

A Final Concord of 1194, relating to Repton Priory.

By S. GRIMWOOD TAYLOR.

THE document reproduced here (measuring only six inches by three) is the Foot of a Fine, or—in modern parlance, an “Order by Consent”—made before itinerant Justices at Nottingham in September, 1194.

Mr. R. W. Hunt (of Liverpool University, and Spondon), writes that there are extant some Fines relating to the Eyre of 1194; but none from Nottingham; and none made before exactly this group of Justices. He considers that the document fills a gap in the evidence for that very important Judicial Round.

Members will I hope agree that this Fine is worthy of preservation in our *Journal*, the more so as I can find no reference to Assizes at Nottingham prior to 1202, apart from this, and one similar kind of case which was decided there in 1198 relating to a virgate of land at Repton which the Prior bought for three silver marks (£2) (Jeayes' *Derbyshire Charters* No. 1947).

Two of the Justices at Nottingham in 1194, Henry de Wichintone and Master Aristotile, had ten days before been at Lincoln Assizes.

In the middle of the 12th century Henry II had been very active legislating. Not only had he turned his feudatory vassals into country gentlemen—by scutage—but he saw to it that the Curia Regis, his own court, supplanted the Shire Moot and Hundred Courts, which

William the Conqueror had maintained as part of the ancient order.

What Henry did was to concentrate the whole system of English justice round the King's Bench. It became a court of judges professionally expert in the law, and it journeyed periodically through the country. Trial by battle gave place to action at law, and a unified Common Law relating to the whole land gradually evolved itself from precedent to precedent.

As regards this little Final Concord, Matilda seems to have issued a writ against the Prior of Repton, claiming that she was entitled to land belonging to her late father. It does not, however, appear how the Prior came to be involved.

Maybe it was a collusive action with intent to settle. The prior would thus obtain a title certified by a court of law.

Briefly, a Fine was, in form, an action at law, but, in substance, a conveyance of land.

Members interested in the form of the writ, and the proceedings, are referred to Vol. II of Canon Foster's Final Concords at Lincoln. See also Vol. VII, 1885, of our own *Journal*. Stubbs Select Charters gives a full copy of the Agenda prepared for the famous Iter (Journey or Circuit) of 1194.

The transcription and an extended one together with a translation are as follows:

Hec est final concord fca i cur dni reg apd Notigha die Martis pxia p festu sci Mich, anno regni reg Ric sexto, cora Will de Auboign', Will Briwer, Mich Belet, Henr de Wichinton,* Magro Aristotil, Justic dni reg et aliis fidelibz dni reg ibide tnc p sentibz int Matild fil Philipp petente et

* The possibility that Wichinton might be Withinton should not be overlooked. The letters "e" and "t" are often indistinguishable in documents of this period and if it should be Withinton this place-name might well fit in with its modernised form of Withington.—EDITOR.

pioire de Rependon, de dimid carucata tre i Tikenhale, un regnito de morte ancessoris sumoia fuit int eos i cur dni reg, selt qd pdca Matild quietu clamavit i ppetuu de se et hed suis totu jus et clammiu, qd clamavit in pdcadimid caruc tre pdco pioire et ei successoribz. Et p hac quieta clamantia, pdes pior dedit pdco Matild dimid marca argenti.

EXTENDED TRANSCRIPTION:

Hec est finalis concordia facta in curia domini regis apud Nottingham, die Martis proxima post festum sancti Michaelis, anno regni regis Richardi sexto, coram Willelmo de Auboigne, Willelmo Briwer, Michaele Belet, Henrico de Wichintone, Magistro Aristotile, Iusticiariis domini regis et aliis fidelibus domini regis ibidem tunc presentibus, inter Matildam filiam Philippi petentem et priorem de Rependona, de dimidia carucata terre in Tikenhale, unde reconnitio de morte antecessoris summonita fuit inter eos in curia domini regis, scilicet quod predicta Matilda quietum clamavit in perpetuum de se et heredibus suis totum ius et clamium, quod clamavit in predicta dimidia carucata terre predicto priori et eius successoribus. Et pro hac quieta clamantia, predictus prior dedit predictae Matilde dimidiam marcam argenti.

NOTE. Endorsed in rubricating blue with a large capital "B", perhaps contemporary. Also (in a 16th century hand?) "Fine at Nottingham in Richard the First in the 6t of his raine."

TRANSLATION:

This is the Final Concord made in the Court of Our Lord the King at Nottingham the Tuesday next after the Feast of Saint Michael [29 Sept., Michaelmas Day], in the 6th year of the reign of King Richard [1194], in the presence of Wm. de A., Wm. B., Mich B., H. de W., and M. A., Justices of Our Lord the King and other faithful men of Our Lord the King there and then present

between Matilda, daughter of Philip, petitioner, and the Prior of Repton about half a carucate of land in Tikenhale Whereupon an Assize of Mort d'Ancestor was summoned between them in the Court of Our Lord the King, to wit, that the aforesaid Matilda quitclaimed for ever for herself and her heirs the whole right and claim which she claimed in the half carucate of land to the aforesaid Prior and his successors And for this quitclaim the aforesaid Prior gave to the aforesaid Matilda half a mark of silver.

NOTE BY MR. FREDK. WILLIAMSON.

Repton Priory was founded c. 1160 by Matilda (Maud), widow of Ranulph de Gernon, earl of Chester (d. 1153), and daughter of Robert, earl of Gloucester. She died 1189 so that she is not the Matilda mentioned in this charter. Maud or Matilda, was lord of Repton and before 1160 (Jeayes, No. 1939) she made a grant of the church of Repton to the Canons of Calke on condition that they became subject to the 'convent' of Repton. King Henry I was Maud's grandfather.

The land quitclaimed in this fine was situated at Ticknall and consisted of half a carucate which would normally mean about sixty acres.

The final concord referred to above as being made at Nottingham in 1202 is printed in Hunter's Fines, 21, and reprinted by Jeayes, No. 2778, relates to two virgates of land at Ticknall, which Alan de Tikenhall conveyed to Matilda, daughter of William, at a yearly rent of 34d., and by free service of the Wapentake of Repton.

These two fines show the popularity of the girls' name Matilda (Maud), due to association with Maud, countess of Chester.

It will be noted that the land in the second fine is measured in virgates, which were sub-divisions of the hide. Hides and carucates were identical, the latter term being

used in Danelaw counties, of which Derby was one. There were eight bovates in a carucate, and four virgates in a hide, so that the half carucate of the 1194 fine was equal in extent to the two virgates of 1202. It would seem that the use of hides and virgates was spreading from the 'hidated' to the 'carucated' counties by the end of the 12th century.