

THE JOHN RYLANDS LIBRARY MANUSCRIPT  
OF THE EYRE OF NORTHAMPTON,  
3 EDWARD III (1329)

(LATIN MS. 180)

By RALPH V. ROGERS, A.B., LL.B.  
MEMBER OF THE BOSTON BAR

THE GENERAL EYRE which opened " at Northampton on the Monday next after the feast of All Saints " in the third year of the reign of Edward III—that is to say on Monday, 6th November, 1329—was the first of the general eyres to be held in England during the opening years of Edward III's reign. It has not only the distinction of being the first of this series of general eyres, but, indeed, it may be looked upon as the first step openly to be taken by Edward III to free himself from the undesirable guardianship of his mother, Queen Isabel, the consort of Edward II, and Roger Mortimer of Wigmore. At the parliament held in Northampton in 1328, and even more so at the council held at Windsor in the first half of 1329, so we are told by the many contemporary MSS. of this eyre, complaints were so vociferous as to the lawlessness of the entire country and the oppressions of many of the " great men of the realm ", that Edward III, with the consent of that parliament, ordered the establishment of justices of the peace throughout the land.<sup>1</sup> Whether or not the question of sending out justices

<sup>1</sup> " Et puis Sire Geffrei dit : Beux Seignours, les vns de vous qestes cy venutz sauez la cause pur quei ceste eire est ordeigne, et plusours nemie, par quei al Parlement (drein<sup>i</sup>) tenutz a Northampton pleintes vyndrent a nostre seignour le Roi, de totes coustes du Roialme, qe le people fust si malement demeigne par diuers oppressions des grauntz et par extorcions de meyntenours et duresces des baillifs et homicides et larcines faitz par totez partz en le Roialme, de quei plusours de totes partz qi se sentirent greuez prierent de ceo eide et remedie. Et les pleintz oyz le Roi et les grauntz a ceo Parlement esteauntz par comoune assent ordinerunt en totes partz en le Roialme, en chescun Countee ordeinerunt gardeins de la pees de tiels tortz, trespas, homicides et felonies redrescer, nient aresteaunt la dite ordeignance al conseil le Roi tenuz a Wyndesore ou assemble furrent tous les grauntz de la terre les pleintes de totez partz vyndrent al Roi de mesfetz

itinerant was discussed and partially decided at this same parliament is not altogether clear, but we do know that as a result of this parliament and the ensuing one held at Windsor, the king with their consent ordered the whole of England to be subjected to a visitation by justices itinerant.<sup>1</sup> The county of Northampton was the first to be visited by such justices as a result of this particular plan of Edward III to re-establish the peace and to establish his own personal authority as king of England. We have it on the authority of two contemporary MSS. that Northampton was selected for this dubious honour by reason of the fact that it was in "the middle of the realm".<sup>2</sup> Whatever

auant ditz plus ostroiment com auant ne fesoient priauntz de mesfetz remedie, par qei le Roi pria a tous qe illoeqes furent assemblez qe eux ordeignerunt voye coment la pees de sa terre poet meutz estre salue et garde et coment tiels mesfetz en nule manere purreient estre redrescez; entre queux cestes choses furent parlez et debatuz et moustre fust illoeqe qe la pees ne fust mie garde ne meintenu com auant cel temps auoit este en temps dautres Rois pur ceo qe en temps des progenitours cesti Roi Eyres soleient estre de vij. aunz en sept aunz par tut le Roialme, par queux la pees de la terre fust bien meintenu et garde et dreit fait as riches et as poures, par qei les grauntz [assentiront qe Eyre serreyt par tote la terre, sur qei la commonalte] illoeqes assemblez prierent au Roi qe a ceo volleit acorder par qei la pees de sa terre poeit estre garde et salue et les ditz mesfetz et trespas estre redrescez, et le Roi a lour requeste a ceo acorda. Par qei entre vous grauntz, nous vous chargeoms de part le Roi et prioms com a noz seignours et amys qe vous ne sustenez meyntenours de malueises quereles ne gentz rettez de malueise fame, mes qe vous soiez eidauntz qe la pees nostre seignour le Roi soit garde et qe les ditz mesfesours soient punitz issint qe cours de lei se face com auant ses heures fust fait par reson del eire auant dite."—Lincoln's Inn Hale MS. 72, fo. 4. The words in brackets have been added from British Museum Egerton MS. 2811. The same statement is also found in Lincoln's Inn MS. 137(1), Lincoln's Inn MS. 137(2), Bodleian Library, Rawl. MS. C. 187, Congressional Law Library, MS. 7 1J, and in British Museum Egerton MS. 2811. This matter is reported in Bodleian Library, Tanner MS. 13 N thus: "Pus SCROPE rehercea la manere coment le Roi en plein parlement, par comun assent des prelatz et des touz les grantz du Realme et de tute la comonalte, auet graunte pur establissement de la pees Eir par mi tut son realme, cest assauer vn pair des Iustices decea Trente et altres dela aerrer [sic] de Counte en Counte par tut le realme et coment les grantz granterent al Roi qe nul homme endite ou entagle ne serreit par euz meintenuz contre la lei." See below p. 389, n. 2 for the account given in British Museum Add. MS. 5924 and in Leicester MS. 243. This matter was not reported by the scribe of Latin MS. 180.

<sup>1</sup> See p. 388 n. 1 and n. 2 *infra*.

<sup>2</sup> "Et puis dit Sire G. : la cause pur qoi le Eyre fut ordine en parlement a Northampton et a Wyndesore par comoun conseil pur ceo qe la pees de la terra ne fut pas tenue com deuoit estre et soleit en temps de progenitours le Roi quant les Eyres furent tenuez de vij. aunz en vij. aunz, par qoi le Roi adonqe ordeina

the reason for starting this programme of general eyres at Northampton, whether geographical or because the parliament had been held here when this programme may have been first suggested, the programme was to be short lived. A week after the justices itinerant opened their sessions at Northampton a similar commission of justices itinerant opened a like general eyre at Nottingham,<sup>1</sup> and upon the completion of these two general eyres early in 1330 Bedfordshire and Derbyshire were subjected to like visits.<sup>2</sup> With the conclusion of the eyres in these last two mentioned counties the programme of establishing law and order by means of general eyres was abandoned. Thus, the Northampton Eyre of 1329 was the first of the last series of general eyres ever to be held in England, and as such it marks the opening of the final chapter of the institution of the general eyre as a part of the organised royal judicial machinery.<sup>3</sup>

ceste Eyre solom les articles adounge ordenez et solom lestatut auant fait et comence a ceo Counte pur ceo qe cest en millewe de son realme etc."—British Museum Add. MS. 5924, fo. 3<sup>v</sup> and Leicester MS. 243.

<sup>1</sup> The Eyre of Nottingham opened at Nottingham on the Monday next after the feast of St. Martin, that is to say on 12th November, 1329. The justices at NORTHAMPTON were Geoffrey le Scrope, John de Cantebrigge, John de Radenhall, Thomas de Louthier, Peter de Middleton, and Thomas de Radeclif. The justices at NOTTINGHAM were William de Herle, Robert de Malberthorpe, Robert de Scorburch, Robert de Thorpe, Henry Fenton and Nicholas Fastolf.

The Eyre of BEDFORD opened at Bedford on the Monday next after the feast of the Nativity of St. John the Baptist (*Cal. Close Rolls* (1330-1333), p. 30) before Robert de Arderne, John de Cantebrigge, Thomas de Louthier, Nicholas Fastolf, John de Radenhall and Thomas de Radeclif. The Eyre of DERBY opened at Derby on the Monday next after the Feast of the Apostles St. Peter and St. Paul (*Cal. Patent Rolls*, 1327-1330, p. 521) before William de Herle, Robert de Malberthorpe, Robert de Thorpe, Robert de Scorburch and Nicholas Fastolf.

<sup>3</sup> In the fourteenth century the view of how best to enforce the peace in the localities underwent many changes. These views included (in addition to the general eyre) the sending of the King's Bench on tour; the use of Justices of the Peace; and the use of Commissions Trail Baston. The question of the extinction of the eyre is a complex and confusing one. After the close of the Bedford and Derby Eyres early in the fifth year of Edward III's reign (1331), there were at least three (and possibly more) occasions on which the king used the threat of a general eyre. In January of 1334 (8-9 Edward III) the County of Kent, having earlier offered a payment of £500, agreed to a payment of 1000 marks in order to have an eyre superseded (*Eng. Hist. Rev.*, xlvi, 481-481 (1941)). On 20th January, 1340 (14 Edward III) an eyre was proclaimed for the City of London and there is some evidence that the eyre actually opened. An inspection of the Assize Rolls, however, indicates that it could not have lasted at

But there is little more we can say with any degree of accuracy, either of the historical and political importance of this series of four general eyres, or of the legal significance of the "judicial reasoning" in the hundreds of cases which were here heard and adjudged, until the many contemporary MSS. have been edited and published. So far as concerns the contemporary MSS. the Northampton Eyre again seems to have a special claim to distinction, for no other general eyre seems ever to have been recorded at such great length or by seemingly so many individual "reporters". There are seventeen known contemporary MSS. of it and a further one is reported to have existed as late as the beginning of the present century.<sup>1</sup> Four are in the British Museum; three in Lincoln's Inn Library; three in the Bodleian Library; and one each is in Cambridge

most more than a few days. See the Introduction by Pike to *Year Book, 14-15 Edward III*, pp. xlii-xlvii (Rolls Series). See also Bolland, *The General Eyre*, p. 95 (Cambridge, 1922). The alleged Eyre of Kent of 22 Edward III (1348)—see Putnam, *Justices of the Peace*, Intro., p. xlvi (Ames Foundation, 1938)—on all the existing evidence does not seem to have amounted to more than a threat to hold an eyre. Assize Roll 393 indicates that this was no more than an abortive attempt and that the people of the County once again bought off the perils of such a visitation. In any event a commission to hold a general eyre after 14 Edward III, even though entitled an "eyre commission", was not comparable to a like commission prior to that date. Presentments of Englishry were abolished by Statute in 14 Edward III and, so the many contemporary MSS. tell us, this was one of the "principle reasons" for the holding of an eyre. It seems clear enough that the general eyre as an instrument of royal justice ceased in fact to be used as such after the eyres of Bedford and Derby in 1330-1331.

<sup>1</sup> The MSS. of the Northampton Eyre, 3 Edward III (1329), are: *Ca* = Cambridge University Library MS. Hh. 2. 4, fos. 283-284; *Cw* = Congressional Law Library MS. 7 IJ, fos. 3-51; *Bc* = British Museum Add. MS. 5924, fos. 1-28<sup>v</sup>; *Bg* = British Museum Add. MS. 24063, fos. 2-25; *Bh* = British Museum, Egerton MS. 2811, fos. 243-336; *Bo* = British Museum, Harl. MS. 739, fos. 39-41<sup>v</sup>; *Eu* = Edinburgh University Library MS. 182, 4 folios; *Ha* = Harvard University Law Library MS. 3, fos. 1-31; *La* = Lincoln's Inn MS. 137(1), fos. 1-47; *Lb* = Lincoln's Inn MS. 137(2), fos. 241-290; *Ld* = Lincoln's Inn Hale MS. 72, fos. 1-56; *Lx* = Leicester MS. 243, cols. 33-140; *Ob* = Bodleian Library MS. 364, fos. 192-227; *Os* = Bodleian Library, Rawl. MS. C. 187, fos. 1-40; *Ot* = Bodleian Library, Tanner MS. 13 N, pp. 311-413; *Rd* = Rogers MS. 106, fos. 117-121; and *Ry* = Rylands Library Latin MS. 180, fos. 1-55. Sir Charles Isham's MS. (see *Eng. Hist. Rev.*, lvi. 608, n. 1) has been lost since about 1887. This MS. is said to have contained the reports of this eyre. The MSS. listed here will be referred to hereafter by the letters given to them above. All are contemporary.

University Library, Library of Congress,<sup>1</sup> Edinburgh University Library,<sup>2</sup> Harvard University Law Library,<sup>3</sup> John Rylands Library, the Earl of Leicester's Library at Holkham Hall,<sup>4</sup> and one *penes me*.<sup>5</sup> Together they represent some 1,470 pages of eyre procedure and reports of cases heard before the justices sitting in eyre. Here, buried in some fifteen millions of abbreviated legal fourteenth-century French words is one of the, as yet, greatest single untouched sources not only of the history of our common law but also of many aspects of English political, economical and social history of the early fourteenth century. These contemporary MSS. of the Northampton Eyre of 1329 represent, in short, one of the truly great living monuments of our history.<sup>6</sup> Here may be viewed in the majestic stream of justice, in language, if sometimes seemingly untutored by

<sup>1</sup> For an account of this MS. see Rogers, "Manuscript Year Books for 1-10 Edward III (1327-1337)", *Eng. Hist. Rev.*, lv. 562 *seqq.* (1940).

<sup>2</sup> Edinburgh University Library MS. 182 consists of 26 vellum leaves of which folios 1<sup>r</sup>, 1<sup>v</sup>, 2<sup>r</sup>, 2<sup>v</sup>, 4<sup>r</sup>, 4<sup>v</sup> and 25<sup>r</sup>, 25<sup>v</sup> (the first, second, fourth and last leaves) contain reports from the Year Book, Northampton Eyre, 3 Edward III. The remainder of the MS. consists of the text of *Flores Dictaminis Petri de Vineis* and *Collections of Proverbs or Sayings*. The fourth leaf, as it is now bound, and referred to above, is numbered "26" and should follow folio "25", which is the last leaf of the MS. The headings have been cut away and the leaves are in a poor state, having served at one time or other as covers. I take this opportunity to thank Charles P. Finlayson, Esq., Keeper of the MSS. in the Library of Edinburgh University, for making this MS. available for study.

<sup>3</sup> For an account of this MS. see the article cited *supra*, n. 1.

<sup>4</sup> For an account of this MS. see Rogers, "The Need for a Bibliography of English Legal Manuscripts", *Law Library Journal*, xliii: 45 *seqq.* (1950).

<sup>5</sup> See the article cited *supra*, n. 1, for a detailed account of this MS. I have discussed the relationship of some of these MSS. (so far as relates to the reports of the Derby Eyre) to Fitzherbert's *La Graunde Abridgment* in "A Source for Fitzherbert's 'La Graunde Abridgment'", *Eng. Hist. Rev.*, lvi. 605 *seqq.* (1941).

<sup>6</sup> The importance of a better understanding of the administrative and judicial work of the institution of the justices in eyre in England has long been recognized. See especially the introduction by Professor Hazeltine to Bolland, *The General Eyre*, xi-xiv. See also Bolland, *Manual of Year Book Studies*, 38 *seqq.*, and the introductions to *Year Book, Eyre of Kent, 6-7 Edward II* (Selden Society Pub., Vols. 24, 27, 29). See also Cam, *Studies in the Hundred Rolls*, 104-113 (Oxford Studies in Social and Legal History, VI). For some of the more important "firsts" in the history of our common law which seem to have been until the present day entombed in the reports of these eyres of 1329-1330 see Rogers, "The Editing and Publication of the Year Books of the Reign of Edward III", *Law Library Journal*, xliv, 71 (May 1951).

modern twentieth-century standards, nonetheless always picturesque and with an almost Pickwickian candour,<sup>1</sup> a history of fourteenth-century life and intrigue which has until the present been untold.

This is unfortunately not the place—nor has the time yet arrived—to tell even in part the story to be gleaned from these MSS. For the present we must be content to describe in some detail, if not the most complete or always the most perfect, then one of the most interesting of them—John Rylands Library Latin MS. 180. In so doing, the occasion will be taken to point out some of the outstanding differences between this MS. and its fellows. More than this we are unable to do, for to discuss ever so briefly so great a number of contemporary MSS., whether that discussion be limited either to their physical features, their differences textually the one from the other, or their contents, would soon extend this paper beyond any reasonable length.

Latin MS. 180 was purchased by the John Rylands Library in 1910. It had formerly been in the Phillipps Collection, where it bore the number 10178, and at some time earlier had been in a collection where it had been listed as “Latin MS. 239”.<sup>2</sup> It is a folio volume (265 × 190 mm.) of 55 vellum leaves. There is an average of 50 lines to the page and from 20 to 25 words to a full line. It was written from beginning to end by one scribe and would seem to be a work which, once taken in hand, was not laid aside until completed. The *marginalia* vary from the simple catch-word type to a few rather good abstracts of legal matters and most, if not all, seem to have been written by the scribe who

<sup>1</sup> The reports of the Northampton Eyre of 1329 are particularly rich in this respect.

<sup>2</sup> I take this opportunity to thank the authorities of the John Rylands Library for permission to take photostats of this MS. for study. I thank Dr. J. S. Roskell, Senior Lecturer in History, University of Manchester, and Dr. F. Taylor, Keeper of MSS. in the John Rylands Library, Manchester, for the help they have given me in the preparation of this article for publication. I would like to add, however, that the conclusions reached are mine alone and for such errors as may remain I alone am responsible. I also take this opportunity to extend my personal thanks to Professor Edward Robertson, Librarian, the John Rylands Library, Manchester, for his kindness in discussing this matter with me by mail on numerous occasions.

wrote the text.<sup>1</sup> Unfortunately, some of the better of these longer *marginalia* have been partially destroyed by the MS. having been cut in binding. The leaves have been foliated from 1 to 55 by a later hand. The MS. opens on folio 1<sup>r</sup> with the heading “*Incipit Iter Northamptonie Coram Galfrido le Scrop, Iohanne de Cant[ebrigge] et sociis suis Anno Regni.*”<sup>2</sup> A later hand has added “*E[dwardi] tertij tertio*”. There are running headings at the tops of ff. 7<sup>r</sup>-10<sup>r</sup>, 11<sup>v</sup>-20<sup>r</sup> (*Iter* on the verso of the leaves and *North* on the recto) and again on ff. 23<sup>v</sup>-24<sup>r</sup> in seemingly the hand of the writing scribe. The rest of the heads of the folios were originally left blank but in one or two places a later hand (probably seventeenth century) has added other headings. The handwriting of the scribe, while not unpleasant or difficult to read, lacks the more formal stiffness of professional scribes of this period.<sup>3</sup> It is only when one has studied all seventeen of the MSS. of this eyre in some detail that the impression is reached that Latin MS. 180 may have had some more or less provincial character. That the scribe of this MS. was untrained in the language seems clear. Apart from an almost total disregard for gender, his spelling, while sometimes unusual, is for the most part uniform.

Something must now be said concerning the contents of Latin MS. 180. Ff. 1 to 6<sup>v</sup>, l. 17 are taken up with an account of the preliminary proceedings at the opening of the eyre. This includes not only copies of the “common summons”, the sheriff’s return thereto, the various commissions to the justices and the articles of the eyre, but also an attempted verbatim account of what was said by the justices and by others present when they were afforded an opportunity to speak.<sup>4</sup> The reports of “civil” cases—both common pleas and pleas of *quo warranto*—begin at f. 6<sup>v</sup>, l. 18 and continue to the middle of f. 45<sup>r</sup>. The

<sup>1</sup> There are a few notes in the margins by a much later hand.

<sup>2</sup> At the front there are two and at the back one blank end-leaves of paper. The end of the heading comes at the end of the line and has been damaged so that the reading of the last word is questionable.

<sup>3</sup> If I were to make a guess about the scribe of Latin MS. 180, I would suggest that he was a man well past middle age who either lived in the county of Northampton or who had some very close associations with that county.

<sup>4</sup> See below, Appendix I, paragraphs 17, 22, 27.

“*Placita Corone*” begin abruptly at this point on f. 45<sup>r</sup> and run to f. 55<sup>r</sup>, l. 7. The remainder of f. 55<sup>r</sup> and the whole of f. 55<sup>v</sup> are taken up with a series of definitions of terms having to do largely with claims of franchises, e.g. Sok, Sak, Tol, Them,<sup>1</sup> Infangetheof.<sup>2</sup> Thus we may divide Latin MS. 180 into three parts for the purpose of considering its contents in some detail and also for the purpose of trying to reach some conclusion as to its origin.<sup>3</sup> These three parts may be described as : (i) *Processus Itineris*, (ii) *Placita Communia et Placita de Libertatibus* and (iii) *Placita Corone*. Suffice it to state at the outset that Latin MS. 180 in its entirety could not be a copy of any one of the other known MSS., for none of them agrees with it closely enough either in content or arrangement of matter to have been used for this purpose. Moreover, Latin MS. 180 could not have been composed from the source used by any one of the other MSS. for the same reasons.

(i) *Processus Itineris*. The account of the preliminary proceedings of the Northampton Eyre in Latin MS. 180 differs in nearly every respect from the similar account given in the other MSS. The scribe of this MS. attempted to reproduce verbatim what was said during these opening days and did not, as did the scribes of most of the other MSS., attempt in part to give a narrative account of the more or less formal proceedings. For example, instead of recording that “It was ordered that cry be made that no fair or market be held”, as do most of the other scribes, the scribe of Latin MS. 180 recorded “Scrop[e] : Thomas,<sup>4</sup> cause Ye cry to be made that no fair or market be held”. As concerns matters reported in common by Latin MS. 180 and the other MSS., there is an almost total lack of agreement textually.<sup>5</sup> So, too, Latin MS. 180 does not agree

<sup>1</sup> *Sic.*

<sup>2</sup> A similar list of definitions is to be found in Cambridge University Library MS. Dd. 7. 14, fol. 47<sup>v</sup>.

<sup>3</sup> The MS. is, however, written from beginning to end without a break. For an account of the MSS. of the eyres of Bedford and Derby see Rogers, “Law Reporting and the Multiplication of Law Reports in the Fourteenth Century”, *Eng. Hist. Rev.*, lxxv, p. 481 (October 1951).

<sup>4</sup> The Thomas mentioned here seems to have been Thomas Wake, Sheriff of Northampton during this time.

<sup>5</sup> See the footnotes to Appendix I printed below.



with any one of the others so far as concerns the order of the matters reported in this part of the report of the Northampton Eyre. Of even greater importance, however, is the fact that there are a number of matters reported in Latin MS. 180 which are not to be found elsewhere.<sup>1</sup> The whole of this section of Latin MS. 180 is written without any divisions but for the purposes of this study the separate items of business have been numbered and broken down into paragraphs.<sup>2</sup> We have printed below<sup>3</sup> the whole of the account of these preliminary proceedings as reported in Latin MS. 180, both to demonstrate, if demonstration were necessary, the historical value of this MS. and also to provide an example of the work of this particular scribe.

A few words must be said, to conclude this discussion of this "section" of the report of the Northampton Eyre, concerning the account of the preliminary proceedings found in the other MSS. The other MSS. containing an account of *Processus Itineris* fall into seven distinct groups,<sup>4</sup> viz. : (1) La, Lb, Ld, Os ; (2) Cw ; (3) Bc, Lx ; (4) Bg ; (5) Ob, Ha ; (6) Bh ; and (7) Ot.<sup>5</sup> In the footnotes to Appendix I below are given variants of various paragraphs found in these MSS., to illustrate how they differ from Latin MS. 180. We can state categorically that Latin MS. 180, so far as concerns these preliminary proceedings, is not itself a copy of any of our other known MSS. and, moreover, had a source for this part of the report of the Northampton Eyre which was entirely independent of any of them.

(ii) *Placita Communia et Placita de Libertatibus*. Latin MS. 180 contains 165 reports of cases of common pleas and of pleas of *quo warranto*.<sup>6</sup> These two classes of cases are here

<sup>1</sup> Paragraphs 7, 32 and 38 of Appendix I printed below do not appear to be reported in any of the other MSS.

<sup>2</sup> As noted above (p. 395 n. 3) there is no division whatsoever in the MS.

<sup>3</sup> Appendix I. The prices of foods and drinks (paragraph 32) are not reported in any of the other MSS. The reference to the apprentices at law (paragraph 39) is found elsewhere only in Congressional Law Library MS. 7 IJ.

<sup>4</sup> There are no preliminary proceedings reported in MSS. Ca, Bo, Eu, Rd.

<sup>5</sup> This division of these MSS. refers only to this particular "section" of the report of the Northampton Eyre.

<sup>6</sup> A study of the reported cases of *quo warranto* found in the MSS. of the Northampton Eyre of 1329 perhaps throws more light on the origin of Latin MS. 180—and incidentally the history of law reporting in the early fourteenth

intermingled and are not, as in the case of all the other MSS. of this eyre containing these reports, segregated as two separate groups. The arrangement of the cases in Latin MS. 180 is entirely unlike that of any of the other MSS. ; and, indeed, with the exception of MSS. La, Lb, Ld, Os (which are alike both in arrangement of the cases and in the reading of the text throughout), no other two of the MSS. agree on the order of the cases.

The 165 reports of cases found in this part of Latin MS. 180 fall into 22 groups :<sup>1</sup> *Ael*, 1 ; *Besael*, 1 ; Champarty, 1 ;

century—than does a study of any of the other “ sections ” of these MSS. Reports of *quo warranto* are found in 12 of the 17 MSS. containing the report of this eyre, viz. : La, Lb, Ld, Ob, Os, Ot, Ha, Cw, Bc, Bh, Lx, Ry. If we consider the *quo warranto* reports as a separate “ section ” of the reports of this eyre (as they are found in all of the MSS. except Ry) we can group these 12 MSS. into three families so far as concerns these particular reports, viz. : A=La, Lb, Ld, Ob, Os, Ha, Cw, Bc, Bh, Lx ; T=Ot ; R=Ry (Latin MS. 180). Of the 71 reports of *quo warranto* found in the basic MSS. of the A family, e.g. MSS. Ld, Lb, Os, Ha, Bh, Cw, Lx (MSS. La, Ob, Bc are incomplete at this particular point) only 21 can be identified with any of the 30 reports of *quo warranto* found in Latin MS. 180. In every instance the version of these 21 cases as found in Latin MS. 180 is completely different from that found in the A MSS. On the other hand, all of the 71 reports of *quo warranto* of the A MSS. are given in Ot and are there not only given in practically the same order but in every instance the reading of the text of Ot agrees with that of the A MSS. The only reason why it seems necessary to designate Ot as a separate family is that it contains a number of reports of *quo warranto* which do not seem to be found in either the A MSS. or in Latin MS. 180. Thus Latin MS. 180 contains 9 reports of *quo warranto* not found in either the A or the T MSS., i.e., not found in any other known MS. of this eyre. It is possible to conclude then that at least two men reported the cases of *quo warranto* at Northampton in 1329, one of whose notes went to make up the basic MS. of the A family and the other whose notes were transcribed into our Latin MS. 180. The fact that there are some reports of *quo warranto* found in Ot not found in the A MSS., coupled with the fact that the basic 71 cases of *quo warranto* found in both A and Ot are identical as to text, would seem to indicate that the A MSS. stem from the source used by the scribe of Ot and that these cases found in Ot (and not in A) were omitted for one reason or another from the A MSS. The resulting conclusion from these statistics is that two basic sets of reports were made of the *quo warranto* cases at Northampton in 1329 and that these two sets of reports represent our basic two families (I) Latin MS. 180 and (II) Ot and A. This, of course, gives some concrete foundation for the theory that there were two reporters engaged in law reporting at this date.

<sup>1</sup> The figures after the forms of action represent the number of reported cases in Latin MS. 180.

Cosinage, 1 ; *Cui in vita*, 9 ; Debt, 6 ; Detinue, 2 ; Dower, 7 ; Entry, 12 ; Escheat, 3 ; Formedon, 13 ; Mortdauncestre, 2 ; Form of action unspecified, 27 ; Novel disseisin, 32 ; *Precipe quod reddat*, 2 ; *Quare impedit*, 2 ; *Quo Warranto*, 30 ; Replevin, 2 ; Writ of Right, 6 ; Scire facias, 1 ; Trespass, 3 ; Wardship, 1. There are also two cases which properly belong to the *Placita Corone* mixed in among these "civil" cases. Over 50 per cent. of the cases in which the form of action is unspecified deal with points of law touching upon the old possessory actions. It is thus to be seen that the reporter who took these reports was little interested in personal actions, and that his main interest (other than a general one in the pleas of *quo warranto*) was in those cases dealing with real property rights. In this respect he differed greatly from the reporter responsible for the largest identifiable group of MSS. (La, Lb, Ld, Os) containing the largest number of cases from this eyre. This group contains 32 types of forms of action and, in contrast to Latin MS. 180, contains 22 reports of action of Debt ; 7 actions of Detinue ; 5 actions of Trespass ; and 71 reports of pleas of *quo warranto*. In addition, the A group of MSS. (La, Lb, Ld, Os) gives reports of 1 action of account, 2 actions of annuity, 3 actions of covenant, 1 action of *jurata utrum* and 1 action for waste. This same variance in interest of the "reporter" in the types of cases reported may be seen in the Cw : Rd group of MSS. and in the Bc : Ha, Ob, Ot, Lx group (or groups).

Of the 165 reports of cases found in this "section" of Latin MS. 180, only 72 can be identified positively as being variants of reports of cases in the A group of MSS. Less than 10 per cent. of the remainder can be identified with any of the reports in the other MSS.

With the single exception of MSS. La, Lb, Ld, Os, as noted above, it is not possible definitely to arrange the 14 MSS. containing a full account of these reports into distinct groups. However, for the majority of the cases they may be divided into four groups, viz. : (a) La, Lb, Ld, Os, Bg, Bh ; (b) Bc, Ha, Ob, Ot, Lx ; (c) Cw, Rd ; and (d) Ry [Latin MS. 180].<sup>1</sup> The MSS.

<sup>1</sup> This grouping refers only to the "civil" cases (common pleas) and differs from the grouping mentioned above for "section" one (see *supra*, p. 396, n. 6).

of group (*b*) occasionally split into two separate groups (Bc, Ha, Ob and Ot, Lx) and often for certain reports of cases any of these MSS. may join one of the other groups. Of the 72 reports of cases in Latin MS. 180 which it is possible to identify with the A group of MSS., less than one third agree closely enough with the version reported in common to permit collation. Of the remaining 93 (those in Latin MS. 180 not identified in the A group) it has been possible to identify only 10 or 11 definitely as variants of a case reported in one of the other MSS. Of these 10 or 11, less than half are closely enough related to be "within the limits of collatability". In other words, the relationship between Latin MS. 180 and any of the other MSS. is, textually speaking, almost non-existent.

To illustrate this variation, we print below four reports which the several MSS. have in common.<sup>1</sup> The first, that of an assize of novel disseisin by William (or John) Brown against William of St. Moore (or Semor), is reported in 14 of the MSS. in 5 versions: (*a*) La, Lb, Ld, Os, Bg, Bh; (*b*) Ry; (*c*) Cw, Rd; (*d*) Bc, Ha, Ob; (*e*) Ot, Lx. Since this report runs to considerable length (and this applies equally to the remaining reports mentioned below) we have printed only the full account as given in group (*a*) and in Latin MS. 180. At one or two points in the footnotes to these texts we have given selections from groups (*c*), (*d*) and (*e*) to demonstrate the variations they contain.

The second report printed below to illustrate this same variation is given 14 times in 13 of the MSS. (MS. Bh containing 2 separate reports of this case) in 4 versions. The grouping of the MSS. is the same as indicated above, except that groups (*d*) and (*e*) join to give a common version.

The third report printed below is quite unlike the last two mentioned above. This case is reported in 12 of the MSS. in only 3 versions, viz.: (*a*) La, Lb, Ld, Os, Bh; (*b*) Ry, Cw, Ha, Ob and (*c*) Bc, Ot, Lx. Again the third version has not been printed in full.

The fourth, and final, case which has been selected to illustrate the possible variations is reported in 13 MSS. in 2 versions,

<sup>1</sup> Appendix II.

viz. : (a) La, Lb, Ld, Os, Ot, Cw, Bc, Bg, Ha, Ob, Lx, Bh and (b) Ry.

Thus, for this "section" of Latin MS. 180, based on the foregoing statistics, we are able to reach the following conclusions : (1) There is no relationship between this MS. and any one of the others so far as concerns the order or the arrangement of the reports. (2) Approximately 55 per cent. of the total number of cases reported in Latin MS. 180 are not identifiable with any reports of cases given by any of the other MSS. (3) For approximately one third of the 72 cases reported in common by Latin MS. 180 and the large A group of MSS. there *may be* some relationship as to source of text. (4) For approximately 10 per cent. of the 93 cases reported in Latin MS. 180 and not reported in the A group, there may be some relationship with various of the other individual MSS., but for the remaining 90 per cent. of this group there appears to have been no relationship as to source between Latin MS. 180 and any of the other known MSS. These somewhat complex, if not confusing, statistics may be summed up by stating that only for a very small percentage of the cases reported in Latin MS. 180 do we find any evidence whatsoever of a relationship between that MS. and any of the other MSS. of this eyre. It would seem safe to conclude that the original source for this selection of cases in Latin MS. 180 was independent of and separate from the source used by any one of the other scribes.

(iii) *Placita Corone*. Latin MS. 180 contains 127 entries relating to "Pleas of the Crown", of which 18 are nothing more or less than short abstracts of legal points extracted from the Assize Rolls, so that there are, in fact, only 109 reports of criminal cases. Reports of the Pleas of the Crown for the Northampton Eyre of 1329 are found in 12 of the 17 MSS. reporting this eyre : MSS. La, Lb, Ld, Os, Ha, Bh, Ca, Cw, Lx, Ot, Bc and Latin MS. 180. An examination of their contents discloses that they fall into four sharply defined groups for this series of criminal reports, viz. : (a) La, Lb, Ld, Os, Ha, Bh, Ca, Cw ; (b) Lx, Ry ; (c) Ot and (d) Bc. Of the 109 reports of criminal cases reported by Latin MS. 180, all save 22 are identifiable with cases reported in the A group

of MSS. and they are all there reported in substantially an identical version. Four of these 22 unidentified reports are found in the (c) group (Ot). All of the "*Placita Corone*" reported by Latin MS. 180 are found in MS. Lx and they are there reported not only in the same version but also in substantially the same order. At least seven of the reports of criminal cases (from among the 22 reports not found in the A group) found in Latin MS. 180<sup>1</sup> do not seem to be reports of cases heard before the justices itinerant at Northampton in 1329. Six of these 7 are identifiable with cases reported in the black-letter text of the Year Books of 1 and 2 Edward III and also found in the many contemporary MSS. of the Year Books of those two years. Internal evidence shows that some of them were heard before Bouchier, J., so they could not have been heard in eyre at Northampton in 3 Edward III. The seventh is the criminal case reported in the black-letter text of *Year Book, Easter, 15 Edward II*, fo. 463. This case would seem properly to belong to the year assigned by the black-letter text since it is to be found in several (if not all) MSS. of the Edward II Year Books.<sup>2</sup> There is no ready explanation as to how these seven (or possibly more) cases came to be included with the "*Placita Corone*" for the Northampton Eyre of 1329 in Latin MS. 180.<sup>3</sup>

While there is no over-all agreement between the A group of MSS. and Latin MS. 180 as to the arrangement of the cases, there is a measure of agreement which can only be the result of some common origin. For instance, cases 60 to 99 of the A group are found reported in Latin MS. 180 as cases, 197-200, 203, 202, 205, 206-209, 210, 211, 212-238.<sup>4</sup> Such an arranged agreement of these reports could not be mere accident.

<sup>1</sup> And also in MS. Lx.

<sup>2</sup> From internal evidence in the report it is obvious that it must have been heard before the end of the reign of Edward II.

<sup>3</sup> And also MS. Lx.

<sup>4</sup> I have numbered the reports of cases in Latin MS. 180 consecutively from beginning to end. The reports of the A group of MSS. have been numbered as three separate sets (Common Pleas, Pleas of *Quo Warranto* and Criminal Pleas). The relationship in the order of the cases is nonetheless obvious. The case numbers given here for these criminal cases in Latin MS. 180 refers to the sequence of these same cases in the A group of MSS. (e.g. group A cases 63, 64, 65 are cases 200, 203, 202 in Latin MS. 180).

Thus Latin MS. 180 (and MS. Lx) had a source common to MSS. La, Lb, Ld, Os, Ha, Bh, Ca, Cw for 87 reports of criminal cases. For four further reports of such cases the scribe of Latin MS. 180 had a source seemingly common to MS. Ot. For the remaining 18 reports (not considering the abstracts from the Assize Rolls) Latin MS. 180 obviously had a source independent of any of the others, except MS. Lx. Moreover, these 18 "unique" reports are all found at the end of the reports which are identifiable with reports of cases found in the A group of MSS. MS. Lx could either be a copy of this section of Latin MS. 180 or it could have been the source from which the scribe of Latin MS. 180 drew for these reports.<sup>1</sup> It seems clear enough that for the large bulk of reports of criminal cases of the Northampton Eyre of 1329 there was but one common source to which the scribes of MSS. La, Lb, Ld, Os, Ha, Bh, Ca, Cw, Lx and Latin MS. 180 had access. MSS. Ot and Bc contain only a few reports of criminal cases, and the few they contain are for the most part not to be found in any of the other MSS. Thus, for this "section" of the report of the Northampton Eyre it seems likely that the scribe of Latin MS. 180 did not have any extensive private source independent of the source used by the scribes of the other MSS. containing a complete set of the Pleas of the Crown for this eyre. If we were to hazard a conjecture, it would be that there existed at the close of this eyre one complete set of notes of reports of criminal cases to which the scribes of group (a) and (b), as mentioned above, had access. In addition to this "complete" set of criminal reports there existed notes of a few criminal cases made by some two or three independent "reporters". More than this it is not possible to say in the existing state of our knowledge concerning the question of law reporting and the multiplication of law reports in the early fourteenth-century.

*General conclusions.* What general conclusions are we able to reach on these statistics with regard to the origin of Latin MS. 180? It seems indisputable that the scribe of this MS.

<sup>1</sup> It seems unlikely that two separate scribes working independently with a bundle of "loose slips of parchment" upon which notes had been made in court would have copied the cases out into MS. form in exactly the same order.

was present at the opening of the Northampton Eyre in November 1329 and made notes of the proceedings himself which he later transcribed into the *Processus Itineris* as these proceedings are here recorded. This set of notes was not copied out into any other MS. now known to exist. This same scribe seems to have been present also during the trial of civil cases and during the trial of pleas of *quo warranto* and to have reported a great number of such cases which he later transcribed into the MS. as we now have it. That he personally reported many cases is clear. But, inasmuch as the scribe of Latin MS. 180 was busy "reporting" these "civil" cases, he could not report the Pleas of the Crown (which seem to have been heard simultaneously with the hearing of the "civil" pleas),<sup>1</sup> and it was therefore necessary for him to obtain from the main "reporter" of the criminal cases either the notes or a transcript (such as MS. Lx) of those notes. From the arrangement of the 87 reports of criminal cases reported in common in MSS. La, Lb, Ld, Os, Ha, Cw, Ca, and in MSS. Lx and Latin MS. 180 it seems likely that the slips which were used as the source for the transcripts of MSS. La, Lb, Ld, Os, Ha, Cw, Ca were used by the scribe of Latin MS. 180.<sup>2</sup>

One thing may be said with certainty, namely, that Rylands Latin MS. 180 is an unique source for a great number of reports of cases heard before the justices itinerant at Northampton in 1329. It is a manuscript a more detailed study of which will enrich the knowledge of those interested in the history of our common law.

<sup>1</sup> A study of the many contemporary MSS. of the eyres would seem to indicate that the justices itinerant sitting in general eyre sat simultaneously in at least two divisions: one for the hearing of crown pleas and one for the hearing of civil pleas. Louth, J., seems to have heard the crown pleas at Northampton in 1329 and from the reports it would appear that he did not sit to hear civil pleas. It seems probable that there must have been this division of business among the justices for otherwise so great a volume of business could not have been disposed of within the time at their disposal.

<sup>2</sup> I have gone fully into the question of reporting in the early fourteenth century upon loose slips of parchment, and their later transcription into MS. form, in my paper "Law Reporting and the Multiplication of Law Reports in the Fourteenth Century", *Eng. Hist. Rev.*, lxvi, p. 431 (1951). See also Bolland, *Y. B. Eyre of Kent, 6-7 Edw. II*, Pt. 11, p. xxxvii seqq. (Selden Society, Vol. 27).



It is suggested that a thorough study not only of this important historical manuscript, but also of the numerous other contemporary manuscripts of the eyres held in Northampton, Nottingham, Bedford and Derby in 3 and 4 Edward III (1329-1330), would be exceptionally productive to the student of nearly every aspect of English economical, legal, political and social history. It is likely that such a study as this would possibly help to bring to light some of the historical bases of present day life and law through a clearer understanding of the "legal authority" for the holding of a general eyre; the social and economic influence upon the people of the counties visited by justices itinerant; and, finally, by an observation of the functional operation of the eyre as a court.<sup>1</sup> At the same time it will afford the student of comparative legal history with a back-drop against which he could compare the institutions of the *missi-dominici* of the Frankish kingdom in the Carolingian period, the *Staffelgericht* of the Frankish Palatinate, and the *Grand Enquête* of a somewhat earlier date in France. Of even greater importance than the mere comparison of like courts as institutions would be the opportunity afforded for a comparison of the substantive and procedural law of common law England and that of the Roman law continent of this period.<sup>2</sup> In the reported cases of

<sup>1</sup> The Court of the Eyre is the court to which official reference is first made in the earliest English public records (Great Rolls of the Exchequer). "As Charlemagne sent his *Missi* to his Counts, as William the Conqueror sent his [Domesday] Commissioners into the Shires, so William's son, Henry I (if indeed William Rufus and the Conqueror himself did not do the like), sent his *Missi* or Justices in Eyre throughout the country." Pike, *The Public Records and the Constitution*, p. 14. This statement was made on the authority of the earliest of the *Great Rolls of the Exchequer*. Bigelow, in his *Placita Anglo-Normannica*, p. 69, cites a passage in Dugdale's *Monasticon* (ii, 497), which shows that William Rufus sent "*optimates suos*" into the counties of Devonshire and Cornwall "*ad investigandum regalia placita*". To all intents and purposes this was nothing less than a Devon and Cornwall eyre for Pleas of the Crown.

<sup>2</sup> Here, in these reports of cases heard in the general eyres, will be found in England the final signs of the transition in the concept of criminal justice. At the beginning of the middle ages, in England as on the continent, criminal process did not differ substantially from a civil process: it was a litigation (*Appeal*) between two participants, the accused and his victim (or the victim's family). The criminal action was started upon the complaint, *clamor*, of the party injured or of a member of his family. (See Grand, "Justice Criminelle, procédures

*quo warranto* the student of English legal and political history will find striking examples of the great ecclesiastical orders in England claiming exclusive rights in the field of criminal justice, and putting forth, as against the claim even of the king, the right to administer criminal justice over "those within their jurisdiction".<sup>1</sup> Here in these *quo warranto* cases is to be found some of the earliest evidences of the subsequent conflict between church and crown.<sup>2</sup>

Here, too, in the reports of common pleas the student of legal history, and of comparative legal history, will find many examples evidencing a tendency towards a liberalisation of common law procedure.<sup>3</sup> This was a tendency which is likewise to be observed in Roman law Europe at this same period. In the early fourteenth century the common law of England as exercised and

et peines dans les villes aux xiii<sup>e</sup> et xiv<sup>e</sup> siècles", *Bibliothèque de l'École des Chartes*, CII. 51 [1941]. This is by far the best article of its kind on criminal justice in France in the period covered. See also Grand, "Saint Amant-de-Boixe. La Vie de Saint-Géraud d'Aurillac", *Bulletins et Mémoires de la Société Archéologique de la Charente*, 1939.) But gradually, both here in England and on the continent, this *accusatoire* system was to give way in the thirteenth and fourteenth centuries to the *inquisitoire* system in which society stepped in between the parties and upon the testimony of witnesses, established the guilt or innocence of the accused. Even so late as 1330 in England traces of the *accusatoire* system of criminal justice are to be seen in the eyre reports of criminal cases heard in the general eyres of Northampton, Nottingham, Bedford and Derby. I hope to publish in the near future an article dealing with the history of arraignment and trial at common law.

<sup>1</sup> The Abbot of Peterborough both in the eyre of Northampton and in the eyre of Nottingham (1329) went so far as to claim that no ministers, not even those of the king, "nor none other save his very own baillifs had a right to meddle within his franchise". Lincoln's Inn MS. 137(1), fol. 45 to fol. 46, and Lincoln's Inn Hale MS. 44, fol. 78.

<sup>2</sup> This conflict between the crown and the great ecclesiastical orders was common even at this early date to both England and France. For the best account of the conflict in France at this time see Grand, "Justice Criminelle", cited above, p. 404, n. 2.

<sup>3</sup> There is, indeed, much to be said for the theory that our system of equity jurisprudence arose from the liberal procedure of the justices sitting in general eyre. See the Introduction by Professor Hazeltine to Bolland, *The General Eyre*. I have touched upon this matter in the introduction to my edition of *Year Book, Eyre of London, 14 Edward II (1314)*, (American Academy of Arts and Sciences, *Memoirs*, vol. xix, 1941), and in my paper "Historical Origins of Interpleader", *Yale Law Journal*, li, 924 *seqq.* (1942). On the question of the liberalisation of procedural rules as exercised by the justices itinerant see Latin MS. 180, ff. 11, 32, 36. I hope to discuss this matter at some length at a later date.

administered by the royal courts was a rigid system of *formulae*,<sup>1</sup> and in this respect differed not greatly from the procedural systems of Europe. At the very time when the justices in eyre were applying law to the realities of life in England, in France Pierre Jacobi was revising his *Practica aurea* and seeking to bring about a liberalisation in the rigidity of the procedural side of Roman Law.<sup>2</sup>

But, perhaps of greatest importance to present day scholars, a study of these eyre manuscripts has much to disclose to the student of parliamentary and other consultative assemblies of this period. In the opening account of the Northampton and

<sup>1</sup> Cf. the formalism of Bracton's *De Legibus* and the common law form book *Registrum Brevium* with the formalism of the Roman law *Institutes*. Maitland made a scholarly and extensive comparison of Bracton and Azo (Selden Society Pub., vol. 8). See also Maitland, "The History of the Register of Original Writs", *Harvard Law Review*, iii, 212 (1889).

<sup>2</sup> See Grand, "Un jurisconsulte du xiv<sup>e</sup> siècle : Pierre Jacobi, auteur de la 'Practica aurea'," *Bibliothèque de l'École des Chartes*, lxxix, 68 (1918); Fournier, "Pierre Jame (Petrus Jacobi) d'Aurillac, jurisconsulte", *L'Histoire littéraire de la France*, 481-521 (1927); Fournier, "Nouveaux documents sur le jurisconsulte Pierre Jacobi et sa famille", *Bibliothèque de l'École des Chartes*, xcvi, 221-233 (1937); *ibid.*, c, 72-92 (1939). That we find this tendency in both countries at this period is not strange. The ties between common law England and Roman law Europe were numerous. Latin was the scholarly language of the learned, it was the language for treatises and for royal records both in England and in Europe. The spoken language of the educated person in social England, as well as the spoken language of the courts, was French. And, uniting England still closer to Roman law Europe was the even greater bond of the Catholic Church. Here in England, as on the continent, between the celebrated school of the Glossators of the twelfth and thirteenth centuries, who glorified in the abstraction of legal rules, and the Romanists of the sixteenth century, who philosophised on the theory of law as rules of human conduct, existed the period of the late thirteenth, and of the fourteenth and fifteenth centuries when legalists were above all pre-occupied with a practical application of the law to life. Here, then, both in common law England and in the Roman law countries of continental Europe we have the transitional period in which legalists in considering law as an instrument of procedure were seeking to give less and less attention to the abstractions of rigid procedural rules than to the idea of the application of law for the good of the individual as a part of an organised society. There can be no doubt that the justices itinerant played an important part in this "transitional" period in the history of English common law. For an interesting treatment of various terms common to both English and Roman law see Bossuat, "Anciennes traductions françaises du 'De Officiis' de Cicéron", *Bibliothèque de l'École des chartes*, xcvi, 246 (1935), at p. 277.

Nottingham eyres of 1329 the view is clearly exemplified that neither the functions nor the composition of large assemblies—in this case the Northampton parliament of 1328 and the council of Windsor of 1329—serves to determine their constitutional character. We have pointed out above how petitions were presented in the Windsor assembly “*priauntz de mesfetz remedie*” more insistently than ever before.<sup>1</sup> The magnates<sup>2</sup> assented to an eyre and the “*commonalte illoeqes assemblez*” requested the king to agree. The clear distinction at the time between “*les grauntz*” and “*la commonalte*” and between their acts is especially worthy of notice.<sup>3</sup>

These, then, it is suggested, are some of the matters upon which much information is to be obtained by a study of Rylands Latin MS. 180 and its fellows.<sup>4</sup>

<sup>1</sup> See above, p. 388, n. 1.

<sup>2</sup> “*les grauntz*”. *Ibid.*

<sup>3</sup> I am indebted to Dr. J. S. Roskell, Senior Lecturer in History, University of Manchester, for the substance of this passage.

<sup>4</sup> I take pleasure in offering my best thanks to the Benchers of the Honourable Society of Lincoln's Inn, and particularly to their Master of the Library and their Librarian, T. Hodgkinson, Esq., for permission to take photostats of their valuable MSS. I also take this opportunity to express my thanks to the authorities of the British Museum (and particularly to G. R. C. Davis, Esq., Assistant Keeper of MSS.); the Cambridge University Library, and to Dr. B. F. C. Atkinson, Under-Librarian; the Bodleian Library, Oxford, and to Dr. R. W. Hunt, Keeper of Western MSS.; His Grace the Duke of Northumberland; the Bibliothèque Nationale, Paris; the Congressional Law Library, Washington, D.C.; and the Harvard Law School Library for permission to take photostats and micro-films of their not less valuable MSS. of the Year Books 1-10 Edward III (1327-1337).

## APPENDIX I

INCIPIT ITER NORTHAMPTONIE CORAM GALFRIDO LE SCROP,  
IOHANNE DE CANTEBRIGGE ET SOCIIS SUIS ANNO  
REGNI [REGIS] EDWARDI TERTIJ TERTIO

**R**EX Vicecomiti Northamptonie salutem:<sup>1</sup> Summone per bonos summonitores Archiepiscopos, Episcopos, Abbates, Priores, Comites, Barones, Milites et omnes liberos<sup>2</sup> tenentes de Comitatu tuo et de qualibet villa iiii<sup>o</sup> [legales] homines et prepositum et de quolibet burgo xij<sup>o</sup> legales burgenses per totam Balliuam [tuam] et omnes illos qui coram Iusticiariis [Itinerantibus] venire solent et debent, quod sint apud Northamptoniam die Lune proxima post festum Omnium Sanctorum [proximo futuri] coram [dilectis et] fidelibus Iusticiariis nostris G[alfrido] le Scrop, I[ohanne] de Cant[ebri]gge etc. et aliis fidelibus nostris quos ibidem tunc missuri sumus, audituros et facturos preceptum nostrum. Facias etiam venire coram Iusticiariis nostris omnia placita corone nostre que placitata non sunt<sup>3</sup> vel que emergerunt postquam Iusticiarii nostri vltimo itinerauerunt<sup>4</sup> in partibus illis, et<sup>5</sup> omnia placita et attachiamenta illa ad placita illa pertinentia et omnes assisas et omnia placita que posita<sup>6</sup> sunt ad primam assisam coram Iusticiariis nostris, cum breuib[us] assisarum illarum et placitorum. Ita quod assise ille et placita pro defectu [tui vel] summonitionis tue non remaneant. Facias etiam clamari<sup>7</sup> per totam balliuam et sciri<sup>8</sup> quod omnes assise et omnia placita que fuerunt attaminata<sup>9</sup> et non finita, vel que fuerunt [summonite] coram Iusticiariis nostris apud Westmonasterium vel Eboracum vel coram Iusticiariis qui vltimo itinerauerunt in Comitatu predicto ad omnia placita vel coram Iusticiariis nostris missis ad assisas noue disseisine capiendas vel ad gaolam [deliberandam] quod tunc sint coram Iusticiariis nostris apud Northamptoniam in eodem [statu in] quo remanserunt per preceptum nostrum vel Iusticiariorum nostrorum

<sup>1</sup> This is a transcript of so much of John Rylands Library Latin MS. 180, fos. 1 *sqq.*, as relates to the preliminary proceedings of the Eyre of Northampton. Words and passages enclosed within square brackets are not in the MS. Interlineations and deletions are enclosed within parentheses with a superior *i* or *d*. The spelling of the MS. has been strictly followed except in one or two instances where the scribe obviously made a grammatical error. In the interests of the reader these errors have been corrected and a footnote given setting out the reading of the MS. Unusual spellings have been retained in the text, but footnotes have been added calling attention to the fact that the word so appears in the MS. Words abbreviated have been given in full and the extension of such words is based upon the spelling customarily employed by the scribe of this MS. when he wrote the word in full. Variations of the text of nearly every paragraph can be found in one or more of the other MSS. In the footnotes variations of some of the more important paragraphs have been given. MSS. La, Lb, Ld, Os begin with the Articles of the Eyre (No. 41 below); MSS. Bg, Bh, Cw begin these proceedings with a statement, "En primes assemblez tous les Iustices et les grauntz du Countee et tous y ceux qi furent venutz de la commonalte par somons del Eire de Northampton. SIRE GEFFRAI LE SCROPE comencea les paroles en la fourme qensuist: Euesqes, Abbes, Priours, Countes et Barons et tous autres qi sont venutz par reson de ceste eire, entendez al comaundement nostre seigneur le Roi." The initial "R" in "Rex" does not appear in Latin MS. 180, but the scribe left a square space vacant for a three line initial which was intended to be later supplied. The scribe of Latin MS. 180 consistently writes "Scrop" without any indication that a final "e" is missing. This form has been retained in accordance with our rule to follow the spelling of the MS.

<sup>2</sup> libere, MS.

<sup>5</sup> ad, MS.

<sup>8</sup> iscri, MS.

<sup>3</sup> MS. adds "terminata" after "sunt".

<sup>6</sup> postea, MS.

<sup>9</sup> Sic, atterminata.

<sup>4</sup> itinerauerint, MS.

<sup>7</sup> clamore, MS.

vel [Iusticiariorum] Itinerantium vel Iusticiariorum de Banco. Summone etiam omnes illos per bonos summonitores qui Vicecomites et Coronatores fuerunt<sup>1</sup> post vltimam itinerationem Iusticiariorum in partibus illis, quod tunc sint ibidem coram Iusticiariis prefatis cum breuib[us] [de] assisis [et] placitis que tempore suo receperunt ad respondendum de tempore suo sicut respondere debent [coram Iusticiariis] Itinerantibus. Precipe<sup>2</sup> etiam tibi quod per totam balliuam tuam, videlicet tam [in] Ciuitatibus [et] burgis] quam in villis mercatoribus et alibi, publice proclamari facias quod omnes illi qui libertates aliquas<sup>3</sup> per cartas predecessorum nostrorum Regum Anglie vel alio modo habere clamant sint coram Iusticiariis nostris ad diem predictam ad ostendendum cuiusmodi libertates clamant habere et quo warranto. Et tu ipse tunc sis ibidem personaliter vna cum Balliuis et ministris tuis ad cert[i]orandum ipsos fideles nostros super hiis et aliis negotiis illud tangentibus. Precipimus etiam tibi quod publice proclamari facias quod omnes conquerentes seu conqueri volentes, tam de Balliuis et ministris nostris quibuscumque quam de Balliuis [et ministris] aliorum et aliis quibuscumque veniant coram prefatis Iusticiariis ad predictos diem et locum ad quas-cumque querimonias ibidem ostendendas [et] ad competentes emendas inde faciendas secundum legem et consuetudinem regni nostri et iuxta ordinationem per nos inde factam et iuxta statutorum tenore[m] hactenus editorum et iuxta articulos eisdem<sup>4</sup> fidelibus nostris inde edit[os] etc. [et prout iidem fideles nostri tibi scire facient ex parte nostra. Et habeas ibi summonitores et hoc breue. Teste etc.]

2<sup>o</sup> Dominus Rex mandauit hoc breue patentes suum in hec verba : EDWARDUS Breue patent' Dei gratia Rex etc. dilectis et fidelibus suis G[alfrido] le Scrop, Lamberto de directu. . . . Thekyn[g]ham, Iohanne de Caunt[ebrigge], I[ohanne] de Rand[olf] et I[ohanne] de Redenal<sup>5</sup> salutem : Sciatis quod constituimus vos Iusticiarios nostros ad itinerandum ad omnia placita hac vice in Comitatu Northamptonie ; Constituimus vos Iusticiarios nostros ad audiendum et terminandum placita de libertatibus iuxta prouisionem et ordinationem inde factas et ad transgressionem et querelas conquerentium seu conqueri volentium tam de Balliuis et ministris nostris quibuscumque quam de Balliuis et ministris aliorum et aliis quibuscumque et ad quas-cumque querimonias audiendum et de terminandum et ad competentes inde emendas [faciendas] secundum legem et consuetudinem regni nostri et iuxta ordinationem nostram per nos inde factam et iuxta tenorem statutorum actenus inde editorum et iuxta articulos vobis inde traditos et iniunctos. Et ideo vobis mandamus quod die Lune proxima post festum Omnium Sanctorum proxime futurum apud (Westm<sup>d</sup>) Northamptoniam conueniatis et ad premissa omnia et singula in forma predicta facienda et explenda intendatur facturi inde quod ad Iusticiam pertinet secundum legem etc., saluis nobis amerciamentis et aliis ad nos inde spectantibus. In cuius rei testimonium has litteras nostras fieri fecimus patentes. Teste me ipso apud Gloucestriam tertio die Septembris anno regni nostri tertio.

3<sup>o</sup> Et super hoc mandauit [dominus] Rex breue suum [clausum] in hec verba : Aliud breue Iusticiariis

<sup>1</sup> fuerint, MS.

<sup>2</sup> Sic.

<sup>3</sup> alicos, MS.

<sup>4</sup> eiusdem, MS.

<sup>5</sup> Radenhall. This name is spelled in a great number of ways in the several MSS. MS. Bg also adds the name "Adam de Hernytoun" but, so far as is known, there was no justice of this name who sat as a justice in eyre at Northampton in 1329.

EDWARDUS Dei gratia etc. dilectis et fidelibus suis [Galfrido le Scrope, Lamberto de Trikyngham, Iohanne de Cantebrigge, Iohanne Randolf et Iohanne de Radenhall salutem : Cum constituerimus vos] Iusticiarios nostros ad itinerandum [ad] communia placita hac vice in Comitatu Northamptonie, Constituimus [etiam] vos Iusticiarios nostros ad audiendum et terminandum placita de libertatibus iuxta prouisionem et ordinationem [inde] factas et ad transgressiones [et] querelas omnium [con]querentium seu conqueri volentium tam de Balliuis et ministris nostris quibuscumque quam de Balliuis et ministris aliorum et aliis quibuscumque et ad quascumque querimonias audiendum et terminandum et ad competentes<sup>1</sup> emendas inde faciendas secundum legem etc. [et consuetudinem regni nostri et] iuxta ordinationem [nostram] per nos [inde] factam et iuxta tenore[m] statutorum actenus [inde] editorum et iuxta articulos vobis inde traditos et coniunctos. [Et ideo] vobis mandamus quod quociens vos omnes ad premissa facienda [et] explenda comode vacare non possint iiii<sup>o</sup>r, tria vel duo vestrum quorum vos prefatum G[alfridum] vnum esse volumus ad premissa facienda et explenda procedatis. Teste me [ipso] apud Gloucestriam viii<sup>o</sup> die Septembris Anno [regni nostri] tertio.

Aliud breue

4<sup>o</sup> EDWARDUS Dei gratia Rex etc. Dilecto et fideli suo Iohanni de Caunt[ebrigge] salutem : Cum constituimus dilectos [et] fideles Iusticiarios nostros G[alfridum] le Scrop, I[ohannem] Rand[olf] [et] I[ohannem] de Radenhale [et] vos Iusticiarios nostros ad itinerandum ad communia placita hac vice in Comitatu Northamptonie ac alia que ad Iusticiarios huiusmodi pertinent facienda prout in breuibis patentibus inde confectis plenius continetur [f. l<sup>v</sup>], vobis mandamus quod omnibus [aliis] pretermisissis ad hoc vna cum prefatis G., I., et I. intendatis. Ita quod scitis<sup>2</sup> apud Northamptoniam die Lune etc. ad premissa facienda iuxta tenorem litterarum nostrarum predictarum et hoc nullatenus omittat[ur]. Teste me ipso [apud Gloucestriam tertio die Septembris] anno regni regis tertio. Per ipsum Regem et Consilium.

Aliud breue

5<sup>o</sup> Item dominus Rex mandauit Thome de Louthur aliud breue suum patens [sic] in hec verba : EDWARDUS Dei gratia [etc. dilecto et fideli suo] Thome de Louthur salutem : Sciatis quod constituimus dilectos et fideles nostros [Galfridum le Scrope] etc. [Iusticiarios nostros ad itinerandum ad communia placita hac vice in Comitatu Northamptonie . . . as above]. Mandamus<sup>3</sup> eisdem G., I., et I., iiii<sup>o</sup>, tribus vel duobus T. vnum esse volumus quod vos ad hanc<sup>4</sup> societatem admittatis sicut predictum est. In cuius etc. Teste etc. [me ipso apud Dunstaple] xx<sup>o</sup> die Octobris anno regni nostri tertio].

Aliud breue

6<sup>o</sup> Insuper [hoc] dominus Rex mandauit aliud breue [suum] clausum [in hec verba :] EDWARDUS [Dei gratia] etc. Dilectis et fidelibus suis G., I., I., S. [sic] [et] I. salutem ; Cum constituimus vos Iusticiarios nostros ad itinerandum [ad] communia placita hac vice in Comitatu Northamptonie ad audiendum et terminandum placita de libertatibus iuxta prouisionem etc. transgressiones et querelas omnium conquerentium [seu conqueri] etc. quascumque querimonias etc. et ad competentes emendas etc. iuxta articulos inde traditos etc. Mandamus vobis [quod] quociens vos omnes ad premissa facienda et explenda etc. Mandauit aliud breue simili modo clausum.<sup>5</sup>

7<sup>o</sup> Apres la comission dez Iusticez del Eyr, cest asauer Sire G. le SCROP et

<sup>1</sup> competend', MS.

<sup>2</sup> Sic.

<sup>3</sup> Mandemus, MS.

<sup>4</sup> hoc, MS.

<sup>5</sup> MSS. La, Lb, Ld, Os set this writ out in full and in a somewhat different form.

ces compaignouns, come pariert par meisme la comission lieu et entendu, le dit Sire G. pria et comanda de part le Roy a les grauntes de Counte par lour feutes et lealtes qil vront fait a nostre seignour le Roy que eux le honour furent en eyde que leir et la volente le Roi furent ensi parfournes et ce al honour le Roy et a comone profit de son poeple.

8<sup>o</sup> SCROP :<sup>1</sup> Nous vous comandoms de part le Roy a vous viscount que vous rendes sus vostre baille et la verge et a vous toutz baillifs deinz fraunchises et de hors abbesses vos verges. SCROP : Pur ceo que nous ne trouoms nul defaute vnques en vous vicount vous rebailloms la baille et la verge entendaunt de vous ouster de mesme la baille quel heure que nous trouoms cause deuers vous suffisamment coudre estant la comission que vous auez de la Chancellere. SCROP : Viscounte, fetes le serment : Ceo oiez vous Iustices que ieo Thomas Wake bien et lealment seruiray a nostre seignour le Roy et a vous Iustices en loffice de viscounte a quel ieo fu par vous ordeine et lealment frai les comandements le Roi et le vestres et leals et dues execucions enfrai de touz les choses que moi serrount commandes de part le Roy et de part vous et lealment le conseil le Roi celeroy et les vous si dieux moy eide et ces<sup>2</sup> seintz. Apres le serment lui fust rendu la verge en la forme auantdit.

9 SCROP : Crietz, Erceuosques, Euesques, Abbes, Priours, Countes, Barouns, Chivalers et toutz autres frankes tenauntz et toutz iceaux que sount somouns et que soleyent venir al Eyr vignent et ceo proferent al peril que apent ; a quel iour les nouns ne furent pas demandes.

10<sup>o</sup> SCROP : Thomas, Crietz que feyre ne marche ne seynt tenutz en le counte de Northampton forpris en la ville de Northampton [pen]deuant leyr.<sup>3</sup>

<sup>1</sup> *The variants in the other MSS. of this paragraph are* : " Apres le bref de la somonce del eire lu Sire Geffrei comaunda au viscount qil rendesit sa verge et il le rendit. Et pur ceo queux ne trouerent pas defaute en lui rebaillierent la verge al dit viscount et le fesoient lure que lealment seruireit en office de viscounte a nostre seignour le Roi et a ses Iustices et au poeple duraunt leire et le counsail le Roi celereit ne pur doun ne pur promesse des grauntz ne des petitz ne lerreit que verite ne freit a son power si dieux lui eide et les seintz."—*Ld* : *La, Lb, Os, Bh, Cw, Ob, Ha*. " Et puis comand le vicount de rendre sus sa verge et il le rendi. Et puis comand que touz les baillifs de suth ly abassasent lour verge et issisirent. Et puis il fit crier que touz les seignurs et autres de Counte fraunch' qil fussent lyenz lendemayn ou qil missent ballif en lour lieu pur queux il voillent respoudre a seruer nostre seignour le Roi et ces Iustices durant le Eyre. Et puis fit iurer le vicount que loialment serueroit le Roi et ses Iustices et les execucions loialment freit et le conseil le Roi et ses Iustices sellereit et pur nul ne lerreit etc. Et puis ly fit bailler sa verge."—*Bc* : *Lx*. " Et puis comanda au vicount qil rendist sus sa verge que en si fyt et puis comanda que touz les baillifs que furent attendantz a ly et de part ly queux abesasunt lour verges qensy ferent. Et puis fyt le vicount iurer et ly chargea isto modo : Ceo oiez vous Iustices que loialment seruirez le Roy en office de vicount et dues execucions fere dez comandementz le Roy et de ces Iustices et ly rebailla sa verge et puis comanda que touz les seignurs de fraunchises queux fussent la a lendemeyn ou queux vssent la ceux baillifs pur queux il vodra respoudre a fere execucions en lour baillies et que le vicount vst la enceint touz les baillifs pur queux yl vodra respoudre."—*Bg*. " Pus le office le vicount fu seisi en la mein le Roi et sa verge oste et comande fu que touz les baillifs denz franchise et de hors abesserent lur verges. Pus le vicount fu remis en son office par nouel serment en cest forme qil freit lealment les comandementz le Roi et de ses Iustices et lur conseil selereit etc. Pus resceuz sa verge. Pus comande fu al vicount et as seignurs des fraunchises qil presentassent lendemeyn as Iustices tels baillifs south euz pur queux il voleint respoudre que le Roi se prendre seulement a les viscounts et as seignurs des franchises."—*Ot*.

<sup>2</sup> Written over " les " expunged.

<sup>3</sup> *At this point MS. Ld (which is more or less characteristic of all of the others) reads* : " Et pus Scrope comaunda et fesoit crier que feyre ne marche aillours ne fust tenue en ceo Countee forqe en Northampton duraunt ceste eire au peril qappent. Et pus fesoit crier que nul court de baroun fust tenue forqe la ou bref de dreit fust pendaunt duraunt ceste eire. Et que nul Countee fust tenu duraunt



11° SCROP : Criez qe nulle court de Baroun soit tenu en mesme le counte durant leyr forpris la ou il layade<sup>1</sup> bref de droit pendaunt en Court et ce de mesme le plaie solement.

12° SCROP : Thomas, Criez et defendez de part le Roy et de par[t] nous qe Counte ne soit tenu durant leyr forpris en le cas la ou il lui ount exigende vtagerie et apel tant solement eyaunt regard a mesme le poynt.

13° SCROP : Thomas, Criez qe nul atent de conspirace nasproche<sup>2</sup> la ville de Northampton par xij° lewes si il ne soit en cas la ou il est enplede et adonqe face son atturue et qe seu depart de la ville mesme le iour de xij° lewes.

14° SCROP : Criez qe touz grauntz et autres qe clayment fraunchises qil veignent auant et mousterent ceo qe il cleyment et les pointz de leur fraunchise et ceo qil ount pur eux et pur quel garaunt il cleyment tener et ce sil<sup>3</sup> cleyment par fait de Roy ou de ces auncestres ou en autre maner.

15° Iohan de Hothan Euesqe de Ely porta<sup>4</sup> a les Iustices pur les grauntez auaunt ditz qil pussent de ceo auer respit et estre aise tanqe a Mekerdy procheyn ensuaunt, a quey SCROP respoundi qil aueynt iour par somons et de demoustrer par bref au iour auandit par quey sa prier fut hors comoune cors de heyr. SCROP : Mes nous deuoms a vous toutz grantz qe cleyment fraunchises auer et continuoms le iour auandit tanqe a Mekerdy qe vous nous prietz de grace.

16° SCROP : [Criez] qe toutz les coroners qe ount este pus le dreyn heyr qe fust a Northampton xiiij° an le Roy Edward ael le Roy qe ore est, leur heir[s] ou leur executours ou leur terres tenauntz, viscountes, leur heyr, leur executours ou leur terres tenauntz veignent auant et liuerent leur Roules de tut leur temps en blanches Bagges entitles de leur nouns fesaunt mencion de quel an enseale de leur seals a peril qe appent ; a quel iour les Coroners vindrent et fesynt la lyuere de leur Roules solom la forme auandit forpris vne Henrie qe fust demande solempnement et ne vint point. SCROP : Il est demande souent et vint point par quey agard cest court qe ces terres seint pris en main le Roi, biens et chateux, et qe vous viscountes mettez hors femme et enfauntz et qe son corps soit pris. Puis vient mesme celui Henrie et bota auant le [f. 2] bagge de ces Roules et il fust agarde a la prisone par le iugement precident et fist fin pur xx. s.<sup>5</sup>

17° Et estre ceo vn autre coroner Simuod<sup>6</sup> de Croulande par noun mist auant vne bagge et ces Roules. SCROP : Auetz rendu toutz vous Roulez ? [*Le Coroner* :] Sire, oyl estre vne Roule. SCROP : Et pur quey nemye cele ? [*Le Coroner* :] Sire, pur ceo qe vn Robert Seymer tollit huye cest iour mesme le Roule a force ceste eire mes dappel ou dexigende. Et pus fesoit crier qe tous ceux qi voleient purchacer brefs en ceste eire qil les purchacent entre cy et le iour de Seinte Lucie et tous y ceux qe voleient suivre billes qil les liuerassent al viscont et trouassent pleges de suirer sanz limite certain iour de la liuere. Et pus se fist crier qe nul conspiratour atteint aprocheit la ville duraunt ceste eire de xij° lieuz sanz ceo qil emplede ou soit emplede et qil venist et face son attourne de iour et issir mesme le iour la ville issint qil ne moerge pas la nuyte."

<sup>1</sup> Sic, il y a de ?

<sup>2</sup> Sic.

<sup>3</sup> Sic, for " quil ".

<sup>4</sup> Probably for pria.

<sup>5</sup> MSS. *Ld, La, Lb, Os, Bh, Cw, Bg, Ot* report the last half of this paragraph thus : " Entre queux vn Henri de Caylmers, iadis Coroner del Countee de Northampton, fust solempnement demande et ne vynt pas, par quei agarde fust qe ses terres et ses chateux furent seisis en la mayn le Roi et ouster femme [et] enfauntz. Le quel Henri vynt apres oue ses roules et pria grace de court et dist qil fust destourbe de presse et qil fust de quere ses roules. *Aldeburgh* pria pur le Roi del houre qil auoit son iour par somons et ne vynt pas a temps qe son corps fust pris, et fust agarde a la prisoun et pria grace com deuant. SCROPE : Vous auez vostre iugement et couient qe cest iugement eit execucioun, mes nous voloms faire grace a ceste foitz mes nemye par lei ; quei volez doner au Roi ? Et fist gree pur xx s. au Roi."—*Ld.*

<sup>6</sup> Sic, Simound.

dun T. de B. mon clerk moy nient sachaut tanqe a ore. Le clerk fust demaunde sil voille siwer vers le dit Robert pur le Roy. Il dit ore "oyl". SCROP: Vi-counte fetes prendre le corps le dist Robert issint qe leyetz deuant nous ademayn et vous T. de B. gardes mesme le iour etc.<sup>1</sup>

18° De vic[ountes] rien ne fust fait al iour auantdist mes aueynt iour tanqe a lendemeyn par continuance.

19° Et apres ceo tres seriauntz furent fetez et donerunt lor.<sup>2</sup>

20° SCROP: Nous vous comaundoms a vous viscounte qe vous nous fatez

Nota qe lez  
Iustices en  
Eire ferrent iij  
seruauntz.<sup>3</sup>

<sup>1</sup> See below Nos. 26 and 33 for the continuation of this matter in Latin MS. 180. MSS. La, Lb, Ld, Os, Cw, Bh combine these three paragraphs as one and MSS. Bc, Lx, Bg, Ob, Ha give the report as two separate paragraphs on two separate days. Below is given the version in Ld (as typical of the first group) and in Bc (as typical of the second). "Et pus Simond de Cailmers fust demaunde et vynt et dist qe ses roules furent en la ville a son hostel et pria qil les pout quere. Et *Aldeburgh* pria meismes com deuant de lautre. Et il fust comaunde au viscont en garde. Et puis de grace de Court fust suffert de quere ses roules en garde de Mareschal. Et reuynt et porta ses roules tous santz vn. Et dist qe ceo lui fust tollet hors des mayns son clerk par vn Robert de Saint More. Et fust demaunde del clerk sil fust icy ou noun, et il dist qe oil, et sil voleit suire pur le Roi et pur lui meismes. Et il dist [qil voilleit. Et] auoit iour tantqe lendemain. Et comaunde fust dattacher le dit Robert. A quel iour le dit Simond et son clerk vyndrent et le dit Robert vynt en garde de viscont et le dit Coroner liuera le roul qe fust tollet de son clerk. Et le dit Coroner amerce pur ceo qil ne les auoit al primer iour et le dit Robert fust arrene del trespas auauntdit et il respond qil auoit cel roul de la liuere cel clerk et de son gree, quele chose le clerk conusoit. Et demaunde fust del clerk sil voleit suire deuers Robert. Et il dist qe noun, par qei il fust amerce. Et le dit Robert a la sieute le Roi arrene, qi respond com deuaunt. Et sur ceo enqueste prise a lendemayn, par quele enqueste fust troue qe Robert lauoi del liuere le clerk com il auoit dist. Et demaunde fust sil fust par le gree le Coroner ou noun. Et troue fust qe noun, par qei agarde fust par CAUNTEBRIGGE qe le clerk fust emprisone pur ceo qil auoit liuere le dit roul par qei le counsail le Roi fust descouert pus la somons del eire. Et pus fist fin pur demi marc et le dit Coroner quites pur ceo qe le dit roul fust liuere santz son gre."—*Ld. The first paragraph concerning this matter in Bc reads*: "Et puis fust vn autre Coroner demaunde qe vynt. Comaunde ly fust demettre auaunt ses Roules et dit quil nes [sic] auoit pas mes il furrent en la ville et pria souffrance, taunqe al demayn. SCROPE: Vous ne laueretz pas, nauetz oye quel iugement cesti auoit qe ne vynt pas quant il fust demaunde et vous auetz fait au Roy greynder despit la ou vous estis en Court et ne volet pas liuerer vous Roules mes taunt nous fromous [sic] de grace qe nous manderoms a vous nostre Marchalle en la ville pur les quere et de vous remener le quel vous les eietz ou ne mye et ceo de nostre grace et ne mye de ley. Issi qil ala en la ville ouesqe le Marchalle et reueynt et dit qil auoit toutz ces Roules forspris vne la quele Robert de Seymore prist afforce de son clerk. Et son clerk fust demaunde qe vynt et dit en mesme la manere. SCROPE ly demaunde qoi il fit adanqe pur qoi il nust leue la mene sur ly et ensuwy. Et il dit qe lautre ly voilleit auer batu. SCROPE demaunda del clerk sil voilleit suwer deuers ly. Et dit qe oyl. SCROPE demaunda sil auoit transscript de Roule, le clerk [dit qe] oil, et le Coroner dit qe noun. *Aldeburgh* pur ceo quil ne leuera pas ses Roules ceo est sa defaut quil ne les auoit pas primus ouesqe nous prioms qe son corps seit arestu. SCROPE comaund de prendre gard de corps le Coroner et de son clerk et de attacher a R. quil soit seyngs ademayn. Et puis lendemayn le Coroner vynt et dit qe Robert de Seynt More ly auoit baille vn Roule et le myst auaunt la Court, Robert de Seynt More fust demaunde, vynt et fust arene qe afforce en presence des Iustices etc. il auoit pris enporter la Roules. Et dist qil les auoit du bail le clerk. Le clerk fut demaund, vynt, demaunda sil voilleit dire deuers ly com il auoit deuaunt comence, et il demaunda de Coroner sil voilleit. Et dit qe noun, par qoi le vn et lautre fust amerce, s. le clerk pur ceo qil ne suwi pas et le Coroner pur ceo il ne leuere pas ses Roules a primer iour. SCROPE comand a vicount deprendre gard de Robert et quil fait venir bon enqueste lendemayn pur enquerre de ceste chose." *The second paragraph of this matter in MS. Bc (on the third day) reads*: "Et puis fut lenqueste prise deuers Robert de Seynt More qe dit qe le clerk le Coroner aprista le Roule a Robert dauer transscript issi quil ne prist pas countre sa volente et qe ceo fut fait non sachaut le Coroner. Et fut demaunde le quel il baille au Clerk mesme le Roule ou le transscript. Et desoient qe mesme le Roule. CANTEBRIGGE a Robert: Vous receu le Roule le Coroner le quele Roule fut de record qe ne deit pas venir a vostre gard la ou vous ne futes pas ministre le Roy, par qoi voletz faire fyn al Roy? Et first fyn de vn mark."

<sup>2</sup> This paragraph is reported elsewhere only in MS. Ot.

<sup>3</sup> By a later hand.

auer les nons de touz les baillifs et de touz vos clerks qe nous serueront a ceste Eyre et pur les queux vous voilletz respoudre a peril qe apent. *Viscounte a SCROP* : Sire, nous auoms plus qe cent brefs returnables len demayn Seint Mark et les vtas de Seint Martin ; qei voletz vous qe nous fasoms de mesme les brefs ? *SCROP* : Retenez les deuers vous et nous froms auer garant de la Chauncellerie de les fere venir deuant nous et suetz qe vous eytz garaunt.

21° *SCROP* : Fetes crier qe toutz les viscountes, lour [*Die Martis sequent'* heirs et lour executours et lour terres tenauntz rendent sus lour bagges de lour Roules de lour temps del Eyre auant nome ; les queux vieignent auant et botent sus lour bagges de lour Roules et parties de viscountes ne virount en lour Counte auantdit come apparust par rettourne de vicounte des queux rien ne fust fait a mesme le iour, et des autres et de terres tenauntz ou executours et qe ne virount mye lour Roules commande fust qil furent mis al graunt destresse dauer lour Roules en coudre Vendredy proschein ensuaunt.

22° *SCROP* : Nous vous comandoms a vous toutz grauntz et autres de Counte qe vous alez ensemble et qe vous nous certifiez le quel vous soleies presenter et deuez Englecherie ou nemye et si vous le deuetz presenter la forme coment, (et<sup>1</sup>) la comonialte pria a les lustices qe lour pleyse de ceo iour dauisement tanqe a len demain. *SCROP* : Ceo ne poms<sup>1</sup> nous voloms granter mes vous comandoms come auant qe vous aletz ensemble toutz et de ceo responez a nous a perile qe appent et metes vostre respouns al dit a quatre sages de mesme le Counte eyant power de vous touz a nous de ceo respoudre. Les quatre vindrent pur eux touz a la barre, Sire, vous nous dioms qe par nulle euidence qe nous auoms ne par aunciens gentz qe ount este en le procheyn Eyer auaunt et dist tout a trenche, Sire, vous nous dioms qe nous solemus<sup>2</sup> ne ne deuoms Englecherie presenter et prioms, Sire, qe vous nous voletz graunter et meyntenir nos leyes et nous vsages et qe nous le pussoms auer solom ceo qe nous auoms hu en tut temps des aunces-tres nostre seignour le Roy. *SCROP* : Voletz auower vostre respouns a peril qe apent ? La Comonialte dist "oyl". *SCROP* : Nous vous deleueroms tantost nous trouoms qe mesme la possioun et mesme la demaunde furent al dereyn Eyer qe fust auaunt nommes al quele vous respoundistis come ore auetz respoudu et adonqe troue fust par record del Eyr qe auant dreyn fust qe vous le presentastes, par qei agarde (fust<sup>4</sup>) qe vous fustes amercie, issint qe nous trouoms deux records en contre vous qe vous deuez presenter et la maner, par qei agard cest Court qe tut le counte soit en la mercie pur lour faux presentemens. *La Comonialte* : Nous vous prioms qe nous pussumus fere fin pur nostre amercie. *SCROP* : Nous vous grauntoms et serroms prest de resceuer quel heure qe vous voilletz.<sup>3</sup>

<sup>1</sup> Sic, pouoms ?

<sup>2</sup> Sic.

<sup>3</sup> See below Par. No. 31 where this matter came on again for hearing. The variations in the other MSS. read : " Et puis demaunde fuit de tote le Counte sil deuierent presenter Englescherie ou noun et sil deuierent presenter en quel manere et sil ne deuierent presenter qil le dirrerunt. Et prierunt iour dauisement tanqe a lendemayn, et ne poient en nul maner auoir qar ceo fuit le principal point de le heir qe deuoit estre respoudu sur la demaunde ; il en parlerunt vn pece et respouderont qil ne deuereint pas presenter, et prierent qils furent menez en bonz vsages come deuaunt auoient este. *SCROPE* : Nous trouoms en la dreyn heyre deuant Sire Iohan Vaux qe vous fuistes appose come ore estes et vous respoudez qe vous ne sauez si vous deuez presenter ou noun, par qei il quest les rouille del procheyn Eyre deuaunt tenu deuant Sire Richard de Mideltoun ou il trouerent qil fuit presente en touz lez countez en tiel manere : qe de cely qe fuit troue occis [*Bh ends abruptly here*] vn de parenz de part le piere viendrent et vn autre de part la miere et ambes deux del age de xij. aunz ou plus et ne mye de meynz et le chalange de lour sank [et] en tiel manere presenter englescherie, et pur ceo qe

23° SCROP a Vicount : Fetes nous auer baillifs qe nous serueront de southe vous a cest Eyer et touz autres baillifs de fraunchises, queux venuz [et] chescun fit le serment par sey : Ceo oyetz vous Iustices qe ieo R. Baillif de T. lealment serueray a nostre seignour le Roy et vous Iustices en (la<sup>1</sup>) baille ou ieo su et leals execucions de comandement nostre seignour le Roy et les vous fray et lealment le conseil le Roy et le vos Iustices seleraï et qe lealment elleray deux prodeshomes de les meutz valez de ma baille et qils ne seynt meyntenours des parties ne procurours ne abbetours et qe ne soyent de la Corone entagles et qe meutz souent et voillent dire verite de ceo qe homme chargera de par[t] le Roy etc. Et issint chescun baillif estoit charge.

24° SCROP as Baillifs iurez : Nous vous comandoms qe vous pensetz taunt tost en vostre quouer par le serment qe vous auez fait de [f. 2<sup>v</sup>] deux homes les meliours de vostre baille solom ceo qe sus est dit saunz rien parler a nulli et les nomes priueement a nostre clerk iuree, et si ensi (soit<sup>d</sup>) ne le facez et le contrarie en vous soit troue vous irretz a la prisone saunz mercy de vous auer et issint seueralment le fist chescun baillif.

25° SCROP : Vicounte, fetes nous venir vj<sup>o</sup> cheualers et seriauns, la moyte dun et la moyte dautre, qe meutz seuent et voillent asser et mettre lassise de vin et de ceruoyse et polaiiele. Les chiualers et seriaunz appelletz et venuz. SCROP lour chargea en tele maner : Ceo oietz vous Iustices qe vous leaument asserretz et lassise mettres en vin et en cerueyse et en polaiiele de chescun manere si qe les vendours bonement puissent en mesme les choses gaigner ou resoun et les achateurs nient trop outrageusement acheter ne paier etc. et gardes vous iours de rendre de ceo vos veriditz et de ceo estre aise au demain.

26° SCROP demandez Robert Seymore. Robert vint. SCROP : Le clerk T. de B. Seymor coroner ad fet vn pleint sur voz qe vous lui auez tolle vne Rouleson meistre coroner a force et as armes, coment voletz vous de ceo aquiter ? A la suite respoundist par deux et ar bones peyes. SCROP : Faites nous venir bone pais demain et garde[z] le corps le dist Robert tanqe a demain. Le clerk Simond ne volent swere deuers le dit Robert par quey agarde fust qil soit en la mercy.

27° Abbe de Burgh' fust demaunde come terre tenaunt A. de B. vn Coroner qil rendeisset sus les roules du temps mesme le Coroner, a qi labbe et son conseil respouderent qe vn Thomas de G. fust Coroner <sup>1</sup> en mesme le temps qe le dit A. fust coroner et en mesme lan le quel Thomas rescut les Roules le dit A. Coroner les queux ensemblement ou les soens ad suis liuere en bagge. SCROP : Thomas,

vous auez tote outre dedit de presenter englescherie et troue est la reuers par record si agard la court qe tout la Counte seit en la mercie."—*Cw* : *Bh* (semble *La, Lb, Ld, Os*). " Et puis SCROPE demaunde de la communalte de toute le Counte sil deuient presenter englechiere en ceo Counte ou noun, qar en ascun Counte len presenter englechiere et ascun nent et si vous deuetz presenter dites coment et enquel manere. Et la communalte du Counte se consaillerent ensemble et disoient qe vnk ne le deuent fere. SCROPE : Nous trouoms par le dereyne Eyre qe fuistis apposse de ceo et vous deites qe vous sauetz si vous le deuez presenter ou noun ou a donqe fust troue par proscheyn deuant qe vous le dusse faire, par qoi vous fustis adounqe amerie et ore auez dit qe vous ne le deuez pas faire, par qoi agardare tout le Counte en la mercie soit. Et ore vous dirroms la manere coment ele serra presente : qil serra presente par vn de part le pierre et de vn de part la miere et qil soient maudles et de xij. anz ou de plus et ne mye de meyns."—*Bc* : *Lx*. " Et puis fut comande qe touz les grantz et lez autres de Counte alassent ensemble et deissent qils deueront presenter Englecherie ou ne my et syl deueront donqz la maner coment, lez queux vindront et disoint quex nel presenterrent vnecs et qils nel deueroint pas presenter. Et pur ceo qe troue fut en les roules de ij. drein Eyres qils lauount presente etc. si fut tut le Counte amerie."—*Bg*, semble *Ha, Ob, Ot*.

<sup>1</sup> *The words qil rendeisset have been erased here.*

est il issint et le voletz enprendre? *Thomas* : Sire, nanyl. *Labbe* : Sire, nous vous prioms qe la bagge soit ouerte et les Roules enserchetz et troue fut qe le dit Thomas Coroner eut liuere eux ensemblement ou ces Roules vn poi des auenturs du temps le dit A. coroner. *SCROP* : Nous ne trouoms qe poi de temps A. coroner. *Labbe* : Sire, il ne fust forge poy de temps coroner et vous lauetz tout ceo qe fust de son temps. *SCROP* : Et pur ceo qe nous ne trouoms poi de temps et nous ne sauoms com bien de temps il estoit coroner, gardes vostre iour si deuant nous de iour en autre tanqe nous eyoms enquis de ceo la verite.

*Nota bene*

28° Si vne homme porte bref vers Abbe ou priour nient nome [par] soun noun de Baptisem lour bref sabatera par sa mort, mes qil soit Abbe ou priour seient deposez ou se eyent demys si qil seyent en vie le bref ne ceo abatra point.

*Nota bene*

29° *XIJ*° furent iurez deuant le Iustices en vne [bref de droit]. *SCROP* a les *xij*° : Veietz qe vous ditez verite car entendez certeynement qe si vne des parties port latteint sur vous nous verroms et prendroms la atteynte par nostre bref saunz bref de la Chauncellerie et de ceo seit certeyn qele serra trie de deinz xv. iours et dissesines faites deinz la somons del Eyr nous la trioroms de nostre bref de ceo iour en autre.<sup>1</sup>

30° Le record dengleterre lieu et entendu. *SCROP* ala comonialte : Vous estes plus a blamer et plus greusement amercier qe vous nestes adonqe, car donqe vous deistes qe vous ne sauez le quel vous ne deuetz presenter ou ne mie ore auetz dist countre verite et countre le record qe vous ne deuez ne estes tenu presentir.<sup>2</sup>

31° *SCROP* : Thomas, criez qe Erceuesqes, Euesqes, Abbes et touz autres etc. qe clayment fraunchises mettent auant tantost lour cleymes et queles fraunchises et les maners et les pointz de lour fraunchises par bille a peril qe appent et donqe touz les grauntez par eux ou par lour attournes boterunt auant billes de lour cleyms de lour fraunchises et de touz les autres pointz solom la forme auantdit et ceo a peril qe appent la forme et la manere de lour billes appert par vn bille a ceste conee.<sup>3</sup>

*La pryse dez vitalez.*<sup>4</sup>

32° *CAUNTEBRIGGE* : Thomas, criez lassise par lez *vj*° iurez auanditz out mis et assise : galon de vin a *v. d.* ; galon de ceruoyse de *j. denar* ; owe a *iiij. d.* ; chapoun a *ij. d. ob.* ; partrik a *ij. d.* ; conygne a *v. d.* ; xx alowes *j. d.* ; xx oues *j. d.* ; *iiij* columbes a *j. d.* ; maulard a *ij. d.* ; plouer a *ij. d.* ; *ij* suytes a vn denar ; gelin a *j. d. ob.*<sup>5</sup>

33° *CAUNTEBRIGGE* demaundetz le dist Simond coroner, T. de B. son clerk et Robert Seymor, les queux demaundetz vendrent et demaunde fust lenquest doffice de dit Robert, les queux vindrent et furent sermentez et desoynt en tel manere: qe le dit Robert Seymor ne prist mie a force (le Roule<sup>1</sup>) de le dit clerk

<sup>1</sup> This paragraph seems to be here by mistake. It would appear to be a charge to a jury by *SCROPE*.

<sup>2</sup> See above *Par. No. 22*. This matter is reported the second time only in *MSS. Bg, Ot, Ob, Ha*. The most complete account is that given by *Bg* which reads: "Le terce iour adeprimes les Iustices firent lire vn roule de dreyn Eyre tenuz en mesme le Counte s. lan *xiiij*° le Roi Edward ael le Roy qore etc. de mostre coment adonqe le Counte fut tut amercie pur ceo qe a teles tens ils disount qils ne sauoint mye qils dussent presenter Englescherie ou les Iustices a donques qe en le Eyre prochein deuaunt ils auount par recorde des roules qils auoint presente en mesme le Eyre par qoy tut le Counte fut adonqez amercie. Et les roules de ambedeux les Eyres si furent illoqs luez et fut troue en mesme les roules qe Englescherie serroit presente par deuz dez parentz le mort madles, s. vn madle de part le pere et vn autre madle de part la mere et le mort serroit atteyngaunt le age de *xij*° aunz ou outre et qe la mort serroit ensemment madle et qil ne serroit mye denz les *xij*° aunz."

<sup>3</sup> Sic.

<sup>4</sup> This marginal note is by a later hand.

<sup>5</sup> This list of prices is not given by any of the other known *MSS*.

eyntz laueit del baille le dit clerk et de soun aprost.<sup>1</sup> CAUNTEBRIGGE al clerk : Fust il ensi ? Le clerk respoundist qe "oyl". CAUNTEBRIGGE : Et pur ceo qe vous clerk qestes iures de bien et lealment seruir (vostre<sup>1</sup>) mestre et le conseil le Roy celer lealment et vous estes alee en countre vostre serment [f. 3] en descouerant le conseil le Roy pust estre agraunt damage du Roi par quay agarde ceste Court qe vous augez [sic] a la prisone. CAUNTEBRIGGE a Robert Seymor : Pur ceo qe troue est par verdit de xij<sup>o</sup> qe vous auetz resceu les roules de Coroner pus nostre cessioun en les queux priuetez le Roi sount et ceo est en despit et graunt damage du Roy et de sa corone fetes fin ou vous auerez le Iugement qe appent ; et fist sa fin pur vn mark. CAUNTEBRIGGE a la xij<sup>o</sup> : Fist Simond Coroner assentaunt au dit son clerk ou qil ne sount de ceo et qe ceo fust par son assent qe le baille ceo fist del dist roule al dit Robert. LENQUEST dit qe nanyl. Par quei agarde fust qe le dit Simond aletz quites.<sup>2</sup>

34<sup>o</sup> SCROP ala en vn chaumbre et assist appeller teuant<sup>3</sup> lui touz les baillifs et les deuz hommes de chescun hundred qe furent her eluys par diuers baillifs et firent le serment deuant lui xij<sup>o</sup> a eux le plus sages et les plus uanetz solom ceo qe est auandit.

35<sup>o</sup> Si treis parceners tenient en comone vn heritage et il auent fait chescun par Nota soy a lour seignour homage, sil auiengne qe vne des parceners purchace lestat ou la partie vn autre des parceners il fra homage a son seignour autrefoitz pur sa partie.

36<sup>o</sup> A. Luk ponit loco suo J. de B., R. de C. attornatos suos coram Iusticiariis domini Regis Itinerantibus ad lucrandum vel perdendum in placitis suis et omnibus querelis versus quoscumque [vel] contra ipsum motis et mouendis et ad libertates meas calumpniandas prosequendas et defendendas in comitatu Northamptonie durante Itinere.<sup>4</sup>

37<sup>o</sup> A. de B. vient qe fust fitz et heir vn viscounte solom ceo qe lui fust done iour le Mardy procheyn pur ceo qil adonqe dit qil estoit deinz agee et en la garde le Roy par quei il ne deueront ne ne purrount rendre sus les Roules son piere pur ceo qil ne les auoit ne lui furent liueretz et adonqe lui fust dist de part la court et demaunde lui fust qi auoit les Roules et qe furent les executours soun piere et sil sount dir[e] autres autres<sup>5</sup> terres tenauntz de son pere a quel chose il auoit iour tanqe a huy, cest Vendredi, a quel iour il vint et dist qe il ne fust tenu a respoudre des Roules car il estoit deinz agee le iour qe son pere morust et en la garde le Roy come auant diseit ne ne resceut les Roules de temps son pere, par quei a lui fuist auis qe la court ne lui destreindreit my defere vn chose impossible de bailler sus a la Court Roules qil vnqes ne resceut. SCROP : Vous estes heir vostre peire et terre tenaunt, ditez nous si vous voillez estre eyde les nouns des executours et les autres terres tenauntz si autres isseient, car le Roy ne mye estre deserue de ces Roules et si ceo ne voillez fere tut la charge serra sur vous. Il bota auant vne bille les nouns des executours son pere et les autres terres tenauntz de lui. SCROP : Fetes destrendre si<sup>6</sup> les executours qe a nous sount moustrez et les terres tenauntz de cel viscounte qil seint deuant nous le procheyn Lundy a venir a respoudre de les Roules de temps mesme le viscounte, et vous A. de B. gardetz mesme le iour.

38<sup>o</sup> Iohan de Dagworth<sup>7</sup> Chiualer vint et demaunda le[o]ffice de Marschal

<sup>1</sup> Sic, aprofit ?

<sup>2</sup> See above, p. 413, n. 1.

<sup>3</sup> Sic, deuant.

<sup>4</sup> This power of attorney is not found in any of the other MSS.

<sup>5</sup> Sic.

<sup>6</sup> Sic.

<sup>7</sup> This report is not given in any of the other MSS. MSS. La, Lb, Ld, Os, Ot, Bc, Lx give a report which seems to have taken place on the first day and which should follow Par. No. 15 above. " Et sur

et le demaunda com son droit et son heritage et dist qe cel seriauntie lui fust done et graunte par le progenitours le Roi de quel seriauntie ses auncesters<sup>1</sup> furent seisiz en lour demene come de fee et de droit et qil meisme pur cel seriauntie auoit fet son homage a nostre seignour le Roy qe ore est et sur ce mist auant le [chartre le] Roy qe le testimogne. SCROP : Quel est le office qe vous demaandez, mettez le en certeyn. *Dagworth* : Aporter la verge deuant vous et dauer les feez qe appendent a criour le Roy. *Aldeburgh*, *Seriaunt le Roy* : Sire Iustices, si il ne die et mettez par sol les feez et les appurtinaantz a verge appendant nous nentendroms mie qe vous le resceurez sur vn tiel noun certeynte. SCROP : Nous ne sumes mye si foles deprendre vn seriaunt deseruir au Roy et a nous si nous ne pussours sauuer de qi al Roy il seruera et de quei il demaundera, et pur ceo Iohan de Dagworth ditez nous ceo qe vous demauredetz en certeyn quant al office fere et prendre. *Dagworth* : Sire, ieo demaunde deporter la verge deuant vous come marschal et garder les entres et a mettre criours et garder les xij<sup>nes</sup> et mettre en mon lieu ceux qe a vous nomerai a faire le office auaundit pendaunt ceo qe a mesme le office appendent [f. 3<sup>v</sup>]. *Aldeburgh* : Sa demaunde nest mye acordaunt a son bref. SCROP : Pur ceo qe vostre bref nest mye acordant a vostre demaunde nous vous loioms qe vous approchez a la Chauncellerie et amendez vostre bref et gardez vostre iour Lundy procheyn

39<sup>o</sup> SCROP :<sup>2</sup> T[homas], criez qe nul homme ne prengne ne demaunde pur les hostels de Iustices de lour seriauntz ne de xij<sup>nes</sup> qe sount iureez al comandement le Roy fere ne de les quatres hommes et le prouost de chescun ville ne pur les hosteles le seriauntz, et ieo defende de part le Roy qe nulle de la ville de Northampton ne cherice ne face (en<sup>1</sup>) enchericer les hosteles de comone<sup>3</sup> poeple qe sount si venuz pur le Eyr ou pur la prise ou pur autre chose qils ont a fere et sil les facent nous asseroms les hosteles par gentz iureez par owell vine et prise et mesure et entendez qe vous apprenez ne serretz del tote quites de vos hosteles come vous entendez mes owelle pris aueretz, et la qe vous moy priestes qe nous feissoms crier cestes auant ceo vst Este en countre comoune<sup>3</sup> cours del Eyr car apres le xij<sup>nes</sup> Iureez le crie dust estre fait par resoun.<sup>4</sup>

40<sup>o</sup> Responcio vicecomitis ad breue domini Regis : Ego Thomas de Wake vicecomes Northamptonie vos certifico quod non sunt aliqui Archiepiscopi in bailliua mea. . . .<sup>5</sup>

41<sup>o</sup> Incipiunt vetera Capitula Corone in Itinere Iusticiariorum. . . .<sup>6</sup>  
[Postea Placita]

ceo vynt Sire Iohan de Daggeworth et dit quil cleym destre Mareschall et a porter verge en Eyre et myst auant bref. SCROPE : Nous a[u]oms donee iour a toutz taunqz Mekerdy de metre auant lour cleyms. *Aldeburgh* : Il nest pas de ceo qil cleyme com qe autres cleymerunt, kar ceo est vn office qil cleyme vser a comencement del Eyre. SCROPE : Coment clayme ceste office, et quel profist prendre, et de qi ou de Roi ou de pople et par quel garrantie ? Et [Daggeworth] pria iour dauiser taunqe lendemayn, et il lui graunta, [et sa verge en cel temps abesse].”—Bc : *Lx, semble La, Lb, Ld, Os, Ot*. MSS. *Ot, Bh, Bc* also give a report of this matter when it came on for hearing *seemingly a third time when Dagworth was received to the office and sworn*.

<sup>1</sup> Sic.

<sup>2</sup> This paragraph is reported elsewhere only in Cw.

<sup>3</sup> coie', MS.

<sup>4</sup> The reference here to apprentices at law is found elsewhere only in Cw.

<sup>5</sup> The sheriff's return follows the wording of the common summons printed above, Par. No. 1, and for that reason is not set out here.

<sup>6</sup> F. 4. The Articles of the Eyre are set out here one by one. Since they are the same as those in Cam, *Studies in the Hundred Rolls*, they are not here printed. The Articles of the Eyre are also found in MSS. *La, Lb, Ld, Os, Bg, Lx, Bo, Bh*.

## APPENDIX II

*Below is set out in full the two versions of the four cases mentioned above as illustrating the textual differences between Latin MS. 180 and the other MSS. of the Northampton Eyre. The first version of these reports (Cases Nos. 1-A, 2-A, 3-A, 4-A) is from the A group of MSS. as mentioned above. The second version of each of these reports (Cases Nos. 1-B, 2-B, 3-B, 4-B) is from Latin MS. 180. The grouping of the MSS. is mentioned in the footnotes. Third, fourth and fifth variant versions found in the other groups of MSS. have been noted briefly in the footnotes. The usage of the MSS. as regards i, j, u, v has been followed and mistakes in spelling have not been corrected. Unimportant variations and variations in spelling have not been noted.*

WILLIAM BROUN<sup>1</sup> porta vne assise de nouel disseisine vers William [1-A *Assisa noue disseisine.* de Seint More et se pleint estre disseisi de sa comoune de pasture apurtenaunt a son fraunctenement en Aungtone et fist sa plainte a comouner en vj. acres de pree checun an apres les feynes franchez et a vinz tauntqe a la Chaundelure.<sup>2</sup> *Scharshull* : Assise ne deit estre qar nous vous dioms qe le fraunctenement a quel il cleime ceste comoune estre appendant et les vj. acres de pree en queux il cleime comouner furent appendaunt a meisme la terre et demaundoms iugement si assise com de comoune appendaunt deuie estre. *Aldeburgh* : Sire, bien est verite qe la terre et le pree furent en la seisine Rauf de Aungtone mes nous vous dioms qe nous tenoms meisme la terre ore par resoun de quele terre nostre vncler auoit comoune com appendaunt en meisme le pree et nostre piere en meisme la manere en son temps et nous meismes ausint, et vous dioms qe ceo pree est veisin a autres preez de la ville et en ces preez et en tous les autres preez veysinables tous les comouner de la ville ount comoune par my et par tut en la seson del an auantdit com appendaunt a lour fraunctenement del temps dount il ny ad memorie, et vous dioms qe ceste terre est aunciene terre a quele terre comoune ad este appendaunt de tut temps et demaundoms iugement de pus qe nous sumus comouner de meisme la ville sauntz ceo qe vous poez moustrer qe vous tenez cel pree en seueralte et si vous poez lassise barrer. *Scharshull* : Nous demaundoms iugement de vostre conisaunce depuis qe vous auez conu la terre et le pree

<sup>1</sup>This case is reported in MSS. *La, Lb, Ld, Os, Bg, Bh, Ry, Cw, Rd, Bc, Ha, Ob, Ot, Lx*. This version of the case is reported in common by MSS. *La, Lb, Ld, Os, Bg, Bh*. The text is that of MS. *Ld*. Variations in spelling and unimportant variations in word order have not been noted.

<sup>2</sup>*MS. Cw down to this point reads* : "Vne assise de nouel disseisine fuit porte vers vn G. et se pleynt destre disseisi de sa comoune de pasture en H. apurtenant a son fraunctenement en mesme la ville et fist sa pleynt a comouner en vij. acres de pree chescun an apres les feimes leues et a vinz quant ala chaundeleure ou totes maneres de bestes come apent etc. *Schars*. Le franctement qil cleime." *MS. Bc down to this point reads* : "William Broun porta vne assise de nouel disseisine de comoune pasture apurtenaunt a son franctenement en W. vers William Seymore et fit sa pleynt a commoner en vj. acres de pree apres la feynz fauches et leuez taunqe al Chandelour oue toute manere des bestes com appendaunt a son fraunctenement en mesme la ville. *Schar*. Vous auez yci W. qe vous respound com tenaunt du pre en quele il cleme. . . ." *The speech by Scharshull here printed is reported in MSS. Ot, Lx thus* : "*Shars*. Assise ne deit estre qar nous vous dioms qe la terre a quel il cleim la commoune apurtenant et la pre en quel il cleim ceste commoune furent en la seisine vn Rauf de S. en tens le Roi E. pere etc. qi seisi fu[it] de la terre et du pre en son demesne come de fe et de droit a quel tens Rauf ne poet pas auer commoune ap[endaunt] en son soil demesne, iugement si de comoune ap[endaunt] en ceo cas devez assise auer. *Ald*. Nostre ael fu[it] seisi de cest commoune . . ."



estre vinement a vn temps en la seisine Rauf a quel temps la comoune fust desap- pendant qar par lei nul homme poet comouner en sa terre demeigne si assise deuie estre. SCROPE : Donques est il issint auxi com il ad dit ? *Scharshull* : Il nous semble qe nous nauoms pas mestrer a ceo conustre par lei qar tut le vousissoms conustre nous entendoms qe par lei lassise serreit barre par lour conisance. SCROPE : Il ad conu vostre dit et se mette en iugement de court si vostre dit lui toude lassise ou noun. Et plede outre vn fait qe lui donne lassise a ceo qil entent par qei il couent qe si vous voillez auer auantage de sa conisaunce de vostre part qe vous soiez en vn de son dit. Dautrepart, de quel il entend dauer auantage par lei et adonques demurez en iugement. *Scharshull* : Si ieo ey vne carue de terre et aliene la moite celui a qi ieo ay aliene ne poet pas comouner en la terre qe me demort, ne ieo en sa terre, *quod negabatur*. Et dautrepart, si heri- tage descent a iij. parceners et il fount la purpartie entre eux nul ne poet comouner en autre purpartie pur ceo qe quant la tenaunce fust vne en la parsonne le comoune auncestour il ne poeient mie comouner en sa terre demesne, auxint de cea quant la terre et le pree fust en la seisine R. et par parcel passa par feffement oue les apurtenances ceo qe ne fust pas apurtenant en temps R. ne poeit mie estre apur- tenant en temps le feffe ; par qei etc. CANTEBRIGGE : Si vn comouner de la ville vsast bref de amesurement vers vn autre adonques William de Saint More par reson de ceo fraunctenement serroit amesurement com vn autre comouner de la ville eaunt regard al pree et a tut le remenant de la comoune. *Scharshull* : Il ne serroit pas amesurement eaunt regard a cel pree. SCROPE : Il vous ad allege vn fet par quel il entend datteindre al assise, par qei nous demaundoms sil soit issint ou noun ? *Scharshull* dist qil ne poeit dedire qe cel pree nest co- moune a les autres comouners de la ville quele chose nous dioms ne sistent rien deuers lui en ceste manere qe par ij. aunz quant les terres aioynauntz al dit pree sount arrez qe apres les bleez siez et emportez les autres comouners de la ville pount comouner del temps auantdit tantqe a la Chaundelure et demaundoms iugement de pus qe nous moustroms desappendaunce de comoune en cel pree en le temps Rauf a la dite terre et il ne moustrent nul fet especial dauer comoune en cel lieu ne appendaunt de temps plus haut, nomement de temps dount memorie ne court mes vne seisine pus le temps Rauf qe ne fet pas appendaunce si assise deuie estre. *Aldeburgh* : Et nous iugement de pus qe vous auez conu la seisine noz auncestour et le nostre et qe le lieu est comoune a tous les comouners de la ville et la terre auncine terre a qi comoune est appendaunt de tut temps si nous ne deuoms assise auer. *Ad alium diem*, *Aldeburgh* : Sire, nous vous dioms qe de temps dount memorie ne court auant le temps Rauf de Aungtone a ceste terre fust comoune appendaunt en le dit pree et pus le temps Rauf de Aungtone nous et noz auncestours de tut temps auoms comoune par qei nous demaundoms iugement si par nul interrupcioun allege en temps Rauf nous puisse de lassise barrer. *Scharshull* : Vous nauendrez mie a tiel plee qar auant ceste heure nous demaundoms en iugement sur certain point quant nous moustrams desappendance en temps Rauf quel vous ne dedite pas, et fust le poynt en quel nous demurams si par tant qe le pree fust comoune a autres de tut temps quel ne se poet esteindre a vous en nule manere deuez lassise auer, par qei vous denlarger vostre plee de temps en seisine en temps deuant la seisine Rauf ne deuez auoir et vnqore ne moustrez pas queux terres tenantz auant cel temps auoient comoune a qei nous purroms prendre issu si la court nous meiste a cel. SCROPE : Quant il

poet dire en afforceaunt de moustrer appendance qil auendreit bien et quant qe vous sauez dire de moustrer desappendaunce vous auendrez bien de pus qe vostre plee ne sistent pas a autre issu qe nest plede mes il vous couent qe vous moustrez queux terres tenantz furent seisis de la comoune de tut temps auant le temps Rauf de A. si auis soit a la court qe la partie serra mis a ceo respondre. *Aldeburgh* : Il y ad cas ou chose est apurtenant et ne poet en nul manere estre seure de gros qar si auoweson de eglise soit apurtenant il purreit estre seure par alienacioun, mes la ou homme ad comoune appendaunt a vne terre lune ne purreit iammes estre seure de lautre par qei de pus qe nous moustroms la comoune estre appendant de tut temps auant la seisine Rauf qe se ioynt a la seisine et ceo nest pas dedit de vous nous prioms lassise. *Horneby* : Bien est verite qe comoune ne poet pas estre seure de gros par alienacioun, mes il poet estre esteint par relees et en ceo cas la vuie seisine en la parsonne Rauf est de meisme la force qe serroit relees ; par qei etc. *Scharshull* : Si vn seignur dune ville me enfeffe de parcele de ses demeignes terres il comonera en cele parcele et ieo en sa terre par voisinage. *SCROPE* : Si ieo enfefferai vn homme de parcele de ma terre ieo voille reseruer a moi comoune en cele parcel par mon fait, *quasi dicerit si* la comoune ne seit reserue par fet il est ouste de comoune par vuie seisine en ma parsonne. Et pus demurerent en iugement com deuant.

*IOHAN BRON*<sup>1</sup> porta vn assise de nouel disseisine vers William [1-B Semor et fist sa pleynt de comouner en (oue<sup>1</sup>) chescun maner de bestes en vj<sup>o</sup> acres de pree chescun an du temps qe les feyns sont fauchez leuetz et veynt tanqe la seison de la Purificatioun nostre dame come appurtenant a son fraunctenement en mesme la ville. *Scharshull* : Assise ne deit estre car nous dioms qe le vj<sup>o</sup> acres de pree en le queux Iohan claime auer (la<sup>1</sup>) comoune estre appendaunt et les vj<sup>o</sup> acres de terre al queux il dist la comoune estre appendaunt furent en la seisine vn Rauf de Hengham en temps le Roi E[dward] ael le Roi qore est qe de ceo fust seisi en son demene come de fee et de droit le quel Rauf de cel enfeffa vn A. ael Iohan a lui et [a] ces heirs a touz iours issint qe en le temps R. il nauoit nulle comoune en le pree appendaunt a la terre, *nec e contra*, et demaunda iugement de puis qil nauoit adonques nulle comoune en le pree appurtenaunt ala terre assise de iue estre saunz tittle moustrer. *Aldeburgh* : Seisi come appendaunt, prest etc. *Hillary* : Nous auoms plede vn fait qe proue qil neste mye appendaunt a qai il couent qe vous responetz, et en contre quel fait vous naueretz mye auerement qe la comoune fust appendaunt etc. *SCROP* : Al temps qil vous furent en vn mayn suffit qar il poet pestre a (soun<sup>1</sup>) volunte et al (cell<sup>1</sup>) temps come en le pree ne put estre appurtenaunt a la terre a comoune entendement de homme, par qai responetz sil soit issint ou nemye. *Aldeburgh* : Sire, vous nous dioms qe cel pree et autre qest en le chaump oue cel pree est comoune a touz les gentz qi sount de la ville en temps ouert et mesme celui l. doit par resoun de cel pree comouner en les preez de cels visues et chescun qe ad pree illoques deit comouner en autre pree et cel ount il vsee del temps dount il ny ad memorie, et vous dioms qe nous sumus comouners de la ville et issint fumus seisi tanqe par vous disseisi et prioms lassise. *Scharshull* : Vous ne detz pas qe la pree et la terre ne furent en vn meyn pus le temps de memorie. *Aldeburgh* : Teigne la court de ceo . . . lui plest. *Scharshull* : Donk demaundoms nous iugement de si com nous auoms

<sup>1</sup> This version of the case is from MS. *Ry* (Latin MS. 180, f. 13). There are a few words interlined by a much later hand which are not legible and which are here indicated " . . . ".

(rien apled<sup>d</sup>) alegge vn fait qe proue qe cel comoune ne poet estre appurtenaunt a fraunc [tenement] Iohan le quel il ount conu al estat de autres comouner[s] nous auoms rien apledre qe cest inpartinent a la pleynt ore fait par qai nous demaundoms iugement come deuant si assise deyue estre. CANTEBRIGGE : Si touz les comouners deueynt comouner en cel pree et vne de eux portast bref dameurement ne currale la terre en amesurement ? *Scharshull* : Si freit vers autres qe vers Iohan, mes si Iohan portast le bref ieo lui pledrai mesme (mesme<sup>d</sup>) le ple qe ieo pleide ore. SCROP : Vous violletz auer iugement sur le fait qe vous aleggetz [f. 13<sup>v</sup>] et il voluit auer iugement sur le fait qil alleggent ; par qei il couent qe vous seietz (et tenes a un chose) a vn de vn parte et dautre. *Schardelowe* : Del fet qil alleggent ieo ne deye estre mys a conustre le fait ne a dedire qar mesqe ieo le dedie et troue fust lour dit qe touz les comouners de la ville autres de lui deueynt comouner vnqore rien ne serroit troue pur l. de lapendantz de cel comoune, par qai il semble qe ieo ne dei mye estre mys a conustre cel fet ne a dedire qar vous ne accepterez mye mon dedit de puis qe par le reuers de ceo mes qil fust troue vous nauerez mye cause daler al iugement. SCROP : Asayetz et puis illuy mist a conustre ou a dedire. *Scharshull* : Nous vous dioms qe les pres ou les comouners deuyent comouner sount entre ij<sup>o</sup> chaumps et vous dioms qe deux aunz sount les champs semez et le tierce an il sount Warek issint qe quant il sont semetz il deuyent comouner del temps qe les blez sount siez et enportez tanqe la Chaundelure et en temps de Warek de temps qil ount clayme et de puis qe ceo fet qils alleggent ne proue autre forqe ceux qe ount dire de comouner com appendaunt a lour frauntenement et en leu ou lapendantz poet estre meyntenu et ceo ne poet estre entre l. et W. en cel pre pur ceo qe nous auoms moustre qi a vn temps il nauoyt mye comoune appendaunt ; nous demaundoms iugement si par cel qil alleggent qe ne proue mie la comoune estre appendaunt etc. si assise sur tiele fait etc. SCROP : Si vn seigneur enffast vn fraunc homme de la terre son neyf a lui et a ces heyrz dount apres si le seigneur mette ces bestes com vn autre veysin comouner si deux plect il ne pust prendre ces bestes pur damages fesaunt. *Scharshull* : De ceo touz iours nous voloms estre a vous iugement ne les desuroms iammes. *Aldeburgh* : De puis qe le vj<sup>o</sup> acres de terre si est auciene conatrite alicone' [sic] et chescun de la ville qe tiel terre ad si deit comouner illoqes la quel chose vous auetz com nous ; iugement et prioms lassise. *Scharshull* : Ieo lay conu a chescun autre de ly et iai alegge vn foye (chose<sup>1</sup>) qe proue qil ne poet illoqes comoune auer dount *vt prius* nous demaundoms iugement si assise deyuez auer ; *et sic ad iudicium*.

*Assisa noue  
disseisine.*

ELYS LE FITZ<sup>1</sup> Vmfrei Cut porta vne assise de nouel disseisine vers [2-A Laurence le fitz Laurence de Prestone et fist sa plainte dun profist prendre pur la garde del park et del boys de Prestone et ij<sup>o</sup> cultures, *scilicet* Ouercroft et Nethercroft, *scilicet* checun iour del an vn d. ob. pur sa putture et dune robe pris de x. s. ou x. s. pur la robe a la feste de Nowel. *Aldeburgh* : Iugement de la

<sup>1</sup> This case is reported in MSS. *La, Lb, Ld, Os, Bg, Bh* (twice), *Ry, Cw, Bc, Ha, Ob, Ot, Lx*. This version of the case is from *La, Lb, Ld, Bg, Bh(1)*, and MS. *Ld* has been used as the basis for the text here printed. MS. *Cw* begins : "Assise de nouel disseisine fuit porte vers vn homme ou le pleynt fuit tiele—et se pleynt destre disseisi dun profit aprendre del parke de Prestoun et de boyz de mesme la ville et deux concoures chescun iour par my lan et pur soun pasture iij. mailles et dun Robe a Nouel pris de x. s. . . ." MSS. *Bc, Ha, Ob, Ot, Lx* begin : "En assise de nouel disseisine la pleynt fut fait dun profit prendre pur la garde dun Bois de P. s. iij. mailles chescun iour par lan pur sa peture et vne Robe pris de x. s. chescun an a la feste de Noel. Ald. Il suppose . . ."

plainte qar il se pleint dun profit prendre pur la garde del Park *vt supra* quel profist est accessore de la garde qest principal de quel il se pleint, iugement etc. Ausint, il se pleint dun profit a prendre qest done a prendre en certain lieu par statut et il nad pas fait mencion en quel lieu il le deit prendre, iugement, etc. Ausint, plainte de profit prendre est done par statut *cum de nucibus et glandibus* qest chose en noun certain pur ceo qil chiet a la foitz en plus et a la foitz en meynz et a ceo de quei il se pleint ore poet estre assomme en certain com a dire xv. s. vj. *d.* pur vn an entier, et de la rente dune robe par an etc. qe chiet en plainte de rente a la comoune lei qest en certain, iugement etc. Ausint, il se pleint estre disseisi dune robe pris de x. s. etc. qest en noun certain en tant qe la court ne poet faire execucioun si la disseisine fust troue com a doner a lui la robe ou les x. s. etc. iugement etc. Ausint, le fet qil mettent auant proue le profit a prendre pur la garde etc. et ouesqe ceo dauer lespanse de checune beste sauuage pris en le boys et herbage pur iiij. bestes et cest vn fraunctenement entier ou vous lauez seure par plainte, iugement. Ausint, il se pleint de profit *vt supra* et en le fet est contenu qil deit prendre le profit auantdit auxi auant pur le reperiller des hayes en les auantdit boys, et park com pur la garde del park etc. de quei il nad pas fait mencion en sa plainte, iugement. *Bacoun* : Quant al primer, ley ne nous mette pas de pleindre dautre chose mes de ceo de quei nous sumus disseisi et cest del profit et nemie del garde, par quei en ceo nostre plainte est assez bone. Quant al secunde, nostre bref et nostre especialte voillent des tenementz en Prestoune et issint la plainte garrant du bref et del especialte. Quant al tierce, si nous meissoms auant le fet la plainte serreit de garrante del fet qar le fet voet de profit prendre de iour en iour par reson de la garde etc. et sil fust assomme en vn entier il serreit variaunt del fet qe ne poet estre mentenu a la comoune lei et aussi lestatut voet *de glandibus etc. et hijs similibus* et nous sumus en le *similibus* et issi garraunt par statut. *CANTEBRIGGE ad idem* : Si ceste plainte abaterait il nauerait nule pleint par statut ne par comoune lei qar ala comoune lei il ny auoit nule plainte done etc. [*Bacoun* :] Quant al quart poynt, il chiet en volente del tenant a payer les x. s. ou la robe pris de x. s. et ceo chiet en volente del tenant ne poet par nous estre mis en certain mes solonc nostre fet. Quant al quint poynt, le fet comprend diuerses clauses de checune parcele et issi la plainte meintene par le fet, et de ceo qe ieo suy disseisi de ceo ieo me suy pleint. *Scharshull* : Si ieo eie vne corrodie a prendre iiij. payns en la simaigne et iiij. galons de ceruoise et soi disseisi des payns ieo me pleindrai estre disseisi des payns et de la ceruoise pur ceo qe ceo est vn franctenement entier et ne prendrai pas la plainte de parcele, *sic hic*. *SCROPE* : Non freez qar la plainte serra meintenu des payns tant-soulement entrelessaunt la ceruoise, mes la plainte ne serra pas meintenu si vous soiez disseisi de parcele dune meisme nature com si vous devez prendre iiij. payns et vous soiez disseisi de les ij. et facez vostre plainte dautres ij. ; en tiel cas il couent pleindre de iiij. payns entierment ou la plainte sabatera *eodem modo* de la ceruoise la cause pur la seisine del parcele dune meisme nature. *Bacoun* : Et quant al sisine poynt, nostre fet nous doune le profit pur la garde mes le reperiller des hayes est le seruice qe nous fesoms pur la garde et le fet fust leu et acorda a son dit, qil deit reperiller les hayes del park et del boys pur tous seruices ; pur queux seruices dist fust par *SCROPE* qe le seignur poeit destreindre si les hayes ne fuissent reperilles par les bestes le dit Elys trouez en le dit boys. *Aldeburgh* : Sire, nous vous dioms qe al temps de la charge vn Robert et Iohan

furent tenantz del parcel du manoir de Prestone charge de ceo profit les queux ne sount pas nomez en le bref, iugement du bref. *Et alij non potuerunt dedicere, ideo consideratum erat quod nichil capiet per breue.*

[Assise] nouel  
disseisine de  
[profit]  
aprendre pur  
[la] garde de  
ia [park] etc.  
ou fust . . .  
ch' de corodie  
. rente  
seruice.

WILLIAM<sup>1</sup> fitz Helys porta vne assise de nouel disseisine vers [2-B Laurence de Prestone *de libero tenemento suo in Prestone*, et fist sa pleynt de profit aprendre pur la garde de la park de Prestone et de Boys de B., nomement pur sa puture chescun iour de la semayn par an treis mails et dun Robe pris de x. southe, et mist auant especialte.<sup>2</sup> *Aldeburgh* : Il suppose par sa pleynte qil deit auer vn profist par la garde du Park etc. issint qe le profit est vne accessorie a la garde et il ne ceo pleynt pas de la garde qest principal, par qei nous demaundoms iugement de sa pleynt. *Item*, lastatut doune assise de prendre profist en certeyn lieu vous nauetz pas dist certeyn lieu en vostre pleynt ; iugement etc. *Godel* : Quant a vostre primer excepcioun, le profist nie[n]t don pur la garde et de ceo fu disseisi et [f. 14] noun pas de la garde, par qai de profist dont ieo su disseisi lestatut moy doune lassise ; a lautre excepcioun, le bref vous respound *de libero tenemento in Prestone*. *Scharshull* : En cas destat[ut] la ou le stat[ut] doune lassise auxi come de Noys [et] de glaundes pur ceo qe ala foithe homme auera x. quarters on vn bussel ou vn homme ne put pas doner certeyn quantite en tiel cas par nettre de ley il couent doner la pleynt acordaunt, mes de rente ou de terre ou homme put auer certeyn quantite tut dis la pleynt serra de quantite certeyn et de puis qe vous ester pleynt de iij<sup>o</sup> mayles de iour qe poet estre assume en certeyn par an, iugement de vostre pleynt. *SCROP* : Il ad fait sa pleynt acordaunt a son fet, par qai respondez. *Clauer* : Le fait voet le profit dount il se pleynt et auxi de chescun beste pris en la park vn espanse et auxi qil eit pasture a quatre poleyns ou il ne ceo pleynt mye de par qai la ley suppose qil est seisi et ceo est tut vn fraunc[tenement], par qai sil est seisi de parcel il est seisi del enteir auxi come de rente sil est seisi de parcel il est seisi del enteir, qar tant qil est seisi de nulle dener il ne poet nulle assise auer. *SCROP* : Il nest pas tut de corodie com il est de Rente, mes issint est de decorodie<sup>3</sup> qe si vous seietz seisi du payn dun corodie vous poetz bien auer assise de ceruoyse, mes si vous deuetz auer v<sup>o</sup> payns et si vous seietz seisi dun vous ne poetz my vser lassise. *Aldeburgh* : Vous auetz dit en vostre pleynt qe vous auetz cel profist dont vous estes pleynt pur la garde del park et del Boys et vostre fait (voet<sup>1</sup>) qe vous enclorsetz les hayes de Boys, issint qe vous nauetz my (dist<sup>1</sup>) enterement la charge en vostre pleynt pur quel vous demandetz cel profist et demandoms iugement de vostre pleynt. *Godel* : Cel charge com enclore les haies est par autre cause com le fait proue. *SCROP* : Le fait proue qil est feffe de la garde a lui et a ces heirs de soun corps engendretz a tener de feffours denclore les haies par qei il tient de lui pur tiel seruice et si les seruices furrent arrer il luy poet destreindre pur cel seruice en la garde, *contre qualitate ex quo feoffator est dominus feodi*.

Detinue de  
chartre.

BRIEF DE DETENUE<sup>4</sup> de chartre fust porte par iij. vers vn l. et [3-A

<sup>1</sup> This version of the case is from *Ry* (Latin MS. 180, f. 13<sup>v</sup>). The marginal note has been clipped in binding and a few words are illegible.

<sup>2</sup> MS. *Bh(2)* after beginning this case like *Ry* here adds " Et nota qe Elys de Godelee qe fust pur le pleintif mist auant ceo fait sur sa pleinte et la Court estre ceo par mesme le fait qil mette auant vous troueretz qil deit prendre autre profit . . . ". MS. *Bh(2)* concludes this case : " Godel. Soul tenaunt, prest etc. . . . "

<sup>3</sup> Sic.

<sup>4</sup> This case is reported in MSS. *La, Lb, Ld, Os, Bh, Ry, Cw, Ha, Ob, Bc, Ot, Lx*. This version of the case is from *La, Lb, Ld, Os, Bh*. MS. *Ld* has been used as the basis for the text here printed.

counterent qen la chartre fust contenu qun Adam auoit enfeffe ceux iij. ensemblement oue autres iij. dun mies oue les apurtenances en A. *Bacoun* : A. si est aunciene demeigne le Roi et le mies qest compris en la chartre si est en A. et nentendoms pas qe vous voillez en ceo plee conustre. *Aldeburgh* : Le mies nest pas en demaunde, par qei etc. *Bacoun* : Si vous fussez en vn replegiare et vous countastes del prise en A. ieo dirrai qe le lieu etc. fust aunciene demeigne et issint toudrai iurisdiction de court, *sic hic*. *Aldeburgh* : Nent semblable qar la par plee de partie poet le plee estre tourne en realte et issi nemie en ceo cas. *Bacoun* : Auant lauowerie ieo plederai tiel plee come ieo frai en cel plee et issi nent en realte auant mon chalenge. *SCROPE* : Ceux del aunciene demeigne ne pount pas auer conisaunce si noun de contracts deinz lour poer, par qei coment qe le mies soit del aunciene demeigne le bail purra estre hors de aunciene demeigne. *Bacoun* : Il ad counte qe le bail se fist en A. qest aunciene demeigne etc. *SCROPE* : Qei si le defendaunt en ceo plee nad rien daunciene demeigne par qei il poet estre mene en respons coment donqes serreit le pleintif sanz recouerer et furent chacez a dire outre. *Scharshull* : Vous veez bien coment il ad counte dune detenue fait a les iij. et pus en sa demoustrance ad demoustre le fet estre a autres auxi bien com a eux issi le count repugnant, par qei etc. *SCROPE* : Le bail se fist par les iij. de quel bail nul autre ne se poet pleindre mes les iij. mes quant le fet est derene adonqes serra le fait en comoune pur eux tous qi sount nomez leinz, qar si ieo baille vn escript a vn homme qe contient feffement fet a moy et il le bail outre a vn autre *non obstante* qe le fet soit fet a moi il auera son recouerer et moi outre deuers lui, par qei responez. *Schardelowe* : Il ne nous bailla pas, prest a fere par la ley ou par quant qe la court agarde. *Scharshull* : Volez ceo pur respons, nous enparleroms. *Clauer* : Nous tendoms la lei ou par autre manere com la court agarde, par qei si la court agarde qe lissu ne soit pas suffisant nous dirroms assez. *Scharshull* : Vous le tendez a vostre peril ? *Clauer* : En mise de graunt assise qe seit le plus haut issu qe seit en lei de terre vnqore homme le purreit Weyuer et prendre autre issu sil ne soit mie accepte et si la fourme soit chalenge il ne lamendra pas. Et pus dist qil ne le receut pas de lour bail ne le detient pas, prest etc. *Et alij e contra*. Et *SCROPE* dist qe lissu sur la receipt eust este respons assez sanz respondre a la detenue.<sup>1</sup>

*TREYS*<sup>2</sup> porterunt vn bref de detenu de chartres vers [vn] homme [3-B par qi les iij<sup>o</sup> et autres ij<sup>o</sup> furent enfeffez dez certeinz tenementz queles iij<sup>o</sup> li baillent la chartre arendre a lour volunte. *Scharshull* : Nous vous dioms qe les tenementz [f. 27] dont vous dites qe vous estes enfeffe par la chartre qe vous demandes sount en laancien demene ou nulle bref ne court forqe petit bref de droit par qei nous nentendoms mye qe en cest plee voillez conistre. *Hillary* :<sup>3</sup> Des tenementz daunciene demene homme ne poet pas conustre en ceo court mes ceo ple nest pas des tenementz dancien demene eynz de detenue de chartre, par

*MSS. Bc, Ot, Lx begin thus* : "Trois porterent vn bref detenue dune chartre vers A. et counterent qa tort lour de tynt vne chartre de feffement en quele est conteneuz qun T. enfeffa les trois qe porterent le bref et a autre iij. a eux et a lour heires dun mees en la ville de C. et pur ceo a tort . . . *Schar.* defendit les damages etc. et dit qe les mees dont il suppose la chartre estre fait est en aucune demesne etc. . . ."

<sup>1</sup> *A later hand has added in Ld* "Quod non est lex etc."

<sup>2</sup> This version of the case is from *Ry* (Latin MS. 180, f. 26<sup>v</sup>). This same version is reported in *Cw, Ha, Ob*.

<sup>3</sup> *Hille, MS.*

qai nentendoms mye qe vous pussetz par tant ioier cest iurisdiction. *Bacoun* : Si ieo porta vn replegiare et la partie die qe le lieu ou la prise fut fait si est aunciene demene il tendra par taunt cest court iurisdiction de cest plee et ne queydenz cest plee nest pas de terre ne de tenementz en aunciene demene eynz est de prise des auers et pur ceo qe la prise fut fait en aunciene demene pur ceo tendront il la le plee auxi *hic* del hundred qe le plee est done de chartre fait des tenementz en aunciene demene etc. *Aldeburgh* : En vn prise des auers quant la partie defend[ant] auowe et homme plede a son auowere donk chiet le plee en realte et ceo est la cause pur quei homme tendra le plee la qar ceo qe touche realte en aunciene demene deit estre pleide la ; mes ceo est vn ple de qai ils ne deueynt auer plus de conissance qe dun trespas ou de vn dette car si ieo porte mon bref de trespas fait a moy en aunciene demene ou dun dette par resoun de obligacion fait en aunciene demene il ne tendra pas a cest court conissance pur ceo qe cest tout en la personalte nient plus si del heure qe cest vn plee personel. *Bacoun* : Auxi est vne plee de prise des auers personel par qai par mesme la reson deuient il tener cel plee la come de prise des auers. *SCROP* : Veez qe le meschief ensuerroit si vn ple de tenu dun chartre fait de tenementz en aunciene demene ne serroit tenu cy car (mettoms<sup>1</sup>) qe la baillaunce de la chartre fust fait hors daunciene demene la ou il ne ount pas power de faire venter enquest de lieu hors daunciene demene la partie est saunz recouerer. *Bacoun* : Sire, il counterent cy dun baillement fait en aunciene demene issint poet il trier (vn aunciene demene<sup>d</sup>) le baille, par qai, Sire, il deueynt auer (la<sup>1</sup>) conissance de cel ple. *SCROP* : La ley deit estre vn, par qai del heure qen vn poynt il ne deueynt auer conissance en autre poient de mesme la nature, par qai respondez. *Scharshull* : Sire, vous veez bien coment il ount counte qe iij<sup>o</sup> et autres ij<sup>o</sup> furent feffez par cest chartre de certeynz tenementz issint qe les autres ij<sup>o</sup> par ley deueynt auer la chartre auxi bien com les iij<sup>o</sup> par qai laccioun serroit done a ceux v<sup>o</sup> pur la detenu de cest chartre et nient a eux iij<sup>o</sup> soul, et demaundoms iugement de cest bref. *Hill[ary]* : A eux est laccioun qe baillerent la chartre car laccioun de detenu de chartre si est par resoun du baillement par qai a ceux iij<sup>o</sup> qe furent parties al baillement si appent laccioun. *Scharshull* : Il ne bailla point com il ount counte, prest de faire par la ley [f. 27<sup>v</sup>]. *Hill[ary]* : Voiletz ceo par respouns ? *Clauer* : Nous le voloms pur tiel com il est. *SCROP* : Cest respouns si est paremptorie, par qai il couent qe il soit auowe. *Scharshull* : Il nous bailla nul chartre ne nulle detenoms, prest. *Et alij e contra*.

Bref de dreit  
ou la bataille  
fust gage.

THOMAS LE FITZ<sup>1</sup> Hugh de Stauntoun porta vn bref de dreit [4-A] dauoweson dune eglise vers le Priour de Lentoun et counta qe atort lui deforcent lauoweson del eglise de Herlastoun ous les apurtenances. Et pur ceo a tort qe ceo est son dreit et son heritage et dount vn son auncestre William par noun de ceo fust seisi com de fee et de dreit en temps de pees en temps le Roi Henri besael nostre seigneur le Roi qorest qi a meisme le temps presenta vn son clerk William de Grendoun par noun qi a son presentement fust receu et institut de Euesqe en temps de pees en temps de meisme le Roi le quel Clerk les esplees prist

<sup>1</sup> This case is reported in MSS. *La, Lb, Ld, Os, Ot, Cw, Bc, Bg, Ha, Ob, Lx, Bh* and *Ry*. Version 4-A here printed is from *Ld*. This same version (with unimportant variations) is also reported in all of the other MSS. except MS. *Ry*. The first part of the case is missing in MS. *Bc* due to the loss of a leaf from the MS. This case is mentioned in *Y. B. Trinity, 20 Edward III (1346), 482, pl. 5, at p. 487 (Rolls Series)*.

com en groses dismes en menutz dismes en oblacouns obuencouns et en autre manere dissu de Eglise mountaunt a demi marc et plus com du dreit de Eglise auaunt dit ; de William descenda le dreit etc. a William com a fitz et heir ; de William a William com a fitz et heir de William pur ceo qil morust sanz heir etc. descenda le dreit etc. a Richard com a frer et heir ; de Richard a Clemence com a fille et heir ; de Clemence descenda le dreit a Thomas com a fitz et heir gore demaunde et qe tiel soit son dreit il tende sieute et dereigne bon. *Godele*, pur le Priour, defendi tort et force etc. et demaunda le bref oyer et defend de rechief etc. et isist denparler et reuynt et defend tort et force etc. et rehercea tut le counte et sur ceo defend tort et force et le dreit Thomas tut atrenche et la seisine William son auncestre de qi seisine il ad countee tut outre com de fee et de dreit nomement del auoweson del Eglise de Herlestoun qi de ceo fust seisi com de fee et de dreit a ceo qil ad dit et prest est a defendre le par le corps vn son fraunc home William le fitz Iohan par noun qi cy est prest a defendre le par son corps ou par quant qe ceste court agard qe defendre le deiue et si mes aueigne a meisme cesti William qi deux defend prest est a defendre le par autre qi deit poet et le seriaunt qi dist les paroles prist le bras le Champioun en sa mayn quant il engagea la bataille, et le Champion fust vestu en sa cote deseint et descheuele et deschauce des soulers et ses maunchez reuersez issint qe ses bras furent nuz et tint sa mayn destre leue et en ceo vn gaunt plie et en checun doyte de gaunt vn denier et sur ceo Thomas pria conge denparler et isist et reuynt et dist par *Schardelowe* : Sire, vous auez bien entendu coment Thomas le fitz Hugh de Stauntoun demaunde vers le Priour de Lentoun lauoweson del Eglise de Herlestoun et [ad] countee qe ceo est son dreit et son heritage, reherceaunt le count de parole en parole tantqe a la fin et ad tendu sieute et dereigne a qei le Priour ad defendu le dreit Thomas tut atrenche et la seisine William son auncestre de qi seisine il ad counte tut outre com de fee et de dreit reherceaunt totes les paroles en la manere com le Priour gagea la bataille et pus dit, Sire, vous auez cy Thomas le fitz Hughe de Stauntoun qi vous dist qe a tort defende il son dreit tut atrenche et la seisine son auncestre William par noun de qi seisine il ad counte tut outre com de fee et de dreit nomement del auoweson del Eglise de Herlestoun, et pur ceo a tort qe ceo est son dreit et son heritage par la resoun qe William son auncestre par noun de cele auoweson fust seisi etc. reherceaunt tut le counte sanz nule parole entrelessen tantqe ceste clause " qe tiel soit son dreit " etc. dist et qe tiel soit son dreit cest il prest a dereigner par le corps vn son fraunc homme William le fitz Thomas par noun qi cy est prest est a defendre le par son corps ou par quant qe ceste Court agarde qe dereigne le deiue, et si mes aueigne a meisme cesti William le fitz Thomas, qe deux defend, prest est a defendre le par autre qe deiue et puisse et entendaunt le dereigner le seriaunt tint le Champioun le demaundaunt par le bras et meismes cest Champioun estut en meisme la manere a la barre com fist lautre deuaunt ; pus fust comaunde par les Iustices qe ambedeux les Champions venissent entre la barre tantqe en baunk et il le firent et comaunde fust qe lun estut al vn bout de la table et lautre a lautre bout. Les Iustices regarderunt lour piees sil fussent deschausez de soulers, *et sic fuerent*. Pus *SCROPE* demaunda de les parties sil sauoient rien dire qe ascun de eux auoit rien mespris en termes de lei ou ils sauoient rien dire a les parones des Champions et ils disoient qe noun. Par qei *SCROPE* dist al Champion le tenaunt qil renda sus son gaunt a lui. Le Champion se genula deuant lui et le fist et pus dist al



Champion le demaundant en meisme la manere et il le fist. Pus SCROPE saka hors du gaunt le Champion le tenaunt v. d. et les remist en mesme le gaunt, et en meisme la manere fist al gaunt le Champion le demaundant, et pus dona al Champion le demaundant son gaunt demeigne et a le Champion le tenant en meisme la manere, et pus il demaunda a les Champions sils firent prestes de parfourmer la bataille solonc ceo qe les parties lauoient tendutz, et il disoient qe oil. Par qei il comaunda al Champioun le tenaunt de profier son gaunt al Champioun le demaundaunt, *et sic fecit*. Le Champion le demaundant le receut et pus comaunda al Champioun le demaundant en meisme la manere, et il le fist et pus il comaunda al vn et lautre qils rendissent sus les gauntz a lui, *et sic fecerunt*. Et pus SCROPE rebaila a chescun des Champions son gaunt demeigne. Et pus SCROPE demaunda des parties sils sauoient rien dire par qei la court ne deuerait agarder la bataille. Il disoient qe noun, par qei SCROPE dist a les parties qils dussent trouer plegges de parfourmer la bataille *et sic fecerunt*; checun ij. plegges. SCROPE: Nous auoms entendu coment vous auez gage la bataille dune part et dautre par qei depus qe vous ne sauez rien dire pur qei la bataille ne doit estre agarde si agarde ceste court qe la bataille se face et vous donoms iour le Lundi en la secunde sigmaigne de Quarreme dauer cy a meisme le iour voz champions correiz de bataille prest a parfourmer la bataille solonc ceo qe vous auez tendu; et pus comaunda as Champions qe nul aprochast a autre en le mene temps de nule part et puis dit as parties qe chescun de eux deuerait garder son champioun issint qe nul aprochast a autre sur le peril qappent et pus dist al tenaunt qil prist son champioun et qil lui amenast a vne eglise et al demaundaunt qil prist son Champion et qil lui amenast a vne autre Eglise de ofrer a les Eglises lun et lautre les v. d. qe furent en leur gauntz en le honour de v. playes dieu qe dieu durreit la victorie a ce lui qi dreit en ad. Et pus SCROPE dist a les parties qil venissent a leur iours oue leur Champions et eux frount vn serment a la barre et vn autre en chaumpe; en le samedi prochein deuant le Lundi auaunt dit SCROPE fist les parties amener leur Champions en vne Chaumbre priuement checun par eux meismes de veer (leur<sup>d</sup>) (le<sup>l</sup>) apparail et SCROPE ala en la chaumbre et fist le Priour venir deuant li oue son champioun de veer lapparaille le Champioun et en regardaunt le quir il le troue doubles oue vne autre quir, par qei SCROPE comaunda del ouster et pus mesura la longure del bastoun et fust troue del longure de v. quarters dune alne, et fust aiugge de bone assise. Et pus lescu feust troue del longure dune alne et de la lenre de iij. quarters et fust aiuge assise certeine outre quele assise homme ne doit passer mes il dona conge de vser les de meindre assise solonc la volonte le Champioun et pus lui comaunda dauer son Champion prest au iour assigne et en meisme la manere fist al demaundant. A quel iour le tenant vynt et dist par *Scharshull*: Sire, vous auez cy le Priour de Lentoun oue son seriaunt William le fitz Iohan par noun qe cy est corree de bataille prest a faire et a parfourmer par la grace de dieux ceo qe la court nostre seignur le Roi ad agarde et agardera et se profre vers Thomas le fitz Hughe de Stauntoun et prie qil soit demaunde et fust demaunde qi vynt et dist par *Schardelowe*: Sire, vous auez cy Thomas le fitz Hughe de Stauntoun oue son seriaunt William le fitz Thomas par noun qi cy est correie de bataille prest a faire et a parfourmer ceo qe la court nostre seignur le Roi ad agarde et agardera et se profre vers le Priour etc. Et pus SCROPE fist le Champion le tenaunt estre deuers le North et le Champioun le demaundaunt deuers le south, et comaunda le Champioun

le Priour qil preist le Champioun Thomas par la mayn destre oue sa mayn senestre et qil lui tensist suef sanz destreindre lui en greuer et qil meist sa mayn destre al liuere et qil deist checune parole solonc ceo qil serroit charge sanz dire plus ou meynz et fust charge en ceste manere : Ceo oyez vous homme qe ieo par la mayn tienk qe par noun de Baptesme vous fetes appellir William qe Thomas le fitz Hughe de Stauntoun nad nul dreit en lauoweson del eglise de Herlestoun etc. et qe William son auncestre de qi seisine il ad counte vnqes de cele auoweson ne fust seisi etc. et dist tut le counte outrement mes qe ceo fust le dreit le Priour et se iura si dieux lui eide et les seintz. Apres ceo fust dit al Champioun le demaundaunt qil prist le Champioun le Priour par la mayn en la fourme qil lui auoit pris et qil meist sa mayn destre al liuere et fust charge en ceste manere : Ceo oyez vous homme qe ieo par la main tienk qe par noun de Baptesme vous fetes appeller William qe vous estes pariours et pur ceo pariours qe lauoweson etc. si est le dreit Thomas le fitz Hughe de Stauntoun et par la reson qun son auncestour William par noun etc. et rechapitula tut le counte et ceo iura si dieux lui eide et ses seintz. *Et nota* qe quant les Champiouns vyndrent a la barre lour escuz furent portez ouesqes eux et tenutz outre lour testes tant com ils esturent a la barre et oue lun et lautre furent portex ij. bastouns et liuez a la court et la Iustice eslust de ij. lun et le bailla al Champioun le tenaunt et auxi al Champion le demaundaunt. *Et nota* qe cest a la volonte des Champions dauer lour escus et lour bastouns greindres ou meindres a lour peril demeigne, et issint qils ne passent pas lassise limite deuant. Pus SCROPE demaunda del Priour qi il voleit qi porta lescu son Champioun en la place etc. et le Priour respond qe meisme celui qi le tient ; pus demaunda qi il voleit qi porta son bastoun, et le Priour respond et noma Monsieur Richard de Moundeuille, Chiualer, qi lemprist et a lui fust le bastoun liuere et pus demaunda en qi garde il voleit qe son champion fust tant qil venist a la place et le (Priour<sup>1</sup>) respond et noma vn Chiualer qi lemprist et a lui fust le Champioun liuere en meisme la fourme fust dit al demaundant et en meisme la fourme fust fait. Et pus SCROPE comaunda a les champions qe qaunt ils furent en bataille qe mesqe lun eust abatu lautre et il lui purreit tuer dun coupe et lune partie vousit parler de pees qe mesqe le baston fust leue et lui fust comaunde par la Court qil se tensit qil ne ferreit pas et ceo sur forfeiture de vie et de membre tantqil eust conge de court, sur qi fust comaunde a les chiualers qi auoient les corps les champions en garde qil les amenassent en la place sauement, et quant il vyndrent en la place les parties acorderunt qi vyndrent deuant les Iustices et prierent conge dacorder et le Priour dona deners au Roi *et habuit*. *Hillary* recreet la pees en ceste fourme qe Thomas le fitz Hughe de Stauntoun conust lauoweson del eglise de Herlestoun estre le dreit le Priour et le dreit de sa eglise de nostre dame de Lentoun et ceo relessa et quitclame [quites] de lui et de ses heirs al Priour et as ses successors a tous iours sanz garrante. SCROPE : Vous auez multe trauaille la court nostre seignur le Roi, par qei la court voet auer son dreit, cest a sauer qe les Champions facent lour auenez oue oscus et bastouns sanz crok et entrefererent les coupes le Roi, et pus il entreluterent. Et le Champion le tenaunt fust mis deuers le North et le Champioun le demaundant deuers le Suth et firent lour auenez oue bastouns et oue escus et les fust dit par la court qe assez et adonqes entreluterent par ij. tourns et sendepartirent et la court se leua, et les Champions auoient bastouns de liuere de Court.

En bref de  
droit dauoue-  
soun vers  
Priour il gaga  
batail et la  
batail fu  
resceu et  
agard et  
auient iour a  
fit la batail et  
en la place les  
parties  
acorderunt et  
le demaundant  
par fin relessa  
al tenant et  
fu receu.

THOMAS<sup>1</sup> fitz Hugh' de Stantoun porta son bref de droit de lauowe- [4-B  
soun deglise de Herlestoun vers le Priour de Lentoun et counta vers lui qatort  
lui deforcet lauowesoun de leglise de Herlestoun et pur ceo atort qe cest soun  
droit et son heritage dount vn son auncestre Wautier par noun fust seisi come de  
fee et de droit en temps de pees et en temps le Roi Henrie besael nostre seignur  
le Roi Edward qore est etc. et a mesme la Eglise presente vn soun clerk W. de  
G. qe son presentement fust resceu et institut de Euesqe en temps de pees et en  
temps de mesme le Roi, le quel Clerk les esplees prist come en gros dimez et  
meunz dimes oblacions obuencions et autre manere issue del Eglise montant a  
demi mark et plus come du droit de le Eglise auantdit dont de Wautier descend  
le droit del auowesoun auandit et deuoit descendre a W. come a fitz et heir de W.  
pur ceo qil moru[s]t sanz heir de son corps descend etc. a Clement come a soere  
et heir de Clement a Thomas come a fitz et heir qore demaunde et qe tiel soit  
son droit il en ad sute bone et dereyne. *Godele* : Le Priour de Lentoun par soun  
atturme qe cy est defendi tort et force et le droit Thomas le fitz Hughe de Stantoun  
qilloeqes est par atturme et defendra etc. et demaunda oy du bref, *et habuit*, et  
pus defendi de rechief etc. et issit denparler et puis reuint et defendi a son entrir  
et rehercea son counte et quant il auoit reherce son counte et puis defendi en  
cest maner : Le Priour de Lentoun par soun atturme qe si est defendi tort et  
force [et] le droit Thomas fitz Hugh de Stayntoun qilloeqes est par atturme tut  
atrenche et lassisine son auncestre W. par noun de qi seisine il ad counte tut  
oultre com de fee et de droit et nomement de lauowesoun de la Eglise de Herels-  
toun et prest est a defendre par le corps vn son fraunk homme William fitz Iohan  
qe cy est et ceo prist par le main destre qe prest est a defendre par soun corps et  
par quant (qe<sup>1</sup>) cest court agarde qe defendre le deit. Et si mes a veigne a mesme  
cesti William qe (dieu<sup>1</sup>) defend, prest est a defendre par autre qe faire le puis  
et deit. *Schardelowe* : Nous voloms enparler a vos congez, et puis reuint, Sire,  
vous auetz bien entendu coment Thomas fitz Hugh de Stantoun demaunde  
vers le Priour de Lentoun lauowesoun de Herlistoun cum son droit et son heri-  
tage et rehercea tut son counte a qai le Priour ad defendu tort et force et le droit  
Thomas auantdit tout atrenche et laseisine son auncestre W. par noun de [qi]  
seisine il ad counte tut oultre cum de fee et de droit et dist qil est prest a defendre  
par le corps W. vn son fraunk homme W. fitz Thomas par noun qe cy est qe prest  
est a defendre par son corps ou par quant qe la court agarde qe defend le deit  
et si mes a veigne a mesme cesti [f. 8v.] W., qe dieu defende, il dist qil est prest a  
defendre par autre qe poiet et deit faire. *Schardelowe* : A tort defend le Priour  
de Lentoun le droit Thomas fitz Hugh' de Stauntoun tut atrenche et laseisine son  
auncestre tout oultre cum de fee et de droit nomement del auowesoun del Eglise  
de Herlestoun com de fee et de droit. Et pur ceo atort qe cest son droit et son  
heritage dount vn son auncestre Wauter par noun fust seisi com de fee et de droit  
et counta autrement le counte qil auoit counte deuaunt tanqe a cel parole qe teil  
soit (soun<sup>1</sup>) droit et donqe dist il en tele manere, qe tele soit soun droit, prest  
est adreynere par le corps vn soun fraunk homme W. fitz Thomas par noun qe  
cy est et le prist par le meyn seynestre qe prest est a derenere par son corps et  
quant qe la court agarde qe derenere le deit. Et si mes a veigne a meisme celui  
W., qe dieu defende, prest est a drenere par autre qe faire le put et deit. SCROP :

<sup>1</sup> This version of the case is from *Ry* (Latin MS. 180, f. 8). The marginalia here is from *Ot*.

Sauetz rien dire pur qai cest bataille ne deit estre accepte? Les seriauntz de vn part et de autre disaynt qe nanyl. SCROP: Al champion le Priour, venez deinz la barre, *et sic fecit*, et il fust deschapione et desceynte et deschaute des soulers et ces maunches reuerses del vn brace et del autre taunqe a la bonte de la la<sup>1</sup> ceure et auoit en sa mayn destre vn gaunt destre et en cheson daiel du gaunt j. d. etc. SCROP comaunda al Champion [le] demaundaunt de venir deinz la barre, *et sic fecit*, et fust de meisme larrai qe autre fust et dont quant il furunt ambedieux deuant esteauntz SCROP dist al champion le tenaunt qil luy baillast sa gaunt et engenulant le fist. SCROP avalast son chaperon et le resceut et pus dist en mesme la manere al champioun le demaundaunt qil luy ballast sa gaunt et issint fist. SCROP prist les deners hors de gauntz pur veer si en chescun daiel du gaunt fust vn dener et quant il les auoit counte il les remist et puis il bailla les gauntz [a les] champions arrere; primer al C[hampion] le tenaunt et pus al C[hampion le] demaundaunt et demaunda de les seriauntz sil sauoynt rien dire qil auoit omission de la ley ou chalange a les persones par qei nous ne deuoms cest bataille agarder? *Les Seriauntz*: Sire, nanyl. Et adonqe SCROP consela a ces compaignons et pus dit pur ceo qe vous ne sauetz nulle chalange dire nous agardoms la Bataille et comanda al champion le Priour bailler sa gaunt al champion le demaundaunt et fist issint et pus il dit en mesme la manere al champion le demaundaunt, fist issint, et pus il prist le gaunt al champion le tenaunt et pus de champion le demaundaunt et donqe rebaila chescun soen mes adonqes il rebaila primes al champion le demaundaunt, *quere tamen*. Et pus il demaunda del tenaunt plegges de la bataille et lui troua deux et pus le demaundaunt en mesme le manere et donqes il parla a ces compaygnons et apres dona iour de la bataille le Lundy en la secunde semagne de quarreyme et comanda a les champions qil ne venissent nulle part ensemble en marche nentamerie namanger ne a boyre (ne<sup>1</sup>) nulle part aliours et comanda a les parties qil les gardissent bien a lour peril. Et qil venissent prest al iour de la bataille corrais a quel iour lun fra serment a la barre et lautre en la chaump, *quere quis eorum*, et puis SCROP dit qe chescun champion alait offerre les v. d. en son gaunt al honour de dieu et de ces v. playes qe dieu vous doigne grace a faire dreturel bataille et qe celui ad la victorie qad le droit et par cel cause ils furent ordeinetz destre en chescun gaunt v. d. en le honur de v. playes de dieu et vous parties ales ouesqes eux mes ales a diuerses Eglises. Et *Aldeburgh* dist qils ne deuent lour champions chaunger sil ne soit par mort ou par maladie naturel et par tiel maladie qil ne poet bataille faire et si par soun fait ou par soun folie seit maleyme cest a peril cely qi champion il est. Et pur ceo soleynt les Iustices dirent a les parties qils les gardissent com enfauntz enbercez.

<sup>1</sup> Sic.