BRACTON'S NOTE BOOK.[1]

Amongst the many literary treasures of the British Museum is an ancient manuscript, known as Additional MS. 12269, the existence of which was almost unnoticed by antiquaries until three or four years ago. The description, in fact, of its contents in the catalogue, as "Extracts from the Plea Rolls temp. Henry III," would not tempt the archæological student, when the originals of the same Rolls were readily accessible in the Public Record Office. In the summer of 1884, however, Professor Paul Vinogradoff of the Moscow University was in England seeking materials for mediæval history. A study of the English manor led him to a study of Bracton's History of the Law, and in the course of these researches he was led to examine the MS. in question; upon carefully reading it, he came to the conclusion it was closely connected with Bracton's work, the cases entered in it being those quoted by Bracton, and the writing being contemporary with Bracton's era. This discovery he published to the world in the *Athenæum* of 19 July, 1884.

About the same time, the present writer was collecting materials from the ancient Plea Rolls for the William Salt Archæological Society, and his attention was drawn to the manuscript by Mr. Walford Selby of the Public Record Office. On comparing its contents with the Rolls now in the Record Office, he perceived that more than one-half of the manuscript consisted of extracts from Plea Rolls, which were no longer in existence. A table of the contents of the manuscript distinguishing those parts which had been taken from Rolls no longer extant, was published by him in the GENEALOGIST (New Series, vol. ii, p. 142).

It will be seen from the above account, that the MS. in question is one of extraordinary interest, both from a juridical and antiquarian point of view, and archæologists are under a heavy load of obligation to Mr. Maitland for the printing and publication of it. It is hardly an exaggeration to say that these volumes form the most valuable and important contribution to archæological literature that has been made for many years.

Of noteworthy cases deserving the attention of antiquaries, we may name the suits relating to the partition of the Earldom of Chester in 18 Hen. III, after the death of Ralph de Blundeville, the sixth Earl; the claim of Roger de Monhaut, the Hereditary Seneschal of Chester to the advowson of Grettingham, in Michaelmas 6-7 Hen III, and in which he gives his pedigree in full from an ancestor living *temp.* Hen. I; also the claim of William Longsword to the Earldom of Salisbury or Wilts in 22 Hen. III, all of which are taken from Rolls no longer in existence. But what will give the best idea of the value of the work to county historians is to state that the present writer has extracted from these volumes upwards of sixty pedigrees relating to lords of manors in various counties, in which the descents extend in many cases over that obscure period for local annals which is comprised between the reigns of Hen. I and King John. What, in fact, gives a peculiar value to the extracts from the Plea Rolls in "Bracton's Note Book" is the circumstance that they are taken for the most part, from Rolls anterior to the

[1] Bracton's Note Book. Edited by F. W. Maitland, Barrister-at-Law, and Reader of English Law in the University of Cambridge.

Statute of Merton, 20 Hen. III. This Statute changed the limitation of time for writs of right, to the reign of Hen. II. To make this clearer to the reader, it should be explained that the writ of right was the original mode of trial by which the claim to a freehold was determined. It was so styled from the words in the writ, "*de recto defecisse*" which withdrew the suit from the Court of the lord into the King's Court. Up to the date of the Statute of Merton, the legal limit from which a claim to a freehold could be derived was the seisin of an ancestor, "*on the day that Hen. I was alive and dead*," *i.e.* in A.D. 1135.[1] In writs of right, therefore, which were in a Court of law before the date of this Statute, it was usual for the plaintiff to base his claim on the seisin of an ancestor at the above date, and to give his pedigree in full from the same period.

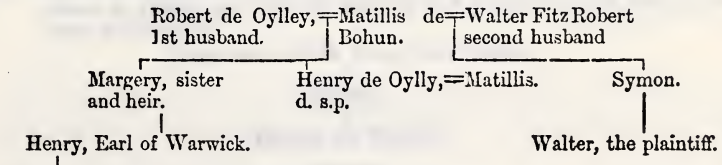
The manuscript which has now been printed by Mr. Maitland, is a folio of about 300 leaves of vellum, closely written over on both sides in a hand of the thirteenth century, and contains abstracts of nearly 2,000 cases decided by the Judges between the second and twenty-fourth years of Hen. III. The work has been ably edited by Mr. Maitland, who has written an introduction and added copious notes which are of material assistance to the reader. It has also a complete Index both of names and places, and a table of the various kinds of actions. It is a misfortune that its high price (three guineas), will prove a bar to its sale to many private collectors, but it is a book which should find a place in every public library.

The following pedigrees may serve as a specimen of the genealogical contents of these remarkable volumes; those now printed were taken by Bracton from rolls that are now unfortunately no longer extant:—

PEDIGREES FROM THE PLEA ROLLS.

De Banco, Easter, 18 *Hen.* 3.

Bucks. Walter, son of Symon sued Thomas, Earl of Warwick for two carrucates of land in Bradeham. The pleadings give this pedigree.



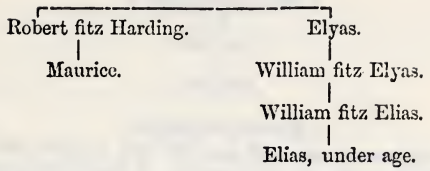
This pedigree differs from that given by Dugdale in his account of D'Oilli.[2]

De Banco, Mich. 16-17 *Hen.* 3.

Glouc. The Abbot of Kyngeswude sued Thomas de Breckele (*sic* Berkeley) for the custody of the land and heir of William Fitz Elyas of Cumba. The pleadings give the following pedigree.

[1] This explains the reason, why the tenants *in capite*, in the Returns in the *Liber Niger* of 1166, were required to specify whether their tenants or their ancestors had been enfeoffed on the day that Hen. I was alive and dead, or from a later date. If from the former date, their title could not be questioned.

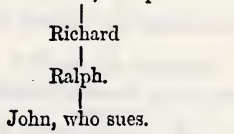
[2] But see "Note" by Mr. J. H. Round, on p. 80.—*Ed.* GENEALOGIST.



N.B.—Fitz Elias appears to have been assumed as a surname by this branch of the Berkeleys, a fact which causes some confusion in the above pedigree.

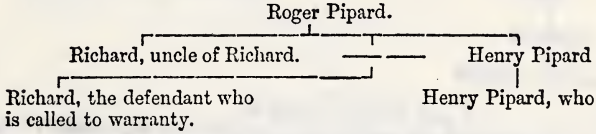
De Banco, Mich., 16-17 *Hen.* 3.

Berks. John de Karun sued John, son of Hawyse and others for land in Shirington, and gives this pedigree,



De Banco, Mich. 15-16 *Hen.* 3.

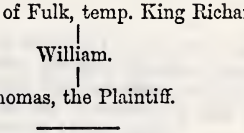
Wilts and Oxon. Henry Pipard sued Richard Pipard to warrant to him the third part of a Knight's fee in Lacheford in co. Oxon; the pleadings in this suit give the following pedigree.



The name of the father of Richard the defendant does not appear.

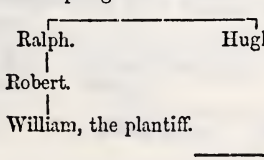
De Banco, Easter, 8 *Hen.* 3.

Linc. Thomas de Scottegni sued Jolland de Neville (who was called to warranty by Simon de Chancy and Alice his wife) for 13 bovates of land in Waleby, and gives this pedigree.



De Banco, Easter, 8 *Hen.* 3.

Leic. William le Buttiller sued the Abbot of Croxton for a carucate of land in Eyton, and gives this pedigree.



De Banco, Easter, 8 *Hen.* 3.

Warw. Hugh de Sloges (*sic* Loges) sued Hugh de Herdeberghe for 16 virgates of land in Herdeberghe, and gives this pedigree.

William temp. Hen. I.
|
Margery.
|
Margery.
|
Hugh, the plaintiff.

N.B.—William the ancestor was William Croc the Hereditary Forester of Cannock, who was hanged by Henry 2. (Testa de Nevill, Warwickshire, and Pipe Rolls, Staffordshire, printed).

De Banco, Trinity 8 *Hen.* 3.

North. Joan, formerly wife of Henry fitz Reiner sued William de Duston for a third of two carucates of land in Duston as her dower; the pleadings shew this pedigree.

Walkeline, dispossessed by King John whilst he was Earl of Morteyne.
|
William, to whom the land was restored by King Richard.
|
William, the defendant.

The suit mentions that Walkeline became a monk, temp. Hen. 2.

De Banco, Easter, 9 *Hen.* 3.

Norf. William de Nereford sued Peter de Nereford for half a Knight's fee in Nereford excepting 40 acres of land, and gives this pedigree.

Matillis, his ancestor temp. Hen. 2.

Joudelin, ob. s.p.	Peter.
	Joudelin.
	William, who sues.

De Banco, Easter 9 *Hen.* 3.

Suff. William, son of Joudewin sued Robert de Hanstede for a Knight's fee in Sumerton. The pleadings give this pedigree.

Andrew.

Maurice de Sumerton, living temp. Hen. 2, ob. s.p.	Basilia, sister and heir.
	Joudewin.
	William, who sues.

The suit also mentions a fine levied A.D. 1177 between Maurice, son of Andrew, and Ralph de Hanstede, by which the said Maurice released his claim to the Manor, respecting which a plea had been between them in the Court of Robert de Kuilly the superior lord. The William fitz Joudewin of this suit is probably the same person as the William de Nereford of the last suit.

De Banco, Easter 9 *Hen.* 3.

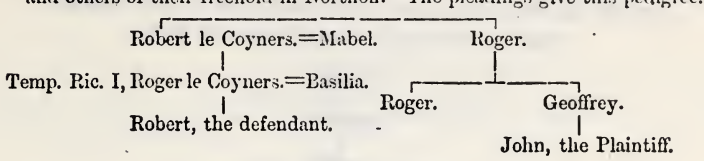
Suff. William Talesmache (Tollemache) and Alice his wife sued Guy de Verdun and Alice his wife for a Knight's fee in Hecham. The pleadings give this pedigree.

Robert de Cokefeld.	William de Valeines. = Alice.	Adam, son of Robert fitz Humfrey. = Sabina.
Adam.	Adam, *d.* s.p.	William, *d.* s.p.
		Umfrey.
		William Talesmache. = Alice.

Alice the wife of Guy seems to have descended from Alice the wife of William de Valeines.

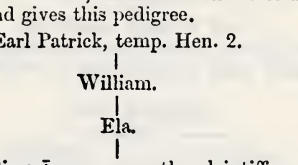
Coram Rege, Mich., 22 *Hen.* 3.

Ebor. An assize etc. if Robert le Coyners had unjustly disseised John le Coyners and others of their freehold in Northon. The pleadings give this pedigree.



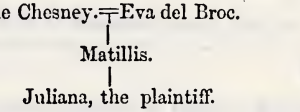
Coram Rege, Mich., 22 *Hen.* 3.

Wilts. William Lungespeye sued the King for the custody of the Castle of Salisbury and for the Earldom of Wilts, which descended to him by hereditary right from Earl Patrick and gives this pedigree.

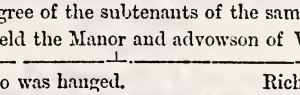


Coram Rege, Mich., 2 *Hen.* 3.

Hertford. Geoffrey de Lucy and Juliana his wife sued the Prior of St. John of Jerusalem in England (the Knights Hospitallers), for the advowson of the Church of Wiginton, as the right of Juliana. The pleadings give this pedigree.

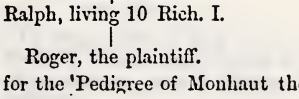


The suit also gives this pedigree of the subtenants of the same Manor of Wiginton.



De Banco Roll, Mich., 6-7 *Hen.* 3.

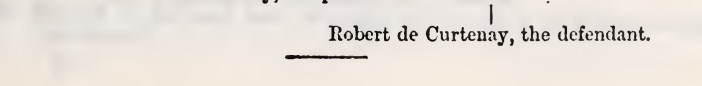
Suff. Roger de Mohaut (Monhaut) sued Agnes de Gretingeham for the advowson of the Church of Gretingeham, and gave this pedigree.



This suit is of importance for the Pedigree of Monhaut the Hereditary Stewards of the Earls of Chester.

De Banco, Mich., 6-7 *Hen.* 3.

Devon. Matillis de Curtenay sued Robert de Curtenay (called to warranty by Reginald de Curtenay) for the Manor of Chamelegh. The pleadings give this pedigree.



De Banco, Easter, 3 *Hen.* 3.

Cantbr. In a suit respecting the advowson of the Church of Berton, between the Prior of Merton, plaintiff, and Alan de Berton and Roes his wife and Matillis, sister of Roes, defendants, the pleadings give this pedigree.

Fulk Warwel qui venit ad conquestum Angliæ.

Hugh.

William.

Elias.

Roheis.=Alan de Berton. Matillis.

De Banco, Easter, 3 *Hen.* 3.

Dorset. In a suit respecting the Manor of Atford, brought by Henry de Franckeiney and John de Eproillis, junior, against John Eskelling, the pleadings give this pedigree.

John Eskelling.

Robert. John.

John Eskelling, the defendant. John de Eproillis (Epreux).

De Banco, Hillary, 8 *Hen.* 3.

Nottingh. Walter, son of Simon sued Robert de Willey and Joan his wife for a third of a Knight's fee in Bevercote and Milleton. The pleadings give this pedigree.

Fulk de Bevercote, temp. Hen. 2.

Roger. Simon.

Robert, *d.* s.p., 1st husband.=Joan.=Robert de Willey, 2nd husband. Walter, the plaintiff.

De Banco, Hil., 8 *Hen.* 3.

Northumb. John fitz Patrick sued the Abbot of St. Albans (called to warranty by the Prior of Tynemouth) for the Manor of Bellic (Bewick ?) The pleadings give this pedigree.

Edgar, temp. Hen. 2.

Patrick.

John, the plaintiff.

De Banco, Hil., 8 *Hen.* 3.

Hereford. Richard, son of Godfrey Fulton sued Cecilia de Ebroicis (Devereux) for a Knight's fee in Eylnatheston, and a Knight's fee in Putteley. The pleadings give this pedigree.

Roger de Ebroicis, ob. s.p. temp. Hen. 2 Orenga. Sibilla.

Godfrey.

Ralph. William.

Richard, the plaintiff.

De Banco, Hill. and East., 12 *Hen.* 3.

Cumb. Richard de Hof sued John de Reigny for the manor of Neuton, and gives this descent.

Robert de Reigny, temp. Hen. I.

|

John.

|

Richard, the plaintiff.

De Banco, Easter, 14 *Hen.* 3.

Nottingham. Alice, Countess of Eu sued Emma de Bella Fago for two carucates of land in Gunthorpe. The pleadings give this pedigree.

Beatrice, temp. Hen. I.

|

Henry.

|

John.

|

Henry.

|

Alice, the plaintiff.

Coram Rege, 22 Hen. 3.

Salop. Godfrey de Gamages was summoned by the King to shew by what warrant he held the manor of Stottesdona. The pleadings give this pedigree.

Godfrey de Gamages, temp. Hen. 2.

Matthew, left England for Normandy.	William.
	|
	Godfrey, the defendant.

In a subsequent Number I propose to give some further selected pedigrees from this invaluable Note Book.

GEORGE WROTTESLEY,
M-General.