

X.—ROGER OF WHITCHESTER (†1258).

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Roger of Whitchester was a Northumbrian whose career was spent almost wholly in southern England, for he was one of many north countrymen who served Henry III in judicial administration. The *History of Northumberland*, Vol. XIII, gives a brief notice of him in his family's pedigree.¹ Foss's equally brief notice of him in the *Dictionary of the Judges* has several inaccuracies; the *Dictionary of National Biography* does not include him. The present account of his career, compiled from the main printed sources and some readily workable unpublished records, is intended to serve as a reasonably full biography until the time when more records of Henry III's reign (such as the plea rolls of eyres in which Roger served as a clerk or justice or of southern English counties in which he held estates) have been printed, or until someone attempts a more exhaustive search of unpublished records. The principal facts of his career are: that he was the eldest, or eldest surviving, son of sir Robert de Whitchester, whom he succeeded in 1244; that at some time before 1244, possibly as early as 1230, he entered the service of William of York, one of the most distinguished of Henry III's judges; that in 1246 he was appointed keeper of the rolls and writs of the Bench (later the court of Common Pleas), being the first such official known from the surviving chancery rolls; that in 1254 he was promoted to serve as a justice, in eyre and at

¹ P. 225. The name is spelt in a considerable variety of forms, e.g. Whicestre, Whycestre, Whytcestre, Wicestre, Witcestre, Wycestre, Wytcestre, Wythcestre; for simplicity the modern form has been employed throughout, including quotations.

the Bench; that he acquired by lease a number of estates in the south; and that he died about September 1258.

Roger's family is generally considered to have been the tenants at Whitchester of the Crauden family, who held the manor from the northern Bolbec barony. His father Robert is the first of the family of whom anything certain is known. He served as sheriff of Northumberland, very probably as the nominee of his lord Hugh de Bolbec III whom he immediately succeeded, from 14 January 1221 to 11 February 1223. Thereafter he was active in county affairs, serving in 1229, 1231, 1236 and 1238 as an assize commissioner and in 1230, 1234 and 1237 for gaol deliveries.² In the great survey of 1242-3 he is returned as holding from the Bolbec barony $\frac{1}{4}$ of the manor of Benwell by military service (as $\frac{1}{3}$ of a fee) and 40 acres at Heddon on the Wall by socage tenancy for 15d. rent.³ In 1220 he was apparently holding 4 oxgangs at Eachwick in Heddon of the Delavals (who held of the Bolbecs) and at some time in the 1220's or 1230's he bought 60 acres of woodland at Benwell of William de Kimble (who held of the Bolbecs), which he proceeded to clear and cultivate.⁴ His most considerable holding was also not held of the Bolbecs immediately. The manors of Whitchester, Houghton and part of Wallington had been held of the northern Bolbec barony since early in Henry II's reign by the Crauden family, who came from Croydon near Royston in Cambridgeshire.⁵ A damaged final concord was made in the Bench at some time between November 1221 and October 1222 between John de Crauden and Robert de Whitchester and his wife Isabel concerning this estate.⁶ By it, John admitted Robert's right and Robert granted it to

² For assizes: *Calendar of Patent Rolls 1225-32*, 351, 443, 447; Patent Rolls, 20 Henry III m. 9d and 22 Henry III m. 10d. For gaol deliveries: *CPR 1225-32*, 365; *C.P.R. 1232-47*, 76; Patent Roll Henry III, m. 9d, cf. *Close Rolls 1234-7*, 241.

³ *Book of Fees*, ii, 1113, 1123.

⁴ *History of Northumberland*, XIII, 87 (citing Hodgson's *History*, III, iii, col. 124) and Northumberland 1256 eyre roll in *Surtees Society*, vol. 88, 12-13.

⁵ *History of Northumberland*, XIII, 101; Hodgson's *History*, II, i, 252-3; Farer, *Feudal Cambridgeshire*, 14-16.

⁶ *Northumberland Fines* (Newcastle on Tyne Record Series, vol. x), no. 61.

John for life at a nominal rent, with reversion to Robert and his heirs by Isabel to hold of John's heirs at a rent of £5 payable half yearly on 2 February and 1 August: the estate to revert to John and his heirs if Robert died without heirs by Isabel. The probable explanation of this conveyance would seem to be that Isabel was herself a Crauden, possibly a sister or daughter of John, who was thereby making provision for her children. The conveyance was to be the source of much litigation during the rest of the century. The first such action was probably begun in 1235, for before Easter term 1236 Isabel de Whitchester had essoined herself *de malo lecti* in it and appointed her attorneys.⁷ It was brought by Robert de Beverley and his wife Sybil daughter of Hugh de Crauden against Robert de Whitchester and his wife Isabel and was compromised by a final concord made in the Bench on the morrow of St. John (25 June) 1236.⁸ By it, Robert and Isabel admitted the right of Robert de Beverley and Sybil, in return for which admission the latter granted the estate to Robert and Isabel for their joint lives at a yearly rent of 10 marks, payable half yearly on St. Cuthbert's days (20 March and 4 September): the estate to revert after their deaths to Robert de Beverley and Sybil and their heirs. By 1242 Robert de Beverley and Isabel de Whitchester were dead and Sybil de Crauden had begun another action against Robert de Whitchester, who early in 1243 essoined himself *de malo lecti* and appointed attorneys.⁹ This too was compromised by a final concord, made in the Bench on the quinzaine of Michaelmas (13 October) 1243.¹⁰ By it, in return for Robert's admission of her right, Sybil granted it to him and his heirs by his late wife Isabel at the increased rent of £8, payable half yearly as before: a special clause was added whereby Robert promised not to sell, pledge or alienate the estate or any

⁷ *Northumberland Pleas* (Newcastle on Tyne Record Series, vol. ii), nos. 363-4.

⁸ *Northumberland Fines*, no. 131; where for "January" read "June".

⁹ *Northumberland Pleas*, nos. 419, 423-4.

¹⁰ *Northumberland Fines*, no. 178.

part of it. Although the fine conveyed the whole fee, in her writ Sybil had excepted $1\frac{1}{2}$ carucates, 3 messuages, a toft and a mill from Whitchester manor and $\frac{1}{2}$ carucate and a messuage from Houghton manor. From a later action we know that Robert remarried after Isabel's death; it is reasonable to conclude that his second marriage took place about the time of this action, whose object was to secure the inheritance of his children by his first wife. In Easter term 1244 we find Sybil de Crauden litigating against Roger de Whitchester in a plea of fine made, that is for the payment of the rent stipulated in the final concord just described, and before 8 June 1244 Roger was being distrained to take up knighthood.¹¹ We may therefore conclude that Robert de Whitchester died some time between October 1243 and April 1244 and was succeeded in his tenancy by Roger.

The earliest notice which we have found of Roger is of his institution by the archbishop of York (the see of Durham being vacant) on 4 September 1226 to the rectory of Elsdon, in Redesdale, on the presentation of Richard de Umfravill.¹² We do not know how long Roger held this living, but in 1245 the incumbent was Vincent Cornwalais.¹³ The only other preferment Roger is known to have held is the Sussex rectory of Ovingdean, near Brighton. One Edmund had held this rectory since before 1219 until his death in 1248.¹⁴ The right to the advowson was litigated in the Sussex eyre of 1248 (in which Roger was keeper of the writs and rolls) when judgment was given for three coheirs and their husbands.¹⁵ Roger was probably presented soon afterwards by the coheirs, for there exist his letters testimonial as rector, dated 20 December 1252 and 31 January 1253, whereby he

¹¹ *Northumberland Pleas*, no. 433.

¹² *Gray's Register* (Surtees Society, vol. 56), 11.

¹³ Inquisition on death of Gilbert de Umfravill, *Inquisitions post mortem* Henry III, file 3, no. 9. The value of the living there given is 80 marks, not 40 as in *Hodgson's History*, II, i, 88.

¹⁴ P.R.O. Ancient Deeds, Treasury of Receipt (from Lewes priory archives) A 14198, 14221, 14227.

¹⁵ J.I. 1/909A, m. 5.

confirmed the release to Lewes priory of the right to some tithes in his parish about which he had been litigating before judges delegate.¹⁶ Dugdale thought Roger held a canonry of St. Paul's but was confusing him with Roger of Worcester of an earlier generation who held the Brondesbury prebend 1192-1230.¹⁷ It is surprising that we find no evidence of his having held other benefices in Gray's register, in the rolls of the bishops of Lincoln that cover most of his career, in the chancery enrolments by royal presentation *sede vacante*, or in plea rolls and deeds. It is, however, possible that he obtained preferment in dioceses for which there are no registers, such as Canterbury, London or Rochester.

In an entry in the Bench in Michaelmas term 1230 there is reference to "a certain roll which Roger the clerk of William of York holds".¹⁸ William had been a senior clerk of the Bench since the winter of 1218-19 if not earlier and we know from his own correspondence that he had other clerks working under him. It is not certain that this Roger was Roger de Whitchester, for another Roger was at work in the Bench about this time: Roger de Thurkelby, from William's native East Riding. But in another entry of the same term there is a memorandum that William of York has the particulars of certain lands while Roger de Thurkelby has the note of a final concord to be made about these lands.¹⁹ Possibly, therefore, William's clerk Roger and Roger de Thurkelby were not identical; and in December 1231 Roger de Thurkelby is said to be the clerk of William's lifelong friend and colleague, William de Raleigh. But after the death of Robert de Whitchester we have certain evidence of Roger de Whitchester's association with William of York. As we have seen, in succeeding to the family estates Roger

¹⁶ P.R.O. Ancient Deeds, Treasury of Receipt (also from priory archives) A. 14222, 14228 (of which a cartulary copy is in *Chartulary of Lewes Priory* (Sussex Record Society), II, 56-7).

¹⁷ *Origines Juridicales*, 21; cf. Newcourt's *Repertorium*, ed. Hennessy, 14.

¹⁸ This and other Bench plea rolls cited are in an artificially made Public Record Office collection whose call reference is K.B. 26, by which they are cited: *K.B. 26/107*, m. 23d.

¹⁹ *Ibid.*, m. 32.

became liable to take up knighthood or to be distrained to do so and just at this time, with a Welsh war imminent, there was considerable pressure from government on all those with this liability. William of York was now senior justice, of the court *coram rege* and we may safely assume that it was he who secured the issue on 8 June 1244 of an order to the sheriff of Northumberland respiting until further notice distraint of knighthood on Roger de Whitchester: "because we desire that clerks occupied in our service should be in better condition than others and . . . Roger . . . has borne himself laudably in the service of William of York."²⁰ The little we know of Roger before 1246 is consistent with his having been in the courts since 1230, and it must be remembered that fewer plea rolls of the Bench and eyres have survived from the 1230's than from any other decade under Henry III. In Trinity term 1231 Roger was acting as attorney for William de Percy in a Sussex action in the Bench.²¹ Certain evidence of his presence as a clerk in the Bench comes from the feet of fines for 1236 Trinity term, for 12 of the 44 fines surviving from this term bear endorsements indicating that the money due for the making of the chirographs is to be answered for by clerks, a thing unique in the fines of Henry III.²² One has "W. de Holebech' is to answer", another "W. the clerk of sir W. de Culewrth' is to answer", whence we may deduce that William of Holbeach was clerk to William de Culworth, the junior justice. The others all refer to Roger: seven have "Upon R. de Whitchester"; two have "R. de Whitchester is to answer"; one has, more explicitly, "And R. the clerk is to answer for the money for this chirograph". In Trinity

²⁰ *Close Rolls 1242-7*, 247.

²¹ *K.B.* 26/109, m. 7.

²² Although most of these fines have been calendared by local societies, the endorsements have been noticed by only two editors. References, in the Feet of Fines Henry III (class call number *C.P.* 25(1)) are: 54/35, nos. 523-4, 54/36, no. 528 (Kirk, *Essex Fines 1182-1272*, 114-15); 84/16, no. 225; 92/7, no. 114; 129/26, nos. 14, 16 (Massingberd, *Lincs. Fines John—Henry III*, 293); 146/10, no. 139; 172/17, no. 350; 196/5, no. 12; 233/12, no. 52; 258/5, no. 1.

term 1243 Roger held the chirographs of the final concord of a very important family settlement between the midland baron Gilbert de Segrave and his step-mother Ida, which he must certainly have done in his capacity as William of York's assistant.²³ Finally, among the essoins of the octave of Hilary (20 January) 1246 we find William of York attorning Roger in his place in a Surrey action in the Bench.²⁴

On 28 May 1246 Roger was granted by letters patent an annual salary of £10 as keeper of the writs and rolls of the Bench.²⁵ The warrants for the payment of the half yearly instalments of this salary from the Easter half year 30 Henry III (1246) to the Easter half year 39 Henry III (1255) were enrolled on the *liberate* rolls, the first being dated 27 May 1246 and the last dated 11 May 1255.²⁶ There are no earlier warrants to a previous keeper so that any predecessor Roger may have had was not an official with a salary chargeable to the royal revenue. Except in 1248-9 the warrants were all for payments in cash at the exchequer, which indicates the closeness of Roger's ties with Westminster; for if he had been spending any considerable part of his vacations in the north he would, like some of his colleagues in the courts, have occasionally secured a warrant payable locally out of the revenues of Northumberland or Yorkshire. Roger also received an annual robe as a member of the royal household. The warrants for such gifts seem only to be enrolled regularly after the baronial reformers of 1258 exerted a measure of control over the household. But early in 1251, when there was an economy drive, there is a batch of warrants in favour of some royal servants including one which issued on 5 January 1251 ordering the wardrobe officials to give Roger a robe "as he

²³ *K.B.* 26/130, m. 14d.

²⁴ *C.P.* 21/1/2, m. 10d.

²⁵ *C.P.R.* 1232-47, 480.

²⁶ *Calendar of Liberate Rolls 1245-51*, 55, 84, 117, 144, 178, 226, 258, 288, 305, 352, 386; *Calendar of Liberate Rolls 1251-60*, 39, 79, 127, 165, 179, 217. These include all instalments save that for 37 Mich. which was entered on a portion of a roll now lost.

has been accustomed to receive on previous occasions".²⁷

Roger served at the Bench from Easter term 1246 until Trinity 1247 under the senior justice, Henry of Bath, and his colleagues, the next senior justice, Roger de Thurkelby, having been absent with other regular Bench justices on eyre since the beginning of 1246. In September 1247 Henry of Bath himself began a second eyre circuit which lasted until July 1249; during these two years sessions of the Bench were suspended. Henry and his colleagues held eyres for the counties of Cambridge, Huntingdon, Essex, Hertford, Surrey, Kent, Sussex, Hampshire, Wiltshire and Middlesex.²⁸ Roger accompanied them in his capacity of keeper of writs and rolls; the plea rolls supply occasional evidence of his presence, for example when he has temporary keeping of chirographs during the Wiltshire eyre.²⁹ To cover the extra expenses of travel Roger received warrants for additional allowances: on 12 January 1247 for £10 payable from the issues of the Essex eyre, then in progress, and on 20 October 1248 for 10 marks payable from the issues of the Kent eyre, just completed.³⁰ Moreover on 10 April 1249 the warrant for two instalments of his regular salary, Mich. 1248 and Easter 1249, were made payable from the issues of the Hampshire eyre, just completed.³¹ During this visitation Roger, like most royal servants, took the opportunity to conduct some private business. In the Hampshire eyre we find William Bugge of Nottingham admitting that he owed Roger 6 marks for a horse which Roger had sold him and agreeing to pay this sum by Easter three weeks (25 April) 1249. In the Wiltshire eyre there is a stage of an action for a debt of 71s. 4d. which Roger had brought against Robert Splote of Sempringham, co. Lincoln; Robert did not appear so distraint of all his lands and chattels was ordered,

²⁷ *Close Rolls 1247-51*, 395.

²⁸ These and other details of eyres are taken from my *Eyre List Henry III*.

²⁹ Wilts. 1249 eyre, foreign pleas rolls: *J.I. 1/997*, m. 3; *J.I. 1/777*, m. 13d.

³⁰ *C. Lib. R. 1245-51*, 161, 204; cf. Essex Account, Pipe Roll 32 Henry III, rot. 4d, and Kent account, Pipe Roll 33 Henry III, rot. 7d, where the payment is, however, 20 marks.

³¹ *Ibid.*, 226; cf. Hants. account, Pipe Roll 33 Henry III, rot. 8d.

returnable on 1 July 1249 in the Middlesex eyre, of which the roll is lost.³²

The Bench resumed sessions in Michaelmas 1249; thenceforward Roger acted as keeper until Trinity 1254 though he remained nominally keeper, drawing his salary, until Hilary 1255. He was succeeded by another, and eventually more distinguished, Northumbrian in Richard de Middleton, who rose to become chancellor.³³ None of the Bench or eyre writ files of Roger's term of office survive; nor are there any Bench plea rolls from 1246-7. From the 20 Bench terms, 1249 Michaelmas to 1254 Trinity, there are sixteen rolls from 12 terms; from the eyres of 1247-9 (Bath's circuit) there are civil and crown plea rolls from 5 and foreign plea rolls from 6.³⁴ There are several changes in methods of enrolment during this period. The most important was the creation of the foreign pleas rolls of eyres. Since the closing years of the twelfth century the work of the Bench and eyre had been closely integrated. When Bench sessions were suspended for an eyre visitation, as in 1247, the business hitherto conducted at Westminster was carried on in the circuits. Hence the justices heard civil pleas from many counties other than from that in which they were sitting. Down to the summer of 1247 it had been the practice to enrol all such pleas in a single roll. From the autumn of 1247, when Roger accompanied the justices in Bath's circuit, it became the practice for all the pleas from counties other than that in

³² *J.I.* 1/777, ms. 10, 29.

³³ Richard was appointed at the lower salary of 10 marks, of which the first recorded *liberate*, for the Mich. half year 1256, is dated 28 October 1256: *C. Lib. R. 1251-60*, 368.

³⁴ The Bench rolls (*K.B.* 26) are: 1249 Mich., 136 main and 135 subsidiary; 1250 Hil., 137 main and 138 subs.; 1250 Easter, 140 main and 139 subs.; 1250 Trinity, 142 main and 141 subs.; 1250 Mich., 143 main; 1251 Hil., 216 (a fragment); 1251 Trinity, 144 main; 1251 Mich., 145 subs.; 1252 Mich., 147 B subs.; 1253 Trinity, 149 subs.; 1253 Mich., 148 subs.; 1254 Trinity, 154 subs. The subsidiary rolls were probably those retained by Roger and the main rolls those kept by the clerk of the senior justice. The eyre rolls (*J.I.* 1) are: Essex, 232, Herts., 318, Sussex, 909 A and 909 B, Hants., 776 and Wilts., 996, all civil and crown pleas; Cambs., 81, Hunts., 343, Herts., 319, Surrey, 871, Hants. and Wilts., 777, Wilts. (a second copy), 997, all foreign pleas.

which the justices were sitting to be enrolled in a separate section called a "foreign pleas" or "pleas of divers counties" roll. These rolls were thus similar to the normal Bench roll. Indeed, after having been kept for many centuries among the eyre rolls they were removed about 1700 by Peter le Neve (who then had custody of them as a deputy-chamberlain of the exchequer) and placed with the Bench rolls, where they remained until about 1890 when they were once more separated. It must have been a distinct advantage for a keeper of rolls to have the eyre business arranged in a form strictly analogous to Bench business. During Bath's eyres we find another innovation, whereby the appointments of attorneys are entered in special sections instead of being entered promiscuously among the pleas;³⁵ but this innovation made only slow headway and did not become invariable practice until the 1260's. Although the Bench had been so known since Richard I's reign it is only with one of the rolls for 1249 Michaelmas term that the title *de Banco* is found in the formal headings and thenceforward it is generally employed. Moreover, until the 1240's the Bench rolls are still rather the rolls of particular Bench justices, whose vacation business they often contain, than the impersonal record of the court. Again, from 1249 Michaelmas onwards the rolls lose their former characteristic, except for some of those of chief justices. A mandate which issued to Roger on 24 June 1253 suggests that in his time only two rolls were kept, for he was then, at the beginning of Trinity term, commanded to let Roger de Thurkelby, the senior justice, have one roll while he was to retain the other and the writs.³⁶ While the part Roger may have had in these and other changes is uncertain it is certainly true that his term of office coincided with a period that saw an improvement in the arrangement of eyre business and a marked tendency for the Bench rolls to become the impersonal record of the court.

The plea rolls themselves, not unnaturally, have nothing

³⁵ There are attorneys sections in the Herts. and Wilts. rolls only.

³⁶ *C.R.* 1251-3, 374.

to say about Roger's routine activity in keeping writs and rolls, but they carry several incidental references to his work in other matters about the court. For example, in 1249 Michaelmas term and in 1250 Michaelmas term we find that money due as a result of litigation to a London citizen and to a Kentish lady has been temporarily entrusted to him.³⁷ In 1250 Trinity term he had temporary keeping of the record of an action in the Bath city court and of the writ which called it into the Bench; he also retained a deed of covenant in a Surrey case.³⁸ In 1251 Michaelmas term he had custody of the deeds in a Northamptonshire action until it was composed in the following Easter term; he was also commissioned to take locally the appointments of attorney of a Kentish widow who was litigating about lands in Sittingbourne.³⁹ In 1253 Trinity term he kept the chirographs of a final concord which concluded a Nottinghamshire action because their delivery had been adjourned until the justice Alan de Wassand took the wife's admission locally, as he would do when he travelled up to his Yorkshire estates in the long vacation.⁴⁰ In 1253 Michaelmas term Roger had keeping of a deed whose authenticity had been challenged in a Yorkshire action and he had temporary custody of the chirographs in a Wiltshire suit.⁴¹ These references, if of no great importance, nevertheless give us a picture of an official of the court ever at hand to discharge various pieces of business on behalf of litigants; moreover these pieces of business were just those which Roger's own master William of York had been discharging when he was a senior clerk of the Bench in the years 1218-31.⁴² We get a glimpse of the influence which Roger's position commanded when an untoward event occurred in his household about March 1252. His servant, Thomas Ernald, hanged himself in a noose which was

³⁷ *K.B.* 26/135, m. 30 and *K.B.* 26/143, m. 33.

³⁸ *K.B.* 26/141, ms. 30d, 13d.

³⁹ *K.B.* 26/145, ms. 48, 51.

⁴⁰ *K.B.* 26/149, m. 18d.

⁴¹ *K.B.* 26/148, ms. 4d, 24d.

⁴² *Bulletin of the Inst. of Hist. Res.*, vol. XXVI (1953), pp. 161-79.

apparently weighted with a sackful of Roger's clothes. The London coroner's jury seems to have brought in a verdict not of *felo de se* but of misadventure, so we must believe that it was an accident. On 21 March letters close addressed to the sheriffs and chamberlains commanded them not to confiscate the sack and its contents, worth the considerable sum of 20s. 10d. (as deodand), but to deliver them to Roger.⁴³ A little later a special commission was appointed to sit at the Tower on 14 April to hold the crown plea (reviewing the coroner's proceedings) concerning Thomas's death; for this purpose John de Wyvill, a justice of the Jews (replacing William de Breton, another justice of the Jews, who was sick), and the junior Bench justice, Giles de Erdington, were appointed.⁴⁴ The commission must have confirmed the coroner's verdict, since we hear no more of the affair.

After some years' service as keeper, Roger began to be commissioned to take possessory assizes. Until about 1242 the great majority of such assizes that were not taken in eyre had been taken by four local gentlemen of knightly rank, as Robert de Whitchester had served in commissions of four justices in Northumberland. A minority only were taken by two justices of the central courts in association or by one such justice with powers to choose his own colleagues from local knights or ecclesiastics. But from about 1242 this last type of commission rapidly ousted the others so that by 1248 nearly all special assizes were taken by justices of the central courts. The demand for such commissions steadily increased, making it necessary to issue them not only to the small number of justices of the Bench and court *coram rege* but also to the stewards of the royal household and a few other royal servants with considerable judicial experience. The assize commissions were recorded on the dorses of the patent rolls, but are unfortunately omitted from the published *Calendars of Patent Rolls*. In the regnal years 34, 35, 36 and 38 Henry III the dorses of the patent rolls

⁴³ *C.R.* 1251-3, 67.

⁴⁴ *C.P.R.* 1247-58, 156.

were not sufficient for all the commissions so the overflow was entered on the close rolls, and is included in the published *Close Rolls*. Commissions for which fines were payable were noted in the fine rolls; a very small number of these are included in the published *Excerpta e Rotulis Finium*.⁴⁵ Roger was first commissioned in the summer of 1251 for three Kent assizes, in each case as junior associate of the Bench justice Alan de Wassand.⁴⁶ In 1252 he received 11 commissions: 5 in Essex, in association with the local magnate and administrator Peter de Tany or the Bench justice Giles de Erdington; one in Surrey, with William le Breton; one in Kent in association with the exchequer baron and precious metals expert Edward of Westminster and 3 there alone and one in Suffolk alone.⁴⁷ Thenceforward he was usually commissioned alone. If we analyse under counties the total of some 126 commissions which Roger received in 1251-8 we see how remarkably his activity was confined to southern England and to two counties in particular.⁴⁸ The number of commissions, in rough geographical order, is as follows: Northumberland 5, Yorkshire 9, Nottinghamshire 1, Bedfordshire 1, Cambridgeshire 3, Norfolk 1, Suffolk 5, Essex 33, Hertfordshire 10, Middlesex 2, Kent 29, Surrey 6, Sussex 1, Hampshire 2, Berkshire 1, Wiltshire 3, Gloucestershire 1, Somerset 10, Dorset 3; the commissions for the last six counties nearly all issued when he was on eyre in those parts as a justice in 1255-6. For a north-countryman this pattern is exceptional. Roger's master William of York had taken assizes while still a clerk; but both then and as a justice he had taken assizes mostly in his

⁴⁵ In Roger's case only 13 are given, dated between October 1252 and August 1258: *Excerpta*, ii, 141, 154, 159, 174, 196, 206, 245, 248, 252, 265, 278-9, 286.

⁴⁶ P.R. 35 Henry III, ms. 9d, 8d, 7d.

⁴⁷ P.R. 36 Henry III, ms. 12d, 8d, 2d, 1d.

⁴⁸ Patent Roll 37 Henry III (18 commissions), ms. 23d, 21d, 18d-12d, 7d; Patent Roll 38 Henry III (6), ms. 4d, 2d, and overflow in *Close Rolls 1253-4* (3), 150, 158; Patent Roll 39 Henry III (10), ms. 17d-14d; Patent Roll 40 Henry III (18), ms. 17d, 14d, 11d, 8d, 6d-4d; Patent Roll 41 Henry III (21), ms. 17d-15d, 13d, 8d, 1d; Patent Roll 42 Henry III (36), ms. 17d, 15d, 13d-7d, 5d, 3d.

native county or in counties athwart the road there, apart from a few home county assizes which the Bench justices regularly took during term-time at Lambeth, Bermondsey, Greenwich or Stratford Langthorne. The pattern of most other commissioners was the same, for they took these assizes mainly in the lent and long vacations in the counties where their lay estates or ecclesiastical benefices lay or in counties on the road to them. If we had no other evidence than Roger's commissions to guide us it would be clear that he had acquired interests in southern England. Moreover his 14 north-country commissions were not spread throughout the period: he received 2 for Northumberland and one for Yorkshire in 1254, one for Yorkshire in 1255 and all the rest in 1258. Most of the commissions were routine matters, but in some cases it looks as if Roger's services have been obtained specially. There is no space to comment on these, but when, for example, in 1253 we find that Roger has been commissioned along with Philip Lovel to try an action between Simon Passelewe and the earl of Oxford concerning an estate at West Ham, it is interesting to remember that Lovel was the treasurer and senior justice of the Jews and that Passelewe was a great financial expert who soon afterwards also became a justice of the Jews. One commission must be examined in detail, however, for it seems to have been partly on account of it that Roger earned the animosity of Matthew Paris.⁴⁹ Early in 1253 he was commissioned to take a novel disseisin brought by John son of John le Laner and Alan fitz Richard against Alexander le Taillur concerning a tenement in St. Albans. John and Alexander were burgesses of St. Albans, being presumably a woolmonger and a tailor there. John obtained judgment in his favour and in order to prevent a reversal of the judgment by the procedure of attaint he thereupon procured a royal charter which for the future prohibited the holding of attaints of assize on tenements held in St. Albans, a pro-

⁴⁹ *Chronica Majora* (Rolls Series), VI, 268; cf. Patent Roll 37 Henry III, 21d, 13d.

hibition that was current in many boroughs whose municipal law differed from the common law of the country. John apparently had the support of some of his fellow burgesses but their initiative was derogatory to the abbot, whose borough St. Albans was, so with the support of the abbot and his legal advisers Alexander brought an attain, for which Roger was again commissioned in the autumn. However, although there does not seem to be any record of the appointments of associates on the patent rolls, in fact two much more important justices were appointed to sit with him: Henry of Bath, now senior justice of the court *coram rege* and as such the chief judge of the kingdom, and the second most senior of the Bench justices, master Simon of Walton. They took the attain at Barnet on 27 November 1253, but as so often happens the real issue never came to trial since the parties compromised the action before judgment. Roger's clerk presumably kept a record of his master's assize business but as with the majority of his fellow commissioners none of his assize rolls survive.

An eyre visitation began in 1252 but was soon adjourned on account of the king's visit to Gascony in 1253-4. After the king's return it was resumed in the autumn of 1254 with circuits under Gilbert de Preston and master Simon of Walton; but the Bench sessions were not suspended. There was therefore a need for some additional justices and this was the occasion of Roger's promotion. At the beginning of Michaelmas term 1254 Roger sat as a Bench justice for a few days only. He is not named in any of the final concords dated the octave of Michaelmas, but he is named in 13 out of the 34 dated the quinzaine of Michaelmas (covering business done 13-19 October).⁵⁰ He then accompanied Preston. The Essex eyre began on 19 October, under the nominal presidency of the abbot of Colchester but with Preston as senior justice and with Roger and William le Breton as his colleagues. During the winter they com-

⁵⁰ Even in these fines there are the following variants of his name: Whycestre 4, Wyc' or Wycestre 6, Witecestre, Wytescestre and Wycestres 1.

pleted the Essex (19 Oct.-2 Dec.) and Hertfordshire (14 Jan.-3 Feb.) eyres.⁵¹ By *liberate* dated 18 November 1254 Roger was granted 25 marks for his service as a king's justice, payable from the issues of the Essex eyre.⁵² The growing financial stringency caused by the king's Sicilian adventure led to a tallaging of the royal demesne boroughs and manors throughout England during the Lent vacation of 1255 in which the justices took part, mostly for districts outside their normal sphere; Roger with William Trussel conducted the assessments in the counties of Lincoln, Northampton, Rutland, Nottingham, Derby, Warwick and Leicester.⁵³ The assembly of the important parliament of Easter 1255 caused a suspension of the eyre visitation, so Roger returned to sit at the Bench for the whole of Easter term, the only complete term in which he sat there as a justice. In the summer the visitation was resumed, Preston with Roger and their colleagues holding the eyres for Surrey (24 May-20 June) and Kent (25 June-2 Aug.).⁵⁴ On 16 June Roger was granted an expense allowance of 20 marks, payable from the issue of the Surrey eyre.⁵⁵ One of the results of the Easter parliament was the holding of a special fiscal enquiry into royal rights during the long vacation; Preston and Roger took part by holding the circuit for Essex, Herts., Kent, Surrey and Sussex.⁵⁶ In the autumn the Kent eyre was completed (30 Sept.-20 Oct.) and the Sussex eyre was held (3-25 Nov.). During 1256 Roger was wholly on eyre with Preston, Hampshire (14 Jan.-23 Feb.), Wiltshire (24 April-26 May), Dorset (12-25 June), Somerset (8-29 July), Cornwall (30 Sept.-13 Oct.) and Devon (27 Oct.-2 Dec.) being visited.⁵⁷ On 21 April Roger was granted a regular salary

⁵¹ C.P.R. 1247-58, 373. The rolls are: Essex, J.I. 1/233-5; Herts., J.I. 1/320.

⁵² C. Lib. R. 1251-60, 185.

⁵³ C.R. 1254-6, 162.

⁵⁴ C.P.R. 1247-58, 436. The rolls are: Surrey, J.I. 1/872; Kent, J.I. 1/361, 1183.

⁵⁵ C. Lib. R. 1251-60, 226.

⁵⁶ C.P.R. 1247-58, 438.

⁵⁷ C.P.R. 1247-58, 511; *Close Rolls*, 1254-6, 399. The only roll is Hants., J.I. 1/778.

of 40 marks, payable half-yearly, for so long as he was on eyre, warrants for this issuing on 21 April (for 1256 Easter half year) and on 20 October (for Michaelmas half year).⁵⁸ Between August and December he also received a number of assize commissions for the western counties and during the first months of 1257 he was probably engaged in hearing these, for he had no special employment. After Easter, Preston and Roger with their colleagues went to East Anglia, which was then suffering from a severe famine that protracted the sessions and incidentally helped to bring about the political revolution of 1258. They held the Norfolk eyre (16 April-24 June and 13 Oct.-3 Nov.) and then the Suffolk eyre (18 Nov.-2 Dec. and 14 Jan.-3 Feb. 1258) in which some business still remained to be taken when famine caused its prorogation in April.⁵⁹ On 11 April and 23 October 1257 warrants issued for the half-yearly instalments of Roger's salary for Easter and Michaelmas 1257.⁶⁰ This was the end of Roger's career as an eyre and Bench justice.

Before dealing with the last months of Roger's life we may usefully consider his landed interests, beginning with those in the south which help to explain his spheres of activity as an assize justice. The first interest which he acquired in southern England seems to have been a lease of the manor of Goddington, in Oxfordshire, with lands appurtenant to it at Cowley and Twyford, just across the county boundary in Buckinghamshire, the places being in the upper Ouse valley between Bicester and Buckingham. These he obtained before 1235 from Thomas de Camville. Thomas held this estate of the Longspee earldom of Salisbury; among his other estates he also held in chief, of the escheated honor of Boulogne, two knights' fees at Fobbing and Shenfield in Essex and one at Westerham in Kent.⁶¹ Of a direct connexion between Thomas and Roger nothing is known and it

⁵⁸ *C.R.* 1254-6, 411; *C. Lib. R.* 1251-60, 281, 378.

⁵⁹ *C.R.* 1256-9, 117, 134; *C.P.R.* 1247-58, 602. The rolls are: Norfolk, *J.I.* 1/567-8; Suffolk, *J.I.* 1/820.

⁶⁰ *C. Lib. R.* 1251-60, 364, 401.

⁶¹ *Book of Fees*, ii, 1432, 1436.

is very probable that Roger obtained his lease through William of York's connexions with Thomas. For Thomas had been a colleague of Martin de Pateshull (senior justice of the Bench 1217-29) in the eyres of Kent, Essex and Herts. in the autumn of 1227 and had served as a Bench justice in Hilary and Michaelmas 1228 and for part of Hilary and Easter 1229 and must have been well acquainted with William, who was then a senior clerk of the Bench. Thomas died before 25 January 1235 and the wardship of his lands and heir passed to Hamo de Crevequer.⁶² We first hear of Roger's interests from the roll of William of York's Bucks. eyre of 1241, when Roger attorned Mauger of Cowley and Alexander of Bedford in a novel disseisin against Ralph of Twyford, a leading man of the district who was senior elector and juror for Ploughley hundred in the Oxfordshire eyre which followed.⁶³ No plea in the action has been found. Then in the Bench in Hilary term 1245 we find Roger with his servant Stephen Turpin—who may have come from the family which emerges later in the century at Whitchester—bringing actions of trespass against John de Werlawe, sergeant of the earl marshal's manor of Twyford, and a very large number of local men for entering Roger's house at Twyford, maltreating his servants, carrying away his goods and so forth. None of the defendants appeared so process issued against them returnable at Easter three weeks, when at the prayer of the parties there was a further adjournment to Trinity one month.⁶⁴ The conclusion of the action has not been found. The action was probably based on a distraint of some sort carried out by the earl marshal's sergeant and manorial tenants for arrears of services due from Roger's lands at Twyford and Cowley to the earl's manor, services which Roger probably disputed. In the great survey of 1242-3 Roger is returned as holding $\frac{1}{4}$ of a knight's fee at Goddington of the Longspee Salisbury earldom.⁶⁵

⁶² *Excerpta e Rotulis Finium*, i, 272, 309; cf. *Close Rolls 1234-7*, 47, 294

⁶³ *J.I.* 1/55, m. 5d.

⁶⁴ *K.B.* 26/127, m. 2d; *K.B.* 26/129, m. 11.

⁶⁵ *Book of Fees*, ii, 825, 835.

Roger's local connexions are further shown in a recognizance on the Bench plea roll for 1243 Easter term whereby Lawrence del Brok, Roger de Wymbervill and others admit that they owe him 5 marks, which are to be repaid in moieties on 1 June and 1 August.⁶⁶ Lawrence was a lawyer who is found practising in the royal courts from about 1233 until 1247, when he was appointed king's attorney in which capacity he served until the close of the reign; both he and Roger de Wymbervill were also prominent Buckinghamshire knights. By Easter term 1244 Thomas de Camvill's son and heir Robert had come of age, whereupon by a recognizance entered in the Bench plea roll he renewed to Roger for two years from the quinzaine of Michaelmas next (13 Oct. 1244) the lease which his father Thomas had granted to Roger and his assigns of the manor of Goddington and the lands at Cowley and Twyford.⁶⁷ It is probable that Roger did not renew the lease in 1246, for he never took any assizes in Buckinghamshire. It is possible that Thomas granted the original lease to Roger as a trustworthy young clerk who would look after his infant son's interests.

The next interests Roger acquired were in Hertfordshire, for in the same plea roll of Easter 1244 there is a recognizance by Richard de Montfichet of Wallington whereby he granted to Roger a lease for 12 years of all his lands at Wallington, which lay at the foot of the chalk hills between Baldock and Royston.⁶⁸ Richard's namesake and overlord, Richard de Montfichet of Stanstead, was the famous baron who played a leading part in the opposition to king John and who lived until 1268, the last of the Magna Carta barons. One of his sisters and eventual co-heirs, Margery, was the wife of Roger's late lord, Hugh de Bolbec III, so it is not at all unlikely that Roger secured this lease through the family connexions. We have seen that the Camvilles held estates in Essex and Kent and in view of the later pre-

⁶⁶ *K.B.* 26/129, m. 2.

⁶⁷ *K.B.* 26/133, m. 6d.

⁶⁸ *Ibid.*, m. 2; cf. *V.C.H. Herts.*, iii, 120 and *Arch. Aeliana*, 3rd series, xxi, 142.

dominance of commissions for these counties when Roger took assizes it is possible that he obtained some interest in these estates, either directly or through Robert's guardian. However we have certain knowledge of one of Roger's Essex estates, for on 20 June 1253 a royal confirmation issued of a grant whereby Richard fitz Aucher leased to Roger for life all his lands at Epping, with the capital messuage, 18 acres of meadow at Waltham by the Lee and four acres in the common pastures of Nazeing, higher up the valley.⁶⁹ Richard came from a prominent Essex family which among other estates held the Waltham abbey manor of Epping. In thus acquiring an estate in the neighbourhood of the great forests of Waltham and Havering Roger was following the fashion set by some of his closest colleagues. His own master William of York had in November 1242 taken a long lease of the manor of Chingford, at the southern end of Epping forest, with a special clause to allow the recoupment of considerable building expenses.⁷⁰ In January 1248 Nicholas de Turri, a chancery and *coram rege* clerk who in 1251 became a justice of that court, began building up an estate at Aythrop Roding, in the upper Roding valley near Dunmow;⁷¹ on several occasions he took Essex assizes with Roger. John de Lexington, a Nottinghamshire man who as household steward took part in the proceedings of the court *coram rege*, acted as keeper of the seal and eventually acquired Northumbrian interests through his marriage with Roger de Merlay's widow, bought in June 1248 the manor of Theydon Mount, on the Roding near Epping.⁷²

Roger had other southern interests of which we hear from time to time. In the Bench roll for 1249 Michaelmas Humphrey de Bassingbourn, whose estates near Royston made him a neighbour and tenurial connexion of the Craudens at Croydon, confirmed the release of 40s. due from

⁶⁹ *Cal. Chart. Rolls 1226-57*, 435; cf. Morant's *Essex*, i, 48-9, 139.

⁷⁰ *Essex Fines 1182-1272*, ed. Kirk, 145.

⁷¹ *Ibid.*, 170, 178, 184, 187, 197; *K.B. 26/143*, m. 14, *K.B. 26/144*, m. 9, *K.B. 26/145*, m. 17, *K.B. 26/162*, m. 30d.

⁷² *Essex Fines*, 179.

Alice de Bruera for the wardship and marriage of Lawrence de Bruera which she had conveyed to Roger.⁷³ In the same roll we find that the sheriff of Norfolk had been ordered to distrain on the goods and chattels of Robert de Chardacre to the value of 8 marks 3s. 8d. due from him to Roger by a fine made in the Middlesex eyre of 1249; surety had been given but the money had not been paid so process issued returnable in Hilary term.⁷⁴ Possibly there is a connexion here which explains Roger's East Anglian assize commissions in 1252-3. Among the Bench recognizances of 1250 Trinity is one whereby Stephen de Titchmarsh admitted that he owed Roger 52 marks as a fine for redeeming his marriage and agreed to pay it by instalments over five years, from 1 November next; the first instalment was not paid however so process then issued returnable in Hilary 1251.⁷⁵ There is a possible connexion here with the Craudens, for although Stephen lived at Titchmarsh within the liberties of Peterborough abbey, he was a nephew and heir of Geoffrey de Caxton, who until his death about 1247 had been a prominent Cambridgeshire knight, a near neighbour and tenurial connexion of the Craudens. Moreover Geoffrey's kinsman Jeremy de Caxton, a *coram rege* justice who died about December 1249, had been for five years William of York's junior colleague in that court when Roger was his clerk. In Michaelmas term 1251 among the Bench recognizances there is one whereby sir Adam de Greynvill admitted that he owed Roger a rent of one mark payable yearly on 24 June;⁷⁶ Adam was a knight whose estates lay mostly in Somerset and Wiltshire and who became a prominent forest administrator, justice of the Jews and an assize and gaol delivery commissioner. Finally in 1254 Trinity term we find Roger bringing an action of debt with a Sussex venue against master Robert de Huntingdon, the vicars of Meeching (Newhaven), Iford and Southease, the porter of Lewes castle and

⁷³ *K.B.* 26/135, m. 1.

⁷⁴ *Ibid.*, m. 34.

⁷⁵ *K.B.* 26/141, m. 13d; *K.B.* 26/143, m. 31d.

⁷⁶ *K.B.* 26/145, m. 25.

several others, for the sum of 13 marks, which suggests that Roger was still rector of Ovingdean.⁷⁷ The conclusion of this action, in which the latest process was returnable by the bishop of Chichester (the defendants being clerks) on 3 November following is wanting owing to the loss of rolls. It is evident that Roger commanded considerable resources, which enabled him to purchase wardships, marriages and rents and to lease estates in many parts of southern England. The origin of these resources must have been the small fees which he probably collected from litigants for each writ filed and for the various other pieces of business which he transacted in the courts; for his salary as keeper of the writs and rolls can have done no more than enable him to maintain the necessary small staff of clerks to assist him. Similar pieces of evidence to those which have been assembled were no doubt on rolls now lost or may come to light from unpublished eyre rolls; the only important gap which has so far defied research is any certain knowledge of his interests in Kent, which he must have had because of the large number of assizes for which he was commissioned in that county.

His southern interests were the measure of his success in the royal service, but they did not prevent him from strengthening his family interests in Northumberland and it was from these that he made pious benefactions in the closing years of his life. In the great survey of 1242-3, just before his father's death, Roger was holding 40 acres at Heddon on the Wall in socage tenure of the Bolbec barony at 40d. rent.⁷⁸ In the Hunts. eyre of 1247, in which Roger was keeper of the rolls, Guy de Upton granted Roger his life interest in 40s. rent which he held of Tynemouth priory, Roger to pay him 20s. yearly on 8 November at St. Andrew's priory, Northampton.⁷⁹ Since Tynemouth was a St. Albans cell this conveyance may have been another reason for

⁷⁷ *K.B.* 26/154, ms. 4, 26.

⁷⁸ *Book of Fees*, ii, 1123.

⁷⁹ *Northumberland Pleas*, no. 459.

Matthew Paris being interested in Roger. On 27 August 1251, for a fine of 40s., Roger secured a grant of freewarren in his demesne lands at Whitcheſter, Haughton and Benwell.⁸⁰ When we conſider this and his eſtate in the Eſſex foreſt country it is evident that Roger, like moſt of the ſecularly occupied clerks and prelates, enjoyed ſome hunting in vacations. The grant involved him in litigation with his overlord Hugh de Bolbec IV, againſt whom he brought an action for treſpaſs of warren in the court *coram rege* of which inconcluſive ſtages are found in 1252 Eaſter and 1253 Michaelmas terms, the laſt adjournment being to Eaſter three weeks 1254.⁸¹ In 1253 Michaelmas he was alſo litigating againſt Hugh in a plea of covenant concerning his eſtate at Heddon and Haughton.⁸² In a fine made in 7 May 1256, during the Northumberland eyre, concerning common paſture at Weetſlade pertaining to the Bertram's manor of Maſon, Roger was one of ſeveral non-parties who formally reſiſtered their claims.⁸³ An action concerning the lands which his father had bought at Benwell from William de Kimble was alſo heard in this eyre and ſhows that Roger had ſucceeded to this eſtate after his father's death and had granted it in dower to his ſtep-mother Emma, who had ſubſequentially married Richard de Rybef and was ſtill living.⁸⁴ Finally, in the Bench in Hilary term 1258, Sybil de Crauden revived her litigation againſt the Whitcheſters by bringing an action *de fine facto* againſt Roger, the fine being that already deſcribed which compoſed her action in October 1243. Roger, being then abſent on eyre in Suffolk, was reſiſented by attorney. Two final concords dated Hilary three weeks (3 Feb.) 1258 compoſed this action.⁸⁵ By one, Sybil

⁸⁰ *Cal. Charter Rolls, 1226-57*, 365; *Hodgſon's History*, III, iii, col. 225.

⁸¹ *Northumberland Pleas*, nos. 525, 544.

⁸² *Ibid.*, no. 536.

⁸³ *Northumberland Fines*, no. 228.

⁸⁴ *Surtees Society*, vol. 88, 12-13.

⁸⁵ *Northumberland Fines*, nos. 183-4, where for "1248" read "1258"; the regnal year is loſt but the only Hilary term in which the juſtices named in the fine ſat together was Hilary 1258, which was alſo the firſt term in which the junior juſtice, Nicholas de Hadlow, ever ſat.

granted a carucate, 2 tofts and a windmill at Whitchester to Roger and his heirs; possibly this was a small estate which his family had held since the twelfth century. The other concerned the main fee: Whitchester (except the foregoing) and Haughton manors and $\frac{2}{3}$ of Wallington; by it Roger admitted Sybil's right and she granted it to him and the heirs of his body at £8 rent, payable as before, and pardoned all existing arrears: the reversion being to Sybil and her heirs. The terms of this grant are surprising. For although it is probable that Roger, like the rest of the secularly occupied clerks in the royal service, had never been ordained priest, he must have had the four minor orders and may have proceeded to sub-deacon or deacon. Moreover during his wholly secular career he had refused the step taken by some of his colleagues who renounced their clergy and took up knighthood. We have seen that in 1244, as soon as he succeeded his father, he had obtained a respite from knighthood. On 9 June 1253 he secured a comprehensive life exemption from all the local duties to which knights and substantial freeholders were liable: service on jury panels in civil and criminal actions and as sheriff, coroner, escheator, verderer and regarder along with exemption from the liability to take up knighthood.⁸⁶ This aversion to knighthood is also reflected in the mentions of him in his capacity about the court in the plea rolls of 1249-54. William of York in the last years of his service as a clerk was often mentioned as *dominus Willelmus*: sir William. Roger was never so styled except when in 1251 Michaelmas it was noted that the deeds in a Northants. suit had been given temporarily to the keeping of *domini R. de Whycestr'*: and *domini* has been subsequently struck through, very possibly by Roger himself, anxious to avoid any implication of knighthood.⁸⁷ The terms of the final concord would seem to suggest either that Roger was at last contemplating renouncing his clergy or else that he was deliberately barring

⁸⁶ C.P.R. 1247-58, 195.

⁸⁷ K.B. 26/145, m. 48.

the succession of his only surviving sister Joan de Ryal, wife of Walter de Wassington. He would seem to have had at least two brothers: in the litigation of 1242-3 Robert son of Robert de Whitcheater had appeared as attorney for his father while in a conveyance of 1256 Roger was himself represented by his brother master Nicholas who, as we shall see, had died by September 1257. Roger was thus in 1258 the only surviving male representative of his family.

Thoughts of his family and of his own soul must have occupied him in his last years, for it is then that he made a number of benefactions to the Benedictine nuns of St. Bartholomew's priory at Newcastle. The earliest of which we have knowledge was made at Newcastle on the Thursday after Mid-Lent (3 April) 1253, Roger no doubt being at home for the Lent vacation.⁸⁸ By it he gave the nuns the 15 shillingworth of rent, payable at Whitsun and Martinmas, which Richard Tote held of him at Shotton, for a light to be kept burning nightly before the tomb of his mother Isabel in the cloister and for a mass on the anniversary of his own death. The witnesses, which include men from whom he held land and his tenants, were: Eustace Delaval, William Heyrun then sheriff, Henry de Laval, Adam Baret, Robert de Faudon, Nicholas de Byker, John de Neweham, Henry of Carlisle than mayor of Newcastle, Stephen de Lyndeseye, Thomas de Merchingleye, Nicholas Scot, Gilbert de Mora, John de Byker and Stephen de Hadham. Some of these we shall meet as witnesses again but we may note that a Stephen de Hadham had represented his father as attorney in 1242-3. On 11 November 1253 he granted to sir Roger de Toggesdon a 20 years lease of half a carucate at Shotton, namely the land formerly of the demesne of Richard de Plessey which he had by gift of Adam Baret

⁸⁸ P.R.O. Ancient Deeds, Augmentation Office, B. 3082, an indenture with small fragment of seal. Brief abstracts of this and B. 3081, 3084-5 were given in *Proceedings*, 3rd Series, VIII, 155. They are from the convent's archives and all bear the monastic reference number *clv*. B. 3085 is a late thirteenth-century deed poll of *inspeximus* and confirmation of this made by Robert de Faudon, who styles himself Roger's kinsman.

together with the capital messuage lying to the east of the chapel of that town, the messuage to be maintained in as good or better condition: to be held at a rent of a mark payable at Whitsun and Martinmas, with reversion to Roger and his heirs.⁸⁹ Sir Roger paid 2 marks as consideration. The witnesses were: Eustace and Henry Delaval, William de Meynilhermer, John de Plesset, Adam Baret, Robert Faudon, John Son of Simon and Thomas de Esse. On 26 March 1254 by a deed made at Newcastle in full county court, no doubt when he was again at home for the Lent vacation, he granted his freehold of this estate to the nuns at a rent of $\frac{1}{2}$ mark, payable half yearly at Whitsun and Martinmas to Adam Baret, for a mass on the anniversary of his death.⁹⁰ The witnesses were: Roger de Merleg', Eustace de Laval, William Heyrun then sheriff, Henry Delaval, Roger de Toggesdon, Adam Baret, John de Plesset, Robert de Faudon, John de Neweham, Nicholas de Byker, Gilbert de Mora, John de Byker and Stephen de Hadham. The next grant was made about 16 April 1256 during the Northumberland eyre; as Roger was then himself on eyre in Wiltshire he was represented by his brother, master Nicholas de Whitchester.⁹¹ By it he gave the nuns the reversion of his 2 oxgangs at Fenham held by Richard de Rybef and his wife Emma as dower of Emma, who was Roger's stepmother, for a share in the prayers and benefits of the priory. The next grant was made at Whitchester on 28 September 1257, when Roger was at home for the long vacation.⁹² The deeds for the first two grants to the nuns had expressed the gifts in the normal form as being made for his own soul and those of his father, mother, ancestors, heirs and parents, but to these were now added the souls of his brother Nicholas and of his sister Mabel, both of whom had presumably died recently. By it he granted five oxgangs at Dinnington, in Ponteland, to provide a chaplain to cele-

⁸⁹ B. 3084, indenture, seal lost.

⁹⁰ B. 3081, indenture, seal fragmented.

⁹¹ *Northumberland Fines*, no. 220.

⁹² Text in Brand *History of Newcastle*, I, 212, note (1).

brate divine office for their souls. The witnesses included Hugh de Bolbec IV and these who had witnessed the earlier deeds: Eustace Delaval, John son of Simon, Adam Baret, John de Plesseye and Stephen de Hadham; from litigation in 1271 we know that another witness, Nicholas de Skiringham, was one of Roger's tenants.⁹³ The witnesses also include a Richard de Middilton, but there is nothing to show whether he was the future keeper of the rolls and chancellor. The last grant was made at Cateshull (a suburb of Bury St. Edmunds) where Roger was holding his last, Suffolk, eyre.⁹⁴ It is dated the octave of Martinmas (18 Nov.) 1257, though from the plea roll we know that the parties did not take their chirographs until 9 December. It was in effect a confirmation of the previous grants of land at Fenham and Dinnington, for by it Roger conveyed to the nuns 2½ oxgangs at Dinnington together with the reversion of the 2 oxgangs at Fenham and the 2½ oxgangs at Dinnington held by Richard de Rybef and his wife Emma in dower. It thus provided a further security that these estates should revert to the priory on Emma's death. This succession of benefactions in the comparatively short space of four years, beginning with the establishment of a simple light and obit rent and ending with the establishment of a chantry priest, suggests that Roger was feeling that his own death was not far distant.

The end of the Suffolk eyre was soon followed by the great crisis in the kingdom's affairs that led to the Oxford parliament and its provisions. During this time Roger had no special employment. He did not return to the Bench but between April and the end of August he received some 28 assize commissions, more than in any comparable period before. In addition to the usual home counties commissions (6 for Essex, 5 for Kent, 2 for Suffolk and Surrey, one for Hants. and Herts.) there were 6 for Yorkshire and 3 for Northumberland, which indicate that he intended to visit his family estates in the late summer, and one each for Beds.,

⁹³ *Northumberland Pleas*, no. 866, 879.

⁹⁴ *Northumberland Fines*, no. 239; cf. *Northumberland Pleas*, no. 585.

Cambs., and Notts. which he may have intended to take on his way to the north. The *liberate* roll is defective from May onwards, so that we do not know if his salary was continued with an instalment for 1258 Easter half year but it is probable that it was continued, for on 3 May the keeper of the wardrobe was commanded to provide Roger with such a fitting robe against the coming feast of Whitson as he was accustomed to have.⁹⁵ At the Oxford parliament the baronial reformers re-established the office of justiciar of England, appointing Hugh le Bigod. The assize commissioners seem thenceforward to have forwarded to the justiciar their estreats of the fines and amercements imposed by them in their sessions, for an estreat from Roger was handed over by Bigod to the treasurer, Philip Lovel, on 3 August.⁹⁶ It shows that he had heard several of the assizes for which he had been commissioned between April and late July. Bigod attempted a personal administration of justice that was far beyond the capacity of one man and which had soon to be abandoned. The difficulty of the attempt is shown by a mandate which issued about 2-4 August to Roger and Nicholas de Hadlow, the junior Bench justice, informing him that Bigod could not take the Essex assizes which he had appointed to come before him at Stratford on the Wednesday following and ordering them to take them along with his clerk.⁹⁷ The record of this Stratford session on the Wednesday before St. Lawrence (7 Aug.) is the only one which survives of Roger's assize proceedings, for it was entered in Bigod's own roll.⁹⁸ There are grounds for believing that the justiciar's clerk was Elias de Bekingham who was certainly present for he acted as surety for a baronial essoin cast on behalf of William de Beauchamp of Eton.⁹⁹ If Elias were Bigod's clerk the con-

⁹⁵ *Close Rolls 1256-9*, 220.

⁹⁶ Exchequer, Lord Treasurer's Remembrancer's Miscellaneous Roll [E. 370], 1/6, m. 3.

⁹⁷ Patent Roll 42 Henry III, m. 4d.

⁹⁸ *J.I. 1/1187*, m. 1d, 4d. 5, 5d, 30.

⁹⁹ *Ibid.*, m. 30.

junction is interesting, for on 10 August 1278 Elias himself succeeded to the office of keeper of the writs and rolls of the Bench and eventually became a Bench justice and one of the few who survived the wholesale dismissal of judges in 1290. The Stratford sessions were among the last pieces of work which Roger undertook. He may not have completed all his commissions, though only one, for Hampshire, is noted on the patent roll as not taken because of his death.¹⁰⁰ Matthew Paris, after mentioning the arrest of a sheriff about 8 September, says that about the same time Roger de Whitchester died.¹⁰¹ Unfortunately no calendar or obit list of Newcastle priory survives which might enable us to know the date of his death more precisely, nor do we know how long the Whitchester chantry priests said masses for his soul. Matthew described him as a king's clerk and special counsellor who in bearing the burden of judicial office strove wholly to please the royal will. This characterization was penned not in praise but in condemnation. Anyone who has studied the *Gesta Abbatum* and *Chronica Majora* at all closely will know that no royal justice whose decision caused offence at St. Albans was spared an uncharitable obituary, just as those whose decisions found favour were praised. Matthew Paris probably remembered the St. Albans assize case of 1253 and may even have remembered that Roger had been William of York's clerk, for William of York's obituary occupies a high place in Matthew's more malicious characterizations. Matthew would, one feels, have written very differently had Roger's pious benefactions been made to the St. Albans cell at Tynemouth instead of to Newcastle. Nevertheless, though intended uncharitably, Matthew's characterization is not unfitting to an able man who spent many years in the royal service; and we have seen that Roger honoured the memory of his mother, his brother and his sister as much as Matthew did that of the protomartyr.

¹⁰⁰ Patent Roll 42 Henry III, m. 10d.

¹⁰¹ *Chronica Majora* (Rolls Series), V, 716.