

Placuit p[ro]fari & tunc q[uo]d ego Sabas & diuina dei auerſi & sic p[ro]fari curra me. confutari. p[ro]fitemur & diuina filio meo  
 p[ro] honore & seruicio suo aduenire tota auerſi me de breuifſat iſta villa & ex iſto loco ſup[er] plano in diuis & v[er]itatis  
 & ai h[oc]is v[er]itatis tenentibus & ex ſequis & cum ſeruiciis & hominib[us] h[oc]is hominib[us] iſta ſi p[ro]fite ſi meo  
 al[ter]i & aqua & annis illis ad eam p[ro]fitemur. Sine illis ut nemine exera ad uocare curie da auerſi que ueris  
 remanet. h[oc]is filio meo & ex ipſo capite ueritas uſq[ue] ad hoſſam q[uo]d et u[er]it[as] gaudium & noui q[uo]d uerum  
 remanet p[ro]fitemur h[oc]is tenentibus & iſta ſi u[er]it[as] ex noui gaudium ai nouo gaudium q[uo]d  
 ai conuict p[ro]fitemur capite me h[oc]is. Salu[us] & tenet ad p[ro]fitemur & h[oc]is ſuis & ueris ſua deſignata ce  
 uerit[as] & me & heredes meos. h[oc]is que ex ipſa h[oc]is p[ro]fite & ueris & ueris & h[oc]is ueris p[ro]fite & ſer  
 uerit[as] diuina h[oc]is ueris & ſi conuict[us] d[omi]ni p[ro]fitemur iſta diſcedit ut ſua ſua conuict[us]  
 & u[er]it[as] h[oc]is & ueris ſua deſignata ſua uerit[as] ai ſua p[ro]fitemur remanet h[oc]is ſua  
 ad p[ro]fitemur & heredes ſuis tenet & me & heredes p[ro]fitemur ſeruiciis ueris. Et ego & heredes mei oia p[ro]fite  
 ſunt. Placuit de p[ro]fitemur duob[us] fili[is] filius meos ai o[ra] p[ro]fitemur ai o[ra] p[ro]fitemur ueris.  
 p[ro]fite u[er]itatis p[ro]fitemur p[ro]fitemur ſignat uerit[as] uerit[as]. H[oc]is uerit[as]. D[omi]ni tenet & uerit[as] d[omi]ni Sabas & h[oc]is ſua  
 D[omi]ni Sabas & e[le]cta. D[omi]ni thom[as] & d[omi]ni h[oc]is. V[er]it[as] uerit[as] de d[omi]ni. V[er]it[as] fil[ius] ſoleph & breuifſat.  
 uerit[as] gaudium. h[oc]is & uerit[as] h[oc]is & d[omi]ni d[omi]ni. Thom[as] fil[ius] h[oc]is & d[omi]ni. Thom[as] fil[ius] h[oc]is & d[omi]ni. Thom[as] fil[ius] h[oc]is & d[omi]ni.

## Early Charters of Breadsall, with some Notes on the condition of the Villani in the thirteenth century.

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BY THE EDITOR.

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BY the kindness of Mr. Hugo Harpur-Crewe, we have been provided with transcripts of several ancient charters relating to the Manor of Breadsall in this county.

The first of these, relating to a transfer of a portion of the principal manor by Robert Duyn to his son Sampson, is of the deepest interest. It is not only a conveyance of land and tenements with every incident connected therewith, but it is an actual transfer of living men, women, and children (like so many head of cattle), together with their allegiance and manifold services, from one chief lord to another. The document is undated; but as far as we can discover from the names of the witnesses attached, it was executed about the year 1237; that is, about twenty-two years after the great charter of English liberties was extorted from the hands of King John. The provisions of Magna Charta, however, did not materially affect so low a stratum of society as the villani, except *to proportion the fine to the fault*, if any of them fell under the king's mercy.

The charter is as follows:—

(1) “**B**e it known to all, present and future, that I Robert de Duyn, have given, conceded and by this my present charter confirmed to Sampson de Duyn my son, for his homage and

service, a moiety of my manor of Breadsall, with all appurtenances and liberties appertaining to the said moiety within the village and without, in plain, in meadows, in pastures, in mills & waters, in villenages, & services, & homages of free men ; that is to say—

“The service and homage of the land which Robert the son of Robert Bastard holds in the open field of Southwood :

“The hom : & serv : of the land which Geoffry Monachus holds in the vill of Breadsall :

“The homage & serv : of the land which Henry Dramayl held freely in the vill of Breadshale :

“The hom. & serv : of the land which Richard de Athelardestre holds in the field of Breydeshale :

“The homage & serv : of land which Helyas the son of Fulch holds in the territory of Osmaston :

“And the homage & service of the land which William de Morley holds in the open fields of Morley.

“And Robert the son of Hugo with his land and with all his ‘sequela’ ; (*i.e.*, his following, his wife, his *issue*, and all his goods and chattels.)

“And William son of the aforesaid with his land and all his belongings

“And Ranulph son of the aforesaid with his land and all his belongings

“And Robert son of Folx, with his land, and all his belongings,

“And Geoffry de Blund, with his land, and all his following,

“And Ralph the prepositus (bailiff or headman) with his land and all his following,

“And Robert in the Clay with his land and all his following,

“And Henry son of Sweyn with his land and all his following,

“And Randulf Cotter with his land and all his following,

“And Sweyn son of Hugh and Alan his son with his land and all his following,

“And Stephen Dirival with his land and all his following,

“And Ralph son of Hugh with his land and all his following.

“Item a moiety of the land of Peter the son of Ralph, with all services and customs,

“And the land which William Cook holds, with all services and customs

“And the land which Reginald the Millar holds with all do. do.

. . . . .	Henry Palmer . . . . .
. . . . .	Henry Chaumpuneys . . . . .
. . . . .	Hugh the mill maker . . . . .
. . . . .	Letitia de Athelardestre . . . . .
. . . . .	Henry son of John le Bercher (foldman or shepherd) . . . . .
. . . . .	Gilbert Tynetorium (Tanner) . . . . .
. . . . .	John le Beucher (butcher) . . . . .

“And a moiety of land which Nicholas Faber the smith holds in the vill of Breydeshal, with his body and with all his following.

“And Osbert de Gravin with his moiety & with his body and all his belonging.

“And Gervaise de Cothalh with his moiety, his body and all his following.

“And Henry de Cothalh with his moiety, his body and all.

“And a moiety of the whole of my demesne which lies nearer towards the sun, with all things pertaining to the aforesaid except the advowson of the church of the said manor, and except my chief messuage and garden as far as the ditch which is between the new garden and the old, so that that ditch may be the boundary and division, which I wish to remain wholly to Hugo my son and the heirs issuing from him. So that the aforesaid Sampson and his heirs may never be able to plead any right in the advowson of the said church unless the said Hugo should happen to die without any heirs of his own. But for the aforesaid chief messuage, just so much of the land outside the new garden, with the new garden itself, may remain to the said Sampson to make for himself a chief messuage, as much as may contain the aforesaid chief messuage and garden, according to the bounds which are made. Holding and having to the said Sampson & his heirs issuing from his espoused wife, of me and my heirs freely quietly &c. in fee and heirship for ever, by the service of half a knights fee, for all services pertaining to me and my heirs. And if it

befal that the said Sampson in time to come, decease or exchange this life without heirs begotten of his espoused wife, the said moiety with all appurtenances herein mentioned shall remain to Hugo brother of the said Sampson & his heirs, holding the same of me and my heirs to himself & his heirs by the aforesaid service for ever. And I and my heirs all the aforesaid as is aforesaid, to the aforesaid two brothers and their heirs with all the appurtenances we will warrant against all people for ever. In testimony of which I have strengthened the present charter with the protection of my seal, these being witnesses :—

“ Lord Robert de Esseborn, Lord Jordan de Snitterton Lord Thomas of Edensor Lord Serlo de Munioye, Thomas ‘Juvene’ of Derby, William son of Joseph de Breadsall, Geoffrey ‘Monacho,’ Henry de Chaddesden, Thomas son of Hernis, Roger de Ledesbury of Morley, Nicholas Wolf of Morley, Hugo de Morley, Richard de Dun Rector of the church of Breydeshal, Master John de Weston clerk, Henry de Braylesford, Peter de Bakepuz, and others.”

This document reveals to us four classes of tenure and tenants.

- 1st. Of free men, absolutely free, rendering to the lord of the fee *homage* and *service* merely. Of these there were six.
- 2nd. Of men less free; the immovable occupants of the soil; the *glebæ ascripticii*. Of these there were twelve.
- 3rd. Of a class with some occupation not altogether agricultural, yet holding lands by services and customs, but not written down with the soil. Of these there were nine. Amongst them we find a cook, a miller, a millmaker, a foldman, a tanner, and a butcher, with three others, whose occupation is undefined.
- 4th. The *slaves*, the “*servi*.” Happily of these there were but four, viz.: “Faber,” Gravin, and the two Cothalls.

Henry de Bracton, the great English lawyer of the time of Henry III., lived exactly when this document was executed. From his work, “*De Legibus*,” we learn correctly the status of

these tenants at Breadsall. Of the second of these classes, he writes :—

“ There were free men at the time of the Conquest, who held their tenements freely by free services and customs, and when they were ejected by their conquerors after their reverse, they received their tenement back again in villenage, doing servile work for the same, but *certain* and *defined*; and these are called *glebæ ascripticii*, because written down as attached to the soil. They are not free because they are allowed to do servile work which is not done in consideration of *persons*, but in respect of *their tenements*, and so (he writes) they have not the privilege of ‘*new disseisin*’ because their tenement is in villenage, although privileged, nor yet of Assize of Mort-ancestor, but only a little brief of right according to the custom of the manor, and so they are called *glebæ ascripticii* (living ascripts to the soil), because they rejoice in the privilege that they cannot be removed from the soil as long as they are able to perform their appointed duties to the chief tenant of the Royal demesne, neither can they be *compelled* to the holding of such a tenement unless they please.”

Of the fourth class, or slaves, the same writer observes :—  
“ They hold by villenage, and by the *undefined* service of villains, and perform whatsoever may be commanded them as long as it be lawful and honest.

“ In the sixth chapter we are informed that slaves are either *such by birth* or have *become* such. They are born of any man serf or woman serf, married or not. The issue of a female serf is a slave, though the father be a free man, because the child follows the condition of the mother.

“ A free man may become a slave by confession made in the King’s Court that he has attached himself to villenage. Again, a free man may become a slave if, when once he is made free, he be recalled to servitude by reason of his ingratitude.

“ A slave, to become a clerk or monk, must be made free, and if after a time he lays aside his clerical estate and returns to a secular life, he becomes a slave again, because such ought to be returned to his former lord.

"There is one substantial condition of slaves. Whosoever is a slave, is a slave just as any other, neither more nor less."

Bartholomew Anglicus, an English Franciscan, who wrote his "Encyclopædia" on the properties of things about the middle of the thirteenth century,\* thus describes the condition of a servant :—

"Some servants be bond and born in bondage, and such have many pains by law. For they may not sell nor give away their own goods and chattels, nor make contracts, nor take office of dignity, nor bear witness without leave of their lords. Wherefore, though they be not in childhood, they be oft punished with pains of childhood (*i.e.*, chastised as children). Other servants there be, the which being captured with strangers, and aliens, and with enemies, be bought and sold, and held low under the yoke of thraldom. The third manner of servants be bound freely by their own good will, and serve for reward and for hire. And these commonly be called *Famuli*."

The chartulary of Ramsey Abbey, Huntingdonshire, contains a remarkable survey of the parish of Shillington, in Bedfordshire, made in 1255. It gives the status and services of every class of tenant, and the particular work each tenant had to perform. Generally speaking, the *glebæ ascripticii* had not overmuch leisure to perform their own home work, though these were the more privileged amongst the villains, and if this was so with the monastic tenants, who were always considered more highly favoured than the baronial, what a hard time many of the latter must have had !

The duties of the villani seem to have been measured out by stints, as we now term them, one stint forming one day's service. The following are examples :—

OF THRESHING, "twenty-four sheaves of wheat, or 30 of barley, beans, and oats, formed one work or stint.

OF DITCHING, "the length of  $2\frac{1}{2}$  perches (reckoning by the old measurement of 18 feet for the perch, that is to say, 15 yards)

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\* "Medieval Lore." Elliot Stock, 1893.

at the depth of one 'bescata,' or spade graft, with reparation of the ditch on one side, formed one stint.

"On level ground, one perch (18 ft.) dug to the depth of 3 feet, and the width of 5 feet, formed one stint.

"OF WOODCUTTING; 5 bundles of thorns with 5 stakes or stems (but not of oak, ash or apple), to be carried to any place appointed, formed one stint.

"Two bundles of stems, well cleaned, gathered and carried as appointed, formed also one work. In the style of the survey :—

OF HEDGING, "If he shall make an enclosure of brushwood round the park he shall work until nones for one work.

"In the fields, he will make 15 yards of fencing, and collect and carry the thorns from the wood for that purpose, and so construct his fence that no ploughshare can be drawn through—for one stint.

OF PLOUGHING, "He must plough with his yoked oxen one selion\* in any place appointed him in the cultivated land for his day's ploughing. The harrowing of the said selion formed one work.

"In winter time he will as of custom plough one rood, and will sow it with his own seed, which is called '*Beneseed*' (i.e., '*boon seed*,' because *given* to the lord) and will harrow it—(for one work).

"For 12 days before the Nativity he shall rest—and from the Epiphany to the Feast of Purification he shall perform carrying work only, except that every Friday during this term he shall plough for lightening or lessening the ploughing (in the spring).

"He is free in Easter week and Xmas week, but from the 1st of February to the 1st of August, and from Michaelmas Day to Xmas Day, he will work each week in manner aforesaid—(doing I suppose one stint each day).

OF HOEING, "At hoeing time he is bound to hoe as of

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\* A *ridge* of land of an uncertain quantity; a strip of ridged land between two furrows.

custom for 3 continuous days, and if more shall be necessary, he will hoe for one entire day for one task (*i.e.*, as *paid labour*).

"A 'load' is defined to be half a quarter of corn. A load of flesh meat is one pig, two sheep's carcasses, and a quarter of an ox.

"He shall give the lord 20 eggs at Easter, and on Hokeday, two bushels of oats, called '*Fodder corn*.'

"On Thursday in Whitsun Week, he shall find one man working from morning till nones in the Millpond: or, if not required, he shall clean out in deep ditching, two perches and a half, or (15 yards). If any holidays occur on his working days, he shall work every alternate festival.

"In the 1st week of corn harvest, he shall perform 3 *works*. For *each* of these he shall mow one selion in the culture, and two more selions in the same by the labour called '*Hunger-bed-rype*,'\* *i.e.*, without rations from the lord's table.

"In the 2nd week he will reap and carry 3 roods of wheat called '*corn boon*.'

"But in the 3rd week, he shall in like manner perform 3 works, in which, if it can conveniently be done, there shall be a great harvest bidding, at which he will find 3 men working for a whole day. And he shall march before them, and shall warn them how to work fittingly, and when they come to the manor in the evening, each of them shall receive one sufficient loaf, and one dish of ox flesh between two of them, and one 'last' of cheese as is fitting, and sufficient soup and beer.

In the 4th week, 3 more works are prescribed to be done by his 3 men; after which they were to be regaled with the same viands as before, with the choice of herrings if preferred.

"The 5th week much as before.

"If he be sick he shall be excused for 3 weeks in winter and summer, and 15 days in the autumn.

"If he die, the lord shall have his best beast, such as an ox,

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\* "*Bed-rype*," *i.e.*, Bid-reap, the *bidding* or summons to reap in harvest. This labour, performed without any allowance of food, was termed "*Hunger-bid-reap*."

or a horse. The Church takes the *second best*, and his relict shall remain in his manse for 30 days, performing no work for the lord. After that time she shall begin to work, as is fitting, for the land.

"He must not sell an ox or horse of his own rearing without his lord's licence, and if his lord need them, he shall have them at 4d. less than any other purchaser.

"If his cattle are taken for the lord, as long as they are detained even for a month, he shall do no work besides ploughing, which shall never be hindered.

"But if he is poor, that he has not wherewithal to plough his own land, he shall work on Fridays for his lord, for the plough service (done for him by his lord)."

After a long list of villains, each holding a virgate of land, it is added:—

"And it is not lawful for any of these above written (the lord being unwilling, or not knowing) to train his sons in the clerical state."

This was in conformity with the sixteenth article of the Council of Clarendon, which provided that "The sons of villains (*i.e.*, Saxons) ought not to be ordained without the consent of their lords in whose lands they are known to have been born." (Cotton MS., Claud. 13, fo. 26; Thierry II., 68).

Of the third class of tenants in the Breadsall charter, amongst whom we find a cook, a miller, a millwright, a shepherd or sheep-folder, a tanner, and a butcher—at least if we may infer their occupation from their surname—we have an interesting parallel in the Shillington Survey. They were more exempt from task work, nor were they conveyed as part and parcel of the land or its incidents.

The Breadsall charters afford an interesting example of the manumission of a villain. There are two documents relating to this transaction. The first dated Wednesday in the Vigil of All Saints, anno 39, Edward III. (October 31, A.D. 1365), is as follows:—

(2) “**K**now ye present and future, that I Thomas Curzon, lord of Breadsall, have given, granted, and by this my present charter confirmed to Master Robert Mold (Rector of the Church of Breadsall), John, the son of John the Reve of Breadsall, my native, with all his following, begotten or to be begotten, together with all his goods and chattels, etc. These being witnesses: Henry Adderleye, William Curzon, chaplain, William le Marshall, and others.”

The next is the deed of Manumission, dated the following Sunday.

(3) “**L**et all know by these presents, that I Robert Mold, Rector of the Church at Breadsall, have manumitted and made free John the son of John the Reve of Breadsall, my native, with all his following, created or to be created, together with all his goods and chattels, that neither I the said Robert Mold, Rector of Breadsall, nor my heirs, nor any others in my name, shall be able to exercise or demand any action or demand by reason of villanage in the aforesaid John, or in his following, begotten or to be begotten, or in his goods or chattels. In testimony of which to this present charter I have affixed my seal. Given at Breadsall on Sunday next after the Feast of All Saints’ in the 39th year of K. Edward the Third after the Conquest.’\* (November 8th, A.D. 1365.)

The person here manumitted was the son of the Breadsall Reve, a confidential servant, a steward of the Curzons, whose duty it was to stand at his lord’s table and perform the more important offices and errands of his master. The youth must have been a lad of much promise to have arrested the attention and commanded the respect of the Rector, who having purchased the thral, at once made him free. It would be interesting to know the subsequent history of the young man, whether he settled down at Breadsall as a free man, or whether, after

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\* *Vide Rymer’s Fœdera* X. 371, anno 5 H. VI.; and XI. 56, anno 22, H. VI. (A.D. 1444).

performing the minor ecclesiastical offices in the old church at Breadsall, he received holy orders and rose to any office of distinction, but we must resign John the son of John the Reve to the mighty list of those whose memories have passed away for ever.

(4) "This is the agreement made between lord Robert de Dun on one part, and Hugh, son of Hugh de Morley, on the other, viz., that the whole land about which there was dispute between lord Robert de Dun and Hugh (de Morley) son of Philip, which lies between Breadsall Wood and Morley-Open-Field, shall lie in pasture common to both villis for ever. Except that land which Gilbert the miller and Hugh son of Henry de Breadsall, hold, which shall quietly remain for ever to the said Robert and his heirs; so that neither the aforesaid Hugh, son of Hugh, nor his heirs, shall ever claim or demand any right thereunto. And that this agreement may stand firm and steadfast for ever, two instruments are made between them, to which their signs are affixed, viz., the instrument which remains in the possession of Robert, with the seal of the said Hugh, and the instrument which remains in the possession of the said Hugh, with the sign of the aforesaid lord Robert. These witnessing: Lord Robert de Esseburn, lord Thomas de Curscun, lord Robert de Muschamp, John de Henoure, Michael de Henover, Roger de Dun, Walter de Morley, Hugh de Dun, John de Weston, clerk, and others."

(5) "Now ye present and future, that I, Hugh de Duyn, lord of a moiety of the vill of Breydishal, and patron of the church of the same vill, being moved by Divine charity, and for the welfare of my soul and of my wife, my father and mother, and of all my ancestors and successors, have given, etc., and confirmed to Richard de Duyn my brother, rector of the church of Bredishal, and to all his successors rectors of the same church, in pure and perpetual alms, free pasture with all their animals of whatsoever kind in my park of Breydishal, and in all other

places where my animals feed ; and of augmentation, one acre of my park aforesaid, which extends from 'Hayleisente' unto the footpath which goes towards the 'Hermital' of the park of Breydishal, and lies in length nearer the culture of Robert Foulpintil, of . . . with free ingress and egress to the same pasture and land whenever they please. Especially I have granted to them housebote and haybote in my outwoods of Breadishal as long as they shall last. And if in any case it happen that the outwood of Breydishal be plucked up and laid waste, that then it shall be lawful for them to have and take housebote and haybote in the park aforesaid, as previously they were accustomed to do in the aforesaid outwood. For this donation and confirmation, the aforesaid Richard granted to me for himself and his successors, to enclose and shut in the said park with a ditch. I therefore and my heirs all the aforesaid, in the form promised, to the aforesaid Richard and all his successors, who shall for ever be rectors in the church aforesaid, warrant, acquit, and defend for ever, against all people. And that all the aforesaid premises may obtain the force of firmness for ever, I have strengthened my present charter with my seal. These being witnesses : Lord Sampson de Duyn, Master John de Weston, Hugh de Morley, Will. de Braydishale, Walter, rector of the church of . . . Hugh, his brother, of the same, Geoffry de Coventry, chaplain, and others."

(6) "Know ye, etc., that I, Hugh de Duyn, son of the former lord Robert de Duyn, have given, etc., and by this my present charter confirmed, and for ever quit claimed to Henry de Cursun and Johanna his wife (my daughter) all my lands and tenements, rents, possessions, and all things which to me or my heirs in any way can appertain in the vill and territory of Breydishale, with the advowson of the church of the same vill of Breydishale, and with mills, pools, fisheries, fish preserves, woods, plains, meadows, feedings, pastures, ways, footpaths, and all liberties, commodities, easements, and all other appurtenances, whatsoever and wheresoever, as well in the villages of Breydishale

and Morley, as without. Having and holding to the same Henry and Joan, and their heirs, lawfully procreated of themselves, etc. Rendering thence to the chief lords of the fee the homage and services due to them for all secular service, payment, custom, demand, and suit of any court, for the tenement of Breydishale, and for the third part of the wood of Lyme, which lord Robert, my father, formerly purchased in the fee of Morley (twelve pence yearly), paying to the chief lord of the same fee, and sustaining one lamp burning before the altar in the church of Breydishale every day in the year, for ever, for all secular service and demands. . . Warranty, etc. Witnesses: Sir Ralph de Crumwelle, K<sup>t</sup>., Hugh de Morley, Master Richard of the same, Nicholas de Henoure, Hugh de Massi of Morley, William, son of Nigel, of the same, and others.

(7) “**H**enry, by the grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, to all bailiffs and his faithful, to whom the present letter may come, saluting: Know ye that at the instance of our beloved and faithful Hugh de Bygod and Robert de Tibetot, we have remitted to Henry de Curzun our anger and ail bitterness of spirit which we had contracted on his account, because that he stood out against us in the conflict at Evesham, and we have received him into our favour and to peace; willing and granting that all his lands and tenements taken into our hands for that reason be restored to him. In testimony of which we have caused these our letters to be made patent. Witness, etc., at Canterbury, the second day of November, in the fiftieth year of our reign.” (A.D. 1265.)

(Part of the great seal remaining.)

(8) “**K**now ye, etc., that I, Richard de Curzon, have given, conceded, and confirmed by this my present deed to Henry, my son, for his homage and service, all my land in Chaddesden, that, viz., which belonged to my father Ralph de Curzon, which fell to me in right of heirship. Holding and having to him, his

heirs, or assigns, or to anyone he pleases to give, release, deliver, or assign, of me and my heirs, freely and quietly, in fee and heirship, etc., etc., performing to me and my heirs the service of the fourth part of a knight's fee for all secular service and demands, foreign excepted. Warranty. For this donation, concession, etc., the aforesaid Henry gave to me thirty marks of silver, etc. Witnesses: William Burdet, Robert de Grendon, Robert de Foleville, Ralph Chamberlain, Robert de Muschamp, Henry de Brechnes, Walter de Morley, Henry le Poer, Stephen de Alwaldeston, Roger de Lyac, Rich<sup>d</sup>. Mercator, Will. de Normanton, and others."

(9) "Know ye, &c., that we Edmund, son of Henry King of England of famous memory, have given, conceded & by this our present charter confirmed to Richard son of Henry de Curzoun of Breydeshale, the whole of that land, and a moiety of the watercourse to his mill of Hadleye, with all its appurtenances, which Hugh de Duyn formerly held of lord Robert de Ferrars formerly Earl of Derby, as it lies in separate parts in the territory of Sutwode. (Southwood.) Having and holding &c. of us & of our heirs in fee and heirship &c. Paying yearly to us & our heirs 25 shill. sterling. Warranty. For this donation and confirmation of our charter, the aforesaid Richard gave to us 6<sup>s</sup> 8<sup>d</sup> for his admission, &c. Witnesses: Roger Brabanzon, William Wyther & Ralph de Montjoye Knights, William de Tyssington, Will de Adredeleye, Ralph de Rolleston, William son of Benedict de Holbrook, John Gassetun, & others. Given at Tuttebyre in the feast of the Nativ. of the B. V. Mary in the 14th year of the reign of King Edward our most dear lord and brother." (September 8th, A.D. 1288.)

(Seal sewn in cloth.)

(10) "Know ye, &c., that I Richard de Curzon of Bredishal, have given, conceded & confirmed to Ralph Knyt of Breydishal for his homage and service, all that land with the appurts. which

Stephen de Dunnesmor\* formerly held with all its appurts. & easements in meadows, pastures pertaining thereto within the vill & without. Holding, &c., of me & my heirs or assigns, to him, his heirs or assigns, or to whomsoever & whensoever he shall choose to give or sell, except to a religious house, or to Jews, & their heirs—of me & my heirs, &c., in fee and heirship, for ever. Paying yearly to me 13<sup>s</sup> 4<sup>d</sup> of silver (by half-yearly portions) for all services (foreign excepted) as much as to that land pertains, and to the lord suit of court every 3 weeks. Warranty, &c. Witnesses: Richard de Morley, Geoffry de Dethic in Breydishal, Thomas le Power in Spondon, Henry de Chaddisdene, Robert Bastard, & others. Given at Breydishal Wednesday next after the Feast of S. Martin in the 18th year of the Reign of K. Edward." (November 15th, A.D. 1290.)

(11) "Know ye, etc., that we Roger Tromwyne, Knight, Joan de la Pole, my wife, and Roger de Aston, have given, conceded, and by this our present charter confirmed to lord John de Ferrars and Hawisia his wife, the whole of our manor of Breydishale, with all lands and tenements, meadows, feedings, and pastures, pools, mills, fish preserves, fisheries, rents, services, as well of free tenants as of natives, with wards, reliefs, escheats, suits of court, and with all other profits or advantages appertaining in any way to the said manor without any retainer by us or our heirs. Having and holding to the aforesaid John and Hawisia and their heirs or assigns whomsoever, the aforesaid manor of Breydishale, with all and singular the appurts. and profits as is aforesaid, freely, quietly, etc., for ever. Performing thence yearly to the chief lord of this fee, the services due and accustomed. For this donation and charter of confirmation the aforesaid John and Hawisia gave to us £100 sterling. Warranty. Sealing. Witnesses: Robert de Bures, William Tromwyne, Knights, William de Ffissera of Brunton, Master Robert de Bromleye,

\* This name we believe is still applied to the highest part of Breadsall Moor rising to the south-west above the old road leading from Little Eaton to Smalley.

Nicholas de Ambruton, clerk, and others. Given at Certeleye (Chartley) on Wednesday the morrow of the Circumcision of the Lord in the 30th year of the reign of K. Edward, son of K. Henry." (January 2nd, A.D. 1302.)

(Two good seals.)

(12) "Know ye, etc., that I, Richard de Curzon, of Breydishale, have given, conceded, and by this my present charter confirmed to Henry my son, Peter de Cothale my native, with all his chattels, and the whole of his following, and all lands, with their appurts., which (wheresoever) he held of me in Breydeshale, and one place of land which is called Hornete Croft, and one place of land in Windeserf as it is enclosed by walls, and one place of moor in Bawall Moor as it is surrounded by a ditch; and the water mill which is called Windesore Mill, with banks, pond, and bays, ways and footpaths leading to that mill; and one place of land lying between that mill and the moor aforesaid, with all the appurts. appertaining to the said lands and mill wheresoever, together with the reversion of the whole of the assart near Windesore Mill, which Alice, who was the wife of Richard de Duyn, and Roger, son of the same Richard, held of me for the term of their life. I grant also to the said Henry, and the heirs of his body lawfully procreated, the power of taking earth and stones in my ground to repair the aforesaid pond when it be necessary, so that he do not raise (the head) to my hurt or the injury of my heirs and assigns. Holding and having to the said Henry and his heirs, etc., of me and my heirs freely, etc. Paying thence yearly to me, etc., two silver pence at two terms in the year (the feast of the Annunciation and of St. Michael). Warranty, sealing, etc. Witnesses: Richard de Morley, Will. de Tissinton, Thomas le Pouer, Hugh de Lont, Walter de Workinton, and others. Given at Breydeshale on Sunday next after the feast of S. Gregory, Pope, in the 31st year of the reign of K. Edward. (March 17th, A.D. 1302-3.)

(13) “**K**now ye, &c., that I Matthew son of Richard son of Alan, clerk, of Breydeshale, have given conceded, &c., to Henry le Shepherd of Wyrkesworth and Juliana his wife one half acre of arable land with the appurts. in the territory of Breydeshale; which half acre lies in the North-field, in a former assart which is called ‘The Lonsorewes,’ between the land of Arabella who was the wife of Hugh le Luk on one part, and the land of Thomas Rondolf on the other, and extends itself from the way which leads towards Eyton (Little Eaton) as far as Walker meadow. Holding, &c. Sealing, &c. Witnesses: Richard de Curzon, lord of Breydeshale, Geoffry de Dethic, John le Knyght, John ffabro (smith), Roger clerk, and others. Given at Breydeshale, on Wednesday after the feast of S. Cuthbert in the 10th year of K. Edward, son of King Edward.” (March 23rd, A.D. 1317-18.)

(14) “**T**o all, &c. Henry le Corzun, lord of Bredesale, saluting in the Lord. Know all of you that I have given, conceded, released, and confirmed to William, atte Barre, dwelling in Derby, all that land which Robert, the son of William, held in Breydishale, in a place called Cothale, and 30s. yearly rent out of the lands and tenements which Rosa who was the wife of Peter de Cothale, and Thomas, his son, held of me to the end of their life, at two terms of the year, &c. I grant also to the said William, his heirs, &c., that if the said Rosa or Thomas, one or other of them depart or die during the life of the said William, or within the term of 12 years, that the said land, &c., straightway after the death of the said Rosa, or other of them, shall remain to the said William during his life, &c. Paying thence yearly to me and my heirs one (pound) of pepper during the 12 years; but if the said William survive them, he shall pay during his life 20 pounds of silver yearly. And in case of non-payment of the said £20 in whole or in part, then it shall be lawful for me or my heirs freely to enter and possess the said land and tenements and rents, &c. Witnesses: Haymon de Hilleye, Geoffry de Dethic, John Sissore, John de Knyth, Roger

le clerk, and many others. Given at Breydishale, on Sunday next before the feast of S. John Baptist, Anno Dom. 1321." (June 21st.)

(15) "Know ye, &c., that we Margery wife of William at the Fountain, of Little Chester, and Geoffry my son, have given & confirmed to Stephen Wildgos of Braideshale, one rood of arable land in the territory of Braideshale, lying between the bushes between the open fields of Little Chester and Breadsale with the appurts; between the land formerly Thomas Randolph's on one part, and the land formerly John's called 'Knyght' on the other. Having, &c., the said rood to the said Stephen of the chief lord of the fee. Warranty from both conjointly and separately, &c. Witnesses: Henry le Curzon of Braideshale, Hamon de Yllay of the same, John Cissore, Geoffry called . . . . . Simon Wildgos of the same, & many others. Given at Little Chester Wednesday in Easter week, anno 2 Edward III." (April 6th, A.D. 1328.)

(16) "Geoffry son of William atte Walle of Little Chester quits his claim to Henry called 'Shepherd' of Breadsall in two acres of arable land in Breadsall fields, which the said Henry had of the gift and feofment of his mother Margery. Witnesses: Henry de Curzon, lord of Braideshal, Hamon de Illay of the same, John Cissore, John Knyth of the same, & others. Given at Braideshal, Wednesday next after the Translation of S. Thomas (Becket) the Martyr, A.D. 1330." (July 10th.)

(17) "Know ye, &c., that I Geoffry, called 'The Reve,' son of Ranulph de Breydishale, have given, conceded, & by my present charter confirmed to The Light of the Holy Cross of the Church of Breydeshal, one half acre of arable land, with the appurtenances, separately lying in the territory of Breydeshal; two selions of which half acre lie in 'Tin medew' between the land of Robert le Haywart on one part, and the land of William fitz Geoffry on the other, and one 'But' between the land of Will. fitz Geoffry

on one part, and the land of Henry le Couper on the other, and shoots towards Aylewart meadow, Holmdene. Holding the said half acre and the But, &c., to the said Light in pure & perpetual alms for ever, freely, quietly, well, and in peace, of the chief lords of the fee, by the services due & accustomed for all things, (Warranty to the said Light against all people.) Witnesses: Henry de Curzon, Haymo de Illay, John Kniet, John Cissore, Roger Clerk, & others. Given at Breydushal Sunday next after the feast of the Purification of the B. Mary, A.D. 1330." (February 3rd.)

(18) "This Indenture bears witness that thus it was agreed between Matilda who was the wife of Robert de Holland on one part, and Richard de Curson Rector of the church of Bredesale on the other, viz., that the aforesaid Matilda conceded and released to the said Richard the custody of all lands and tenements with the appurts. which the said Henry de Curzon held of the said Matilda in Breadsale, by reason of the minority of Stephen son & heir of the aforesaid Henry; so that the aforesaid Henry held the said lands and tents. of the said Matilda by Knight's service, with other lands and tents. which might descend to the said heir. Having & holding to the s<sup>d</sup> Richard his heirs & assigns unto the full & lawful age of the said Stephen, with the Marriage of the same Stephen, w<sup>t</sup> all appurts. profits of free tenants, & of villains, villanages, advowsons of churches, knights' fees, wards, reliefs, escheats, & marriages, & all other things which in any way appertain unto the said custody without any retention. And if it happen that the aforesaid Stephen die before he comes to his full & lawful age, the said Matilda grants for herself and her heirs that the aforesaid Richard his heirs & assigns may have also custody of the lands and tents. aforesaid, together with the marriage of the heir of the said Stephen. Having, &c., to the said Richard, &c. Warranty. Given at Dagworth Sunday next after the feast of the Translation of S. Thomas the Martyr, in the 7th year of K. Edward III." (July 10th, A.D. 1333.)

(19) "John le Tayllior of Breadsall and Margaret his wife grant & confirm to Hugh de Streton & Rose his wife 2 acres of arable land in Breadsall, one acre lying in Shortflatt, and another acre in Sothewodfeld, in a place called 'Long Flat.' Witnesses: Richard de Curzon rector of Breadsale, John Knight, Will. Loyak, Geoffry son of Robert Smith, & others: Given at Breadsall, May 1st, 1336."

(20) "Know ye, &c., that I Margaret who was the wife of William Attebarre of Derby, have conceded & confirmed that eight acres of land with the appurts. in Breydeshale, lying in a place called Cothale, which Margaret de Eyton (Eaton) held for her life by my lease, and which after her death ought to revert to me and my heirs, straightway after the death of the s<sup>d</sup> Margaret de Eyton shall remain to Richard de Curzon parson of the church of Breydeshale. Having and holding to the said Richard and his heirs for ever. And furthermore, I the aforesaid Margery have granted that all the tenements which Alice who was the wife of Henry le Curzoun holds in dower of the gift of the said Henry, and by my assignation, and which after the death of the aforesaid Alice ought to revert to me and my heirs, straightway after the death of the aforesaid Alice shall remain to the aforesaid Richard le Curzon and his heirs for ever. Having and holding to the said Richard, &c. Witnesses: Sir John de Twyford, Edward de Chaundois, Giles de Meygnyll, Hugh de Meygnyll & William de Grey, Knights. Walter de Mountgomeri, Walter de Sharpelowe & others. Given at Derby Wednesday next after the feast of S. . . . . in the 12th year of K. Edward III." (c. 1338.)

(21) "Know ye, &c., that I, Robert the Miller of Breydeshale, have given, &c., to Richard de Curzon, Rector of the church of Breydeshale, that croft called Benecroft with the appurts. in Breydessale, which croft lies between the croft which the aforesaid Richard purchased of me on one part, and my messuage on the other, and extends itself towards Pykeleylone on one part, and the

Moor of the Mill on the other. Having, &c., to the aforesaid Richard and his heirs for ever, &c. Sealing. Witnesses: Hamo de Hilley, Stephen de Curzon, John de Knyt, William de Loack, Thomas son of John le Knight, and others. Given at Breydeshale, on Wednesday next after the Feast of S. Barnabas the Apostle, in the 14th year of K. Edward III." (June 13, A.D. 1340.)

(22) "Know ye, &c., that I, Richard le Kydier, of Breydeshall, have given and confirmed to Richard de Curzoun, parson of the church of Brydesdale, 9 acres and 1 rood of arable land with the appurts. in Bredeshale and Morley, of which  $1\frac{1}{2}$  acres lie in the Northwodefild, between the land of Agnes Cort on one part, and the land of Henry Bercar on the other, and extends from the land of Richard the parson aforesaid, to the bounds of the said assart, formerly of the said Agnes. And one acre of land lies at the Lound in the Crossefeld, between the land of the 3<sup>d</sup> parson on one part, and the land of Stephen de Curzon on the other. And one acre lies at Blakemedow, between the land of Henry le Couper on one part, and ——— on the other. And one acre lies in Gravene, between the land of Thomas Knyght on both sides. And two acres in Southwoodefelde, between the land of John le Taillior on one part, and that of Nicholas de Horseley on the other. And half an acre lies between the land of the said parson, and the land of Henry Pope. And two acres lie in Loundefeld of Morley, between the land of Geoffrey, son of Robert of Breydeshale, on one part, and the Lound *syke* (*a dry ditch*) on the other, and extends to Kentsford. And one rood lies in the same field, between the land of William de .....cheverell (Sacheverel) on one part, and the land of Richard le Parker of Morley, on the other. Having, &c., to the aforesaid Richard, parson of the church of Breydeshall and his heirs, &c. Sealing, &c. Witnesses: William de Mylton of Morley, John Knyght, Will le Loyak, Thomas Knight, John le Smith of Breydeshale, and others. Given at Breydeshale on Wednesday in Whitweek, anno 17 K. Edward III." (June 4th, A.D. 1343)

(23) “**K**now ye, &c., that we Robert Mold, parson of the church of Breydeshal, and John de Twyford, vicar of Spondon, have given, granted, and confirmed, to Masters Will. de Milton, Will. Suet, John de Houghton, and Thomas de Morley, chaplains, our manor of Breydishale; that manor, viz., which we had of the gift and feofment of Thomas le Curzon of Breydeshale, with all lands, &c., rents, as well of free tenants as of natives, together w<sup>t</sup> the advowson of Breydesale aforesaid. Having and holding, &c. Given at Breydisale, on Saturday on the morrow of the conversion of S. Paul, in the 50th year of K. Edward III.” (January 26th, A.D. 1375-6.)

(24) “**K**now ye, &c., that we, Robert Mold, parson of the church of Breydesale, and Gilbert de Meleton, chaplain, have given, &c., to Thomas, son of Thomas le Curzon of Breydesale, and Alice, his wife, and the heirs and assigns of the said Thomas, all the lands and tents. which Thomas le Parker holds of us at will. Also 2 messuages and 2 virgates of land w<sup>t</sup> appurts. in Breydesale, which William le Knyght holds of us in the same vill; and a messuage and a virgate which Henry atte Halle held of us in bondage, in the same vill; and one mess. and one virgate in the same vill which Henry le Shepherd held of us in bondage; and 1 mess. and 1 virg. w<sup>t</sup> appurts. which Simon le Couper, our native, held of us in bondage; and 1 mess. and a virgate in the same vill which William le Carter, our native, held of us in bondage, with all the following of the aforesaid Simon and William begotten and to be begotten. We give also and grant to the aforesaid Thomas, and Alice, his wife, 24s. of yearly rent, received yearly from a mess. and a virgate of land with the appurts. in Breydesale, which Henry . . . . . holds for his life. Having and holding, &c. Sealing. Witnesses; Ralph de Stathum,\* Will. de Addreley, Roger de

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\* Lord of Morley.

Rossington,\* Richard de Rossington. Given at Breadsale on Sunday, the Feast of S. Catharine the Virgin, in the 4th year of the reign of K. Richard II." (November 25th, A.D. 1380.)

Two good seals.

(25) "Know ye, &c., that I, John de Chaddesden of Melbourne, have given, &c., to Simon de Melbourne, clerk, and William Neuton, parsyn of the church of Braylesford, all my lands, tents, rents, reversions, and services, &c., which I had or have in the vills and fields of Chaddesden and Breydeshale, in Com. Derb., &c. Witnesses: Henry Wychard, Rob. Cokfeld, Thom. de Tutteburye, Nich. Angier, Will. Knyght, and others. Given at Chaddesden, May 1st, Anno 5 Henry V. (A.D. 1417).

#### ROBBERY AT BREADSALL PRIORY, 1448.

##### THIEVES EXCOMMUNICATED.

(26) "William, by Divine permission Bishop of Coventry and Lichfield, to his beloved sons in Christ, the Rectors of the parish churches of Morley and Breydeshale, and the vicar of the church of Horsleye, and the weekly chaplain celebrating Divine service in the collegiate church of All Saints', Derby, each of our diocese, health, grace, and benediction.

"On the part of our beloved son in Christ, William Dethic, Esquire, of our said diocese, a grave complaint has been shewn to us that some sons of perdition, forgetful of their salvation, having no fear of falling into the abyss of Gehenna, whose names are entirely unknown, and likewise their persons, certain writings, charters, evidences, and muniments *pertaining to the Priory of Breadsal Park*, as the hereditary right of William Dethic in the vills of Breydeshale and Breydeshal Parke aforesaid, *and concerning*

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\* In 1331, John, elder son of John de Rossington, owned six bovates of land, etc., in Middleton-by-Yolgrave. They were given to the father by his sister Margaret, who had them of the gift and feofment of William Launselyn, her father. He also held the Grange of Ivenbrook in Winster, 1323; land in Gratton, 1320. He resided at Yolgrave in 1350. (Haddon Charters.)

*the lordship of the same William*, falsely, wickedly, and maliciously, have taken away and wrongfully kept, detained, possessed, and concealed, and have unjustly fabricated. Moreover, the like they keep, detain, possess, and conceal daringly at this present, to the destruction of their souls, and the no slight loss, prejudice, and grievance of the aforesaid William Dethyk the complainant, and to the exceedingly pernicious example of very many others. Wherefore, strongly enjoining you jointly and severally, in virtue of your obedience, we command that all and singular, the takers, &c., of such charters, &c., in your churches aforesaid, and in each of them, on Sundays and Feast Days, during the solemnities of the Masses, when the larger assemblage of the people is present in the same, ye admonish and exhort, and cause to be admonished and exhorted peremptorily, that the writings, charters, and muniments of this kind, to the aforesaid William, within fifteen days immediately following your monitions, (of which days we assign for them—five for the first, five for the second, and the remaining five days for the third and peremptory term), be actually and effectually restored. Or, if that they with perverse mind refuse, under pain of the greater excommunication, which their own delay, default, and fraud (without excuse), deservedly merits, and such monition being first pronounced as we thereupon have put forth in these writs, and if, within the time aforesaid they have not effectually obeyed your monitions of that kind, thereupon, the takers away, possessors and detainers of those writings, charters, evidences, and muniments, and the fabricators of such charters or writings aforesaid, with their authors, abettors, and councillors universally, have incurred the said sentence of the greater excommunication, and so have been, and are excommunicated at the days, hours, and places aforesaid; the bells being beaten, candles being lighted and extinguished, and for disgrace of those persons cast to the ground, and with the cross reverentially raised in their hands, and with every solemnity fitting in that behalf, openly, and publicly, and solemnly, ye shall denounce and cause to be denounced—and let each one of you so denounce, and not the one by the other excuse himself, or

wait—not ceasing from such denunciation, as often, and when, on the part of the aforesaid William Dethyc, ye shall be suitably required, or any of you shall be suitably required.

“Given under our seal in our Hospice in the Strand in London, on the 20th day of the month of March, in the year of our Lord, 1448, and in the second year of our consecration.”

Thomas Breadsale was Prior of this house from  
1442-1456.

(27) “**K**now ye present & future, that I Ralph Illingworth, have given & conceded & by this my present charter confirmed to Richard Illingworth my son, Richard Illingworth my brother, William Osbern, John Chake, Thomas Cresswell, Will. Wye, Ric. Saylle, & Edwd. Ffouke, my manor of Breydsale called the Netherhalle, in the county of Derby, and all my lands & tenements, rents, reversions, & services, meadows, feedings, & pastures, with all their appurtenances, which I have in Breydesale aforesaid, and elsewhere in the same county of Derby. Having & holding all the aforesaid manor with all its appurts., with all the aforesaid lands, &c., to the before mentioned Richard Illingworth my son, Richard Illingworth my brother, William Osbern, &c., &c., their heirs & assigns, of the chief lords of this fee, by the services thence due and of custom used. (Here follows the usual warranty, defence, and note of sealing.) These being witnesses: William Eyland, William Sutton, William Harte, and many others. Given at Breydesale aforesaid, the fourth day of June in the 16th year of the reign of King Edward the Fourth.” (A.D. 1476.)

• Signet ring seal. An escalop shell with a legend.

(28) “**T**o all, &c. Know ye that I John Dethic of Breydsall, have given, and by the present writing indented have confirmed, to Sir Ralph Shyrley, Knight, Henry Sacheverell, Richard Knyfton, senior, Thomas Babyngton, Will. Basset, John Ffitzerbert, John Stathum, Robert Gylbert, William Sacheverell, Thomas Knyfton, Richard Rolston, clerk, master Edward Norman, and master

Thomas Stephenson, chaplains of the chauntry of Chaddesden, my whole manor of Breydsall, with the advowson of the church, & all its appurts., as well of free men as of natives, in any way pertaining to the said manor, together with its privileges and all other its appurts. in Breydsale aforesaid. Having & holding the whole manor aforesaid with the *advowson of the church and Priory of Breydsall Parke*, & with other appurts. to the aforesaid Ralph, &c., their heirs and assigns, for ever. Of the chief lord of the fee, by the services due and of right accustomed, which same whole manor with the advowson of the church aforesaid, &c., I had of the gift and feofment of John Babynton, Esq., and Peter de la Pole, Esq., cousin and heir of Henry Hadinley deceased : which s<sup>d</sup> manor and advowson, &c., they had in company with Robert Mold, Rector of Breydsale, and John Twyford, formerly Vicar of Spondon, deceased, of the gift and feofment of Thomas Curzon, formerly lord of the whole of the said manor. (Warranty. Sealing.) These being witnesses : William de la Zouch, Nich. Knyfton, Humfrey Bradbourn, Esquires, John Ireton, Nicholas Curzon, and others. Given at Breydsall, aforesaid, 1st day of June, in the 14th year of the reign of K. Hen. VII." (1499.)