ART. VI – *Murder at Hutton-In-The-Forest: A study in the government of thirteenth-century Cumberland*

By DR. HENRY SUMMERSON

THE story of the early extension of royal power into north-west England during the reigns of Henry II and John has become well known, thanks primarily to the work of Professor J.C. Holt.[1] Less attention has been given, however, to how subsequent kings built upon the Angevin achievement. A valuable and unusual insight into this process is given by a lawsuit heard at the very end of the thirteenth century, at the Cumberland eyre of 1292/93.[2] As a periodic visitation by royal justices, the eyre was itself an important demonstration of the King's authority, even in the remotest parts of his realm. But this case also provides evidence for some of the other ways in which that authority could manifest itself, as well as for the problems and limitations by which it might be confronted. It is a story set in Inglewood Forest, that is, in a part of Cumberland, which, like all royal forests, was directly under the King's control, and so was a centre of his power in the county. Within the forest, apparently since the early twelfth century, there had been a number of serjeanties – lands held in return for the performance of non-military services. One of these was the manor of Hutton-in-the-Forest, which in 1212 was held by Thomas Fitz Adam, in return for maintaining the enclosure round Plumpton park. Thomas had alienated sections of this manor, and one part of it had by the middle of thirteenth century come into the hands of one John de la Cressoner. The latter's status in his lands was initially somewhat anomalous, but a series of investigations into serjeanty lands made by royal officials in the late 1240s led to him – and many others like him – having his relationship with the Crown put on a regular footing. John was to pay 5s. yearly to the King for his lands, and thereby became a tenant-in-chief, albeit on a very small scale.[3]

When John died, in about 1260, there should have been an Inquisition *Post Mortem*, to secure the King's rights – John's son and heir, William, was a minor, and should have been the King's ward until he attained his majority. But there is no evidence that such an inquisition was ever held. The property in question was, after all, a very small one and, against the prevailing background of political uncertainty as Henry III and his barons became increasingly at variance over the government of the realm, easily overlooked. Young William seems, therefore, to have passed into the custody of his uncle, his father's brother Thomas. The role of a wicked uncle was not one waiting only for Richard III to play. Thomas coveted his nephew's lands, and since he was William's nearest – indeed, probably only – male relative, he took the most direct action possible to obtain them and suborned two women who strangled the unfortunate William.[4] This happened in 1260 or 1261, but the same circumstances which seem to have caused John's death to be overlooked by the King's officials would now appear to have led to a similar delay in appropriate action following the death of William. The crown's rights would ultimately be safeguarded, but not until May 1263, when the King's escheator was at last ordered to take into the King's hand all the lands and tenements of the late William de la Cressunner.[5]

Mordre wol out, as Chaucer would later observe. Young though he was, William had married, an event which may in fact have sealed his fate, since it would have brought before Thomas's eyes the prospect of rival heirs to inherit William's lands. Be that as it may, William's widow Emma brought an appeal against Thomas and his accomplices for her husband's death in the County Court of Cumberland. One of the women who had strangled William was hanged, while the other took fright and fled to a church, where she admitted the deed and abjured the realm. And Thomas, although he escaped the gallows, was outlawed, reduced to the status of a hunted wolf; his lands and chattels forfeit to the Crown. In her pursuit of her husband's killers, Emma probably had the full support of local opinion, since William's killing was later said to have been a manifest scandal and to have aroused talk throughout the countryside. Perhaps it was this which alerted the King's officials to the fact that a tenant-in-chief had died, and that the King's rights needed to be upheld. The escheator, William Latimer, gave Emma her dower, the customary third of her husband's lands, in this case consisting of eight acres of land and a cottage, but otherwise he seems to have kept the property under his own control. Thomas had three sisters, but they were not to be permitted to inherit William's lands – Latimer clearly assumed that Thomas had succeeded William in them, and had thus forfeited them along with any property of his own.

The disposal of William's lands in fact presented a nice legal problem which stemmed from the debatable issue of Thomas's rights in the lands and his status as an outlawed felon. At the moment of William's murder his uncle was undoubtedly his heir – that was the whole reason for the crime. But until he did homage to the King for William's lands, which he never did do, it was arguable that Thomas had no rights in them which he could forfeit. Yet because William's death preceded Thomas's outlawry, William's aunts must have been not William's heirs but Thomas's. The legal text known as *Bracton* was of the opinion that a felon forfeited not only what he held himself, but also rights of inheritance of which he had yet to have seisin, and did so for all possible heirs, brothers and sisters as well as his own issue. But *Bracton* was hesitant about this, and acknowledged that opinions differed.[6] In ordinary circumstances, the claim of William's aunts to William's lands would certainly have been barred by the fact of Thomas's outlawry. This was how William Latimer appears to have seen the situation. But the fact that Thomas had never held those lands in any sense which the thirteenth-century mind would have regarded as meaningful, gave the aunts at least a chance of establishing their rights in property which Thomas had killed for but never possessed. But for the time being their case was probably hopeless. Emma had her dower, and the rest of her husband's property had reverted to the Crown. The escheator administered the lands, and there was not even an Inquisition *Post Mortem* to establish who William's heir was. After Thomas's forfeiture it may well have appeared that there was no need for one.

Yet nobody in medieval England who had any claim on land, however ostensibly implausible, abandoned it unless absolutely compelled to. William's aunts and their husbands, regretted, or resented, the loss of John de la Cressoner's lands. They were convinced that they had a claim to them, and the confusion prevailing in the aftermath of the Barons' Wars, the legal uncertainties of the case, and perhaps a degree of official connivance, gave them an opportunity literally to recover lost ground. In December 1265 Master Richard de Clifford was appointed escheator for the counties north of the Trent.[7] He was a royal clerk, much in favour with Henry III, judging by the number of

livings and church offices to which he was presented in the late 1260s,[8] and this must have outweighed the fact that he seems to have had no connections with the North of England – his principal interests appear to have been in Northamptonshire and Lincolnshire. He remained escheator until February 1268, over two years, but only once in that time did he visit Cumberland, when, in his own words, "he once passed through the middle of this country". That was in Easter week 1266, when he was recorded as enlivening his journey by successfully hunting a stag and a hind with hounds in Inglewood Forest, an offence against forest law for which he later had to obtain a royal pardon.[9] Once at Carlisle, he made inquiries into the condition of his new office, and into the lands for which he was now responsible, but his principal object in coming so far north was probably to appoint a deputy.

Making a choice seems to have presented no difficulties. His predecessor had operated through a deputy and Clifford now induced – *compulit* – this man to stay in office. His name was Robert de Warthewic, and Clifford was given to understand that he was "one of the more prudent men of this county and one who had more knowledge of the county and of the King's right. . ." Lord of the manor of Warwick, near Wetheral, from which he took his name, and at one time also steward of the de Multon lordship of Gilsland,[10] Robert must indeed have had a wide knowledge of administration, royal and seigneurial. So it was that a royal writ ordering an Inquisition *Post Mortem* into the lands of William le Cressoner was sent to Richard de Clifford, but the inquest itself, on 28 July 1266, was held before Robert de Warthewic.[11] But why was there an inquest at all? It was later alleged that when Clifford came to the North West in April 1266 he took 20s. from William's aunts to give them seisin of the lands, while once the inquest had been held, and had returned that the aunts were William's nearest heirs, the husband of one of them successfully begged the King to allow him and his fellow inheritors to have seisin, on condition of their finding security for doing homage to King Henry for the lands before 1 November next. The allegation of bribery Richard would later deny. He had indeed received 20s. from the aunts, but not as a bribe. Rather the money had been given to him, as a royal officer, in payment for "having a good inquest", that is, for an unusually thorough one, and also for hastening proceedings, and he had accounted for it to the Exchequer. This last claim was true, the 20s. being entered among the sums for which he accounted on the Pipe Roll for 1267.[12]

Such payments, occupying on the spectrum of inducements a rather dubious ground somewhere between sweetener and tip, were everywhere expected and everywhere given, and did much to help oil the wheels of the medieval administrative system. In accepting the money, Clifford was probably less showing himself to be corrupt than indicating that he had been persuaded, had allowed himself to be persuaded, perhaps, that William's aunts had a case. He did nothing, therefore, to prevent their obtaining a writ *diem clausit extremum* which ordered the holding of an Inquisition *Post Mortem*, and accepted a payment for ensuring that the inquest was a searching one. Yet it was not so searching that it said anything about the circumstances of William's death, or about the fortunes of his lands immediately afterwards. The jurors on that inquest probably cared little about the King's rights. They may have been bribed or otherwise persuaded. They were all local men – three came from Hutton-in-the-Forest itself – and were doubtless open to various kinds of pressure. But they may also have believed that the rights of the situation were such that Thomas's sisters should be allowed to inherit their nephew's

lands, or they may just have wanted to see local people, their friends and neighbours, installed in the property they had lost. Whatever their motives, they returned that William's heirs were his three aunts. Once the inquest was allowed to go ahead, it was probably inevitable that such would be its outcome, and in that respect, at least, the escheator, his deputy and the inquest jurors were conniving at the King's disinheritance. The anxiety of the aunts and their husbands to take possession of the lands, as soon as possible after the inquest that had awarded it to them, suggests that they were well aware that legally their position was uncertain and their right doubtful. But they got their seisin, and later in 1266 did homage for the lands. Since Emma already had her dower, there the matter might have rested, with the King the only loser.

But there was one claim on the lands still to be made, and it was this which ultimately brought the facts of the case to light again. Thomas the wicked uncle had a son, Hugh, and no more than his aunts did Hugh relish the idea of losing family lands. He was probably of much the same age as his cousin William and so would have had to wait for some years before he could try to use the courts to recover what his father had lost. The fact that Thomas's forfeiture had passed unremarked at the inquest of 1266 must have encouraged Hugh to believe that he had residual rights in William's lands, and so also may the fact that Thomas seems to have received a royal pardon – presumably he was the Thomas son of Hugh le Cressuner who in November 1266 was pardoned the death of William Warde (perhaps his nephew).[13] The pardon was given at the instance of Adam de Gesemuth, an important royal servant in the North of England, and may have constituted Thomas's reward for some useful service to the royalist cause in the Barons' wars. Such a pardon should have been no help to Hugh, as it would not have restored to Thomas any of the rights he had enjoyed before his outlawry.[14] But Thomas's son may have been ignorant of such legal refinements, or he may simply have decided to see what bluff could do. In February 1290, therefore, he began an action of cosinage in the Bench, in which he claimed to be the nearest heir to his cousin William, for three messuages and twenty and a half acres of land in Hutton-in-the-Forest. There were six defendants.[15]

The action began in a conventional way, with an attorney representing William's widow Emma, her second husband (one Henry de Motherby [16]), and four other men – presumably the various heirs of the sisters who had received possession of William le Cressoner's lands by the inquest of 1266 – coming into court, and asking, as the necessary first stage in such an action, that a formal view be made of the disputed lands. This was agreed to and the parties were ordered to return to the Bench fifteen days after Trinity Sunday next, that is, on 18 June 1290. They did not in fact do so, but medieval courts were tolerant on such points, and it was not held against any of the litigants that they appeared instead – once more through attorneys – on the morrow of All Souls, on 3 November. Hugh repeated his claim and the defendants denied his right on the grounds of his father's outlawry for felony, appealing to the rolls of Cumberland County Court to uphold their assertion. The sheriff of Cumberland was thereupon ordered to examine those rolls and to have a formal record of the relevant proceedings brought into the bench fifteen days after the following Easter, that is, on 6 May 1291. Had he actually done so, it is more than likely that, for all the legal niceties underlying his action, Hugh's suit would have been dismissed forthwith, but not only did 6 May pass without either the sheriff of Cumberland or any of the parties to the action appearing in court, but on 7 October following, Hugh felt able to come into the Bench once more and renew his

action for the lands in Hutton-in-the-Forest. None of the defendants attended and so the action went against them by default.

The common law did not in fact like the idea of people losing their rights in land by default and made delays in legal proceedings easy in order to prevent this.[17] So given this easy availability of delaying tactics, and the readiness with which they were usually exploited by litigants, one must suspect that this action had taken a collusive turn, and that the parties had decided to settle the action out of court. It is not difficult to see why they should have done so. The record which the sheriff had been instructed to produce in the Bench might well have put paid to Hugh's claims, as the defendants intended, but it was also more than likely to raise awkward questions about their own rights in the land which Hugh's father had once so briefly occupied. Royal justices sitting at Westminster would certainly have been far more rigorous in their upholding of the King's rights in an apparently escheated property than Richard de Clifford had shown himself to be during his single excursion into Cumberland. A successful demonstration of the flaw of felony in Hugh's otherwise powerful claim to the Cressoner lands would have proved a decidedly hollow triumph had it then led to those lands being forfeited by their present occupants as well. Much better, therefore, to come to a private agreement and at least to keep the property in the family. The sheriff was probably informed that no further litigation was intended, so that he need not take or send the embarrassing record to Westminster – no doubt he was glad to be spared the chore – and then Hugh was permitted to bring his action to its apparently successful conclusion.

What inducements Hugh offered the defendants, who were, after all, the sitting tenants of the disputed lands, to persuade them to come to terms with him, it is impossible to say, but there would certainly have been an agreement, or at least a tacit understanding, that Emma should be left in possession of her dower, her rights in which would not have been affected by Thomas's outlawry. In fact, the next stage in the proceedings hardly makes sense, except on the assumption that there had been an accord on this last issue, and that Hugh, as greedy for all the lands of William le Cressoner as his father had been, promptly broke it. For when the King's justices itinerant opened their eyre for Cumberland at Carlisle on 3 November 1292, Emma, who barely twelve months earlier had failed to appear in the Bench to defend her widow's portion, now came into court to bring an action against Hugh for the dower she had so recently lost by that default. She was able to do so because article four of the second Statute of Westminster, promulgated in 1285, had enacted that widows should not lose their dowers through default[18] – this must have been the "form of the statute" by reference to which Emma answered Hugh's assertion at the eyre that he had recovered this part of William's lands through her default.

Hugh's response to this was, on the face of it, a strange one. For he drew attention to the fact that, when he sued for the lands in the Bench, Emma had tried to non-suit him on the grounds of his father's felony and subsequent outlawry, and he asserted that by doing so she had forfeited her own right in her dower. Such a claim was almost certain to ensure that Hugh himself lost whatever he had gained by his suit in the Bench, for it drew the court's attention to the King's loss of his rights after William's murder – the justices "perceived that deception had been done to the King". They ordered that inquiries be made and that all William's lands be taken into the King's hand. It is perfectly possible that, once Emma had begun her action at the eyre, Hugh understood

that the game was up and the lands lost, and was determined that nobody else – and least of all Emma – should enjoy them. But it is also possible that, appreciating the legal difficulties of the situation which resulted from his father's problematic status in the lands, he decided to force a detailed investigation under the supervision of the King's justices. A desperate measure, no doubt, but probably his only chance now of recovering William's estates.

As far as Emma was concerned, Hugh's challenge meant that she was put to the trouble of petitioning the King for her dower. The inconvenience was not in fact as great as it might have been, since King Edward was at Berwick at this time. But since he was there for the closing stages of the Great Cause to decide who should be the next King of Scots,[19] it would not have been surprising if there had been a "Do Not Disturb" notice pinned to the royal door, and it says much for Edward I's accessibility and concern for justice that he should have heard Emma's complaint at such a time. But hear it he did, and on 14 November he sent an order to the justices at Carlisle that, if they found that Emma had been William le Cressoner's wife, and had not forfeited her right to her dower from William's lands, she should then be reinstated in what she had lost. The justices duly held a "diligent inquest", which supported Emma's claim, and she recovered her dower. But the issue of her endowment had by then been overshadowed by another problem, that of the responsibility for the King's having been deprived of his rights in the lands which William's uncle Thomas was regarded as having forfeited. Richard de Clifford had been the escheator, but Robert de Warthewic as his deputy had been the official in whose presence the inquest of 1266 had awarded the lands to William's aunts.

Robert was present in court when Emma began her action. Challenged now, his first defence was simple ignorance, he did not know of Thomas's felony or outlawry, at any rate until after William's lands had been handed over to Thomas's sisters. The investigating jury made short work of this. Describing how Emma's appeal had been "solemnly and publicly" made, and testifying to the talk there had been in the whole countryside around, and to the manifest scandal of William's murder, the jurors declared that Robert knew perfectly well both about Thomas's crime and about the King's rights in the lands Thomas forfeited. Robert was thereupon remanded to prison as having disinherited the King, and his lands and chattels were confiscated, while Richard de Clifford was summoned to attend the eyre. Clifford arrived on 7 December, and was promptly charged with conniving in the deception of the King by handing over to the sisters of a felon the lands which that felon had forfeited. Clifford denied the charge. Like Robert de Warthewic he pleaded ignorance – he was a stranger in Cumberland, and had only been in the county once before – and he also played for time. When summoned to attend the eyre, by the sheriff of Northamptonshire, he had not been told why his presence was required, and now he asked that proceedings be respited until he could examine his records, which were in London. But by now "it was almost the end of the eyre", and the justices were only prepared to allow a delay of three days, nowhere near long enough to allow Clifford to go to London and back, and in the end he seems to have relied on his memory. He described how when he was appointed escheator north of the Trent he was advised that Robert de Warthewic was just the man to act as his deputy in Cumberland, for so he had served his predecessor William Latimer, and so he continued him in that office, forwarding all relevant orders to Robert, and receiving notification

from him afterwards that they had been carried out. This, Clifford said, was what had happened with regard to the lands of William le Cressoner.

Words of Clifford's defence reached Robert de Warthewic in prison, and he sent friends to ask the justices for leave to come into court, both to act on the King's behalf and to clear himself. This request was granted. Once in court, Robert proceeded to deny having been sub-escheator before 1266 (this claim was probably untrue, since Clifford's account for his escheatorship included money received by Robert not only during Clifford's term in office but also during that of William Latimer).[20] He asserted that he only took up that office under pressure from Clifford, when the latter came to Cumberland in the late spring of 1266 and made inquiries into the condition of his new charge. William le Cressoner's lands had then been in the King's hand, and along with others had been entrusted to the subescheator, who disposed of them as the escheator later instructed him – a reference to the writs which the latter sent him ordering the inquest of 1266 into William's lands and their nearest heirs, and their subsequent surrender to the aunts and their husbands. In making this defence, Robert had the assistance of a lawyer – described as a serjeant pleader, *serviens narrator*, a forerunner of the serjeant-at-law – one John Shirloke, who now, apparently without reference to his ostensible employer (who must have been elderly, and whose memory may have been failing), also spoke up for the King, claiming that Clifford had taken 20s. from William le Cressoner's aunts to put them in possession of their nephew's lands, and had also taken 100s. from two other men for similarly "giving them aid". That this was so Shirloke was prepared to verify by the country, that is, by a jury, and Robert de Warthewic was similarly ready to substantiate what he had said.

To these charges Clifford replied that he knew nothing of the returns – responses to royal writs – of which Robert spoke, and he asked for a hearing of them, which was agreed to. In the first, dated 3 July 1266, Richard de Clifford informed Robert de Warthewic that he had received the King's writ, issued on the previous day, ordering an inquest into what lands William le Cressoner had held and who was the heir to them. A copy of this writ was attached to the inquest held later in the month. But with the return sent to Robert de Warthewic was an additional clause, presumably added by Clifford – "allow the heirs to have seisin of those lands and tenements in tenancy until you have further orders". Since the inquest had yet to be held, Clifford could have had no official notice that there were any heirs. Clearly, once he had been persuaded by William's aunts that they had a case, and that an Inquisition *Post Mortem* should be held, Clifford expected that it would find for the claimants, and he was willing to push proceedings along on their behalf. The good inquest for which they had paid him 20s. would no doubt be a thorough one, but it was also going to be favourable, though not to the interests of the King whose servant Clifford was. There was always a danger that royal officials in the localities would come to see things too much from the point of view of those they lived among, to the detriment of the Crown. Clifford himself had hardly been in Cumberland for long enough to be so influenced by his surroundings. But his underlings were undoubtedly local men and, as a newly appointed official in a hurry to set things in order in a county strange to him, he might easily have been too readily worked upon by his subordinates, men whose knowledge of society and government in Cumberland made their help indispensable and their advice difficult to resist. Perhaps it was this, rather than any overt corruption, which influenced Clifford on this occasion,

when he was engaged in determining the far from clearcut issue of William le Cressoner's inheritance. The other two returns were relatively uncontroversial. In the second, dated 13 August 1266, Clifford informed his deputy that William's heirs were his aunts, and since the husband of one of them had petitioned the King for instant possession, this was to be given them. And the third, which bore no date, notified Robert that the King had taken the homage of the aunts and their husbands, whose seisin now became unconditional.

Clifford could not deny the relevance of the returns – the first of them, in particular, was only too clearly to the point. But he had obviously decided that his best defence lay in ignorance, and so he tried this again. He could not be sure, he said, that he had made those returns. It was soon after the Battle of Evesham that he had been appointed escheator for the lands north of the Trent, and from that time until well after the date of the writ giving seisin to William's aunts he was "in person day and night continually in the company of the present King with horses and arms", and especially when Edward made an expedition to Alnwick late in 1266 to suppress the revolt of the Montfortian John de Vescy, a process not completed until the following year.[21] These activities, he claimed, had made it impossible for him to concern himself with Cumberland, he denied absolutely that he had held any inquest in the county in April 1266, and that this was so he vouched Edward I to warranty, that is, called upon him to uphold the truth of what he had said. This appeal to Caesar inevitably brought proceedings to a standstill for the time being, while the King was consulted, and the case was adjourned to Newcastle for the following February.

In fact it resumed in Parliament at Westminster in April 1293. Richard de Clifford and Robert de Warthewic both attended, and Clifford once more vouched the King to warranty. Edward, understandably enough, could not remember precisely who had been in his company twenty-seven years ago, and so Clifford was asked how he wanted to prove that he had not been in Cumberland in 1266, that he had not held an inquest into the state of his escheatorship which found William le Cressoner's lands to be in the King's hand, and that he had not taken 20s. from the aunts for giving them seisin of William's lands. At this point he admitted taking the 20s., but as noticed earlier, he claimed that the money had been given him only for "a good inquest", not as a bribe, and he had accounted for it to the Exchequer. The rest he continued to deny and he put himself on a jury's verdict. Robert de Warthewic, for his part, persisted in declaring that Clifford had held an inquest and had found William's lands in the King's hand, and he too asked for a jury. The justices itinerant had by now moved on from Newcastle to York, and it was to York, on 25 June 1293, that a Cumberland jury was summoned to pronounce on the case. The requisite twelve men duly presented themselves there, Richard de Clifford and Robert de Warthewic likewise. The jurors found that Clifford had come to Carlisle one day – they could not remember which – between Easter and Pentecost in 1266, and had held an inquest into his escheatorship, which had disclosed, *inter alia*, that William le Cressoner's lands were in the King's hand. But it did not reveal that the lands had escheated to the King through the felony of Thomas the wicked uncle, who was not in fact mentioned by the inquest, and Thomas had never had seisin of the lands.

As far as Clifford was concerned, the verdict could have been construed as showing only that after twenty-seven years his memory was at fault. But it seems more likely to have suggested to those who heard it that in preparing the way for the Inquisition *Post*

Mortem of 1266 he had been over-hasty in allowing proceedings to go ahead when the legal position was far from clear, and so insufficiently careful for the protection of the King's rights. It was probably intended to clear him of corruption. In stating that Thomas had never had seisin of William's lands, the jurors showed themselves aware of the importance of the issue of Thomas's exact status in law with regard to those lands in the various disputes to which they gave rise, but nevertheless they left that particular problem very much where it was before. As a result, they also left William's lands in the King's hand, and there they seem to have stayed. In June 1340 one John de Raghton, a royal yeoman, was granted a messuage and twenty-four acres of land in Hutton-in-the-Forest, these having come into the King's hand "on account of a felony committed by Hugh Cressoner, late tenant thereof. . ."[22] Their extent leaves little doubt that these were the lands which had been William le Cressoner's. It is possible that Hugh did after all contrive to succeed his father Thomas in those lands, and then himself committed felony, but it appears more likely that the details had become garbled with the passage of time, and that the felon was Thomas, himself apparently a son of Hugh, and the murderer of his own nephew.

So what does this story tell us? On the face of it, the King's justices in the North of England in 1292 and 1293 presided over little more than the unfolding of a tale of greed and murder and chicanery, which culminated in an unedifying quarrel between two royal officials, each trying to blame the other for administrative shortcomings alleged to have taken place nearly thirty years earlier. For the central government as it operated from Westminster, there can be no doubt that the always considerable problems it faced in making its presence felt and its orders obeyed in a shire as remote as Cumberland were made much worse by the confusion resulting from the Barons' Wars. For the same reason their work was made more difficult for the King's officials on the spot, too, while it must have been at least partly due to civil strife that between 1256 and 1278 there was no eyre in the county, a circumstance depriving the King of one of his most potent instruments for the exercise of royal influence and control. Of course, times had changed since the days when King John, in particular, had made occasional forays into the North to terrorise it into a grudging and temporary submission. By the end of the thirteenth century bureaucracy, manned by sheriffs, coroners, escheators and others, had come to provide the King with permanent representatives even in the farthest flung parts of his realm. But the King's authority, however manifested, was not yet the only factor making for effective government in Cumberland.

Local initiatives remained of high importance. It was Emma's appeal, backed up by the opinion of the countryside, which foiled Thomas's plan to take his nephew's inheritance as well as his life. But on the other side of the coin, it may well have been local opinion, supporting William's aunts in their pursuit of their nephew's lands, which helped to persuade Richard de Clifford to allow the women to prosecute their claim to a successful conclusion at the expense of the King. The whole case suggests a society which set a high value on law, but less for its own sake than as a means of achieving what were regarded as socially desirable ends, in this instance the establishment of Thomas's sisters in lands which may have been forfeited by one brother but had certainly been held by another. In the disordered 1260s the King had lost out. In showing how in more settled times he could recover what he had lost, the case of the Cressoner lands particularly demonstrates the importance of the eyre as a meeting-place for central

government and local interests, one at which the former held the initiative (as well as shedding some valuable light on eyre procedure, not least the presence of a serjeant pleader, and the reluctance of the justices to delay proceedings as the end of the eyre approached). And it also illustrates the central position of the King in his realm's judicial system, both as guarantor of justice, when he responded to Emma's petition for her dower, and when he presided in Parliament. It was not enough, however, to be accessible to the complaints of his subjects, a King had also to be vigilant in the defence of his rights and the supervision of his own servants. Edward I was both accessible and vigilant. And ultimately the truth, or at least a largely satisfactory version of it, came to light. The King eventually recovered his lands as an escheat, while Emma got her dower back, after both had looked likely to lose them. Given the problems posed to the effective and impartial exercise of central government by distance, by local interests, and by the ambiguous loyalties of local officials, this was no small achievement.

Notes and References

*All the unpublished documents cited in this article are in the Public Record Office, London. I am grateful to Dr Paul Brand for valuable advice on points of law.

[1] J.C. Holt, *The Northerners* (Oxford, 1961)

[2] JUST/1/134 mm6, 6d

[3] V.C.H. Cumberland Vol.1 (London, 1901), 420, 424–425

[4] It is possible that a very garbled account of this crime was presented at the 1278/79 Cumberland eyre, when one Thomas Pye was said to have strangled a boy in Greystoke fields, JUST1/131 m7d. A woman named Emma made an appeal in the County Court, but she failed to continue her action, and the appellee was acquitted at the eyre. Two women were involved, one of whom abjured the realm, but the other was put in exigent, rather than being hanged. On the whole, the differences seem considerably more significant than the similarities.

[5] C.Roberts (ed.), *Excerpta e Rotulis Finium* Vol. II 1246–1272 (Record Commission, 1836) 397

[6] Bracton, *On the Laws and Customs of England* Vol. II, ed. G.E. Woodbine, trans. S.E. Thorne (Cambridge, Massachusetts, 1968), 367, 377 (ff.130,130b, 134)

[7] C.P.R. *1258–1266*, 520, 523

[8] *ibid.*, 573; *C.P.R. 1266–1272*, 33, 82, 552, 710

[9] E32/5 m2d

[10] J.E. Prescott (ed.), *The Register of the Priory of Wetherhal* (London and Kendal, 1897), 90 n.39, 108 n.8

[11] C132/32 no.12

[12] E372/111 m28

[13] *C.P.R. 1266–1272*, 8

[14] Bracton Vol.II, 374 (f.133)

[15] The various proceedings in the bench are recorded in CP40/81 m110; CP40/86 m181; CP40/91 m89.

[16] A man of that name was reported at the 1285 Cumberland forest eyre as having earlier been poaching the King's deer in Inglewood forest. He was also then said to be dead – E32/5 m7. Although Emma was certainly a widow again by 1292, it seems unlikely that the poacher and her second husband were one and the same – had Hugh made so gross an error in his lawsuit in the Bench as to sue a dead man, his blunder would certainly have been used to non-suit him.

[17] T.F.T. Plucknett, *A Concise History of the Common Law* (5th Edn., London, 1956), 385

[18] H. Rothwell (ed.), *English Historical Documents* Vol. III 1189–1327 (London, 1965), 431–432; T.F.T. Plucknett, *Legislation of Edward I* (Oxford, 1949), 123–124

[19] M. Prestwich, *Edward I* (London, 1988), 369

[20] El36/3/1

[21] Prestwich, *Edward I*, 57; C.H. Knowles, "The Resettlement of England after the Barons' War, 1264–67", in *T.R.H.S.* 5th Series Vol.32 (1982), 40

[22] *C.P.R. 1338–1340*, 552