

ART. XIX.—*Mauld's Meaburn, and le Fraunceys and de Hastings.* By the Rev. FREDERICK W. RAGG, M.A., F.R.Hist.S.

ON Nov. 18th, 1256 (41 Henry III.), the king granted the right of free warren—that is, the right to have preserves of game—to John le Fraunceys “the King’s clerk” in all the demesne lands which he was holding in Westmorland and Cumberland, provided that they were not in the king’s forest. Of this John le Fraunceys, son of Hugh le Fraunceys, there is more to tell which belongs to a separate paper on Newby and the de Vernon family. Here I need only say that he was one of the barons of the Exchequer and that he had succeeded in gaining possessions in several counties. He had received in 1240 or 1241 a grant of Mauld’s Meaburn from Robert de Veteripont, son of Ivo, to be held under him, as already mentioned in the de Veteripont paper. This, as we learn from *Curia Regis Roll* 141, 14 d was held by Robert himself under the de Bailiol family, and Robert’s grant made him mesne lord between the de Bailiols and John le Fraunceys, who claimed release from the service to the de Bailiols which he said Robert de Veteripont ought to pay. John claimed exemption from the same service to the Bailiols also in the case of two other manors granted to him by Robert, Florlsworth* in Leicestershire, and a moiety of “Souerby in Farnes in Galewayth.” †

* It is possibly Frowlesworth.

† The problems raised by this place name have needed some consideration. Soureby in Furness was in possession of the Abbey from early times. Souerby in Galewayth might naturally in a Scotch document that had no reference to any English county be represented by Sorbie in Wigtown county. But the question about the services to the Bailiols, between John le Fraunceys and Robert de Veteripont was taken to an Assize Court of the English King,

In Easter 1243 (Curia Regis Roll 125, m. 2) came a complaint from John le Fraunceys that Robert de Veteripont

in which cases that belonged to lands north of Solway, Cheviot and Tweed did not come, though cases concerning possessions of the Scottish Kings in English counties did. Had they come into such courts in earlier days, of which I think there is no evidence, it would be out of the question after the subjugation of Galloway by Alexander II. in 1235. The Assize Roll in which the case is entered (1046, m. 23, of 35-6 Henry III.—1251) is a record of Assizes held at York. The membranes of the first two-thirds of the roll have not in the margin the names of the counties in which the holdings lay: the last one-third has, as was usual in all later rolls. This last third has many pleas from Westmorland, Cumberland and Northumberland, and none of further north. Silvester de Everdon, Bishop of Carlisle (1247-1255) was one of the justices before whom the case came, and one of the attorneys chosen by John le Fraunceys to represent him was Robert de Santon, who must have been a Cumberland man. The only Souerby given in the two inquisitions post mortem of Gilbert le Fraunceys, son of John, is Souerby in Cumberland, Inq. C., Edward I., File 18 (9), C., Edward I., File 33 (8) (1278 and 1281). In these inquisitions the Bailiol service is shown as still remaining for Meaburn Maud, though it is not mentioned for Souerby, the name of Robert de Vallibus of Caterlyn, evidently the mesne lord, being given. The holding in Souerby was le Neueland (Newlands in Castle Souerby). The manor of Castle Souerby we know from other records was one of those given to the Scottish Kings in lieu of other claims and possessions in English counties, and it would be from Scottish records that we might learn who from time to time held it immediately under the Scottish Kings. But though the advowson, in this exchange between the kings, was to remain in the gift of English King, John Bailiol presented a rector in 1293 (Bishop John de Halton's Registers). Therefore the Bailiol connection was evidently kept up. We have thus a Veteripont, a Bailiol and a le Fraunceys connection with Meaburn Maud, as well as with Castle Souerby, though with the latter the Veteripont connection has to be inferred, for there seems no record of it except in the Assize Roll. And since we must seek for the right Souerby south of the Solway, Castle Souerby, which has so much that fulfils the conditions, seems the right one to fix upon.

But it has also to be borne in mind that in the Assize Rolls there is plenty of evidence to show that a wrong description or title of a place in which a claim was made was as fatal to the claim as a wrongly given personal name. I have met with plenty of these cases. I gave one in these *Transactions*, vol. ix., p. 262, where a plea about Helton Flechan was lost by the name being given as Helton Morville, though held at the time by the Morville family. Here I will only mention that Bertin de Joneby lost a case by having his application made out as for Bertram de Joneby. He pleaded that Bertram was the name in which he was baptized, but in vain. He had been entered in other pleas as Bertin and to win he must continue action in that name. Instances such as these show that neither plaintiff nor defendant could leave description of a claim to a clerk. And if a plaintiff lost his case he was mulcted for making a false claim. It was essential then that description should be be clear enough to be indisputable.

Now in all the cases of which I have seen records wherein John le Fraunceys, Baron of the Exchequer, was concerned, just as in those in which Hugh de Louthor, Attorney General, was concerned, and in all the deeds drawn up for either, and altogether these are not exactly few, what I could not but be struck by was the careful attention paid to such particulars as prevented legal failure. This case was perhaps the reason why they succeeded so well and laid the foundation of great possessions,—John le Fraunceys of the Vernons, and Hugh de Louthor of the Lonsdales. And hence I conclude that the description of Souerby must have been such as would satisfy a law court of the times of Henry III., but how, we must wait for further light to see, for the entry is clear "de medietate manerii de Souerby in Farnes in Galewayth," and there is no possibility of even reading it "inter Farnes et Galewayth."

had come with other men armed while he was away in the service of the king at the Exchequer and had forcibly ejected John's men, had driven away his beasts and trampled down his crops to the damage of £40. Robert denied that he had done anything to break the peace, said that he had made no intrusion, but came simply for hospitality and stayed peacefully without doing any damage to John or his men. Apparently the sheriff, to whose court the matter was brought, did not feel satisfied with the defence, and a day was appointed for the trial. Robert then shifted the blame on to Gilbert de Kirketon during whose shrievalty the incident had happened, saying that if there was intrusion it was through him. Gilbert de Kirketon was to appear before the Bishop of Carlisle to answer, and meanwhile John was to have full seisin of his lands. From all this we can get an idea what it was all about. John owed homage and a pound of cummin for the manor, and possibly one or other "service" had not been performed, and illegal entry had been made by Robert for the delayed service. In the same Curia Regis Roll (m. 23) is the acknowledgment of Robert given to the charter of grant but no more is recorded of the trial.

Somewhere about the same time a case was brought by John le Fraunceys against Joan de Veteripont (Curia Regis Roll 128, Easter 1243) claiming the custody of the lands of William de Pinkeney, and that of the heir, of which he said she was unjustly depriving him. This case he won and he had another against Joan for occupying land in the moiety of Meaburn Mauld which was his. She denied the charge and was to appear and produce the charter on which her claim was founded at the summer Court, and in the Trinity Term that summer it was that the charter of Ivo already given,* was produced by her, and an agreement come to between the litigants.

* P. 277.

In 1277-8 Lawrence de Veteripont brought an assize of mort d'ancestor against Gilbert le Fraunceys, son of John, claiming that he had wrongfully entered on possession of one messuage, 97 acres of land and 20 acres of meadow, and the moiety of a mill in Maulds Meaburn, but the case could not be proceeded with, the roll tells us, (Assize Roll, 1239, 6 Edward I.) because Gilbert had died. Then in 1288 (Assize Roll, 1277) the case came on again, about the same tenements exactly, but brought on this time by Robert de Veteripont, described as son and heir of Lawrence, and claimed on the ground that Joan, his aunt, possessed them. In this trial a charter granted by Robert himself was produced, this namely :

Omnibus hoc scriptum &c.
Robertus filius et heres Laurentii de Veteriponte salutem in domino.

Noveritis me remisisse et omnino quietum clamasse pro me et heredibus meis domino Ricardo le Fraunceys et heredibus suis vel suis assignatis totum jus et clameum quod habui vel aliquo modo potui (habere) in manerio de Meburn Mald cum pertinentiis vel in aliqua parte ejusdem manerii. Ita tamen quod nec ego nec heredes mei nec aliquis nomine nostro aliquid juris vel clamei in predicto manerio vel in aliqua parte ejusdem manerii cum pertinentiis de cetero exigere vel vindicare poterimus. Et pro hac autem remissione et quietum clamazione predictus Ricardus dedit mihi quandam summam pecunie pre manibus. In cujus

To all who see or hear this writing Robert son and heir of Lawrence de Veteripont greeting in the Lord.

Know ye that I have remitted and entirely quitclaimed for me and my heirs to Sir Richard le Fraunceys and his heirs or his assigns the whole right and claim which I had or in any way could have in the manor of Meaburn Mauld with its belongings or in any part of the same manor. So that neither I nor my heirs nor any one in our name can for the future have or seek for any right or claim in any part of the same manor with its belongings. And for this remission and quitclaim the aforesaid Richard gave to me into my hands a certain sum of money. In attestation of which I have placed my seal to this writing.

testimonium isti scripto sigillum meum apposui. His testibus Henrico de Staveley Roberto de Yavenewith Johanne de Rosegil Michael de Harcla Waltero de Mulcastra Thoma de Neuton Johanne de Terrlby militibus : Roberto de Morvyle Hugone de Louthir Roberto de Warthewyk Roberto de Crokelyn et Johanne de Helton. Datum apud Wynandeswath die Mercurii proximo post festum Assumptionis beate Marie Virginis anno regni regis Edwardi 16 (1288).

As witness these : Henry de Staveley Robert de Yavenewith John de Rosegil Michael de Harcla Walter de Mulcastre Thomas de Neuton John de Terrlby, knights ; Robert de Morvyle Hugh de Louthir Robert de Warthewyk Robert de Crokelyn and John de Helton. Dated at Wynandeswath Monday before the feast of the Assumption of the blessed Mary the Virgin (Aug. 9) 16 Edward (I.) (1288).

Robert de Veteripont agreed that this was his charter and the manor passed to Richard le Fraunceys, who became thus the feoffee directly under the Baliol family and the homage and 1 lb. of cummin were the services to that family for it, returned as the conditions of tenure in the *Inquisitio post mortem*.

Before all this had taken place, however, and in the lifetime of the first le Fraunceys owner, had begun some signs of trouble—perhaps they were of jealousy. In 1259 (*Curia Regis Roll*, 162) John le Fraunceys brings a charge against William de Neuby for forcibly cutting down his wood at Newby. William chose not to appear to answer and had to be summoned a second time. Almost at the same time Thomas de Hastings was charged with breaking into the free warren of John le Fraunceys in Meaburn and capturing his beasts and carrying them away. How the case ended we are not told, nor have I discovered any more trials—though there is room for more discovery—till 1286, when an event happened which gave rise to much investigation and contributed towards the punishment of one of the justices of Edward I.

We will follow the presentment of the jury given in Assize Roll, 938 (20 Edward I.).

On Whit Sunday in 1236, according to that presentment, Richard le Fraunceys, of Meaburn Mauld, sent William de Harcla, John le Fraunceys, Walter de Caldebek, Richard de Foderingeye, of Kirk Oswald, Robert, son of Alexander, Skot, the page, Geoffrey de Wastdale, William, son of Philip of Meaburn "Mawt," and Adam, brother of William, William de Arlaston, who had since died, and Robert de Appleby to Crosby Ravensworth. There they found Nicholas de Hastings standing outside the gates of the manor house (his brother's, Thomas de Hastings) leaning on his bow, and they attacked him. John le Fraunceys struck him with a staff and pushed him in the breast and by pressing against him with his horse thrust him into a ditch. Seeing this, William de Harcla leapt at him with his sword drawn intending to run it into him, but the sword fell from his hand and so he failed. While this was going on John le Fraunceys bade Robert de Appleby shoot him with an arrow, and Robert did as he was asked and shot him in the breast and Nicholas very quickly died. Then Robert de Appleby, John le Fraunceys, William de Harcla, and all the others went away together, and in a body returned towards the manor house of Meaburn Mauld. At once the villagers of Crosby followed them with hue and cry and with intent to arrest and seize the felon—Robert who shot the arrow. But John le Fraunceys and William de Harcla and the others drove them back and by use of weapons rescued Robert de Appleby and took him away into the manor house of Richard le Fraunceys at Meaburn Maud, shut the gates after them and allowed no one to go in. Thereon came Alice, wife of Nicholas de Hastings, the slain man, together with a great number of the people of the countryside wishing to arrest the felons. She climbed on to a wall and raised hue and

cry against them and sought to obtain entrance for the people with her that they might arrest them, but those inside the manor prevented anyone from gaining ingress and kept the slaughterer with them all the time from mid day until night and then let him get away safely, Richard le Fraunceys himself being there and knowing of the felony which Robert had committed. Because of the crime Robert had been proclaimed as outlaw but he had no chattels to be seized. The jury said also that it was discovered by means of the Coroner's Roll that Alice, widow of Nicholas de Hastings, charged Robert in the Court of the County with the death of her husband and that at her prosecution he was outlawed in the County Court. It was also shown in the Coroner's Roll that Alice had charged in the County Court William de Harcla with aiding and with violence, John le Fraunceys with directing Robert de Appleby to shoot, and Richard le Fraunceys with sending the men to Crosby with intent of making assault, and with harbouring them after the event. Walter de Caldebek, Richard de Foderingeye and the others she had charged with consenting and aiding, and she continued to prosecute till the appeal of the prosecution came before Ralf de Hengham (in King's Bench). But Alice did not appear in that court to continue the prosecution, and her default caused the acquittal of William de Harcla, John le Fraunceys, Richard le Fraunceys and all the others so far as that appeal went; and Alice and her pledges for the prosecution were at the mercy of the Court.

But the justices in eyre did not feel the result convincing.* And they ordered the sheriff to arrest these

* Et quia non constat Justiciariis hic de processu istius appelli preceptum est vicecomiti quod capiat predictos Willelmum, &c.: "hic" is of course here, in Westmorland. After much dubitation I have come to the conclusion that the meaning of this difficult point is that which I have given. The expression has to be interpreted in a way which agrees with the whole texture of the presentment. And it also seems clear from what follows that acquittal through the default of the prosecutor not appearing was not felt to be the same thing as being found not guilty by jury after evidence given.

men if they could be found within his province. He testified that they could all be found except Richard de Foderingeye of Kirk Oswald, and Skot, the page, who had withdrawn themselves and were thus guilty of misdemeanour. It was agreed therefore that they should be outlawed. The chattels of Richard de Foderingeye were valued at £4 gs. rod., and for this amount Michael de Harcla, sheriff of Cumberland, would be answerable; and Skot had no chattels to be forfeited. William de Harcla, John le Fraunceys and Richard le Fraunceys, being summoned before the justices, came to answer to the charge. And being questioned as to what defence they had to make against the arraignment of aiding in the murder and of rescuing the murderer, answered that they had been acquitted by jury before Ralf de Hengham and his fellow justices. But putting aside the advantage gained by that acquittal they stated that they were clergy and ought not to be called upon to answer in that court. But William de Harcla "saving to himself the benefit of clergy" denied the whole charge and asked for trial before jury. Richard le Fraunceys produced, though he thought it unnecessary (*ex habundantia protulit*) letters testimonial of ordination by "the venerable father the lord Bishop of Coventry and Lichfield" to the effect that, 20 years before, he had been ordained to first tonsure by sacred imposition of hands at Lichfield. And then came Thomas de Coppla, dean of Westmorland, and John de Reygate, vicar of Morland, the bishop's attorneys, into court and claimed them as clergy, but wished to have the verdict of a jury to give the reason why they were delivered over to them. The jury stated on oath that William de Harcla was guilty of violence and aiding in the murder and also of rescuing Robert de Appleby the murderer, and that John le Fraunceys was guilty of violence and aiding in the murder and also of directing Robert de Appleby to

shoot, and of rescuing Robert; that Richard le Fraunceys was guilty of harbouring the felon, knowing of the felony, and also of harbouring William de Harcla and John le Fraunceys. For these reasons they would be handed over to the bishop's officials. William de Harcla's chattels were valued at 42s. for which the sheriff* would be responsible; those of John le Fraunceys at £41 7s. 2d., for £41 os. 6d. of which the sheriff would be responsible, and John of Carlisle for 6s. 8d. But it appeared that John of Carlisle had seized the chattels without waiting for a warrant and he was therefore at the mercy of the Court. The chattels of Richard le Fraunceys in Westmorland were valued at £96 13s. 2d.; for which the sheriff was to be responsible: in Derbyshire at £53 19s. 6d., for which the sheriff of Derby was to answer; in Staffordshire at £10 7s. 7½d. for which the sheriff of Stafford was to answer; in Buckinghamshire at £15 6s. 1½d., for which the sheriff of Buckingham was to answer.

The others who were summoned, namely, Robert, son of Alexander, Adam, son of Philip of Meaburn Mauld, and his brother William, Geoffrey de Wastdale, and Walter de Caudebek also came. And being asked what they had to say in defence against the charge of violence, and of aiding in the murder, and of rescuing the murderer, and of the breach of the peace, asked to be tried before a jury. This was allowed. And the jury stated on oath that Robert, son of Alexander, was not guilty of anything in the matter, as he was not present. Indeed during the whole day of the felony he was in a tavern at Meaburn Maud and did not go outside it, therefore he was acquitted. Adam, son of Philip, and William, his brother, and Geoffrey de Wastdale, and Walter de Caldebek, admitted that they were all present when Robert slew Nicholas with the arrow, but

* *i.e.* of Westmorland.

denied doing anything wrong. They said that they came away at the same time that Robert de Appleby left, but without any intent or purpose of wrong, and followed the others but at two furlongs' length, and then went home. So far as the felony was concerned therefore they were acquitted. But because they were present and did nothing to arrest the felon and did not pursue him nor hinder his escape, therefore they were to be taken in charge. They were afterwards released by fine : Geoffrey de Wastdale of half a mark, with Robert de Cemum (?) of Heppe and Robert de Langebergh as his sureties : Adam, son of Philip of Meaburn Mauld of 5s., with John le Fraunceys of Cliburne as surety ; William, his brother of 4od., with John le Fraunceys of Cliburne also as surety ; Walter de Caudebek for 20s., with Bertin de Joneby as surety. The jury stated also that William de Harcla had been harboured at the house of Michael de Harcla, his father, after the felony, and John le Fraunceys by Adam le Fraunceys, both of them knowing of the crime. The sheriff was therefore bidden to bring them up to answer. They came and stated that they were clergy and ought not to be called on to answer in that court. And thereupon came the attorneys of the bishop of Carlisle with letters, &c., and claimed them as clergy, but wished enquiry to be made by a jury why they were to be handed over to them. The jury gave as their verdict that Adam le Fraunceys * was not guilty of harbouring John le Fraunceys ; he was therefore discharged ; and that Michael de Harcla did not receive William de Harcla into his house till more than eighteen months after the felony : that William had appeared in court before Ralf de Hengham, and that the court under him kept the matter waiting for three days and no prosecutor appeared, so that he was

* He was incumbent of Asby.

released : and it was after this that Michael de Harcla received him, supposing him to be acquitted.

Why after this Michael was to be in charge is a point I do not grasp, but the presentment of the jury goes on to say that he paid a fine to be respited from prison, and that Hugh de Multon, Thomas de Derwentwater, John de Rossgill, Robert le Engleis, Richard de Preston, and William de Stirkeland consented to be his sureties and to have him appear when wanted.

But at this point there seems repetition or confusion in the report as given by the Assize Roll, and it is difficult to judge exactly what was the real order of events. It is quite possible that Michael de Harcla, and Adam le Fraunceys were already in detention when they were brought before the court, and that this fine was a payment to be released.

Another little incident recorded at this point which may have further light thrown on it by some other record, is that Hugh de Multon came and paid for an arrangement (*fecit finem*) for him to have the chattels of Richard de Foderinghay for £4 16s., and John de Staffol and Peter le Parker, Robert de Grey, and Peter, son of Gilbert, were his sureties. The goods of an outlawed person it would seem were sold for what could be got for them. Hugh de Multon was not a sheriff at the time.

But other proceedings had been going on. Amice and Isabel and Christiana, sisters of the slaughtered man, charged John le Fraunceys of Meaburn Mauld, and Robert le Joefne, who must have been the Robert, son of Alexander, of the jury's presentment, also of Meaburn Mauld in the court of the borough of Appleby with the death of Nicholas de Hastings at Crosby ; and tried to prosecute at two or three meetings of the court and then desisted. There must have been some confusion between the courts of the county and the courts of the borough,

which both were held at Appleby, and Crosby in the roll in the description of the proceedings at the borough court is oddly described as "*in forinseco comitatus*"; which does not mean that it was outside of Westmorland but outside of the jurisdiction belonging to the borough. And because it was outside those bounds and John of Carlisle and William de Berewys the coroners had allowed the case to be brought in at the borough court, and not only did not cause the sureties of these sisters to be fined because they did not appear after the last writ to prosecute, but had kept John le Fraunceys and Robert le Joefne in prison till the king's writ released them; and again afterwards in consequence of the arraignment of Adam Spring, who was under age, arrested and imprisoned them, it was considered that these coroners should be tried for having neglected the fines of the sureties; and that the matter of the liberty of the borough should be brought into question, the jury testifying that that there was no warrant for the procedure.

The de Hastings family were vigorous in prosecuting, it is clear; and if the unfortunate widow did not succeed in reaching the Coram Rege Court (of King's Bench) it was perhaps by no fault of hers. Distances and roads presented some difficulties in those days. The actual murderer had been punished and two of the less responsible of the band, but the instigators and those chiefly in fault were so far hardly touched: and the kindred of Nicholas de Hastings did not let matters rest. When the king after his return from Gascony was making investigations into the conduct of his justices during the time he was away, about which many complaints reached him, appeal to him was made by Thomas de Goldington and his wife Amice, a sister of the slaughtered man. Through this appeal we learn more particulars, though there is some variation in the tale, and it is not easy to make all particulars fit exactly into their places; but

in spite of its being somewhat a reiteration it is all interesting.

From Assize Roll, 541 b, a roll containing an account of the proceedings in Pleas held at Westminster before Peter de Leicester and his co-justices appointed to listen to complaints about the justices, we learn that Nicholas de Stapleton had been ordered through king's-mandate by Ralf de Hengham to have an inquisition about the case in Westmorland. This would seem to have been after the appeal in King's Bench, where the case failed for lack of prosecutors presenting themselves. He was to obtain a verdict by a jury of men of loyalty and probity who were not related to the accused nor connected with them. But Nicholas de Stapleton, so says the appeal, conducted the Inquisition secretly at Newcastle-on-Tyne "60 leagues away from the place of the felony," and outside the county of Westmorland, and he was induced to do this by Michael de Harcla, whose daughter Richard le Fraunceys had married, and by Adam le Fraunceys, rector of Asby; moreover the jury was composed of relatives and connexions of the accused, and the friends of the murdered man had had no notice given them of the trial, and therefore could not challenge the jury who gave a verdict for the defendants. And after this John le Fraunceys, the man most concerned in the murder, had brought an action against Amice and her brothers and sisters before Ralf de Hengham for false prosecution. And Amice complained that this was to her damage to the amount of £200.

Nicholas de Stapleton was represented by attorney, who stated that after the appeal of the prosecutors was quashed in the court held by Ralf de Hengham, the King's Council had ordered that to make it more convenient for the jury who lived so far away, Nicholas de Stapleton was to go to the neighbourhood of Crosby and there hold Inquisition; and that on his way there

Nicholas was taken ill and could not continue his journey, and this was why he held the Inquisition at Newcastle, which he did in right and due form. Amice replied to this that when Nicholas de Stapleton held the said Inquisition at Newcastle he was perfectly well and had nothing the matter with him, and that he held it there because he had received 10 marks at Newcastle through Michael de Harcla, and she persisted that he had not sent notice of the Inquisition to those who were prosecuting and that she was ready to prove this in whatever way the Court was ready to hear and by the record of the proceedings of the justices.

This record she produced, and it was to this effect.

Adam Springe of Crosby arraigned John, son of William le Fraunceys, William de Harcla, Walter de Caldebek, Richard le Fraunceys of Meaburn Mauld, Thomas le Stedman, Richard the cleric of Foderingeye, Robert le Jovene, Thomas Slaver, and Robert, son of Lucy, for the murder of Nicholas de Hastings his cousin. Here one notices that some of the names of the men charged are quite different from those that appear in Assize Roll, 988. The two named Thomas are absent from that list, Robert le Jovene described as of Meaburn Mauld elsewhere must be Robert, son of Alexander. Robert, son of Lucy, is a fresh name. Richard le Fraunceys he included in the charge but not as being present at the time of the murder. These all he said, except Richard le Fraunceys, were implicated in the assault on his cousin at the time when Robert de Appleby—who had been outlawed at Adam Springe's prosecution—committed the murder. Nicholas the slain man, he said, was in the peace of God and the peace of the king * on the Sunday after St. Dunstan, 1286 (May 19th) and

* This I take to mean that he had been to the service in the church at Crosby and had received absolution and was quietly going to his mother's house.

about noon was going to the house of his mother Christina in Crosby when the men assaulted him, and Robert shot him over a dyke hitting him under the left breast to the heart,* and John le Fraunceys and the others (except Richard le Fraunceys) blocked the ways to Nicholas, holding their bows in hand ready to shoot. so that although he might have escaped the shot of Robert, had he been unhindered from getting clear through their combined assault and aiding of the murderer, he was unable to do so. And this he was ready to prove to the Court in the way in which one under age was able, or according as the King's Court was ready to allow it. Richard le Fraunceys he charged with assent and design and harbouring the felons.

To this John, son of William le Fraunceys, and the rest gave answer that they denied being partakers in the murder or in breaking the king's peace, and they asked for the decision of the Court whether since Nicholas had two brothers Thomas and William de Hastings nearer in blood than Adam, they could rightly be required to answer Adam's charge, besides that Adam was under age and could not be prosecuted if his charge was false. They said also that Alice widow of Nicholas had arraigned them in the court of the county, and that the result of that was pending, and they asked for judgement whether while this was pending they ought to be required to answer Adam Springe. To these objections Adam Springe had nothing to answer. Then John le Fraunceys and the others being asked on what ground they sought acquittal from the king's prosecution, answered that reserving their rights as clergy they placed themselves on the verdict of a jury of the country. This course was agreed to and by special grace of the king the justices were to hold inquisition as before. Then came forward

* The opening of the appeal states that Nicholas was struck in the right breast.

Hugh de Multon, Michaël de Harcla, Adam le Fraunceys, Robert de Hereford, Thomas de Fisseburne. Hugh de Lowther, William de Rypperley, John de Haverington, Nicholas de Clyburn, Humphrey de Melkinthorp, William de Melkinthorp, William de Querton, Simon de Mel-samby, and Thomas de Eggesclive as sureties for the defendants to produce them under penalty of £100 in the Michaelmas term for the assize.

And then at the assize of the morrow of St. Michael at Newcastle-on-Tyne before Nicholas de Stapleton, the defendants John, son of William le Fraunceys, and the others appeared, and the jury summoned also came; these were Roger de Burton, Richard de Preston, John de Rossegill, Robert le Engleys, William de Wyndesore, Gilbert de Brunolveshevede, Robert de Morvill, Richard de Musegrave, Roland de Thornburgh, John Mauchel, Robert de Lancastre, Walter de Teyl, Thomas de Helton, William de Crakenthorp, and Alan le Buteler. These gave as their verdict that a certain Robert de Appleby killed the aforesaid Nicholas de Hastings on Whit Sunday in the fourteenth year of the king's reign after mid day in the manor of Crosby Ravenswart, in consequence of long standing enmity between them and that no one except Robert was guilty of the murder. The jury were asked whether John, son of William le Fraunceys, William de Hartecla, Walter de Caldebek, Thomas (le) Stedman, Richard de Foderingesey, Robert le Juvene, Thomas Slaver, and Robert, son of Lucy, tried to stop the felon so that Nicholas by their attempt to do this might have been saved. They answered distinctly that no such aid had been given to Nicholas by the defendants. They were next asked whether Richard le Fraunceys ever harboured Robert de Appleby after the felony and answered openly that he did not, therefore it was agreed that Richard le Fraunceys and the others defendants should be acquitted as far as that arraignment was con-

cerned. And the jury was asked by whose abetting the malicious arraignment had been made and prosecution carried on, stated that Thomas de Hastings, brother of Nicholas, Thomas, son of William de Goldington, and Amice, his wife, William de Goldington, and Christiana wife of John de Goldington "attetunhead" (at the town head) of Crosby had abetted Adam Springe in his action; the sheriff was ordered accordingly to bring them before the Court at the next Hilary term.

Such was the record of the proceedings produced, and such the accusation.

And Nicholas de Stapleton in answer stated that he never took the ten marks nor any other sum from the accused nor their friends, and that he should like to have this thing enquired into by jury. And Amice likewise asked to have enquiry made by juries of Cumberland and Northumberland (as well as Westmorland): and this was allowed because the prosecution was the king's. The sheriff of Northumberland was ordered to get together for the next Michaelmas a sufficiency of knights and others to certify whether the jury aforesaid were in any way related to the accused or connected with them, and to ascertain whether there was any other cause for supposing the verdict they had given to be unjust and whether the accused were guilty or not guilty of the various charges and whether Nicholas de Stapleton did take any bribe to hold the inquisition outside the county, and whether the action of Thomas de Goldington and his wife was malicious or was not. The sheriffs of Westmorland and Cumberland were also ordered to summon juries to make inquisition in the same Michaelmas term.

On the day appointed Thomas and Amice were represented by their attorney, but the sheriff of Northumberland had done nothing and had not returned the writ. He was therefore at the mercy of the court and was

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ordered to have the jury present within fifteen days of St. Hilary, and a writ to the coroners of the county was issued to cause him to be present. In Westmorland the jury did not come, the sheriff of Westmorland was therefore ordered to distrain and have them in attendance in the Hilary term. The jury in Cumberland also defaulted, and they were to be distrained and summoned for the Hilary term.

In the Hilary term at Newcastle, the jury summoned by Nicholas de Stapelton, whose verdict had been questioned, were present to answer to the investigation, except Robert de Moreville who was dead, Roland de Thornburgh, William de Tyle, and Richard de Preston. But proceedings were stopped by a writ from the king to this effect :—

Edward by God's grace King &c. to all to whom these presents letters come greeting. Know ye that by reason of an arrangement to forfeit 300 marks which Nicholas de Stapelton has made with us ; of which amount he will pay 100 marks within 15 days of next St. Martin's day and 100 within 15 days of Easter next, and 100 in the Michaelmas following, we have exonerated and pardoned the said Nicholas for all cause of action which we had against him because of any trespass which he was said to have committed against us during the whole term of office his until Monday the feast of St. Michael in Monte Tumba (16 Oct.) in the 18th year of our reign (1290), this being understood that he is to appear to answer any future charge against him. In attestation whereof &c. Witness ourself at Kings Clipston (Notts) 15 October in the 18th year of our reign.

Therefore the defendant jury were told that they were free to go without any day being fixed for them to come again to answer, and Thomas and Amice de Hastings were told that they were to await the king's pleasure for any further, &c.

Thus Nicholas was punished certainly, but what was to compensate the de Hastings family for their costs of

prosecution and for the expense of rebutting the charge of having brought false accusation, nothing shows.

Two inquisitions were held in order to ascertain the characters of Richard le Fraunceys and William de Harcla and their reputation in the county. They were made by the same jury on the same day, and the verdicts given were the same. The only difference is in the names of the two men, and that in William de Harcla's case the king's writ ordering the inquisition, his goods and chattels are described as under sequestration, not his land and chattels. The one form (Criminal Inquisition, Edward I., Chancery File 8, 18) will suffice to give the substance of both.

Edward by God's grace King &c. to the Sheriff of Westmorland and his coroners of the said County greeting. The venerable father J(ohn), Bishop of Carlisle, by his letters patent has sent us this supplication : that whereas Richard le Fraunceys, clerk, in our Court in the last eyre before our justices in the said County being handed over to the Bishop because of privilege of clergy charged with being guilty of the death of Nicholas de Hastings has lawfully proved himself innocent, we should cause to be restored to him his land and chattels sequestrated in consequence of the charge : we wishing to have certain knowledge of the common repute and way of living of the aforesaid Richard, charge you to have diligent inquisition made into his true character and to ascertain whether he is a notorious and public evildoer or not, and to send to us without delay distinctly and clearly and under your seals the verdict of the jury. And return this writ.

Inquisition held at Appleby on Monday before the Nativity of St. John the Baptist 21 Edw. I. (June 22 1293) by Robert le Engleys, John de Rossegyll John de Helton Henry de Warthecopp William de Crakenthorp Gilbert de Querton William de Windeshover John de Rybles Alan le Botyller Alan Warde de Keldelyth Walter de Tyle (Tylya) and Adam de Soureby about the reputation and conduct of Richard le Fraunceis and as to whether he is a notorious and public evildoer or not ; who say on their oath that the aforesaid Richard is of good repute and faithful way of life and that he is not a public nor notorious evildoer and never was.

Another item of interest in connexion was that Michael de Harcla was summoned in 1292 to answer the executors of the will of Gilbert le Fraunceys,—Adam le Fraunceys, clerk, Robert le Sauvage, clerk, John le Fraunceys, senior, and John le Fraunceys, brother of the said John, why he did not pay a debt of £120 which he owed the deceased. Michael claimed that he was doing no injustice, for John le Fraunceys, who was an executor, was not in court against him but was in prison for felony, and as he was convicted of that he had no claims against anyone. Robert de Meburn appeared for John le Fraunceys and said that the aforesaid John le Fraunceys, senior, on the first day of the eyre appointed him attorney in the case, and that at that time he was at large and had not been convicted; hence he and the other executors could not admit the exception taken by Michael; and besides the action of the executors was not one taken on the behalf of executors themselves, but for the goods of the deceased, and as John le Fraunceys was co-executor with the others there was no bar, for he was not claiming anything for John le Fraunceys but only for the execution of the will of the deceased. The Court settled that the case was to be heard at Carlisle in the Octave of St. Martin, and the record to be kept in King's Bench.

The history of these trials seems to me to show legal procedure feeling its way towards maturity in administration of true justice: administration of justice conceived in a loftier sense than as mere legal enforcement to obey enactments which may be hastily drawn up, faulty, and unjust though framed with good intentions. Proceedings were cumbrous, delays wearisome, attempts to ascertain fact clumsy, but there is evident determination through the whole process to have right done and wrong chastised. Excepting the delinquent justices, who were made to suffer, Edward's ministers of justice

did not rest till they were satisfied as far as possible that neither prosecutor nor defendant were unjustly dealt with. The spirit of English law in its young development and the spirit of their king were in them. And his control was that of a lawgiver by instinct, who would punish any of his ministers that did wrong, and was determined to secure within his realm order and just dealing.

My best thanks are chiefly due to Mr. E. Salisbury, and to Mr. C. S. Ratcliff, of the Public Record Office, for valuable help, and special thanks would also have been offered to Lieut.-Colonel William Hugh Parkin, through whose kindness it was that I was able to see Alston and its surroundings. But grateful thoughts to him can now be only mingled with regrets for his loss, and with memories that are dear.

NOTE I.

The following is additional to the "de Lancaster" paper in Vol. X. It is a copy (which I did not discover till after that volume was published) of a transcript, made I think in the 16th century, of an early deed relating to a moiety of the manor of Sockbridge, and is amongst the Lowther documents. The grant in it is by the son of Norman de Redman who was a witness to the grant by William de Lancaster to Gilbert of the moiety of Sockbridge mentioned in the de Lancaster paper. On the partition of Sockbridge and the parallel contemporary partition of Levens between one of the family of Redman and one of a family of Uchtred, see "The Redmans of Yorkshire," by Col. John Parker, C.B., F.S.A., in *Yorkshire Archæological Journal*, Vol. xxi., pp. 81-2.

Sciant tam presentes quam futuri quod ego Henricus filius Normani de Readman dedi et concessi et hac mea presenti charta confirmavi Gilberto de Lancaster totam meam dimidietatem ville de Sokebred cum omnibus pertinentiis suis pro homagio et servitio suo, illi et heredibus suis, tenendam de me et heredibus meis in feodo et hereditate, libere et quiete, in bosco et plano in viis et semitis, in pratis et pasturis et in omnibus locis: reddendum inde per annum quendam calcaria mihi et heredibus meis pro omni servitio, salvo forinseco servitio. His testibus &c.

Know those living and those to be that I, Henry son of Normande Readman, have given and granted and by this my present charter have confirmed to Gilbert de Lancaster the whole of my moiety of the vill of Sokebred with all its belongings, for his homage and service: for him and his heirs to hold of me and my heirs in fee and hereditary right, freely and undisturbedly, in woodland and cleared land, in roads and paths, in meadow and grazing lands, and in all its parts—he giving therefrom yearly (a pair of) spurs to me and my heirs for all service except forinsec service. As witness these &c.

NOTE II.

To Mrs. T. H. Hodgson's kindness I am indebted for the two following items:—Robert, Archdeacon of Carlisle who was witness to Charter IV. (Crosby) pp. 312–315, was Archdeacon between 1156 and 1180 (see p. 93): and John de Capella witness to Charter V. (Meaburn) p. 318, was one of the de Hutton family (see p. 26).
