

On a Charter of Darley Abbey.

BY W. R. HOLLAND.

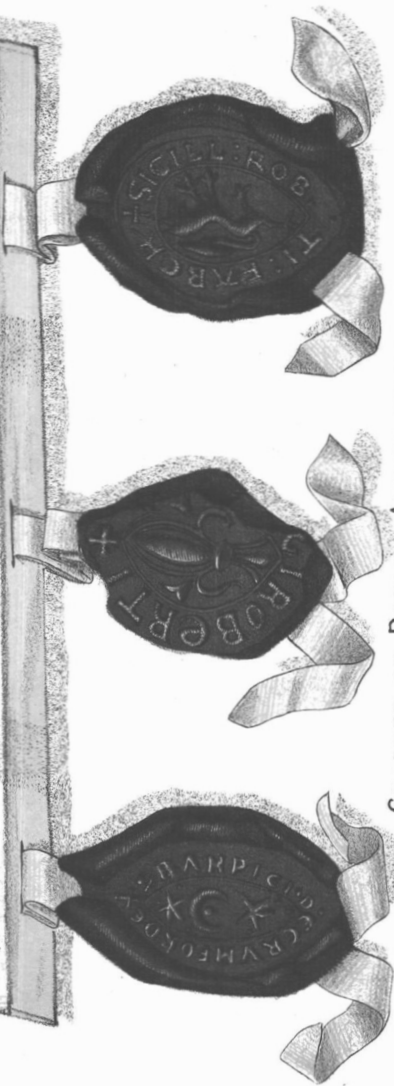
THE accompanying plate (Plate VI.) is a very excellent reproduction in *fac simile* (the exact size), of an ancient charter of feoffment, or conveyance, on parchment, being a grant of the one-fourteenth part of two cultures of land at Wigwell, near Wirksworth, to the church of St. Mary of Darley, and the canons there, to be held in frankalmoign, or in free alms, that is without any terrestrial service of any kind being demanded by the feoffers or givers. An exact transcript and translation of this interesting document are appended to these notes. The Abbey of Darley, or Derley, near Derby, was founded in the latter part of the twelfth century, by Hugo, dean of Derby, believed by Dr. Cox to have been the head of the collegiate clergy of All Saints', Derby. He gave all his lands at Little Derley to the Canons of St. Helen's, Derby (founded in King Stephen's reign, by Robert, Earl Ferrars), for the purpose of building thereon a church and a monastery. In consequence of this grant, the monks of St. Helen's, Derby, removed to Derley.

The writing is a fine example of the style of Court hand in use in the thirteenth century, during the reign of Henry III. The ink is still very black and bright. The three appended seals are of hard wax of a dark green colour.

A culture (*cultura*) is, according to Blount, a parcel of arable land. Probably the extent varied, but would be as considerable as a ploughland, or ploughgate.

This charter evidently belongs to the series of deeds, a transla-

In quo p[re]sentis & futuris quod ego h[ab]eo filius Lanfrancus de Crumford & ego
 Ada filius Rob[erti] de Crumford & ego Rob[ertus] filius de West[er]s[ter]e. Adm[odum] p[ro]cessimus &
 h[ab]eo carta[m] a[n]te[m] p[re]sentis & ceteris te[m]p[or]ibus de West[er]s[ter]e & ceteris ibidem de p[re]sentibus q[ui]e
 tam d[omi]n[u]m p[re]sentem d[omi]n[u]m abbas de crumford in sigillis quia Rob[ertus] de West[er]s[ter]e
 aliquid de nob[is] tenuit. Et h[ab]uit & tenent e[and]em ceteris de nob[is] p[re]sentibus n[ost]ris in lib[er]ta-
 t[em] quod d[omi]n[u]m & p[re]sentem d[omi]n[u]m. Et si uo[lt] p[re]sentibus n[ost]ris u[el] a[n]te[m] d[omi]n[u]m aduen-
 mus & d[omi]n[u]m d[omi]n[u]m p[re]sentem p[re]sentem de crumford p[re]sentibus p[re]sentibus ceteris ceteris
 omnes h[ab]eo p[re]sentibus. Si aut[em] re[st]ituimus h[ab]eo p[re]sentibus n[ost]ris app[ro]p[ri]etatis. Et si
 re[st]ituimus. Et si Rob[ertus] de Crumford. Et si d[omi]n[u]m h[ab]eo de Crumford. Et si d[omi]n[u]m h[ab]eo de
 West[er]s[ter]e. Lanfrancus de West[er]s[ter]e. Will[elm]us de West[er]s[ter]e. Et si d[omi]n[u]m h[ab]eo de West[er]s[ter]e. Et si
 de p[re]sentibus. Thomas de West[er]s[ter]e. Et si d[omi]n[u]m h[ab]eo de West[er]s[ter]e.



CHARTER OF DARLEY ABBEY, CIRCA 1249.

tion of which, with notes by Mr. L. Jewitt, F.S.A., appears in the *Reliquary*, vol. xvii., p. 65. By the first five of the series referred to, certain other parts of the same two cultures of land at Wigwell were conveyed to Darley Abbey. Thus, by the first, Henry Braund of Wirksworth conveyed a fourteenth; by the second, Robert, son of Richard Arkell conveyed a fourteenth; by the third, William le Sureis de Wirksworth conveyed a seventh (equal to two-fourteenths); by the fourth, Robert Fitz Gilbert conveyed another seventh; and by the fifth, Ranulph, son of Walter the priest of Wirksworth, conveyed another fourteenth. Now by these deeds and the one in my possession, four-fourteenths and two-sevenths, amounting together to four-sevenths parts of the same two cultures of land at Wigwell were conveyed to Darley Abbey; and probably by other deeds, now lost, the remaining six-fourteenths, or three-sevenths, were in like manner conveyed by other grantors. It is difficult to account for the circumstances under which these several grants of fourteenths and sevenths were made. It seems probable, however, that the whole of the parts which were conveyed by this set of deeds had been purchased by Vincent the Chaplain, the brother of Henry Braund, one of the grantors, and given by the said Vincent to Darley Abbey "with his body." I found this opinion of the matter upon the fact that in Henry Braund's grant of a fourteenth part of two cultures, etc., he adds "to wit, the two cultures which Vincent the Chaplain my brother gave to the same canons;" and further on he says "which the aforesaid Vincent my brother gave to them with his body." I therefore surmise that each of the several grants was made by direction or pursuant to the wish of this Vincent, and that the words "with his body" imply that he had given land as an endowment to the Abbey, and by some instrument relating to such gift had directed that his body should be buried there. The conveyance of the several parts direct to the Abbey by parties other than Vincent does not create any difficulty. There is an instance of a grant in 1224, by John Bokointe to the canons of the order of Preachers or Black Friars in Holborn, of certain land which he describes thus: "to wit, that which Hubert de Burgh *bought of*

me and gave to the same canons," . . . "as in the charter of the said Hubert, which the said Canons in that behalf have, is contained." (*Duchy of Lancaster Charters*, A 199.)

Wigwall is now known as Wigwell Grange, the word *Grange* indicating that it was formerly in ecclesiastical hands. At Wigwall there belonged to Darley Abbey one messuage and eighty acres of land. (Glover's *Derbyshire*, ii., 349.)

The modern form "Wigwell" instead of Wigwall, is an example of the perverted spelling of place-names, whereby a misleading idea is often given as to their true etymology or signification. Thus, instead of this place-name referring to a well, it points, most probably, to a *vallum* (*Saxonice* wall) or camp, of either early British or Roman origin.

The first of the three grantors named in the deed before us is Henry, son of Ranulph de Crumforde. A Henry de Crumforde is named as a witness in charter No. 2 of the Fitz-Herbert and other charters published in the 4th vol. of this journal, p. 3; and which is dated 1st Nov., 1287.

Adam, son of Robert Fitz Gilbert, the second grantor, may be the son of the Robert Fitz Gilbert who was the grantor in the fourth of the Wigwell deeds above referred to, who was probably identical with the Robert Fitz Gilbert mentioned in No. 1 of the Fitz-Herbert and other charters (vol. 4 of this journal, p. 2), both of which deeds are without date. One Gilbert held Kedleston under Henry de Ferrariis, and Weston Underwood under Ralph de Buron, at the date of the Domesday survey. Lysons says that the family of Gilbert, *alias* Kniveton, settled at Youlgreave about A.D. 1300, and continued there for nine or ten generations.

The name of the then late occupier of the land granted was Robert le Wine or Lewine, the latter form (Lewin) is now a well-known surname. "To be held of us and our heirs." This clause appears to settle the date of the deed to be *earlier* than 18 Edward I. (1290), in which year the famous statute *Quia emptores terrarum* was passed, which put an end to the subfeudation of land, and enacted that a grantee should hold, *not* of the grantor, but of the chief lord of the fee.

In free alms (or frankalmoign). This tenure is thus described by Cruise. "Frankalmoign, *libera elymosina*, or free alms, whereby a religious corporation, aggregate or sole, may hold lands to them and their successors for ever. The services due for this tenure are purely spiritual. Most of the ancient monasteries and religious houses held their lands by this tenure. The parochial clergy, with many ecclesiastical and charitable corporations, still hold their lands in the same manner; but Littleton says that in consequence of the statute *Quia emptores terrarum*, none can give lands to be holden in frankalmoign except the King."

The witness Sir Robert de Esseburne (Ashburne), Knight, was probably he of that name who established a chantry at Holland (now Hulland), in the reign of Henry III., circa 1250. This might also be the Robert de Esseburne who was living at Ashburne in A.D., 1276 (Dawson and Hobson's History of Ashburne, p. 10). A Robert de Esseburne represented the County of Derby in three Parliaments of Edward I. (1272-1307.)

Sir Jordan de Snutterton (Snitterton), Knight. His name occurs amongst those of witnesses to other charters now extant. Snitterton is near Matlock. The first syllable of this place-name is believed to allude to the caves at Snitterton, and is referable to the same root as the first syllable of the old name of Nottingham, *i.e.* Snottingahame, the home of cave-dwellers. The Snittertons are stated by Lysons to have been a branch of the Shirley family.

Sir Hugo de Meynil, Knight, was a frequent witness to charters of this period. A Hugo de Meynell was of Meynell Langley in 1252, and he had a grandson of the same name.

The place-names descriptive of some of the other witnesses, *viz.*: Aldwark, Wakebridge, Plaistow, and probably Lowes, are in the neighbourhood of Wirksworth and Cromford—William le Liv. (?) If this be the correct reading, it may possibly be an abbreviation for a Norman word signifying liveryman.

It is probable, that the actual date of this deed, if it relates to Vincent's gift to Darley Abbey, is not later than the year 1249, because No. 6 of the Wigwell deeds given in the Reliquary

(ubi sup.) is dated in that year, and mentions the land "which the Abbot and Convent of Darley have of the gift of Vincent, formerly Chaplain of Wirksworth." Be this as it may, it is observable that in the above-mentioned Fitz-Herbert charter No. 1 (undated), to which Robert Fitz-Gilbert was a witness, William Godmon, clerk, is also named as a witness. This charter No. 1 was a grant of land in Wirke (Wirksworth), and William Godmon was vicar there in 1275 (Cox's *Derbyshire Churches*, vol. iv., 520), and it is certain that he was still vicar there in 1287, for in the Fitz-Herbert charter No. 2 already mentioned, and which is actually dated in that year, one of the witnesses is referred to as *Domino Willelmo dicto Godmon tunc vicario ecclesie de Wyrke*. I have already stated why it is extremely improbable that my deed belongs to a later date than 1290.

The following may be of interest with reference to the early practice of omitting dates from grants of land. "In former times deeds were not dated, because the limitation of prescription or time of memory often changed; and then it was held for a law that a deed bearing date before the limited time of prescription was not pleadable. But it became customary about the time of Edward II. (1307-1327), to insert the date in all deeds, which has been practised ever since." Cruise, *Dig. Tit.* 32. s. 3.

Upon the establishment of the Normans in England, in the eleventh century, the practice of authenticating all written instruments by waxen seals only, without signatures, was introduced, and sealing alone was sufficient to authenticate a deed, till the passing of the Statute of Frauds, in the 29th year of Charles II., since which date signature has been necessary.

In the thirteenth century every freeman, and even such of the most substantial villeins as were fit to be put upon juries, had their particular seals.

[*Transcript.*]

Sciant psentes t futuri quod ego Henr filius Ranulfi de Crumford t ego Ada fil Rob fil Gilbur t ego Robtus Faber de Wirkeswrth dedim^s ccessimus t hac carta nra cfmavim^s do t ecclie be mar de Derl t canoicis ibidem do svientibs qrtam decima ptem duaru culturaru tre cu ptinentiis in Wiggewall qua Robtus Le Wine aliqn de nob tenuit. Habend t tenend eisdem canoicis de nob t heredibs nris in libam puram quietam t ppetuam elemosynam. Nos vo t heredes nri Warantizabim^s adquietabimus t defendem^s dtam qrtam decimam ptem tre cum ptinentiis pfatis canoicis contra omnes hoies inppetuu. In cui^s rei testimoniu huic scpto sigilla nra apposuimus. Hiis testibs Dnis Robto de Esseburne Jord de Snuttona Hug de Meynil militibs Rob de Aldewerhc Ranulfo de Wakebrugge Willo Le Liu Alex de Lowes Johe de plaustow thoma coco t aliis.

[*Translation.*]

Know all men present and to come that I Henry son of Ranulf de Crumforde and I Adam son of Robert son of Gilbert (Fitz Gilbert?) and I Robert Faber (Smith) de Wirkesworthe have given granted and by this our present charter confirmed to God and the church of the blessed Mary de Derley and the canons there serving God the fourteenth part of two cultures of land with the appurtenances in Wiggewalle which Robert le Wine formerly held of us To have and to hold to the same canons of us and our heirs in free pure quiet and perpetual alms We truly and our heirs will warrant acquit and defend the said fourteenth part of land with the appurtenances to the aforesaid canons against all men for ever In testimony whereof to this writing our seals we have affixed These being witnesses Sirs (Dominis) Robert de Esseburne Jordan de Snutterton (Snitterton) Hugo de Meynil Knights Robert de Aldewerke Ranulf de Wakebrugge (Wakebridge) William Le Liv Alexander de Lowes John de Plaustow Thomas Cook and others.

Inscription on the first seal :—" S. Hanrici de Crumforde ;" on the second seal (broken) :—" i Roberti ;" and on the third seal :—" Sigill : Robti Faber."