INTRODUCTION

On Friday, August 12, 1289, Edward I. returned from his visit to Gascony. He had left England in May 1286, taking with him the Chancellor and the Great Seal. For three years, then, the country had been free from his personal supervision, and the legislation of 1275-1285 left to bear the test of its deviser's absence.

What was the result? A universal outcry greeted him on his return. The 'clamor miserorum' rose bitterly, crying shame on the savagery, injustice, and venality of the royal officers, great and small. The generalisation concerning Edward I., 'never was a king worse served by his instruments,' was proved again true. From his justices and officials of trust, down to the humblest of his subordinates, all apparently had seized the opportunity of their master's absence to extort money, pervert justice, use their official position to serve their private ends.

The tidings must have been maddening to the order-loving King. Difficult as it always is to dogmatise about the character of a mediaeval ruler, to discriminate between his own actions and those of the lawyers and advisers writing in his name, yet one is told enough of Edward I. by contemporary evidence and his own work to see in him a man with an instinct for orderliness, a man

of passion and determination, truer than most, in an age when
promises went for little, to his own motto of 'Pactum serva.'
Aided by his chancellor Burnell, Edward had for the last twenty
years been legislating, systematising, tranquillising. Not only had
he re-established the strength of the Crown after the troubles of his
father's reign, not only had he extended his rule over North Wales,
and brought the unsettled borders under firmer jurisdiction; not
only had he tightened his grasp upon the greater and more unruly
nobles; but he had found time to concern himself with the
minutiae of judicial procedure. Effectiveness and swiftness were
the keynotes of his legislation in this department. His very first
statute (Statute of Westminster I., 1275) devoted twenty-nine out of
its forty-five clauses to judicial matters, the definition of procedure,
means to avoid delays, and so forth. In the same year followed
the Officium Coronatoris. The Statute of 'Rageman' (1276)
supplemented the Statute of Westminster. The Statute of
Gloucester (1278) busied itself with procedure in assizes of novel
disseisin etc. Then, because 'certain cases wherein the law failed
remained undetermined, and some remained to be enacted,' the
Statute of Westminster II. followed in 1285, dealing chiefly with
land, but including certain clauses of more general bearing. All this
shows that Edward had devoted considerable thought to judicial
matters, and might well think it safe to leave the country awhile.
To find his confidence abused and his legislation a dead letter
must have been a heavy blow. However, this new trouble was
faced with his usual promptness. The first record we have of the
matter is a writ to the sheriffs on the close roll, dated October 13,
1289. The King, it states, has appointed John de Pontoise,
Bishop of Winchester, Robert Burnell, Bishop of Bath and Wells,
Henry Lacy, Earl of Lincoln, John de St. John, William le Latimer,
William de Louth, William de March, 'ad audiendum gravamina et
injurias si que per ministros illata fuerint quibuscunque personis

regni.' These commissioners are to report to the King at his next Parliament. If any man has a grievance, let him come to Westminster on the morrow of St. Martin (November 12).

The immediate result of this inquiry was the gradual removal of the greatest offenders. Thomas de Weyland, Chief Justice of Common Pleas, the first to suffer, was starved into submission after an ignominious flight, and finally by his own choice abjured the realm. Ralph de Hengham, Chief Justice of the King’s Bench, Adam de Stratton, a high official in the Exchequer, Henry de Bray, Escheator and Justice of the Jews, William de Brompton, John de Lovetot, and others, were imprisoned and fined.

This weeding of the judicial bench was dramatic and made an impression. The chroniclers almost all record it, and it has been referred to by some modern historians. The incident, however, seems worthy of more precise investigation than it has yet obtained. For three years ‘auditores querelarum’ were sitting at Westminster, and their proceedings were noted in two bulky assize rolls now preserved in the Public Record Office. An examination of these will give an adequate idea of the nature and extent of the evil, and of the remedies used to cure it.

1 Hengham was still described as a justice on 18 Jan., 1290, as was William de Sahara; Solomon de Rochester was still a judge on 4 Jan. (Cal. Patent Rolls Edward I., 1281–1292, p. 395.) On 15 Jan., 1290, Lovetot, Brompton, Roger de Leicester, and Littlebury were the judges before whom Adam de Stratton was arraigned. (Ann. London. p. 98.) Stratton, like Weyland, had his fate settled before the fall of his colleagues.


3 Stubbs, Constitutional History, ii. p. 125; Pauli, Geschichte von England, iv. 50–51; Seeley, Life and Reign of Edward I., pp. 75 and 76. This latter account may be considered an evidence of the need for further investigation. It accepts without hesitation the case against the judges as ‘fearful,’ but gives no more detailed crimes than ‘the judges were corrupt, and for bribes would release the robber and the murderer.’
The Rolls.

The rolls are numbered for reference 541 A and 541 B. Each consists of membranes of parchment some nine inches wide and varying in length from twenty to thirty-five inches, strung together at the head, and written generally upon both sides. The roll numbered 541 A is by far the larger, consisting of seventy-seven membranes, as compared with forty-six in the other. It is in the shorter roll, however, that on the whole the most interesting cases are dealt with; with this, 541 B, we shall be mainly concerned. Blanks have been left in the originals for the insertion of details in later stages of the proceedings. (‘Postea venerunt,’ etc., runs the form.) The clerk has evidently sat with notes and documents before him, weaving them into a fair copy. At times he has been betrayed into setting out the actual words of the writ before him, and fails to change construction or person suitably. ‘Preceptum est vicecomiti quod distringas,’ he writes on more than one occasion.¹

In this connection it is interesting to note that the actual names of the clerks who wrote the rolls, and the payments made to them, are preserved on the Liberate and Issue rolls. The following are the facts:

John de Bradford was employed as third clerk to the auditors, ‘circa composicionem et ordinacionem rotulorum de querelis factis coram Archidiacono Norwycensi apud Westmonasterium’ from the quindene of St. Martin 17 Edw. I to Hilary 18 Edw. I.² He was paid £3.

¹ An example occurs in 541 B, m. 21, where the clerk’s attention to the heated and triumphant reply of John de Cave to William de Saham leads him to set down the exact words: the accused has made a statement ‘before you, the auditors, who have record and who represent the person of the King.’ He then falls once more into the third person. The extract is quoted on p. 44.

² Liberate Roll, Michaelmas, 18 and 19 Edw. I., No. 55, m. 2.
Nicholas de Tickhill, clerk to the bishops of Winchester and Bath and Wells and their colleagues, wrote rolls from the quindene of Hilary 17 Edw. I. to the Saturday before Ash Wednesday, 19 Edw. I.; and again from Ash Wednesday 19 Edw. I. to the following Christmas.\textsuperscript{1} He received £15, £5 for the former period, £10 for the latter.\textsuperscript{2}

Henry de Lichfield was employed as fourth clerk from the first day in the octave of Michaelmas to the vigil of St. Nicholas, and from the Friday after Hilary to the Friday before Ash Wednesday, 19 Edw. I.\textsuperscript{3} He was paid 1s. a day—£4 14s. in all. Again, he was employed as third clerk from the Monday next after the feast of St. John before the Latin Gate, 19 Edw. I., to the vigil of St. Margaret next following, and from the octave of St. Michael in the same year to the vigil of St. Lucy the Virgin, 20 Edw. I.\textsuperscript{4} For this he was paid £5.

Thus we have only three names given and no clue to the exact significance of the 'third clerk,' 'fourth clerk,' etc., or the curiously different rates of pay.

The rolls are of a fairly uniform legibility. Their difficulties are mainly those common to all thirteenth-century MSS.—similarity of form in m, n, u, i, and other letters. Where the parchment is fairly preserved, the actual transcription presents few serious difficulties. Unfortunately, however, almost every membrane is grievously torn and defaced, especially towards the foot. An example will show how great has been the difficulty of producing a continuous and intelligible text in the extracts. On membrane 13 of roll B a case is recorded touching one of the most

\textsuperscript{1} Liberate Roll, Michaelmas, 18 and 19 Edw. I., No. 55, m. 3.
\textsuperscript{2} £10 according to Liberate Roll, Michaelmas, 19 and 20 Edw. I., No. 59, m. 1; but only £5 according to Issue Roll (Pells), Michaelmas, 19 & 20 Edw. I., No. 51, m. 1.
\textsuperscript{3} Liberate Roll, Michaelmas, 18 and 19 Edw. I., No. 55, m. 2.
\textsuperscript{4} Ibid., 19 and 20 Edw. I., No. 59, m. 2.
important culprits, Adam de Stratton. In its present state the membrane contains 81 lines, though it may have been much longer when uninjured. Of these the first twenty are intact. At the twenty-first begins a crooked tear from right to left which continues to the foot. From line 21 to 48 it is possible to fill up the gaps conjecturally, for not more than three or four words have vanished in each line. The remaining thirty-three lines, however, make conjecture hazardous, each requiring six to fifteen words to complete it. This case is printed on page 85, as its importance seemed to demand, and may serve as a type of the system we have adopted throughout. Where the space left vacant is small or the general drift of the meaning clear, the gaps have been filled up by words inserted between square brackets. These are intended merely to conjecturally complete the sentence on lines suggested by the text. They do not pretend to reproduce necessarily the exact words of the original writer. In more difficult cases, however, or where the lacuna extends to a large number of words, the deficiency is supplied by rows of dots, longer or shorter, to indicate the size of the vacant space. Finally, in cases where so little of the original remains that it is useless to print it, several lines of dots and a side-note show the extent of the omission. It is with great reluctance that we have been driven to present so partial a text; but the choice lay between this course and neglecting many cases, valuable and interesting even in their fragmentary state.

Another crucial problem is chronology. The dating of membranes is unsystematic. In 77 membranes in Roll A, written front and back, only 72 entries of date are made; and in B, 30 entries occur on the 46 membranes. Often, too, merely the period of the year, not the year concerned, is given.

It may be useful to insert here lists of the dated membranes in the order in which they occur in the rolls.
INTRODUCTION

Roll A.

Membranes.

1. Easter term, 18 Edward I.
2 to 4d. Quindene and third week of Easter in above year.
6 and 6d. Third week and month of Easter in above year.
7 and 7d. Easter term in above year.
8 and 8d. Third week and month of Easter in above year.
9 to 12. Easter term in above year.
12d. Trinity term, 18 Edward I.
18. Octave and quindene of Trinity.
14d. Octave of Trinity in above year.
15 and 15d. Quindene of Trinity.
16d. to 17d. Quindene and third week of Trinity.
19. Octave of Trinity in above year.
19d. Octave and quindene of Trinity.
20. Quindene of Trinity.
21 and 21d. Quindene and third week of Trinity.
22. Third week of Trinity.
23 and 23d. Quindene and third week of Trinity.
24. Third week of Trinity.
24d. Third week of Trinity and morrow of St. John the Baptist.
25. Easter term in above year.
26 to 27d. Morrow and octave of St. John the Baptist.
28 and 28d. Third week of Trinity.
29. Morrow of St. John the Baptist.
30 and 30d. Octave of St. John the Baptist.
31 to 32d. Morrow and octave of St. John the Baptist.
33 and 33d. Easter term, 18 Edward I.
34. Michaelmas term in above year.
35. Octave and quindene of Michaelmas.
35d. Quindene of Michaelmas.
36 to 37. Octave of Michaelmas.
38. Quindene and third week of Michaelmas.
38d. Month of Michaelmas and morrow of All Souls.
39 and 39d. Quindene and third week of Michaelmas.
40d. Quindene and third week of Michaelmas.
41. Month of Michaelmas and morrow of All Souls.
42 and 42d. Month of Michaelmas and morrow of All Souls.
<table>
<thead>
<tr>
<th>Membranes.</th>
<th>INTRODUCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morrow of All Souls.</td>
<td>Morrow of All Souls.</td>
</tr>
<tr>
<td>Michaelmas term in aforesaid year.</td>
<td>Michaelmas term in aforesaid year.</td>
</tr>
<tr>
<td>Quindene of St. Martin.</td>
<td>Quindene of St. Martin.</td>
</tr>
<tr>
<td>Hilary term, 19 Edward I.</td>
<td>Hilary term, 19 Edward I.</td>
</tr>
<tr>
<td>Octave and quindene of Hilary.</td>
<td>Octave and quindene of Hilary.</td>
</tr>
<tr>
<td>Quindene of Hilary.</td>
<td>Quindene of Hilary.</td>
</tr>
<tr>
<td>Octave and quindene of Hilary.</td>
<td>Octave and quindene of Hilary.</td>
</tr>
<tr>
<td>Third week of the Purification of the Virgin.</td>
<td>Third week of the Purification of the Virgin.</td>
</tr>
<tr>
<td>Morrow of the Purification.</td>
<td>Morrow of the Purification.</td>
</tr>
<tr>
<td>Hilary term.</td>
<td>Hilary term.</td>
</tr>
<tr>
<td>Octave and quindene of Hilary.</td>
<td>Octave and quindene of Hilary.</td>
</tr>
<tr>
<td>Easter term, 19 Edward I.</td>
<td>Easter term, 19 Edward I.</td>
</tr>
<tr>
<td>Third week of Easter.</td>
<td>Third week of Easter.</td>
</tr>
<tr>
<td>Third week and month of Easter.</td>
<td>Third week and month of Easter.</td>
</tr>
<tr>
<td>Octave of Trinity.</td>
<td>Octave of Trinity.</td>
</tr>
<tr>
<td>Third week of Easter.</td>
<td>Third week of Easter.</td>
</tr>
<tr>
<td>Month of Easter.</td>
<td>Month of Easter.</td>
</tr>
<tr>
<td>Third week of Easter.</td>
<td>Third week of Easter.</td>
</tr>
<tr>
<td>Easter term.</td>
<td>Easter term.</td>
</tr>
<tr>
<td>Third week of Easter.</td>
<td>Third week of Easter.</td>
</tr>
<tr>
<td>Octave of Trinity.</td>
<td>Octave of Trinity.</td>
</tr>
<tr>
<td>Octave of Trinity and St. John the Baptist.</td>
<td>Octave of Trinity and St. John the Baptist.</td>
</tr>
<tr>
<td>Octave of Trinity and quindene of St. John.</td>
<td>Octave of Trinity and quindene of St. John.</td>
</tr>
<tr>
<td>Michaelmas term, 19 Edward I.</td>
<td>Michaelmas term, 19 Edward I.</td>
</tr>
<tr>
<td>Octave of Michaelmas.</td>
<td>Octave of Michaelmas.</td>
</tr>
<tr>
<td>Octave and quindene of Michaelmas.</td>
<td>Octave and quindene of Michaelmas.</td>
</tr>
<tr>
<td>Octave and quindene of Michaelmas.</td>
<td>Octave and quindene of Michaelmas.</td>
</tr>
<tr>
<td>Morrow of All Souls.</td>
<td>Morrow of All Souls.</td>
</tr>
<tr>
<td>Octave of St. Andrew the Apostle.</td>
<td>Octave of St. Andrew the Apostle.</td>
</tr>
<tr>
<td>Octave and quindene of St. Martin.</td>
<td>Octave and quindene of St. Martin.</td>
</tr>
</tbody>
</table>
Roll B.

Membranes.

1. Three weeks from Easter, 20 Edw. I.
2. Octave of Michaelmas, 20 Edw. I.
3. Octave of Trinity, 20 Edw. I.
4. Quindene of Easter, 21 Edw. I.
5. Trinity term, 21 Edw. I.
7. Octave of Hilary, 20 Edw. I.
8. Quindene of Easter, 20 Edw. I.
10. Morrow of All Souls and St. Andrew.
12. Quindene of St. John the Baptist.
15. Quindene of Hilary and morrow of Purification.
17. Octave of Purification.
20. Octave of Trinity, 19 Edw. I.
22. Quindene of Purification.
23. Octave of Purification.
24. Octave and quindene of Purification.
25. After Easter and after Trinity, 18 Edw. I.
26. Month of Michaelmas, 18 Edw. I.
27. Month and five weeks.
29. Hilary term, 20 Edw. I.
30. Easter term, 20 Edw. I.
31. Easter term.
32. Third week of Easter.
33. Trinity term, 20 Edw. I.
34. Trinity term.

The above two lists show at a glance that the membranes are in some confusion. No catchword or other evidence exists to indicate the order. However, the disorderly arrangement in other records, where the original continuous stitching proves that such
arrangement was contemporary, prepares us to believe that here, too, the membranes were thus arranged at the date of the proceedings.

To deduce the date of a membrane from its position, early or late in the roll, or even to assume a membrane's date to be the same in dorso as in recto,\(^1\) is therefore unsafe.

It is, then, only possible to make general statements as to the chronology of the rolls. The record of 541\(\text{A}\) extends from Easter, 18 Edward I., to the octave of St. Andrew, 19 Edward I., while 541\(\text{B}\) extends from 'after Easter and Trinity,' 18 Edward I., to Trinity term, 21 Edward I. In brief, the trials lasted for more than three years, from April 1290 to the summer of 1293.

A rough calendar of the years in question may be found helpful.

<table>
<thead>
<tr>
<th>Regnal Year of Edward I.</th>
<th>Anno Domini</th>
<th>Easter Day</th>
<th>Ascension Day</th>
<th>Trinity Sunday</th>
<th>Corpus Christi Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>{Nov. 20, 1289}</td>
<td>April 2</td>
<td>May 11</td>
<td>May 28</td>
<td>June 1</td>
</tr>
<tr>
<td></td>
<td>{Nov. 20, 1290}</td>
<td>April 6</td>
<td>May 15</td>
<td>June 1</td>
<td>June 5</td>
</tr>
<tr>
<td>19</td>
<td>{Nov. 20, 1290}</td>
<td>April 22</td>
<td>May 31</td>
<td>June 17</td>
<td>June 21</td>
</tr>
<tr>
<td>20</td>
<td>{Nov. 20, 1291}</td>
<td>March 29</td>
<td>May 7</td>
<td>May 24</td>
<td>June 5</td>
</tr>
<tr>
<td>21</td>
<td>{Nov. 20, 1292}</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^1\) Cf. membrane 29, roll 541\(\text{B}\), dated quindecem in Hilary in dorso and quindecem of Purification in recto. Yet the assumption would be in many cases correct, as we know from internal evidence. In roll 541\(\text{B}\), for instance, m. 10 is dated Hilary 1291. On the dorso an entry acknowledges receipt of money from Roger de Leicester by Hugh de Gosebeke. This money we know was to be paid at Hilary, 1291 (m. 33). In dorso, therefore, as in recto, the date of m. 10 is Hilary 1291. This assumption, if invariably safe, would often help to determine dates. In 541\(\text{B}\), again, m. 4 is dated 'the morrow of All Souls and St. Andrew,' without the addition of the year. An entry upon it records the non-appearance of Chertsey in the case of Reed v. Chertsey, and an order to the Bishop of Ely to produce him by fifteen days after Hilary. On membrane 3d his appearance is recorded, and if we may assume that 3d is the same date as 3, the appearance was in Hilary 1292. The year 1291, then, may be added to 'the morrow of All Souls' as the date of the order to the Bishop.
The law terms (Hilary, Easter, Trinity, and Michaelmas) in those years were probably as follows: ¹

<table>
<thead>
<tr>
<th>Regnal Year</th>
<th>Hilary Term</th>
<th>Easter Term</th>
<th>Trinity Term</th>
<th>Michaelmas Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>Jan. 23 or 24</td>
<td>April 19</td>
<td>June 7</td>
<td>Oct. 9 or 10</td>
</tr>
<tr>
<td></td>
<td>Feb. 12 or 13</td>
<td>May 15</td>
<td>June 21</td>
<td>Nov. 28 or 29</td>
</tr>
<tr>
<td>19</td>
<td>Do.</td>
<td>April 29</td>
<td>June 27</td>
<td>Do.</td>
</tr>
<tr>
<td>20</td>
<td>Do.</td>
<td>June 4</td>
<td>July 11</td>
<td>Do.</td>
</tr>
<tr>
<td>21</td>
<td>Do.</td>
<td>April 23</td>
<td>June 11</td>
<td>Do.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>May 19</td>
<td>June 25</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>April 15</td>
<td>June 3</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>May 11</td>
<td>June 17</td>
<td></td>
</tr>
</tbody>
</table>

The Court of Inquiry.

The original seven commissioners, already mentioned, were as follows:—Robert Burnell, Bishop of Bath and Wells; Henry Lacy, Earl of Lincoln; John de Pontoise Bishop of Winchester; John de St. John; William le Latimer; William de March; and William de Louth.

It is easy to see what motive directed the King's choice of these seven. He had been grossly deceived by the highest among his servants; the commissioners who investigated must be men whose loyalty was beyond all suspicion. All are famous names. Burnell had been chancellor since 1274, and until his death, in 1292, remained the King's closest adviser and faithful helper. Henry Lacy, Earl of Lincoln, occupied a similar position among the laymen on the commission. His life, extending into the reign of Edward II., was one long story of service to the Crown and of loyalty which burned so clear as to still follow the great King's weaker son. William de March, clerk of the King's wardrobe since 1285, and raised in 1290 to be treasurer, was a follower of Burnell's, and succeeded his master in 1293 as Bishop of Bath and Wells. John de Pontoise, consecrated in 1282 Bishop of Winchester, was continually chosen throughout the reign for missions of

¹ These terms are calculated according to Sir H. Nicolas, Chronology of History, p. 385.
trust beyond the seas and in Scotland. William le Latimer and John
de St. John were tried soldiers of the King. The former was pro-
minent in every campaign from the first Welsh war onwards, and
often in command. The latter similarly fought for the King in
many battles, beginning his history as governor of Porchester
Castle, and active continually thenceforth both in camp and
council. His name is chiefly associated with Gascony, where he
not only fought with distinction, but ruled with success as
seneschal. William de Louth, made Bishop of Ely in 1290, com-
pletes the array of commissioners.

Such was the commission appointed by the original writ. Did
it continue to sit throughout the whole period of the trials?

No fresh appointment is recorded on patent or close rolls, yet
it is certain that fresh members entered the board. Probably the
explanation is that while in theory the same commission continued
to sit, the preoccupations of its chief members in these busy
years led to others coming forward as their substitutes, the original
seats, however, being reserved for the original members when they
found it possible to be present.

Such an explanation is consonant with the evidence afforded
by the rolls themselves. From time to time entries show the
original board in session. In membrane 21d of Roll B, for
instance, we find that 'Ralph came . . . before the Bishops of
Winchester and Bath, the Earl of Lincoln, William le Latimer,
John de St. John, Master William de March and William de Louth.'
In B, membrane 12d (Michaelmas, 1291), a day is given on the
morrow of St. Andrew 'because the Earl of Lincoln will then be
there.' Again, in B, m. 16d, we read that on December 10,

1 The fact that no formal record on the rolls survives does not absolutely
exclude the possibility of new appointments. Cf. Collectanea Anglo-Preamonstra-
tensia, Gasquet, vol. i., p. 185, where letters of protection to the Abbot of Shap-
dated 26 Oct., 1466, are given. These, though of undoubted authenticity, were
never entered in the patent roll for the year. It is rash to assume any negative
from the silence or carelessness of a medieval clerk.

2 Not dated.
INTRODUCTION

[1292], 'auditores non fuerunt in curia tunc nisi tantum W. le Latymer.' In January [1293] the parties to this case again appeared. However, 'quia comes Lincolnie tunc fuit in partibus transmarinis in negotiis domini Regis,\(^1\) et Johannes de Sancto Johanne similiter, non fuit ibi aliquis auditorum qui in hujusmodi placito posset cognoscere, quia tangit coronam, preter W. le Latymer.'

Undoubtedly, then, the original members were regarded as still holding office.

The actual headings of the membranes, however, are somewhat different. They are as follows:

In A. 'Coram magistro Thoma de Skernygges archidiacono Norwicensi et sociis suis.'

In B. i. 'Coram J. Wyntoniensi episcopo et sociis.'
   ii. 'Coram Petro de Leycestre et sociis.'

Peter de Leicester apparently sat from 1292; the Bishop of Winchester through 1290 and 1291. Thomas de Scarning sat from April 1290 to November 1291.

Only one of these three was appointed in the original writ. The *Annales Londonienses* note Scarning's name.\(^2\) The two new commissioners were doubtless men of more leisure, though less mark, than the original members. Peter de Leicester had held office in the Exchequer and as justice of the Jews. In 1291 he became a baron of the Exchequer, and remained so till his death, in 1303. Thomas de Scarning was a Norfolk man, brother to the bishop of that name, and himself archdeacon of Norwich.

In B, m. 33, an entry records a fine inflicted on Henry de la

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\(^1\) On this and the former occasion the commissioners were doubtless in or near Scotland, with the King, who was often in the border district during these years, intent upon the business of the Scottish succession. See, for Edward's constant sojourns in the north between 1290 and 1292, Gough, *Itinerary of Edward I.*, ii., 73–76, 79–85, 93–104. Edward was away from London from April 1292 to April 1293.

\(^2\) *Chronicles of Edw. I. and Edw. II.*, Rolls Series, i. 97.
Legh for insulting Robert de Hertford, 'who is sitting by command of the King.' This is, however, the only mention of the name.

We can only guess at the reasons for these changes. The probable explanations may be briefly summarised.


2. Vacancies caused by the absence of commissioners on the King's business. The extract quoted above concerning the Earl of Lincoln is one instance: and the calendars of patent and close rolls for the years involved teem with references to the employment of all the chief commissioners on similar errands. Burnell in particular was much engaged in the Scottish succession business, and was absent for long periods in the north with Edward.

3. Vacancies caused by preferment. William de Louth was made Bishop of Ely in 1290, and Treasurer in the same year. Both appointments would considerably curtail his leisure.

4. Possibly special legal, or special local, knowledge was desired. Peter de Leicester's previous experience, and Thomas de Scarning's connection with Norfolk, might make their presence desirable. (A very large proportion of the complaints came from Norfolk.)

A special set of auditors for complaints of the city of London, 'ad querelas ministrorum infra civitatem audiendas assignati,' were appointed (p. 80). This we know from many references in the roll. When Ralph de Honey Lane, for instance, brought a complaint against John le Breton, once Warden of the city of London, there was to be an inquiry in London before William le Latimer and his colleagues. However, 'afterwards, in the Guildhall at London, before the Bishop of Winchester and William le Latimer, came John de Bakewell and the aldermen of London, and said that they had the privilege, for themselves and the community of London city, of not answering on any charge save within the four walls of the aforesaid city. Wherefore they said that they need not answer.
except before the auditors appointed to hear complaints within the city.’ The point was yielded, for the auditors ‘did not wish to prejudice liberties granted to the aforesaid city.’

To complete our mental picture of the court as it sat, we must imagine, besides accusers and accused and judges, a large number of attorneys, who are practically professional pleaders. There is no hard-and-fast rule as yet. One imagines that Roger de Thornton, e.g., appointed Henry de la Legh and Nicholas de Cerne his attorneys, after watching their successful pleading in their own cause. Certain names, however, recur again and again as attorneys.

An interesting feature is the appearance in many cases of an officer ‘qui sequitur pro rege.’ The Issue and Liberate Rolls are once more useful in supplying details of these persons. Payments are recorded ‘in subvencionem expensarum quas fecit circa negotia nostra prosequenda et defendenda,’ as follows:

(1) To William Inge.

A. Trinity 15 Edw. I. to Trinity 19 Edw. I. ¹ . . . £20.

(2) To Hugh de Lowther.

C. Easter 21 Edw. I. ⁶ . . . . £10.

(3) To Nicholas de Warwick.

B. Michaelmas 21 Edw. I. ⁸ . . . . £10.

¹ Liberate Roll, Michaelmas, 19 and 20 Edw. I., No. 59, m. 1.
² Lib. Roll, Easter, 20 Edw. I., No. 61, m. 1.
³ Lib. Roll, Easter, 21 Edw. I., No. 65, m. 2.
⁴ Lib. Roll, Michaelmas, 19 and 20 Edw. I., No. 59, m. 1.
⁵ Lib. Roll, Michaelmas, 20 and 21 Edw. I., No. 63, m. 1.
⁶ Lib. Roll, Easter, 21 Edw. I., No. 65, m. 1.
⁷ Ibid. m. 2.
⁸ Lib. Roll, Michaelmas, 21 and 22 Edw. I., No. 64, m. 1.
One figure remains to be noticed—that of the court crier, 'clamator.' For his duties, performed from the quindene of Hilary 17 Edw. I. to the Saturday before Ash Wednesday 19 Edw. I., he received 20s.\textsuperscript{1}

The Terms of the Commission.

We probably get the exact powers of the commission stated in B, membrane 27d. The Abbot of Lilleshall there says 'he was not aware that the auditors had cognisance of any plea, save only of trespasses done by the King's ministers, while the King was absent from the kingdom.'\textsuperscript{2} Thus there were two points to be seized by the eager pleaders of 'exceptiones':

(1) The restriction of time. The offence must have been committed 'since the King last crossed to Gascony,' that is since May 1286.\textsuperscript{3}

A case in Roll A illustrating this is worth special notice.\textsuperscript{4} The husband of a certain woman named Margery was hanged, and his goods forfeited. By special grace of the King; however, his goods, to the value of 100s., were granted to Margery, who brought a writ in pursuance to the sheriff of Oxford. The sheriff returned the writ to Roger de Banbury, hundredman. But Roger refused to carry out the King's command and kept the goods.

Now came the interesting point. Roger made no attempt to

\textsuperscript{1} Liberate Rolls, Michaelmas, 18 and 19 Edw. I., No. 55, m. 3. He is described as 'clamator coram auditoribus nostris quereclarum.' Yet the commissioners were not appointed until the autumn of 1289. Why, then, 'the quindene of Hilary, 1289'? His salary for acting as crier before other tribunals was probably counted along with what he received for discharging this function for the special commission. Compare also Nicholas de Tickhill's term of office (\textit{supra}, page xv).

\textsuperscript{2} B. m. 27d.

\textsuperscript{3} 'De transgressionibus et quereulis coram vobis audientiis et terminandis post ultimum translatacionem nostram usque adventum nostrum in paribus Anglie et non ultra, secundum formam vobis inde traditam, habetis intromittere.' B. m. 19.

\textsuperscript{4} A. m. 35.
deny the charge, but inquired at what date the King granted the privilege. On her naming the date, it was found that it was before the prescribed term and that therefore the court had no cognisance of that time. 'Ideo Rogerus inde sine die et Margeria nihil capiat per predictam querelam.'

(2) The restriction of person—the offenders must be 'ministers of the King.'

What was the exact scope of this phrase? It certainly extended over a very varied assortment of persons, high and low. In Roll A there are five examples of argument on this point, which show the skill of the legal advisers of the accused parties, though they give us little help in arriving at a definition. In the first case, the defendant is a bailiff of the hundred of Lothingland. He pleads that he is seneschal of John Balliol, who holds the hundred of Lothingland of the King. In that hundred, he says, a certain Richard Durrant 'servit in omnibus que ad dominum regem pertinent.' He himself has nothing to do with it. The complainant, however, declares he is nevertheless a minister—'pro eo quod facit executionem et retornum brevium tam in debitis levandis quam de omnibus aliis que ad dominum regem pertinent.'

In the next case the mayor of Bristol is accused. He protests, 'quia electus est in maiorem per communitatem ville et eidem communitati prestat sacramentum et non domino regi.'

Another mayor, the mayor of Wallingford, likewise refuses to be called a minister. The complainant answers, 'Est juratus domini regis pro eo quod habet retornum brevium libertatis de Walingforde, et in eadem libertate ministrat sicut viccomes.'

1 A. m. 22d. Thurtone v. Alevent.
2 A. m. 38. Tannour v. Draper.
3 A. m. 22d. Orfevre v. Louthis.
4 This is a curiously unwarrantable extension of Edward I.'s anti-feudal policy. It shows a strange twist of mind to declare that, because a man possesses the franchise of return of writs, he is for that very reason minister of and responsible to the King. The quo warranto movement had ascertained exactly what franchises existed. Here we have an indication of a possible further step, the assumption
In the fourth case the defendant declares himself seneschal of John de Ryvers. Nevertheless, says his adversary, 'fecit officium hundredarii predicte libertatis et ita ministrabat domino regi.'

The fifth case is similar—the defendant is 'clericus juratus de hundredo.'

Thus we are asked to infer various qualifications for the title of minister, according to the special pleading of the complainants. A minister, apparently, must either—

a. Be appointed by the King.
b. Take an oath to the King.
c. Do work affecting the King’s interests.

In one aspect, he is any man who is in any degree responsible to the King; in another aspect, he is any man for whose work the King is in any degree responsible. This curious doctrine treated the very officers of the franchises, whose existence was the chief barrier in the way of carrying out Edward I.’s policy, as the ministers of the monarch. If the responsible commissioners had been bold enough to accept a view so unhistorical, yet so conducive to the King’s interests, their net could have been cast very widely. In any case, however, the persons against whom the commissioners heard complaints were of very different degrees of importance.

The two rolls recording the inquiry, though they do not commit the anachronism of striving after precision, make some rough attempt at division of classes. The shorter, B, might be called

that such franchises were not grants from the Crown, but privileges held strictly under its surveillance. There is, however, no evidence in the roll to suggest that this view was officially accepted by the commissioners.

1 A. m. 22d. Thos. de la More v. John de Olivestede.
2 A. m. 31. Robt. de Stafford v. Robt. le Blaunch.
3 Cf. Wykes, p. 321. 'Non solum ministri qui regi familiarius adhæserunt, sed et forinseci, ut puta justitiarii Judæorum, justitiarii forestæ, forestarii tam feodatarii quam temporales, et omnes qui de transgressione venationis convinci poterant, vicecomites et custodes manerii, quocumque titulo ballivorum fruebantur.'
the roll of the great offenders.' No less than thirteen justices figure in it, and amongst them the highest in the land. Adam de Stratton appears as the chief example from the Exchequer. The clerks to the justices are set beside their masters. A few sheriffs appear. Thus, in spite of a leaven of smaller men—about eighty bailiffs, a constable or two, and so on—the main interest of B lies about the greatest culprits.

Roll A, longer and more tedious, keeps within the more usual rut of offenders. It has a statistical rather than a dramatic interest. The most important of its defendants are more than forty sheriffs and under-sheriffs, but it includes nine mayors, fifteen coroners, five escheators and sub-escheators, and between three and four hundred bailiffs and sub-bailiffs. Only three justices, and those not of the first rank, appear.

The Great Offenders.

A few words concerning each of the more prominent officials involved may not be out of place, although it would be beyond the scope of the present Introduction to do more than give such information as is essential to the understanding of the two rolls, while indicating sources of more detailed information.¹

Three great representatives of three great courts claim first attention.

Thomas de Weyland ² had been chief justice of Common Pleas since 1278. He had previously been employed on itinera. He was apparently more deeply involved than his colleagues, if one may judge from his hasty flight on the King's return, from his notable disgrace and banishment, and particularly from the

¹ There are useful biographies of most of these judges in Foss, Judges of England. His statements, however, are not always decisive. At times statements in the Judges of England are contradicted in its abridgment, the Biographia Juridica. Brompton's fine, e.g., appears in the former as 3,000, in the latter as 6,000 marks.

² See article in the Dictionary of National Biography by Professor T. F. Tout.
permanent character of his punishment. His abjuration of the realm in February 1290 removed him early from the stage. His name occurs twice in Roll B, never in Roll A. (See pp. 49–51, 91–92.)

Ralph de Hengham,\textsuperscript{1} chief justice of the King’s Bench since 1274, was regarded by mediaeval tradition as hardly used. The story ran in the reign of Richard III. that his offence had merely been the erasure of ‘marca’ and insertion of ‘dimidia marca’ in the record of a poor man’s fine. Yet the enormous sum of 7,000 marks reported as the amount of his fine would seem to imply serious guilt. The receipt rolls record £4,303 6s. 8d. paid in as fines by Hengham between 1290 and 1293—an amount which exceeds by more than £600 the sums received from Brompton, the greatest sufferer, financially, of his colleagues in disgrace. The rolls present him in a not unfavourable light. Appendix III. shows him as defendant in nine cases (of which three are here printed, pp. 27–40, 46–51). In five out of the nine he emerged with flying colours. Possibly the accusations against him were ‘rather the consequence than the cause of disgrace.’ At any rate, as early as 1300 his name again appeared in the list of judges summoned to Parliament; and in April of that year he was appointed amongst those who were to perambulate the forests. Finally, in September 1301, he was appointed chief justice of Common Pleas. At his death in 1311 he was considered worthy of burial in St. Paul’s.

Adam de Stratton\textsuperscript{2} had played a prominent part in the Exchequer through the reign of both Henry III. and Edward I. He had already, in 1279, been suspended from office and threatened with disgrace for fraud and forgery; but he had weathered the storm and been reinstated. Once more, however, his evil practices

\textsuperscript{1} See article in the Dictionary of National Biography by Mr. J. M. Bigg.

\textsuperscript{2} See Mr. Hubert Hall in the preface to the Red Book of the Exchequer, vol. iii., pp. cccxv–cccxxx, and article in Dictionary of National Biography.
were discovered. Yet by 1291 he had received pardon from the King, in consideration of 500 marks. Cases concerning him are printed on pages 85 and 90.

William de Brompton was the most notable of the remaining delinquents. He had acted as a judge of Common Pleas since 1274, and fines were levied before him from 1278–1289. He was second only to Hengham in the amount of his fine. Foss places it at 6,000 marks, and the receipt rolls show roughly the same sum, i.e. £3,666 13s. 4d. Appendix III. shows him prominent in twenty-eight cases. His subsequent history appears uncertain, though Foss gives instances of the name occurring after 1301.

Solomon de Rochester represents another class of offenders—the itinerant justices. Engaged on the business of Eyres since 1274, he seems to have been exceedingly unpopular. Foss puts his fine at 4,000 marks, rather higher than the sum given on the receipt rolls, viz. £2,100. The chroniclers raise a general chorus of complaint against him. His disgrace did not apparently check his misdeeds, for an episode recorded in the ‘Flores Historiarum’ tells of Solomon, ‘non ille peritissimus de Biblia, sed de Roffa,’ inciting the itinerant justices against the monks of Rochester in 1292. In 1293 the erring justice was poisoned at his house at Snodland by Wynand, parson of the parish. ‘Ecce mors peccatorum pessima,’ cries the writer of the Flores, and records an elaborate apology made by the itinerant justices, ‘sapientia Salomonis nequiter decepti.’ The cases contained in Roll B against Solomon de Rochester, however, rather exculpate than damage him. The evidence upon both sides balances too evenly to make a final verdict on his culpability possible.

William de Saham, for eighteen years a judge of the King’s Bench, is a culprit who seems to deserve lenient judgment. Foss

1 Foss, Biographia Juridica.
2 Flores Hist. vol. iii., pp. 82 and 83, Rolls Series.
puts his fine at 3,000 marks; the receipt rolls show payment of £1,666 13s. 4d. He was never again put in office, though he survived at any rate till 1300. The present record shows him appearing in seven cases, and his conduct in those cases reveals him as a weak but conscientious man, whose confusion and slowness are taken advantage of by unscrupulous colleagues. In his case with John de Cave (page 40), Saham apparently became hopelessly bewildered, as he was led by the sharp-witted clerk into contradictions and damaging admissions. His final withdrawal was rather pathetic. 'Asked by the ... auditors whether he wished to pursue his case against John de Cave, he said repeatedly that he did not wish to pursue it, against him or anyone else, but wholly withdrew his plaint.'

The remaining justices involved—Richard de Boylund and Thomas de Sodington, among the itinerant justices; John de Lovetot and Roger de Leicester from the King's Bench; and Robert de Littlebury, clerk of the rolls—need not be dealt with individually. Pardons to Lovetot, Brompton, Hengham and Littlebury may be found dated February 11 and 12 in the patent roll for 1291.1

There remains one more offender worthy of note—Henry de Bray,2 once escheator 'this side of Trent,' and justice of the Jews. From 1272–1290, his name figures largely in patent and close rolls. Early entries speak of him as 'King's clerk,' or bailiff of Gwent, and he is concerned largely with Welsh business. For a time, from 1279–1281, he was keeper of Abergavenny Castle. Apparently even then he had begun the ill-practices which were to ruin him, for two entries record the grievances of the men of Abergavenny against him.3 However, he did not lose the King's favour, for by letters patent, dated February 24, 1288, he was

1 *Cal. Pat. Rolls, Edw. I.,* 1281–1292, p. 421. Lovetot's pardon is copied on membrane 5 of Roll B.
2 There is no life of Bray in the *Dictionary of National Biography,* and he is therefore dealt with here rather more fully than his colleagues.
appointed to his office of escheator. We have no clue to the exact nature of his offences. At any rate, he was not amongst the first set of accused, for as late as May 15, 1290, we find him still holding office. According to Wykes, Bray surpassed all the rest of the King's ministers in insolence and pride.\(^1\) Cotton tells a story which places the disgraced official in a more pathetic light. 'As the King's guards were taking him in a boat by water to the Tower of London, in the anguish of his heart he leapt up in the boat and would have drowned himself in the stream. But his guards would not have it so, and kept him straitly, and brought him to the Tower. There he would have slain himself by dashing head-first against a certain wall.'\(^2\) It is the only reference we have to the effect of the King's stringent measures upon those disgraced. The would-be suicide seems a creature more of flesh and blood than the names associated merely with records of fines in roll and chronicle.

**The Accusations.**

Approaching the two rolls with a view of gaining new light on the dramatic episode of the judges' disgrace, it is disappointing to find with what thoroughness they carry out Professor Maitland's dictum, 'It is of the very essence of a series of records that it shall omit nothing because it is dull or commonplace.' After a tedious tracing of the individual case through a multitude of delays and adjournments, there seems in the end strangely little result. The reckless and ferocious villains painted for us by the chroniclers resolve themselves into a shadowy group of petty sinners: their 'enormous transgressions' into rough extortion of money, or tyranny in a remote village on a small scale. This very removal of the lurid tints in the picture, however, is in itself valuable. The chroniclers had dealt in vague generalities, and had painted with no sparing hand when depicting the iniquities of those in high places. Local interest, such as the Norfolk

\(^1\) Wykes, p. 321.  
\(^2\) Cotton, p. 175–6.
chroniclers had in the trials, since so many complaints came from that district, would enhance the possibility of exaggeration. Bartholomew de Cotton, for instance, obviously gloats over the successive punishments he details, and even regrets that by money fines the culprits succeeded in stemming the King's wrath.

Despite their desire to tell a good story, the chroniclers were not likely in this case to have first-hand information. The King might send them precise copies of documents where the claim to an overlordship was in question: but he would not supply details of the overthrow of his own instruments. The accounts of the chroniclers, then, are either vague or extravagant. Hemingburgh devotes five lines and a pious quotation to the whole business. The Flores state that the King's justices and ministers in his absence, 'muneribus excaecati, judicia perverterunt et in alii erraverunt.' Wykes is more explicit with regard to individual culprits. Cotton speaks at some length of the 'enormia facinora et homicidia,' of the 'homicide, sedition and other excesses' of Adam of Stratton, and so forth. The writer of the Annals of Dunstable waxes eloquent indeed. 'Interim clamor miserorum venit ad eum, quod justiciarii et alii ministri, quos regno suo praefecerat, corrupti muneribus judicia subvertissent: et quod de substantia aliena incliti facti essent: item quod homicidio consensissent et ipsos homicidas scinder receptassent.' 'Vulgariter dicebatur,' he adds later—and it is hard not to feel a quiet satisfaction beneath the words—'omnes declinaverunt simul, inutiles facti sunt, non est qui faciat bonum.'

1 Cotton, p. 176, 'Alii facti sunt exules, et alii, bonis omnibus denuadati ac proscripti, de divitus faci sunt pauperes, alii facti sunt obprobrum vicinis suis valde et timor notis suis. Et qui videbant eos foras fugerunt: oblivioni dati sunt, nec est qui coosoler eos ex omnibus caris suis.'
2 Compare Hemingburgh, ii. 37 (Eng. Hist. Soc.).
3 Hemingburgh, ii. 16 (Eng. Hist. Soc.).
4 Flores Hist. iii. 70 (Rolls Series).
5 Wykes, 319-322 (Rolls Series).
6 B. Cotton, 171 (Rolls Series).
Only this vague outcry, then, can be gathered from the chroniclers. We turn with confidence to the record for accurate if less dramatic description.

The record, unfortunately, is almost as disappointing as the chroniclers. Even when the two rolls have been collated, and additional information taken from the first and added to the second, there are still lamentable gaps. In no less than 60 out of the 165 cases recorded in the shorter roll, the accusation is never given, or only vaguely given as ‘trespass.’

More than that, the terminations of the cases are either lost or not recorded in many instances. We are left, after a stirring narration of the wickedness of a culprit, to decide the case for ourselves. His actual fate remains a mystery.

Statistics, then, must rest on a frail foundation; and even for such imperfect statistics a dilemma at once presents itself. Two courses are open.

A. We may take as a basis of calculation the results of the cases, where known. We may assume, that is to say, that the proportion of convictions represents the proportion of actual crime.

B. We may neglect the actual result of the case, and reason from the accusations, whether proven or not.

Course A, though perhaps the more natural, is open to grave objections. It implies that absolutely impartial justice was meted out: that the offender was always caught and the innocent always acquitted. Now the wideness of the mesh in the net of mediæval justice is proverbial, and such a supposition is a manifest absurdity. Further, in these particular cases there were special reasons for error in the final judgment.

(1) The men accused were trained in legal technicalities, ready to twist and turn, to avail themselves of every loophole of escape. In a ‘golden age of forms,’ 1 such knowledge would be invaluable. The hunter might easily dig a pit for the hunted and fall into it.

1 Pollock and Maitland, History of English Law, ii. 561-563.
himself; or he might select a weapon which proved unsuitable for his particular purpose. Abundant evidence of the value of this specialist knowledge may be found in even a glance through the text.

(2) Where there were records to appeal to, they had been drawn up by the culprits themselves, or their clerks, and might often be quite unreliable. In the case of John son of Roger de Reed,¹ the plaintiff declares that enrolments were not duly made. His story runs as follows. While under age, John handed over a part of his inheritance for a term of years to Richard de Chertsey. But Richard de Chertsey, and John de Chertsey, late clerk to William de Brompton, to assure their position, prepared a 'carta feoffamenti,' and bringing John de Reed to Westminster, 'fecerunt quendam finem levari absque examinacione justiciariorum et absque brevi et absque summonicione et absque ordine curie.' The alleged illegal fine was challenged on John's behalf: 'but whether the aforesaid challenge was enrolled or not he does not know, for John de Chertsey was at that time a clerk in the Bench.'

(3) The most serious objection of all, however, to drawing inferences from the number of convictions is that to do so does not reckon upon the attitude of the Crown. The King's hand behind the complainants was always insistent and obvious. It was a matter which touched him nearly. At the same time the period was an anxious one financially; the wars with Wales and the subsequent settlement had been expensive; the conflict with Scotland was to prove more so; the French war was gradually brewing; the King was deeply indebted to the Italian societies of bankers, and funds would be now more than ever necessary. It is not surprising, then, that after the first outburst of indignation Edward may have turned his attention rather to the monetary profits to be got from the business than to the demands of abstract justice.

To punish the worst offenders and frighten the rest was imperative; but that once done, his rigour might abate for a money consideration. The disgraced men were no worse, if no better, than the majority of their colleagues; why, then, break a tool which might still have its uses? 'All the justices,' says Bartholomew de Cotton, 'made fines with the King . . . and 'so, by the intervention of the mammon of unrighteousness, peace was re-established between them and the King.' An examination of the Receipt Rolls of the Exchequer for the period covered by the trials makes the prominence of the financial side of the matter very apparent. The table following this page shows the sums paid by the principal offenders. The figures at the head represent Receipt Rolls from Easter 1290 to Michaelmas 1293. This financial aspect must always be remembered in judging cases from their results.

B. Course B, an analysis of accusations, has dangers also. The period is well known for elaborate accusations. The remarkable ingenuity in piling upon a nucleus of truth a strange medley of hideous crime, illustrated by the trials of the Templars, Philip IV.'s attack on Boniface VIII., the process of Bishop Guichard of Troyes, and the complaints against Bishop Walter Langton in 1301, doubtless was of use in these cases also. Further, the invitation to all and sundry to tell their tale had its temptation for the unscrupulous. It was easy to model fresh tales upon cases already proven. However, an analysis of accusations approximates to the truth more closely than an analysis of results. There is no smoke without a fire; and the nature, if not the number, of the offences may be fairly accurately discerned. Taking as our basis the shorter roll B,

1 P. 173. Cf. also Wykes, p. 321 (Rolls Series).
2 Compare, however, the statement in the schedule printed on p. 39, that Hengham's fine was 8,000 marks and Saham's 2,000 marks. The table shows that the smaller fine was exacted to the uttermost, but that Hengham was never compelled to pay all that he had promised.
3 Receipt Rolls (Pells), Nos. 72, 73, 74, 76, 78, 80, 83, 84 (2 for each year, 18 to 21 Edward I.).
FINES PAID BY THE CHIEF OFFENDERS.

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<th>3 Easter</th>
<th>4 Michaelmas</th>
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</tbody>
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since it deals with the more important culprits, the analysis may be briefly made thus:

I. Cases where no accusation is stated .... 58
II. Error, favour, and maintenance .... 45
III. Violence .... 47
IV. False enrolments .... 7
V. Unclassified offences .... 8

Total .... 165

I. No accusation stated.—The only comment suggested under this head is that the large proportion of such cases is suggestive of the extreme vagueness underlying the whole of the proceedings before the commission.

II. Error, favour, and maintenance.—For the heading describing group II. we are indebted to the Abbot of Roche, who refers thus to the conduct of those who 'abjudged' land from his predecessor. 'So by error and favour and maintenance,' he concludes, 'was this injury done to the house of Roche.' The class of offence is more or less peculiar, pertaining specially to an inquiry where the culprits are officials banded against the outsider. In all sorts of ways, the complainants declare, offenders have been screened and protesting voices silenced. Four classes may be selected as typical.

1. Refusal to allow 'exceptiones' or special pleas. No doubt such 'exceptiones' had become far too frequent; and had they been always allowed, cases would have been fought out on bewildering side issues instead of on the actual charge. At the same time, to refuse to hear them was an effectual method of stopping undesirable proceedings, and a biased judge might use this power for his own ends. In the same category comes the arbitrary choice of jurors, and neglect of the plaintiffs' challenges. Henry de la Legh and Nicholas de Cerne, for instance, complain that a packed jury, tenants of Ralph de Beauchamp, their enemy, was
called.\textsuperscript{1} John de Ronhale declares that by the removal of three men and the substitution of three others he lost a case.\textsuperscript{2} Instances might be multiplied.

2. A more serious offence was actual intimidation. The case of William de Durnford \textsuperscript{3} is an interesting and, as the jurors on their oath confirmed William’s story, a trustworthy example. Robert le Red complained of William before Richard de Boyland on \textit{iter} in Gloucester. William’s answers were not admitted, in the first place, and the case was decided in Robert’s favour. A more dramatic piece of injustice, however, followed. In the great hall at Bristol where pleas of the crown were held, Richard de Boyland bade his marshal John de Wykham, ‘who carried the rod before him in the \textit{iter},’ seize William. John did so, and carried him off to ‘a certain square green, shut in with a high stone wall, close to the hall.’ There he remained the best part of the day. Meanwhile his friends had been pleading for him. ‘But Richard, then sitting on the bench, spoke to them, and threatened that he would hang William that very day before he supped,’ unless he would make a fine with the Earl of Gloucester. William judged pliancy to be the safest course, and paid over two hundred marks. The story is an interesting commentary on the value of frequent \textit{itinera}.

3. Many irregularities occurred in the actual pleadings. Take for example the case of William de Bardwell \textit{v.} Ralph de Hengham.\textsuperscript{4} William brought a writ of trespass against the abbot of Bury St. Edmunds, before Ralph and his colleagues. But Ralph, ‘\textit{eo pretextu quod certum feodum de camera dicti abbatis perceperat},’ supported the abbot. He led William’s \textit{narratores} on to plead beyond the form of the writ, and would not hear them till they did so. Worse still, John de Lovetot and Richard de Boyland, justices of the King, came with the abbot and gave him help and advice,

\textsuperscript{1} B. m. 16. Case 8, pp. 27-40. \hspace{1cm} \textsuperscript{2} B. m. 38. \hspace{1cm} \textsuperscript{3} B. m. 25d. Case 2, pp. 5-11. \hspace{1cm} \textsuperscript{4} B. m. 6. Case 10, pp. 49–51.
both secretly and openly. Thomas de Weyland, too, aided the abbot. A more flagrant case of favour and 'maintenance' can hardly be imagined. As usual, we possess no final entry in the case, and are left in ignorance as to the sequel of the revelation.

4. A variety of miscellaneous annoyances were directed against those not in favour with the justices. Inquests were taken in wrong counties, and by unsuitable persons.\(^1\) Judgment was delayed for bribes.\(^2\) Juries were forced to condemn innocent persons or to change their verdict.\(^3\) Writs were not executed, losses not levied, arrests not made. Whether through malice, or through the universal carelessness and procrastination so characteristic of mediaeval justice, infinite annoyance and delay were caused.\(^4\)

III. Violence—to use a general term to include various forms of oppression and abuse—is an offence of a nature less specially characteristic of the present proceedings than the offences last dealt with. The offenders in the last instance were men of some eminence, or their maintenance would have been of little use. Violence, however, was the weapon of the less exalted offender, the bailiff with a grudge against a fellow-townsmen, the sheriff greedy to line his nest softly in the absence of his master, and so forth. The usual form it took was the imprisonment of a man to extort money, or the seizure of his goods for the same reason. Nearly 30 per cent. of the cases in B represent this tyranny of the small official. Perhaps here more than elsewhere there is danger of a trumped-up charge. No great invention was needed to describe ill-treatment; it was easy to suppress mention of any provocation to the assault. One feels a trifle distrustful, for instance, of Thomas Silvester's loud outcry against Roger de Lincoln, constable of Exeter Castle.\(^5\) The tale reads like a melodrama rather than a truthful account.

\(^1\) Cf. Thos. de Goldington v. Nich. de Stapleton, B. m. 17 and 17d. Case 18, pp. 81–84.
\(^2\) Cf. Guy de Stanham v. Will. de Saham, B. m. 29d.
\(^3\) Cf. Henry, son of Nicholas, v. S. de Rochester, B. m. 30d. Case 14, pp. 67–70.
\(^4\) Cf. B. m. 10, 10d, 6d, etc.
\(^5\) B. m. 89d. Case 11, pp. 51–53.
Silvester, meeting the constable in Exeter one day, is taken to the castle. Once there, the gates are closed behind him, and he is beaten by six unknown rascals, and dragged by his feet to prison. He is loaded with fetters and cast head foremost into a dungeon fifteen feet deep. There, wounded by the fall, he lies starving from Monday to Wednesday, till from agony he is delirious and like to die. Meanwhile his beasts have been seized and sold. Against these picturesque details the defence of the constable rings true. He admits the imprisonment, but declares that it was a just detention till Thomas paid money due as bailiff of the King. Both parties put themselves on the country, but we have no record of the decision.

IV. False Enrolments.—It is not surprising that the proportion of false enrolments is small. To break the King’s seal, destroy the King’s documents, and insert new matter in old texts, required a different order of courage from that which directed petty oppressions. Both the risk and the labour were great. It is William de Brompton, one of the most daring of the offenders, who sins the most noticeably in this respect. Robert de Botyndone tells how, wishing to get rid of an essoin in a certain case, William ‘caused the whole roll in which the essoin was entered to be altered, and altogether removed the essoin.’ When Robert protested, he was sent to prison. This accusation was not proved against William de Brompton, for Robert refused to certify the court by the clerks and attorneys concerned, though he was willing to submit to a ‘patria’ of Northampton. One feels that, had he consented, the risk of losing his case would have been very great.

Summarising the results of this analysis, one must conclude that the record does on the whole bear out the wail of the chroniclers. The culprits were not the thorough-paced scoundrels that the chroniclers would have us think them, nor were the complainants as completely innocent and injured as they represent

1 B. m. 33d.
2 Cf. also B. m. 5d, 11, 29, 30, 36d.
themselves. Nevertheless enough of truth is mingled in the cup of discontent to show that a very real oppression had lain upon the country during the King's absence.

The Plan of the Edition.

The book consists of two parts—selected cases and three appendices. We are aware of the objections that can be urged against any plan of excerpts from records, such as that we have adopted; but we can plead the example of the accomplished editors of the publications of the Selden Society, and we are convinced that there is no other practical way of making accessible the essential portions of records so long and so formal as are the bulk of our plea rolls. It was indeed originally intended to print B, the shorter roll, in full, adding, where relevant, extracts from A. However, such a plan had at least three disadvantages.

1. Even the short roll would have formed a bulky volume, with little room for illustrative or critical matter.

2. Many entries, relating to adjournments or appointments of attorneys, are purely formal, tending to obscure more valuable matter for the historian, and to weary the general reader; and others refer to cases whose general interest and importance are singularly small.

3. The most serious objection to the mere straightforward printing, however, was that it would have transferred a considerable amount of labour from the shoulders of the editors to those of the reader who wished to consult the document for a special purpose. Suppose, for example, that information was required concerning William de Brompton. The index would show fifty-four entries containing his name; and it would only be after lengthy sifting and comparison that the reader would discover that twenty-eight different cases were involved in these, and that only some twenty of the total entries contained any real information.

It was decided, therefore, to undertake a thorough examination
INTRODUCTION

of the matter in both rolls, and present it in a form for ready reference. The result is Appendices II. and III., dealing with rolls A and B respectively, bringing together cases concerning individuals, and entries relating to the same case, in alphabetical order. Five points should be noted to facilitate the use of the appendices.

1. Appendix II. analyses Roll A, Appendix III. Roll B. Justices should be sought chiefly in the latter, sheriffs chiefly in the former.

2. In Appendix II. a dagger (†) against a name in the first column shows that the name recurs, and must be sought, in Appendix III. This does not necessarily imply that the same case recurs.

3. If the offender thus referred to is concerned in the same case in both rolls, the references to both rolls appear in Appendix III., differentiated in type.

4. The most important reference is asterisked (*) in each case. Such an asterisk usually implies that the accusation is set forth, or the result of the case stated, in the entry thus marked. In some cases all entries are purely formal.

5. Personal names are printed as they stand, with alternative spellings in a footnote. In the column headed 'Office,' however, names of towns, hundreds, and churches have been identified and printed in their modern form.

An example will show how rapid this system renders the work of reference. Material relating to William de Brimbleschote is required, we will suppose. A glance at Appendix II. shows us that he was sheriff of Hampshire, and was involved in five different cases. Further, we see that in only two of these cases is the accusation stated, whereas all the results plainly appear. The asterisked references show where more detailed information may be sought in the original. The dagger before the name warns us that the delinquent is referred to also in Roll B. Turning to Appendix III., we find various further references to one of the cases, but are shown by the absence of asterisks that no real
additional information is contained there. Thus, being in possession of the description of the accused, the names of his accusers, the nature of his offence, the county whence the complaints came, and with references which discriminate between valuable and valueless entries, it is possible to see at once whether further investigation would be profitable. For this reason we feel that the large omissions which have been made in editing the rolls are justifiable. One principle has been followed in choosing the extracts which have been printed, viz. to include at least one example of accusations against each of the greatest offenders. Only so much of each case is set down as is absolutely necessary for its comprehension. The references at the head of each extract show where the rest of the formal stages in the case are to be found.

One task has been shirked in this analysis—the pronouncing of an ultimatum as to chronology. It was felt that the advantage to be derived from a table showing the dates in the progress of each case was trivial compared with the very great risk of inaccuracy. The disorderly arrangement of the roll, the very casual dating,¹ the numerous entries in every case, made the task almost impossible save for a legal expert; while, even for such a one, conjecture would at times be necessary to supplement knowledge. For the historical student the broad dates of the proceedings suffice, while to the searcher after particular problems the determination of particular dates may be safely left.

¹ Compare, for instance, Hengham's extraordinary statement (printed on p. 35). According to him, 'breuia nunquam facta erant quousque capta esset inquisicio, set si clerici ignorabant de ponendo rectam datam, propter hoc non fuerunt breuia vitiosa; quia in cancellaria et alibi in uno et eodem die unus clericus ponat unam datam et alius aliam.'
APPENDIX TO THE INTRODUCTION.

ADDITIONAL CASES.

Since going to press a loose slip of parchment has been discovered in the Public Record Office and identified as a membrane of Roll 541 b. The entries it contains may be summarised as follows:

1. An adjournment in the case of Legh & Cerne v. Brompton (pp. 27–40).

2. A fresh case, Geoffrey de Aqua v. Brompton. Geoffrey brought four assizes of novel disseisin against Roger Bigod, Earl of Norfolk, and others, before Brompton, in Norfolk, in the year 16 Edward I. Brompton exerted undue influence to get Geoffrey’s claim rejected, and caused twelve strangers to swear Geoffrey was a villein. The auditors now examined the record, found its proof insufficient, and decided that Geoffrey was entitled to a remedy, notwithstanding the previous judgment.


5. A fresh case, Roger Doget and Margery his wife v. William de Saham and his colleagues in the county of Essex. In an assize of novel disseisin brought by John, son of Robert de la Legh, against Roger and Margery at Lewes, Saham, ‘voluntarily and without reasonable cause and to their great loss and injury,’ adjourned the assize to Chichester. The auditors examined the record, and, finding it unsatisfactory, decided that John de Cobham, Simon de Winchester, and John Peche should summon the parties afresh before them and deal with the case.¹

¹ It should be noted that the discovery of this extra membrane affects the numeration on pages xiv, xxxi, xxxii, xxxv, xxxix. The membrane is undated.