

ART III.—*Three Petitions of Shap Abbey.* By R. J. WHITWELL, B. Litt., and W. N. THOMPSON.

*Read at Carlisle, April 19th, 1904.*

THE petitions which follow were copied by Mr. Whitwell at the Record Office. To each has been added a translation as revised by him.

I.

A nostre Seignur le Roi, prient ses poures Chapeleyns Labbe e le couent de Heppe al Counte de Westmerland qe come Robert le fuiz Johan de Vespount' iadis Seignur du dit Counte lor dona par sa chartre quatre mars par an du cornage del dit pais a receyure de certaines villes sicome piert par la dite chartre e des queux deniers ils ount este continuaument seisi iusques a la forfeiture Roger de Clifford. Qe lui plese comaunder au vicomte du dit Counte qil lor soeffre les ditz deniers peisiblement receyure et sur ceo confermer lor dite chartre de sa grace, eaunt regard a lour grant meschef e destruccioun.

*Endorsed.* Mostrent lor chartre en Chancellerie, e seit enquis de lour estat e de lour seisine e dreit fait vtre en Chancellerie.

Irrotulatur.

Coram rege. Herlaston.

*Ancient Petition, No. 2535.*

I.—[TRANSLATION].

To our lord the King pray his poor chaplains the Abbot and Convent of Heppe in the county of Westmerland, that whereas Robert, the son of John de Vespount, formerly lord of the said county, gave them by his charter four marks by the year of the cornage of the said country to be received from certain villis, as appears by the said charter, and of which moneys they have been continuously seised until the forfeiture of Roger de Clifford. That it may please him to command the sheriff of the said county that he suffer them peaceably to receive the said moneys, and thereupon to confirm their said charter of his grace, having regard to their great damage and destruction.\*

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\* Wrought, I suppose, by Scottish incursions.

*Endorsed.* Let them show their charter in Chancery, and let there be an inquisition of their estate and their seisin, and let further justice be done in Chancery.

It is enrolled.

Before the King. Herlaston.

Roger de Clifford was the son and heir of Robert de Clifford, who is mentioned in the third petition. "He was attainted of treason," say Nicolson and Burn, (i., p. 277), "in the 15 Ed. II. . . . for adhering to Thomas earl of Lancaster."

Thomas, Earl of Lancaster, led the baronial opposition to Edward II.; he was captured at Boroughbridge and executed March 22, 1321-22; and so the date of this petition will lie between 1322 and July, 1323, as we gather from Mr. Whitwell's notes.

Mr. Whitwell first quotes from the *Close Roll* (17 Edw. II., m. 40 in *Calr.* 11):—

"1323 July 28. Cowick.

"To the sheriff of Westmorland.

Order to permit the abbot and convent of Hepp to receive four marks of yearly rent as below, as their predecessors have been wont to receive from the time of the making of the charter of Robert son of John de Veteri Ponte, as the King learns by inquisition taken by Robert de Barton and Henry de Warthecoppe,\* that the aforesaid Robert granted to the abbot and convent by his charter four marks of yearly rent of his cornage due to him from certain of his tenants in the county of Westmorland, to wit from Thomas de Hellebeck and his heirs, two marks of yearly rent for lands held of Robert in Ascom, from Robert de la Fierte and his heirs one mark of yearly rent for lands held of Robert in Milneburn, and from Eustace de Laval and his heirs one mark of yearly rent for lands held of Robert in Milneburn, to be received at two terms of the year, for the maintenance of a canon of the convent to celebrate divine service daily in the abbey for the dead, saving to Robert and his heirs the homages, wardships, reliefs, suits of court, and all other services that the said Thomas, Robert and Eustace have been wont to render for the aforesaid lands, in addition to the four marks aforesaid, and that the abbot and convent and their predecessors have always been in full and peaceful seisin of the above rent from the

\* Sheriff of Westmorland, 10 July, 1314, to 24 Oct. 1320, during the minority of Robert de Clifford's heir.

time of the making of the said charter until the rent was taken into the King's hands by the forfeiture of Roger de Clifford, the last lord of the aforesaid tenants.

"Afterwards, on 24 March, the like order was sent to the sheriff."

Mr. Whitwell goes on to say that Patrick de Colewenne, the sheriff in question, apparently did not carry out this order; nor did his successors, Henry de Warthecoppe (above named) and Henry de Threlkeld. But by a writ, dated at Kenilworth, 2 April, 1326 (*Close Roll* 19 Edw. II., m. 9: *Calv.* 466), addressed to the constable of Appleby castle, and reciting the result of the inquisition, as above, the King ordered the constable to pay to the abbot and convent the arrears of the said four marks for the time that he had been constable, and to pay the same thereafter for so long as he should have that office. And, by writ of 14 April, the treasurer and barons of the exchequer were ordered to cause allowance to be made to the constable for what he should pay in execution of the preceding order.

## II.

Ceo pry a nostre seynur le Rey le Abbe de Hepp' en le Conte de Westerlande de ordre de Premustre ke com Richard del Egle prestre auayt purchace auant le statut de teres noun aliener en morte meyne vne sekke rente annuel de L souz de sir Richard de Laton cheualer de prendre par les mayns sir William de Styrkeland' ke taunt doneyt par an pur terre ke il teynt de luy en le Conte auantdit a la sustenance vn chappeleyn chantant perpetuel pur les almes tuz cristiens. E meme le prestre apres le statut auantdit cela rente dona e assigna a lauandit Abbe pur trouver cele chaunterye a tuz iurs. E de cele rente fu le Abbe seysy an e demy e les seruises del chaunterye fist. E adunkes dame Margarete de Ros, de ky sir William de Styrkeland teynt le tenement dunt cele sekke rente issit com tenement purchace del auantdit sir Richard primes tenant, la dame Hohta\* le Abbe de cele rente come forfet par lenchesone du statut. E si est le Abbe charge des seruises du chappeleyn saunz rens prendre. Ke nostre seynur le Rey ly face si ly plect en ceste chose remedy e grace desicom benefiz du statut fu perdu kant a la dame pur le tens limite passe, e deuenuz al Rey.

*Endorsed.* In Caucellaria habeat breue noue desseisine.

*Ancient Petition, No. 2536.*

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\* For *osta*, 'ousted.'

## II.—[TRANSLATION].

This prays of our lord the King the Abbot of Hepp in the county of Westmorland, of the order of Prémontré, that whereas Richard del Egle, priest, had acquired, before the statute which forbids the alienation of lands in mortmain, one yearly rent seck of 50s. from Sir Richard de Laton, knight, to be taken by the hands of Sir William de Stykeland, who gave so much a year for land which he held of him in the county aforesaid, for the support of a perpetual chanting chaplain for the souls of all Christians. And the same priest, after the statute aforesaid, gave and assigned that rent to the aforesaid Abbot for finding that chantry for ever. And of that rent was the Abbot seised for a year and a half and performed the services of the chantry. And then Lady Margaret de Ros, of whom Sir William de Stykeland held the tenement from which that rent seck issued, as a tenement obtained from the aforesaid Sir Richard, at first tenant,—the lady ousted the Abbot of that rent as forfeited by reason of the statute. And so the Abbot is charged with the services of the chaplain without receiving anything. That our lord the King would be pleased to grant him in this matter a remedy and favour, seeing that the benefit of the statute was lost, so far as the lady is concerned, on account of the time-limit being passed, and has lapsed to the King.

*Endorsed.* Let him have in chancery a writ of novel disseisin.

The statute mentioned is, of course, that known as *Statutum de Religiosis* (7 Edw. I., 1279), which provides that if land—and rent, as issuing out of land, is the same thing—be alienated in mortmain, it is liable to be forfeited to the immediate lord of the fee; and if he failed to take advantage of the time allowed—one year—then the lord next above him had a similar opportunity within the ensuing half-year; and so other lords, if any, up to the King.

In this case there were no intermediate lords between Lady Margaret de Ros and the King. She was lady of Kendal—of that part which afterwards came to be known as the Marquis and Lumley fees. Her husband, Robert de Ros of Werk, appears to have died about 1273-4 (Bain's *Cal. Doc. Scot.*, ii., 15), she herself surviving for many years afterwards.

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Of the other persons mentioned, Sir Richard de Laton appears to have been lord of Dalemain, Cumberland, in the reign of Henry III. (John Denton, *Cumberland*, p. 113); he was living in 1268 (Bain's *Cal. Doc. Scot.* i., 2465, 2487).

Sir William de Styrkeland acquired the manor of Sizergh and other lands in Westmorland by his marriage with Elizabeth, daughter of Ralph Deincourt. He had also the manor of Great Strickland from his father, who died in 1278. Sir William was living in 1303. (On him see Chancellor Prescott's note in the *Reg. of Wetherhal*, p. 326).

As to the date of this petition we can only say that it was at least a year and a half after 1279.

### III.

A nostre Seignur le Roi e a son conseil prient ses pouer Chapeleyns Labbe e le Covent de Schap' qil voile si lui plese auoir pite e conpacion de eaux, qe la ou Labbe fuist Coillour del quinzime dener grante au dit nostre Seignur le Roi par la Clergie en le Euesche de Cardoil', vint Sire Robert de Clyfford adonqe gardein de la march' et prist du dit Abbe xxv. li. a force e encontra lour volente et lui promyst loialment qil lui garderait saunz damage, et lui freit auoir garant de nostre Seignur le Roi, et lui bailla ses lettres de tant argent rescu al oepe le Roi [dont les transcriptz sont aiointz a cestes peticion *interlined*]. Le quel Sire Robert en le meyn temps morut saunz garant pourchace\* si qe Labbe demore a la grace nostre Seignur le Roi. Dount ils lui prient pur dieu et pur les almes ces [sic] Auncestres qil voile auoir regard a lour pouerte et a lour destruccion et granter a eaux pardon.

*Endorsed.* Coram Domino Rege.

*Ancient Petition, No. 3530.*

### III.—[TRANSLATION].

To our Lord the King and his Council pray his poor chaplains the Abbot and Convent of Schap that he would be pleased to have pity and compassion on them, that whereas the Abbot was Collector of the fifteenth granted to our said lord the King by the clergy in the bishopric of Carlisle, there came Sir Robert de Clifford, then

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\* *Sic*, for *pourchacer*, 'obtain.'

Warden of the March, and took from the said Abbot £25 by force and against their will, and promised him faithfully to save him harmless, and that he would cause him to have a warrant from our lord the King, and gave him his letters of so much money received for the King's use [the transcripts of which are attached to this petition\*]. Which Sir Robert in the mean time died without obtaining the warrant, so that the Abbot remains in the mercy of our lord the King. Wherefore they pray for the sake of God and the souls of his ancestors that he would have regard on their poverty and their destruction and grant them pardon.

*Endorsed.* Before our lord the King.

This Sir Robert de Clifford is spoken of by Nicolson and Burn as the greatest man of the family. He appears to have been in great favour, except for an interval, with Edward II. We need not enquire into the exact date of the collection of this special fifteenth, for it would not help us. Sir Robert was slain at Bannockburn in 1314, and the date of this petition is after that event. (On Sir Robert see *Dict. Nat. Biog.*)

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\* The words in square brackets are interlined. The transcripts have disappeared.