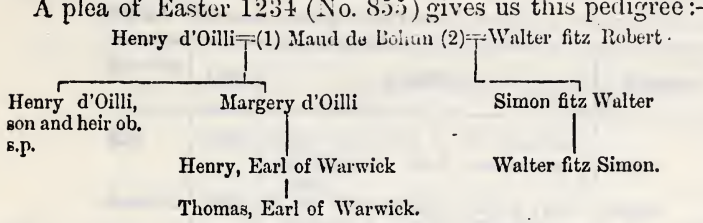

NOTES ON THE PEDIGREE OF D'OILLI.

As genealogists are likely to make considerable use of the collection of pleas, *temp* Henry III., edited with so much care and skill by Mr. F. W. Maitland,[1] I would venture to call atten-

[1] *Bracton's Note Book.* Cambridge University Press.

tion to one of these pleas as illustrating at once their value, and their danger, for genealogical students.

A plea of Easter 1234 (No. 855) gives us this pedigree:—



The property in dispute is the *maritagium* of Maud de Bohun, ancestress of the Earl of Warwick and of Walter fitz Simon. On the ground of *possessio fratris*, as Mr. Maitland observes, the property is, of course, adjudged to the Earl.

Now the point here is that this is one of those cases known to us only from the Note-Book, the roll not being extant. We cannot, therefore, check its evidence by collation with the original roll. The defendant the Earl rightly describes Maud's first husband as "Henry," but the plaintiff speaks of him as "predicti Roberti *(sic)* primi viri sui." As we know from other sources that the name was Henry, we are not misled, but otherwise we might remain in doubt as to which of the two had made a mistake.

Again, the Earl is made distinctly to speak of Henry d'Oilli's sister as "Margeriam . . . . . que habuit quendam filium Henricum nomine comitem de Warewyc." Now we know, of course, that Margery was the wife, not the mother of Earl Henry. But if this plea were our sole evidence, should not we think it impossible that a defendant should be made (not purposely, but by a mere accident) to describe his own mother as the mother of his father, and that, too, when he had just succeeded to his uncle in her right?

But having alluded to the danger of such evidence, it is right to glance at its value. Dugdale makes no allusion to the remarriage of Maud de Bohun. Yet it can be shewn from other sources that she was, at the close of 1194, the wife of Walter fitz Robert as here averred. It is further evident, from this date, that Dugdale has assigned to Henry the father much that belongs to Henry the son, who did not die, I think, till 1233.

I do not say that this plea is our sole evidence for the descent from Maud by her second husband, as I have not investigated the point; but, without such help a descent of the kind would be very difficult to trace.

Another case (No. 105) refers to a Maud, daughter of Henry d'Oilli and wife of Maurice de Gaunt. It proves that she had died childless before Easter 1220. As her father was then alive he would seem to have been Henry D'Oilli the younger, who, in that case, must have married and had issue. Maurice had only been married to her a few years. J. H. ROUND.