

THE ESTABLISHMENT OF THE DERBYSHIRE COUNTY COURT, 1256

By DAVID CROOK
(Public Record Office, Chancery Lane, London WC2)

The county or shire court was one of the most fundamental institutions of late Anglo-Saxon and medieval England. In it, until the king's court took away much of its business, major civil litigation was conducted, and the sheriff and coroner performed their duties in connection with breaches of the king's peace. What might be termed the public business of the shire, such as the election of coroners, verderers and members of parliament and the publication of royal proclamations and other matters, also took place there. In the twelfth and thirteenth centuries the royal justices in eyre held their eyres as afforced sessions of the county court, performing administrative as well as judicial tasks and asserting the power of the king in the county. The court was the corporate embodiment of the county, the latin word for both being the same, 'comitatus'. Despite a subsequent decline in its importance, the county court continued in existence for centuries and was only formally abolished by statute in 1977, although its name was appropriated for the use of the new local courts established in 1846 to deal with minor civil litigation.¹ Derbyshire was unique among ordinary English counties in that in the middle of the thirteenth century it still did not possess a county court of its own, meeting on its own territory, but shared one with Nottinghamshire. This is a point of great importance in the history of the county, but one which has not hitherto been fully appreciated by its historians.

On 15 May 1256 the burgesses of Derby obtained from the government of King Henry III, at a cost of 60 marks (£40), a charter which granted 'that the county court of Derby, which has customarily been held at Nottingham, shall henceforth be held at Derby on Thursday, and that the eyre of the king's justices for all pleas and inquisitions of the county of Derby shall henceforth be held at Derby as they have hitherto been accustomed to be held at Nottingham'.² The annalist of the priory of Dunstable in Bedfordshire, who noted the issue of the charter, recorded its terms in different words but to the same effect: 'that the justices itinerant and sheriffs shall plead their pleas of the county of Derby at Derby, which were accustomed to be pleaded at Nottingham'.³ The removal of a county court from one town to another or the alteration of the normal venue for general eyre sessions in a particular county was not unknown elsewhere in the reign of Henry III. In Surrey the county court, which formerly sat at Leatherhead, and general eyres, previously normally held at Bermondsey, were both permanently transferred to Guildford following the purchase of a charter by its burgesses within eighteen months of that granted to Derby.⁴ At Derby, however, a separate county court for Derbyshire was being established for the first time.

Until the late twelfth century, evidence concerning the joint county court of Nottinghamshire and Derbyshire is sparse. It is not even clear when the two counties originated. Both are first mentioned in the Anglo-Saxon Chronicle, Nottinghamshire under 1016 and Derbyshire under 1049. C.S. Taylor has suggested that the Mercian shires were established as late as about 1008 by Eadric Streona, who was appointed ealdorman of Mercia in the previous year, for the purpose of providing ships to fight the Danes. He even mentions the possibility that Derbyshire was an afterthought which did not acquire a separate existence until some years later.⁵ Alternatively, they could have been established soon after the conquest of the Danelaw by Edward the Elder about 920, or after the redemption of the Five Boroughs in 942, or at some other date in the tenth century. For present purposes it scarcely matters, since there is no evidence at

all concerning the county court until the Domesday survey of 1086. Sir Frank Stenton long ago pointed out the importance of the reference on folio 280 of the main volume of Domesday Book, which carries the descriptions of the boroughs of Nottingham and Derby, to 'the witness of the two shires' that the third penny of Appletree wapentake was included in the sheriff's farm.⁶ It indicates that the two shire courts sat together for purposes of the survey at least, something which is not known to have taken place elsewhere in the country. The verso of the folio lists the shared customs of the two shires, which were doubtless similarly ascertained. It conforms with the implication of the charter of 1256 that inquisitions for Derbyshire had always been taken at Nottingham. Similarly, the inquisition into the lands of the honor of Peverel in the two counties in 1250 must have been held at a single session, although the sheriff of Nottinghamshire and Derbyshire was instructed to hold it in his full county courts, as if there were two separate ones.⁷

There is no further evidence after 1086 until the reign of Henry II. In the pipe rolls of 1175 to 1190 there are a number of headings to groups of amercements resulting from pleas held by royal justices, sitting in the county court, which suggest that separate sessions were held for Nottinghamshire and Derbyshire. The main headings say, for example, 'New pleas and new fines by Ranulf de Glanvill and Hugh de Cressy in Derbyshire', followed by 'Also concerning pleas of the same in Nottinghamshire'.⁸ They at least indicate that separate estreats, that is lists of financial penalties, for each county were delivered to the exchequer, and indeed in some cases that is expressly stated.⁹ That, however, does not mean that Derbyshire pleas were held on Derbyshire soil rather than at Nottingham but merely reflects an administrative practice which was later modified. Later practice, from 1195, seems normally to have resulted in only one estreat covering both counties, and the single exception proves the rule. In the 1219 eyre, when the survival of feet of fines proves that there was only one session, at Nottingham, there was a temporary reversion to the practice of 1175 to 1190, with separate estreats and even separate common fines before judgment for each county.¹⁰ In any case, the Burton abbey cartulary provides evidence that the county court for Derbyshire was held at Nottingham in the reign of Henry II. Abbot Bernard, who held office from 1160 to 1174 or 1175, granted John of Willington seven bovates of land in Willington for the service of going to the county court of Nottingham and the hundred court of Derby.¹¹ The 'hundred court of Derby' was the Litchurch wapentake court, which was still separate from that of Morleyston wapentake at that date.¹² Between about 1177 and 1179, Robert son of Walter, for a consideration of ten marks, gave up the claim he had against the abbey to Potlock in Findern with its mill. The royal writ with which he had impleaded the abbot was handed over to the sheriff and symbolically crushed and broken by him in the full county court of Nottingham; Robert also swore there, in the hand of sheriff Serlo, to abide by what he had done. He further confirmed his action by swearing on relics on the altar of the abbey church.¹³ Another important piece of evidence from the reign of Henry II is a charter which confirms that there was indeed a joint county court for Nottinghamshire and Derbyshire, not two separate courts both meeting at Nottingham. Between 1156 and 1165 Walter d'Aincurt and his son John settled a dispute between them and Ralph son of Roger d'Aincurt concerning Holmesfield by a release of their interests witnessed by Ranulf the sheriff, his son Robert, thirteen named leading knights 'and the whole county court of Nottingham and Derby'.¹⁴

For sixty years or so before the Derby charter of 1256, the survival of numerous government records means that there is ample evidence to demonstrate that no county court existed in Derbyshire. General eyres held in Nottinghamshire and Derbyshire from 1194 until the time of the charter are listed in Appendix II. All were joint Nottinghamshire-Derbyshire eyres, and all but one were held at Nottingham. The single exception was the eyre held at Derby in 1208. Why Derby was chosen on that occasion is unknown, but the feet of fines made there show quite clearly that like the others it was a joint eyre for the two counties. Unusually, Derbyshire fines outnumbered Nottinghamshire fines in that eyre, which might indicate that Nottinghamshire litigants were

reluctant to travel to Derby rather than to the usual venue. In each of the eyres of 1226, 1232, 1236, 1240 and 1245 the 'comitatus' of Nottingham and Derby made a common fine before judgment.¹⁵ 'Comitatus' could be translated as 'county', 'counties', 'county court' or 'county courts', but it hardly matters which in this context since it or they was or were acting as a single entity in making the fine, although the use of a plural verb later in the 1245 entry suggests that the exchequer clerk who wrote it was thinking of two counties.¹⁶ Similarly, in 1222 the 'comitatus' of Nottingham and Derby purchased two successive respites of a proposed forest eyre, and in 1251 the free tenants and all others of Nottinghamshire and Derbyshire offered 300 marks for confirmation of their quittance of the common summons before the forest eyre justices who were led by Geoffrey de Langley.¹⁷ There can be little doubt that forest eyres for the two counties were also held jointly and at Nottingham. There is a separate plea roll for Peak Forest in the forest eyre of 1251, the only surviving eyre roll for either of the two counties before 1256, but the adjournments in it in pleas of the venison were made to Nottingham.¹⁸ In 1262 Robert de Neville and his colleagues, justices in eyre of the forest in Nottinghamshire, wrote to the king to enquire whether or not they should hold the pleas of Peak Forest at Nottingham, as had been customary in each previous eyre. The forest had been granted to the king's son, the Lord Edward, but they wanted to know if they were to deal with pleas that had arisen in it before that grant had been made.¹⁹ If it had been an unstated intention that the 1256 charter should bring about the removal of Derbyshire forest eyres from Nottingham to Derby, as seems likely, the justices were evidently unaware of it, just as a few weeks earlier Martin of Littlebury seemed unaware of the requirement that Surrey general eyres were now to be held at Guildford and had adjourned cases to Bermondsey.²⁰ The government itself seems temporarily to have forgotten the charter, for the reply was that the Peak Forest pleas were to be held at Nottingham as usual,²¹ but the next forest eyre, in 1285, was held at Derby.²²

There is also some evidence that ordinary county court litigation over Derbyshire properties was carried on at Nottingham in the first half of the thirteenth century. About 1229-32 Robert de Toke or Tuke, a Derbyshire knight, was involved in a series of disputes with the abbot of Burton over properties in the county. One point at issue was the abbot's erection of a mill at Findern, an action apparently in breach of the terms of a charter of one of his predecessors. As a result, Robert had been put to the trouble of litigation in the county court at Nottingham.²³ In 1249, as part of an agreement with Swain Miller of Burton, Richard son of John of Littleover, a tenant of Burton abbey, undertook to perform suit at the county court at Nottingham for the abbot's fee in Litchurch wapentake.²⁴ In 1254 Henry of Brailsford waged a duel against the prior of Tutbury in the Nottingham county court concerning services and customary payments due to him from the priory's manor of Ednaston; the dispute was concorded and the prior paid him eight of the sixteen marks due.²⁵

Four pieces of evidence indicate that the county court met on Mondays, the same day on which the Nottinghamshire county court sat after 1256. On 13 September 1199, a Monday, a final concord between the abbot of Darley and Samson of Strelley over property in Chilwell, Notts., was made in the county court of Nottingham before the sheriff and leading knights.²⁶ On Monday 6 April 1220 Peter Mark, constable of Nottingham, and Alexander of Costock wrote to the sheriff, Philip Mark, probably Peter's brother, reporting dramatic proceedings in the county court that day involving Roger de Monbegon, one of the twenty-five barons of Magna Carta, and his Nottinghamshire lands.²⁷ In December 1230 the barons of the exchequer sent a writ to the sheriff excusing Ralph de Frescheville for failing to attend the county court on 28 October that year, which was a Monday, because he had then had business at the exchequer.²⁸ Ralph had lands in both Nottinghamshire and Derbyshire,²⁹ but did not receive quittance for attending two separate county courts. That adds support to the view that there was but one court for the two counties, meeting normally on Monday; another document fully confirms it. On Monday 21 May 1218 the perambulation of the forest in Nottinghamshire, made under the terms of the Charter of the Forest of 1217, was presented in the full county court of Nottinghamshire and Derbyshire.³⁰ Govern-

ment records usually assume the existence of two separate county courts. A striking example is from September 1234, when the king was replacing one coroner in each county. Separate writs were issued to effect those changes on the same day, each mentioning the county court as if there was one for Nottinghamshire and one for Derbyshire, but that was mere form and should not mislead us. One writ was addressed to the sheriff of Derbyshire, one to the sheriff of Nottinghamshire, although the two counties shared a sheriff until 1567.³¹

What evidence there is, therefore, indicates that before 1256 there had never been a separate Derbyshire county court but one shared with Nottinghamshire which normally met at Nottingham. Was this joint county court unique in England? It is impossible to say with certainty that no other pair of counties had ever had a joint court meeting on a regular basis, but it is clear that from the beginning of the reign of Henry III in 1216 that for Nottinghamshire and Derbyshire was the only one. When general eyres took place during that reign all the other counties visited were always dealt with separately.³² A little earlier some joint eyre sessions had been held in other counties. Rutland probably shared its eyre with Northamptonshire in 1194 and 1199, and certainly did so in 1202. Thereafter it was always treated separately, although in 1227 there was an abortive attempt to have Rutland pleas heard at Northampton. It was in any case hardly a normal county until after 1200, having earlier been closely linked for some purposes with Nottinghamshire as well as with Northamptonshire.³³ In 1194, 1198, 1202 and 1208 Huntingdonshire seems to have shared its eyre with Cambridgeshire, but it also was dealt with separately later. Bedfordshire and Buckinghamshire in 1194 and 1198 and Leicestershire and Warwickshire in 1199 may also have had joint eyres, but they were probably simply a matter of temporary convenience, and so perhaps were earlier joint meetings of county courts. Examples or possible examples are known from the reigns of William I, William II and Henry I, most of them involving more than two counties and all apparently necessitated by the requirements of information for a particular lawsuit or inquisition, or publicity for a particular land transaction.³⁴ From the reign of Stephen there is the graphic account of a joint meeting of the county courts of Norfolk and Suffolk in the bishop's garden at Norwich.³⁵ However, before Magna Carta regulated the number of occasions on which county courts could meet it is uncertain how often meetings were held beyond the basic two a year specified in the ordinance of King Edgar.³⁶

The regular Nottinghamshire-Derbyshire joint county court of the first half of the thirteenth century was therefore a legal and administrative anomaly, but medieval England abounded in such anomalies. Why therefore did the joint court come to an end when it did? To the sheriff of Nottinghamshire and Derbyshire it was probably an administrative convenience, since unlike his colleagues who also held two counties he or his deputies did not have to travel to two towns, perhaps a long way apart, to hold two county courts every few weeks.³⁷ After 1256 he held the Nottinghamshire court every fourth Monday and that for Derbyshire on the Thursday of the same week (see Appendix III). The Derbyshire litigants and suitors who had to go to Nottingham no doubt felt it tiresome to have to travel the extra distance, through an area moreover sometimes known for the depredations of outlaws.³⁸ The prior of Dunstable, whose house had lands in Derbyshire, in 1252 sent his representative to the general eyre at Nottingham; in 1258 he went to Derby instead. The change was noted in the priory's annals, but without comment.³⁹ To the prior the venue was a matter of small importance, but to those of lesser degree who were obliged to attend, like the wapentake jurors who had to make presentments of crown pleas in the eyre, or freeholders undertaking litigation in the regular meetings of the county court, or those who merely owed suit by virtue of their tenure, the journey must have been an added burden. It may have seemed strange to some that when knights were elected to represent Derbyshire in parliament in 1254 they should be chosen at Nottingham.⁴⁰ However, the evidence, as far as it goes, indicates that the change of 1256 was brought about not by concerted action by the men of Derbyshire as a whole but by the initiative of the burgesses of Derby alone.⁴¹ Of those who might hope to benefit from the change,

they stood to gain the most.

Much of the early history of the borough of Derby is obscure, but one important aspect of it which is adequately documented is its importance relative to that of neighbouring Nottingham. At the time of the Norman Conquest it was apparently more prosperous than Nottingham, but it subsequently suffered a decline, perhaps as a result of the devastation of Derbyshire by the Conqueror in 1069-70, while its neighbour acquired a French borough to add to its English one and grew in importance during the twelfth century.⁴² At the beginning of the reign of Henry II each town received a royal charter, but the privileges accorded to Nottingham were more extensive than those granted to Derby and probably directly prejudicial to Derby's interests. In 1204 Derby's privileges were extended, its charter of that year being modelled on that granted to its rival four years earlier,⁴³ and in 1229 a further charter also referred to the privileges which its neighbour enjoyed,⁴⁴ but Nottingham remained the centre of shrieval administration, with its important castle, built by the Conqueror, dominating the road from the south to York. It also retained the economic advantages derived from the monthly gathering of a significant number of people attending the county court and the much greater number assembling for several weeks every few years when an eyre was held. About 1236 the sheriff spent over £20 on the purchase and repair of a house in Nottingham in which to hold the county court.⁴⁵

In 1230 and 1255 Nottingham acquired further charters, the first including a grant of the privilege of having its own coroners and the second that of return of writs of summons of the exchequer,⁴⁶ neither of which Derby yet possessed. Derby received them both, and in fact went further by securing return of writs in general, by a charter dated 24 March 1256, for which it paid 70 marks.⁴⁷ It was granted only about seven weeks before the charter establishing the Derbyshire county court. It should not be seen merely in terms of Derby's rivalry with Nottingham, although that must have been a factor. Grants to boroughs of the right to have their own coroners were particularly numerous in 1256. Derby was one of nine towns to receive the privilege that year. There had been no similar grants since 1252, there were to be no more until 1267, and more were made in 1256 alone than in all the other 55 years of Henry III put together.⁴⁸ Some of them may have been purchased to satisfy royal demands for the possession of specific warrants justifying particular privileges, and that is certainly true of the even more numerous grants of the franchise of return of writs made at about the same time. The charter to Nottingham of July 1255 was the first of 22 such obtained by boroughs between that date and March 1257, and resulted from a quo warranto campaign initiated by Henry III in person.⁴⁹ Worcester's was the second, on 23 February 1256, and Derby's the third; it was granted at Norwich the day before similar charters to Norwich and Great Yarmouth. The Derby grant of 24 March thus fits into a national pattern, but it is tempting to see the county court charter of 15 May as resulting indirectly from it. The Derby coroner was specifically obliged by the charter to take his oath of fidelity before the sheriff in the county court.⁵⁰ He might occasionally have to attend its sessions in the course of his duties,⁵¹ although his activities would normally be centred on the Derby borough court or portmanmoot;⁵² he would certainly have to be present at the eyres held in Nottingham. It must have seemed inappropriate to the burgesses of Derby that their coroner should have to take part in assemblies in a rival town whose economy and prestige would benefit from their being held there. How much more acceptable would it be to Derby's pride and prosperity that he should swear his oath in a county court meeting in Derby itself and attend eyres held in the town. The peculiar amenability of the government to the sale of privileges for cash in 1256, when it was already moving towards the financial crisis which led to the baronial reform measures of the Oxford parliament two years later, provided the opportunity to moderate the long-standing subordination of the town and county to its neighbour, and the opportunity was taken.

APPENDIX I:
FINE FOR THE CHARTER ESTABLISHING THE DERBYSHIRE COUNTY
COURT

C 60/53, m. 12.

Pro burgensibus Derb' Burgenses regis de Derb' finem fecerunt cum rege per lx marcas pro quadam carta habenda et aquiet' de sigillo videlicet quod comitatus de Derb' qui hactenus teneri consuevit apud Notingh' decetero teneatur apud Derb' per diem jovis et quod iter justiciarii regis de omnibus placitis et inquisitionibus comitatus Derb' decetero summoneatur et teneatur apud Derb' sicut hactenus summoneri et teneri consuevit apud Not' salvis regi et heredibus suis amerciamentis finibus et omnibus aliis comodis et exitibus de predictis comitatu et itinere provenientibus sicut in carta predicta continetur. Et dicti burgenses solvent de predicto fine in garderobe regis xx marcas in quindena nativitatis Sancti Johannis Baptiste anno etc. x1^o et in quindena Omnium Sanctorum proximo sequentem xx marcas et in quindena Sancti Hilarii anno etc. xli xx marcas. Teste rege apud Rading' xvj die Maii. Solverunt in garderobe regis Artaldo etc. illas lx marcas et quieti sunt.

APPENDIX II:
NOTTINGHAMSHIRE AND DERBYSHIRE EYRES, 1194 TO 1258

The information is taken from *Records of the General Eyre*, P.R.O. Handbooks, no 20 (1982).

| | <i>Venue</i> | <i>Date</i> |
|-----------------------------|--------------|---|
| Nottinghamshire-Derbyshire | Nottingham | 4 Oct. 1194 |
| ?Nottinghamshire-Derbyshire | uncertain | ? Late 1198 |
| Nottinghamshire-Derbyshire | Nottingham | 20 June - 6 July 1202 |
| Nottinghamshire-Derbyshire | Derby | 15-24 Nov. 1208 |
| Nottinghamshire-Derbyshire | Nottingham | 18 Feb. - 17 March, 29 April - 17 May 1219 |
| Nottinghamshire-Derbyshire | Nottingham | 22 Sept. - 13 Oct. 1226 |
| Nottinghamshire-Derbyshire | Nottingham | 7 June - 1 July 1232 |
| Nottinghamshire-Derbyshire | Nottingham | 24 Sept. - 20 Oct. 1236 |
| Nottinghamshire-Derbyshire | Nottingham | 3-23 Feb., 4 Oct. 1240 |
| Nottinghamshire-Derbyshire | Nottingham | 30 June - 20 July 1245 |
| Nottinghamshire-Derbyshire | Nottingham | 7-10 May 1252 |
| Nottinghamshire | Nottingham | 18 Nov. - 9 Dec. 1257 |
| Derbyshire | Derby | 14 Jan. - 3 Feb. 1258 |

Liberty sessions were also held at Southwell in the 1219 and 1236 eyres, on 23 May 1219 and 14 Oct. 1236 respectively.

APPENDIX III:
MEETINGS OF THE COUNTY COURTS OF NOTTINGHAMSHIRE
AND DERBYSHIRE, 1259 AND 1264-5

Two rolls of particulars of sheriffs' accounts survive which give details of county court meetings for two short periods in the decade following the creation of the separate Derbyshire county court. They show that the Nottinghamshire court was usually held every fourth Monday, with that for Derbyshire taking place on the Thursday of the same week.

(a) E 370/5/79. 'Particulars of the profits of the counties of Derby and Nottingham for the 43rd year [of Henry III] by Simon de Heedon, sheriff'.

Nottinghamshire, at Nottingham

1259
 13 January
 3 February
 3 March
 31 March
 28 April
 26 May
 23 June
 14 July
 18 August
 15 September

Derbyshire, at Derby

1259
 16 January
 6 February
 6 March
 3 April
 1 May
 29 May
 26 June
 17 July
 21 August
 18 September

(b) E 370/5/77. 'Amercements of the counties of Nottingham and Derby for the last half of the 48th year [of Henry III] of the time of W[illiam] son of Herbert, then sheriff' and 'Profits of the counties of Nottingham and Derby in the 49th year of the reign of King Henry, in which time William son of Herbert was sheriff of the said counties and profits'.

Nottinghamshire, at Nottingham

1264
 18 August
 15 September
 20 October
 10 November
 8 December
 1265
 12 January
 9 February
 2 March
 30 March
 27 April
 1 June
 22 June
 17 August
 -

Derbyshire, at Derby

1264
 21 August
 -
 23 October
 13 November
 11 December
 1265
 15 January⁵³
 12 February
 -
 2 April
 30 April
 4 June
 25 June
 20 August
 17 September

NOTES

References to unpublished sources are, unless otherwise stated, to documents in the Public Record Office (Chancery Lane). I am grateful to Dr. R.F. Hunnisett for commenting on earlier drafts of this article.

¹ On county courts in general see R.C. Palmer, *The County Courts of Medieval England, 1150-1350* (1982), and W.A. Morris, *The Early English County Court* (1926).

² The charter roll for 40 Henry III, except for a small fragment, does not survive, nor does the original charter formerly in the Derby borough archives (I owe this information to Miss Joan Sinar), and none of the later charters of the borough on the charter or patent rolls recites its text in confirmation. The original was produced in the Derbyshire eyre of 1330-31 and its general terms noted on a plea roll: *Placita de Quo Warranto* (Record Commission, 1818), 159b, where the running heads incorrectly give 'Edw. I' instead of 'Edw. III'. The clearest surviving indication of its terms is found in an entry on the fine roll for 40 Henry III (C 60/53, m. 12) which records the offering of the 60 marks for its issue, and it is that entry which is quoted here; its full latin text is given in Appendix I. Detailed terms for the payment of the 60 marks are also recorded on the originalia roll for the same year: E 371/20, m. 7.

- ³ *Annales Monastici*, ed. H.R. Luard (Rolls Series, 1864-9), III, 199, incorrectly given *sub anno* 1255: 'Eodem anno burgenses Derbyae obtinuerunt a rege, pro precio dato, quod iusticiarii itinerantes et vicecomites placita sua de comitatu Derebeyae apud Derebeyam placitabant, que apud Notingham placitari consueverunt'.
- ⁴ *The 1235 Surrey Eyre*, ed. C.A.F. Meekings, I (Surrey Record Society, XXXI, 1979), 10-11.
- ⁵ C.S. Taylor, 'The Origin of the Mercian Shires', in *Gloucestershire Studies*, ed. H.P.R. Finberg (1957), 24, 28.
- ⁶ *[Victoria] C[ounty] H[istory] of Derbyshire*, I (1905), 308, 328; *VCH Nottinghamshire*, I (1906), 235. The question of the Ferrers earldom of Derby and its third penny is clearly of great relevance to the history of the Nottinghamshire-Derbyshire county court, but the complications of the subject have necessitated its omission here. Mr. Peter Golob of Pembroke College, Cambridge, is working on the Ferrers earldom and I am grateful to him for discussing the subject with me; he has concluded that the earldom was a joint one, of Nottingham and Derby, with a joint third penny, which accords well with the idea of a joint county court.
- ⁷ SC 12/18/21. He was told to take it by the oath of twelve proved and legal men of the counties who were tenants of the honor, but in fact ten Nottinghamshire and eight Derbyshire men are named. Cf. p.102 and n.31 below.
- ⁸ *Pipe Roll 21 Henry II*, 31-4. Other instances are in *Pipe Roll 26 Henry II*, 138-9; *29 Henry II*, 89-90; *31 Henry II*, 112-13; *32 Henry II*, 107; *34 Henry II*, 196-9; *1 Richard I*, 160-1.
- ⁹ *Pipe Roll 31 Henry II*, 112-13.
- ¹⁰ *Pipe Roll 7 Richard I*, 18-20; E 372/64, r. 11; 65, r. 5d.
- ¹¹ *S[affordshire] H[istorical] C[ollections]*, V, part I (1884), 44; *VCH Staffordshire*, III (1970), 213; *Heads of Religious Houses, England and Wales, 940-1216*, ed. D. Knowles, C.N.L. Brooke and V.C.M. London (1972), 31.
- ¹² K. Cameron, *The Placenames of Derbyshire*, II (English Place-name Society, 1959), 422; *SHC* (1937), 45.
- ¹³ Burton abbey cartulary (B[ritish] L[ibrary] MSS. Loans 30), f. 33r; in the transcript in *SHC*, V, pt. I (1884), 49, 'cementibus' is an error for 'cernentibus'. See also *SHC* (1937), 17. 'Sheriff Serlo' must be Serlo de Grendona, who served as undersheriff to William son of Ralph from 1177 to 1179 (*Pipe Roll 24 Henry II*, 86; *25 Henry II*, 80; *26 Henry II*, 136), and the dating is confirmed by the mention of abbot Roger, who held office from 1177 to 1182: *Heads of Religious Houses*, 31; *VCH Staffordshire*, III, 213.
- ¹⁴ B.L. Wolley Charter x. i.: 'totus comitatus Notingeh' et Derbeie'; printed in *Descriptive Catalogue of Derbyshire Charters in Public and Private Muniment Rooms*, ed. I.H. Jeayes (1906), no. 1397.
- ¹⁵ E 372/72, r. 12d; 76, r. 4d; 82, r. 9d; 85, r. 11d; 89, r. 3.
- ¹⁶ But see below, p. and note 31.
- ¹⁷ E 372/66, r. 3d; D. Crook, 'The Struggle over Forest Boundaries in Nottinghamshire', *Trans. of Thoroton Society*, LXXXIII (1979), 37, 40; C 60/48, m. 3.
- ¹⁸ DL 39/1/3, mm. 1d, 2, 2d.
- ¹⁹ SC 1/4, no. 106: 'Cum in singulis itineribus iusticiariorum ad placita foreste in comitatu Notingham' temporibus retroactis placita de transgressionibus tam de viridi quam de venacione in baillia de Pek' factis solebant per iusticiarios vestros apud Notingham' terminari ...'
- ²⁰ *1235 Surrey Eyre*, ed. Meekings, I, 11.
- ²¹ *Close Rolls 1261-4*, 127.
- ²² *Cal. Close Rolls 1279-88*, 363; DL 39/1/5, m. 1.
- ²³ B.L. MSS. Loans 30, f. 73r. *SHC*, V, pt. I (1884), 72, is not quite accurate in its paraphrase of this; the latin reads 'unde oportuit eum litigare in comitatu Notinham'. The abbot in question was probably abbot Lawrence, who began to rule in 1229 (*VCH Staffordshire*, III, 213; see also *SHC*, V, pt. I, 49), although Robert was also in dispute with his predecessor Richard in 1228: *Close Rolls 1227-31*, 92. See also *SHC* (1937), 39.
- ²⁴ *SHC* (1937), 45.
- ²⁵ *SHC*, 4th series, IV (1962), 159 (Tutbury cartulary).
- ²⁶ *The Cartulary of Darley Abbey*, ed. R.R. Darlington (1945), II, 356-7. Darlington's point about Henry the sheriff being otherwise unknown is invalid; he was under-sheriff to William Brewer and appears as such in another undated final concord made in the county court at Nottingham during Brewer's period as sheriff (1194-1200): *Derbyshire Charters*, ed. Jeayes, no. 1554.
- ²⁷ SC 1/11, no. 68; printed in *Royal and other Historical Letters Illustrative of the Reign of Henry III*, ed. W.W. Shirley (Rolls Series, 1862), I, 101-4. On the significance of the episode see J.C. Holt, *The Northerners* (1961), 5-6.

- ²⁸ *Memoranda Roll 14 [recte 15] Henry III*, ed. C. Robinson (1933), 62.
- ²⁹ *Early Yorkshire Charters*, ed. C.T. Clay, VIII (Yorkshire Archaeological Society, extra series, VI, 1949), 162-3; W. Farrer, *Honors and Knights' Fees*, III (1925), 419.
- ³⁰ C 47/11/1, no. 6: '...in pleno comitat' de Notingh' et Derebysir' presentati...'
- ³¹ *Close Rolls 1231-4*, 510; Public Record Office *Lists and Indexes*, IX (reprint, 1963), 31, 104.
- ³² Information on eyres is taken from D. Crook, *Records of the General Eyre*, Public Record Office Handbooks, no. 20 (1982).
- ³³ *VCH Rutland*, I (1908), 126-8, 167-70; C. Pythian Adams, 'Rutland Reconsidered', in *Mercian Studies*, ed. A. Dornier (1977), 63-84.
- ³⁴ *Regesta Regum Anglo-Normannorum*, I (1913), nos. 122, ?321; II (1956), 528, 952, ?1157, 1457.
- ³⁵ H.M. Cam, 'An East Anglian Shire-moot of Stephen's Reign, 1148-53', *English Historical Review*, XXXIX (1924), 568-71; *Regesta*, III (1968), xxvii.
- ³⁶ Morris, *County Court*, 90; Palmer, *County Courts*, 3-4; F. Pollock and F.W. Maitland, *History of English Law*, 2nd edn. (1898), I, 538ff.
- ³⁷ On county court dates and venues see Palmer, *County Courts*, chap. 1 and appendix 1.
- ³⁸ A. Saltman, 'The History of the Foundation of Dale Abbey or the So-Called Chronicle of Dale: A New Edition', *Derbyshire Archaeological Journal*, LXXXVII (1967), 28. The passage refers to the reign of Stephen or Henry II: *The Cartulary of Dale Abbey*, ed. A. Saltman, Derbyshire Archaeological Society Record Series, II (1966), 1-2; J.C. Holt, *Robin Hood* (1982), 181.
- ³⁹ *Annales Monastici*, III, 184, 199, 206. For Dunstable's interests in Derbyshire see *ibid.*, 28, 161, 176.
- ⁴⁰ *Close Rolls 1253-4*, 114-15. There is no positive proof that they were elected at Nottingham, but if the regular arrangements were followed they would have been.
- ⁴¹ In 1330, however, the burgesses said that Henry III had made the concession 'for the improvement of his borough of Derby and at the instance and to the advantage of the community of the said county' (ad melioracionem burgi sui Derb' et ad instanciam et commoditatem communitas comitatus predicti): *Placita de Quo Warranto*, 159b.
- ⁴² On the early history of Derby see *Darley Cartulary*, I, xlv-lxviii, esp. xlvii-li; on the Anglo-Saxon period R.A. Hall, 'The Pre-Conquest Burgh of Derby', *Derbyshire Archaeological Journal*, XCIV (1974), 16-23.
- ⁴³ *Darley Cartulary*, I, 1.
- ⁴⁴ *Cal. Charter Rolls 1226-57*, 96.
- ⁴⁵ E 372/80, r. 15: 'Et in quadam domo empta apud Notingham ad comitatum de Notingham in ea tenendum x li. per breve regis. Et in domo empta ad comitatum Notingham tenendum in villa de Notingham reparanda x li. vj s. et ob. per breve regis et visum et testimonium Willelmi Brien Astini filii Willelmi'.
- ⁴⁶ *Records of the Borough of Nottingham*, I (1882), 22-5, 40-1.
- ⁴⁷ It must have been enrolled on the missing charter roll for 40 Henry III; its full text was recited in a confirmation by Edward III in 1327: *Cal. Charter Rolls 1327-41*, 50. It was referred to in quo warranto proceedings in the Derbyshire eyre of 1330-31: *Placita de Quo Warranto*, 159. For the fine of 70 marks see C 60/53, m. 15.
- ⁴⁸ A. Ballard and J. Tait, *British Borough Charters, 1216-1307* (1923), 358-9; R.F. Hunnisett, *The Medieval Coroner* (1961), 139-40.
- ⁴⁹ M.T. Clanchy, 'The Franchise of Return of Writs', *Transactions of the Royal Historical Society*, 5th series, XVII (1967), 64-6; Ballard and Tait, *Borough Charters*, 171-2.
- ⁵⁰ It was one of only two charters known to so specify: Hunnisett, *Coroner*, 157.
- ⁵¹ *Ibid.*, 68.
- ⁵² For early thirteenth-century references to the borough court see *Darley Cartulary*, I, lii.
- ⁵³ An inquisition made at this meeting concerning an impost of 100s. annually upon the burgesses of Derby, dating from the shrievalty of Philip Mark (1209-25) survives: SC 1/3, no. 93.