

## Original Documents.

### ROLL OF THE THIRTEENTH CENTURY CONTAINING VARIOUS LEGAL FORMS.

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WE are indebted to the kindness of Professor Rogers, for having brought under our notice a parchment Roll recently purchased at Oxford by Baker Morrell, Esq., and previously in possession of Mr. Kirtland of that city. Through the courteous permission of Mr. Morrell it has been entrusted to us for examination.

The Roll, measuring 9 feet 4 inches in length by  $9\frac{1}{2}$  inches in breadth, and consisting of four membranes, is in a handwriting evidently of the end of the thirteenth century, the period to which, by internal evidence, it may be assigned. It contains a great variety of legal forms which are divided into four classes. The contents of the first class are shown in the *Explicit*, which is as follows :—

“Explicit modus omnium cartarum, convencionum, cirographorum, obligacionum.” As the preamble to this class appears to be of sufficient general interest, we give it at the end of these remarks.

The second class is thus entitled, “Hic incipit modus prepositandi sub compendio computandi;” and the duties of a Ballivus or Prepositus are thus shown at the commencement :—

“Quoniam Compotus inter magnates et ceteros minores dominos est valde necessarius, ut sciant quantum expendere possunt de suo proprio per annum, ne modum excedant nec per neegligenciam decipiantur in suis expensis faciendis, ideo sub compendio modus computandi ordinatur sic omni superfluitate remota. Quicumque vero fuerit ballivus seu prepositus alicujus qui se intermittere debeat de rebus domini sui in aliquo mauerio custodiendo seu promovendo, post ponatur in suo compoto dies et annus sui introitus, postea vero Inventorium in quodam scripto cirograffato ponatur, cujus una pars penes dominum remanebit vel seneschallum, et altera pars penes prepositum vel ballivum; et seriatim nominentur in illo scripto omnia que inveniuntur in aula, in camera, in coquina, in bracula, et sic de ceteris domibus dicti manerii et de utensilibus earundem; consequenter de animalibus quorumcumque generum, ut de equis et bobus, vaccis, et sic de ceteris animalibus inventis.”

The preamble then sets forth various other matters which ought in like manner to be contained in the *Compotus*, under the heads of *receptiones*, *liberaciones*, *exitus grangie*, &c., and concludes as follows :—

“Taliter debet rotulus titulari.

"Compota J. prepositi de manerio de N. a festo Sancti Michaelis anno regni regis Edwardi xxvij. usque ad eundem anno revoluto." (Sept. 29, 1299, to Sept. 28, 1300.)

The form of the annual account to be rendered by the Prepositus is then given, setting forth in very full detail the receipts and expenditure relating to farm produce, cattle, and wages for labor, with numerous miscellaneous items, giving a curious insight into the general management of an estate, the incidental outgoings, manorial customs, and services. For instance, with receipts for pannage, "*averarium*," and for wards and reliefs, &c., the Prepositus renders account "*de iij. s. de salesilvero*." This custom does not appear to be of frequent occurrence. It is explained by Bishop Kennett in the Glossary to his *Parochial Antiquities*, as a commutation for the service of carrying salt to the lord's larder.<sup>1</sup> These particulars, however, are doubtless fully shown in many original accounts of this nature, with which those readers who take interest in such statistical evidence are familiar.<sup>2</sup> At the conclusion we find the form of acquittance to be given annually to the Prepositus under the seal of the seneschal.

The third class is headed thus :—"Hic incipit testamentarium et post modus componendi testamenta subtiliter faciendas" (*sic*); and commences with some instructions as to the preparation of a will. It contains the form of a will at considerable length, in which so many curious bequests occur, that it has been thought desirable to give the entire document. It will be found at the close of these remarks.

The fourth class is entitled "*Atachiamenta*;" it seems to contain forms illustrative of proceedings in the Hundred or County Court, and before the Coroner. Among those before the Coroner is a curious Inventory of the goods and chattels of a man supposed to have been found slain. They consist of furniture and effects. Those "*in Aula*" include "*unum caminum ferreum, j. scaccarium cum familia, j. pallium de Hibernia*." In the "*Camera*" were horse-shoes, nails, and 40 cheeses; in the pantry, bread-knives, table-cloths, &c.; 62 silver spoons, and six spoons of wood for the servants; "*in promptuario*" were barrels, a cask of cider half full, cups of "*macere*," or mazers, with silver hoops and feet; in the larder were carcasses of oxen and sheep, bacon, salt, &c. Then follow the kitchen vessels and utensils, and the implements in the cart-house and grange, concluding with the horses and other live stock in the stables.

On the Roll are endorsements by various hands, probably not much later than the forms already described; they seem to relate to ecclesiastical affairs; the last is a transcript of an Indulgence, dated in the 6th year of Boniface VIII., which will be found at the close of the following extracts from the Roll.

A. W.

<sup>1</sup> Paroch. Ant., vol. ii. p. 137. In an inquisition into the customs of the manor of Pidington, Oxfordshire, it was found that one penny was paid "*pro Salt-sylver*" by each of the servile tenants at the feast of St. Martin, "*vel cariabunt salem domini de fero ubi emptus fuerit ad lardare domini*;" each having from the lord a farthing "*ad jantaculum*."

<sup>2</sup> It appears that the lord and his family were in residence at his manor

from Nov. 1 to Feb. 2, the expenses being 25*l.* 2*s.*, and those of his seneschal, for the same period, 10*s.* Payments occur for making walls and a great fosse around the lord's garden. Under the expenses relating to the dairy is a payment "*de v. ulnis canabi sive canarii emptis ad daeriam, precium cujuslibet ijd. pro pressura emptis*." We have not found elsewhere this name for canvas, doubtless from *chanvre* or *canve*, hemp.

## THE PREAMBLE TO THE FIRST CLASS.

"Per ordinationes novissimas apud Westmonasterium<sup>3</sup> factas cartarum omnium dictamen et etiam diversitatem earundem scire possint cupientes modo subscripto. Sciendum est autem quod carta quantum in se est omnibus est generalis; cujus partes ix. sunt principales, quarum una aliquando sic incipit, Sciant presentes et futuri; Secunda pars Tenendum et habendum; Tercia pars Faciendo inde; Quarta pars Pro hac autem donacione; Quinta pars Et ut hec mea donacio;<sup>4</sup> Septima Datum . . . p<sup>5</sup> C.; Octava His testibus; Nona Apposicio sigilli. Sciendum autem quod quanta propria nomina ponuntur in carta tot eorum cognomina poni debent. Divisio vero cartarum per ordinem inferius plenissime patebit. Cautus sit clericus qui cartas componere debeat inquirendo de omnibus circumstanciis libertatum, consuetudinibus, et legis, cum singulis suis pertinentiis, vel aliter per suam ignoranciam decipi potest et alios graviter decipere. In primo querat utrum res tenebitur pro homagio et servicio; si sic, ponat in carta Dedi etc. W. de J. pro homagio et servisio (*sic*) suo; si pro gersuma, tunc dicat sic Dedi etc. W. de J. pro xl. s. quos mihi dedit premanibus. Item de novo prohibitum est ne de cetero fiat mediator inter capitalem dominum feodi et tenorem, et propter hoc non scribit in carta Habendum et tenendum de me et heredibus meis, nec Reddendo mihi et heredibus meis, immo capitalibus dominis feodi servicia etc.<sup>6</sup> Vicia vero cartarum sunt v. que falsas reddunt cartas pariter contenciosas. Primum viciū est mutatio literarum, scilicet quando ponitur H. pro A.; Secundum falsa latinitas que obscurat intellectum cartarum; Tercium est rasura; Quartum est carencia scysyne; Quintum est defectus sigilli. Sciendum est autem quod in carta componenda sic est procedendum. Primo ponendum est nomen donatoris sive confirmatoris et ejus cognomen, et statim postponi debet nomen recipientis et ejus cognomen; sepe vero ponuntur in prima clausula (*sic*) verba hec Pro homagio et servicio suo; Tercio ponitur Res data concessa et confirmata; Quarto Locus ubi terra jacet; Quinto Quantitas rei date concessa et confirmata: Qualitas etiam debet nominari et causa quare datur, sive pro homagio sive pro gersuma; Redditus etiam debet poni, pariter defencio testimonii cera,<sup>7</sup> et datum. Sciendum est autem quod res data bis debet nominari in qualibet carta, videlicet, in prima clausula et in clausula Warencie. Necesse est vero ponere vj. testes vel v. adminus. Testes vero liberi debent esse et bone fame. Sigillum autem unius coloris. Carta autem multis modis incipere potest: uno modo sic Per presens scriptum cunctis appareat evidenter; vel sic Pateat universis; vel sic Notum sit omnibus presentibus et futuris, vel sic, Sciant presentes; vel sic Universis presentes literas visuris; vel sic Omnibus sancte matris ecclesie; vel sic Per hoc instrumentum cunctis fiat manifestum."

<sup>3</sup> We have sought in vain to discover any trace of the new Ordinances to which reference is here made. The forms given in this Roll are obviously later than the Statute of Westminster, *Quia Emptores*, 18 Edw. I. Instructions for preparing deeds are given in Bracton, Britton, and Fleta, but not like those in the Roll; the date of Bracton is earlier than the Statute above mentioned, and

Britton is generally considered to be so, although some passages may render this questionable.

<sup>4</sup> The sexta pars has been inadvertently omitted.

<sup>5</sup> Here the parchment is torn, the word may possibly have been *apud*.

<sup>6</sup> Here the Statute *Quia Emptores* is evidently alluded to.

<sup>7</sup> The seal.

## THE FORM OF A WILL.

"Hoc modo procedendum est in testamento. Die tunc proxima post festum annunciationis beate Marie anno gracie M<sup>o</sup>. etc. coram W. capellano parochiali et N. de C. et A. de B. et multis aliis ibidem existentibus et hec audientibus. In nomine patris etc. Ego A. de G. condo testamentum meum in hunc modum; in principio lego animam meam Deo redemptori meo et corpus meum redemptori meo<sup>8</sup> ad sepeliendum (*sic*) in cimiterio sancti Petri de G. Item ad oblacionem prime misse x. s. Item ad secundam missam v. s. Item lego melius averium meum ecclesie de G. nomine mortuarii vel principalis ad remissionem peccatorum meorum. Item ad unum tumbam vij. marcas. Item ad distribucionem erogandam pauperibus xl. s. Item in septimo die meo totidem s. Item in die anniversarii mei xx. s. Item ad exequias honorabiliter faciendas xl. s. Item clericis psallentibus in vigilia sepulture mee v. s. Item pro transgressione (*sic*) decimarum matrice ecclesie unam marcam. Item luminari beate Marie iij. s. Item fabricae ecclesie ij. s. Item fratribus predicatoribus talis ville iij. s. Item fratribus Minoribus ejusdem loci iij. s. Item domui Sancti Petri sex ulnas panni linei. Item domui sancti Leonardi iij. ulnas panni linei. Item j. pulvinare domui sancti Johannis, et j. cervical,<sup>9</sup> et ij. tapeta, et ij. lintheamina, et unam culcitram, (et) j. coopertorium. Item do vel lego Johanni fratri meo robam furratam de burneto, vel de blueto, sive de russeto, sive rubeo, sive scarleto, sive murreto, sive cameleto, et stragulatam camisiam meam, et braccas cum lumbari, et caligas meas cum sotular' meos laqueatos (*sic*). Item husas de alluta. Item zonam de serico, et cultellos meos, et crumenam meam de bisso vel de serico. Item filio meo R. et sorori mee A. ij. anulos aureos, et monilia mea aurea, et quinque coclearia argentea, et unum ciphum argenteum sive de murra. Item lego J. filio meo primogenito palefridum meum cum cella, cum freno, cum calcaribus deauratis,<sup>1</sup> cum gladio meo, et arma mea, cum akedon, cum lum-bacinio<sup>2</sup> meo, et unam loricam meam, et unum capellum ferreum, ocreas meas, et omnia arma mea lingnea (*sic*) et ferrea. Item lego G. filio meo ij. boves, et ij. boviculos, et unum equum badium, et unum scutulatum, et unum candidum, et unum dosinum.<sup>3</sup> Item lego Emme filie mee tres vaccas, et iij. juvenecas, et tres vitulos, et xx. oves matricem cum agnis, cum totidem hogastris, cum ij. multonibus, et unam suem cum x. porcellis, et sex porcos unius anni, et unum aprum et v. capras cum uno capro, et v. edulos, et tria flammeola, et tres braccas de serico, et tria certa<sup>4</sup> (*sic*), et unum mantellum furratum cum cuniculis, et duas archas, et unam cistam, et iij. cuvas, et xl. ciphos, et duo cuppatoria,<sup>5</sup> et unum tunellum, et j. doleum cum uno cado, et iij. alveos, et v. quarteria frumenti, et alium orde, et

<sup>8</sup> *Sic*. Probably an accidental repetition of this phrase.

<sup>9</sup> In the roll this word is written *tervical*, doubtless a clerical error. It signifies a pillow or cushion: "cervical, pulvinus, Gall. *coussin*," Ducange. Occasionally it seems to designate a "pillow bere," or pillow-case. See vol. x. of this Journal, p. 154, n. 6.

<sup>1</sup> This item should seem to indicate that the supposed testator was more

than a frankleyn, perhaps a knight.

<sup>2</sup> Probably an error for *bumbacinio*, a gambeson.

<sup>3</sup> Light brown, *cinereus*. "Dosius vel dosinus, equus asinini pili." See Ducange.

<sup>4</sup> Doubtless for *serta*, chaplets, garlands.

<sup>5</sup> Probably cup-boards, buffets. "Cupparium, cella ubi cupæ servantur."—Ducange.

fabarum, et pisarum, et sigali, et avene, et drageti, et mixtilionis, et unum pellicium sive pellinam de cato, et unam capam de perco.<sup>6</sup> Item do [et] lego R. heredi meo magnam ollam eream, et unum cacabum, et unam patellam, et unum urciolum, et unum lavatorium, et j. pelvem, et j. craticulam, et unum micatorium, et ij. onofora, et unum mortarium cum pilo; et si quid residuum fuerit in dispensacione executorum meorum dispono, et ad istam execucionem fideliter tractandam A. et E. constituo executores, qui, Deum habentes pre oculis secundum quod anime mee viderint expedire, addendo si fieri potest, vel subtrahendo si aliter fieri non potest, illud testamentum fideliter exsequantur. In cujus rei testimonium presenti scripto sigillum meum apposui cum sigillo (*sic*) executorum meorum A. et E. etc.<sup>7</sup>

#### THE FORM OF AN INDULGENCE.<sup>8</sup>

Universis Christi fidelibus presentes literas inspecturis Nos miseratione divina A. et B. et C. episcopi Neocastren'<sup>9</sup> [etc.] salutem in domino sempiternam. Quia pium est pro mortuis et pro vivis exorare ut a peccatorum suorum nexibus absolvantur, gratum ideo obsequium et Deo pium totiens inpendere opinamur quociens mentes fidelium ad pietatis et caritatis opera excitamus; ea propter omnibus vere penitentibus et confessis qui pro animabus R. et H. et H. puerorum talis, quorum corpora requiescunt in Cymiterio beate Marie de T. Cycestrensis dyocesis, et Nicholai cujus corpus humatum in ecclesia de T., orationem dominicam cum salutatione angelica dixerint mente pia, quocienscunque et quodocunque oraverint pro salubri statu predictorum J. et A. uxoris sue,<sup>1</sup> et H. matris dicti J., dum vixerint, et post eorum obitum oraverint pro animabus eorundem, de omnipotentis Dei misericordia, et beatorum Petri et Pauli apostolorum ejus auctoritate confisi, singuli nostrum singulis xl. dierum indulgencias de injunctis eis penitencis misericorditer in domino relaxamus, dummodo dyocisiani voluntas ad id accesserit et consensus (*sic*) fuerit. In cujus rei testimonium presenti nostra sigilla jussimus apponi. Datum Rome Anno domini m<sup>o</sup>.ccc<sup>o</sup>. Indictione xij<sup>a</sup>. Pontificatus domini Bonifacii Pape viij. anno vj.

Summa dierum . . . .

Istas Indulgencias approbavit dominus G.<sup>2</sup> episcopus Cycestrensis et per litteram autenticam suo signo munitam ratificavit.

<sup>6</sup> Percetus or persus, blue. See Ducange, Roquefort, &c.

<sup>7</sup> We have not found any other instance of the apposition of the seals of executors being mentioned in a will. Although the number of seals appended to wills of the thirteenth century given by Madox (having in one case three labels and in another four), may be explained by the supposition of their being those of the executors, they are not so mentioned in either of those wills. *Formulare*, Nos. 768, 769.

<sup>8</sup> We are not aware that a similar indulgence has been noticed, granted in favor of any individual comparatively of low degree. Amort, de orig. Indulg. pars 1, § vii., enumerates indulgences granted in the thirteenth and fourteenth centuries to persons praying for certain

kings of France, Charles II. King of Sicily, St. Louis, Blanche his daughter, for Edward II. King of England, and his Queen Isabella; no like concession is mentioned on behalf of any person of inferior rank.

<sup>9</sup> Neocastrum, *Necastro*, an episcopal see in Calabria-Ultra. Probably etc. is here omitted, only one see being named, although three bishops concurred in the Indulgence.

<sup>1</sup> The person previously designated as *talis* is doubtless the same here indicated by the initial J. The copier seems to have omitted, after *talis*,—et A. uxoris sue, or—ex A. uxore sua.

<sup>2</sup> Gilbert de Sancto Leofardo was elected Bishop of Chichester, Jan. 1287-8; he died Feb. 12, 1304-5.