DUGDALE'S PEDIGREE OF GIFFARD OF BRIMSFIELD.

Dugdale is the Prince of Antiquaries, but even Homer has been known to nod, and Dugdale occasionally makes a serious mistake, and these errors being repeated by every subsequent writer on the same subject become at length a stereotyped perversion of the facts.

One of these errors occurs in his account of the descent of the Brimsfield Barony, where he introduces a Thomas into the pedigree in the reign of Richard I.

The authority which he gives for this Thomas is the Wiltshire Pipe Roll of 6 Ric. I. This he quotes as stating that Thomas Giffard paid £9 for nine Knights' fees for the King's redemption.

On examining the Roll, however, it will be seen that this portion of it is completely obliterated, and it must have been very faint in Dugdale's time, for an attempt has been made to revive the writing by an infusion of galls. I propose to shew that Dugdale or his copyist has without doubt miswritten Thomas for Elias.

Another entry on the same Roll should have put Dugdale on his guard, for an Elias Giffard pays 20/s for scutage on a Knight's fee under Wiltshire, and the head of this family for two or three previous generations had been named Elias.

What, however, clearly proves that there was no Baron of Brimsfield of the name of Thomas in the reign of Richard I, is a suit on the Gloucester Assize Roll of 5 Henry III. This suit is intrinsically of so much interest, I give it at length in its original language:—

Gloucester Assize Roll, 5 Henry III. No. 271.

Elias Giffard summonitus fuit ad respondendum Abbati Cirencestrie de placito quare levavit furcas in Brummesfeld contra libertates ipsius Abbatis, unde idem Abbas ostendit quod idem Elias contra libertatem suam quam habet ex dono Regis Ricardi levavit ipse furcas illas ubi ipse vel antecessores sui nunquam furcas habuerunt. Ita quod postquam placitum illud motum fuit in Curia domini Regis fecit ipse suspendere unum hominem ad furcas illas infra libertatem manerii Cirencestrie contra cartam Regis Ricardi quam profert, que testatur quod dedit et concessit deo et ecclesie de Cirencestria et canonicis etc, totum manerium de Cirencestria cum omnibus pertinentiis suis cum sacha et socha et thol et them etc, ita libere et quiete cum omnibus libertatibus sicut illud habebat idem Rex Ricardus quando fuit in manu sua. Unde idem Abbas dicit quod dominus Rex Ricardus semper habuit libertatem illam quod nemo habuit furcas infra libertatem manerii et hoc offert probare sicut Curia consideraverit et dicit quod deterioratus est et dampnum habet pro hoc quod ita furcas ibi levavit ad valenciam (*left blank*)
Et Elias venit et defendit vim et injuriam et quod nullas furcas injuste levavit. Quia quidam Osbertus Giffard antecessor suus qui venit ad conquestum Anglie tenuit manerium de Brimesfeld cum libertatibus habendi Infangenethe et Utfangenethe et habuit furcas

in eodem manerio et plures latrones ibi fecit suspendi per libertatem illam, et obiit inde seisitus et post eum Elias filius suus eodem modo habuit easdem libertates et plures latrones fecit ibi suspendi, et post eum Elias filius illius Elie et pater suus habuit eandem libertatem, Ita quod quendam Walterum latronem qui captus fuit cum quadam equa furata et per judicium Curie sue de eadem villa suspensus fuit tempore Henrici Regis avi domini Regis et quod idem Elias pater suus ita fuit seisitus de libertate illa et ipsum Walterum fecit suspendi sicut predictum est, offert disrationare per corpus cujusdam liberi hominis sui Johannis Marmiun qui hoc offert probare per corpus suum sicut ille qui interfuit Curie patris sui et vidit ipsum Walterum suspensum per libertatem illius manerii vel defendere contra Abbatem quod libertas sua talis non est sicut ipse dicit.

Et Abbas venit et defendit quod antecessores ipsius Elie nunquam seisinam habuerunt de libertate illa nec Elias pater suus unquam habuit illam libertatem illam (*sic*) nec predictus Walterus latro ita suspensus fuit sicut ipse dicit, set ipse Elias levavit de novo furcas contra libertatem suam quia manerium de Cyrencestria habuit libertatem illam postquam Dominus Rex Ricardus dedit ei manerium illud, et tempore Regis Ricardi fuit Abbas predecessor suus in seisina illa ita quod quidam Henricus captus fuit cum latrocinio apud Brumesfeld et ductus apud Cirencestriam cum pannis furatis et quidam Reginaldus de Brumesfeld homo Elie patris sui illum suspendit apud Cirencestriam et plures alii antea ibidem capti fuerunt et ducti apud Cirencestriam et ibi judicati. Ita quod quidam Normannus Veche ibi indictatus fuit ad judicium aque et Elias pater ipsius Elie ivit de Brumesfeld cum ipso Normanno et interfuit judicio et semper antea fuerunt Reges inde in seisina, et Abbatia semper postea fuit inde in seisina per dominum Regem quousque iste Elias de novo et postquam tempus Johannis Regis illas furcas levavit unde producit sectam sufficientem.

Et quia Elias non defendit seisinam Abbatis in tempore Ricardi Regis nec in tempore Johannis Regis nec etiam defendit seisinam domini Ricardi Regis et loquitur de seisina patris sui tempore Henrici Regis et prius, consideratum est quod Abbas habeat seisinam suam et quod furce Elie prosternantur et Elias in misericordia pro injuste impedimento.

Dies datus est eis de audiendo judicio suo a die Sancti Michalis in V Septimanis apud Westmonasterium et Elias ponit loco suo Johannem clericum et Abbas ponit loco suo Alexandrum canonicum suum etc. vel Unfridum Erkenbaud. *m. 8 dorso.*

This suit is of considerable interest both from a judicial and a genealogical point of view. It will be noted that Elias, living in 1221, derived his descent from an Osbert *qui venit ad conquestum Anglie.* This Osbert is clearly identical with the Osbern who held Brimsfield tèmp. Domesday.

Secondly, his appeal to a wager of battle in a civil suit is worth noting; for this mode of trial had fallen into desuetude after the institution of the Great Assize by Glanville, in the reign of Henry II, and the suit illustrates a circumstance which more

than any other brought this method of trial into disrepute, viz., the employment of a professional champion. The attempt of Elias to make his champion a credible witness, is also very curious. If John Marmiun was in the prime of life in 1221, he must have been a small boy in the reign of Henry II, but it was necessary to produce him as a witness as well as a champion, for this mode of trial had always some pretext of testimony attached to it, and was only awarded on the oath of a witness who would venture his life for the truth of what he swore. His surname, too, seems to shew, what has been suspected by many antiquaries, that the surname of Marmion signified a champion in old Norman French.

GEORGE WROTTESLEY, Major-General.