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INQUISITIONES POST MORTEM.



## XXXVII.

[Esc. No. 34 b, 47 Hen. III., 1263.]

*An extent of the manors, lands, etc., of the late RICHARD DE CLARE, EARL OF GLOUCESTER, made in obedience to the King's mandate to the guardians of the HONOUR OF CLARE.*<sup>133</sup>

Extent<sup>134</sup> of the manor of ELTHAM, in the county of Kent, made by precept of our Lord the King, on the death of RICHARD DE CLARE, formerly EARL OF GLOUCESTER AND HERTFORD, before William de Axemuth and William de Horsenden, thereto assigned. By the oath of the underwritten, viz. :—

Ralph le Lung,—Nigell Fitz-Walter,—John Neel,—William Fitz-Hugh,—Thomas Koc,—Richard at the Cross,<sup>135</sup>—Robert Payn,—Martin Horloc,—Thomas Brodeye,—Richard Fitz-Matilda,—Adam le Newecherl,—and Richard Roger.

Who say on their oath, that in demesne there are 206 acres of arable land, of which 111 acres are worth 4*d.* per acre, and sixty-five acres 3*d.* per acre, and thirty acres 2½*d.* per acre; and the amount is 59*s.* 6*d.* And they say, that there are there two acres of meadow, worth 3*s.* per acre; and the amount is 6*s.* The pasture thereof, after the hay is carried, is extended<sup>134</sup> at 4*d.* And they say, that there are there thirteen acres of pasture, and they are extended at 4*s.* 6*d.* The Court Lodge<sup>136</sup> [*curia*], and the pasture of the Court Lodge [*curia*],<sup>136</sup> and of a certain lane towards the Church, are extended at 2*s.* And there is there a certain enclosed wood containing 200 acres, and the pasture thereof is extended at 20*s.* The pannage thereof is extended at half a mark. And they say that the sale of underwood is worth 57*s.* per annum. The rent of the Free Holders is extended at 24*s.* 9*d.*<sup>137</sup> And they say that in Villenage<sup>138</sup> there are twenty-eight and a half virgates of land, and the fourth part of a virgate, and half an acre; and the virgate<sup>139</sup> contains seven acres and a half; and the rent thereof is 71*s.* and 8½*d.* And they say, that the rent of the Cotters<sup>140</sup> is 6*s.* 7½*d.* The rent of certain tenants, who are called Plocmen,<sup>141</sup> is extended at 3*s.* 5*d.* And they say, that there are there 245¾ acres which are let to the Villains<sup>137</sup> of the new land,<sup>142</sup> at the Lord's will; and the rent thereof is four pounds and twenty-three pence, at 4*d.* per acre.

The Works of the Villains are extended at 30s. 1*d*. And they say that the assised Aid of the Villains is 18s. 11*d*. per annum. The View of Franc Pledge<sup>143</sup> is extended at 10s., and the Pleas and Perquisites of Court at 10s.<sup>144</sup>

And the amount is £20. 13s. 4½*d*.

Extent of the manor of YALDING,<sup>145</sup> in the county of Kent, made by precept of our Lord the King, on the death of RICHARD DE CLARE, formerly EARL OF GLOUCESTER AND HERTFORD, before William de Axemuth, and William de Horsendenn, thereto assigned. By the oath of the underwritten, viz. :—

Quintin de Elding,—William de Horshurst,—Henry de Crousort,—Roger the Reeve,—Thomas Partrich,—Daniel at the Mill,<sup>146</sup>—Ralph Turgis,—Walter Daniel,—William de la Done, John de Lodelesworth,—Roger le Bedel,—and Jordan the Tailor.<sup>147</sup>

Who say upon their oath, that in demesne there are two acres of marl land [*terre marlace*], and they are extended at 2s. And, in another part, twenty-nine acres and three-quarters, worth 8*d*. per acre; and the amount is 19s. 9*d*. [*sic*]. And in another part four score and eleven acres and three quarters, worth per acre 6*d*.; and the amount is 45s. 10½*d*. And in another part, forty acres, worth per acre 5*d*.; and the amount is 16s. 8*d*. And, in another part, eleven acres, worth per acre 4½*d*.; and the amount is 4s. 1½*d*.

Item,—There are there fifty acres and a half, worth per acre 4*d*.; and the amount is 18s. 10*d*. And, in another part, forty-nine acres, worth per acre 3*d*.; and the amount is 12s. 3*d*. And, in another part, fifty-three acres and half a rood, worth per acre 2½*d*.; and the amount is 11s. 0¾*d*. And there are there six acres and two perches of meadow for mowing, worth per acre 14*d*.; and the amount is 8s. 2*d*. And in another part there are thirteen acres and four perches, worth 12*d*. per acre; and the amount is 13s. 2*d*. And in another part there are twenty-eight acres and one quarter, worth 10*d*. per acre; and the amount is 23s. 6*d*. And in another part there are six acres and a half, and one rood and a half, worth per acre 8*d*.; and the amount is 4s. 7*d*.

And there is there a certain Ham<sup>148</sup> of meadow, and it is extended at 15*d*. And there are there four score and eleven

acres and a half, and one rood of pasture not mown, and they are extended at 48s. 7d. And eighteen acres of wood, and the pannage thereof, with the herbage, is extended at half a mark. The Court Lodge [*curia*], with the gardens, contains seven acres; and the produce [*fructus*] thereof, with the herbage, is extended at two marks. There is there a certain dovecote, which is extended at 2s. And the pasture of horses, oxen, cows, and sheep<sup>149</sup> on the demesne is extended at 64s. 7d. And there are there three water mills, and they are extended at £9. 4s. And there is there a certain fishery over the pool [*stagnum*], and it is extended at 4s. And there is a tenant's rent of £20. 8s. 9½d. The works and customs of the same, which they ought to do over and above their rent, are extended at 58s. 6½d. The aid of St. Andrew<sup>150</sup> is extended at 74s. The license to marry,<sup>151</sup> with average,<sup>152</sup> and the carriage of writs,<sup>153</sup> is extended at 12s. The rent of hens and eggs is extended at 7s. 8d. And the great Bind-day,<sup>154</sup> in autumn, is extended at 12s. 6d. And there is there a certain market which is called Brenchelse,<sup>155</sup> and the assised rent thereof is 21s. 9½d. The stallages and shops are extended at 24s. The pleas and perquisites of court are extended at £6. The Prior of Tunbridge has the church of this manor to his own uses.

And the amount is £62. 12s. 0¼d.

Extent of the manorett<sup>156</sup> of LOKESDALE, in the county of Kent, made by precept of our Lord the King, on the death of RICHARD DE CLARE, formerly EARL OF GLOUCESTER AND HERTFORD, before William de Axemuth and William de Horsenden, thereto assigned. By the oath of the underwritten, viz. :—

Ralph de Garewinthon,—Luke de Hecham,—Roger de Greinfeld,—Philip de la Bruere,—Henry le Noble,—William Paie,—Gilbert de Donham,—Henry de Donham,—Henry le Moyne,—Richard de Alspade,—John de Wingate,—and Robert le Mouer.

Who say, upon their oath, that there are there in demesne, in one part, forty-eight acres and a half of arable land, worth 2s. per acre; and the amount is £4. 17s. And in another part there are forty-three acres and a half, worth 18d. per acre; and the amount is 65s. 3d.

And there is there, one acre and a half of pasture, and it is extended at 18d.

And there are there, five acres and a half of meadow for mowing, and it is poor [*debile*], worth 18*d.* per acre; and the amount is 8*s.* 3*d.* And the rent of the free holders is 8½*d.* And there is a certain well-built Court Lodge [*curia*] there, and the produce [*fructus*] of the garden, with the herbage, is extended at 3*d.* And the Earl bought that land of Ranulph London. And he renders from it 11*s.* 1*d.* per annum.

And the amount, in clear, is £8. 1*s.* 10½*d.*

Inquisition taken by precept of our Lord the King, on the death of RICHARD DE CLARE, formerly EARL OF GLOUCESTER AND HERTFORD, in the county of Kent, before William de Axemuth, and William de Horsenden, thereto assigned, by the oath of the underwritten, as to what lands, what tenements, how many Views of Frank Pledge, and how much Rent, the said Earl had in the foresaid county, with the knight's-fees, and advowsons of churches, and their value, viz. by the oath of—

Robert de Hardres,—Walter de Letton,<sup>157</sup>—Fulco de Sserstede,—Ralph de Diton,—John le Hore,—John Potin,—John de Selling,—Richard de Suanton,—Thomas de Chiche,—John de Hardres,—William de la Kerston,—Richard [*sic*] de Haulo,—and William Stupeson.<sup>158</sup>

Who say upon their oath, that the Earl had in the foresaid county,—Of J. DE KIRIOL, one mark of rent; and of HOLEFORD, 2*s.* 1*d.*; and of HAMO DE VIELESTON, one esperver,<sup>159</sup> or 2*s.*; and of the PRIOR OF TONBRIDGE, 1*d.*

And they say that he had of View,<sup>143</sup> from the ville of HARDRES, 4*s.*; from NATINDON, 2*s.*; from BLEN, 4*s.*; from TREMEWORTH,<sup>160</sup> half a mark; from SELDWICH, 2*s.*; from DITTON and SLIFTON,<sup>161</sup> 4*s.*; from NETLESTEDE, 4*s.*; from CHEKESOL,<sup>162</sup> 4*s.*; from MEREWORTH, half a mark; from DODEHURST<sup>163</sup> and PEPINGEBURY,<sup>164</sup> one mark. And they say that the Earl held the hundreds of WECHELESTON<sup>165</sup> and of LITFOLD<sup>166</sup> in fee-farm [*ad feodi firmam*],<sup>167</sup> of our Lord the King, for 40*s.* per annum; and they are worth 10 marks; and after the death of the Earl, the Archbishop took<sup>168</sup> the foresaid hundreds to himself. And they say, that the heirs of WILLIAM DE MEREWORTH hold two fees in MEREWORTH, and they are worth £20. FULCO DE SERSTED holds the third part of one fee in MEREWORTH, and it is worth 20*s.* ROBERT DE BLEN holds one fee in BLEN, in NATIN-

DON,<sup>169</sup> and they are worth £10. WALTER DE LETTON<sup>157</sup> holds one fee and a half in TREMEWORTH and DODINDALE,<sup>170</sup> and it is worth £30. BARTHOLOMEW TYSON holds half a fee in HOLEFORD, and it is worth five marks. NICHOLAS DE HAULO holds one fee in CRUNDALE, and it is worth £10. ROBERT DE HARDRES holds one fee in HARDRES, and it is worth £30. RALPH DE DITTON holds three fees and a half in DITTON, WIGEBEREH,<sup>171</sup> and SIFLETON, and they are worth £20. WALTER DE WAHULL holds one fee and a half in NETTLESTEDE and PEPINGEBURI, and it is worth £20. HUGO DE SANFORD holds two fees in PETTES, and CHEKESHULL, and HORSMONDEN, and they are worth £15. RICHARD DE SUANTHON holds half a fee in SUANTHON,<sup>172</sup> and it is worth five marks. NICHOLAS DE LEUEKENORE holds the fourth part of one fee in ELTHEHAM, and it is worth £5. MARGERY DE RIVERS holds half a fee in ELTHEHAM, and it is worth £5. ROBERT DE SEVANS holds one fee in MELETON,<sup>173</sup> and it is worth £15. The Archbishop has a moiety. HENRY MALEMAYS holds a fourth part of one fee in SELDWICH, and it is worth £2. HAMO DE VIELESTON holds one fee in VIELESTON,<sup>174</sup> and it is worth £15. They say also, that the tenants of YALDING [*Elding*] owe no other tallage except the aid of St. Andrew. They say also, that the Earl is the patron [*advocatus*] of the Priory of Tunbridge [*Tonebrug*]. And they say that the Earl had the above-named Views<sup>175</sup> of Frank Pledge that are out of his lordship, by violence and arbitrary will, and not by just right [*per vim et voluntatem, et non per Justiciam*].

The amount of the fees of the Honour of CLARE, in KENT, 17 fees and a half.

And the amount of rent is 17*s.* 6*d.*

And the amount of View £2. 10*s.* 8*d.*<sup>176</sup>

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## APPENDIX.

(133.) This is not properly an "Inquisitio post mortem." There is no writ; but it is a bundle of Extents, made in obedience to the King's Writ to the Guardians of the Honour of Clare, to secure the revenues of the current and following years



(with certain reservations) to Gilbert de Clare, son and heir of Richard de Clare, late Earl of Gloucester, as appears by the following entry on the Fine Roll:—

“For GILBERT DE CLARE }—The King to the Guardians of the Honor of Clare,—Greeting.

“Know ye, that of our special grace, we have granted to GILBERT DE CLARE, son and heir of RICHARD DE CLARE, formerly EARL OF GLOUCESTER, all the produce of the autumn of this instant year, viz. the 47th of our reign, arising out of all the lands and tenements, which were his father’s, the foresaid Earl, in your bailiwick, by reasonable extent and appraisement which ye shall have made thereof by good and lawful men; so that the said GILBERT, of the value of the said produce and appraisement, may answer us at our Exchequer, there being reserved to WILLIAM DE VALENCE, our brother, £500 of the foresaid produce of this instant autumn aforesaid, viz. out of the lands which belonged to the foresaid Earl, and which we have caused to be tilled at our own proper expense, and also out of the issues of the manors of RETHERFEUD, BLESCINGEL, BERDEFEUD, SUTBIſ, DESENINGE, LAKINGEHITH, WALSINGHAM, WELLES, and WARHAM; and also reserved to MATILDA, widow of the foresaid Earl, the produce of the lands which in the foresaid manors, viz. DESENINGES, WALSINGHAM, WELLES, and WARHAM, she caused to be tilled at her own proper expense, before the assignment of her dower.

“We have also granted to the said GILBERT, by the fine of one thousand pounds, which he has made with us, all the issues and produce arising out of all the lands and tenements which belonged to the foresaid Earl in England, in the year ensuing,—reserved to our said brother other £500 from the issues of the foresaid manors, if we be bound to him in a debt of that amount of money,—and if we be not bound to him in so large a debt, we will that all the residue which shall exceed the sum in which we are bound to him shall remain to us. Of which thousand pounds the said GILBERT shall pay to us, on this side the feast of St. Michael next to come 500 marks, and on the feast of Easter next following 500 marks, and on the feast of St. Peter ad Vincula next following 500 marks, for the last payment. And so we command you that you cause the said GILBERT to have full seisin of all the lands and tenements which belonged to the said Earl in your bailiwick, in form aforesaid.

“Witness, the King at Westminster, the 8th day of July.”

(134.) “Extenta,” *i.e.* a valuation, an estimate of lands, etc., at their full value; hence, in these returns, the term “extendi-

tur," (which we render technically "extended,") signifies, estimated at the full extent of its value.

(135.) "Ricardi ad crucem."

(136.) "Curia,"—the Manor House,—in Kent still commonly called "the Court Lodge." There was generally in front of the Manor House a piece of pasture, called "the Forestal," used for the pasturage of the animals employed in tillage of the farm.

(137.) "Rent of the Freeholders,"—*i. e.* "Quit Rents," as they are now called, and still paid by the freeholders of a manor to the Lord.

(138.) "Villanage,"—Villani,—*i. e.* that part of the Lord's land not retained in demesne; but let to tenants, called "villani," whose rent was paid partly in work performed on the Lord's land, at specified seasons, and partly in money. They were called "villani," as the tenantry of the Lord's "ville."

(139.) The fact that the surveyors here state specifically the quantity of land contained in the virgate of their return, is another proof—were such necessary—that the virgate was no definite measure, that it varied in different places: otherwise, the use of the term "virgate" would have sufficed, without any further specification of the quantity of land which it represented, all men would at once have known what the acreage was: but, inasmuch as it was no fixed measure of quantity, it was necessary to subjoin, "The virgate here consists of seven acres and a half."

(140.) "Cotters."—Tenants of small parcels. There is much uncertainty as to the nature of their tenure. They owed certain small customary services, and paid a fixed rent; but their tenure seems to have been in free socage.

(141.) "Plocmen."—Tenants who owed the service of ploughing the Lord's land.

(142.) "The new land."—Probably waste land recently brought into cultivation.

(143.) "View of Frankpledge," *i. e.* the right of holding Courts-Leet, granted by charter to the Lords of Manors. The word Frankpledge is, after all, only a translation of the Saxon "Frithborh," *i. e.* the pledge or guarantee of peace; from "frith,"—"peace," and "borh,"—"a pledge." By the Anglo-Saxon laws, every hundred was divided into tithings, or families of ten, over whom one principal individual, called the "Tithing-

Man," was annually elected to preside. Each of these ten was bound or pledged for the good behaviour of the other. Every freeborn man, at the age of fourteen, was to be enrolled and pledged to the peace in some tithing ; so that in fact every free man in the kingdom was under pledge to obey the laws. The tithings were answerable for crimes committed within their respective districts. They were bound to produce the offender, if possible ; but, if unable to effect this, they were to compurgate themselves from any participation in the crime, and to make compensation out of the goods of the delinquent. On failure of these, it was to be done by the tithing at large. They were further to pledge themselves to bring the offender to justice, should it ever be in their power to do so. The nature of the institution will be best understood by a reference to the following extract from the Laws of Edward the Confessor :—

"Another peace, the greatest of all, there is, whereby all are maintained in firmer state, to wit, in the establishment of a guarantee, which the English call FRITHBORGEAS, with the exception of the men of York, who call it TENMANNETALE, that is, the number of ten men. And it consists in this, that in all the vills throughout the kingdom, all men are bound to be in guarantee by tens, so that if one of the ten men offend, the other nine may hold him to right. But if he should flee, and they allege that they could not have him to right, then should he give them by the King's justice a space of at least thirty days and one : and if they could find him, they might bring him to justice. But, for himself, let him out of his own restore the damage he had done, or if the offence be so grave, let justice be done upon his body. But if within the aforesaid term he could not be found, since in every frithborh there was one headman, whom they called frithborghewed, then this headman should take two of the best men of his frithborh, and the headman of each of the three frithborgs most nearly neighbouring to his own, and likewise two of the best in each, if he can have them ; and so, with the eleven others, he shall, if he can, clear both himself and his frithborh, both of the offence and flight of the aforesaid malefactor, which, if he cannot do, he shall restore the damage done out of the property of the doer, so long as this shall last, and out of his own and that of his frithborh : and they shall make amends to the justice, according as it shall be by law adjudged them. And, moreover, the oath which they could not complete with the *venue*, the nine themselves shall make, viz. that they had no part in the offence. And if at any time they can recover him, they shall bring him to the justice, if they can, or tell

the justice where he is." (See Thorpe, 'Ancient Laws and Institutes of England,' vol. i.—'Leges Regis Edwardi Confessoris,' xx, 'De Frithborgis,' etc.—And Kemble's 'Saxons in England,' vol. i. p. 249.)

This institution was the origin of the "Court Leet," or "View of Frankpledge," which is a Court of Record held once in a year within a hundred or manor, before the Steward of the Leet, being the King's Court granted by charter to the Lords of those hundreds or manors. Its original intent was to view the frankpledges, that is, the freemen within the liberty, who, as is explained above, were all mutually pledges for the good behaviour of each other.

Besides this, the preservation of the peace, and the chastisement of divers minute offences against the public good, are the objects of the Court Leet. All freeholders within the precinct are obliged to attend them, and all persons commorant therein. It was also anciently the custom to summon all the King's subjects, as they respectively grew to years of discretion, to come to the Court Leet, and there take the oath of allegiance to the King, in conformity with the ancient practice of pledging to the peace in the Tithing Court, as related above.

The other general business of the Leet was to present by jury all crimes whatsoever that happened within their jurisdiction; and not only to present, but also to punish, all trivial misdemeanours, as all trivial debts were recoverable in the Court Baron and County Court; justice, in these minuter matters, being brought home to the doors of every man by our ancient constitution. The jurisdiction of these courts, therefore, necessarily embraced very numerous objects, being such as in some degree, either less or more, affect the public weal, or good governance of the district in which they arise; from common nuisances and other material offences against the King's peace and public trade, down to eaves-dropping, waifs, and irregularities in public commons. In fact, at these courts, inquiry could be made into all offences under high treason, but capital offences were only inquirable and presentable here, and to be certified over to the Justices of Assize. (See Blackstone.)

(144.) See note 29, Vol. II., Appendix.

(145.) In the original it is written "ELDING."

(146.) "Danielis ad molendinum."

(147.) "Jordani Cissoris."

(148.) "Hamma prati,"—a strip of meadow, probably a detached piece—*quasi* a home-close.

(149.) "Bidentium,"—properly and literally "Two-Teeths," *i.e.* sheep of one year old,—“Hoggets,” as they are called in Kent, or “Hoggerels,” “Store Sheep.” We deem it best, however, to render it by the more general term “Sheep.”

(150.) Probably aid due to the Priory of St. Andrew, Rochester.

(151.) "Licencia maritandi." See Vol. II., Preface to Inquisitiones post mortem, p. 285.

(152.) "Averagium."—See note 18, Appendix, *supra*, Vol. II. p. 317.

(153.) The service of carrying the Lord's writs, due from some of the tenants.

(154.) In the original, "Magna Precaria." They were the day-works that tenants of manors were bound to give the Lord in harvest,—“Bind-days.”

(155.) *i.e.* Brenchley. Anciently the Church of Brenchley was a chapelry of Yalding.

(156.) "Maneretti."—We do not remember to have met with this word in any other instance. It is probably used as a diminutive of "Manerium," to signify a small dependent manor. We conjecture this to be Lukedale, a dependency upon Well in Ickham. It contained a chantry, which was alienated by Thomas de Garwinton, to the Hospital of St. John's, Northgate, Canterbury, 38 Ed. III.

The names of two of the jury, viz. Ralph de Garwinton, and Luke de Hecham (*i.e.* Ickham) corroborate the supposition that this "Manerett" is Lukedale.

(157.) ? de Lecton.

(158.) Apparently all these jurors were knights or tenants *in capite*, and some of them, it seems, held knights'-fees of the honour of Clare.

(159.) "Esperver," *i.e.* a Sparrow Hawk.

(160.) Tremworth,—a manor in Crundal.

(161.) *i.e.* Sifletone, a manor in Ditton.

(162.) *i.e.* Chekeswell, a manor in Brenchley.

(163.) We are unable to identify this manor with certainty.

(164.) *i.e.* Pembury.

(165.) *i.e.* Watchlingstone.

(166.) *i.e.* Littlefield.

(167.) "Fee Farm,"—see foot-note to "Pedes Finium," No. 136, *supra*.

(168.) "Predicta hundreda sibi attraxit."—There was a right belonging to some superior Lords, to take to themselves the services of the tenants of another Lord. This right was called "attractus," and to exercise it "attrahere." It was a fruitful source of litigation between the lords of manors. We will not however pronounce with certainty, that in the instance before us the Archbishop was exercising this right. It may have been merely the resumption by the Archbishop of his own Lordship of these hundreds.

(169.) *Sic* in the original,—“in Blen, in Natindon,”—probably for “in Blen and in Natindon,” *i. e.* Blean and Nackington.

(170.) Dodingdale, *alias* Morton, a manor in St. Mary Bredin, Canterbury.

(171.) Wigebereth.

(172.) *i. e.* Swanton, in Mereworth,—afterwards belonging to the Hospitallers.

(173.) *i. e.* Milton, near Canterbury.

(174.) Vielston, *alias* Filston, a manor in Shoreham.

(175.) It is “visū franci pleg̃ supra nominatu,”—apparently in the singular, but it must refer to all the instances specified under the clause “they say he had of view ;” at least, all that were not within his actual Lordship of Tunbridge.

(176.) Besides the manors and knights'-fees named in this Inquisition, we have from the same bundle, the record of the other manors and knights'-fees of this great Earl in other parts of England, viz. Northampton, Surrey, Sussex, Hertford, Essex, Suffolk, Norfolk, Gloucester, Somerset, Worcester, Buckingham, Oxford, Hereford, Cambridgeshire, Huntingdon, Dorset, Glamorgan.

|                    |   |          |
|--------------------|---|----------|
| Richard de Clare,  | = | Matilda. |
| Earl of Gloucester |   |          |
| <hr/>              |   |          |
| Gilbert de Clare.  |   |          |

