

ART. V.—*Notes on the Westmorland Assize Roll of A.D. 1256.* By ARTHUR P. BRYDSON, M.A.

*Communicated at Carlisle, June 27th, 1912.*

THE Roll of this Assize is the only complete record of an Assize held in Westmorland during the fifty-six years of the reign of Henry III., from 1216 to 1272. It is thus noteworthy as a perfect example of the local administration of justice in the thirteenth century. Both in its civil and criminal portions it should be well worth printing in full; the few selections made for this article have been chosen in order to present as complete a variety as possible of the different cases which came before the cognizance of the Court.

The judicial methods were in the main painstaking and equitable, but the exactions of the itinerant justices, who were established in 1166 by Henry II., brought a large revenue to the Crown. While they enabled an extravagant and impecunious king, like Henry III., to resist reasonable demands of reform, they turned a system which had been popular and beneficial into a measure of oppression. A very large sum of money was raised from the villages and towns which did not arrest or present a wrong-doer, while nearly every one who appeared before the Court, whether appellant, defendant or surety, was fined or "put in mercy." Failure to attend the eyre, accidental death, wrong value put on property, were fit subjects for a fine, and the possessions of a man outlawed or hung went to the Crown. In most cases of conviction the accused was outlawed; if caught he was at once beheaded or hanged, or if he fled he betook himself to the army, which was partly recruited from the criminal classes; the Patent Rolls teem with pardons

granted by the king for good service in his wars: it was the outlaw's one chance of redemption. The privilege of sanctuary was claimed by certain churches and monasteries; if the criminal fled thither he had a reasonable prospect of at least temporary escape from justice. In the case of a false charge, it recoiled on the accuser, as, if he failed to substantiate it, it was he who was heavily fined.

Of the judges who held the Assize at Appleby in 1256, only the name of Roger de Thurkleby is specified on the roll: there were at least two others who figure as his "socii." Roger de Thurkleby was one of the most famous of the judges of Henry III.'s reign: he appears to have held jurisdiction at different times all over England. The first mention of his name occurs in 1242, when he received the king's commission to adjudicate concerning a ship of merchandise and fishing rights at Dunwich, a port which has now disappeared beneath the encroachments of the sea. In 1246 he held the eyre at Lancaster, in conjunction with Gilbert de Preston, Master Simon de Wauton and John de Cobham. In 1251 he was appointed, with John de Goddesden, Robert de Brynes, Gilbert de Preston and John de Cobham, as justices in eyre for common pleas in counties York, Northumberland, Westmorland, Cumberland and Lancashire, to begin the eyre in county York on the morrow of Easter. In the same year he was appointed as arbitrator in a dispute between Richard, Earl of Cornwall (brother of Henry III.) and Roger Bigod, Earl of Norfolk, and also commissioned to amerce and fine those who charged money contrary to the law and custom of the realm in counties York and Derby. Again, in 1252, together with the Bishop of Carlisle, he held pleas at Nottingham, Warwick and Leicester;—this Bishop, Sylvester de Everdon, was he who at the request and in the presence of Henry III. solemnly excommunicated and cursed

with bell, book, and candle the infringers of the liberties of England. In 1253 he was granted 100 marks a year at the Exchequer so long as he was in the king's service (in modern value about £1,300 a year); and in the same year heard at Sheppy complaints of shipping and damages between the Baron of Winchelsea and the men of Jerne-muth (Yarmouth). In 1255 he held an inquiry into the king's rights in the southern counties, and in the same year by his counsel various privileges were sealed under the seal of England. In 1256 he held the eyre (of this article) at Appleby, and in the same year was called upon to inquire into the "horrible crime lately perpetrated in the City of Lincoln, the crucifixion of a Christian boy by Jews." He also went on eyre with the Bishop of Peterborough in Lincoln, Norfolk and Suffolk. In 1258, with others, he was appointed to hold the King's Bench at Westminster until further order. His death, apparently occurred in 1260, for in that year a mandate was issued to the prior and convent of Kyrkeham in Yorkshire to deliver the whole of what Roger de Thurkleby had deposited with them, and what he had left to the executors of his will for the execution of his will by the said executors. A like mandate was issued to the prior and convent of Browholm and Melton. On July 22nd, 1260, Gilbert de Preston was appointed to succeed Roger de Thurkleby, "who was deceased since the king appointed him when he (the king) was beyond the seas."

Let us see what became of the issues or profits of the Assize of 1256. In that year the king issued a mandate to Roger de Thurkleby, the Abbot of Peterborough, and the Sheriffs of Westmorland that whereas he had no money to pay for his purchases at Boston fair, except from the eyres of the northern counties, the sheriffs were to collect all the money at their command and deliver it to the king's messengers at Boston, and to provide for the king with all speed, as they would save him from

loss and perpetual scandal. Again, later in the same year, Henry ordered that the issues of the eyres in Westmorland, Cumberland and Lancashire should be paid to make up arrears to Simon de Montfort and Eleanor his wife, the king's sister, for money (600 marks) due to her from the heirs of William Earl Marshall, which 600 marks the king is bound to render to the Countess every year. Apparently there was not sufficient profit from the eyre to satisfy both these demands, for next year Roger de Thurkleby and the other justices entered into a bond for 514 marks on behalf of the king, who promised to save them harmless, to pay the said sum to Simon de Montfort out of the issues of the next eyre.

The Rolls themselves were always guarded with great care: at the end of the eyre they were deposited in the Treasury of the Exchequer at Westminster. Occasionally they were required for reference at the next eyre. Thus in 1278 an order was made to the treasurer and chamberlains to deliver to John de Metyngham, one of the justices going on eyre in Westmorland, Cumberland and Northumberland, all the rolls of the last eyre of Roger de Thurkleby and his fellows, and also of the eyre of Gilbert de Preston and his fellows, to be restored to the treasurer and chamberlain at the end of the eyre: and in 1279 a mandate was issued to Elias de Sutton, King's clerk, to attend to the custody of writs and rolls and the chirography of the justices in eyre for Westmorland, to which he has been appointed by the Bishop of Bath and Wells, the Chancellor, with mandate to the justices to deliver to him the writs and chirography.

The local machinery of justice was not dependent on the itinerant justices, who then as now were but the mouthpiece of the law. The Sheriff\* was the real power

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\* The Sheriff, or Vicecomes, of Westmorland at the date of this Assize was William de Steynton. He rendered an account of the amercements made by Roger de Thurkleby and his fellows " de Misericordiis hominum et Villarum

before whom the malefactor trembled. As keeper of the King's peace, he was bound *ex officio* to pursue and take all traitors, murderers, felons, and other misdoers and commit them to gaol for safe custody: for this purpose he could command all the people of the county to attend him, which was called the *posse comitatus* or power of the county, and this summons every person over fifteen years of age and under the degree of baron was bound to attend upon warning under pain of fine and imprisonment. Apparently the office of sheriff, perhaps on account of the odium attached to it, was not the object of every one's ambition; thus, in 1257, the year after the assize, exemption was granted to Thomas de Segrave, of the county of Westmorland, from being made sheriff, and put on assizes, recognitions and juries, in consideration of his services in Wales at the instance of Robert de Veteri Ponte his lord. A little later we find a complaint from the men of the Baronies of Kendal and Westmorland that whereas the sheriff ought to and did have two horse serjeants and two foot serjeants only for his business, now there are four, and not content with accustomed competent lodgings, they extort many lodgings and as many payments as possible for such lodgings, and compel the men of the Baronies to come to certain assemblies which they call the sheriff's tourn and cause innocent people to be molested for larcenies and other offences and to be imprisoned and detained until heavy ransoms are extorted from them, and continually inflict other injuries on them. Geoffrey de Nevill and William de Norburgh were appointed by the King to inquire into the justice of these complaints.

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quorum nominibus preponitur littera 't' in rotulo de eodem itinere quem prædicti liberaverunt in thesauro." The proceeds of the eyre amounted to £223 10s. 10d., of which sum he paid £171 into the Treasury, and £57 to Roger de Ros and Hugh de Turri, keepers of the King's Wardrobe for purchases by the King at Boston and Stamford fairs; "et habet de Superplusagio iiii lb. ix. s. iid." Among those who were fined was William de Steynton himself "pro contemptu" (*Pipe Rolls for Westmorland and Cumberland*: edited by F. H. M. Parker).

In spite of the parade of justice Westmorland, during the thirteenth century, retained a lawless spirit, doubtless aggravated by the unsettled state of the Borders. Shortly after the Assize of 1256 a royal mandate was sent from Gloucester to Roger de Leiburn and Roger de Clifford, keepers of the peace in the county of Westmorland, and to the sheriffs, that, considering the damage committed during the late disturbance, on sight of these letters the king's peace is to be proclaimed in boroughs, market and other towns and in the parish churches, and to be firmly held, and every one is prohibited under peril of life and limb and loss of his lands to go armed throughout the county or to carry arms of offence (*arma hostilia*) in public or to run in (*irruere*) upon any one without the king's special leave or mandate, and if any infringe this they are to be arrested without further order and the names of the offenders must be sent to the king at Winchester by the Octave of the Nativity of the Virgin.

In 1285 the statute of Winchester was enacted by Edward I., further to insure the maintenance of peace. In 1287, to carry it into effect, a commission was given to William de Stirkeland and Robert le Englys to enforce the statute of Winchester in the county of Westmorland, and to preserve the peace which, as it appears, by divers persons was not kept. This commission was issued because the justices appointed to take assize in different parts of the kingdom did not go every year as often as was ordered, whereby default in the execution of the statute could not be presented: the commissioners were to receive such presentations and otherwise attend to the execution of the said statute in Westmorland. Commissioners were also appointed to select, arm and array men for the preservation of the peace, furnished with haketons, hauberks, bacenets (helmets of iron), and gauntlets of steel, likewise with knives, gisarmes, and bows and arrows, and the sheriffs were bound to keep

horses and armour to follow the hue and cry after the malefactors. This armour, for police purposes only, and not sufficient for the defence of the realm against foreign invasion, was provided at the expense of the commonalty of the county, and was to be kept by the commonalties of the towns until the selected men set out, and upon their return was to be restored to the custody of the county, and the selected men were to be arrayed in twenties and hundreds.

The following extracts from the Assize Roll have been transcribed almost verbatim from the original Latin : in cases where the " etc." is placed at the end of a sentence it is so put in the original : words in parentheses, except those in Latin, are not in the original.

## ASSIZE ROLL. 979.

(M. 1.) Pleas of Juries and Assize at Appelby for the County of Westmorland, of the eyre of Roger de Thurkelby and his fellow justices, on Monday next after the Ascension of Our Lord in the 40th year of the reign of King Henry III. (A.D. 1256).

(M. 1.) The Assize came to take cognizance if Beatrix, daughter of Eda de Langedale, the paternal aunt of John son of Roger, was seised in her demesne as of fee of the moiety of one messuage, one acre, and three roods of land and of one acre of meadow with appurtenances in Langdale on the day when etc. And if etc. : which tenements Gervase de Sedberg and Cecilia his wife hold. Who come and say that the Assize ought not to be made thereupon. Because they say that the same Beatrix has a certain brother Adam by name born before Roger father of the aforesaid John. And John acknowledges this, and it is resolved that the aforesaid Gervase and Cecilia shall have a day (given them). And John takes nothing by that assize, and so is in mercy for false claim.

(M. 2.) Peter de Brus and Walter de Lindesey and the heirs of William de Lancaster (III) notify the gift which the same William de Lancaster, their ancestor, made to Patrick de Man,\*

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\*Patrick, of the Isle of Man, would seem to have been chaplain of the Chantry on the island of St. Mary Holme in Windermere, founded by Walter de Lindesey, for in the *inquisitio post mortem* of William de Coucy held in 1354 it is stated the chaplain of St. Mary Holme used to have and receive in right of their chantry ten marks by the year, issuing from a moiety of the Mill in Kirkby in Kendal, which appertained to the ancestors of William de Coucy.

clerk, of an annuity of 100 shillings to be received yearly all the life of the said Patrick, of the farm of the fulling mill of Kyrkeby Kendale until they have provided for him a richer benefice, as is contained more fully in a certain writing that the said Patrick has thereof.

(M. 4.) Peter de Bruys and Walter de Lindesey came before the Justices here and prayed that a certain perambulation might be made between their land in Hogayl (Hugill) and Foulbarg' and their lands in Appletwayt and Micheleslet (Mislett) in Kendehale, and Walter offered to the lord king 40 shillings for having the perambulation between the lands aforesaid and it was received. And the sheriff is commanded to cause the aforesaid perambulation to be made and to make it known etc. in fifteen days from the day of Holy Trinity at Lancaster. Afterwards on that day the Sheriff sent that perambulation which was made with the consent of the parties, by Patrick son of Thomas, Robert de Yannwyz, Gilbert de Lancaster, Henry de Scanel, Alan son of Dolphin, Lambert of Saunton, William de Wedeacre, William de Wyndesoure, Adam Gernet, Henry de Prenderlaze, Jordan de Creyk and Thomas de Forswyz, between the lands of the same Peter in Hogayl and Fayrhayt (Fairbank, Fatherbank, Fauerbanks in the township of Strickland Ketel) and the lands of the same Walter in Appelthwayt and Mikeleswyk (Mislett in the parish of Windermere). Who say that there are boundaries between the lands aforesaid beginning at Bredestrete as far as the burial place for dead men, and from that burial place as far as Whystoner next Wodewardehowe. And from thence as far as to Banerhowe in Thwaytlenkyld, and from thence as far as the south door of the barn of Adam de Porta. And from thence in a straight line to Hoggehalebek. And from thence in a straight line between Hethementer and the house of William de Porta and so as far as the fountain of Gilbert de Lancaster, and so next the fountain which is called Fokebrig' by the breadth of two perches towards the south, and so as far as the houses built upon the arable land formerly belonging to Adam de Hothwayt. And from those boundaries as far as the land of Thomas de Howes which William Belle holds beyond the hedges of the aforesaid land towards Wynander mere and so between a certain rock (*rupem*) and le hakdale, and thus in a straight line as far as the middle of le Thursmyre. And the sheriff is commanded to cause them to keep the boundaries aforesaid.\*

\* The death of William de Lancaster III., the last Baron of the undivided Barony of Kendal, in 1246, caused the division of the Barony into what were

(M. 3 dors.) The Assize came to take cognizance if Henry de Ormsheued, uncle of Robert son of Eudes de Ormesheued, was seised in his demesne as of fee of one messuage with appurtenances in Kyrkeby in Kendel' on the day when etc. And if etc. Which messuage William de la Quisine holds. Who came and said that the aforesaid Henry did not die seised in his demesne etc. of the said messuage because, he said, the same Henry long before his death enfeofed thereof a certain Eva daughter of Ketel and put her in full seisin thereof who afterwards enfeofed the said William de la Quisine of the same messuage. And concerning this he put himself upon the Assize. The Jury say that the aforesaid Henry, of whose death etc., died seised of the aforesaid messuage in his demesne as of fee and after the term etc. And that the aforesaid Robert son of Eudes is his nearer heir. And therefore it is resolved that aforesaid Robert shall receive his seisin of the same messuage. And William de la Quisyne is in mercy.

Pleas of the Crown for the County of Westmorland before R. de Thurkelbi and his Associates, itinerant justices, at Appelby on Monday next after the Ascension of Our Lord in the 40th year of the reign of Henry III. (A.D. 1256.)

The body of the County came by twelve Jurors.

(M. 10.) Unknown malefactors broke into the house of Geoffry de Melkenthorpe and Richolda his wife, cut their throats and carried away their goods found in the house. It is not known who they are. And the vill of Melkenthorpe did not make suit, therefore it is in mercy. Alice, daughter of Adam first found Richolda. She (Alice) is not suspected. Afterwards Warin de Melkenthorpe, Adusa Frikes, and Agnes la Braceresse (Breweress) were taken for the same burglary and imprisoned in the Castle of Appelby, from which prison the said Warin escaped in the

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known afterwards as the Richmond and Marquis Fees. The boundary made as above is the division arranged between William's nephews and co-heirs, Walter de Lindsey and Peter de Brus, the former the owner of Windermere and its neighbourhood, the latter of Kendal and its castle. This boundary is co-terminous with the present boundary between the parish of Windermere (including the townships of Applethwaite and Undermillbeck) and the townships of Kentmere, Hugill and Strickland Ketel, and is also the present Parliamentary boundary between North and South Westmorland on the west side. It is marked on all maps, but it has not been possible to identify many of the places mentioned in the above division. "Bredestrete" one is tempted to identify with the old Roman road, now known as High Street, but see these *Transactions*, n.s. x., 436-8, 455. The "burial place for dead men" might be the spot marked on the large scale Ordnance Map as an Ancient British Settlement, above Hugill or Ings, and on the line of this boundary. But there was an ancient grave-yard at the old chapel of St. Anne, Grassgarth (Whellan, 863).

time of Ralph de Notingham, then sheriff. The chattels of the said Warin are worth 23s. The aforesaid Adusa was hanged for the same burglary before the justices assigned for the gaol delivery. Her chattels were worth 5s. And Agnes la Braceresse was delivered in the presence of the said justices. And the vills of Hakethorpe, Glyburne and Stirkelauund did not come fully to the inquiry. Therefore they are in mercy.

(M. 10.) Thomas de Leuenes (Levens) appealed John de Niandesergh before Roger de Thurkelby and his Associates, because the said John had given him many mortal wounds with a sword in his head, and had stolen from him 28d. and a certain seal worth 10d. It was witnessed that the said Thomas had prayed for the King's peace with him, before then, before the justices of the Bench. And after the peace had been given him he committed this felony. So Thomas was commanded to continue his appeal against him until he was outlawed or returned to the King's peace, which he did. And now both Thomas and John came, and Thomas did not wish to continue his appeal against him. Therefore they are both in custody. Afterwards Thomas came and made his fine for himself and his pledges. And John came and could not deny that he had given him horrible wounds. Therefore he is sent to gaol. And he paid a fine of 60 marks by his pledges. [Gilbert son of Orm and Richard de Maleseregh.]

(M. 10.) The same (Thomas de Leuenes) appealed before the same justices, Adam son of Patrick concerning the violence of the aforesaid felony, who came before the said justices and prayed judgment if he ought to answer concerning the violence until after he had committed the deed. Therefore he withdrew on bail and now he has not come.

(M. 10 dors.) Thomas son of Ralph de Kelbrok placed himself in the church of Kyrkeby and acknowledged himself to be a thief and renounced the realm for ever in the presence of the Coroner. He has no chattels and the vill of Kyrkeby Lonnesdale did not take him. Therefore it is in mercy. And the vill of Hottone Ruff' did not come to the inquiry. Therefore it is in mercy. And the vill of Bruan is also in mercy because it did not make suit after the malefactors who broke into the house of Odardus son of Walter.

(M. 10 dors.) Adam son of Roger Knot was drowned in the water of Kenet (Kent) at Sirkelaund. His sister first found him and she is not suspected, nor any one else. And the vill of Kirkeby in Kendale did not come to the presentment. Therefore it is in mercy.

(M. 10 dors.) Agnes daughter of Adam de Cleyf' appealed in the County Edelma daughter of Richard de Blaterne because she gave her a deadly potion to drink. And Agnes did not come. Therefore let her be taken and her pledges are in mercy ; namely Camel son of William de Kirkesantan and another pledge who has been hanged. And Edelma came and the jurors say that she is in no wise guilty. Therefore she is acquitted.

(M. 10 dors.) William de Kirksantan in placing his nets in the water of Wattinwat' fell from a certain boat into the same and was drowned. Richolda his wife first found him and is not suspected nor is any other person. Judgment misfortune. The price of the boat is 12d. for which the sheriff answers. And the twelve jurors concealed the price of the boat and nets. Therefore they are in mercy.

(M. 10 dors.) John, son of William de Mosse, Thomas the forester of Kendale, and Geoffrey son of William Brere broke into the house of Alexander de Scalchiweit in Scalegil and carried away his goods. And John was afterwards caught and beheaded. He had no chattels. And Thomas and Geoffrey fled and were suspected. Therefore they are outlawed. Their chattels are not known because they are strangers (*extranei*). And the vill of Salegeyl did not make suit. Therefore it is in mercy.

(M. 10 dors.) Hugh le Muner (Miller) of Kyrkeby in Lonnesdale was found killed in the fields of Kyrkeby in Lonnesdale and Hoton. Roger son of Thomas first found him and is not suspected. It is not known who killed him. And the vills of Hoton, Castretton, Berburne and Kyrkeby in Lonnesdale did not come fully to the inquiry.

And the vill of Knoksalcok is in mercy because it did not make suit after those malefactors who broke into the house of Agnes daughter of William.

(M. 11.) Robert son of Robert de Kyrkeby in Lonnesdale was kicked in the stomach by a certain horse, so that he immediately died from it. Matilda his mother first found him, and is not suspected. The value of the horse is 16s. for which the sheriff answers. The same sheriff answers for a certain horse by which Benne son of Alexander was killed and drowned in the water of Kenet, 3s.

(M. 11 dors.) Unknown malefactors broke into the house of Joan de Wyndesouer in Heuersham and carried away the goods found in the same house. And John de Hesleslack, Ely son of William de Tunetal (Tunstall), Robert de Marisco of

Lancashire, Richard de Hulmo in Bethum and William son of Alby de Suggeswyk (Sedgwick) are accused of that burglary. Therefore they are outlawed. The chattels of William son of Alby 4s. for which the sheriff answers. The same has land. The chattels of Richard de Hulmo 10s. for which the sheriff answers and the others have no chattels. Afterwards it is witnessed that the land aforesaid was the marriage portion of his wife, and that it was let to farm a long while before that burglary was committed. Therefore there is nothing.

(M. 11.) From William de Steynton, sheriff, of the chattels of Robert Topping, hanged at Carlisle for breaking into the house of Joan de Wyndesouer 15s.

(M. 12.) Sigerith daughter of William appealed in the County Adam son of Simon of Burton because on Saturday in the vigil of the Holy Trinity in the 34th year (A.D. 1250) about the midday hour, he, evilly and against the King's peace, took her and struck (*calcavit*) her with his hands and feet and made her all bleeding, and with violence committed a criminal assault upon her. And Adam came and denied the felony and said that she had not raised the hue at once when it ought to have been done. When she first appealed him she said this was committed on Friday about the ninth hour and now she says about the hour of midday. Afterwards Sigerith withdrew herself from her appeal, therefore she is in custody and her pledges are in mercy, namely William de Lund her father and another pledge who is dead. The jurors say that Adam is guilty, so they are both in custody. And Adam made fine for himself and his pledges and for the said Sigerith, whom he married, of half a mark because they are poor, by the pledge of the aforesaid William de Lund.

(M. 12.) Richard, son of the parson\* of Betham, killed Adam son of Emma in the vill of Betham and fled to the church of Betham and acknowledged there his deed and renounced the realm for ever before the coroner. And the vills of Fersam, Holm and Farleton buried him without any inquiry into the deed, and the vill of Betham did not take the said Richard, so they are all in mercy. Afterwards it is witnessed that Ralph son of Emma of Flakesby and Robert son of the aforesaid Adam took the said Richard to the house of the deceased Adam and there detained him for one night, until William Dauncer, chaplain

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\* The celibacy of the clergy was not rigidly enforced by the Church of Rome during the thirteenth century. There are many mentions of "son of the parson" recorded in rolls and documents of that period; often, strange to say, they appear as malefactors.

of the same, who is dead, stole the said Richard from their hands and took him to the aforesaid church. And because the hue was raised and the vill was congregated there and permitted him to go to that church, therefore there is judgment upon the aforesaid vill for the escape and the aforesaid Ralph and Robert for holding him.

(M. 12.) William son of Cospatrick appealed Daude de Biginges because he feloniously and against the King's peace knocked him down and broke his shin bone (*tybiam suam*). And Daude came and denied the felony, and put himself upon the country for good or for ill. And the Jurors say that they wrestled and the said Daude threw him down and broke his shin bone. Therefore he is in custody for trespass. He afterwards came and made fine of 10s. by pledge of John de Bigging.

(M. 12.) William Maukael appealed John de Fetheling' because he feloniously struck him with an arrow in the left shoulder. He also appealed Geoffrey Gadehend for violence and the sending out (*emissione*) of the same felony. And Geoffrey came and William did not wish to proceed against him. Therefore he is in custody and his pledges are in mercy, namely Thomas son of William de Appelby and another pledge who is dead. The Jurors acquit Geoffrey. John came and denied the felony and put himself upon the country for good or for ill. The jurors say that the said John did not make any wound nor commit any felony. Therefore he is acquitted.

(M. 12.) John de Kyrkeby in Kendale killed Simon son of John in the town of Kyrkeby and placed himself in the church of Kyrkeby in Kendale and acknowledged his deed there, and renounced the realm for ever before the Coroner. His chattels are worth 2s. 3d. for which the sheriff answers. And the town of Kyrkeby in Kendale did not take him. And the vill of Heselington did not come fully to the inquiry. Therefore it is in mercy.

(M. 13.) The township of Appelby came by twelve Jurors.

William le Lockesmyth broke into a certain shop (*seldam*) in Appelby and carried away the goods found in the same and fled to the church of Appelby and acknowledged the theft there and renounced the realm for ever before the Coroner. His chattels are worth 4s. for which the township answers.

(M. 10 dors.) William Scot of Nateby, riding a certain mare over the bridge of Girger, fell from the bridge into the water of the same and was drowned. Gilbert his son first found him and is not suspected nor any other person. Judgment, mis-

fortune. The price of the mare is 3s. for which the sheriff answers.

(M. 10 dors.) Nicholas son of Gilbert de Cresseby appealed in the County Adam son of William, Robert his brother and John son of Juliana concerning the death of Elyas the chaplain. So that by the suit of the same Nicholas they are outlawed in the county. The chattels of the aforesaid Robert are worth 13s. 6½d., for which the sheriff answers. And the others have no chattels. And afterwards it is proved that the aforesaid Adam and John had chattels worth 20s. for which the sheriff answers. And because the aforesaid Elyas was killed in the vill of Bampton and the same vill did not take them therefore it is in mercy. And the vills of Hepp (Shap), Thirneby (Thrimby) and Nippe (? Newby) did not come fully to the enquiry except four men.

(M. 10 dors.) Emma daughter of William de Cliburñ appealed in the County Alan de Dunethweyt for the death of Adam her husband killed in her arms. So that by her suit he is outlawed in the county. His chattels are not known because he is a stranger from the County of Cumberland. And because the Jurors are informed that the aforesaid Adam was killed in the vill of Cliburn and the same vill did not take him, therefore it is in mercy. And it is proved that John de Melfel, Reginald Coppense, Robert Buman of Gylle Camban, John Hale, Adam son of Kerny de Baroñ (Barony) of Craistock and Hugh son of Robert le Forester in Engelwud of Cumberland, and Thomas de Joneby and Alan de Joneby of Yorkshire were all present when the aforesaid Adam was killed; they did not come nor were they attached. And the sheriffs of Cumberland and York are commanded to take them and to have their bodies at Lancaster in the Octave of the Holy Trinity. Afterwards Henry de Redman came and made fine for the aforesaid John de Bobeye (?), Thomas de Johanneby, Alan de Joneby and Robert Bueman of Gillekameban for that trespass, by two marks, by the pledge of Bertinus de Joneby. And because the aforesaid Thomas dwells in Yorkshire and the others dwell in Cumberland the sheriffs of York and Cumberland are commanded that they should not be taken on that account. Afterwards came Alan de Orreton (Orton) and made fine for John de Melfel by half a mark for that trespass. And therefore the sheriff of Cumberland is commanded not to take him on the occasion of that trespass.

(M. 11.) Hugh Farheyge of Warthecop was found killed on a certain moor called Lanegil by unknown malefactors. The

first finder came and is not suspected. It is not known who killed him. And the vills of Warthecop and Sandeford did not come to the enquiry. Therefore they are in mercy.

(M. 11.) John de Crakenthorp fell from a certain horse into the water of Edene near to Crakenthorp and was drowned in the same. Alice his sister first found him and is not suspected nor any other person. Judgment misfortune. The price of the horse and harness is 20s. for which the sheriff answers. And Adam de Paccon and Hugh de Beauchamp (*de bello campo*) valued falsely the aforesaid deodand [an animal forfeited for having caused a person's death]. Therefore they are in mercy.

(M. 11.) Adam son of Guy (Wydonis) de Luppton and Adam son of Matilda de Westmoreland fought each other, so that the aforesaid Adam son of Guy struck the aforesaid Adam son of Matilda with a certain pole on the head, so that immediately afterwards he died from it. And he instantly fled and is suspected. Therefore let him be put in exigent and outlawed. The chattels of Adam are worth 6d. for which the sheriff answers. And the vill of Luppton did not take him, therefore it is in mercy. And the vills of Strichilaund, Heuersham and Leuenes did not come fully to the enquiry. Therefore they are in mercy.

(M. 11.) Wine sold against the Assize. They say that William de Hof, John de Berewys, William le Surreis, Peter the Clerk, Martin Coyman, Robert de Denet, and Hugh Procatur sold wine against the Assize. Therefore they are in mercy.

(M. 11 dors.) Concerning the escape of thieves, they say that William de Huntendon and a certain Habertass a foreign (*extraneus*) malefactor were imprisoned in the prison of Appelby for theft, and from that prison they escaped. Therefore judgment for the escape upon the Prior of Carlisle then sheriff. And the Jurors say that they escaped at the same time when Emma de Kendal and others escaped.

(M. 12.) The Jurors present that William Grenchend of Warethecope (Warcop) wishing to unyoke four oxen that drew his plough was struck by the ploughshare of the same plough in the thigh, so that afterwards he died from it. No one is suspected of it. Judgment, misfortune. The price of the four oxen that were yoked in the plough and of the plough 2 marks for which the sheriff answers. And John de Barton and Adam de Hoghump valued falsely the aforesaid oxen. Therefore they are in mercy.

(M. 12 dors.) Agnes who was the wife of Adam son of Benedict was found killed between Helebeck and Burg (Brough). Robert de Helebeck, the first finder, came and is not suspected. And

the Jurors say that Adam, husband of the aforesaid, killed her as they came from the tavern of Burg and fled and is suspected. Therefore let him be put in exigent and outlawed. His chattels are worth 18s. for which the sheriff answers. And the vill of Helebeck, Burg and Mussegraue buried her without any inquiry being made. Therefore they are in mercy.

(M. 12 dors.) The Jurors present that Elyas Hamon of Slegil and Alexander son of James of the same place were playing together with a ball in the vill of Newby when the aforesaid Elyas, a boy of eleven years of age, wishing to strike the ball struck the aforesaid Alexander, a certain other boy, nine years of age, with his staff on the head by mischance, and against the will (*invito*) of the said Elyas. So that immediately afterwards Alexander died from it. And Elyas fled. And because he is under age and struck Alexander unknowingly (*nesciente*) and unintentionally (*invito*) therefore there is no outlawry (*ideo nil de utlagaria*) and it is reserved by the Court for consideration if he may return.

(M. 12 dors.) Emma who was the wife of Adam de Crestweyt (Crossthaite) appealed in the County Simon the doctor (*Medicum*) of Kermel (Cartmel) concerning the death of her husband the aforesaid Adam. And Simon is outlawed in the County by the suit of Emma. The chattels of Simon are worth 4s. for which the sheriff answers. And it is witnessed that Adam was killed in the vill of Crosthwyt. And the vill of Crosthwyt did not take Simon. Therefore it is in mercy.

The following are typical specimens of pardons :—

1256. *Pardon* at the instance of Margaret Queen of Scotland (daughter of Henry III) of William de Kirkeby of the County of Westmorland of the abjuration of the realm for the death of a man killed at Appleby wherewith he is charged.

1280. *Pardon* to Richard le Escot, one of the foresters of Englewood for the death of William son of Elias of Grenerigge\* on testimony before the King that he killed him for trespass of venison there and refusing to be arrested.

1296. *Pardon* for services in the Scotch war of John le Englys for the death of Richard Hamelyn of Kendale.

*Pardon*, for services in the wars, of John Kyng of Helton for robberies in Westmorland.

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\* A noted poacher ; see these *Transactions*, n.s. vii., pp. 11, 15.

*Pardon* to William son of Simon de Rithe, co. York, for the death of Hugh Wodman of Westmorland by reason of his service in Flanders.

*Pardon* to Richard le Taillour for acquiring in fee from Margaret de Ros (owner of Kendal Castle) a moiety of a messuage in Kirkeby in Kendale held in chief of the King and entering therein without license. With restitution of the same by fine of  $\frac{1}{2}$  mark.

1258. *Pardon* to William de Braundesby for the death of Henry son of Hawise, a boy of the age of 7 years, as it is testified by Roger de Thurkelby that Peter de Percy on delivering York gaol in the last year found by inquisition made before him that the said William de Braundesby carried a log upon his back, and when he threw it down, in twisting, it fell without his knowledge upon Henry standing behind him and killed him.

An example of the right of Sanctuary:—It was claimed, before the justices in eyre in 1292, by the Prior of Wetheral at the instance of the Abbot of St. Mary of York, that “the Abbot of St. Mary’s York claimeth this liberty and custom that all felons coming to his liberty of Wederhal, for felony committed out of his liberty aforesaid and coming to the church of the aforesaid liberty and tolling a bell and making oath before the bailiffs of the said liberty that hereafter they will behave themselves well and faithfully, shall remain in that liberty within the boundaries thereof at their pleasure.”\* After due inquiry the Abbot’s claim was allowed, the jurors finding that his predecessors had used the custom which the Abbot claimed time out of mind and without interruption.

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\* From Nicolson and Burn’s *Westmorland and Cumberland*, vol. i., p. 521. See also Prescott’s *Wetherhal*, app. C.