgment upon him is likewise deferred, till our Lord the King has declared his will thereon. And the Jurors of the City testify in all things the same as before.

## XVI.

[Esc. No. 3, 35 Hen. III., 1251.]

*Writ to inquire whether the land of Ralph la Weyte, in Benindenn, outlawed for felony, has been in the King's hands for a year and a day, or no, and of whom he held, etc. Tested at Windsor, 10th August, 35 Hen. III.*

The Inquisition was taken by—

Hereword de More,—William Francois and William de Wald,—William de Metelingehame,—William de Hechindenn,—Hubert de Rolande,—Robert de Mehamme,—Thomas de Benindenn,—Richard de Leyne,—Richard Francois,—Robert la Weyte,—William de Mapledrsdenne ;

Who say upon their oath, that—the land which was the fore-said Ralph's was in the King's hands for a year and a day, and that the said RALPH held the said land of the Abbot of Robertsbridge and the Convent of the same place.

## XVII.

[Esc. No. 82, 36 Hen. III., 1251.-2.]

*Writ to inquire whether the land of Trehanston, which the brothers of the King's hospital of Ofspring have of the King's bailiwick, be of the King's domain or his escheats, and if his escheat, why? and how much it is worth, and whether the King can grant it to whom he will. Tested at Canterbury, 10 March, 36 Hen. III.*

Inquisition taken by,—

Nicholas Jordan,—William Fitz Robert,—William Fitz Ky-noth,—Thomas Jordan,—Simon Warman,—Daniel Prikel,—Robert de Demechirche,—James le Franceis,—Walter Goldwin,—Henry Mody,—William Hermenard,—and Hamo de Ros ;

Who say upon their oath, that—the said land of TRYENESTONE, immediately after the Conquest of England, was given to a certain knight named Tryan, who held it as long as he lived, and, after his decease, Hugh Tryan, his son and heir, retained it, and after the said Hugh, Robert Tryan, son and heir of the said

Hugh, retained it. So that the said Trian, Hugh, and Robert, held the said land without challenge,<sup>59</sup> from the Lord William the King, the Bastard, to the time of King John, who took the said land, together with other lands of the Normans, into his own hands, as his escheats, and expelled the said Robert, the last holder, from his kingdom of England, and held it in his own hand for two years, and afterwards gave it to Alberic de Marinis, to hold at his pleasure, who held it to the time of our Lord the King Henry that now is. And they say, that because the said Alberic ill-treated the tenants of the said manor, the said tenants came to our Lord the King and complained to him of much wrong inflicted upon them by the said Alberic, so that, owing to the said complaint, our Lord the King took away from him the said land, and conferred it on Walter de Burgo; and after Walter de Burgo, our Lord the King gave it to Thomas de Normanvill, to hold during his pleasure; and after the said Thomas, Nicholas de Chandeler held it, of the gift of our Lord the King, during pleasure; and afterwards, our Lord the King conferred it on Jordan de Monte Martini, to hold during pleasure; and after the said Jordan, our Lord the King conferred it on the Brethren of his hospital of OSPRENG,<sup>60</sup> who still hold it. The said land is worth yearly, in rents and other issues of land, 100s., the service of the chief lord reserved.

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XVIII.

[Esc. No. 15, 36 Hen. III., 1251-2.]

*Writ to inquire whether it will be to the King's injury, or that of neighbouring traders, if the King grants to the Archbishop of Canterbury to hold a Market on every Tuesday at his Manor of Wingham. Tested at Otford, 14 March, 36 Hen. III.*

Inquisition taken by,—

Roger de Chilton,—Theobald de Helles,—Sampson de Wenderton,—Walter de Wenderton,—John de Hauking,—William de Dene,—Hamo Attermede,—William Adgar,—William Attemolande,—Richard de la Hale,—Thomas de Rollinge,—and Henry de Pedinge;

Who say upon their oath, that—it will not be to the injury of

the King, or of neighbouring traders, but rather to their advantage; that the markets of Canterbury and Sandwich will be improved by the accession of traders coming to the said market of WINGHAM. They say also, that on Tuesday there is no market near WINGHAM which it can possibly hurt, nor any nearer than twenty leagues, which is at Lenham.<sup>61</sup>

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XIX.

[Esc. No. 3, 36 Hen. III., 1252.]

*Writ to inquire whether two acres and one perch of land in Cumbe,<sup>62</sup> which belonged to John, son of Robert de Cumbe, outlawed for the death of a man, were in the King's hands for a year and a day, and of whom the said John held, etc. etc. Tested at Westminster, 1 May, 36 Hen. III.*

Inquisition taken by,—

Richard Fitz Matilda,—Simon Fitz Letice,—Th. Elfrich,—Geffrey Caluel,—Richard de Scalaria,—Swetman de Cherelton,—Robert Biset,—Jordan de Westgrenewich,—Robert de Ponte,—Philip Fitz John,—John Remond,—Geffrey Fitz Peter . . . .

Who say on their oath, that—the said land was in the hands of the King a year and a day, and that two acres of that land are held *in capite* of Sir Edward Albemarle, and the residue, viz. one perch, is held *in capite* of Hamo Brogan.

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XX.

[Esc. No. 33, 36 Hen. III., 1252.]

*Writ to the Sheriff of Kent, to inquire what lands, etc., the Advocate Bethun and the Count de Gysnes held in your bailiwick, and what fees or parts of fees ought, with justice, to be kept from them, and who now hold them. Tested at Merton, 22 May, 36 Hen. III.*

[Unfortunately the Inquisition is lost, only the Writ remains.]

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## XXI.

[Esc. No. 20, 36 Hen. III., 1252.]

*Writ to inquire whether a messuage, with its pertinencies, in Canterbury, which Mathew le Vinetar held of the King's bailiwick for life, is the King's escheat, etc., and how, etc., and what is demandable out of it for the debts of said Mathew, etc. Tested at Westminster, 9 October, 36 Hen. III.*

The Inquisition was taken on the Friday before the feast of St. Simon and St. Jude (*i. e.* 25 October) by,—

John Dodeker,—Robert Polre,—Richard Samuel,—William le Brasur,—William Cokin,—William Russel,—Nigel Talebot,—John Digges,—Robert le Enuoise,—John Duraunt,—William de Westgate,—Thomas Malemie,—Henry Talebot ;

Who say upon their oath, that—our Lord the King gave to MATHEW VINITAR for life, the house which was Viuard's the Jew, in Canterbury, which MATHEW is dead ; whence, they say, that our Lord the King can give it to whom he pleases, without wrong to any one, as his escheat ;<sup>68</sup> and it is worth 10s. per annum, the services of the Lords of the fee reserved. They say also, that Sir BERTRAND DE CRIOLL, after the death of the said MATHEW, demanded £7. 10s. as a debt to the King, to wit, for the Castle of Dover. Item, a certain Gascon named William Alon demanded 40s., but who is to pay the foresaid debts they are ignorant.

[*In dorso.*] “Facta fuit presens inquisicio per homines de Civitate, nemine pro Vicecomite Kancie presente, et sicut michi fuit transmissa, ita vobis transmittito per presentem portatorem.”

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## XXII.

[Esc. No. 27, 37 Hen. III., 1252.]

*Writ to the Sheriff of Kent, to make an extent<sup>64</sup> of the land which was Joan de Saunford's, in Dene,<sup>65</sup> etc. etc.—You shall also inquire by the same Escheator, who they were who cut down and carried away the wood of Dene, after the death of the said Joan.—Summon also Hamo de Creueger that he be before us on the morrow of the Purification, to show why he intruded on the said land of Dene, after the death of the said Joan, whose moiety ought to be in our hands, by reason of Hugh de Plessset, one of the heirs of the said Joan, who ought to hold of us in capite in Melton.<sup>66</sup> Tested at Clarendon, 16th December, 37 Hen. III.*

The names of those by whom the extent was made, at Dene, on Friday next after the feast of St. Hillary, 37th year of Hen. III. (*i.e.* 17th January, 1252-3), of the lands which were Joan de Sanford's, in Dene, by their oaths :—

Thomas de Scorne,—Thomas de Dene,—Alexander atte Worde,—Thomas de Cumbe,—William Faukner,—Walter Cuperre,—Walter Gerin,—Geoffrey de Wriksling,—Walter le Here,—Gilbert de Weelete,—William Forestar,—Adam de Wixling,—Eylwaker le Pesoner,—Simon le Harpere,—and Herbert Gangi,—the Jury ;

Who say, that JOAN DE SANFORD held 100 acres of land in DENE, and each acre is worth 8*d.* per annum,—Total, 66*s.* 8*d.* The same Joan held in DENE 24 acres of wood, from which nothing can be taken without destruction, beyond what is required for maintaining the manor of DENE. Of rent, they say that the said JOAN held in DENE 18*s.* and 4½*d.*; of rent of hens, 26 hens, and they are worth 3*s.* 3*d.*, at 1½*d.* per hen. The same Jury say that Henry de Chipenham, John le Boteler, the men of J., Earl of Warwick ; John, the man of Mathew le Huse ; Richard de la Done, the man of Thomas de Aldenham ; and Nigell de Tedesdenn, the man of Sir Hamo de Creueguer, cut and carried away the wood of DENE, after the death of the said JOAN.<sup>67</sup>

[Stitched up with the above is a writ to the Escheator of Bucks to inquire what land the Lady Joan de Sanford held in Missenden, etc., but the Inquisition thereon is lost.]

## XXIII.

[Esc. No. 17, 37 Hen. III., 1252-3.]

[The following Inquisition is a mere fragment; only about the first six words of each line remain; it is headed:—]

*E. the Abbot of Pershore, to his beloved Sir Anered de Dene, his Co-Escheator in Kent. We have received the King's mandate, etc., to inquire how much land Robert de Seuanz held of him in capite, in your bailiwick. Tested at Windsor, 20 January, 37 Hen. III.*

Jury,—

William Brutin,—John his brother,— . . . . .,—Dru de la Warre,—Ernald . . . . .

That the said ROBERT held of our Lord . . . . . and twenty-four acres, 11s. 4d. . . . . and thirty-six hens of the value of 3s. . . . . that the said manor is held by the service of the fee . . . the Lady Matilda holds the manor in dower . . . . . in Meleton thirty-two acres of arable land . . . . . and that he held a certain water-mill . . . . . 2s. 10d. And they say, that that manor is held of . . . . . by service of half a knight's-fee. In homages, rents, . . . . . and is of the age of four years.

Edward Roff.                      Total of the land, which  
but the wife of Robert de Sewans . . . .

Total of the land which he holds of the Earl  
of Gloucester . . . . . £9. 6s. 10d.

Total of the land which he holds of the  
Archbishop . . . . . 40s.<sup>68</sup>

## XXIV.

[Esc. No. 36, 37 Hen. III., 1253.]

*Writ to the Abbot of Pershore, the King's Escheator, to inquire how much the manor of Derteford is worth by the year. Tested at Windsor, 12th June, 37 Hen. III.*

Inquisition taken by—

Richard de Gurnay,—Roger de Wilmenton,—Thomas le Vinetar,—William de Wilmenton,—Alexander Fitz Henry,—



Joses de Marisco,—John Ruffus,—Adam de Hamstall,—Robert de Rypa,—Simon de Cumbe,— . . . . .—Jordan de Sutton,—and Geffry de Marisco ;

Who say upon their oath, that—in the manor of DERTEFORD are 3½ acres of meadow in domain, and worth 16s. per annum. They say also, that of the said manor are held 28 yokes of land, by service of £28 of rent of assize per annum ; and certain other lands, which are called MATHILDELAND, are held of the same manor, by service of 12s. of rent of assize per annum. Further, the said land called MATHILDELAND ought to find one horse for the lord of the manor, twice a year, at Winchester or at Dover, to carry the rent of the lord, at the cost of the lord in going, and at his own cost in returning ; and be it known, that if the horse die in the service of the lord, the lord is bound to restore the value of the horse, and that service is estimated at 2s. per annum. And be it known, that 24 yokes of the said 28 yokes, and the said land which is called MATHILDELAND, render, by the year, 16s. 8d., for the ploughing that is due, and that service is called 'Erthsilver.' Item, to the said manor pertains 7s. of rent, which is called 'Medgavel.' Item, in the said manor is a certain rent, which is called 'Inland,' and is worth 100s. per annum. Item, from a certain land, which is called 'Acolt,' 40s. per annum are rendered to the said manor. Item, from one watermill and a half, 40s. per annum. Item, from burgage,<sup>69</sup> 39s. per annum. Item, from a certain liberty in the said manor, which is called 'Gilde,' 23s. 4d., and sometimes more, when the number of the brethren increases, and sometimes less, when the number of the brethren decreases. Item, from toll of the bank, and of passage of the town, and of alepeny,<sup>70</sup> and of the market, 10 marks per annum of rent. Item, there are certain members pertaining to the said manor, viz. CRANESTEDDE, with its pertinencies, and it renders 66s. 3d. per annum of rent of assize ; and CHISELHERST, 104s. 10d. of rent of assize ; and CUMBE, £6 per annum of rent of assize ; and COBBEHAM, £4. 13s. 4d. per annum of rent of assize. They say also that the perquisites and reliefs of the said court are worth, in ordinary years, according to the estimate of the said Jury, c<sup>s</sup>.

Sum total of this Extent,—£73. 13s. 1d.

## APPENDIX.

(1.) In Sir Roger Twysden's MS. *Adversaria* to Cowell (*sub voce* "Knight's-fee"), there occurs the following valuable note on the much debated question of the quantity of land contained in a Knight's-fee, the measurement of the Hide, Scutage, etc. etc.:—

"Sciendum quod magnum feodum militare constat de quatuor Hidis, et quælibet Hida de quatuor virgatis, et quælibet Virgata terræ de quatuor Farendellis, et quælibet Farendella ex decem acris arabilibus. Et sciendum, quando dabitur ad Scutum pro magno feodo militari prædicto 40s., tunc pro una virgata 40 acrarum 2s. 6d., pro dimidia virgata 15d., pro una farendella 7½d., pro una acra ¾d., et sic 160 acræ terræ arabilis, et Hidata faciunt unam Hidam, et 4 Hidæ, quarum quælibet 160 acræ terræ arabilis, et Hidata faciunt unum magnum Feodum militare, quod dat ad Relevium centum solidos; et sciendum, quod quando magnum Feodum dat ad Scutagium 40s., vel Relevium 100s., tunc minus Feodum quod dicitur "de Maritona" dabit ad Scutagium 25s., vel ad Relevium 5 markes, in utroque casu sic sciendum quantitatem. Ex libro Thomæ Fanshaw. Et sic nota quod Feodum militis constat ex quatuor Hidis, i.e. quatuor carucatis.

"By which accompt the fee of a knight being £20, a carve of land, which is the fee of a sokeman or yeoman, is £5; et nota, that hyde is sometime taken for virgata terræ; et nota, that there is virgata terræ major, minor, minima,—major 40 acres, minor 20, minima 4 [sic MSS., quære annon debet esse 5? R. T.], as may be gathered by the Record following:—Anno 19 Willelmi I. 'He raysed a newe kynd of taxe over all England, that is, of every hyde 6s., and every hyde contained 4 yards; every yard (as to that tribut) 4 acres' [quære annon debet esse 5? R. T.]; and so an hyde, according to the least quantity is 20 acres, according to the lesser 80, according to the greatest 160 acres, which is a carve of land, and a knight's-fee is 4 carves.—Ex eodem libro collect. [Sir Edward Coke's Reports, MSS. fol. 361 b.]"\*

\* This passage is from an interleaved copy of Cowel's Interpreter, very copiously annotated by the learned Baronet. On the fly-leaf he gives a list of the authors and works cited by him. *Inter alia*, "Sir Edward Coke's reports MSS.—It is a great thiek booke in fol., having on y<sup>e</sup> leaves CCC. It is now my brother Thom's [*i.e.* Sir Thomas Twisden, Bart., the Judge], and was my uncle Heneage's [*i.e.* Sir Heneage Finch, Serjeant-at-Law, Recorder of London]. S<sup>r</sup> Ed. Cooke, when my uncle had once

(2.) It should be noted here, that all the rights which attached to the King over his tenants by knight's-service *in capite*, belonged also (with the exception of "Primer seisin" and "Fine for alienation") to all feudal lords over their tenants who held of them by knight's-service.

The position of these mesne lords, as intermediate between the Crown, whose tenants they were, and those inferior tenants of whom they themselves were lords, is fully explained at p. 4.

(3.) The wardship and marriage of the heir were fruitful sources of revenue to the Lord; they were saleable as ordinary chattels, and were so treated. "The guardian in chivalry was not accountable for the profits made of the infant's lands during the wardship, but received them for his own private emolument, subject only to the bare maintenance of the infant; and this guardianship being deemed more an interest for the profit of the guardian than a trust for the benefit of the ward, was saleable and transferable, like the ordinary subjects of property, to the best bidder." (Hargrave, cited in a note to Blackstone, vol. ii. p. 70.) And the same remark applies to the right of marriage, "maritagium." This power led to such grievous oppression, that, in Magna Charta, and all the charters of liberties, we have this clause—"Heirs shall be married without disparagement." [In the Great Charter it is further added,—*"Ita quod antequam contrahatur matrimonium, ostendatur propinquis de consanguinitate hæredis,"*—it was to be announced to the blood relatives.] "Without disparagement,"—that is,—If they were given in marriage before the age of fourteen, which was deemed their age of discretion, they might disagree to the match, if any kind of disparagement existed; and by the Statute of Merton (20 Hen. III.) heirs of any age were not to be compelled to marry at the command of their lord; but then, when they came of age, they were to pay their lord whatever sum might have been given for their marriage. The words of the statute are these:—"Yf any heyre (of what age soever he be) wyll not marrye at the requeste of his Lorde, he shall not be compelled thereto, but, when he commeth to

argued for hym passing well, and saved hym from becing fyned, in requitall of hys paynes, permitted him to write all y<sup>e</sup> Reports, y<sup>t</sup> he, a long practiser and a Judge, had collected, of w<sup>ch</sup> some were published, but, in my slender judgment, the best remaind only in writing. These, I say, he suffer'd my uncle to copy out. This book is since burnt."

full age, he shall gyve to hys Lorde, and paye him asmoche as any wolde have gyven hym for the maryage before the receyte of his lande, and that whither he wyl marye himself or not. For the maryage of hym that is within age of mere ryghte pertayneth to the lorde of the fee." To enter into the legal cases of disparagement, and all the points relating to the law of "maritagium," would occupy too much of our space here. For the rest we must refer to the lucid chapter on Tenures in Blackstone.

(4.) It is as well to observe here, that among these Records some "Inquisitiones ad quod Damnum" and Pleadings in the King's Court, etc., have been intermingled, probably by accident. We transcribe them, as they occur, because none of them are without their interest to county or even to general history.

(5.) There is, however, an earlier document among these Records. It is not an "Inquisitio post mortem," but belongs properly to an entirely different class of Records, and was not originally calendered with the Escheats. It is tested at Westminster, 22nd January: the regnal year is gone.

"Writ to inquire whether William Briwerr was disseised of one carucate of land, with its pertinencies, in Niweton, by the sentence or will of King John, 'our father;' also to inquire if . . . . de Lucy was disseised of the said carucate of land, with its pertinencies, 'occasione gwerre vel non.'

"Teste Com. W. Mar., rectore nostro et regni nostri, xxij die Januarii, per dominum Wintoniensem et Justic . . . . . de Lucy quod intersit inquisitioni illi faciende si voluerit."

[The date of this Writ, then, must have been between January 1216-7 and 1219, the 1st and 3rd Hen. III., because William, Earl Marshall, Governor of the King, died in 1219.]

"Names of the knights by whom the Inquisition of Newinton was taken—

"William de Ceritun,—Albricus de Marines,—Simon de Chelesfeld,—William de Dudintun,—Stephen de Chileh . . . . . ford,—Roger de Everinges,—Hugh de Sumesfeld,—Reginald de Waldis,—Robert de . . . . . de Dene,—Giles de Badlesmere,—William Puingnent,—William de Barmling,—Alexander . . . . . Balestarius—Ralph de Selling,—Philip de Hegham,—Jocus de Eterh . . . . . selin de Valuinnes,—Adam de Bendinges,—Bartholemew de Moriston,— . . . de Campania,—Stephen de Wimundell (?),—Thomas de

Rugeleston,—... Ful...,—Henry de Cobbeham,—... Simon de Maneby.

“They say that certainly William Briwere was disseised . . . . . pertinencies in Newintun, by the will of our Lord the King, and on judgment; but they do not know . . . . . de Luci was afterwards disseised; but the Court of our Lord the King will know how better than they; and this Inquisition is made ‘in pleno comitatu.’

“Witnesses all others there present.”

(6.) The Priory of Modinden in Hedcorne was founded by Sir Richard de Rokesle, 9 Hen. III., 1224, for Friars of the Order of the Holy Trinity; being the first house of the order founded in England.—*Hasted*.

(7.) Plumworth, now Plumford,—a farm, formerly a manor, in Ospringe.

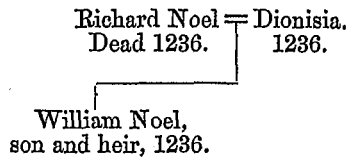
(8.) This writ was probably issued in order to secure the King's rights in the rents in question, held of him hitherto *in capite* by the De Rokesles, and now claimed to be exempt from knight's-service, as held in “frank-almoigne” by the Prior of Modinden. The Inquisition was to investigate the truth of the Prior's claim to exemption.

(9.) ? Sinecok,—Siuecok.

(10.) “Syva;”—a sieve of fruit in Kent, in the present day, contains one bushel.

(11.) By an entry on the Fine Roll, 20 Hen. III. m. 7, it appears that Dionisia was widow of this Richard Noel.—“Dionisia que fuit uxor Ricardi Noel, finem fecit cum Rege, per centum solidos, pro habenda custodia terre et heredum prefati Ricardi, una cum maritagio eorundem heredum.”—T. R. apud Evesham, 15 Julii, 20 Hen. III.

From this entry, then, and the Inquisition we may conjecture the following descent:—



(12.) “Dominus” in original.

(13.) ? Petham.

(14.) The above is a mere fragment. In the Calendars the

property is cited as at Kenardington, which word, though now gone, was probably extant when the Calendars were made.

(15.) ? Tamlonde.

(16.) "Rent of Assize," or "Assized Rents," were fixed rents to be paid either in money or provisions by the freeholders and ancient copyholders of a manor; the amount was fixed and could not be altered; they are now generally called "quit-rents."

(17.) "Gall."—It may be intended either for "gallos" or "gallinas."

(18.) "Averagium,"—the service of horse and carriage which the tenant owes to the lord.

(19.) "Metandi,"—the service of mowing which the tenant owes to the lord.

(20.) On the Fine Roll, 34 Hen. III. m. 1, there is this entry:—"Geffrey de Everle ('finem fecit') with the King, for twenty marks, for the wardship of the land and heirs of Alice de Gresley, to hold till the legal age of the said heirs, together with their marriage."

By the above entry and the Inquisition, we may conjecture the following pedigree:—

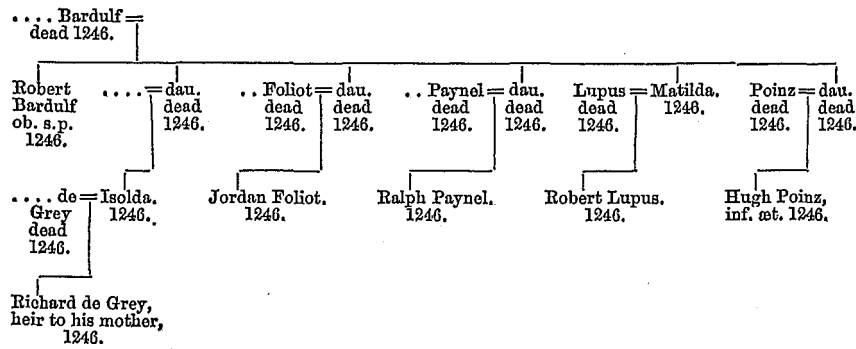
Geffrey de Everle = Alice de Gresley.  
1246-1250.

It would seem, therefore, that Alice de Gresley was an heiress, and had had issue by a previous husband.

(21.) Ecclā, for "Ecclesia," *i.e.* Henry of the Church.

(22.) From an entry on the Fine Roll, 9 Hen. III. m. 3, we have—"Our Lord the King took homage of Jordan Foliot, Isolda de Gray, and Ralph Paynel, of the portions which belong to them of the lands which were their uncle's, Robert Bardulf, which he held of our Lord the King *in capite*. The Sheriff to give them seisin, after taking security for their relief. Like security is to be taken of Robert Lupus, in place of his mother, Matilda Bardulf, who is also one of the heirs of the said Robert Bardulf, for her portion. But of the portion of Hugh Poinz, likewise one of the heirs of the said Robert, the Sheriff is to keep custody."

From the above entry on the Fine Roll and the Inquisition, the following conjectural pedigree may be deduced:—



But this is capable of many variations which may be imagined, and yet none of them contradictory to our Record; indeed, it would seem most probable, from his being under age, that Hugh Poinz was a *grandson* of a sister of Robert Bardulf,—not the *son*.

(23.) Sorene, *i.e.* Shorne.

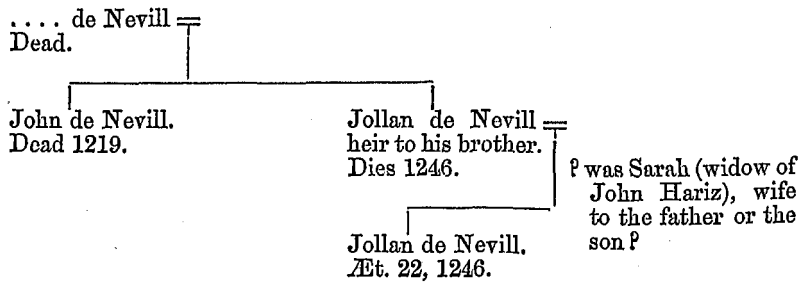
(24.) “*Librata terre*,” as much land as is worth 20*s.* a year.

(25.) On the Fine Roll, 4 Hen. III. m. 8, we have this entry:—“To the Sheriff of Kent.—John de Nevill, as we have been given to understand, is dead, and we have received the homage and fealty of Jolland, brother and heir of the said John, for one knight’s-fee, which the said John held of us in Shornesse.”

On Fine Roll, 29 Hen. III. (between 2nd and 10th November, 1244), m. 17, we have:—“Jollan de Nevill gives our Lord the King twenty marks for the royal assent to his marrying Sarah, widow of John Heriz.”

On Fine Roll, 30 Hen. III. (19th October, 1246), m. 2,—The King receives the homage of Jollan, son and heir of Jollan de Nevill, for one knight’s-fee held of the King *in capite* in Shornes.—19th Oct., 30 Hen. III.

From the Fine Roll and Inquisition together we get the following pedigree:—



(26.) The next in order of these Records is Esc. No. 52, 31 Hen. III., 1247. The Writ alone is extant; the Inquisition itself is wanting: we therefore omit it from our text. It is a Writ, tested at Windsor 28th August, 31 Hen. III., 1247, to the Sheriff of Kent, that he, together with R. de Chornehille and R. de Sevanz, shall inquire by a Jury whether William Potin of Rochester inhibited the men of the Prior of Rochester, of the city of Rochester, “ne ipsi aliquid contribuerent ad tallagium quod assessum fuit in ipsa civitate pro carta quatuordecim civium posita in judaismo acquietanda, que ibi posita fuit ad instanciam totius communitatis ejusdem ville, et pro communi utilitate; et si per inhibitionem illam carta illa remansit acquietanda, propter quod super cartam illam multe cucurrerunt usure; et quante usure super cartam illam cucurrerunt a tempore quo predictum tallagium debuit fuisse solutum,” and to return the said Inquisition under seal. Meanwhile they are not to take the body of the said William, but take security of him for 40s.

(27.) This is most probably Boughton-under-Blean.

(28.) Carucate, “ploughlands,”—as much land as one horse could plough in a year, the number of acres necessarily varying according to the nature of the soil; but much uncertainty still exists as to the extent of the carucate. See note 1.

(29.) Perquisites of Court,—profits that came to the Lord of the Manor by casualty and not yearly, as escheats, heriots, reliefs, waifes, estrays, etc. etc.

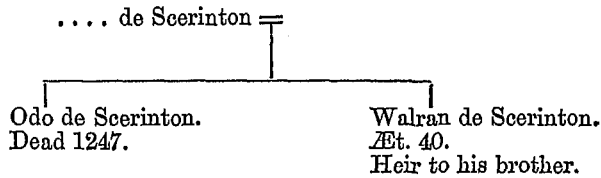
(30.) On Fine Roll, 31 Hen. III., it appears that the King received the homage of this Peter de Bocton 25th October.

(31.) Sceriton,—generally written “Ciriton.”

(32.) Fitz Reymer,—? Fitz Reyner.

(33.) “Filius Sacerdotis.”

(34.) *i.e.* Delce, in Rochester.



(35.) This is the manor of Aldington Septvans, in Thurnham; so called from the Septvans family, one of whom, as evidenced by the Pipe Roll, inherited it as one of the coheirs of William



Fitz Helte, temp. Hen. II. As we hope to give in a future volume, in fullest detail, the early history of Thurnham and Aldington, with their owners, Fitz Helte, Septvans, Thurnham, Fitz Bernard, Northwode, etc. etc., we will not prolong this note.

(36.) This is Milton-next-Canterbury.

(37.) "Alneto,"—"an alder-bed," which we usually, in Kent, call "The Alders."

(38.) Wielnoston.—We conjecture this to be the manor of Vielston, or Filston, in Shoreham, belonging to the Archbishops of Canterbury, and held of the Archbishops *circiter* 1260 by the Earls of Clare.

(39.) By the Fine Roll, 33 Hen. III. m. 11, we find that Robert de Sevanz did his homage, as tested, January 17th, 33 Hen. III.

By the same Roll, 34 Hen. III. m. 11, the King grants to Robert de Sevanz, that, of the fifty marks which he owes for his relief for the third part of the Barony which was William Fitz Helte's (see an account of the three coheirs of Fitz Helte, p. 30, *supra*), he pay twenty-five marks at Michaelmas, and twenty-five at Easter next. Tested 1st May, 34 Hen. III.

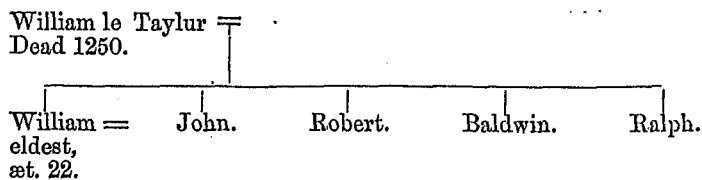
We defer the complete pedigree elicited by the Fine Roll and this Inquisition till we come to the Inquisition on the death of this Robert, *infra*, No. XXIV.

(40.) "Solidata,"—as much land as is worth 1*s.* per annum. "One hundred solidates" of land, therefore, was as much land as is worth £5 per annum.

(41.) "Spervarius,"—a sparrow-hawk. "Sore,"—a young hawk of the first year ("Anniculus et primarum pennarum,"—*Du Cange*).

(42.) *i.e.* Gavelkind.

(43.) From this Inquisition we have the following pedigree:—



William's homage (by Fine Roll 34 Hen. III. m. 13) is tested 15th March, and seisin given to him in the lands which

he held *in capite*, and to him and his brothers in the gavelkind lands.

(44.) “Abjuravit regnum.”—Formerly, in Edward the Confessor’s time, and down to 22 Hen. VIII., if a man committed felony, and he could fly to a church or churchyard before his apprehension, he might not be taken thence to be tried for his crime; but, on confession thereof before a Justice, or before the Coroner, he was admitted to swear that he would “abjure” or forsake the realm, during which time any persons might give him meat and drink for his sustenance; but not after, on pain of being guilty of felony.—*Jacob*.

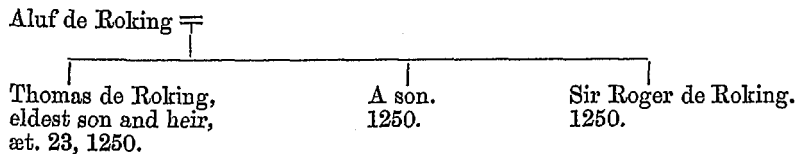
(45.) Hecham, *i.e.* Higham, near Gravesend.

(46.) “A year and a day.”—The King’s prerogative was, that he should have the profits of lands and tenements, for “a year and a day,” of those that are attainted of petit treason or felony, whosoever is lord of the manor whereto the lands or tenements belong. The same prerogative gave him a right to Waste, *i.e.* he might destroy the houses, plough up the meadows, root up the woods, etc., afterwards restoring the land to the lord of the fee. He had also an absolute right to the chattels of felons.—*Jacob*.

(47.) *i.e.* the Prioress of the Priory of Lillechurch in Higham.

(48.) Hagenet, probably Aghne Court, in Romney.

(49.) The Inquisition supplies this pedigree:—



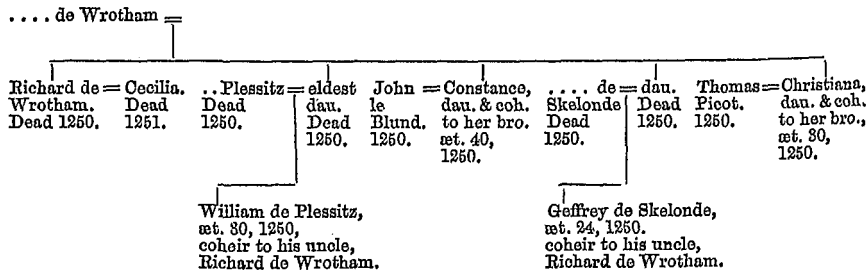
(50.) On the Fine Roll, 35 Hen. III. m. 6, we have this entry:—

“The King received the homage of John Blund and Thomas Picot, who had for their wives two sisters and heirs of Richard de Wrotham, and the homage of William Plessiz and Geoffrey Shoplond, who are nephews and two heirs of the said Richard, of all the lands and tenements which the said Richard held of the King *in capite*. Tested at Woodstock, 6th February.”

The Fine Roll, 35 Hen. III. m. 12, cites William de Plessetis, “qui habet eyniciam hereditatis que fuit Ricardi de Wrotham.” Tested at Westminster, 15th May.

On the same Roll, 35 Hen. III., m. 13, we have " Cecilia, who was wife of Richard de Wrotham, pays to the King one mark for an assize of novel disseisin " (Somersetshire). Tested at Reading, 16th May.

From the Fine Roll, then, and Inquisition, we have this pedigree:—



(51.) *i.e.* 21st February.

(52.) " Elemosinata."

(53.) *Vide* above, note 46.

(54.) Robert Tolo = Isabella Goldwin.  
1250-1. Dead 1250-1.

John le Porter = Maria, daugh. and heir of her mother,  
1250-1. 1250-1, but ? whether by a former  
husband or by Robert Tolo.

(55.) Though not an " Inquisitio post mortem," yet of too much interest, as illustrating constitutional history, to be omitted.

(56.) " Clericali habitu."—Originally the law held, that no man should be admitted to the privilege of Clergy but such as had the " habitum et tonsuram clericalem." When the Ordinary, by his Commissary, claimed the accused as a cleric, a writ was issued to inquire into the validity of the claim. Such was this writ. With regard to the origin of this privilege it is to be observed that, anciently, Princes converted to Christianity granted great immunities to the Clergy, *inter alia* exemption of their persons from criminal proceedings, even in capital cases, before secular judges. The Privilege of Clergy is said to have had its beginning from an encroachment of the Pope upon the temporal power in behalf of the Clergy, whom he endeavoured to exempt from the jurisdiction of lay judges, in case of life and member ;

which the temporal courts would only partly yield to; and, first they would indict clerks of felony as well as others, and proceed thereon, until the Ordinary did demand them, and if the Ordinary would not demand them, the King's Court proceeded to conviction, attainder, and execution: and if the Ordinary claimed clerks before conviction, then an Inquisition was taken whether the party was guilty or not, and if acquitted, he was discharged, but if found guilty, then delivered to the Ordinary, to be dealt with according to the Ecclesiastical Canon. The privilege, thus restrained, was confirmed by Statute of Westminster I. cap. 2:—

“It is provyded also that when a clerke is taken for gylte of Felonye, and is demaunded by the Ordynarye, he shall be delyvered to hym accordyng to the pryvilege of holy church, in suche paryll as belongeth to it, after the custome afore tymes used. And the Kynge admonyshed the Prelates and enioyned them upon the fayth that they owe hym, and for the commen profyte and peace of the realme, that they whiche be indyted of suche offences by solempne inqueste of lawefull men in the Kynge's courte, in no maner shall be delyvered without due purgacyon, so that the Kynge shall not nede to provyde any other remedye therin.”

The Ordinary, when the accused was delivered over to him on his demand, “would not be satisfied with the proofs adduced in the profane Court, but set himself formally to work to make purgation of the offender by a new Canonical trial, although he had been previously convicted by his country, or perhaps by his own confession. This trial was held before the Bishop in person, or his deputy, or by a jury of twelve clerks; and there first the party himself was required to make oath of his own innocence; next there was to be the oath of twelve compurgators, who swore they believed he spoke the truth; then witnesses were to be examined upon oath, but on behalf of the prisoner only; and lastly, the jury were to bring in their verdict upon oath, which usually acquitted the prisoner; otherwise, if a clerk, he was degraded or put to penance.”—*Blackstone*.

(57.) This was the Hundred Court Leet. Court Leets could inquire of all offences under treason; but those which were punishable with loss of life or member, were only inquirable and presentable here, and to be certified over to the Justices of





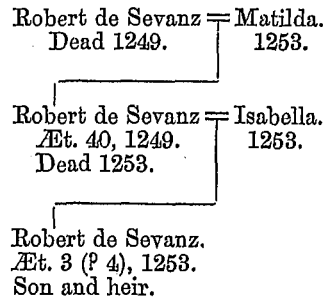
(68.) On Fine Roll, 37 Hen. III. m. 17, we have—

“The Sheriff of Kent is ordered to take into the King’s hands the manor of Meleton, which was Robert de Sevanz, deceased, except the dower of Matilda, who was wife of Robert de Sevanz, father of said Robert, etc.”

And on Fine Roll, 37 Hen. III. m. 16, we have—

“The King, for twenty marks, etc., grants to Reginald de Cobeham the wardship of the heirs of Robert de Sevanz, and of all the lands, etc. which he held of the King *in capite*, with all other the lands and tenements which were the said Robert’s on the day he died, of whomsoever he held them; to hold to the said Reginald and his heirs and assigns till the lawful age of the heirs of the said Robert; together with the marriage of the said heirs, and of Isabella the widow of the said Robert, if she chooses to marry, etc. etc. Tested at Windsor, 14 February.”

From these entries and the Inquisition No. 56, 33 Hen. III., p. 17, *supra*, we gather the following pedigree:—



(69.) ‘Burgage,’—the tenure by which the inhabitants of the town held their lands and tenements.

(70.) ‘Alepeny,’ or ‘alesilver,’—tax paid for the right of selling ale within the manor.