The Oxfordshire eyre roll of 1261

Jobson, Adrian Lindsay

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THE OXFORDSHIRE EYRE ROLL OF 1261

BY

Adrian Jobson

King's College, University of London

PhD

September 2005
ABSTRACT

This thesis concentrates on the visit of the itinerant justices to Oxfordshire in January 1261, an event that occurred at a crucial juncture in the crisis and civil war of 1258-67. The surviving eyre roll's contents provide a valuable insight into the reaction in the shires to the recent demise of the baronial council. The extent of the justices' enforcement of the baronial reforms is a fundamental issue addressed by this study. Evidence of the impact of the reforms and the subsequent civil war upon the profits of both the 1261 and 1267 visitations is examined against the background of a wider discussion concerning the revenue levels generated by all of Oxfordshire's eyres between 1218-85. How much support for the baronial regime existed amongst the county's knightly class is a question also considered by this study. Basing itself on the grand assize jurors of 1261, the chapter attempts to explore the reasons for a knight's choice of political allegiance.

The study examines the breadth of criminal business that fell within the eyre's jurisdiction before focusing on the efficiency of the county's law enforcement system in 1261. An analysis of the evidence for an increase in the levels of reported homicides in Oxfordshire between 1235 and 1285 is followed by a discussion on the effects of the Barons' War on the county's reported homicide rates. The thesis considers the various civil actions featuring in the 1261 roll before attempting to establish the social composition of those actively involved in litigation. There is also a comparative analysis of the civil pleas heard by the itinerant justices in 1241, 1261 and 1285 to determine whether there any significant trends in the types of actions can be identified. Finally, this thesis provides a full transcription and indexes of the contents of the roll itself.
# TABLE OF CONTENTS

## VOLUME ONE

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABBREVIATIONS</td>
<td>7</td>
</tr>
<tr>
<td>1. OXFORDSHIRE AND ITS EYRES</td>
<td>11</td>
</tr>
<tr>
<td>2. THE POLITICAL BACKGROUND TO THE OXFORDSHIRE EYRE OF 1261</td>
<td>27</td>
</tr>
<tr>
<td>2.1 The Justices of the Eyre</td>
<td>34</td>
</tr>
<tr>
<td>3. FINANCIAL PROCEEDS OF THE 1261 OXFORDSHIRE EYRE</td>
<td>38</td>
</tr>
<tr>
<td>4. CROWN PLEAS IN THE 1261 OXFORDSHIRE EYRE</td>
<td>60</td>
</tr>
<tr>
<td>4.1 Appeals</td>
<td>64</td>
</tr>
<tr>
<td>4.2 King's Rights</td>
<td>66</td>
</tr>
<tr>
<td>4.3 Misadventure</td>
<td>72</td>
</tr>
<tr>
<td>4.4 Statistical Reliability of the 1261 Roll</td>
<td>77</td>
</tr>
<tr>
<td>4.5 Homicide</td>
<td>82</td>
</tr>
<tr>
<td>4.6 Theft</td>
<td>90</td>
</tr>
<tr>
<td>4.7 Robbery</td>
<td>94</td>
</tr>
<tr>
<td>4.8 Wounding</td>
<td>95</td>
</tr>
<tr>
<td>4.9 Rape and Arson</td>
<td>96</td>
</tr>
<tr>
<td>4.10 Law Enforcement in Oxfordshire</td>
<td>97</td>
</tr>
<tr>
<td>4.11 Homicide Rates within Oxfordshire</td>
<td>103</td>
</tr>
<tr>
<td>5. CIVIL PLEAS IN THE 1261 OXFORDSHIRE EYRE</td>
<td>120</td>
</tr>
<tr>
<td>5.1 Novel Disseisin</td>
<td>122</td>
</tr>
<tr>
<td>5.2 Mort d'ancestor</td>
<td>124</td>
</tr>
<tr>
<td>5.3 Right of Land</td>
<td>127</td>
</tr>
<tr>
<td>5.4 Entry</td>
<td>130</td>
</tr>
<tr>
<td>5.5 Dower</td>
<td>132</td>
</tr>
<tr>
<td>5.6 <em>Utrum</em></td>
<td>134</td>
</tr>
</tbody>
</table>
5.7 Pleas of Land 135
5.8 Others 136
5.9 Final Conords 138
5.10 Foreign Pleas 140
5.11 Attorneys 141
5.12 The Oxfordshire Litigants 143
5.13 Pleadings in the 1241 and 1284 Oxfordshire visitations: a comparison 149

6. OXFORDSHIRE DURING THE BARONS’ WAR, 1258-67 158

7. DESCRIPTION AND HISTORY OF THE 1261 OXFORDSHIRE EYRE ROLL 211

BIBLIOGRAPHY 218

VOLUME TWO

THE TEXT

EDITORIAL NOTE 233

CIVIL PLEAS OF THE 1261 OXFORDSHIRE EYRE 235

ESSOINS 380

ATTORNEYS 382

CROWN PLEAS OF THE OXFORDSHIRE EYRE 393

JURY KALENDAR 508

FOREIGN PLEAS 515

VOLUME THREE

INDEX OF PERSONS AND PLACES 520

INDEX OF PLEAS 644

INDEX OF SUBJECTS 689
MAPS

Geographical Distribution of the Grand Assize Knights in the Iffley Jury Panel 166

Geographical Distribution of the Grand Assize Knights in the Lyneham Jury Panel 168

Geographical Distribution of the Contrariant, Loyalist and ‘Unrecorded’ knights in Oxfordshire 190

TABLES

1.1 The Lords of Oxfordshire’s Hundreds 17
1.2 The Sheriffs of Oxfordshire, 1254-67 19
1.3 The Oxfordshire Eyres and their Justices, 1194-1285 23
3.1 Individual Debts from the Oxfordshire Eyre entered on the 1261 Pipe Roll 43
3.2 Annual Payments for the Oxfordshire Eyre at the Exchequer, 1261-70 46
3.3 Issues for Berkshire and Oxfordshire Eyres, 1218-85 53
3.4 The Oxfordshire and Berkshire Eyres: Issues accounted for between 1218-85 56
4.1 A List of those Articles that can be identified for the 1261 Oxfordshire Eyre 60
4.2 Crimes Alleged by Appeal 65
4.3 Chart illustrating how Crown Pleas were brought into the Eyre 79
4.4 A Table illustrating the Felonies during the 1261 Oxfordshire Eyre 83
4.5 Chart illustrating the Sexual Identity of Felons 84
4.6 Murderers’ Chattels 87
4.7 The Overall Levels of Crime in Oxfordshire, 1241-85 107
4.8 Oxfordshire’s Homicide Rates, 1235 to 1285 108
4.9 Annual Homicide Rate of Sample Counties 109
4.10 Oxfordshire Hundredal Homicide Rates, 1235 to 1285

5.1 The Frequency of Civil Pleas in the 1261 Oxfordshire Eyre

5.2 The Frequency of Foreign Pleas in the 1261 Eyre

5.3 The Size of the Holdings in Dispute in 1261

5.4 Size of Rents Claimed in Litigation in 1261

5.5 The Frequency of Civil Pleas in the 1241 Oxfordshire Eyre

5.6 The Frequency of Civil Pleas in the 1261 Oxfordshire Eyre

5.7 The Frequency of Civil Pleas in the 1284 Oxfordshire Eyre

6.1 The Geographical Distribution of the Grand Assize Knights in the Iffley panel

6.2 The Geographical Distribution of the Grand Assize Knights in the Lyneham panel

6.3 The Geographical Distribution of the Grand Assize Knights of the 1261 Oxfordshire Eyre

6.4 The Grand Assize Jurors of Oxfordshire and their Chief Manors

6.5 The Political Allegiances of the Grand Assize Jurors of Oxfordshire
ABBREVIATIONS

Ann. Mon.: Annales Monastici, ed. H.R. Luard, 5 vols (Rolls Series, 1864-9)
BIHR: Bulletin of the Institute of Historical Research
CChR: Calendar of the Charter Rolls, 1226-1326 (1903-8)
Chronica Majora: Matthaei Parisiensis, Monachi Sancti Albani, Chronica Majora, ed. H.R. Luard, 7 vols (Rolls Series, 1872-83)
CIPM: Calendar of Inquisitions Post Mortem, Henry III-Edward I (1904-13)
Clanchy, Wiltshire Civil Pleas: Civil Pleas of the Wiltshire Eyre, 1249, ed. M.T.
Clanchy (Wiltshire Record Society, xxvi, 1971)

Clanchy, 1248 Berkshire Eyre
The Roll and Writ File of the Berkshire Eyre of
1248, ed. M.T. Clanchy (Seldon Society, xc, 1973)

CLR
Calendar of the Liberate Rolls, 1226-72 (1917-64)

Cooper, Oxfordshire Eyre, 1241
J. Cooper, The Oxfordshire Eyre, 1241 (ORS, lvi, 1989)

CPR
Calendar of Patent Rolls, 1226-1307 (1893-1913)

CR
Calendar of Close Rolls, 1227-1307 (1902-38)

Crook, 1235 Surrey Eyre
The 1235 Surrey Eyre, ed. C.A.F. Meekings and D. Crook, 2
vols (Surrey Record Society, xxxi-ii, 1979-83)

Crook, Records
D. Crook, Records of the General Eyre (London, 1982)

CRR
Curia Regis Rolls Preserved in the Public Record Office,
Richard I – (1922-, in progress)

DBM
Documents of the Baronial Movement of Reform and
Rebellion, 1258-1267, ed. R.F. Treharne and I.J. Sanders
(Oxford, 1973)

EHR
English Historical Review

FoF
The Feet of Fines for Oxfordshire, 1195-1291, ed. H.E.
Salter (ORS, xii, 1930)

Flores Historiarum
Flores Historiarum, ed. H.R. Luard, 3 vols (Rolls Series,
1890)
Given, *Homicide and Society*  

*Glanvill*  

*Harding, Law Courts*  

*Harding, 1256 Shropshire Eyre*  
The *Roll of the Shropshire Eyre of 1256*, ed. A. Harding (Seldon Society, xcvi, 1981)

*HEL*  

*HMSO*  
Her Majesty's Stationery Office

*Maddicott, Simon de Montfort*  

*Meekings, Wiltshire Crown Pleas*  
The *Crown Pleas of the Wiltshire Eyre, 1249*, ed. C.A.F. Meekings (Wiltshire Archaeological and Natural History Society, Records Branch, xvi, 1949)

*OHS*  
Oxford Historical Society

*ORS*  
Oxford Record Society

*PRO*  
Public Record Office

*Rec. Comm.*  
Record Commissioners

*Rot. Hund.*  
*Rotuli Hundredorum*, ed. W. Illingworth, 2 vols (Record Commissioners, 1812-8)

*Soc.*  
Society

*TRHS*  
*Transactions of the Royal Historical Society*

*VCH Oxon*  
The *Victoria County History of the County of Oxfordshire*, eds. L.F. Salzman et al., 13 vols (London, 1939-96)

*Wykes*  
*Chronicon vulgo dictum Chronicon Thomae Wykes, 1066-1289, Ann. Mon.*, iv

All manuscripts are at The National Archives, and are identified by the call number in use there. References to entries on the 1261 Oxfordshire eyre roll are rendered in bold in the footnotes.
Chapter One

Oxfordshire and its Eyres

Situated in the southern Midlands, Oxfordshire was an artificial county whose borders were shaped by both geographical and political considerations. Running across the north of the shire were the limestone hills that originated in Gloucestershire as the Cotswolds. Further south lay the Oxford Plain, a swathe of low lying countryside stretching from Burford to Thame. Mainly consisting of fertile arable fields and water meadows, it was divided by the Oxford Heights, a modest range of hills running from Oxford to Wheatley. Rising abruptly in the south-east were the Chilterns, a range of chalk hills that extended from Buckinghamshire to Berkshire. Oxfordshire's landscape was also heavily influenced by its role as the drainage basin for the Upper Thames region. Acting as a natural boundary with Berkshire, the Thames flowed along the southern edge of the county. Tributaries such as the Evenlode and Windrush dissected the lowlands and determined settlement patterns. Forests covered much of central Oxfordshire. Wychwood forest lay to the north-west of Oxford. Extending across three hundreds, this belt included the smaller forests of Cornbury and Woodstock. Smaller belts of woodland were found in the shire. Just north of Oxford was Stowford while to the east lay Shotover. Further woodlands were found on the slopes of the Chilterns. Although the county was mostly rural, there were the beginnings of urbanisation.

1 J. Blair, Anglo-Saxon Oxfordshire (Stroud, 1994), xi.
Oxford had grown into a large town by the mid-thirteenth century although its exact size is difficult to quantify. In 1086, the Domesday Book recorded that in 1066 the borough and its suburbs contained 1032 tenements. Oxford subsequently went through a phase of intensive building. New tenements were established to the north of the town along St. Giles Street. Westwards, a new suburb was being developed in St Thomas’s parish. This number had expanded substantially by the time of the 1279 hundred survey. Indeed, development was such that it has been suggested that Oxford consisted of some 1,400 tenements by 1279. Oxford had experienced rising prosperity during the thirteenth century although this was beginning to decline by the 1260s. The many trades being practiced in the borough were responsible for the town’s affluence. Weavers and corvisers had established guilds in Oxford by 1130. Prominent merchants such as John of Coleshill and Nicholas of Kingston imported wine. There is also widespread evidence for other trades including metalworking, shoe making and fulling. Oxford had twice-weekly markets where agricultural produce from the surrounding countryside was bought and sold. An annual fair held on the eve and feast of St Frideswide and the five following

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days attracted merchants from both England and the continent. By the mid-twelfth century, a thriving Jewish community had been founded in St Aldates parish. Despite the crippling financial exactions of the Crown, there were still thirty-seven Jews actively engaged in usury in 1262. Supplying the needs of the academic community was fast becoming the most important element of the town’s economy. There were, however, tensions in the relationship between the city and the university. In February 1264, there were serious disturbances between the students and citizens, a situation exacerbated by the arrival of king’s army in March 1264. Consequently, the university was ordered to disperse and some of the students moved to Northampton. The establishment of a rival university at Northampton posed a serious challenge to Oxford’s schools, a threat that was only removed when the Montfortian council authorized the closure of the fledging university in February 1265.

Oxford was not the only town to enjoy the status of a borough in the shire. Banbury was the most important of these smaller boroughs. Situated in the north of the shire near the Northamptonshire border, it had grown wealthy on the profits of the wool trade. Thame in south-eastern Oxfordshire was recorded in the 1279 hundred rolls as a borough. Burford lay in the west of the shire. Sited on the banks of the Windrush, the town’s High Street served as the market place for woollen cloth woven in the Cotswolds.

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12 The Cartulary of the Monastery of St. Frideswide, ed. S.R. Wigram, 2 vols (OHS, xxviii, xxxi, 1894-6), i. 51-2; CR 1227-31, 26; CR 1234-7, 24; CR 1259-61, 59.
13 C. Roth, The Jews of Medieval Oxford (OHS, n.s. ix, 1951), 1-3, 195. Although it is likely that Jews had settled in Oxford soon after the Conquest, the first definite evidence dates from the civil wars of Stephen’s reign.
16 VCH Oxon, x. 6.
17 Rot. Hund., ii. 37; JUST 1/701 m.26d.
Deddington, the fourth borough, lay in the north of Wootton hundred. Suffering economically from its close proximity to Banbury, most of its trade was based on agricultural produce.\(^{19}\) Many other smaller towns lay within the shire. Some were recently planned settlements. Witney and Woodstock were both founded in the twelfth century.\(^ {20}\) Most were, however, of more ancient foundation. The Anglo-Saxons had settled Bicester, near the Roman settlement at Alcester. Dorchester was a town of Roman origin that later became an Episcopal see.\(^ {21}\)

Outside of the towns, the county was dominated by a comparatively large number of medium sized estates rather than by a few powerful lords. Since the twelfth century, the leading family had been that of d’Oilly. Upon the death of Henry d’Oilly in 1232, the control of his honour passed to Margery, Countess of Warwick.\(^ {22}\) Upon her marriage in 1242, the honour passed to her Poitevin husband, John de Plessis, who managed to secure it in hereditary right.\(^ {23}\) After John’s death in 1263, the honour descended to his son Hugh.\(^ {24}\) By the mid-thirteenth century, however, other individuals were exercising lordship in the county. The most powerful of these was Richard of Cornwall, who was the Henry III’s younger brother. He held the manor of Beckley, which lay just to the north-east of Oxford, in desmesne. But the core of Richard’s influence in the county was based on his control of the honours of Wallingford and St Valery. Concentrated in the south-eastern

\(^ {19}\) \textit{VCH Oxon}, xi. 84.
\(^ {20}\) Blair, \textit{Anglo-Saxon Oxfordshire}, 179.
\(^ {22}\) \textit{VCH Oxon}, v. 10.
\(^ {24}\) \textit{CIPM}, i. no. 558.
corner of Oxfordshire, they had maintained their territorial integrity. Wallingford itself consisted of ninety-three and a half and six parts knight’s fees while St. Valery totalled twenty-three and a half. This meant that many of Oxfordshire’s gentry were Richard’s tenants, a position that allowed him to assume the dominant role in the southern half of the shire. Henry III himself held the manor of Woodstock in central Oxfordshire. A favourite hunting lodge, he invested heavily in the improvement of its buildings and gardens during the 1250s. Other magnates were likewise endowed with property in the shire. William de Valence, the king’s Lusignan half brother, had been granted the hundred of Bampton in 1249. Baldwin de Redvers, the earl of Devon, was the lord of Fifield in Ploughley hundred. Simon de Montfort held the manor of Long Crendon, situated near Thame on the Buckinghamshire side of the border, by virtue of the dower of his wife Eleanor. The earls of Gloucester possessed a substantial number of holdings in the shire, and in particular the borough of Burford and the hundred of Chadlington had passed to Gilbert de Clare upon the death of his father Richard in 1262. This landed inheritance allowed Gilbert, who was to play a leading role in the political events of 1263-1267, to exercise some influence in the north-west of the county. Yet with the possible exception of Richard of Cornwall, however, these magnates were insufficiently endowed to dominate the county effectively.

25 CR 1227-31, 258; CPR 1225-32, 313, 434. See also The Boarstall Cartulary, ed. H.E. Salter (OHS, lxxxviii, 1930), 296-302; The Book of Fees, Commonly called Testa de Nevill, 3 vols (HMSO, 1920-31), ii. 450.
27 CPR 1247-58, 35.
28 The Book of Fees, ii. 839. Churchill and Rotherfield Hays also were part of his estates.
29 CPR 1232-47, 125; Maddicott, Simon de Montfort, 49-50. Eleanor held the manor as dower from her former marriage to William Marshal.
30 CIPM, i. no. 530.
Below the more prominent magnates was a grouping that consisted of minor baronial and major knightly families whose outlook extended beyond the county’s borders. These families included the fitz Nigels of Iffley. Their Oxfordshire holdings included two and a half knight’s fees in Iffley and Salden although they held further properties in Surrey and Buckinghamshire.\textsuperscript{31} Robert fitz Nigel was killed at Evesham in August 1265 as was his neighbour, Roger de St John. Roger’s Oxfordshire lands included the manors of Stanton St John and Great Barton in the north of the county. The St John family also held further lands in Berkshire and Surrey.\textsuperscript{32} Lying less than five miles away was Garsington, a manor held by Adam le Despenser. A future Montfortian, he had further interests outside the county, including Leckhampton in Gloucestershire.\textsuperscript{33} Osbert Giffard, the cousin of John Giffard of Brimpsfield, held the castle of Deddington as well as numerous properties scattered across Oxfordshire, Buckinghamshire, Wiltshire and Dorset. The number of monastic institutions that held property within the county further complicated Oxfordshire’s pattern of lordship. The majority of these religious houses were of modest wealth. There were three, however, of more than local influence. Thame Abbey’s lands were mainly centred in the east of the county. Similarly, those held by Osney were centred upon the abbey itself although it had other properties elsewhere in the county.\textsuperscript{34} The third was Eynesham Abbey. Situated in Wootton hundred, its estates included the manors of Shiffard and Charlbury.\textsuperscript{35} Oxfordshire itself lay within the diocese of Lincoln. Consequently, the bishop of Lincoln was the most influential ecclesiastic and was lord of

\footnotesize{\textsuperscript{31} Ibid., no. 247; Excerpta e Rotulis Finum in Turri Londinensi asservatis Henrico Tertio Rege, A.D. 1216-1272, ed. C. Roberts, 2 vols (Rec. Comm., 1835-36), ii. 139.\
\textsuperscript{32} CP 25/1/225/5; CP 25/1/226/13; CIM, no. 904. See also The Complete Peerage of England, Scotland, Ireland, Great Britain and the United Kingdom, ed. G.E.C. Cokayne, 14 vols (London, 1929), xi, 348.\
\textsuperscript{33} CIPM, iii. nos. 249-50.\
\textsuperscript{34} Cartulary of Osney Abbey, ed. H.E. Salter, 6 vols (ORS, lxxxix-ci, 1929-36), passim.\
\textsuperscript{35} Domesday Book, fol. 166.}
the hundreds of Banbury and Dorchester. Oxfordshire was, therefore, an area of fractured lordships where the core of local aristocratic society remained the knightly or gentry families.

The Lords of Oxfordshire’s Hundreds

<table>
<thead>
<tr>
<th>Hundred</th>
<th>Lord</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bampton</td>
<td>William de Valence</td>
</tr>
<tr>
<td>Banbury</td>
<td>Bishop of Lincoln</td>
</tr>
<tr>
<td>Binfield</td>
<td>Richard, earl of Cornwall</td>
</tr>
<tr>
<td>Bloxham</td>
<td>Almaric de St Amand</td>
</tr>
<tr>
<td>Bullingdon</td>
<td>John de Plessis, earl of Warwick</td>
</tr>
<tr>
<td>Chadlington</td>
<td>Richard, earl of Gloucester</td>
</tr>
<tr>
<td>Dorchester</td>
<td>Bishop of Lincoln</td>
</tr>
<tr>
<td>Ewelme</td>
<td>Richard, earl of Cornwall</td>
</tr>
<tr>
<td>Langtree</td>
<td>Richard, earl of Cornwall</td>
</tr>
<tr>
<td>Lewknor</td>
<td>Richard, earl of Cornwall</td>
</tr>
<tr>
<td>Pyrton</td>
<td>Richard, earl of Cornwall</td>
</tr>
<tr>
<td>Ploughley</td>
<td>King</td>
</tr>
<tr>
<td>Thame</td>
<td>Bishop of Lincoln</td>
</tr>
<tr>
<td>Wootton</td>
<td>King</td>
</tr>
</tbody>
</table>

Table 1.1

37 Oxfordshire’s knightly families will be discussed in Chapter Six below.
38 The 1261 Oxfordshire eyre roll refers to the hundred as the half hundred of Ewelme.
Oxfordshire was subdivided into a series of administrative districts known as hundreds. They were each theoretically comprised of a hundred hides. Geographically, however, their size did vary greatly: hundreds in the north-west tended to be larger compared with those in the south-east of the shire. 39 When the Domesday Book was compiled in 1086, there were twenty-two such hundreds. 40 A gradual process of amalgamation later ensued and, by thirteenth century, the number of hundreds had been reduced to just fourteen. 41 These had originally been held directly by the crown. Yet the hundred commissioners of 1279 found that only two remained under royal control. 42 The remainder had passed into the hands of individual lords. The preceding table lists all of Oxfordshire’s hundreds and their respective lords in 1261. The rights that a lord could exercise within his hundred varied greatly.

Banbury hundred was held by the bishop of Lincoln. As its lord, he was entitled to return of writs, view of frankpledge and all the sheriff’s pleas. 43 In the hundred of Binfield, the earl of Cornwall enjoyed rights such as the assize of cloth. 44 On 7 Oct 1250, Henry III made a speech to the assembled sheriffs at the exchequer that included a warning to them against ‘making return of writs to anyone without warrant’. This order ensured that the return of writs was most ‘essential privilege’ because it entitled the liberty-holder to exclude the sheriff ‘and to execute royal writs through their own bailiffs’. 45

Overall control of local royal government still remained the responsibility of the sheriff. At times of war, the sheriff was responsible for the summoning of the feudal host.

39 For example, Chadlington and Ewelme respectively.
40 Darby and Campbell, The Domesday Geography of South-East England, 190-1; Blair, Anglo-Saxon Oxfordshire, 108-9.
41 Cam, Hundred Rolls, 276-7.
42 Wootton and Ploughley.
43 Rot. Hund., ii. 705.
44 Ibid., 33.
Answerable for the shrieval revenues, he would account for them annually at the Exchequer. The sheriff likewise had a judicial role and presided at the county court. \(^{46}\) Twice yearly he would hold the sheriff's tour, circuiting the shire recording presentable offences and taking view of frankpledge in all districts except in those hundreds with return of writs. \(^{47}\) The sheriff also executed all writs connected with common law procedures, so he assembled the juries, summoned litigants to appear in court and executed any verdicts that were delivered by the justices. \(^{48}\) Until the end of John's reign, the sheriff had been an office of great influence. \(^{49}\) Great royal ministers were often appointed to the post. William Brewer, who was a *familiaris* of King John and second only in importance to the chancellor

**The Sheriffs of Oxfordshire, 1254-67**

<table>
<thead>
<tr>
<th>Name of Sheriff</th>
<th>Date of Appointment</th>
</tr>
</thead>
<tbody>
<tr>
<td>John de Turberville</td>
<td>8 May 1254</td>
</tr>
<tr>
<td>Nicholas of Hendred</td>
<td>19 November 1254</td>
</tr>
<tr>
<td>Peter Foliot</td>
<td>3 November 1258</td>
</tr>
<tr>
<td>Walter de la Rivere</td>
<td>Michaelmas 1259</td>
</tr>
<tr>
<td>Philip Basset</td>
<td>18 October 1261</td>
</tr>
<tr>
<td>Fulk of Rycote</td>
<td>Michaelmas 1262</td>
</tr>
<tr>
<td>John de St Valery</td>
<td>22 June 1264</td>
</tr>
<tr>
<td>Nicholas de Sifrewast</td>
<td>19 September 1265</td>
</tr>
<tr>
<td>Sampson Foliot</td>
<td>23 November 1267</td>
</tr>
</tbody>
</table>

**Table 1.2**


\(^{47}\) *Ibid.*; Cam, *Hundred Rolls*, 118.

\(^{48}\) W.A. Morris, *The Medieval Sheriff to 1300* (Manchester, 1927), 146, 192, 200-3.

and justiciar prominent members of local knightly society. Oxfordshire was no exception to this general trend. Nine men held office between 1254 and 1267, the names of whom are listed in Table 1.2. Of these, only Philip Basset enjoyed national prominence. Endowed with extensive estates, he was appointed Justiciar of England on 24 April 1261. Basset’s appointment was, however, due to the exceptional circumstances of 1261 when the king, struggling to overthrow the Provisions of Westminster, placed many sheriffdoms under curiales. Consequently, the remainder of Oxfordshire’s sheriffs were active members of local knightly society. John de St Valery was a typical example. Descended from a junior branch of an old baronial family, his estates included the manor of Barford St John in Wootton hundred. Not all the sheriffs originated from Oxfordshire: from 1248 the shire was administered jointly with Berkshire. John de Turberville acquired the custody of both counties on 8 May 1254. A scion of an established Berkshire family, his holdings was centred upon a half knight’s fee in Catmore. Of similar standing was Nicholas de Sifrewast, whose term of office began in the turbulent aftermath of the Montfortian defeat at Evesham. Based primarily in Berkshire, his estates included the manors of Hampstead Norris and Purley. Nicholas also held a small amount of property in Oxfordshire. In 1258,

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51 PRO List and Indexes IX, 107.
52 CPR 1258-66, 165, 172; Flores Historiarum, ii. 470.
54 CIM, no. 854.
55 PRO List and Indexes IX. Except for the period November 1258 to Michaelmas 1259, when separate sheriffs were appointed.
56 CR 1253-4, 58.
57 Book of Fees, ii. 844, 847 and 853.
58 CPR 1258-66, 454.
he had obtained possession of a knight’s fee in Wendlebury. Under the sheriff were a host of officials, the most significant being the coroner.

Established in 1194, local knights usually held the office of coroner. Its duties were mainly of a judicial nature. The coroner had to view and hold an inquest on all bodies where the death was sudden or the circumstances suspicious as well as hearing abjurations made by a felon in sanctuary. Other miscellaneous duties included hearing the appeals of approvers and attendance at the county court. Four individuals had held this office since the previous visitation in 1252. These were Richard Foliot, Ralph de Aundely, Fulk of Rycote and William of Hardwick. All four were prominent Oxfordshire knights. Aundely held the manor of Hardwick in the north-east of the shire. Fulk’s estates were centred on the manor of Rycote near Thame. A future sheriff, he would also serve as Edmund of Cornwall’s seneschal. While the coroner’s authority covered the whole shire, his authority did not extend to the borough of Oxford.

Oxford’s governmental structure had become firmly established during the thirteenth century. The mayor exercised overall control within the borough. Under him were two bailiffs and four aldermen, who were assisted in their duties by eight burgesses. Elected annually, the officers were usually drawn from a small urban elite of wealthy merchants who held civic office several times. Adam Feteplace was a typical example.

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60 FoF, 178, no. 16.
62 Ibid., 9, 42-3.
63 Ibid., 1, 68-74.
64 451.
65 CIM, no. 855.
Amongst Oxford's richest burgesses, his mayoralty covered much of the 1250s. Despite complaints made against his conduct, he was serving as mayor when the itinerant justices visited the borough in 1261. Nicholas of Kingston's career displayed a similar longevity. Elected mayor in 1262, he had acted as Oxford's bailiff during the 1250s. When the itinerant justices arrived in Oxford in January 1261, the city's bailiffs were two prominent merchants, Geoffrey the Goldsmith and Richard son of Nicholas. Although this was Richard's first term of office, Geoffrey had some administrative experience having acted in this capacity in 1249. Operating alongside the borough's officials were two coroners. Three men had served in this capacity since the previous visitation in 1252. Of these, Thomas le Spicer and Geoffrey le Mercer were still in office in 1261. Although undertaking the same duties as those for the county, their jurisdiction was confined solely within the walls of Oxford and the adjacent Northgate hundred. Sometimes, however, the lord of Headington would appoint separate coroners for the hundred. Thus Alan Dudling and Hervey son of Miles were recorded on the 1261 roll as 'coroners outside Oxford's walls'. Only one bailiff was normally elected for Oxford's environs, William le Irreys being the incumbent postholder in 1261.

Oxfordshire had been subject to regular visitations by the justices in eyre since the

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69 Snappe's Formulary, 270-80; 'Survey of the Antiquities of Oxford', iii. 10.
70 Ibid., 10-1; VCH Oxon, iv. 67.
71 835.
72 'Survey of the Antiquities of Oxford', iii. 10-1.
73 835 and 889. Thomas son of Walter had been coroner prior to Mercer's appointment.
74 H.M. Cam, 'The Hundred Outside the North Gate of Oxford', Oxoniensia i (1936), 115-9, 123. The hundred was also described as the suburb of Oxford.
75 Ibid., 123-4; Hunnisett, Medieval Coroner, 141.
76 891.
<table>
<thead>
<tr>
<th>Date of visitation</th>
<th>Justices</th>
</tr>
</thead>
<tbody>
<tr>
<td>23 September 1194</td>
<td>William St Mary Church, Robert Abbot of Malmesbury, Richard Herriard, Master Thomas Hurstbourne, Ralph Arden, Master John Bridport and Gervase Newbury</td>
</tr>
<tr>
<td>1202/3 Date unknown</td>
<td>William Cantelupe, Simon Pattishall, Henry Northampton and Richard Seething</td>
</tr>
<tr>
<td>7 March onwards and 21 April onwards, 1227</td>
<td>Stephen Seagrave, Ralph Musard, William son of Warin, Walter Beachamp and Walter Poor</td>
</tr>
<tr>
<td>14 April - 3 May, 1241</td>
<td>William of York, Henry of Bath, Roger de Thurkleby and Gilbert of Preston</td>
</tr>
<tr>
<td>10-12 May, 27 May - 16 June 1247</td>
<td>Roger de Thurkleby, Gilbert of Preston, Master Simon of Walton and John of Cobham</td>
</tr>
<tr>
<td>6-29 October, 1 December 1252</td>
<td>Gilbert of Preston, Master Simon of Walton, Henry Colvill and Simon Thrupp</td>
</tr>
<tr>
<td>14 January - 3 February, 9 March, 1261</td>
<td>Gilbert of Preston, Martin of Littlebury and Geoffrey of Lewknor</td>
</tr>
<tr>
<td>30 June - 22 July, 30 September - 6 October, 1268</td>
<td>Richard Middleton, Adam Grevill, Roger Missenden, and Thomas Trivet</td>
</tr>
<tr>
<td>14 January - 18 February, 20 February, 1285</td>
<td>Solomon Rochester, Richard Boyland, Roger Loveday, Robert Fulks and Geoffrey Pichford</td>
</tr>
</tbody>
</table>

Table 1.3
late twelfth century. The preceding table (1.3) lists both the names of those who served as itinerant justices and the dates of their visitations.\textsuperscript{77} There is unfortunately no surviving evidence for the county having been visited prior to the accession of Richard I in 1189. Consequently, the earliest recorded visitation by the itinerant justices occurred in 1194. Although there is very little surviving evidence, a lone final concord verifies its occurrence.\textsuperscript{78} Originally held every few years, the eyre’s sessions gradually became regularised at seven-yearly intervals.\textsuperscript{79} There was an exception to this rule: there was a gap of fourteen years between the 1268 and 1285 visitations. Oxfordshire was visited eleven times in total by the itinerant justices.\textsuperscript{80} The 1285 visitation proved to be its last. Just nine years later, overburdened with an ever-increasing amount of business, Edward I permanently suspended the general eyre.\textsuperscript{81} Inevitably, such long intervals between eyres meant that a county’s gaols were quickly filled to capacity. To remedy this situation, justices of gaol delivery were often commissioned to empty a specified prison and determine the guilt of those who had been incarcerated. Moreover, between each eyre various groups of assize justices were commissioned to determine petty and other assizes.\textsuperscript{82}

Nevertheless, the most important element of the thirteenth century judicial system remained the general eyre. From its inception, the eyre was a royal court that moved...

\textsuperscript{78} The Cartulary of Cirencester Abbey, ed. C.D. Ross and M. Devine, 3 vols (Oxford, 1964-77), i. no. 185/881.
\textsuperscript{79} Crook, \textit{1235 Surrey Eyre}, 5. See also Table 1.3.
\textsuperscript{80} Oxfordshire was also visited by a special eyre in 1259-60. Emanating from the implementation of the baronial plan for reform, it was intended to redress specific grievances. See DBM, 150-1, 158-65; Treharne, \textit{Baronial Plan}, 165, 185-9, 196-204.
around the country dispensing justice in the shires. Following the promulgation of the Assize of Clarendon in 1166, the eyre had quickly developed into a permanent feature of law enforcement. Counties had been grouped together to form circuits, each of which was visited by a panel of commissioned justices. These justices were, by the mid-thirteenth century, mainly drawn from the central court at Westminster, the common bench. William of York was a typical example. Appointed a bench justice in 1231, he had gone on eyre in both 1235 and 1241. His experience was such that in November 1241 he became the senior justice in the court coram rege. The general eyre had extensive powers, enjoying perhaps the widest jurisdiction of any contemporary English court as its judges were justices for all pleas. This meant that its justices were authorised to determine any plea of jury and assize, which are otherwise known collectively as civil pleas. The eyre's jurisdiction also extended to crown pleas. Criminal business comprised the bulk of these but they also included a wide range of miscellaneous inquiries, focused mainly upon the rights of the crown. The details of these inquiries were listed in the set of instructions or articles drawn up at the start of each eyre, written answers to which were prepared by the presentment juries of each hundred. These answers would be grouped together with any criminal business from the presenting hundred, in order of which the crown pleas would be enrolled on the plea roll. Until 1249, the bench would be suspended for the duration of the visitation. Although the practice of suspension ceased, the adjournment of any cases pending there for hearing in the eyre did continue. Eyres had

83 Harding, Law Courts, 53-4, 64.
84 Cooper, Oxfordshire Eyre, 1241, xi.
85 Brand, MCL, 137-8; CRR 21 to 26 Henry III, xxiii-xxv.
86 Brand, MCL, 137; Meekings, Wiltshire Crown Pleas, 2.
87 Ibid., 27-33: Clanchy, Wiltshire Civil Pleas, 2. A more detailed exposition of this process can be found below in Chapter Four, 62-3.
88 Ibid., 11.
been a regular feature of Oxfordshire life since at least 1194. Endowed with wide ranging powers, the eyre was an important component of thirteenth century law enforcement. The 1261 visitation and its position within the general political situation will be the subject of the following chapter.
Chapter Two

The Political Background to the Oxfordshire Eyre of 1261

On 24 November 1260, when the writs were issued for the commencement of the eighth general eyre of Henry III's reign, the country was experiencing a period of acute political tension. Just two and a half years earlier, Henry had been forced to accept his barons' demands for reform. These demands emanated from the king's patronage of his Poitevin relatives, the ill-conceived Sicilian Business and his alleged breaches of Magna Carta. On 2 May 1258, a committee of twenty-four was instituted to implement the reformist programme. During the June parliament of that year, a framework for reform was promulgated in the Provisions of Oxford. Amongst its reforms was the establishment of a council of fifteen who would appoint and oversee royal ministers. It would also control the king's seal and thus in effect the government of the realm. Hugh Bigod was appointed to the newly revived justiciarship and sheriffs were to be salaried local landowners and knights. Almost immediately, a 'special' eyre, presided over by Bigod, was commissioned to hear all complaints of abuses against sheriffs and bailiffs in the shires. On 24 October 1259, the Provisions of Westminster were issued. These primarily concerned legal and administrative reforms, some of which were to have an impact upon the business dealt with by the itinerant justices. The controversial practise of imposing

1 CR 1259-61, 451; Crook, Records, 126-8.
3 DBM, 97-113; Maddicott, Simon de Montfort, 156-60.
4 DBM, 106-9.
murdrum fines in cases of accidental death, for example, was abolished under the terms of the provisions.\textsuperscript{6} Another reform was the prohibition of beaupleder fines being imposed by the itinerant justices and other specified courts. Villages were also no longer to be amerced for not 'fully' attending an inquest conducted by either the coroner or the sheriff, provided that a sufficient number of inhabitants had been present.\textsuperscript{7} In November 1259, the council commissioned a second 'special' eyre that was to redress grievances and enforce the Provisions. An individual could make a verbal complaint (querela) rather than having to obtain a writ, a practise that differed markedly from that followed in a conventional eyre. This followed the blueprint established by Bigod's earlier visitation although this time it was decided to employ experienced justices to speed up its deliberations.\textsuperscript{8}

Unsurprisingly, Henry III resented these constraints upon his authority. Over the following year, he worked to free himself from the provisions. On 5 June 1260, the king commanded the postponement of the special eyre. By late 1260, Henry had managed to escape from the control of the baronial council. Amongst its last acts was the commissioning on the 24 November of a new visitation of the traditional pattern without any special remit to hear complaints.\textsuperscript{9} On 11 January 1261, Henry accepted Louis\textsuperscript{\textdagger} of France's offer to arbitrate on the dispute concerning Eleanor de Montfort's dower. Nine days later the king cancelled, on his own authority, an earlier instruction commissioning an investigation into a claim between Roger de Mortimer and Henry.\textsuperscript{10} In late January John Mansel had left for Rome on his mission to obtain papal absolution from Henry's oath to

\textsuperscript{7} Ibid., 87-90, 132; DBM, 146-7, 148-9 clauses 5 and 21.
\textsuperscript{8} Ibid., 148-9, 158-65; Treharne, Baronial Plan, 185-9.
\textsuperscript{9} CR 1259-61, 451, 474; Maddicott, Simon de Montfort, 202, 204.
\textsuperscript{10} CPR 1258-66, 136, 181. Queen Margaret and Peter le Chamberlain were to be the other two arbitrators.
the Provisions. On 8 February, Henry moved from Windsor to the Tower. On the following day summoned twenty-seven barons to come armed to the forthcoming Candlemas parliament, during which assemblage Henry was to make a speech enunciating some of his grievances against the council.11

Thus at the beginning of January, the country was at a political crossroads. On one hand, it was possible that Henry’s subjects would acquiesce in his resumption of unfettered power. On the other, England could descend into a state of civil war. It was at this crucial juncture that the itinerant justices began proceedings at Oxford. Just how far the county or the justices themselves were aware of the political developments elsewhere, it is difficult to ascertain. Evidence from the roll itself, however, suggests that some rumours had already reached Oxfordshire. At the opening session, the county made a ‘deliberate attempt’ to remind the justices of the reformist legislation.12 Such an attempt suggests that in Oxfordshire support for the reformist programme was strong. The reminder appears to have been successful, the justices on the whole undertaking their duties in accordance with the provisions.13 Murdrum fines were not enforced in cases of misadventure while no amercements were imposed on vills for failing to ‘fully’ attend inquests.14 In fact, the only possible challenge to the baronial reformers was a writ of 21 January ordering the justices not to hear any complaints against Richard of Cornwall’s bailiffs but to send them immediately to him. Such a command was a contravention of the spirit of the Ordinances of the Magnates that Henry’s justices were responsible for

12 453; Brand, Kings, Barons Justices, 130. Oxfordshire was the only county to issue such a reminder.
13 Ibid.
ordering any redress. It was, however, in accordance with the compromise of October 1260 whereby the council agreed ‘that every magnate should have to power to correct the offence’s of his own bailiffs’. The itinerant justices therefore did not face any protests or disruption similar to that experienced during the sessions held in other counties later in the year.

Originally, it had been intended that five counties were to be visited by the itinerant justices. On 28 December 1260, however, a further writ extending the programme of the eyre to include four other shires was issued. The counties were grouped together into two circuits, each being served by a separate set of justices. Oxfordshire was included in the second grouping. William of Wilton originally headed the first circuit although Roger de Somery subsequently superseded him. Somery was, in turn, replaced by the experienced king’s bench justice Nicholas de Turri before the opening session. Assisting him were Nicholas of Hadlow and Adam de Grenvill. Cambridgeshire was the first to be visited on this circuit, the session opening on 14 January 1261. After the final sitting in February, the justices began hearing pleas in Huntingdonshire. On 12 May 1261, Northamptonshire was added to the circuit. Just twelve days later, the eyre was extended to include a further four counties. A new set of justices were appointed alongside Turri and Grenvill. William of Wilton, Gilbert Talbot and Robert Briwes were commissioned in a letter patent dated 4 May 1261 although only the latter sat during the Northamptonshire eyre.

15 CPR 1258-66, 19; DBM, 132-3; Maddicott, Simon de Montfort, 201-2.
16 Treharne, Baronial Plan, 259-60. Also see below, 32-3.
17 CR 1259-61, 452.
18 Ibid., 451-2.
19 Ibid., 339, 451-2.
20 JUST 1/82 m.1; CR 1259-61, 451.
21 JUST 1/343 m.1.
Giles de Argentein, a supporter of the reformist regime, had been originally selected to lead the second (Oxfordshire) circuit. Prior to the eyre's commencement, however, Gilbert of Preston replaced him as senior justice. Two justices were appointed to assist Preston: Martin of Littlebury and Geoffrey of Lewknor. Oxfordshire was the first county they visited, during the course of which they heard 460 civil and 462 crown pleas. The main dates of the visitation can be established from the eyre roll itself while further dating evidence can be obtained from the surviving feet of fines. On Friday 14 January 1261, the ceremonial opening was held at Oxford in the presence of approximately 2800-3500 individuals. Presumably these preliminary ceremonies were relatively brief as some essoins for sickness were taken on the first day. After the preliminaries, the court probably sat in two divisions with civil and crown pleas being held in separate locations. On Thursday 20 January (octave of St. Hillary) and Thursday 3 February essoins were taken. The latter date also marked the adjournment of the proceedings at Oxford. The justices then travelled to Reading, where they began hearing Berkshire's pleas on Wednesday 9 February. Seven days later, the justices returned to Oxfordshire to hold a

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22 CR 1259-61, 474. These were Bedfordshire, Buckinghamshire, Essex and Hertfordshire.
23 Ibid., 452.
24 Estimating the number of those attending the eyre is inherently problematic. Some 3196 individuals are named on the 1261 roll. Of these, 1953 appeared as plaintiffs, defendants and hundred jurors. But not all of these, however, would have necessarily attended, as some would have defaulted while others fearing arrest fled in advance of proceedings. Amongst the remaining 1243 named individuals, many would have defaulted while others were only mentioned in the roll in a subsidiary capacity, for example a named ancestor from whom descent was claimed. It is likely, nevertheless, that the majority of those named in the roll would have attended the opening day of the eyre. The retinues that accompanied those ecclesiastical and secular lords who were present would have also supplemented their numbers. Even the justices themselves would have been accompanied by clerks, grooms and servants. The 2800-3500 figure maybe, therefore, a conservative estimate.
25 JUST 1/701 m.17.
26 C.A.F. Meekings, 'The Rutland Eyre of 1253: a correction', EHR lxxi (1956), 617. Civil pleas were held in Oakham castle's great hall and crown pleas in a nearby grange.
27 JUST 1/701 mm.1, 17.
29 JUST 1/40 m.1.
special session at Caversham. Returning to Berkshire, they resumed hearing pleas at Reading until Wednesday 2 March. Four days later, they were sitting at Wallingford. The justices then returned to Oxford where, on Wednesday 9 March, they presided at the final session of the eyre. Fifteen days later, William of Englefield was commissioned as the fourth justice on the circuit.

Two months were to pass before Gloucestershire, the third county on the circuit, was visited. On 2 May 1261, the opening session was held at Gloucester. Following the adjournment of the visitation on 27 May, the justices journeyed to Bristol. Pleadings resumed there on 29 May and continued intermittently until the final session on 23 June 1261. Meanwhile, events elsewhere were to impact upon the continuation of Preston’s circuit. On 2 May, Nicholas de Turri and his fellow itinerant justices arrived at Hertford with the intention of opening judicial proceedings. The baronial emissaries, meeting the justices there, argued that less than the necessary forty days notice of the eyre had been given. They also claimed that ‘according to the general provision, justices in eyre should not sit in any county more than once in seven years’. This was, they believed, in direct contravention of established custom and the Provisions of Westminster. Although the seven year interval was recognised but ‘not specifically codified in the Provisions of Westminster’, such ‘distinctions were academic’. Although Henry ordered the justices to suspend proceedings at Hertford, he decided to summon an eyre for Worcestershire. On

30 JUST 1/701 m.11d. 31 JUST 1/40 m.17; FoF, 182 no. 35. 32 CR 1259-61, 363. 33 C 145/11 no. 10; Crook, Records, 130. 34 CP 25/1/74/27 no. 605. 35 Flores Historiarum, ii. 468; Treharne, Baronial Plan, 259. 36 DBM, 136-57. 37 Maddicott, Simon de Montfort, 212. 38 CR 1259-61, 377; Maddicott, Simon de Montfort, 211; CR 1259-61, 474; JUST 1/615 m.1. 32
1 July, the county court refused to receive the itinerant justices, basing its opposition on grounds similar to that offered at Hertford.\textsuperscript{39} Henry’s ministers envisaged that similar opposition would surface in each of the three remaining counties due to be visited by Preston as each had an eyre less than seven years before. Consequently, the visitations scheduled for Herefordshire, Shropshire and Staffordshire were abandoned and the itinerant justices ordered to join Turri at Northampton.\textsuperscript{40}

This suspension was of short duration. On 20 October 1261, William of Englefield was ordered to join Turri when he next went on eyre in Buckinghamshire and Bedfordshire. Within a month, Littlebury had replaced Preston as the senior justice on the second circuit. The counties of Buckinghamshire and Leicestershire were added to Littlebury’s circuit, the opening session being scheduled for 20 January 1262. Henry had more or less re-established his authority by the time proceedings opened although objections were once again raised concerning insufficient summons. Orders were issued to the justices not to amerce for default on the common summons and proceedings were only delayed by a week.\textsuperscript{41} On 24 August 1262, a third circuit consisting of Cornwall and Devon was instituted under the leadership of Robert Briwes and a revised programme for all three was promulgated in the following January.\textsuperscript{42} On 9 April 1263, proceedings opened in Hampshire, Somerset, Lincolnshire and Rutland eyres, by which time Henry was once again losing control. These were therefore the last counties to be visited before the abandonment of the eyre in late 1263. With the deterioration of the military situation in the

\textsuperscript{39} Ann. Worcester, 446.

\textsuperscript{40} CR 1259-61, 405.

\textsuperscript{41} CR 1261-64, 23; CPR 1258-66, 198, 200.

\textsuperscript{42} Ibid., 227, 277-8.
Welsh Marches, the feudal host was summoned to Worcester. All eyres were immediately suspended although mopping up sessions continued at Lincoln and Wilton.\(^{43}\)

**The Justices of the Eyre**

Gilbert of Preston came from a long established knightly family. Walter, his father, had served as sheriff of Northamptonshire in 1207-8 and he later held the custody of Fotheringhay Castle.\(^{44}\) Gilbert may have originally embarked upon an ecclesiastical career. In 1217, a Gilbert of Preston was presented to the Northamptonshire livings of Marham and Asekirk.\(^{45}\) Whether they were one and the same person, however, it is now impossible to determine. Preston's first appearance in a judicial capacity was during the general eyre of 1239-41. Over the following decade, Preston was to serve under a number of highly experienced justices including Henry of Bath and Roger de Thurkleby.\(^{46}\) By 1253, he had sat as a junior justice in fifty different eyres.\(^{47}\) Having gained such an extensive knowledge of the workings of the eyre, it was perhaps inevitable that his skills would be rewarded. On 12 October 1254, Preston was commissioned as senior justice and opened the Essex eyre at Chelmsford the following week.\(^{48}\) Preston served as senior justice in a further twenty-eight eyres, the final being that for Bedfordshire in November 1272.\(^{49}\) Preston's judicial career was not merely confined to the eyre. For almost thirty years he had been an active justice in the court of common pleas. Unfortunately, the exact date of Gilbert's appointment is uncertain but it must have been prior to 27 January 1242, when fines were

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43 Crook, *Records*, 128.
45 P. Whalley, *The History and Antiquities of Northamptonshire. Compiled from the manuscript collections of the late learned antiquary J. Bridges, Esq.*, 2 vols (London, 1791), ii. 518.
48 *CPR* 1247-58, 373.
49 *JUST* 1/6 m.1; Crook, *Records*, 19.
levied before him at Westminster.50 Preston gradually rose in seniority, eventually being appointed as chief justice of the common pleas.51 His career did not extend much beyond the accession of Edward I as he died over the Christmas vacation of 1273-4.52

Commissioned alongside Preston was Martin of Littlebury. Unfortunately, little evidence survives for his early life. Martin's antecedents are obscure although he may have originally come from the Essex village of the same name. Many justices entered Holy Orders before embarking upon a judicial career. Littlebury was no exception: In January 1242, Henry III presented Martin to a moiety of Blackburn church in Lancashire.53 Five months later Littlebury made his first appearance in a judicial capacity, a damaged entry on the patent rolls referring to him as the 'king’s clerk’.54 Prior to the 1261 visitation, he had never served as an itinerant justice. Indeed, Littlebury would sit in only eight eyres during a career spanning over thirty years. Martin’s first experience as an itinerant justice was the 1261 Oxfordshire eyre. Within six months, however, Littlebury was acting as chief justice of an eyre when, on St George's Day, 1262, he presided at the opening the Leicestershire eyre.55 Yet Littlebury spent most of his judicial career in other courts. Sometimes he had been appointed as an assize justice. In 1247, he was hearing cases of novel disseisin. During the 1260s, he was frequently acting in that capacity.56 Such was his experience that in the Hilary term of 1268, he was appointed the chief justice of the

50 CR 1237-42, xvii.
52 CIPM, ii. no. 69; Brand, MCL, 199.
53 CPR 1232-47, 269.
54 Ibid., 291.
55 CR 1261-64, 94.
56 Ex. e. Rot. Fin, ii. 9; CPR 1258-66, 188, 230.
common bench.\textsuperscript{57} From 1273, Littlebury was the chief justice \textit{coram rege}.\textsuperscript{58} This proved to be his last judicial appointment as he died in 1274 whilst still in office.\textsuperscript{59}

Geoffrey of Lewknor was the third justice on Preston’s circuit. His family was of Oxfordshire origin, their name derived from a village lying in the south-east of the shire. Little is known of Lewknor’s early life although his entry into royal service was probably due to family connections at court. The keeper of the king’s wardrobe, Nicholas of Lewknor, was either his father or brother.\textsuperscript{60} Geoffrey had only limited experience as an eyre justice prior to the 1261 Oxfordshire visitation. Indeed, the only reference to his acting in that capacity dates from June 1242, when he was amongst the justices sitting at Durham.\textsuperscript{61} Following the completion of the Oxfordshire eyre, Lewknor sat in a further eight counties before the visitation was suspended in June 1263.\textsuperscript{62} His final appearance as an itinerant justice occurred in 1280, when he was presiding at Sherbourne in Dorset.\textsuperscript{63} Yet Lewknor’s judicial career was not merely confined to the general eyre. During the 1250s, he had frequently served as a justice of the forest.\textsuperscript{64} Geoffrey’s judicial expertise was broadened even further by his service in other courts: a letter close dated 6 June 1259 appointed him as a justice of the Jews.\textsuperscript{65} In 1279, Lewknor was commissioned as a justice of gaol delivery at Northampton.\textsuperscript{66} Complementing Geoffrey’s judicial duties were a series

\begin{footnotes}
\item G.O. Sayles, \textit{Select Cases in the Court of King’s Bench under Edward I, volume I} (Seldon Soc., lv, 1936), xlix; Crook, \textit{Records}, 21.
\item IbID.; Sayles, \textit{Select Cases}, xlix; Brand, \textit{MCL}, 468.
\item KB 27/9 m.11; Sayles, \textit{Select Cases}, xlix.
\item E. Foss, \textit{A Biographical Dictionary of the Judges of England from the Conquest to the Present Time} (London, 1870), 405.
\item \textit{Miscellanea, volume II} (Surtees Soc., cxxvii, 1916), xiii.
\item Crook, \textit{Records}, 129-33. These counties were Berkshire, Gloucestershire, Northamptonshire, Leicestershire, Warwickshire, Surrey, Sussex and Lincolnshire.
\item JUST 1/203 m.1.
\item \textit{CPR} 1247-58, 412, 607.
\item CR 1256-59, 392.
\item C\textit{LM}, no. 2223.
\end{footnotes}
of administrative responsibilities including the temporary custodianship in 1243 of the lands of St. Peter's Abbey, Gloucester.\(^{67}\)

In this chapter I have attempted to place the Oxfordshire roll within its political context. When the eyre opened in January 1261, the country was at a political crossroads. England faced either a possible slide into civil war or a grudging acceptance of the reimposition of royal authority. Less than a month before, the council of fifteen had issued its last order.\(^{68}\) There was no immediate reaction against this event but in the shires there still existed strong support for the baronial reforms. Oxfordshire was no exception: at the opening session the county reminded the justices of the existence of the reformist legislation. The justices, who were very experienced and enjoyed a long record of service to the crown, diligently continued to observe the Provisions of Westminster. There is no other evidence from the Oxfordshire roll that indicates it was a time of political upheaval, which is testimony to the success of Henry's preliminary manoeuvrings. Indeed, the overall impression it conveys is of a period of anxiety, with the justices and the county community waiting to see how events unfolded. Consequently, the Oxfordshire eyre followed the same format as its predecessors. In the next chapter I will examine the financial issues of 1261 Oxfordshire eyre and investigate whether the justices' observance of the reformist legislation had any impact upon the revenues generated.

\(^{67}\) CPR 1232-47, 397; CR 1242-47, 117.

\(^{68}\) CPR 1258-66, 181. 28 December 1260.
Financial Proceeds of the 1261 Oxfordshire Eyre

Historians have already discussed the system of accounting for eyre profits at the exchequer in some detail. In his influential article, ‘The Pipe Roll Order of 12 February 1270’, C.A.F. Meekings described how the outstanding debts were recorded on the pipe rolls.¹ B.E. Harris, in his edition of the 1220 pipe roll, determined the total revenues for those counties visited during the first stages of the 1218-22 general eyre.² M.T. Clanchy has undertaken an examination of the proceeds generated by a single county in his edition of the 1248 Berkshire eyre.³ Most of the procedures that they identified were followed when the account for the issues of the 1261 Oxfordshire eyre was taken. This process began with the return of the itinerant justices to Oxford for their concluding session. Unfortunately, no evidence from Oxfordshire survives that establishes exactly which days the justices devoted to financial business. Judging from the practice followed in other counties, however, it is probable that the final two days of proceedings after the justices’ return to Oxford would have been spent assessing the financial issues generated by this visitation.⁴ When making their assessment, they were to act in accordance with clause twenty of Magna Carta.⁵ The size of the penalty would be related to the individual’s ability to pay, the capacity of which was assessed or

² PR 4 Henry III, xiv-xviii. Harris provides totals for twenty-eight counties.
³ Clanchy, 1248 Berkshire Eyre, xxxiii-ix.
⁴ Meekings, Wiltshire Crown Pleas, 108; Clanchy, 1248 Berkshire Eyre, xxxiii. Unfortunately, there is no direct surviving evidence for such an occurrence in Oxfordshire.
⁵ Ibid; J.C. Holt, Magna Carta, 2nd edn., (Cambridge, 1992), 456. ‘Liber homo non amercietur pro parvo delicto, nisi secundum modum delicti; et pro magno delicto amercietur secundum magnitudinem delicti,
affeered by a panel of either his neighbours or local men. All the amercements that had been imposed were discussed later with the individual who had been amerced.⁶ Other fiscal material, including the value of the felon’s chattels and the proceeds from fines made for concording actions or compounding offences, were likewise reviewed and recorded upon what is called for convenience by historians the amercement roll.⁷ Although many such examples survive, that compiled for Oxfordshire in 1261 has not.⁸

Once the level of payment had been determined, a duplicate of the amercement roll called an estreat roll would be compiled.⁹ Upon completion, it was sent to the chancery for examination and was then forwarded to the officials of the upper exchequer.¹⁰ Although the estreat roll for Oxfordshire has failed to survive, there are a few reminders of its existence. From the 1261 eyre roll’s marginalia, it is evident that one had been prepared: amercements crossed out during the process can clearly be identified on each of the eyre roll’s membranes. Furthermore, a memorandum enrolled on the close rolls recorded that the Oxfordshire estreat was sent by a writ mittimus to the exchequer along with those for Berkshire, Huntingdon and Kent. Although undated, the entry is located between two letters close issued on Monday 14 and Wednesday 23 March 1261 respectively.¹¹ The memorandum likewise arranged two dates for payment. On Easter Day 1261, Sunday 24 April, half of those debts were to be paid by the sheriff at the exchequer.¹² The other half was due to be paid on 13

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⁶ Clanchy, 1248 Berkshire Eyre, xxxiii.
⁷ For a more detailed description of criminal and civil litigation, see Chapters Four and Five respectively.
⁸ Amercement rolls survive for other Oxfordshire eyres including 1241. See Cooper, Oxfordshire Eyre, 1241, nos. 1062-1437.
⁹ As the clerk compiled the estreat roll he would cross out the abbreviation ‘mia’ on the marginalia of the eyre roll.
¹¹ CR 1259-61, 462-3.
¹² Ibid., 463
October 1261. Once the estreat reached the exchequer, a copy was compiled and forwarded under its seal with a writ of summons to the sheriff. This directed him to collect all the amounts specified and have them at the exchequer.

Before discussing the revenues generated by the 1261 visitation, it is important to establish the terminology that will be used in chapter. Total nominal amounts that were payable at the exchequer (potential revenue) and recorded on the pipe roll will be referred to as issues accounted for. Those moneys that were shall be therefore described as ‘issues paid in’.

How much Oxfordshire’s sheriff was able to collect prior to 24 April is unknown since there is no surviving exchequer receipt roll for this period. The earliest record, therefore, originates from the audit of the county that was undertaken on 13 October 1261, the details of which were entered upon the pipe roll for the year Michaelmas 1260 - Michaelmas 1261. Enrolled under the name of Gilbert of Preston, the senior justice on the Oxfordshire visitation, the account follows the standard formula used by the exchequer. Walter de la Rivere, who served as sheriff until October 1261, accounted for the amercements ‘of the men, towns, hundreds and tithings before whose names were put the letter T in the [estreat] roll which the aforesaid justices delivered into the treasury’. This letter T[otum] refers to those debts paid in full, the combined total of which, £292 3s 5d, was entered on the pipe roll. Although Rivere had accounted for the whole amount, two other bodies were answerable for elements within it. Walter of Bath, the bailiff of the honour of Wallingford, was to account for £53 10s 5d. This sum consisted of the debts owed by people who lived in south-eastern Oxfordshire and whose lands lay within the honour.

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13 Ibid.
15 E 368/36, m.35; E 372/105 r.12d m.1, r.11 m.2.
16 Ibid., r.12d. m.1.
The second amount was payable by the borough of Oxford's bailiffs.\(^{17}\) Totalling £55 19s 5d, this only incorporated the judicial profits from Oxford itself and not those originating from its suburbs. Hence Walter de la Rivere was only answerable for the sum of £183 3s 7d.\(^{18}\) Having almost paid the debt in full, he was left owing just 7s 11d.\(^{19}\)

Without either an amercement or estreat roll surviving for the Oxfordshire eyre, it is impossible to break down these lump sums into individual debts. Evidence from other visitations, however, indicates that the debts would have been originally recorded on the roll in two sections: crown and civil pleas. Oxfordshire's crown pleas were arranged on the pipe roll by the presenting hundred. They did not necessarily follow, however, the same sequence as the plea roll.\(^{20}\) This section also included chattels of convicted felons and any composite fine made by an individual hundred prior to the visit of the justices.\(^{21}\) After the crown pleas were the civil pleas, which were entered on the pipe roll in the order in which the related pleas had been enrolled on Gilbert of Preston's roll.

In addition to the lump sum from debts that were paid in at the exchequer by the sheriff, there were some thirty-three individual debts entered in the pipe roll. On the majority of these a partial payment had been made to the exchequer. A typical example was that of the vill of Handborough, which owed one mark for a murdrum fine. The 1261 pipe roll records that a partial payment of \(\frac{1}{2}\) mark had been made, leaving the vill with a remaining debt of \(\frac{1}{2}\) mark. There were also some instances where the debtor had

\(^{17}\) Ibid. The bailiffs were probably Geoffrey the goldsmith and Richard son of Nicholas, both of whom acted in this capacity during the 1261 visitation, see 935.

\(^{18}\) E 372/105 r.12d m.1.

\(^{19}\) Ibid.

\(^{20}\) Crook, 1235 Surrey Eyre, i. 130.

\(^{21}\) Meekings, Wiltshire Crown Pleas, 107. Walter de la Rivere was answerable for most of the chattels of felons in the 1261 Oxfordshire eyre roll, for example 455 and 457.
discharged his debt in its entirety. The abbot of Eynesham had been amerced thirty marks for several debts by the itinerant justices, its inclusion on the roll being due to the large amount owed. The 1261 pipe roll records that he had fully discharged these debts.\(^\text{22}\) Occasionally, there are instances where no payment had been made. Although Walter of Wootton had been amerced \(\frac{1}{2}\) mark for making a false claim, the pipe roll does not record any payment towards it. A full list of these individually recorded debts can be found in Table 3.1 below. There was a substantial variance in the size of these

**Individual Debts from the Oxfordshire Eyre entered on the 1261 Pipe Roll\(^\text{23}\)**

<table>
<thead>
<tr>
<th>Total owed</th>
<th>Individual</th>
<th>Reason</th>
<th>Case no.</th>
</tr>
</thead>
<tbody>
<tr>
<td>40s</td>
<td>Roger Godebold and Bloxham hundred’s jurors</td>
<td>Trespass</td>
<td>Unidentified</td>
</tr>
<tr>
<td>30 marks</td>
<td>abbot of Eynesham</td>
<td>Several debts</td>
<td>483</td>
</tr>
<tr>
<td>1 mark</td>
<td>Wootton vill</td>
<td><em>Murdrum and not participating with the hundred</em></td>
<td>Unidentified</td>
</tr>
<tr>
<td>1 mark</td>
<td>Handborough vill</td>
<td><em>Murdrum and not participating with the hundred</em></td>
<td>554 and 555</td>
</tr>
<tr>
<td>10s</td>
<td>Wymarka the widow of Nicholas le Peskur</td>
<td>Withdrawing her appeal</td>
<td>556</td>
</tr>
<tr>
<td>1 mark</td>
<td>Wootton vill</td>
<td>Trespass</td>
<td>Unidentified</td>
</tr>
<tr>
<td>(\frac{1}{2}) mark</td>
<td>John Brabazun and Ralph Russell</td>
<td>Default</td>
<td>576</td>
</tr>
<tr>
<td>£12 15s</td>
<td>Nicholas of Hendred</td>
<td>Convicted murderer’s chattels and 2 escapes.</td>
<td>574 and 900</td>
</tr>
<tr>
<td>11d</td>
<td>Nicholas Prat</td>
<td>Trespass</td>
<td>581</td>
</tr>
</tbody>
</table>

\(^\text{22}\) E 372/105 r.12d m.1
\(^\text{23}\) Ibid., r.12d m.1, r.11 m.2.
<table>
<thead>
<tr>
<th>Marks</th>
<th>Description</th>
<th>Details</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 mark</td>
<td>William Makerel and Concealment</td>
<td>Deddington borough’s jurors</td>
<td>595</td>
</tr>
<tr>
<td>20 marks</td>
<td>William of Leatherhead</td>
<td>Trespass</td>
<td>714</td>
</tr>
<tr>
<td>5 marks</td>
<td>Laurence of Chislehampton</td>
<td>Escape</td>
<td>749</td>
</tr>
<tr>
<td>½ mark</td>
<td>Nicholas in Angulo</td>
<td>Not coming to court</td>
<td>756</td>
</tr>
<tr>
<td>½ mark</td>
<td>John le Mason</td>
<td>Not coming to court</td>
<td>756</td>
</tr>
<tr>
<td>100s</td>
<td>Thame vill</td>
<td>Escape</td>
<td>729</td>
</tr>
<tr>
<td>½ mark</td>
<td>Walter le Parmenter and others</td>
<td>Not having Robert Derewyne</td>
<td>728</td>
</tr>
<tr>
<td>40s</td>
<td>Tetsworth vill</td>
<td>Escape</td>
<td>731</td>
</tr>
<tr>
<td>10s</td>
<td>Robert de Bolardeston and others</td>
<td>Default</td>
<td>732</td>
</tr>
<tr>
<td>40s</td>
<td>Thame borough</td>
<td>Murdrum and other transgressions</td>
<td>738-42</td>
</tr>
<tr>
<td>½ mark</td>
<td>Henry son of Robert</td>
<td>Default</td>
<td>768</td>
</tr>
<tr>
<td>2 marks</td>
<td>Checkendon vill</td>
<td>Chattels of John</td>
<td>773</td>
</tr>
<tr>
<td>20s</td>
<td>Ewelme hundred</td>
<td>Murdrum</td>
<td>802-3</td>
</tr>
<tr>
<td>40s</td>
<td>Ewelme vill</td>
<td>Chattels of Hervey</td>
<td>808</td>
</tr>
<tr>
<td>60s</td>
<td>Peter of Ashridge</td>
<td>Chattels of Adam Blecke</td>
<td>821</td>
</tr>
<tr>
<td>½ mark</td>
<td>Peter justice and others</td>
<td>Not having Ralph of Stoke Talmage</td>
<td>903</td>
</tr>
<tr>
<td>40s</td>
<td>Walter the goldsmith</td>
<td>Trespass</td>
<td>272</td>
</tr>
<tr>
<td>½ mark</td>
<td>Robert in Muro and others</td>
<td>Trespass</td>
<td>888</td>
</tr>
<tr>
<td>½ mark</td>
<td>Thomas Aylwyne and others</td>
<td>Not coming</td>
<td>59, 60</td>
</tr>
<tr>
<td>½ mark</td>
<td>Robert of Kentwood and others</td>
<td>False claim and unjust detention</td>
<td>75</td>
</tr>
<tr>
<td>20s</td>
<td>Reginald of Waltham</td>
<td>False claim</td>
<td>88</td>
</tr>
<tr>
<td>½ mark</td>
<td>Henry le Breton</td>
<td>Non prosecution</td>
<td>125</td>
</tr>
<tr>
<td>½ mark</td>
<td>Walter of Wootton</td>
<td>False claim</td>
<td>264</td>
</tr>
</tbody>
</table>

Table 3.1
debts. A typically large debt was that owed by the abbot of Eynesham who owed thirty marks for several transgressions. Smaller debts included Henry son of Robert’s ½ mark for default. Apart from the lump sum payments, the roll recorded that three separately listed debts had been fully discharged. One more was pardoned. There was some differentiation between debts that had been paid in full and those left partly owing. Fully owed debts were usually grouped together running consecutively across the line in paragraphs, while those that had been partially paid debts were arranged in two columns. This column arrangement was presumably because these debts could be easily identified when the exchequer clerks prepared the following year’s pipe roll.

Individual debts recorded on the pipe roll did not, however, strictly follow the sequence of cases in the plea roll. John le Mason’s debt for non-appearance, entered before the vill of Thame’s fine, is a case in point. Similarly, the hundred of Dorchester follows that of Thame in the eyre roll but precedes it in the pipe roll. Yet most of the amercements recorded on the pipe rolls do follow the same sequence as that in the eyre roll. The exchequer clerk also kept some separation between civil and crown amercements on the pipe roll. Crown plea debts were entered first, followed by those from the civil pleas. Consequently, Peter of Ashridge’s account as bailiff of Wallingford for the chattels of Adam was recorded before Walter of Wootton’s half mark for making a false claim. There was, however, one exception: the civil trespass of Walter the goldsmith was recorded amongst the crown pleas. The reasons for this oversight are unknown. In all, the individual debts accounted for at the exchequer

24 Ibid.
25 Ibid. These were owed by the abbot of Eynesham, the borough of Thame and the vill of Checkendon.
26 See below, 46-7.
28 Table 3.1.
29 JUST 1/701 mm.26d-27; E 372/105 r.11 m.2.
30 Ibid.
31 272; E 372/105 r.11 m.2
totalled £75 6s 8d. Added to the three lump sums payments, namely £292 3s 5d, this brings the total potential issues for the Oxfordshire visitation recorded on the 1261 pipe roll to some £367 10s 1d.\textsuperscript{32}

All the unsettled debts that remained were resummoned for the 1262 account. The results of this and subsequent accounts are listed in Table 3.2. Fulk of Rycote, who had been appointed sheriff at Michaelmas 1262, appeared before the exchequer on 19 June 1263.\textsuperscript{33} Usually the sheriff would account for additional lump sum payments. At the first audit of the issues from the 1235 Oxfordshire visitation, John le Brun paid in £330 16s 5d. The following year, a further £17 5s 6d was rendered, this amount coming from debts left on the estreat roll as either partly or totally paid.\textsuperscript{34} This was not an isolated example. The Berkshire eyre of 1248 saw Guy son of Robert rendering £248 14s 8d and £77 5s 10d in the years 1249 and 1250 respectively.\textsuperscript{35} During the 1262 audit for Oxfordshire, however, no new lump sum was accounted for. Nor were there any new individual debts although the sheriff did pay in 8s 4d owing from his previous account.\textsuperscript{36} Future audits were disrupted by the ongoing political turmoil between Henry III and the baronial reformers. In 1263, no audit was undertaken. No money was paid in at Michaelmas \textit{adventus} of 1264 but John de St Valery, the recently appointed reformist sheriff, did pay in on Monday 6 April 1265 a further £9 1s 7d of outstanding debts of the individuals listed in the 1261 pipe roll.\textsuperscript{37} More disruption followed with the outbreak of civil war in the summer of 1265, the sheriff failing to

\textsuperscript{32} Ibid., r.12d m.1, r.11 m.2.
\textsuperscript{33} E 368/37 mm.40d-41. On 18 October 1261, Philip Bassett had replaced Walter de la Rivere as sheriff. Bassett did not, however, make an account before his subsequent replacement by Fulk of Rycote. Rycote attended the \textit{adventus} of Michaelmas 1262 (30 September) but it was the following June that he actually paid in the outstanding balance of 7s 1Id.
\textsuperscript{34} E 372/79 r.16 m.2; E 372/80 r.14 m.2. John of Tew, who made the 1236 account, had replaced John le Brun on 3 May 1236.
\textsuperscript{35} Clanchy, \textit{1248 Berkshire Eyre}, xxxiv.
\textsuperscript{36} E 372/106 r.1d m.1. Two individual debts totalling one mark were also cleared: the full amount paid in was just £1 1s 8d.
\textsuperscript{37} E 368/39 m.23; E 372/108 r.14d m.1.
make an account until Michaelmas 1267. This audit saw no further debts or repayments being rendered, a situation reflected in all successive accounts until 1270.

Annual Payments for the Oxfordshire Eyre at the Exchequer, 1261-70

<table>
<thead>
<tr>
<th>Accounting period</th>
<th>Total receipts accounted for at Exchequer (Potential Revenue)</th>
<th>Total receipts paid into the Exchequer (Actual Revenue)</th>
<th>Amount remaining outstanding</th>
</tr>
</thead>
<tbody>
<tr>
<td>1260 Mich – 1261 Mich</td>
<td>£367 10s 1d</td>
<td>£312 3s</td>
<td>£55 7s 1d</td>
</tr>
<tr>
<td>1261 Mich - 1262 Mich</td>
<td>0</td>
<td>£1 1s 8d</td>
<td>£54 5s 5d</td>
</tr>
<tr>
<td>1262 Mich - 1263 Mich</td>
<td>No Oxfordshire account</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1263 Mich - 1264 Mich</td>
<td>0</td>
<td>£9 1s 7d</td>
<td>£45 3s 10d</td>
</tr>
<tr>
<td>1264 Mich - 1265 Mich</td>
<td>0</td>
<td>No Oxfordshire account</td>
<td>£45 3s 10d</td>
</tr>
<tr>
<td>1265 Mich - 1266 Mich</td>
<td>0</td>
<td>No Oxfordshire account</td>
<td>£45 3s 10d</td>
</tr>
<tr>
<td>1266 Mich - 1267 Mich</td>
<td>0</td>
<td>No money paid in.</td>
<td>£45 3s 10d</td>
</tr>
<tr>
<td>1267 Mich - 1268 Mich</td>
<td>0</td>
<td>No money paid in</td>
<td>£45 3s 10d</td>
</tr>
<tr>
<td>1268 Mich - 1269 Mich</td>
<td>0</td>
<td>No Oxfordshire account</td>
<td>£45 3s 10d</td>
</tr>
<tr>
<td>1269 Mich – 1270 Mich</td>
<td>0</td>
<td>No money paid in</td>
<td>£45 3s 10d</td>
</tr>
</tbody>
</table>

Table 3.2

When all the individual debts and the sheriff’s lump sums are added together, a grand total of £367 10s 1d for the potential issues of the Oxfordshire visitation was accounted for at the exchequer.

From the above table, it is apparent that £322 6s 3d, representing approximately 88% of the issues, had been paid into the exchequer by 1270. What happened to the remainder is uncertain. Some amercements were pardoned while the eyre was still in session, although these would not have been included in the amounts recorded on the pipe rolls. A few pardons, however, were made after the eyre’s completion and are

38 E 372/111 r.25d m.l.
39 The figures for this table are drawn from E 372/105 – 114.
40 This figure includes the ½ mark which was pardoned.
recorded on the pipe rolls. One such example was the ½ mark that Henry son of Robert was pardoned by the king’s writ. Although pardons can partially explain why some of the issues raised failed to reach the exchequer, the existence of unpaid debt was more influential.

Uncleared debts were a regular feature of exchequer accounting. Debts often remained unpaid for many years. Resummoned each year, they were recorded on successive pipe rolls. Indeed, some Surrey amercements dating from the 1229 eyre remained outstanding until they were finally written off in 1324. A similar situation existed in Oxfordshire. Of the three lumps sums which were accounted for in 1261, one had been paid in full: the £53 10s 5d which had been owed by Walter of Bath, the bailiff of the honour of Wallingford. Walter de la Rivere had paid off almost all the sheriff’s sum of £183 3s 7d. The remainder was paid during the 1262 account. Oxford borough’s debt of £55 19s 5d on the other hand was only collected gradually. Apart from the initial instalment of £31 12d, only a further £1 7s 5d had been paid into the exchequer by 1264. Four years later, the pipe roll still recorded that the borough owed £23 15s 9. This most probably was the result of the recent political unrest and turbulence. Following the defeat of the earl of Leicester at Evesham, the crown began the task of re-establishing its control over the country. A vital element of this process was the exchequer’s systematic auditing of the sheriffs’ accounts and the recalling of unpaid debts. The first audit of Oxfordshire’s accounts after the war was undertaken at Michaelmas 1267 although there had been none for either of the two previous years.

41 E 372/105 r.11 m.2.
42 Meekings, ‘Pipe Roll Order of 1270,’ 250.
43 E 372/105 r.12d m.1. He left just seven.
44 E 372/106 r.1d m.1. This totalled 7s 11d. See also Table 3. 2.
45 E 372/105 r12 m.1; E 372/108 r.14d. m.1; E 372/114 r.13 m.2.
Elements still remained outstanding. Walter de la Rivere, the former sheriff, owed the value of the chattels of the convicted murderer John Sundy.\textsuperscript{47} Outstanding debts such as this highlight the difficulties facing the exchequer in securing payment.

Nor are the amounts recorded upon the pipe rolls necessarily an accurate reflection of an eyre’s total issues. Judicial revenues sometimes ‘by-passed the exchequer’ and were ‘therefore unrecorded’. Michael Clanchy has suggested that this happened to the profits of the 1252 Berkshire eyre.\textsuperscript{48} Issues totalling £390 2s 8d were recorded upon the 1251-2 and 1252-3 pipe rolls. A letter close issued on 27 February 1253 assigned the remainder of the eyre’s issues to the wardrobe.\textsuperscript{49} Basing his estimate on those ‘profits not recorded after one audit’, the diverted revenue may have amounted to as much as £120. If Clanchy’s estimate were correct, then this would bring the total profits for the 1252 Berkshire eyre to approximately £500.\textsuperscript{50} There is little surviving evidence to suggest that any of the issues from the 1261 Oxfordshire eyre had been diverted from the exchequer. Interestingly, however, the amounts owed by those earls and barons who were put in mercy by the itinerant justices in 1261 do not appear to have been recorded on the pipe rolls. The amercements themselves would have actually been imposed \textit{coram rege} by their peers in accordance with the Magna Carta. A letter close issued in early 1262 ordered the chancellor, Walter of Merton, to send the list of these to the treasurer for collection.\textsuperscript{51} These amercements should have been enrolled in the Oxfordshire section of the 1262 pipe roll but an examination of this and subsequent rolls have been unable to identify any such enrolment. The accuracy of the totals enrolled on the pipe rolls was further reduced because they only

\begin{thebibliography}{99}
\item[{\textsuperscript{47}}] E 372/114 r.13d m.2.
\item[{\textsuperscript{48}}] Clanchy, \textit{1248 Berkshire Eyre}, xxv.
\item[{\textsuperscript{49}}] \textit{Ibid.}, xxv; \textit{CR 1251-53}, 453. This order also related to the profits of the 1252 Oxfordshire eyre.
\item[{\textsuperscript{50}}] Clanchy, \textit{1248 Berkshire Eyre}, xxv.
\item[{\textsuperscript{51}}] Holt, \textit{Magna Carta}, 505; \textit{CR 1261-64}, 110.
\end{thebibliography}

48
took account of those issues due to the crown. Some areas of private jurisdiction had the right to collect and retain all judicial profits arising within their liberties. Collected by the lord’s bailiffs, these issues did not have to be accounted for at the exchequer although they sometimes appear in the pipe rolls.

In Oxfordshire, a number of lords enjoyed such privileges. During the 1261 visitation the abbot of Netley was to receive the chattels of Robert Muset, a convicted felon, by ‘the king’s charter.’\(^{52}\) The master and brothers of the Hospital of St John outside Oxford’s East Gate held more extensive rights. A letter close dated 6 May 1261 authorised the master to collect any amercements imposed upon ‘his men’ during the recent eyre.\(^{53}\) Other lords enjoyed the right to collect the profits of justice within their liberties. The abbots of Oseney had secured the manor of Weston from Henry d’Oyly. Amongst the privileges they inherited was the right to all amercements and ‘catalla malefactorum’ of the manor.\(^{54}\) Although it is unknown how much of the 1261 issues liberty holders received, it is certain that the crown found the Oxfordshire eyre extremely profitable.

After completing their session at Oxford on 3 February 1261, Gilbert of Preston and his fellow justices travelled to Berkshire, where they opened proceedings at Reading on the 9 February.\(^{55}\) The resultant amercements were later collected by the sheriff, Walter de la Rivere, and were paid in at the Michaelmas exchequer of 1261. When the audit was made, Rivere accounted for the fully discharged debts which made a combined total of £195 5s 3¼d.\(^{56}\) Mirroring the pattern identified in Oxfordshire, two

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\(^{52}\) CR 1259-61, 376; CChR 1226-57, 294-5. This was presumably a confirmation of a charter dated 29 June 1246 to the master, granting him the chattels and any amercements imposed by the itinerant justices.

\(^{53}\) JUST 1/40 m.1; Crook, Records, 130.

\(^{54}\) Ibid., 48-9.

\(^{55}\) E 372/105 r.11 m.2; Clanchy, 1248 Berkshire Eyre, xcvi. This is the equivalent of Oxfordshire’s £292 3s 5d.
other bodies answered for elements within this overall amount. Aymo Tumbert, the
bailiff of the Seven Hundreds of Windsor, and Walter of Bath, the bailiff of the honour
of Wallingford, accounted for £24 1s 2d and forty shillings respectively. Rivere was
therefore only answerable for the sum of £169 4s 3½d. This combined Berkshire
amount (£195 5s 3½d) was substantially lower than that accounted for Oxfordshire, a
fact that will be discussed later in this chapter. A comparison of the debts owed by
Bath in both counties is particularly interesting. At the Oxfordshire audit, he had paid
in £53 10s 5d for the honour's judicial issues in that county. Yet when Bath answered
for those from Berkshire, only forty shillings were paid in. This anomaly can probably
be explained by the fact that while the caput of the honour was situated in Berkshire;
most of its lands lay across the border in Oxfordshire. At the Michaelmas audit of
1261, both the sheriff and Walter of Bath had paid their lump sums in full, the only
remaining outstanding debt was Tumbert's.

After the completion of the Berkshire eyre on 6 March, the itinerant justices
adjourned to Gloucestershire. They began hearing the first cases at Gloucester on 2
May 1261. Unlike the issues for the other two counties on the circuit, those from the
Gloucestershire eyre were not accounted for at the exchequer until Michaelmas 1262.
Matthew Bezill, who had been sheriff since 8 July 1261, accounted for those debts that
were paid in full, the combined total of which was £320 3s 10d. Although he had
accounted for this whole amount, two other bodies were answerable for elements
within it. Hence Bezill was only answerable for the sum of £276 3s 5d. The sheriffs

57 E 372/105 r.11 m.1.
58 Ibid., r.11 m.2. Tumbert owed £12 7s 10d., an amount still outstanding at the Michaelmas 1264 audit,
see E 372/108 r.13 m.1.
59 C 145/11 no. 10.
60 E 372/106 r.16d m.2, r.11d. m.1.
61 PRO List and Indexes, IX, 107; E 372/106 r.16d m.2. These lump sums were owed by the liberties of
the abbey of Cirencester (£42 13s 9d) and the abbey of Evesham (£1 6s 8d) respectively.
50
of Oxfordshire and Berkshire paid in most of their lump sums in full; this was not the case for Gloucestershire. Bezill made a payment of just £61 2d although a further £40 was pardoned for the repairs which he had undertaken on Gloucester castle.\(^{62}\) Consequently the sheriff was left with an outstanding debt of £146 11 4d. There were also sixty individual debts totalling £125 3s 4d.\(^{63}\) Subsequent accounts record further payments into the exchequer.\(^{64}\) Adding these various amounts together, a figure of £445 7s 2d for the recorded issues of the Gloucestershire eyre can be obtained. It is apparent that this figure is much higher than that of Oxfordshire, a circumstance that can be explained by the county’s greater size and population.

When the total judicial revenues from each of the counties on the circuit are combined, a figure of £1008 2s 6½d for the recorded proceeds of the visitation can be obtained. Such a large amount would suggest that the 1261 visitation was extremely lucrative for the crown. Recent research undertaken by James Collingwood has shown just how profitable a source of revenue judicial issues were. Having analysed all the sums that entered the exchequer between 1258 and 1272, Collingwood has calculated the total crown revenues recorded on the pipe rolls in any given year. His estimate for the overall ordinary revenue audited by the exchequer in the year Michaelmas 1260 to Michaelmas 1261 was £11,513.\(^{65}\) This very low figure is a reflection of the political unrest at this time. Most of this sum which was paid in came from regular sources of revenue including the county farms and wardships. Yet over 20% or £2388 was from

\(^{62}\) Ibid. Bezill’s lump sum was further reduced by a surplus of £16 owed by the men of Bristol.  
\(^{63}\) Ibid.  
\(^{64}\) E 372/109 r.10 m.1. A further £1 19s 6d was rendered by the sheriff and three new individual debts totalling £3 10s were likewise accounted for.  
\(^{65}\) J. Collingwood, ‘Royal Finance, 1258-72’ (unpublished University of London Ph.D. thesis, 1996), 146. When the wardrobe and foreign accounts are added together, a total notional amount of £20,403 was reached.
the profits of justice. Oxfordshire’s issues, therefore, represented approximately 16% of all the judicial revenues recorded for that year. During the late 1250s, judicial issues had averaged about £4326 a year. With the introduction of the reformist programme in 1258, however, they suffered a dramatic decline. Averaging just £2362 between the years 1258 to 1261, they had fallen by almost 45%. Judicial revenues rallied the following year because the eyre was revived for seven months before being suspended in July 1261. At the Michaelmas 1262 audit, £3436 was rendered at the exchequer. This recovery can be explained by the resumption of the eyre in January 1262. Twelve counties including Surrey and Essex were visited in the course of the subsequent year. The revival was short-lived: judicial revenues had collapsed to just £576 by Michaelmas 1263.

Oxfordshire’s profitability was reflected in the issues raised from the county during other visitations. Between 1218 and 1285, Oxfordshire had been visited eleven times by the itinerant justices. The following table (3.3) lists both the date of visitation and the potential amount it had generated. Only three will, however, be discussed in detail. William Cantilupe and his fellow justices visited the shire between November and December 1218. Most of the resultant profits had been accounted for at the exchequer by Michaelmas 1220, the total for the eyre being £168 16s 8d. Twenty-seven years later, Roger de Thurkelby presided over proceedings at Oxford. Just a few months afterwards at Michaelmas 1247, the sheriff accounted for £383 8s 7½d, of

66 Ibid., 146-7.  
67 Ibid., 153.  
68 De Antiquis Legibus Liber, ed. T. Stapleton (Camden Soc., xxxiv, 1846), 49; Crook, Records, 127; Collingwood, ‘Royal Finance’, 214.  
69 CPR 1261-64, 93-4; JUST 1/874 m.1; JUST 1/236B m.1; Crook, Records, 129-32. Following the eyre’s resumption in January 1262, the first county to be visited was Buckinghamshire. See JUST 1/57 m.2.  
70 CPR 1216-25, 206-8; FoF, 53-60; Crook, Records, 72.  
71 PR 3 Henry III, 91; PR 4 Henry III, xvi, 27-9. Harris incorrectly overestimated the issues for Oxfordshire by almost £30.  
72 Crook, Records, 108. The sessions were held from 10 May to 16 June 1247.
which he actually paid in £183 19s ½d.\textsuperscript{73} There were some notable differences between the 1247 and 1261 accounts. The sheriff was only responsible for part of the issues in 1261, the remaining lump sums being owed by both the borough of Oxford and the honour of Wallingford. Yet this was not the case in 1247: these sums were presumably included in the sum rendered by the sheriff.\textsuperscript{74} Nor was the collection of outstanding debts as efficient. Just £183 19s ½d, less than half that accounted for in 1247, was actually paid into the exchequer.\textsuperscript{75} Fourteen years later, however, Rivere had paid almost the whole debt in full at the first audit.\textsuperscript{76} There was also a sizeable increase in

\textbf{Issues for Berkshire and Oxfordshire Eyres, 1218-85}

<table>
<thead>
<tr>
<th>Date of Visitation</th>
<th>Oxfordshire: issues accounted for at the Exchequer</th>
<th>Date of Visitation</th>
<th>Berkshire: issues accounted for at the Exchequer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1218</td>
<td>£168 16s 8d</td>
<td>1219</td>
<td>£190 7s</td>
</tr>
<tr>
<td>1227</td>
<td>£238 8s 5d</td>
<td>1225</td>
<td>£54</td>
</tr>
<tr>
<td>1235</td>
<td>£448 8s 7d</td>
<td>1227-1228</td>
<td>£55 5s 4d</td>
</tr>
<tr>
<td>1241</td>
<td>£344 8s 10½d</td>
<td>1235-6</td>
<td>£384 15s 4d</td>
</tr>
<tr>
<td>1247</td>
<td>£605 6s 7½d</td>
<td>1241</td>
<td>£380 3s 8d</td>
</tr>
<tr>
<td>1252</td>
<td>£515 13s 11d</td>
<td>1248</td>
<td>£437 19s 8d</td>
</tr>
<tr>
<td>1258-59</td>
<td>Nothing accounted for</td>
<td>1252</td>
<td>£390 2s 8d</td>
</tr>
<tr>
<td>1260</td>
<td>£17 14s 10d</td>
<td>1258-9</td>
<td>Nothing accounted for</td>
</tr>
<tr>
<td>1261</td>
<td>£367 10s 1d</td>
<td>1260</td>
<td>£3 6s 2d</td>
</tr>
<tr>
<td>1268</td>
<td>£191 1s 8d</td>
<td>1261</td>
<td>£195 5s 3d</td>
</tr>
<tr>
<td>1285</td>
<td>£978 17s 11d</td>
<td>1268</td>
<td>£111 5s 3d</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1284</td>
<td>£538 19s 6d</td>
</tr>
</tbody>
</table>

\textbf{Table 3.3}

the number of individual debts recorded in the pipe rolls. Whereas only thirteen such debts had been recorded by 1249, this total had increased to thirty-four during the 1261

\textsuperscript{73} E 372/91 r.1d m.2.
\textsuperscript{74} E 372/105 r.12d m.1; E 372/91 r.1d m.2.
\textsuperscript{75} Ibid.
\textsuperscript{76} E 372/105 r.12d m.1.
audit. Whether this was a deliberate change in policy or merely a change in form, it is now impossible to discern. An examination of the 1268 revenues highlights further differences between accounts.

After the surrender of Kenilworth in December 1267, the crown acted quickly to re-impose its authority. On 7 December, an eyre comprising three circuits was commissioned. Richard of Middleton, soon to be appointed chancellor, was the senior justice on the second circuit. Opening on 30 June 1268, the Oxfordshire session was much longer than its 1261 predecessor. Yet it did not generate anywhere near a comparable level of income as compared to the previous visitation. At the first audit in 1270, William de Insula rendered the account for the lump sum of £138 lIs 7d. Three years later, the sheriff accounted for a further lump sum of £34 10s 1d at the exchequer in Michaelmas 1273. Although lower than in 1261, the sheriff’s lump sums had not declined as much as expected, having fallen by less than 4%. Ten individual debts were also recorded upon the pipe rolls which totalled £18. Added to the two lump sums paid in, this brought the total of issues for the 1268 eyre to some £191 1s 8d. This represented a fall of 48% from the revenues of 1261. This was perhaps not surprising given the political turmoil within the county during the recent civil war.

Historians have long argued that such fluctuations in profits were symptomatic of an ongoing countrywide trend. Prior to the dramatic events at Westminster in 1258, the issues generated by the eyre had been generally increasing. After 1258,
however, they dropped substantially when Henry's baronial opponents had introduced a series of legal reforms.\textsuperscript{84} The imposition of a \textit{murdrum} fine for an accidental death was prohibited as was the amercement of a vill for non-attendance at the coroner's inquest by all men aged over twelve.\textsuperscript{85} Both fines had been extremely lucrative for the crown.\textsuperscript{86} With the outbreak of civil war in 1264, the profitability of the general eyre was reduced even further. The war's disruptive effects were reflected in the low revenues from the visitation that began in 1267. Following Edward I's accession in November 1272, however, these reached a new high during the final eyre of 1278-94.\textsuperscript{87} This growth may in part have been attributable to the series of legal reforms that began in the 1270s. More important, however, was the stable political climate in which the eyres were now functioning. Evidence of this trend has been found in the issues of the Berkshire visitations.\textsuperscript{88} The issues that had been accounted for at the exchequer for each Berkshire eyre between 1218 and 1284 are listed in Table 3.3. These had increased eightfold in the twenty-one years between the 1227-8 and 1248 eyres, from £55 5s 4d to £437 19s 8d.\textsuperscript{89} Peaking four years later at almost £500, the potential issues plunged to just £111 5s 3d in 1268.\textsuperscript{90} From this low, issues accounted for recovered to a new high of £538 19 6d for the 1284 visitation.\textsuperscript{91}

Oxfordshire's eyre issues replicated this fluctuating pattern. An analysis of all the revenues raised between 1218, the first visitation of Henry's reign, and 1285, which was the last before the suspension of the general eyre in 1294, confirms the existence

\textsuperscript{84} DBM, 136-49. These were collectively known as the Provisions of Westminster.
\textsuperscript{85} Ibid., 146-7.
\textsuperscript{86} Recent research suggests, however, that the financial impact of the reforms may have been less than previously thought, see Brand, \textit{Kings, Barons, Justices}, 284-5, 408-9.
\textsuperscript{87} See Table 3.3.
\textsuperscript{88} Clanchy, \textit{1248 Berkshire Eyre}, xxv.
\textsuperscript{89} Ibid., xciv-v; Table 3.3.
\textsuperscript{90} Clanchy, \textit{1248 Berkshire Eyre}, xxv.
\textsuperscript{91} E 372/131 r.13d m.2; Clanchy, \textit{1248 Berkshire Eyre}, xcvii.
of such a trend. As illustrated in Table 3.3, the issues accounted for at the exchequer had more than doubled between 1218 and 1235: from £168 16s 8d to £448 8s 7d.\footnote{PR 3 Henry III, 91; PR 4 Henry III, xvi, 27-9; E 372/79 r.16 m.2; E 372/80 r.14 m.2; E 372/81 r.10 m.1; E 372/82 r.10 m.2; Table 3.3.}

Within twelve years these issues had grown still further, reaching a high of £605 6s 92d for the 1247 eyre.\footnote{E 372/91 r.1d m.2; E 372/92 r.5d m.2; E 372/93 r.12 m.2; Table 3.3. See also Table 3.4.} This represented a growth of almost 35%. Having peaked in 1247, the issues for the next visitation in 1252 dropped to £515 13s 11.\footnote{E 372/96 r.7d m.1; E 372/97 r.3 m.2; E 372/98 r.16 m.2; E 372/99 r.7d m.2; Tables 3.3 and 3.4.} Following the reforms of 1258-9, the issues that had been accounted for underwent a further fall, the 1261 proceedings raising £367 10s 1d for the crown. The subsequent civil war ensured that the 1268 potential issues were £191 1s 8d or some 63% lower than those of 1218-1285.

Table 3.4

\[\text{Amount accounted for at the Exchequer}\]

\[\text{Date of Eyre}\]

\[
\begin{array}{c|c|c}
\text{Date of Eyre} & \text{Berkshire} & \text{Oxfordshire} \\
\hline
1218 & 100 & 100 \\
1219 & 100 & 100 \\
1225 & 100 & 100 \\
1227 & 100 & 100 \\
1235 & 100 & 100 \\
1241 & 100 & 100 \\
1247 & 100 & 100 \\
1248 & 100 & 100 \\
1252 & 100 & 100 \\
1261 & 100 & 100 \\
1268 & 100 & 100 \\
1284 & 100 & 100 \\
1285 & 100 & 100 \\
\end{array}
\]
This decline was reversed by a fourfold increase in profits, the 1285 eyre generating almost £984. Just how closely Oxfordshire’s issues mirrored those from Berkshire can be seen in Table 3.4. It is evident that Oxfordshire’s revenues were usually higher than those of its neighbour. Of particular interest are the years 1252 to 1268, the period that saw the decline in amounts accounted for at the exchequer. Over these sixteen years, Berkshire’s revenues had plummeted by almost 78%. Oxfordshire’s fall was far less precipitous, although it was still of some magnitude, a rate of decline measuring just under 63%. Even when one excludes the atypically low revenues for the 1268 visitation, this divergence is magnified still more. The decline in profits between 1252 and 1261 being 50% and 29% respectively.

There is no single obvious explanation for such a variation. The competency of an individual sheriff may have been a contributory factor. Since both counties had the same sheriff, however, this is extremely unlikely. It is scarcely conceivable that Walter de la Rivere’s proficiency in office extended to just Oxfordshire! Nor was there any significant delay between the Oxfordshire and Berkshire sessions: just six days had elapsed before the opening of proceedings at Reading. Shorter intervals between eyres could also have a negative impact upon profits, the smaller gap leading to a fall in revenue. Unfortunately, the evidence does not support such a conclusion in this instance. Although both counties had experienced two ‘special’ eyres in 1258 and 1260, their effect upon the 1261 profits was negligible. Intended to redress specific grievances, they dealt only briefly with the regular business of the general eyre.

95 E 372/114 r.13d m.2; E 372/116 r.15d m.1; E 372/117 r.145 m.1; Tables 3.3 and 3.4.
96 E 372/130 r.28 mm.1-2, r.28d. m.1; E 372/131 r.13 m.2; E 372/133 r.13 m.2; Table 3.3. It must be noted, however, that some of this increase may have resulted from the longer interval between visitations, being seventeen years rather than the usual seven.
97 E 368/36 m.31d.
98 JUST 1/713 mm.1, 2d. Two local gaols were delivered by the itinerant justices and thirteen criminal pleas were recorded in total. Querela proceedings dominated the remainder of the 1260 eyre’s business.
if these visitations did have a negative impact upon profits, any effect would have been offset by the nine-year interval since the last general eyre in 1252. Two years longer than customary interlude, the extra business generated during this period would have led to an overall increase in revenue. Proceeds were certainly reduced by the introduction of legal reforms by the baronial regime. In October 1259, the Provisions of Westminster were promulgated. Amongst the many changes instituted were the abolition of murdrum fines for death by misadventure. But these reforms had less of an impact on the revenues generated by the eyre than might have been expected. It is likely, therefore, that although these reforms may have contributed towards the sharp decline in profits discussed above, they can only partly explain the variation in the profits between Oxfordshire and Berkshire.

In this chapter we have seen that the potential revenues of the Oxfordshire eyres had enjoyed a period of steady growth during the personal rule of Henry III. After 1258 these profits had declined noticeably until the strong recovery of the 1270s. This fall may be partly the result of the introduction of the Provisions of Westminster, the clauses of which were actively enforced by the justices in 1261. Yet the financial impact of these reforms was likely to have been minimal. The real cause of this collapse was the disturbed political climate that existed in the 1260s. Impacting significantly upon both the general scope and the efficiency of the eyre, its justices were unable to generate the revenue levels seen in the previous decade. This situation was compounded by the problems experienced by the sheriff in collecting outstanding fines and amercements during a period of civil war and its aftermath. The Oxfordshire

100 DBM, 146-7.
101 Brand, Kings, Barons, Justices, 284-5.
102 Ibid., 408-9.
evidence consequently provides strong evidence that it was certainly not business as usual.
Chapter Four

Crown Pleas in the 1261 Oxfordshire Eyre

On Friday 14 January 1261, the bailiffs of the fourteen hundreds, five boroughs and five towns that were entitled to be represented before the itinerant justices, assembled at Oxford for the formal opening of the eyre. Each bailiff nominated two substantial freeholders or burgesses as electors of juries, who would then choose ten men of similar rank, making twelve in all. After taking an oath before the justices, each jury was provided by a senior clerk with a copy of the sealed *capitula itineris* or articles of the eyre that accompanied the justices’ commission. These articles, ‘by which the crown pleas are to be held’, were a set of standard questions covering a variety of subjects which included the recording of all new crown pleas that had arisen since the last visitation, the king’s proprietary rights and infringements of the royal prerogative.

A List of those Articles that can be identified for the 1261 Oxfordshire Eyre

<table>
<thead>
<tr>
<th>Article No.</th>
<th>Abbreviated Article Heading</th>
<th>Article Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><em>de veteribus placitis corone</em></td>
<td>Pleas heard in the last eyre and not then determined</td>
</tr>
<tr>
<td>2</td>
<td><em>de novis placitis corone que postea emerserunt</em></td>
<td>Crown pleas which have emerged since the last visitation</td>
</tr>
<tr>
<td>3</td>
<td><em>de illis qui sunt in misericordi domini regis</em></td>
<td>Whether anyone put in mercy in a royal court had not yet been amerced</td>
</tr>
<tr>
<td>4</td>
<td><em>de valettis et puellis</em></td>
<td>Concerning minors and maidens who ought to be in the king’s guardianship</td>
</tr>
<tr>
<td>5</td>
<td><em>de dominibus dominabus</em></td>
<td>Concerning ladies in the king’s gift</td>
</tr>
<tr>
<td>6</td>
<td><em>de ecclesiis</em></td>
<td>Concerning churches in the king’s gift</td>
</tr>
<tr>
<td>8</td>
<td><em>de serjantia</em></td>
<td>Concerning land held of the king by serjeantry</td>
</tr>
<tr>
<td>9</td>
<td><em>de purpusturis</em></td>
<td>Concerning encroachments made on</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td><em>de pannis venditis</em> Concerning whether drapers observe the assize of cloth</td>
</tr>
<tr>
<td>12</td>
<td><em>de vinis venditis</em> Concerning whether vintners observe the assize of wine</td>
</tr>
<tr>
<td>13</td>
<td><em>de thesauris inventis</em> Concerning treasure trove</td>
</tr>
<tr>
<td>14</td>
<td><em>de viitis qui convenire fuerunt</em> Concerning sheriffs...who were to summon to the hundred...for inquisition &amp;c</td>
</tr>
<tr>
<td>15</td>
<td><em>de ballivis qui tenent placita corone</em> Concerning sheriffs who hold crown pleas and what they hold</td>
</tr>
<tr>
<td>22</td>
<td><em>de utlagatis or de fugativis</em> Concerning outlaws and fugitives who return without warrant after outlawry</td>
</tr>
<tr>
<td>23</td>
<td><em>de hiis per quorum terras utlagati...transierunt et non fecerunt sectam</em> Concerning those who do not pursue outlaws and burglars who travel through their lands</td>
</tr>
<tr>
<td>24</td>
<td><em>de mercatis levatis</em> Concerning raising markets</td>
</tr>
<tr>
<td>27</td>
<td><em>de novis consuetudinibus</em> Concerning newly levied customs by lands or water</td>
</tr>
<tr>
<td>28</td>
<td><em>de defaltis</em> Concerning those who were summoned to attend the opening day of the eyre but failed to come</td>
</tr>
<tr>
<td>32</td>
<td><em>de evasione latronum</em> Concerning the escape of thieves or other felons</td>
</tr>
<tr>
<td>35</td>
<td><em>de quibus qui non permittunt ballivos domini Regis</em> Concerning those who do not allow the king’s bailiffs to enter their lands to make summonses or distrain for debts</td>
</tr>
<tr>
<td>41</td>
<td><em>de valettis qui tenent integrum feodum</em> Concerning squires who hold whole knight’s fees but avoid taking up knighthood</td>
</tr>
<tr>
<td>43</td>
<td><em>de excessibus vicecomitum</em> Concerning sheriff’s excesses</td>
</tr>
<tr>
<td>45</td>
<td>No contemporary heading Concerning hundreds let to farm</td>
</tr>
<tr>
<td>50</td>
<td><em>de warrenis levatis de novo</em> Concerning those who create warrens in their land without sufficient royal warrant</td>
</tr>
<tr>
<td>51</td>
<td><em>de kidellis et starkellis</em> Concerning those who use keddle nets and large fish traps for fishing</td>
</tr>
<tr>
<td>53</td>
<td><em>de vicecomitibus qui imprisonaverunt illos...et detinuerunt</em> Concerning sheriffs who imprison &amp;c</td>
</tr>
</tbody>
</table>

Table 4.1

Unfortunately, there is no surviving copy of the articles for the 1261 visitation although a partial list, reproduced above, can be reconstructed from the evidence of the roll itself.²

² See Table 4.1. A full list of the articles that were in use during the 1246-9 visitation can be found in Meekings, *Wiltshire Crown Pleas*, 28-33 while a list of those in use in 1285 can be found in H. Cam's
Having received a copy of the articles, the juries would retire to prepare their answers. These 'presentments' were drafted in written form before being enrolled as veredicta, one copy of which was submitted to the justices before the date fixed for hearing the hundred's pleas. Most of these presentments were made under article two, 'of new crown pleas', under which each jury had to recount all the serious criminal offences, such as homicide and theft, and accidental deaths which had happened in their hundred since the last visitation of the itinerant justices. Some of the pleas concerning criminal acts would already have been determined before the beginning of the visitation, 'cases where the law had already run its course against the accused. One typical example is that of Walter son of Stephen of Fawlur. Arrested for harbouring an outlaw, he was convicted by the gaol delivery justice Nicholas de Turri and subsequently hanged. Although the case was heard in a different court, the jury of Banbury hundred nevertheless reported it as part of its presentments.

Once the completed veredicta were delivered to the justices in eyre, they were meticulously checked for any discrepancies or mistakes. This was accomplished by comparing the jury's answers with the rolls that had been compiled by Oxfordshire's six coroners, whose function was to provide an official record of the 'pleas of the crown'. Often mistakes were made by the juries in their answers for which they were consequently amerced. Thus the justices amerced the hundred jurors of Bampton for concealing an appeal that had been noted in the coroner's roll. Similarly, the jurors of

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3 Crown Pleas of the Devon Eyre of 1238, ed. H.R.T. Summerson, (Devon and Cornwall Record Society, n.s. 28, 1985), x.


5 Ibid., 91.

6 482.

7 Hunnisett, Medieval Coroner, I, 4, 101, 105-6. Despite the 'theoretical implications' of coroner's formal title of 'keeper of the pleas of the crown', he was primarily concerned only with felonies and unnatural deaths.
Chadlington were fined when they failed to record the deodand owing from the accidental death of Robert son of William.\textsuperscript{8} Further validation of a \textit{veredicta}'s veracity may sometimes have been attempted with the itinerant justices inspecting any surviving records of the proceedings of the County Court that had been kept by the sheriff.\textsuperscript{9} If it emerged that the coroner had made an error, he would also be amerced. A case of misadventure in Bampton hundred notes that the coroner had failed to record an inquisition that he had conducted, a mistake for which he suffered an amercement.\textsuperscript{10} Nevertheless, the overwhelming majority of presentments made by the hundred juries were concerned with serious criminal offences or felonies.

Yet the jury's task of highlighting felonies was not confined just to making presentments; it also extended to the indictment and trying of suspects. Before the jurors retired to prepare their \textit{veredicta}, the justices would ask them privately whether 'there is anyone in their hundred who is suspected of any ill-doing' so that they could be 'arrested at once'.\textsuperscript{11} If they cannot, then 'they [the jurors] must give the justices, privately in a schedule, the names of those suspected.'\textsuperscript{12} This written schedule of suspects was known as the \textit{privata}. After it had been delivered to the justices, the list would be handed to the sheriff who was ordered to arrest those on it once, 'so that justice may be done to them'.\textsuperscript{13} Each hundred also recorded the names of those indicted upon the roll under the heading \textit{de indictatis}. The Oxfordshire roll contains nineteen such entries, one for each hundred and two of boroughs.\textsuperscript{14} There are none, however, for the boroughs of Oxford and Thame as well as the vills of Chipping

\textsuperscript{8} 610 and 649.
\textsuperscript{9} Devon Eyre of 1238, xii.
\textsuperscript{10} 621.
\textsuperscript{11} Meekings, Wiltshire Crown Pleas, 92.
\textsuperscript{12} Bracton, ii. 329 (f.116).
\textsuperscript{13} Ibid.
\textsuperscript{14} 474, 476, 489, 500, 582, 593, 640, 670, 715, 733, 758, 773, 781, 794, 808, 824 and 833. Deddington and Banbury.
Norton, Woodstock, Witney and Burford. Altogether eighty-five individuals were indicted. Often the indicted suspect had made his escape before the sheriff was able to apprehend him. When the hundred of Bloxham, for example, submitted their *privata*, they named Walter of Holywell as a suspected thief. The sheriff attempted to catch Walter but he managed to escape. Indeed, eighty-two of those indicted during the 1261 Oxfordshire eyre had fled before they could be arrested. Indicted by Dorchester's jury on suspicion of harbouring a thief, Wygan son of Alfred was arrested and brought before the justices in eyre. His decision to face trial by jury was vindicated since he was subsequently found not guilty. Occasionally, however, an individual chose not to flee and appeared voluntarily before the court. There is also evidence from the Oxfordshire roll of suspects being arrested after being named in earlier indictments, presumably those made during the previous visitation. William de la Stone and Hugh of Baldon were two such individuals. Having been indicted, they were later arrested and hung at Oxford by the gaol delivery justice Laurence del Brok. In most cases, therefore, it is probable that those who were guilty, suspecting that they would be indicted, decided to flee before they could be apprehended. Such a circumstance would suggest that the law enforcement system that operated in Oxfordshire was extremely inefficient. But this would be to take a narrow view of punishment. Indictment was an important tool that allowed a local community to act against those who they suspected of criminal behaviour.

**Appeals**

15 474.
16 758.
17 476, 593 and 758.
18 697.
19 For a fuller discussion of Oxfordshire's law enforcement system, see below 97-103.
This communal method of accusation was complemented by the appeal, a procedure that enabled an individual to instigate criminal proceedings himself. Following a standard formula and according to customary procedure, the appellor would make an oral accusation against either a single party or a group in the presence of the justices in eyre. Upon the successful completion of the accusation, the appellee could either select trial by combat or by jury. Judicial combats were rare, however, in the thirteenth century, the appellee invariably selecting jury trial. The 1261 Oxfordshire eyre roll is no exception. There were thirty-one appeals where the appellee had opted for trial by jury but there is not a single example of an appellee deciding for judicial combat. A wide range of criminal activities could be brought using an appeal, as can be seen above in Table 4.2. Amongst the more common were appeals of theft and burglary. Instances where a person was appealed of harbouring a thief can also be

Table 4.2

<table>
<thead>
<tr>
<th>Crime</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homicide</td>
<td>16</td>
</tr>
<tr>
<td>Theft</td>
<td>12</td>
</tr>
<tr>
<td>Wounding</td>
<td>10</td>
</tr>
<tr>
<td>Robbery</td>
<td>8</td>
</tr>
<tr>
<td>Battery</td>
<td>6</td>
</tr>
<tr>
<td>Mayhem</td>
<td>4</td>
</tr>
</tbody>
</table>

22 This figure does not include a murder appeal by two different relatives for the same killing (616 and 620).
23 Many of these appeals alleged multiple felonies of varying degrees of seriousness.
found in 1261. Lesser felonies included breach of the peace and mayhem. Of all the appeals of felony, however, homicide proved the most common. Occasionally there are instances where a convicted felon decided to appeal his former accomplices. Having made accusations against his former accomplices, the approver, as he was called, would then be required to prove them before a jury or defend them in combat. If he was victorious, the approver was allowed to abjure the realm and the accused was executed. If the approver failed to prove his allegations, however, his execution was carried out immediately. By the mid-thirteenth century, however, jury trial was the usual method for determining an appeal made by an approver.

King's Rights

A total of 461 cases were recorded upon the eleven membranes of crown pleas enrolled on the Oxfordshire eyre roll of 1261. Of these, some eighty-four relate to the rights of the crown, any infringement of which was to be thoroughly investigated. Treasure trove was one such royal right. Under the article de thesauris inventis, jurors were required to report every discovery of treasure including accidental discoveries. If the person had deliberately hunted for treasure, then it would be confiscated and he himself would be amerced. While digging in Oxford, Robert de Flexore had accidentally unearthed some coins worth four marks and eight pence. Similarly, Simon Alwyne had accidentally found three shillings of silver in the field of Walton. In both cases the finder was to answer for the treasure.

Prescribing the measurements used in the selling of cloth was another important aspect of the royal prerogative. Under the article de pannis venditis, those
who had sold cloth against the assize were to be presented. During the 1261 eyre, there was only one presentment under this article. In the veredicta of the borough of Banbury, Gilbert Laurence was named as having sold cloth contrary to the assize, an offence for which he was amerced.\textsuperscript{30} Regulating the price at which wine could be sold was likewise a royal right. Those who broke the assize and sold wine above the prescribed price would therefore be liable to amercement. In all, eight people were presented as selling wine against the assize. Andrew le Beel of London and three others were amerced for selling wine against the assize in the village of Henley.\textsuperscript{31} Unfortunately, the level at which the price was fixed in 1261 is unclear although in 1243 the price of French wine was fixed at six pence.\textsuperscript{32}

Newly instituted customs were investigated in accordance with the article \textit{de novis consuetudinibus}. A wide range of alleged innovations fell within the terms of this article, diverting revenues that might otherwise have been paid into the exchequer. Many also perceived them as examples of seigniorial oppression against their tenants. Abuses of seigniorial rights and obligations were a major issue of the baronial reform period and the baronial reformers incorporated remedial provisions in their programme of legislative reform.\textsuperscript{33} In all, the justices heard four pleas where new customs were alleged.\textsuperscript{34} Magnate officials could be prosecuted for this offence. Walter of Swaffham, the earl of Gloucester’s bailiff of Chadlington, was presented under this article. After each of the sheriff’s tourns, Walter had held another tourn and amerced those who did

\textsuperscript{30} 501.
\textsuperscript{31} 779.
\textsuperscript{32} CR \textit{1247-7, 127}.
\textsuperscript{33} D.A. Carpenter, \textquote{Simon de Montfort. The First Leader of a Political Movement in English History}, \textit{The Reign of Henry III} (London, 1996), 220; Maddicott, \textit{Simon de Montfort}, 163-9; Brand, \textit{Kings, Barons and Justices}. 42-69. Legislation concerning suit of court and seigniorial control over mortmain alienations was amongst the reforms which strengthened the position of the tenant vis-à-vis his lord. The administrative section of the 1259 Provisions of Westminster included a clause specifically on customs and services, see \textit{DBM}, 136-49, 152-3. Clause 16.
\textsuperscript{34} 493, 634, 664 and 869.
not attend. Royal officials were likewise prosecuted. Nicholas of Hendred had imprisoned William of Wells at Abingdon and then demanded forty shillings from him.

Each jury was required to answer the article _de dominabus_. They had to name all the unmarried women and widows, holding land as tenants-in-chief, who were living within their hundred. The jury was also required to supply an estimate of the value of the women’s lands. Furthermore, if they had been married, the jurors were required to state who had given them and to whom. Only three women were named in response to this article. In the hundred of Bullingdon, Joan of Akeney was presented as being in the king’s gift but she had married William Gubyon without the king’s licence. Her lands were valued at ten marks a year. Usually, as in this case, the justices took no further action. During the Oxfordshire eyre of 1241, however, the justices did act. Joan Arsic, who had married Stephen Simeon without the king’s licence, was deprived of all those lands she held directly from the crown.

The crown was likewise protective of its rights of presentation. Under the article _de ecclesiis_, juries had to name churches that were in the king’s gift. Moreover, each presenting jury was required to state the value of the church and its land. Interestingly, there are only two entries under this article. In total, four churches were named as being in the king’s gift, three of which were situated in Oxford. Of particular interest is the church of St Peter’s-in-the-East. Positioned in the centre of Oxford, this large church was valued at £40 a year in 1261. The jurors recorded that

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35 664.  
36 869.  
37 633 and 699.  
38 699.  
40 Cooper, _Oxfordshire Eyre, 1241_, no. 799.  
41 533 and 864.  
42 Ibid.; St Mary’s, St Peter-in-the-East and St Budoc.
Bogo de Clare, the younger brother of Gilbert earl of Gloucester, held this benefice. A former student at the university of Oxford, Bogo was granted this living by Henry III on 25 August 1259.\(^{43}\) Although he was aged just eleven years, a Papal dispensation had been granted in 1255.\(^{44}\)

The crown had instituted the article *de serjantis* in 1198.\(^{45}\) The jurors were required to present the names of all those in the hundred who held land from the king by serjeantry. Juries were also expected to state the terms by which these serjeantries were held. In the 1261 eyre roll, we can find three presentments in response to this article.\(^{46}\) One example involved John Maudit. In the hundred of Bampton, he held ten marks of land in Broughton Poggs from the crown by the serjeantry of mewing one goshawk.\(^{47}\) Once the presentment was made, the justices in eyre did not normally take any further action. These presentments were intended to identify whether any land had been alienated from the serjeantry and to maintain the crown’s claims to the attendant services. It also served to remind the holder of the serjeantry of their obligations.

After the failure of the Poitevin expedition in 1242, Henry III realised the need to increase the number of knights at his disposal. Fewer people were assuming knighthood with all its attendant military and administrative obligations.\(^{48}\) Consequently, during the 1246-49 visitation he introduced a new article, *de valettiis.* Any squire who held either a whole knight’s fee or more than twenty pounds of land but who had not been knighted was to be presented.\(^{49}\) It has been argued that these

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\(^{44}\) Ibid.; CPR 1258-66, 40, 42.
\(^{46}\) 534, 631 and 663.
\(^{47}\) 631.
\(^{49}\) Meekings, *Wiltshire Crown Pleas*, 31, 38-9; *Chronica Majora*, v. 590. In 1256, the threshold was lowered to just fifteen pounds.
enquiries were an important grievance of the knightly class in 1258. Yet it appears that
Henry III was still keen to enforce this enquiry.\textsuperscript{50} I have identified five presentments
under this article, representing eight individuals. Most of these squires were men of
considerable local standing, including Osbert Giffard. A cousin of John Giffard, he
held the castle of Deddington as well as numerous properties scattered across
Oxfordshire, Buckinghamshire and Wiltshire.\textsuperscript{51} In 1261, he was aged approximately
twenty-six years.\textsuperscript{52} The justices learnt, however, that he had not yet been knighted and
he was consequently amerced.\textsuperscript{53} Although the justices amerced those who had been
presented, the article’s main purpose was to pressurise the squire either to take up
knighthood or to pay for respite of knighthood.\textsuperscript{54}

Numerous infringements of the royal prerogative were covered by the article,
de purpresturis. Alterations to physical features such as rivers or roads came within the
scope of this article. Extensions would sometimes be built onto houses thereby making
an encroachment onto the king’s highway. In 1259, Master Simon the parson of
Launton had made a purpresture onto a road called ‘Buckle Street’. Because it had
obstructed the road, the sheriff was ordered by the justices ‘to remedy this
purpresture’.\textsuperscript{55} Offenders were amerced and were forced either to remove the
purpresture or to make a fine for it to remain.\textsuperscript{56} Other changes to the physical landscape
were investigated in accordance with the article de warrenis levatis de novo. Hunting
was a popular medieval sport and often lords would erect a game park or warren
without royal warrant. In 1261, there are three presentments of which two are

\textsuperscript{50} Maddicott, Simon de Montfort, 126; Treharne, Baronial Plan, 174 n. 1, 237.
\textsuperscript{51} CIPM, i. no. 112.
\textsuperscript{52} Ibid.
\textsuperscript{53} 596. Although the criteria for eligibility did fluctuate, by the middle of the thirteenth century it was
established that an individual had to hold a minimum of £20-worth of land before they were liable to
take up knighthood. See Waugh, ‘Reluctant Knights and Jurors’, 941.
\textsuperscript{54} Ibid, 941-4, Meekings, Wiltshire Crown Pleas, 39.
\textsuperscript{55} 527.
\textsuperscript{56} Meekings, Wiltshire Crown Pleas, 39.
concerning the same individual, Walter de Grey.\textsuperscript{57} In Chadlington hundred, Adam le Despenser, the abbot of Winchcombe and Maenus son of Richard were amerced for erecting a warren without royal warrant.\textsuperscript{58}

In the \textit{capitula itineris}, there were a series of miscellaneous articles which did not involve the protection of the crown's prerogative. The use of fishing contrivances that endangered navigation was a continual grievance. Indeed, Magna Carta ordered the removal of fish-weirs on the Thames and Medway.\textsuperscript{59} Consequently, the article \textit{de kidellis et starkellis} was instituted in 1246, ordering the presentment of all those who had fished using keddle nets and large fishnets.\textsuperscript{60} There was only one presentment in response to this article in 1261. Ralph in Muro and twenty-four others were named by the jury of Oxford borough as having fished on the Thames using keddle nets.\textsuperscript{61} During the 1249 visitation a new article was introduced. Each jury was now required to state how much the hundred was worth.\textsuperscript{62} All fourteen hundreds in Oxfordshire, including those in private hands, made a presentment under this article. A typical example is Binfield hundred, which was held by Richard of Cornwall, and was valued at twenty shillings a year.\textsuperscript{63}

At the beginning of every eyre, a general summons was issued commanding the attendance of all those who ought to appear before the justices. Often, however, many of the more substantial men in the county decided not to attend the eyre. Consequently, the article \textit{de defaltis} was introduced to enforce attendance. Juries were obliged to supply the names of those who owed attendance at the eyre but who had failed to

\textsuperscript{57} 792 and 795. Walter de Grey was a clerk from Yorkshire who was also a prebendary of Beverley.
\textsuperscript{58} 666.
\textsuperscript{59} Clause 33. See Holt, \textit{Magna Carta}, 458-61.
\textsuperscript{60} Meeings, \textit{Wiltshire Crown Pleas}, 33.
\textsuperscript{61} 888.
\textsuperscript{62} Meeings, \textit{Wiltshire Crown Pleas}, 32.
\textsuperscript{63} 797.
appear. In all, fourteen hundreds and four boroughs had named defaulters in their veredicta.\textsuperscript{64} Bloxham hundred is a typical example. Situated in the far north of the county, it borders the counties of Northamptonshire and Warwickshire. When the jury made its list of defaulters, it named Thomas de Arden of Hanwell, William of Pyrton, William of Gorham, Hugh of Woodcote and Matthew archdeacon of Buckinghamshire, all of whom were subsequently amerced.\textsuperscript{65} Bloxham’s distance from Oxford, where the sessions were held, probably accounts for why so many individuals failed to attend. In some instances, defaulters were listed as having an excuse. When the jurors of Binfield hundred submitted their list, they mentioned that Reginald of Whitchurch was sick.\textsuperscript{66} In most pleas, however, the defaulter had probably decided that non-attendance and the resultant fine was cheaper than the expense of travelling to Oxford.

**Misadventure**

Juries were also required to present all the cases of misadventure which had happened since the last visitation.\textsuperscript{67} During the 1261 Oxfordshire eyre, there were sixty-three presentments of misadventure. From the tract *de criminalibus placitis coram justiciariis itinerantibus*, it has been established that there were two differing presentments of misadventure.\textsuperscript{68} The first involved an inanimate object or an animal. Once the facts of the case had been established and a judgment of misadventure was pronounced, the object would be ‘given to God’ and declared deodand. The object itself, or its monetary value, would later be given over to some charitable use.\textsuperscript{69} In the village of Shipton under Wychwood, a water-mill wheel crushed a ten-year-old boy.

\textsuperscript{65} 473.
\textsuperscript{66} 791.
\textsuperscript{69} Crook, *1235 Surrey Eyre*, i. 110.
named Robert son of William. After the judgment of misadventure had been given, the wheel was declared deodand and valued at ten pence. Tradition dictated that either the King or his justices would bestow the deodand upon a charitable cause. It is unfortunate, however, that there is no surviving record indicating which charitable cause or religious house the deodand was given. A second form of misadventure consisted of accidents where neither a person nor an object was held responsible. Thus when the two-year-old Roger Coker fell into a well in the village of Shipton under Wychwood and drowned, no person or object was found responsible.

In a rural society, accidents resulting from agricultural activity feature prominently amongst the pleas of misadventure. In an effort to increase the amount of land available for cultivation, clearance of waste ground was sometimes undertaken. Occasionally, the roll records instances where a person had been crushed by a tree. A falling tree in Watlington crushed Robert Bostun. Although the details provided are rather sparse, it is possible that Bostun was crushed while chopping down the tree. The 1261 roll also includes misadventures where the victim had been crushed by a wall. In the village of Steeple Barton, it was reported that a wall had crushed John son of Margery. Although John may have been in the process of building the wall when it collapsed, it is equally likely that it was the wall’s bad state of repair which had occasioned its collapse.

Trade was an important feature of village life, goods being transported between communities using horses and carts. It is therefore unsurprising that carts were the most common cause of fatal accidents. In total, six people had fallen to their death

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70 649.
71 The deodand’s total value was £9 3s 11d.
72 648.
73 815.
74 544.
from a cart.\textsuperscript{75} Although no descriptions of these carts were provided, it is probable that they were large and capable of carrying heavy loads. Details of the accidents themselves are rarely provided in the roll. In most instances the victim is simply described as having fallen from a cart. Thus the borough of Deddington recorded that William son of Atheline had ‘fallen from a certain cart’.\textsuperscript{76} On occasions, however, the deceased was stated as having fallen underneath the cart, the wheels crushing the helpless victim. Consequently, when the jurors of Chadlington hundred presented the accidental death of Thomas son of Alice Pigges of Shipton under Wychwood, they stated that Thomas ‘was crushed by a wheel of a certain cart’.\textsuperscript{77} Although common, carts were just one of the forms of conveyance used to transport goods in Oxfordshire.

Since the Late Bronze Age, the Thames was used for long distance trade and by 1200 large quantities of merchandise were being shipped from Oxford to London.\textsuperscript{78} With both the commercial importance and the sheer volume of the county’s water borne trade, it is therefore not surprising that boating accidents accounted for a large proportion of the presentments of misadventure. In all, nineteen individuals are mentioned as having drowned. People falling out of boats into a river caused many of these accidents. Richard le Clerk and Walter le Bolter were in a boat on the Thames near Oseney abbey. It capsized and both men were drowned.\textsuperscript{79} Most of these boating accidents occurred on the river Thames. In one case, though, a boat had capsized on the Cherwell.\textsuperscript{80} Incidents of drownings were not just confined to rivers: ponds also feature regularly in accidental deaths. John son of John the Cook, for example, had drowned in a pond in Oxford. The exact circumstances surrounding this accident are unclear,

\textsuperscript{75} 469, 589, 681, 722, 776 and 800.  
\textsuperscript{76} 589.  
\textsuperscript{77} 656.  
\textsuperscript{78} Blair, Anglo Saxon Oxfordshire, xvii, 121-2.  
\textsuperscript{79} 895.  
\textsuperscript{80} 572.
however, making it impossible to discern whether John had got into difficulties while swimming or was simply getting water.\textsuperscript{81}

Water-mills were one of the main cornerstones of the village economy. With the complexity of the machinery involved, the chances of an accident were considerable. It is perhaps surprising, then, that there were only four accidents reported as having occurred at a water-mill. At Iffley in Bullingdon hundred, a man named Richard of Brill was crushed by the mill’s wheel.\textsuperscript{82} A similar accident had occurred at the water-mill in Thame. John son of Henry the carpenter was reported as having been crushed by a mill wheel.\textsuperscript{83} Accidents occurred at other work places. Repairs and renovations to buildings were a dangerous activity that sometimes led to a person’s death. When John Fot fell to his death from a beam in Dorchester church, he may have been engaged in restorative work to the church roof.\textsuperscript{84} Similarly, Hugh son of Ivette fell to his death from a beam in Ralph of Chesterton’s house. William son of William and Ralph de Lascy witnessed his death. Their presence may indicate that Hugh was engaged in some renovation of the house’s roof when he was killed.\textsuperscript{85} Such evidence suggests that in mid-thirteenth century Oxfordshire, the potential for fatal accidents at work was great.

Many people in Oxfordshire were also killed while pursuing non-industrial activities. Tree climbing was an activity that led to five deaths in Oxfordshire.\textsuperscript{86} Robert Teyt was reported to have climbed a tree in the wood of Stoke Lyne, from which he slipped and fell. He died immediately from the injuries he sustained in the fall.\textsuperscript{87}

\textsuperscript{81} 837.
\textsuperscript{82} 687.
\textsuperscript{83} 721.
\textsuperscript{84} 744.
\textsuperscript{85} 509.
\textsuperscript{86} 508, 511, 569, 600 and 680.
\textsuperscript{87} 508.
Unfortunately, as in most cases recorded by the jurors, the reasons why Robert was climbing the tree are not given. Occasionally tragic accidents feature in the roll: at the priory of Bicester in Ploughley hundred, two children were playing what can perhaps be described as an early game of football. William Stirchup kicked the ball and Stephen le Tailor of Bicester ran after it. As he did so, he tripped and fell upon his scissors. Stephen died five days later from the wound aged less than ten years old. 88

Deaths from accidental burns feature prominently amongst the presentments of misadventure. 89 Many of these fatalities happened within the home. In most of these pleas it is conceivable that, although the age of the person is rarely given, they were children. Amongst the presentments of the borough of Oxford, there is one such example. During a probable house fire at John le Goldsmith’s home in the ward of St Peter-le-Bailey, his son aged 6 months was burned to death. 90 Everyday tasks such as cooking involved some degree of risk. An example can be found in Oxford: Petronilla of Witney fell into a lead vessel containing hot water and died three days later. 91 On some occasions, these accidents occurred in industrial settings. In the village of Henley, there was a foundry where lead was melted. Alice wife of John le Long, having fallen into a crucible full of molten lead, died from the burns the following day. 92 Brewing could also be dangerous: Christine of Prescote was ‘scalded by malt from a leaden vessel’ while visiting the home of Hugh of Bampton in Banbury. She died eight days later from her injuries. 93

During thirteenth-century eyre visitations, ‘falling sickness’ was frequently presented as a cause of death; the 1261 Oxfordshire visitation is no exception. In total,

88 503.
89 498, 777, 844 and 885.
90 885.
91 844.
92 777.
93 498.
three people were named as having died from falling sickness;\textsuperscript{94} William of Hampton was, for example, found dead in the Oxford parish of St Budoc.\textsuperscript{95} Unfortunately, the definition of falling sickness is somewhat unclear. The victim may have suffered from a heart attack or an epileptic fit.\textsuperscript{96} The roll also contains accidents that are rather strange to twentieth-century ears. Pigs were responsible for the deaths of three children.\textsuperscript{97} One such death occurred in Wootton hundred. Robert son of Thomas Sule was a boy aged two years. The jurors stated that he was 'bitten by a certain pig' in Eynesham. His wounds were so severe that he succumbed to his injuries just two days later.\textsuperscript{98} It was not only pigs that killed people; other domesticated animals could prove to be just as dangerous. In Albury, Robert of Grove's horse struck him on the chest.\textsuperscript{99} A more unusual accident occurred in Oxford. When the jury made its presentment, they reported that while John son of Simon was in the belfry of St Michael's church, the bell's clapper struck him.\textsuperscript{100} Misadventure was just one form of crown plea that came before the itinerant justices.

**Statistical Reliability of the 1261 Roll**

Before discussing which criminal offences were heard by the justices in Oxfordshire and the overall levels of crime found in the county, it is important to quantify the limitations of the evidence contained in the roll itself and, in particular, how these affect its reliability as evidence for the prevalence of crime in mid-thirteenth century Oxfordshire. Felonies could be determined by judgment in courts other than the general eyre including local courts, county, franchise and visitational courts such as

\textsuperscript{94} 464, 784 and 857.  
\textsuperscript{95} 857.  
\textsuperscript{96} Meekings, *Wiltshire Crown Pleas*, 68.  
\textsuperscript{97} 566, 654 and 829.  
\textsuperscript{98} 566.  
\textsuperscript{99} 708.  
\textsuperscript{100} 858.
gaol delivery. Given these overlapping jurisdictions, is the 1261 roll therefore a comprehensive and reliable record of crime within the county? We have already seen that some criminal pleas determined before the justices of gaol delivery were presented under article two although it is difficult to estimate how comprehensively their activities were presented at the eyre.\textsuperscript{101} Henry Summerson has argued that the eyre rolls were never ‘intended to constitute a full record of the numbers of cases of larceny that were committed’.\textsuperscript{102} The evidence of the 1235 Surrey Eyre supports such a view, suggesting that ‘provided there were no irregularity in proceedings, the matters were not reported, or at least not enrolled, because such profits as arose from them for the king had already been accounted among the profits of the county’.\textsuperscript{103} This also included cases where a capital judgment had been imposed although, by the 1240s, this was no longer current practice, as all executions in such courts should be presented in the next eyre.

The Oxfordshire roll supports these conclusions. Only those cases determined by the gaol delivery justices where there was a financial aspect, a capital judgment had been imposed or a prisoner had been delivered to the bishop of Lincoln’s official, seem to have been recorded on the plea roll.\textsuperscript{104} Similarly, cases determined before private courts were only reported to the itinerant justices if a capital judgment had been delivered or if there had been some infringement such as failing to attach a bystander. Thus in their \textit{veredicta} the jury of Chadlington presented the sentencing and subsequent execution of the thief, Richard Muset, in the earl of Gloucester’s court at Shipton under Wychwood.\textsuperscript{105}

\textsuperscript{101} See above 62.
\textsuperscript{102} Summerson, ‘Enforcement’, 234.
\textsuperscript{103} Crook, \textit{1235 Surrey Eyre}, i. 106.
\textsuperscript{104} For example, 482, 788 and 865.
\textsuperscript{105} 665.
The vast majority of crown pleas were brought into the eyre by the process of presentment, as can be seen in Table 4.3 below. Yet this can in itself be a serious limitation. Presentments were made by the hundredal juries, which were composed of free men of local standing. This made them highly susceptible to pressure exerted by certain elements of society.¹⁰⁶ More wealthy neighbours could sometimes use their influence to ensure that jurors failed to present certain felonies. Similarly, if a member of the local elite had committed a felony, it was much less likely to have been presented. This influence may have on occasion also been supplemented by bribes. Such communal self-interest also led to a heightened emphasis upon those considered a threat to the status quo. People living on the fringes of society were perceived as the greatest danger, a circumstance that may explain the preponderance of felonies

involving such individuals. Likewise, local communities could use the indictment process to target those whom they regarded as troublemakers.\textsuperscript{107} When viewing the evidence of the roll, therefore, some allowance must be made for the prejudices of the presenting juries.

These prejudices were compounded by the frequent concealment of information from the itinerant justices. Sometimes, the concealment extended to small aspects of the case. We have already seen an example involving the jurors of Bampton who were amerced for concealing an earlier appeal.\textsuperscript{108} Often these concealments would have been merely mistakes or oversights by the presenting juries. Sometimes, however, these attempts at concealment would have been deliberate. Suicide is a case in point. If the deceased had been found to take his own life, all his goods and chattels were forfeit to the Crown. By recording the suicide as misadventure, the family were spared the forfeiture of the deceased's chattels.\textsuperscript{109} Communities likewise may have collectively hidden a crime, perhaps resenting the interference of outsiders. Indeed, if the local community thought there were circumstances that mitigated the crime, there was an increased danger that the criminal act would be concealed. Sometimes this may have been with the connivance of the local officials. It is probable, therefore, that many felonies did not reach the attention of either the local officials or the eyre court itself. Individuals or groups may also have attempted to avoid an amercement by deliberately supplying false information to the itinerant justices. Tithings were frequently amerced, for example, for their failure to apprehend a fellow tithingman who had committed a

\textit{Administration of Criminal Justice, 1294-1350} (Woodbridge, 1996), 194-7, 216.

107 Crook, 1235 Surrey Eyre, i. 114. 'Indictments are concerned with persons and their reputations: rarely if ever is the alleged criminal act described.'

108 610. See above, 62.

109 Crook, 1235 Surrey Eyre, i. 97. 'Some deliberate mistakes by juries so spare neighbours [both] trouble and expense.'
It is possible, therefore, that jurors may have alleged that the felon’s identity was unknown so as to avoid payment. I believe that in most of these pleas, however, the identity of the felon was in fact unknown.

Whether deliberate or unintentional, concealment makes it difficult to estimate the discrepancy between actual and recorded crime. There were, nevertheless, a number of checks that were designed to limit the likelihood of perjury and concealment. The requirement that the hue be raised when an offence had been committed was one safeguard. This ensured that any crime would be made public and the community put on alert. An intensive system of courts and inquests similarly reduced the opportunities for concealment. Offences would have been presented at the sheriff’s tourn or the hundred court. These cases would also have been heard in the county court. This means that the three courts could act together ‘as checks on the information presented to each other’. Further verification was undertaken when the hundred juries made their presentments to the itinerant justices as their answers would be compared with the entries on the coroners’ rolls. Similar verification was also sought from the rolls of the sheriff and the county court. Any discrepancy would then be subjected to an amercement. Attempts were made to identify false accusations and the perpetrators were either arrested or amerced.

Any estimation is further complicated by the variation caused by the type of felony committed. Some categories of crime were more likely to have been accurately reported by the presenting juries than others. Indeed, in the contemporary sense of a serious crime, the felonies recorded in any roll would usually be only a fraction of the

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110 670 and 833.  
112 Ibid., 318-21.  
113 616 and 853.  
actual number of crimes committed in the shire. Just six cases of rape came before the justices itinerant in 1247 while there was not a single recorded instance of this felony during either the 1261 or the 1285 visitation. Such figures are manifestly an underestimate. Yet this there is one probable exception to this rule: homicide. Detailed discussion concerning the reliability of the figures for reported homicides in the roll and their subsequent statistical analysis will be found later in this chapter but a few key points can be made here.

Of all crimes, homicide is perhaps the most difficult to conceal. With the difficulties inherent in the disposal or concealment of corpses, it may be that there was not a substantial difference between the number of reported killings and the number of actual murders that had been committed in the county during the previous seven years. Quarrels and disputes were common knowledge in a close-knit society like Oxfordshire and any disappearances would have been quickly noticed. Homicides were also likely to have been more widely publicised in the surrounding community than other offences. Given the greater reliability of homicide statistics, the recording of all capital judgments heard in other courts and the existence of checks on attempted concealment, an analysis of the reported offences in Oxfordshire can, despite the limitations outlined above, provide some important evidence concerning thirteenth century crime.

**Homicide**

The majority of the Oxfordshire crown pleas in fact concerned felonies. A total of 294 criminal offences, or some 63.38% of all crown pleas, were recorded as having been committed in Oxfordshire since the previous eyre in 1254. In Table 4.4 below,

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115 JUST 1/700, mm 2, 5, 8-8d, 11.
116 See below, 105-6.
118 This figure excludes five pleas of homicide that appear twice in the roll.
I have plotted the number of each different kind of felony that was brought before the justices.\textsuperscript{119} From the evidence of the table, homicide was the felony most commonly heard by the justices. In all, 130 separate pleas of homicide were presented before the justices.\textsuperscript{120} There is a great disparity between the numbers of male and females who had committed these murders. In the roll, the jurors name 199 individual murderers of whom forty-two were described as unknown.\textsuperscript{121} From the remaining 157, it is significant that only fourteen murderers were women.\textsuperscript{122} This represents only 8.92%. A

\begin{table}
\centering
\caption{A Table Illustrating the Felonies during the 1261 Oxfordshire Eyre}
\begin{tabular}{l}
\hline
Counterfeiting  
Accomplice  
Breaking  
Beating  
Burglary  
Harbouring  
Arson  
Force  
Suicide  
Wounding  
Robbery  
Theft  
Homicide  
\hline
\end{tabular}
\end{table}

Table 4.4

\textsuperscript{119} In many pleas, the accused was alleged to have committed more than one category of crime, for example murder and robbery. See 579.
\textsuperscript{120} See Table 4.4. This consists of 117 separate presentments and thirteen appeals. There are five pleas appearing twice in the roll, 457, 561, 616, 620, 628, 655, 840, 863, 866 and 910 and have therefore only been counted the once. I have also excluded five pleas (639, 781, 816, 849 and 887) where the accused had been charged with many generic offences including homicide but no specific details being provided.
\textsuperscript{121} This figure excludes those originally described as unknown but who are later identified by the hundred jurors.
\textsuperscript{122} See Table 4.3. 529, 556, 570, 598, 616, 627, 647, 676-7, 725-6 and 853.
similar pattern can be distinguished when we examine their victims. It is possible to identify 139 separate murder victims, of whom only thirty-two or 23% were females. These figures do not, however, include the small number of pleas in which the jurors merely state that the entire family was killed. Most male violence was directed against other men. Yet women were more likely to murder other women. These findings concur with those found elsewhere and can be explained using the reasons already advanced by Barbara Hanawalt and Louise Wilkinson. Women played a less active role in social life than men. Restricted social circles similarly meant that women

![Chart illustrating the Sexual Identity of Felons](chart.png)

**Table 4.5**

had less opportunity to participate than men, and these networks could be further weakened if a woman married. Wilkinson’s study of Lincolnshire women has shown that ‘a female killer was more likely to act in company and her partners tended to be

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123 For example, 555. The Wootton jurors recorded that Richard le Shepherd ‘and his whole family’ had been killed in Handborough by unknown evil-doers.
men rather than women.\textsuperscript{126} Oxfordshire exhibits similar patterns, with some 50% of women committing murders in company of men.\textsuperscript{127} In Oxfordshire, however, most of the homicides committed by women were directed against men. Only two murders or 14.29% involved intra female homicide.\textsuperscript{128} Such findings may indicate a degree of male manipulation although the difficulties in establishing the exact relationship between killers make it difficult to quantify such a conclusion.

Murder within the kin group was not uncommon in thirteenth-century Oxfordshire: in 1261, relatives had killed thirteen individuals, representing some 10% of all recorded homicides. In a field near Bourton, for example, Ralph Skyl killed his brother John with a knife.\textsuperscript{129} Marriages could also be a source of strife, the tensions between partners leading to homicidal conflict. It is unsurprising, therefore, that there are six pleas in which a husband had slayed his wife. At Great Rycote, Roger de Whitened stabbed his wife Ascelina with a knife in the stomach. Having killed her, he fled and was later outlawed.\textsuperscript{130} Unlike the 1241 eyre, there is not a single instance of a wife slaying her husband in 1261.\textsuperscript{131}

Uxoricide was not the only form of intrafamilial homicide. Parents occasionally would kill their child. I have found two instances of infanticide in the roll.\textsuperscript{132} A particularly interesting case occurred in Oxford. While Robert le Blund was trying to beat his wife Matilda, their daughter Isolda got in the way and he killed her by mistake.\textsuperscript{133} Sibling rivalries could likewise lead to murder. Fratricide appears only once in the 1261 eyre roll: as we have seen Ralph Skyl murdered his brother John in

\textsuperscript{126} Ibid., 207.  
\textsuperscript{127} 556, 598, 616, 677, 725-6 and 853.  
\textsuperscript{128} 529, 627 and 725.  
\textsuperscript{129} 475.  
\textsuperscript{130} 804.  
\textsuperscript{131} For example, Cooper, Oxfordshire Eyre, 1241, no. 788.  
\textsuperscript{132} 842 and 892.  
\textsuperscript{133} 842.
Tensions within the family sometimes caused other relatives to resort to murder. In Fritwell, Isabel wife of Philip de Obetrost murdered her mother-in-law, Edith. Sometimes the hostility between a new spouse and their stepchildren was so intense that one party would commit murder. Richard Hubert murdered his stepmother Agnes in the village of Adderbury, a crime for which he was later hanged. Although infrafamilial homicide was not uncommon in Oxfordshire, it accounted for only a small proportion of all murders.

Economic pressures, which operated within rural communities, often occasioned homicidal conflict. During the thirteenth century, England was experiencing a period of rising inflation and rising prices. Correspondingly, England underwent another period of rapid population growth, outrunning 'the ability of the land to support it'. This inevitably placed a great strain on resources, helping to create a growing pool of landless vagrants. These pressures were under particular pressure in the late 1250s when England experienced a series of crop failures that led to widespread famine, a situation that was further exacerbated by heavy flooding in 1256 and 1257. These economic stresses would have been at their strongest at village level, increasing substantially the tensions that were already an inherent part of communal life. Those furthest down in the social hierarchy would be the most vulnerable to these pressures. Perhaps unsurprisingly, then, men at the lowest levels of society were responsible for most of the homicides in Oxfordshire. Some seventy-
seven landless vagrants were named in fifty-five pleas, or 42.31% of all cases, of murder. Walter de Lun abjured the realm after confessing to the murder of Mariota, wife of Robert Lewyne. When the jurors reported the abjuration, they stated that Walter was 'an itinerant stranger' and possessed no moveable chattels. Unlike their more wealthy counterparts, the poor had few means available to settle disputes. Since only the 'free' were able to bring civil cases in the royal courts, some may have consequently used violence to resolve a dispute. In fact, almost 64.71% of those murderers for whom chattel valuations were provided are recorded as not having any. A number of homicides were committed, however, by men of some standing in local society. As we can see from Table 4.6, there were two individuals who had chattels worth more than four pounds. Below them was a group of twenty-one persons with chattels worth between one shilling and four pounds. Yet this second group was not necessarily wealthy: John Maddicott has argued that 'the possession of marketable goods to the value of 10s., the level at which a man normally became liable to tax,
hardly indicated even moderate prosperity.\textsuperscript{145} This view is supported by the stipulation in the fortieth of 1237 that 'no poor man or woman' was to be taxed unless they had more than forty pence 'in goods'.\textsuperscript{146} Further down the social scale were the group of seven who were just above the level of vagrant, having less than twelve pence of chattels. With little in goods, they had less to lose than those of greater standing and were correspondingly less likely to be involved in crime, especially homicide.

Those in holy orders were likewise subject to these economic pressures. As has been argued by J.B. Given, there existed an overabundance of clerics and a dearth of suitable livings.\textsuperscript{147} This relative poverty probably forced some clerks to resort to crime for financial gain. Thus when four clerks entered Laurence Cordwaner's house in the parish of St Michael's South, Oxford and killed him, burglary was probably the prime motive. Of the 199 named killers, nine were listed as 'clerks'.\textsuperscript{148} In all, churchmen formed 4.52\% of all the accused murderers in the roll. All of the clerics who had murdered were from the lower ranks of the clergy: they were merely described as clerks.\textsuperscript{149} The borough of Oxford presented five individuals or 55\% of these murderous clerks.\textsuperscript{150} This number is surprisingly low, however, since Oxford had developed into a university town.\textsuperscript{151} Coming to Oxford to study for a career in the church, students would be free from the social constraints that had acted upon them before their arrival. Relations between town and gown were often tense and quarrels

\textsuperscript{146} \textit{CR} 1234-7, 544.
\textsuperscript{147} Given, \textit{Society and Homicide}, 84. Hilton has suggested that clerics formed about 2\% of the population, see R.H. Hilton, \textit{A Medieval Society: The West Midlands at the End of the Thirteenth Century} (London, 1966), 65.
\textsuperscript{148} 515, 518, 677, 684, 843 and 845.
\textsuperscript{149} Hilton, \textit{Medieval Society}, 83.
\textsuperscript{150} 843 and 845.
amongst the scholars themselves were common.\textsuperscript{152} Nicholas de Cudringg struck Hervey the scribe with a knife in the stomach, killing him instantly.\textsuperscript{153} Although their relationship to the university is unstated, it may be possible that both were studying there. Scholars would sometimes endeavour to aid their fellow students. Robert Lorence of Bloxham had been convicted of murdering his wife. As he was being transported to the gallows, several clerks from the university of Oxford released Robert, who promptly escaped.\textsuperscript{154}

Frequently, these murders were likely to have been impulsive acts, committed on the spur of the moment. Unfortunately, however, the eyre rolls usually fail to provide enough detail to definitively prove that a particular murder had been committed on impulse. Often witnesses were present at the scene of the crime.\textsuperscript{155} When William Scot stabbed William son of Roger in Hethe, it occurred in the presence of Robert le Long.\textsuperscript{156} Even if the murderer had successfully killed without being discovered, he faced problems in trying to dispose of the body. Corpses were sometimes thrown into the Thames in order to destroy the evidence. After killing Hugh atteFelde, William Pennyfarthing and William Bubbe threw his body into the Thames at Long Crendon in Buckinghamshire.\textsuperscript{157} In certain instances, the lack of a body did not prevent the felon from being brought to justice. Feuds were the common knowledge and if someone suddenly vanished, then suspicion would immediately fall upon those who had a grievance against him. In the mill at Goring, Brian Ie Carter struck William Ie Newman with a stick, from which wound he died immediately. In an attempt to hide

\textsuperscript{153} \textsuperscript{845}.
\textsuperscript{154} \textsuperscript{457} and \textsuperscript{863}. Unfortunately, the roll does not indicate the nature of the connection between Lorence and his rescuers although it is possible that he may be a fellow student or clerk.
\textsuperscript{155} For example, \textsuperscript{598}. Alditha of Woodstock was present at the murder of Geoffrey Chaynel.
\textsuperscript{156} \textsuperscript{506}.
\textsuperscript{157} \textsuperscript{723}.
his crime, Brian threw William’s body into the Thames and it ‘was never afterwards seen [again].’ Nevertheless, suspicion must have fallen on Brian as he later fled and was outlawed.\textsuperscript{158}

Unidentified assailants perpetrated many of Oxfordshire’s homicides. Often defined as ‘vagrants’ and ‘strangers’, these individuals lived outside normal society. From a total of 294 felonies described in the Oxfordshire eyre roll, ninety-one cases (30.95\%) were committed by felons who were not identified. If we examine homicides in isolation, then this percentage increases substantially. Fifty-five cases of murder were ascribed to unidentified assailants, which accounts for 42.31\% of all murders in the county. Many of the homicides involving unknown assailants were committed during the course of a robbery. When William le Norris’s house in Draycot was burgled, for example, unknown assailants wounded his son Adam who then fled with the goods that they found. Bullingdon’s jury, during the presentment of this felony, reported that ‘who they were is not known’.\textsuperscript{159}

Theft

Homicide was not the only criminal business dealt with by the itinerant justices. Many other forms of felony are found in the 1261 roll, including theft, robbery and arson. Excluding murder, there were 187 felonies presented before the justices.\textsuperscript{160} Following the pattern manifested in the pleas of homicide, men committed the overwhelming bulk of these crimes. The roll names 458 individual felons in cases other than homicide: 396 (86.46\%) men and sixty-two (13.54\%) women.\textsuperscript{161} Although this is an increase when compared to the percentage of women involved in murder, it is

\textsuperscript{158} 767.  
\textsuperscript{159} 690.  
\textsuperscript{160} This figure includes those fifteen pleas where homicide was alleged in conjunction with other felonies.  
\textsuperscript{161} See Table 4.3.
still dwarfed by the numbers of men involved. Why such a disparity existed is difficult to quantify. It may be that, as in homicide, the role of women in society restricted their opportunity to engage in criminal activity.

Theft was the second most common alleged felony after homicide that was brought before the itinerant justices. Totalling eighty-one separate actions, theft represented 27.55% of all the crown pleas in the 1261 eyre.162 People suspected of theft were usually named in the juries’ privata. When Dorchester’s jury made their answer to the privata, they named Robert Beneyt, William Waker, Hugh le Simple, and John le Duk as being suspected thieves.163 Sometimes the juries presented individuals for specific individual thefts: John of Duns Tew, for example, was captured in the hundred of Ploughley for stealing cloth. Often, however, the juries merely presented that an individual was captured for theft without specifying the stolen object. Imbert le Breton was a case in point, having being arrested and imprisoned in Oxford ‘for theft’.164 On occasion, a thief was caught in the act. In Witney, Agnes daughter of Walter Durant was captured with the unspecified stolen items (mainour) and imprisoned.165 More frequently, the thief would flee to a church and claim sanctuary from his pursuers. There are thirty-six cases where the thief had claimed sanctuary. A typical example is Edith of Wolverton. Her theft being discovered, Edith claimed sanctuary in Henley church where she later admitted the theft of cloth and abjured the realm.166 One particular theft occurred near Tetsworth in the hundred of Thame. William of Leatherhead’s servant Rose, finding two pigs in a field, drove them back to his courtyard. After feeding them, William killed the pigs and had them placed in his

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162 See Table 4.4. This figure excludes those pleas where theft is alleged in conjunction with other felonies.
163 758.
164 539, 865.
165 630.
166 778.
larder. He was tried by the justices and acquitted. Rose, however, had fled and was 
exacted and waived in her absence.\textsuperscript{167} It is impossible to discover whether these thefts 
were the work of hardened criminals or just impulsive acts when confronted by a 
temptation.

Of the wide variety of objects alleged to have been stolen, cloth was the most 
common item. Usually the type of cloth is not specified although occasionally we can 
see various cloths being used in Oxfordshire. When Isabel of Ireland abjured the realm 
after seeking sanctuary in Asthall, she admitted to the theft of a linen sheet.\textsuperscript{168} After 
cloth, livestock was the next most popular item to be stolen. There are frequent 
mentions of sheep, cattle, and oxen and, in one plea, geese and hens.\textsuperscript{169} Horses were 
also valuable goods that were sometimes stolen by thieves. Having fled to Hensington 
church, John Kriket, abjured the realm and admitted to having stolen a number of 
horses.\textsuperscript{170} Rarely, however, do the stolen items appear to be of much monetary value. 
The sheepskin stolen by Gilbert of Evenlode, for example, was valued at four pence 
and the abbot of Eynesham was fined for letting him abjure for such a minor 
misdeed.\textsuperscript{171} Livestock could be valuable, especially horses, but in Oxfordshire, where 
sheep farming was practised, the price of an individual ewe was relatively small. When 
Adam Dunning abjured the realm at Dorchester, he admitted that he had stolen a total 
of ten sheep.\textsuperscript{172} We may conclude, then, that in Oxfordshire, ordinary people as a 
consequence of poverty or instant temptation perpetrated many of the thefts.

Money was rarely stolen. In only one case was coin stolen: Petronilla of 
Bicester placed herself in the church of Kirtlington, where she acknowledged the theft

\textsuperscript{167} 714.  
\textsuperscript{168} 626.  
\textsuperscript{169} For example, cattle, sheep and geese in 519, 665 and 877 respectively.  
\textsuperscript{170} 583.  
\textsuperscript{171} 483.  
\textsuperscript{172} 748.
of ‘nine shillings.’ Unfortunately, however, the nature of the stolen goods is usually unspecified. It is probable that those accused of larceny of unspecified items were merely suspected of theft. In close-knit societies, theft would be easier to discern. A sudden increase in a person’s moveable goods could engender suspicion although these people could not actually be proven to have committed a crime. Thus the suspected person’s presentment by the jury may have been intended to act as a warning to the local community and the individual himself since most of those indicted were later acquitted by the same jury.\(^{174}\)

Oxfordshire’s thieves often targeted food sources, the high incidence of which could be directly attributable to the famine of the late 1250s.\(^ {175}\) Sheaves of grain or barley were the most common food sources that were stolen. In the village of Witney, Gillian Edwin was captured with a stolen sheaf.\(^ {176}\) Although death was the punishment for theft, the judges could occasionally impose a lesser penalty. At the church of St Mary’s Oxford, Thomas son of Richard Brown of Marston abjured the realm for stealing ‘geese and hens and corn in the autumn and of no other theft.’ The eyre justices passed judgment against the coroner and bailiffs ‘that they allowed him to abjure the realm for [only] a small transgression.’\(^ {177}\) Judges may have been allowed some discretion when passing judgment. In Charlbury, Gilbert of Evenlode was hanged for stealing a sheep’s hide. Because the abbot of Eynsham had hanged Gilbert ‘without any suit’ and ‘for so small a transgression,’ he was amerced for thirty

\(^{173}\) 516. 
\(^{174}\) Crook, 1235 Surrey Eyre, i. 114. See also below, 97. 
\(^{175}\) Carpenter, Struggle for Mastery, 57, 360. 
\(^{176}\) 642. 
\(^{177}\) 877.
marks.\textsuperscript{178} Obviously, it was thought that the death penalty should only be imposed for theft of items over a certain monetary amount.\textsuperscript{179}

**Robbery**

After theft, the next most common crime committed was that of robbery. Being alleged in fourteen cases, robbery accounts for almost 5% of the total. Most of these robberies were unspecified, the accused being either indicted on suspicion or was named in an appeal of felony. Simon Donman was a typical example, the jury of Pyrton indicting him for suspicion of ‘robbery.’\textsuperscript{180} Similarly, most of the presentments were of a general nature, merely recording that someone had been captured on suspicion or that they had admitted this offence when abjuring the realm.\textsuperscript{181} Occasionally, however, a specific case was presented. Henry Simeon was robbed at Fulbrook in Chadlington hundred by two men named Robert Simeon and Henry le Painter of Thame. The entry records that they both fled after this offence although it does not provide any details concerning the items that they had taken.\textsuperscript{182} Sometimes robbery was alleged in conjunction with other crimes, including homicide or wounding. In the county court, Gillian Pollard of Alvescote had appealed John Newman, John of Little Barrington, Walter son of Rose and Nicholas Puf of robbery, wounding and breaking the king’s peace.\textsuperscript{183} One case in particular is of special interest. Lying near to Cutslow in Wootton Hundred, there was a mound that was notorious as a place where criminals would lie in wait for their victims. The jury stated that two

\textsuperscript{178} 483. The abbot of Eynsham had the liberty of a private gallows, see *The Cartulary of the Abbey of Eynsham*, ed. H.E. Salter (OHS, li, 1908), ii. no. 604; *Rot. Hund.*, ii. 709.
\textsuperscript{179} Although it is difficult to discern how justices viewed their role, ‘it seems that judges seem generally to have taken seriously their oath to render justice impartially to all.’ For a fuller discussion on how judges were regarded by both themselves and their contemporaries and their concern for the poor, see R.V. Turner, *Judges, Administrators and the Common Law in Angevin England* (London, 1994), chapter six esp. 111-8.
\textsuperscript{180} 827.
\textsuperscript{181} 890 and 897 for example.
\textsuperscript{182} 671.
\textsuperscript{183} 637.
strangers were robbed at the mound and subsequently murdered. In an effort to prevent a recurrence of this felony, the sheriff was ordered to flatten the mound.\textsuperscript{184} Robbery was, in a landscape of isolated communities and woods, a constant danger to both travellers and locals.

**Wounding**

Other, less frequent, felonies were likewise presented before the itinerant justices. Woundings and beatings account for just 2.4\% of all the felonies.\textsuperscript{185} Usually crimes involving personal injury were not committed on their own but rather to facilitate a greater crime. Thus when John de Totero appealed Hugh, the servant of Hugh of Clifford, of wounding, it was in conjunction with an allegation of both robbery and breaking the king's peace.\textsuperscript{186} There are also occasional examples of domestic violence: as we have seen Robert le Blund killed his daughter while attempting to beat his wife Matilda.\textsuperscript{187} Suicide was also considered a felony. Only three suicides were presented during the eyre: by hanging, stabbing with a knife and an unspecified method.\textsuperscript{188} In each case, the victim was a male. Interestingly, each suicide victim seems to be relatively wealthy. The valuation of Thomas Petit of Brightwell Baldwin's chattels equalled eight pounds while those of Gilbert Sebryn were valued at twenty-six shillings.\textsuperscript{189} It is probable that some of the murders or misadventures recorded in the roll were actually instances of suicide. Occasionally the jury or the vill would seek to conceal a suicide in order to spare the family the loss of land and chattels that a verdict of suicide occasioned.\textsuperscript{190}

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\textsuperscript{184} 580. Although murder was involved, robbery was the primary motive in this plea. The mound was thought to have been a chambered long barrow, see \textit{VCH Oxon}, xii. 308.

\textsuperscript{185} 756.

\textsuperscript{186} 176.

\textsuperscript{187} 842.

\textsuperscript{188} 513, 542 and 801.

\textsuperscript{189} 801 and 513.

\textsuperscript{190} Meekings, \textit{Wiltshire Crown Pleas}, 69.
Rape and Arson

Appeals of rape can be found in most eyres. During the 1249 Wiltshire, there were nineteen appeals of rape. Likewise, the 1241 Oxfordshire eyre roll contains seven appeals. The 1261 eyre does not, however, contain a single allegation of rape. Appeals by women were certainly allowed. The roll contains examples of women bringing appeals of murder and burglary. It may be that the women had decided against bringing any appeal of rape because of the difficulties in proving the case. Justices may also have been hostile because it was feared that such appeals were instigated merely to embarrass a neighbour. Thus, from the seven appeals of rape in 1241, only one resulted in the defendant being found guilty of rape. One felony that does appear in the 1261 roll is arson. Two presentments of arson were made before the justices. In the village of Ledall, William Quintin’s house was the subject of arson. This attack arose out of hatred and revenge as it later emerged that Quinton had removed William Tan, the arsonist, from the service of William son of Ellis. Unfortunately, the circumstances surrounding the other plea of arson are not given. A house at Yarnton in Wootton hundred had burnt down. Richard son of Stephen had been charged with the attack but was acquitted by the jury. The prevention and punishment of these crimes must have been of the highest importance for all local communities.

191 Ibid, 74.
192 Cooper, Oxfordshire Eyre, 1241, 229.
193 For example, 616 and 658.
196 Cooper, Oxfordshire Eyre, 1241, no. 839.
197 547 and 709.
198 709.
199 547.
Law Enforcement in Oxfordshire

Much has been written on the thirteenth century law enforcement system. F.W. Maitland has argued: 'We must not end this chapter without recording our belief that crimes of violence were common and that the criminal law was exceedingly inefficient...even in quiet times few out of many criminals came to their appointed end.' The indictment of those suspected of criminal activity acted as a warning to the local community and the individual himself since most of those indicted who appeared before the justices were later acquitted by the same jury. Since indictments only listed those suspected of criminal activity rather than being guilty of a specific felony, it provided the jurors the opportunity to name local troublemakers and alert them to the fact that they were being observed. Thus indictments could act as a deterrent. Certainly, there are relatively few cases in Oxfordshire’s crown pleas where the criminal was punished by hanging. In total, there are thirty-six hangings recorded in the roll, making a condemnation rate of just 7.86% for all recorded crime. Moreover, the conviction rate was very low. From a total of 278 cases, if one excludes the fifteen heard by the justices of gaol delivery, forty-seven ended with the defendants being found not guilty whereas there are only fifteen instances where the jury found the defendants guilty. In other words, less than 6% of cases resulted in a conviction. This low rate of conviction was fostered by the county’s natural landscape. The forests that covered parts of Oxfordshire and adjoining Buckinghamshire allowed criminals to disappear. The size of the shire likewise had an impact upon conviction rates, the law-breaker often being able to reach a neighbouring county such as Buckinghamshire.

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200 HEL, ii. 557.
201 Crown Pleas of the Devon Eyre of 1238, xi. See also above, 93.
202 In the remaining pleas, the felon was sentenced to outlawry.
before his crime was discovered. One such example was Simon of Twyford, who fled across the border into Buckinghamshire and appears to have avoided capture. The ease with which criminals could escape would suggest that Oxfordshire’s law enforcement system was ineffective. But concentrating merely upon the number of convictions is to take a narrow view of punishment. In a society where dense woods, marshland or heath surrounded many communities, effective law enforcement cannot be seen solely in terms of arrests and convictions. Although the felon may have avoided capture, he could be identified and steps could be taken to ensure that his identity and crime were advertised to the wider community.

This process was, of course, outlawry. An exacting system of inquests was evolved which identified the felon. He would be summoned to appear at five consecutive county courts. If, at the fifth, he failed to appear, he was then declared an outlaw and all his chattels would be forfeit to the crown. Consequently, the outlaw was unable to return to his place of origin and, if recognised, he was liable to arrest and execution as an outlaw. In Oxfordshire, the defendant was sentenced to outlawry in almost 35% of the total criminal cases heard before the itinerant justices. Women could also be exacted: the roll contains evidence of thirteen women being ‘waived.’ Interestingly, there were twelve pleas where the person has fled but, since they are thought to be innocent, they were allowed to return to their homes. Unknown assailants murdered Richard le Shepherd’s family in Handborough. Although innocent, Roger Suel of Handborough later fled. The jury accepted his innocence and allowed him to return if he wished. Outlawry was an effective means of punishment because of the publicity it generated. Everyone who attended the county court would learn who

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203 519.
204 Ninety-eight pleas.
205 For example, 503, 774 and 898.
206 555.
was suspected of committing a crime and to be arrested if seen, both before and after outlawry was declared. These people would then return to their village where this information was disseminated. It was through a combination of exclusion and publicity that outlawry was an effective means of punishing felons who could not be captured. 207

Likewise, the publicity involved in abjurations meant that the abjuror was taking a grave risk if he left the road and settled elsewhere. Since any abjuration would be made in front of a large audience, and would be presented to both the sheriff’s tourn and the county court, the abjuror’s identity would reach the largest number of individuals possible. Even the passage of time did not lessen the chances of recognition: a Shropshire murderer, who returned home three years after his abjuration, fled immediately after being recognised. 208 The Oxfordshire eyre roll contains sixty-four abjurations, accounting for 23% of all the criminal pleas heard in the eyre. Only one case, however, records the port appointed by the coroner. 209 Bristol was the nominated port in this instance although other abjurors may have been allocated other ports. 210 It is impossible to estimate how many of those who abjured actually left the realm, R.F. Hunnisett believing that only ‘a minute proportion [of abjurors] ever left the kingdom or even reached their ports.’ 211 The lack of any mechanism for enforcing the abjuration, combined with the absence of a ‘rule’ that ‘abjurors should be watched on their journey’, afforded them many opportunities to leave the king’s highway once they had left the immediate neighbourhood. 212 Yet even if the abjuror did not actually

208 Ibid., 323.
209 499.
210 Hunnisett, Medieval Coroner, 45-7. Other destinations included Dover and Berwick-on-Tweed.
211 Ibid., 48-9.
212 Ibid.
leave the country, the abjuration process ensured that the felon would at least be forced to leave the neighbourhood.

Even if the suspect was captured, his chances of escape were high. During the 1261 eyre, the jurors presented twenty-five pleas, accounting for almost nine percent of the total, where the felon had escaped from either the custody of the vill or from a local prison. After Eustace of Tetsworth’s abjuration, he managed to escape from the custody of the vill. Since the whole vill was responsible for his custody, it was amerced for this failure. Many prisons were in private hands. Robert of Bampton was imprisoned in the Bishop of Lincoln’s prison in Banbury, from whence he was able to make his escape. As the lord of Banbury, the bishop was then amerced for this escape. Other private prisons included Headington and Charlbury, held by the Countess of Warwick and the Abbot of Eynesham respectively. Unsurprisingly, these prisons were subject to overcrowding and needed to be emptied at regular intervals.

This system of emptying the prisons at regular intervals was called gaol delivery. Individual bench justices were sent out into the counties on pre-arranged circuits: their purpose being to deliver the gaols and pass judgment on those imprisoned therein. Oxfordshire’s roll names three different justices who acted as gaol delivery justices in the years prior to 1261: Nicholas de Turri, Laurence de Brok and William of Englefield. Each was an experienced royal justice, having been judges in the court coram rege for many years. Turri had recently been appointed the senior justice of that court although he had never acted as an eyre justice before the 1261

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216 483 and 711. For a discussion on franchisal prisons, see Pugh, *Imprisonment*, 87-97.
217 482, 552 and 863.
218 See Chapter Two.
visitation. Some fifteen cases in the roll specifically mention that the felon had been tried before the justices of gaol delivery.\textsuperscript{219} It has been argued that gaol delivery was ‘concerned chiefly with thieves and robbers’.\textsuperscript{220} Yet such a conclusion is not borne out by the Oxfordshire evidence. Only six cases involve theft whereas seven are for homicide. Many of those who found guilty by the gaol delivery justices had already been hanged. John Fader, having been arrested on suspicion of theft in Wootton Hundred, was taken to Oxford where he was imprisoned. There he remained until the arrival of Laurence de Brok, before whom John was convicted and hanged.\textsuperscript{221} Needless to say, not all those appearing before the justices of gaol delivery were found guilty. In the wood at Harpsden, unknown assailants had murdered Robert le Grange. Later, the coroner made an inquisition and three suspects were arrested for the homicide. All three suspects, namely Richard Fonghl, Henry atteStrande and Robert, son of Ralph de la Dene were taken to Oxford and imprisoned. When the justice of gaol delivery, Laurence de Brok, next visited the county, all three suspects were tried and acquitted.\textsuperscript{222} On occasions, suspects were removed elsewhere to stand trial. Richard le Marshal was captured at Oxford, on suspicion of theft and robbery, with chattels valued at eleven marks. After his temporary imprisonment in the castle he was, by the king’s order, taken to Newgate in London. His chattels were then entrusted to Robert Quemterel by the order of Hugh le Despenser.\textsuperscript{223} Not every criminal, however, was incarcerated until the arrival of the justices.

Throughout thirteenth century England, there operated a system of bail and attachment. It was designed to ensure that those people who were required would

\textsuperscript{219} 457, 465-6, 482, 487, 517, 524, 585, 788, 806, 860, 863, 886, 893 and 909.
\textsuperscript{220} Meekings, \textit{Wiltshire Crown Pleas}, 5.
\textsuperscript{221} 549.
\textsuperscript{222} 788.
\textsuperscript{223} 890.
attend the sessions of the eyre.\textsuperscript{224} Large numbers of people were secured in this way. Apart from murder, those who had been appealed of felony were to be attached by sureties. Occasionally there are instances where the coroner or sheriff had allowed a suspect to go free without any sureties.\textsuperscript{225} Anyone who discovered a corpse or who were present at a murder scene would likewise be attached. Usually the individual would need to find two sureties. If these sureties then failed to produce the person before the justices, they would be amerced. In all, there were twenty-three cases where the sureties had failed to produce the attached person. These can be divided into twelve pleas where the first finder had failed to appear\textsuperscript{226}; four pleas where those who had been present at the place of death did not appear\textsuperscript{227} and three instances where the appellee had failed to appear.\textsuperscript{228} Sometimes failure to follow the rules in attaching first finders was the consequence of local officials not fulfilling their duties. Whether this was by negligence or corruption is unclear. Meekings has argued, however, that this may be attributed to the fact that the sheriff and other local officials could exercise a degree of discretion.\textsuperscript{229}

Law enforcement was of major importance to the crown. In an effort to ensure that the law was being properly enforced, it would resort to the imposition of financial penalties. The itinerant justices frequently exacted murdrum fines, which were payable by a district.\textsuperscript{230} The victim’s blood relations were required to present Englishry, that is to show that he was of English birth and prove their relationship to the deceased.

\textsuperscript{224} Meekings, Wiltshire Crown Pleas, 46.
\textsuperscript{225} 651.
\textsuperscript{226} 550, 557, 644, 695, 803, 837, 839, 847, 857, 861, 872 and 895.
\textsuperscript{227} 544, 611, 680 and 845.
\textsuperscript{228} 756, 757 and 870. There were also five pleas where the appellee also failed to appear, 637, 646, 756, 757, 841 and 852, one of which (756) saw twenty-three individuals being appealed.
\textsuperscript{229} Meekings, Wiltshire Crown Pleas, 48-9. Henry of Bath, a royal judge, had released a man without sureties believing that a certain appeal of homicide was brought through malice.
kinsmen were required to present Englishry at the coroner’s inquest, the county court and the eyre. If they did not, then the hundred would be collectively amerced. In Oxfordshire, Englishry had to be presented by two male relatives, one each from the father and mother’s side. Prior to 1258, murdrum could be imposed in cases where the verdict was misadventure. After the Statue of Westminster of 1259, murdrum could only be imposed in pleas of felony; a fact that was stated in the roll itself. 231 In the 1261 eyre there were thirty-eight pleas where murdrum fines were levied in accordance with this provision. If, however, the relevant clause had not been enforced, the number of fines would have increased to 101. This low figure is important evidence for the king’s retention of some elements of the baronial reforms although it did not act to any great financial benefit for the hundreds themselves. 232 An example of how the murdrum fine operated in practice can be found in Bullingdon hundred. Near the village of Horspath, a stranger was found dead on the king’s highway. At the inquest, the identity of both the victim and his assailants could not be established. Since Englishry was not presented, the judgment was murder on the hundred. 233 There is reason to believe that murdrum fines were unpopular in the localities: it appears that the presenting jury had tried to conceal this plea. 234

Homicide Rates within Oxfordshire

As in any society, all the regions of thirteenth century Oxfordshire suffered from the effects of crime. Yet how widespread was the experience of crime in the county? Was there an increase in the incidence of crime or did the overall levels of reported crime remain static? Contemporaries were certain that crime was a growing

231 453.
232 Brand, Kings, Barons and Justices, 284-5.
233 707.
234 Juries had also attempted to conceal appeals during other eyres, for example during the 1249 Wiltshire visitation. See Meekings, Wiltshire Crown Pleas, nos. 1, 130, 174 and 238.
problem. In the 1285 Statute of Westminster, the preamble lamented that ‘from day to
day, robberies, murders, burnings be more often committed than they have been
heretofore.’\textsuperscript{235} But was there really an increase in crime during the years prior to the
introduction of the Statute? Some historians have answered that question in the
affirmative. Given believed that thirteenth century England experienced a ‘heightened
level of violence.’\textsuperscript{236} Summerson, in his 1992 article ‘The Enforcement of the Statute
of Winchester, 1285-1327’, stated that although there were fluctuations in the
homicide rates of various counties ‘the overall trend was probably up’.\textsuperscript{237} The
remainder of this chapter will therefore examine whether the trends that Summerson
identified in other counties are discernible in Oxfordshire and what they can tell us
about the incidence of crime within the shire.

The statistical evidence has been drawn from all the surviving Oxfordshire eyre
rolls of this period. Rolls survive for the visitations held in 1241, 1247, 1261, 1268 and
1285.\textsuperscript{238} Fragments have also survived from the 1235 eyre although these do not
contain sufficient information from which any useful statistics can be compiled.\textsuperscript{239} A
further eyre was held in 1252 but no record of its proceedings is known to have
survived.\textsuperscript{240} Unfortunately, not all of the presenting districts’ returns appear on the
1268 Oxfordshire roll. *Veredicta* for the hundreds of Bullingdon, Dorchester, Thame
and Northgate as well as the vills of Oxford and Woodstock have not survived. I have,
therefore only included felonies originating from the returns of hundreds, boroughs and

\begin{footnotes}
\textsuperscript{236} Given, *Homicide and Society*, 212.
\textsuperscript{237} Summerson, ‘Enforcement’, 235. See also Summerson, ‘Structure of Law Enforcement’, 325-7.
\textsuperscript{238} JUST 1/695 (1241); JUST 1/700 (1247); JUST 1/701 (1261); JUST 1/703 (1268); JUST 1/705 and
JUST 1/710 (1285).
\textsuperscript{239} JUST 1/1580; Crook, *Records*, 232.
\textsuperscript{240} Crook, *Records*, 118-9.
\end{footnotes}
vills that feature in all the surviving eyre rolls. Some eyres also contain a higher number of reported offences than others. This variation can be partly explained by the length of the period between visitations. Seven years was the customary interval but in practice this varied considerably. Six years separated the Oxfordshire eyres of 1241 and 1247 while only five separated those for 1247 and 1252. Nine years then passed before the itinerant justices returned to the county in 1261. The longest gap was, however, the seventeen years between the 1268 and 1285 visitations. The longer the interval, therefore, the greater the number of reported offences.

Unfortunately, the full extent of the variation between reported and actual crime is impossible to ascertain. There is, nevertheless, the one felony whose reporting is most likely to have been a relatively accurate reflection of the numbers committed: homicide. I will, therefore, concentrate mainly upon the number of reported homicides as a measure of crime trends. Yet even this needs to be regarded with caution. Homicide includes all degrees of felonious death, what ‘nowadays would be termed murder and manslaughter’. From the details given in the eyre roll, it is impossible to distinguish between the different degrees of murder. Some deaths thought to be premeditated were likely to have been accidental while others considered as natural by the county coroners may in fact be suspicious. It is likely, however, that these discrepancies will cancel themselves out and that the overall homicide figures are broadly accurate. Moreover, it is evident that killings classified as homicide were those that were ‘regarded as felonious, or potentially felonious at the time’. We must also

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241 Ibid., 232. The four hundreds that do not feature in the 1268 roll were Bullingdon, Dorchester, Thame and the suburb of Oxford/Northgate. The two vills were Woodstock and Oxford infra mura.
242 Ibid., 232, 234. There was, for example, a twenty-year gap between the 1268 and 1285 Oxfordshire visitations, while there was a twenty-year gap between the Shropshire eyres of 1272 and 1292.
243 For the reliability of the information contained on the roll, see above 77-82.
244 Summerson, 'Enforcement', 234-5.
245 Ibid.
246 Ibid.
remember that these figures are only averages. The rolls usually do not indicate when
the crime had been actually committed. There is also the added problem that there may
be some omissions from the roll. Some years may have had higher rates of omission
than others. Yet, even given these limitations, such an analysis is worthwhile.

The earliest quantifiable criminal statistics for Oxfordshire come from the 1241
visitation when William of York and his fellow justices heard a total of 140 felonies.\footnote{Cooper, Oxfordshire Eyre. 1241, nos. 783-1061. See also Table 4.7.}
When this figure is divided by the number of years since the last visitation, an average
of 23.33 reported felonies can be suggested for the years between 1235 and 1241.
There were 153 reported offences during the 1247 visitation. This overall increase was
mirrored by a similar growth in the average rate to some 25.5 felonies \textit{per annum}. With
the absence of a surviving roll for the 1252 eyre, the next set of figures dates from
1261. Under Gilbert of Preston’s leadership, the itinerant justices heard a total of 294
felonies, a rate of approximately 36.75 felonies over the previous eight years. These
figures suggest that in Oxfordshire there had been a gradual increase in overall crime
between 1235 and 1247 before rapidly rising during the 1250s. By comparison,
however, the figures for the 1268 visitation indicate that there had been a significant
fall in the number of reported felonies. Only 131 offences had been recorded for the
previous seven years, representing an average annual rate of just 18.86 felonies.
Although dramatic, this decline can be explained. The 1268 crime figures were
probably lower due to the disruption engendered by the recent Barons’ War. Military
activity, combined with the replacement of key officials and the preoccupation of the
county elite with ‘national’ events, may have allowed many crimes to pass unnoticed
or unrecorded. Having reached its nadir in 1268, Oxfordshire’s crime rate recovered
strongly. In 1285, the itinerant justices heard 380 felonies, a figure equating to some 22.36 felonies per annum.\footnote{See Table 4.7.} This, however, proved to be the county's last visitation; nine years later Edward I suspended the general eyre.\footnote{CR 1288-96, 351; Crook, 'The later eyres', 241-9; Crook, Records, 171.}

Oxfordshire's homicide rates only partially mirror, however, the trends that have been identified in the levels of overall reported crime. Forty-four murders were recorded during the 1241 eyre.\footnote{See Cooper, Oxfordshire Eyre, 1241, 228 for the list of plea numbers.} When this figure is divided by the number of years since the last visitation, an average of 7.33 homicides per annum can be suggested for the years between 1235 and 1241. Over the next six years, the reported homicides rose to sixty-nine, working out at a murder rate of 11.50 per annum.\footnote{JUST 1/700 mm.1-3d, 5-11.} From this peak, the rate fell slightly to 11.38 homicides a year between 1252 and 1261.\footnote{Table 4.8.} Interestingly there had been an increase in the reported killings to 91 for the same period. This fall

\begin{figure}
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\includegraphics[width=\textwidth]{chart.png}
\caption{The Overall Levels of Crime in Oxfordshire, 1241-1285 (All Felonies)}
\end{figure}

\begin{table}
\centering
\begin{tabular}{|c|c|c|c|c|}
\hline
Date of Eyre & 1241 & 1247 & 1261 & 1268 & 1285 \\
\hline
No. of Pleas & 0 & 10 & 20 & 30 & 40 \\
\hline
\end{tabular}
\caption{Table 4.7}
\end{table}
in the homicide rate was, however, of temporary duration. Throughout the 1260s, it slightly grew to an average of twelve murders a year, Richard of Middleton and his fellow justices hearing eighty-four cases at the 1268 eyre.\textsuperscript{253} The homicide rate continued to rise during the 1270s. In 1285, 235 homicides were reported, a rate of approximately 13.82 \textit{per annum} over the previous seventeen years.\textsuperscript{254} This evidence suggests that Oxfordshire's homicide rate, a more reliable indicator than overall crime figures, had risen steeply between 1241 and 1247. Over the next decade it had remained relatively static until it started to rise again during the 1260s. This fluctuating pattern is also evident in the proportion of overall crime which homicide represented. Murder accounted for 31.43\% of all recorded felonies in 1241 and 45.01\% in 1247. This percentage fell slightly to 44.22\% in 1261 before undergoing a sizeable increase.

\begin{table}[h]
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\begin{tabular}{|c|c|c|c|c|c|c|}
\hline
\textbf{Year of Eyre} & 1241 & 1247 & 1261 & 1268 & 1285 \\
\hline
\textbf{Homicide Rate} & 10 & 12 & 12 & 14 & 14 \\
\hline
\end{tabular}
\caption{Oxfordshire's Annual Homicide Rates, 1235 to 1285}
\end{table}

\textsuperscript{253} JUST 1/702 mm.1-9.
\textsuperscript{254} JUST 1/705, JUST 1/710.
in 1268, with homicide accounting for 64.12%. In 1285, homicide fell marginally to some 62.11% of all reported crime.\textsuperscript{255}

On the whole, Oxfordshire’s homicide rates mirror those identified by Summerson in other counties. A typical example was the trend exhibited in the homicide rate of the neighbouring county of Berkshire. In 1248, the justices itinerant heard seventy-nine cases of murder.\textsuperscript{256} This equates to an average homicide rate of 11.2 per annum over the previous seven years. Falling slightly between 1252 and 1261, homicide averaged 10.6 per annum. Unfortunately, there are no surviving crown pleas from the 1268 Berkshire visitation. The next period for which statistics can be gathered are the years between 1268 and 1284 when Berkshire had a homicide rate of approximately 19.4 per annum.\textsuperscript{257} Evidence from other counties exhibits similar

\begin{table}[h]
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\begin{tabular}{|c|c|c|c|c|c|c|c|c|}
\hline
\textbf{Year} & \textbf{Oxfordshire} & \textbf{Devonshire} & \textbf{Essex} & \textbf{Berkshire} & \textbf{Surrey} & \textbf{Warwickshire} \\
\hline
1238 & 5 & 7 & 10 & 12 & 14 & 16 \\
1244 & 6 & 8 & 11 & 13 & 15 & 17 \\
1248 & 7 & 9 & 12 & 14 & 16 & 18 \\
1252 & 8 & 10 & 13 & 15 & 17 & 19 \\
1255 & 9 & 11 & 14 & 16 & 18 & 20 \\
1262 & 10 & 12 & 15 & 17 & 19 & 21 \\
1268 & 11 & 13 & 16 & 18 & 20 & 22 \\
1272 & 12 & 14 & 17 & 19 & 21 & 23 \\
\hline
\end{tabular}
\end{table}

\textbf{Table 4.9}

\textsuperscript{255} See Table 4.8.
\textsuperscript{256} Clanchy, \textit{1248 Berkshire Eyre}, 579-82.
\textsuperscript{257} Summerson, ‘Enforcement’, 235.
trends. Surrey had been averaging 7.9 killings *per annum* during 1255 and 1263. Just eight years later this had risen to 12.1. 258 The itinerant justices had visited Devonshire in 1238, 1244 and 1249, recording a combined total of 300 murders. Taken as an average, this equates to slightly more than fourteen killings a year. In 1281, 404 homicides were reported, a rate of some thirty-six per annum over the previous eleven years. 259 Summerson calculated that this surge in Devonshire’s homicide rate was in excess of 150%. 260 Other counties such as Essex and Warwickshire experienced an overall albeit less dramatic increase in the murder rate between 1240 and 1280. 261 These statistics indicate that in general homicide rates were, despite individual fluctuations, rising throughout the middle of the thirteenth century. Contemporaries had often claimed that such an increase had taken place. 262 Summerson’s statistics has suggested that this assessment was not necessarily misplaced. 263

Oxfordshire’s evidence strengthens such a conclusion. Reported homicide rates for the county had followed an upward trend throughout much of the thirteenth century although they underwent a temporary stagnation during the 1250s. 264 Having established the pattern for Oxfordshire as a whole, I will now examine the situation in areas. A sample of six hundreds have been selected from across the county.

Situated in the west of the shire lies the hundred of Bampton. Bordering the counties of Berkshire and Gloucestershire, it was a gently undulating landscape that extended north of the river Thames. In April 1241, when the itinerant justices under William of York’s leadership visited the shire, Bampton’s jury testified that, since 1235, only two

258 Ibid.
260 Ibid.
261 Ibid; *Devon Eyre of 1238*, xxvii.
262 *English Historical Documents 1189-1327*, 399.
264 See Table 4.8.
homicides had been committed within the hundred.\textsuperscript{265} This equated to an average homicide rate of just 0.33 \textit{per annum}. Six years later, at the 1247 visitation, the jurors stated that the overall number of murders amounted to six, a figure suggesting an increased yearly homicide rate of one.\textsuperscript{266} The gradual upward trend detected in Bampton’s homicide rate during the 1240s did not extend into the succeeding decade. Instead, it remained static at one murder a year with a total of eight unlawful deaths being recorded on the 1261 eyre roll.\textsuperscript{267} The frequency of reported killings began to rise again, albeit only slightly, during the 1260s. In 1268, Richard of Middleton and his fellow justices had heard eleven cases, a sum that equated to 1.4 homicides \textit{per annum}.\textsuperscript{268} From this peak, the rate fell slightly to about 1.12 killings a year between 1268 and 1285. During this period, it had been reported; a total of nineteen murders

\begin{center}
\textbf{Oxfordshire Hundredal Homicide Rates, 1235 to 1285}
\end{center}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{homicide_rates.png}
\end{figure}

\begin{center}
Table 4.10
\end{center}

\begin{itemize}
\item Cooper, \textit{Oxfordshire Eyre, 1241}, nos. 926 and 978.
\item JUST 1/700 mm.7-7d.
\item \textit{607, 610, 612, 616, 622-3} and \textit{627-8}. A second appeal for the alleged killing of William de la Grave (620) has been excluded from this figure.
\item JUST 1/702 mm.2-2d.
\end{itemize}

111
had been committed within the hundred. These statistics indicate that throughout the mid-thirteenth century the hundred of Bampton had experienced a moderate growth in its homicide rate, although after the 1260s there was a decline of almost 16%. The pattern identified in Bampton, therefore, only partially mirrored the trend exhibited by Oxfordshire as a whole.

Similar variations are discernable in the homicide rate of Wootton hundred. Situated in the centre of the county, its terrain was a mixture of meadowland and undulating hills. The 1241 eyre roll recorded that the jurors of Wootton hundred presented eleven cases involving murder. When divided by the number of years since the last visitation, an average annual homicide rate of 1.83 can be suggested for the period 1235 and 1241. Six years were to elapse before the itinerant justices visited the county again, during which time the homicide rate underwent a moderate growth. Twelve unlawful killings were reported in 1247, a figure that equates to an increased rate of two murders per annum. Throughout the 1250s the homicide rate continued to rise. In 1261, Wootton’s jurors reported that some seventeen killings had occurred over the past eight years. This upsurge in the number of murders represents a mounting homicide rate of 2.13 a year. Having reached its peak during the 1250s, the rate began to decline slowly. Thirteen homicides had been committed in the seven years prior to 1268, a figure that suggests an annual rate of approximately 1.86. A further fall occurred during the 1270s. Thirty-one unlawful killings had been presented at the 1285 eyre. This represented an annual homicide rate of 1.82 per annum over

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269 JUST 1/705 mm.20d-22d.
270 Table 4.8; Table 4.9.
271 Cooper, Oxfordshire Eyre, 1241, nos. 838, 841, 846, 848, 850, 854, 856, 864, 878-9 and 884.
272 JUST 1/700 mm.8-9.
273 546, 548, 554-7, 561, 563, 568, 570-1, 573-5, 578, 580 and 586.
274 JUST 1/702 mm.8-8d; JUST 1/705 mm.13-14d.

112
the previous seventeen years. From these statistics, it can be seen that Wootton’s homicide rate underwent a period of moderate growth during the 1240s and 50s before experiencing a long-term decline. This trend was markedly different from that exhibited by Oxfordshire’s overall murder rate which underwent a recovery after 1261.

Sharing Wootton’s eastern boundary was the hundred of Ploughley. One of Oxfordshire’s larger hundreds, its flat landscape consisted of fields and meadows. At the 1241 eyre, Ploughley’s jurors had presented only one unlawful killing.276 Such a low level of incidence ensured that the hundred had enjoyed since 1235 an average murder rate of just 0.17. This situation was, however, short-lived. When Roger de Thurkelby visited the shire in 1247, eleven cases were reported for the intervening six years.277 Representing a rise of over 1000%, this dramatic rise was reflected in a homicide rate that had soared to 1.83 per annum. Unable to maintain such levels, the homicide rate fell slightly during the 1250s. In the eight years between the visitations held in 1252 and 1261, twelve murders had been committed, an average of 1.5 per annum.278 Ploughley’s homicide rate plummeted, however, over the next seven years. Only three murders had been presented at the 1268 eyre, signifying an average of just 0.43 a year.279 Yet such a collapse was only temporary. Throughout the 1270s the homicide rate underwent a significant recovery. In 1285, the itinerant justices heard twenty-nine cases involving murder.280 Over the previous seventeen years, therefore, Ploughley had an annual rate of approximately 1.71. Such a fluctuating pattern indicates that throughout the mid-thirteenth century, Ploughley’s homicide rate differed noticeably from that of the county as a whole. Unlike the steady upwards trend

276 Cooper, Oxfordshire Eyre, 1241, no. 796.
277 JUST 1/700 mm.9-10.
278 506-7, 510, 512, 514-5, 517-8, 520, 523, 529 and 537.
279 JUST 1/702 mm.6-6d.
280 JUST 1/705 mm.15d-16d, 30.
identified earlier in this analysis, the hundred instead presented an undulating model that incorporated peaks and troughs.\textsuperscript{281}

Lewknor is a hundred that lies on the eastern slope of the Chilterns at the south-eastern edge of the shire. Its jurors presented three murders during the 1241 eyre. Since 1235, therefore, Lewknor had an average homicide rate of 0.5.\textsuperscript{282} Over the next six years, five murders were committed within the hundred, leading to a slightly increased homicide rate of 0.83 \textit{per annum}.\textsuperscript{283} From this peak, the rate declined during the 1250s. Only two murders had been reported at the 1261 eyre, a figure that equates to an average rate of 0.25.\textsuperscript{284} This decline proved, however, to be of only temporary duration. By 1268, the rate had risen to 0.57 with four unlawful killings being reported at that year’s eyre.\textsuperscript{285} This upwards trend subsequently continued into the 1270s. At the 1285 visitation, the justices heard thirteen cases, indicating an annual rate of 0.76 over the previous seventeen years.\textsuperscript{286} The trend exhibited by Lewknor’s homicide rate was again different from that displayed at the county level. Fluctuating in nature, it rose in the 1240s and fell in the 1250s before rising again in the following decade.

Yet perhaps the most striking divergence in the homicide rates for both the whole county and individual hundreds also comes from the south-east of Oxfordshire. Langtree’s jurors presented only two murders in 1241, representing an annual rate of 0.33 since 1235.\textsuperscript{287} Over the next six years, the homicide rate remained constant with two unlawful deaths being recorded on the 1247 roll. Two homicides were also reported at the 1261 visitation.\textsuperscript{288} The annual rate had fallen, however, during the

\textsuperscript{281} See Table 4.9.
\textsuperscript{282} Cooper, \textit{Oxfordshire Eyre, 1241}, nos. 886-7 and 894; Table 4.9.
\textsuperscript{283} Just 1/700 m.1.
\textsuperscript{284} \textit{JUST 1/702 m.4.}
\textsuperscript{285} \textit{JUST 1/710 mm.32d-33.}
\textsuperscript{286} Cooper, \textit{Oxfordshire Eyre, 1241}, nos. 903 and 906.
\textsuperscript{288} \textit{JUST 1/700 m. 2; 766-7.}
1250s to 0.25 because the interval between eyres had grown to eight years. Rising marginally to 0.29 per annum during the 1260s, even more surprising is the fact that only two murders were presented in 1268! Unfortunately for the inhabitants of Langtree, such a low incidence of violence was not sustained. The hundred’s annual homicide rate more than doubled during the 1270s to 0.71, with twelve cases of murder coming before the itinerant justices in 1285. The evidence from Langtree clearly illustrates the scale of variation in homicide rates that sometimes occurred at both a hundredal and at a county level.

At the north-eastern extremity of Oxfordshire lay Chadlington, the final hundred to be discussed in this analysis. Dominated by Wychwood forest, it was a sparsely populated district. Chadlington’s jurors had presented six murders at the 1241 eyre. Covering the years 1235 to 1241, this represented a rate of one homicide per annum. Over the next six years, the rate would grow by more than 60%. The itinerant justices dealt with a total of ten cases in 1247, an average of 1.67 murders a year. During the 1250s, however, the rate returned to its previous level. Although seven killings had been recorded on the 1261 eyre roll, the annual homicide rate fell to 0.88 per annum. Unfortunately, this decrease in the homicide rate did not prove to be of permanent duration and the 1260s saw it double. The hundred jurors in 1268 presented a total of fourteen murders, an average of two homicides a year. After having reached its high point in the 1260s, the homicide rate fell to its lowest level over the course of the next decade. Fifteen cases were reported at the 1285 visitation, ensuring

289 JUST 1/702 m.6.
290 JUST 1/705 mm.4d-5.
291 Table 4.10.
292 Cooper, Oxfordshire Eyre, 1241, nos. 1004, 1006-7, 1010 and 1012-3.
293 JUST 1/700 mm.5-5d.
294 643, 645-6, 651, 655, 657 and 659.
295 JUST 1/702 mm.3-4.
that only 0.88 unlawful killings were committed annually. Chadlington hundred’s annual homicide rate, therefore, only partially followed the overall trend at county level. Shadowing the county rate until the 1260s, it saw a fall rather than a rise in homicides over the succeeding decade.

Some tentative conclusions can be drawn from the evidence of these six sample hundreds. Oxfordshire’s overall homicide rate only fluctuated slightly during the mid-thirteenth century. Within the individual hundreds, however, the situation was much more complex. There was no individual pattern that was followed by every hundred. Some such as Lewknor closely mirrored the county rate. Others such as Wootton only partially shadowed the county trend. One hundred even demonstrated a completely different pattern than that of the whole shire! At a local level, therefore, communities had widely differing experiences of violent crime. Rising numbers of homicides afflicted some while others benefited from a fall. Many factors may have led to such a variation in the levels of violent crime experienced by local communities. Geographical location, population growth, population density and the landscape all contributed towards such a variation in incidence. Proximity to busy trade routes or large urban settlements such as Oxford ensured that some communities were also more likely to suffer from violent crime than others. Although it is evident that most communities had some direct experience of violent crime, the extent of this contact varied considerably from hundred to hundred.

This contact was most noticeable by the rise in homicide rates during the 1260s, a circumstance that has been identified in the majority of our sample hundreds and also at county level. Such an increase could be ascribed to the disruptive effects engendered by the Barons’ War on the reporting of crime. Oxfordshire itself had not

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Footnote: 296 JUST 1/705 mm.6-6d.
directly experienced the ravages of warfare. It did, however, play a significant supporting role in the political upheavals that afflicted central and local government. Oxford was the ‘spiritual’ home of the reformist movement. In 1258, a parliament held in the city outlined the basic programme of reform known collectively as the Provisions of Oxford.297 Henry III resided in the city between March and May 1264 in preparation for his assault on the reformist garrison at Northampton.298 One notable instance of disorder in Oxfordshire occurred in February 1264. At the approach of the Lord Edward’s army, the civil authorities ordered the closure of Oxford’s gates as a security measure. Prevented from visiting their recreation grounds outside the north wall of the city, some scholars from the university tore down the Smith gate to restore access. A number of these students were subsequently arrested, a circumstance that led to further unrest.299 Oxfordshire was not, therefore, immune from the turmoil that affected the realm in the mid-1260s.

This disorder may have had an impact upon Oxfordshire’s recorded crime figures. Just a month before the opening of the 1261 eyre, the baronial council had been suspended and Henry III began taking his first tentative steps towards the re-establishment of royal authority.300 Over the next five years, as the political fortunes of the reformist movement ebbed and flowed, there were numerous changes in the personnel employed in the local shrieval administration. Five individuals had served as sheriff during this period while the office of coroner had changed hands more than once.301 Such changes in personnel would have disrupted the procedures for reporting

297 DBM, 96-112.
300 Treharne, Baronial Plan, 249-50.
301 Walter de la Ryvere, Philip Basset, Fulk de Rycote, John de St. Valery and Nicholas de Sifrewast.
crime and made the efficient investigation and recording of crime more difficult and haphazard. Evidence for the effects engendered by political instability can be seen most clearly, however, in the roll of the 1268 visitation. Reported crimes fell significantly compared to those for the previous three eyres. Nevertheless, homicides had increased in number for the corresponding period. This rise in reported murders during the 1260s is not surprising; wars and civil unrest were likely to generate an higher incidence of violent crime. Unfortunately, there is no indication when these crimes had been actually committed. Possibly the reported felonies were for all the years since the last visitation in 1261. While the war was in progress, local officials would have been preoccupied with adapting to the continual shifts in the political landscape. After August 1265, Henry III’s officials and his local representatives were able to concentrate on the re-imposition of royal authority in the shires although in some areas this process did not really begin until 1267. Felonies that may have previously been ignored, missed or simply gone unreported were now once again investigated and recorded. Such an argument certainly explains why there were only a relatively small number of crimes that did not involve homicide being presented to the justices in 1268.

Yet we must be careful not to overemphasise the effect of the Barons’ War upon Oxfordshire’s homicide rate. In the decade prior to the 1261 visitation, it had been almost static. Even when the rate began to rise again in the 1260s, it did so only gradually. Such a circumstance may indicate that the Barons’ War had only a minimal impact upon the county, allowing it to enjoy a higher degree of stability than may otherwise be supposed.

In this chapter I have attempted to illustrate the wide range of criminal business that came within the jurisdiction of the itinerant justices. Homicide and theft were the
most commonly recorded crime but the eyre also dealt with other felonies including suicide and arson. Law enforcement procedures were checked and any transgressions were punished. Accidental deaths also came within the jurisdiction of the eyre justices. Any transgression of the crown’s rights and prerogatives were investigated. Complaints against royal or baronial officials were likewise examined and remedied. Oxfordshire’s eyre rolls also indicate that the county experienced an overall increase in reported felonies, especially homicide, during the thirteenth century, a trend that was reflected in other counties. But the jurisdiction of the eyre extended beyond merely the criminal. How far this jurisdiction extended into civil matters - as well as the range of civil business brought before the justices - will be the subject of the next chapter.
Civil Pleas in the 1261 Oxfordshire Eyre Roll

On the first sixteen membranes of the roll were enrolled all the civil pleas for Oxfordshire. At the roll’s end was a single membrane that recorded the foreign civil pleas. Two further membranes detailed all the essoins and appointments of attorney. Within the Oxfordshire civil pleas section itself, there were two sub-sections with their own headings. Four cases heard by the itinerant justices at Caversham comprised the first. The second sub-section was much larger, encompassing all the pleas that originated in the borough of Oxford. There were no similar subsections within the foreign pleas themselves and the constituent cases originated in a range of counties including Northamptonshire, Suffolk and Norfolk. Nor does there appear to be any definite form of arrangement amongst Oxfordshire’s foreign pleas although it may be that they were arranged by successive return days.

Some 450 civil enrolments were made in the Oxfordshire section of the roll between January and March 1261. Of these entries, 335 cases were individual actions initiated by an original writ. These have been tabulated in Table 5.1 below, which records both the frequency of actions brought and their final outcomes. Both the structure and format of this table are based on those published by Michael Clanchy in his edition of the 1248 Berkshire Eyre. The Oxfordshire table also uses the same

1 1-352.
2 JUST 1/701 m.II. 937-46.
3 JUST 1/701 mm.17-8. 353-450. Essoins and attorneys will be discussed later in this chapter. See below, 141-3.
4 247-50.
5 JUST 1/701 m. 12-16d. 251-352.
6 942, 944-5.
7 Clanchy, 1248 Berkshire Eyre, Appendix VIII.
categories as Clanchy's. Defendant had accepted the plaintiff's case and rendered the disputed property by licence to One change to the structure of the tables has, nevertheless, been made: an extra column has been added. Entitled 'Conceded', this column records all pleas where the them before judgment. No such category exists in Clanchy's tables and it is unclear under which heading they have been tabulated.

The Frequency of Civil Pleas in the 1261 Oxfordshire Eyre

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<thead>
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<th>Form of action</th>
<th>Adjoined</th>
<th>Agreed</th>
<th>Not prosecuted</th>
<th>Withdrawn</th>
<th>Conceded</th>
<th>Judged for plaintiff</th>
<th>Judged for defendant</th>
<th>Actual total</th>
<th>Total per cent</th>
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<td>9</td>
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<td>0</td>
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<td>19</td>
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<td>6</td>
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<td>4</td>
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<td>0</td>
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<td>Others</td>
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<td>14</td>
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<td>0</td>
<td>11</td>
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<td>11</td>
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<td>12</td>
<td>4</td>
<td>16</td>
<td>26</td>
<td>100</td>
<td></td>
</tr>
</tbody>
</table>

Table 5.1

Clanchy's methodology actively excluded many enrolments featuring on the Berkshire roll. This was 'because they do not record a series of successive steps in forms of action'. Similar exclusions have been applied to the Oxfordshire data. Any enrolment that only records a recognizance of debt has not been tabulated. Many of these concern the money payments contracted between parties to final concords. Others probably involve such considerations although they do not specifically say so.

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8 Ibid., Ivi.
9 Ibid., Ivi; Cooper, Oxfordshire Eyre, 1241, no. 407 for example.
10 10, 232 and 283 are typical examples.
If the enrolment only notes the appointment of an attorney, it has also been excluded. Another sizeable category of enrolments that do not fit within the tables’ terms of reference are those that solely concern essoins. Some isolated notes of amercement have been excluded as have those recording the recovery of lands after default. Adjournments of juries have also not been included. Similarly disbarred are the three cases where the suit was prosecuted but no outcome has been recorded. Occasionally there are a few pleas involving multiple defendants where judgment is in favour of the plaintiff against some defendants but not against others. Mirroring Clanchy’s practice, these have been recorded twice in the tables. Although this may create a small statistical distortion, its effects will only be minimal. Allowing for these various limitations, these tables do nevertheless illustrate the approximate distribution of the commonest forms of actions.

**Novel Disseisin**

Instituted by Henry II in the late 1160s, novel disseisin was for free men who believed that they had been disseised of a free holding unjustly and without judgment. By the beginning of the thirteenth century, the assize had evolved into a routine action. Osbert Giffard, for example, had brought an action of novel disseisin against Walter of Flexney before the itinerant justices at Oxford. Osbert alleged that Walter had unjustly ejected him from his tenement in Standlake. Although Walter argued that he was in lawful seisin of the property, the jury decided that Osbert had indeed been disseised of his tenement. This assize was not intended therefore to

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11 364-450.  
12 353-63.  
13 11, 175 and 249.  
16 1.
answer the vexed question of who had the greater right to the freeholding. If the defendant, who had lost the novel disseisin action, did believe that he had the greater to the property, he could then purchase a writ of right and pursue his claim through the courts.17

Novel disseisin was not just limited to land: the unlawful dispossession of any rights appurtenant to a tenement could likewise be recovered using this action. Many Oxfordshire freeholdings carried with them rights that included common pasture, waste or grazing. Used by sheep and cattle for grazing, rights of common were especially valuable. The prior of Norton, for example, alleged that William de Parles, Henry le Serjeant and others had unjustly dispossessed him of his common pasture in Great Rollwright ‘which pertains to his free tenement.’ This pasture had been used by the prior to graze twenty pigs, six oxen, two cows and numerous sheep.18 If a neighbour had similarly altered or encroached upon a tenement’s boundary, the tenant could seek to have the boundary restored using this assize.19 A frequent occurrence during other eyres, there is surprisingly no instance of such a dispute being settled in 1261.

Novel disseisin was the most common form of action in 1261 with litigants bringing it in fifty-four separate cases, representing 16% of all pleas.20 A judgment in favour of the plaintiff was the most frequent conclusion of suits prosecuted using this assize. This result was given in twenty-one cases, or 39% of all actions of novel disseisin. Judgments in favour of the defendant were only slightly less common, being rendered in fifteen suits or 28%. It is apparent, therefore, that during the 1261 visitation plaintiffs were more successful in actions of novel disseisin than defendants. Some 33% of cases, however, never reached a judgment. Plaintiffs often purchased a licence

17 For example, 13.
18 3.
19 Britton, i. 284-5.
20 See Table 6.1.
to withdraw from their suits or simply failed to prosecute. These categories accounted for three (6%) and thirteen (24%) pleas respectively. Sometimes the parties would settle the case themselves before it ever-reached judgment. One action was resolved in this way during the 1261 visitation, representing just 1.8% of all actions of novel disseisin.\(^2\) Occasionally the defendant would concede the case, a circumstance that occurred in two Oxfordshire pleas. John de Scaccario and his fellow defendants, for example, had conceded the disputed property, two marks rent in Churchill, to the plaintiff William Murdak.\(^2\) When these outcomes are compared to those for the 1248 Berkshire eyre, similar trends are discernable. Judgments for the plaintiff outnumbered those for the defendant.\(^2\) The percentage of actions of novel disseisin that were not prosecuted (35%) was of a similar magnitude to that for Oxfordshire.\(^2\) Likewise, the proportion of actions settled by the parties themselves was very small.\(^2\) Such figures suggest that the experience of litigants in Oxfordshire was similar to those from the neighbouring county of Berkshire.

**Mort d’ancestor**

After novel disseisin, the second most common action in 1261 was that of mort d’ancestor. This possessory assize accounted for forty-one suits or 12% of the total. Designed to protect an heir from disinheritance, this action was first promulgated in the Assize of Northampton of 1176.\(^2\) If the lord had retained possession of the tenement for himself, or had demised it to someone with a lesser hereditary claim, the heir would bring an action of mort d’ancestor to recover his inheritance.\(^2\) The jurors were asked

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\(^2\) 339. See also Sutherland, *Novel Disseisin*, 44-5.
\(^2\) 67.
\(^3\) Clanchy, *1248 Berkshire Eyre*, lviii.
\(^4\) *Ibid.*, Appendix VIII.
\(^5\) Only one plea in each eyre.
\(^7\) Clanchy, *Wiltshire Civil Pleas*, 20.
to state whether the ancestor had died ‘in fee’, if this had occurred since Henry III’s coronation and whether the plaintiff was in fact the heir.\textsuperscript{28} Ultimately, the assize was concerned with seisin rather than right.\textsuperscript{29} If a person had held the property in fee and died in seisin, then his heir was able to claim seisin despite the fact that the holder may have had a greater right to the property.\textsuperscript{30} A typical example was the suit brought by Richard Danvers. He claimed that his father, William, had died seised of a messuage and a half virgate in Tetsworth which were later in the possession of William of Leatherhead. It was found that Richard’s father was indeed in possession and Richard his heir so the jurors declared in his favour.\textsuperscript{31} While men initiated most actions of mort d’ancestor, women were not prevented from undertaking such litigation themselves. The 1261 eyre contains six actions of mort d’ancestor pleas commenced by single women. Two of these did so in conjunction with a married sister and her husband.\textsuperscript{32} Two unmarried sisters initiated one plea: Agnes daughter of Reginald and her sister Jude. They had sued Thomas le Simple and Clarice, his wife, for a messuage and virgate in Clifton of which their mother had been in seisin as of fee when she died. The judgment went against them, however, because it emerged that their parents had actually been jointly seised and that their father had outlived his wife.\textsuperscript{33} It is uncertain whether the women in these six pleas were widows or actually unmarried. From surname evidence, however, it appears that the latter was indeed the case.\textsuperscript{34}

\begin{footnotes}
\item 30 \textit{HEL}, i. 148.
\item 31 53.
\item 32 161 and 218.
\item 33 26.
\item 34 228 for example. Gunnilda of Latchford, the plaintiff, shared the same toponym as her brother Gilbert. If she had been widowed, she would likely have been described as such.
\end{footnotes}
Occasionally, a plea was lost because it was proved that the defendant was not the closest heir. John le Long of Minster Lovell claimed two virgates of land from the abbot of Thame as the heir of his cousin, Simon. During the proceedings it emerged that Simon had an elder brother Robert, and that the property should have reverted to him. John lost the case and the abbot was acquitted. Unsurprisingly, the descent of a freeholding could be extremely complex. In Oxford, William le Spicer and his wife Gunnora, Matilda daughter of Hugh and Emma daughter of Roger claimed one messuage from Laurence Bernard. They also demanded a house held by Adam Biset and a stall in the possession of Robert le Tailor. Claiming descent from their ancestor Bernard, the property allegedly passed through various branches of Espicer's family for four generations. Having ascertained that Bernard had not been in seisin of the properties, the jurors declared in favour of the defendants. This is not an isolated example: many actions of mort d'ancestor failed because it was found that the ancestors did not have seisin of the tenement when they died. Nor was it only the landed inheritance that could be claimed using this assize: rents were likewise the subject of litigation. In 1261, William Talmach had claimed 2s 2d, five and a half pounds of cumin and two pairs of gloves rent with appurtenances in Stoke Talmage against Richard of Cornwall. There were, nevertheless, restrictions on the writ of assize mort d'ancestor. The assize was applicable only 'infra certos gradus limitetur, et personas et ulterius non extenditur.'

Unlike the action of novel disseisin, there was a much wider range of outcomes of litigation using mort d'ancestor in 1261. Judgments in favour of the defendant were

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35 220.
36 281.
37 For example, nos. 3, 23 and 109.
38 148.
39 Bracton, iii. 318.
the most common conclusion, being delivered in eighteen pleas or 44% of all such actions. Rulings in favour of the plaintiff, however, only accounted for four pleas or 10%. This pattern is the reverse of the situation in novel disseisin, where judgments for the plaintiff exceeded those against. After final judgments, the next most common outcomes were withdrawals and non-prosecutions. At 17%, some seven suits were so resolved. Settlements between both parties were only slightly less frequent, accounting for a further six suits or 15%. Only one plea was concluded when the defendant rendered the disputed property to the plaintiff.\(^4\) This figure was of a similar magnitude to that for actions of novel disseisin. There was one major difference, however, between both actions. Usually adjournments were not allowed in pleas of novel disseisin ‘unless they were absolutely necessary’.\(^41\) This was not the case with mort d’ancestor. Some five cases or 12% of suits in 1261 were adjourned. The reasons for the adjournments varied. Sometimes the defendants failed to appear before the justices and the plea was adjourned to allow them to be resummoned.\(^42\) Suits were also adjourned because either the defendant or the vouchee was under age.\(^43\) Oxfordshire’s outcomes broadly reflect those for Berkshire. Settlements were the most common conclusion in 1248. Judgments for the defendant outnumbered those against although the gap was less than that for Oxfordshire. Non-prosecutions were also of a similar magnitude (14%). This correlation suggests that the trends identified by Clanchy in his study can also be found in Oxfordshire.

**Right of land**

After the two main possessory assizes, right of land was the next most prevalent action in 1261. At 11%, it accounted for thirty-six separate cases. Dating

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\(^{40}\) 95.

\(^{41}\) Sutherland, *Novel Disseisin*, 19-20, 126, 132-3.

\(^{42}\) 53, 227 and 247.

\(^{43}\) 176 and 195.
from the mid 1150s, the writ of right was the oldest of civil actions. It was directed to the lord from whom the plaintiff claimed to hold the tenement. This would lead to an action in the lord’s court. If the lord had failed to act, or it was found that his court had failed to give justice, then the plea would be removed into the king’s court. The plaintiff would assert his right to the tenement by claiming that an ancestor had previously been in seisin as of right. In making this claim, he would endeavour to prove his descent from the named ancestor. Even if the lord had acted and the plea was brought before his court, the suit could still be transferred to the king’s court. Prior to 1179, unless the suit was abandoned or a compromise was reached actions of right could only be determined by a judicial duel. After this date, however, the defendant had an alternative: the grand assize. This meant that a jury of twelve knights of the district would decide the question of right, their verdict being delivered in a royal court. Actions of right featured prominently in thirteenth century civil proceedings: in the 1241 Oxfordshire eyre there were forty-two such pleas. The 1261 visitation was no exception. Ralph le Jovene was a typical example, claiming two half virgates of land in Stratton Audley as the grandson of William Boneton. Unfortunately for Ralph, the defendants William Unwine and Walter Boneton successfully proved that the disputed land was held in villeinage and so the case was dismissed. Sometimes the demandant would fail to pursue his claim although in most cases both parties would come to an agreement. Martin son of William of Iffley pursued an action of right against Robert fitz Nigel for a half virgate in Iffley. Having presented their respective

44 Hudson, Formation of English Common Law, 127.
45 Ibid.
46 Crook, 1235 Surrey Eyre, i. 49.
48 See Table 5.4 below; Cooper, Oxfordshire Eyre, 1241, xv. Cooper indicates that there are fifty-nine actions of right in 1241 although only forty-two of these originated in Oxfordshire.
49 201.
claims, they both reached a compromise. Martin dropped his claim, in return for which he would receive a payment of forty shillings. As Meekings has argued, 'the majority of actions of right brought under Henry III were intended to end in compromises, either directly or through the grand assize."

The evidence from the Oxfordshire roll does not, however, support such a conclusion. Settlements between the parties were agreed in just seven actions of right, a figure representing 19% of all such pleas. Instead, the majority of actions of right did proceed to a final judgment, seven of which were via the grand assize. Rulings in favour of the defendant were delivered in 47% or seventeen cases. Judgments for plaintiffs were less common, being dispensed in only five suits or 14%. This trend in the defendant's favour mirrors that already identified in actions of mort d'ancestor. Four cases or 11% were adjourned by the itinerant justices; three to the next county in the circuit, Berkshire, and one to allow the defendant to recover from illness. In two cases (6%), the plaintiff purchased a licence to withdraw from their suit. The remaining plea was resolved when the defendant rendered the disputed properties to the plaintiff by licence. If these results are compared with those for Berkshire, significant differences emerge. Adjournments were the most common outcome of actions of right in 1248, accounting for 47% of cases. Settlements were the next most common conclusion, with agreements being made in 29% of pleas. Unlike the situation in Oxfordshire, there was parity in the judgments for and against the plaintiff. If combined, these accounted for some 24% of actions while there were no failures to prosecute.

50 40.
51 Crook, 1235 Surrey Eyre, i. 49.
52 27, 71, 264, 315, 321, 322 and 323.
53 133, 229, 247 and 332.
54 159.
Originally instituted during the late twelfth century, the writ of entry became increasingly widespread in the early thirteenth century. In a plea of entry, as in that of novel disseisin, the plaintiff could recover a tenement without putting the question of right in issue. This action therefore covered those instances where 'a person was being kept out of an estate by someone who had acquired it with a good but limited title that had ceased to be valid'. Often this meant disputes over property that had been leased for a specified term but widows and heirs could also use it to recover lands that had been alienated by their former husbands and guardians respectively. There were several variations of the writ of entry, each following a similar procedure. The demandant would argue that the tenant had no entry into the disputed property except save through a lease, the term of which had now expired. In reply, the defendant would rebut the claim in the writ that he had no entry save through a term that had now expired. An example from Chilson illustrates this process. Philip son of William de la Thurne brought an action of entry against Robert of Cleveley for one messuage and one virgate of land. Philip argued that Robert only had entry by a third party, Robert of Chilson, who had held the land from his father for a term that had now expired. Robert asserted, however, that Philip's father had in fact enfeoffed Chilson with the land. After consideration, the jury decided in Cleveley's favour.

Actions of entry accounted for 9% of all the civil pleas heard by the itinerant justices in 1261. Totalling thirty-one separate suits, in many of these cases the

56 Milsom, Historical Foundations, 120.
57 Crook, 1235 Surrey Eyre, i. 58.
58 Ibid., 58-9. See also Milsom, Historical Foundations, 144-9.
59 Britton, ii. 298.
60 HEL, ii. 64.
61 165.
defendant had come into the tenement by virtue of an alienation made by somebody who, although in lawful seisin at the time of the alienation, did not have the power to make such a grant. Sometimes a tenant who only had a life tenancy had granted entry. Likewise, plaintiffs often argued that the alienation had been made while the grantor was of unsound mind. In William Gargat’s plea against Reginald the prior of Bicester, he alleged that his father was not of ‘sound mind’ when he made an alienation of land in Stratton Audley. Although in this example the clerk recorded the type of writ employed by the demandant, this practice was not always followed.

Following the trends exhibited in other actions, a final judgment was the most common outcome of suits initiated by the writ of entry. Decisions in favour of the defendant outnumbered those against, comprising eleven and two cases respectively. This represented 36% for and 6% against. Non-prosecution continued to be a frequent conclusion, accounting for a total of eight pleas or 26%. Of these, the plaintiff had obtained a licence to withdraw in five cases. Five further cases (16%) were settled by agreements, the terms of which were recorded upon the plea roll. There were two cases where a case was conceded; the defendant Robert Mangenache, for example, rendered the disputed burgage in Thame to Emma, widow of John le Bray. Adjournments concluded another 10% of actions. The reasons for granting an adjournment varied. Sometimes it was because the defendant was under age or that a vouchee had failed to appear. In one instance, the plea was adjourned to Berkshire where the justices’ decision would be given. A similar proportion of actions of entry

62 HEL, ii. 68.
63 70.
64 18, 28, 62, 65, 152, 225, 234 and 316.
65 179 and 204.
66 240.
67 143 and 223.
68 342.
(11%) were adjourned during the 1248 Berkshire eyre.\footnote{Clanchy, \textit{1248 Berkshire Eyre}, Appendix VIII.} Judgments for defendants likewise outnumbered those for plaintiffs. Some 11% of Berkshire actions were settled out of court. Clanchy found, however, that non-prosecution was the most common outcome of actions of entry, accounting for 44% of the total. It is evident, therefore, that Berkshire exhibited similar trends to those for Oxfordshire.

**Dower**

Dower lands and rights were frequently the subject of civil litigation. \textit{Bracton} defined dower as that ‘which a freeman gives to his wife at the church door in regard of the charge of matrimony, and by way of consideration for the marriage’ for support of the wife if she ‘shall survive her husband’\footnote{\textit{Britton}, ii. 236.} When her husband died, the widow was allowed to remain in the whole property for forty days. During this time the heir would assign the dower.\footnote{\textit{Ibid.}, 246.} Under the common law, it was established that a widow was entitled to a third of all the lands and rents that her husband held at the time of marriage.\footnote{HEL, ii. 420-6.} Dower lands would eventually revert to the heir but the loss of a third of an estate ‘while the widow was alive nonetheless seriously depleted the heir’s income.’\footnote{S.L. Waugh, \textit{The Lordship of England: Royal Wardships and Marriages in English Society and Politics, 1217-1327} (Princeton, 1988), 23-4. See also L. Wilkinson, ‘Pawn and Political Player: Observations on the Life of a Thirteenth-Century Countess’, \textit{Historical Research} (2000), 118-20.} If a freeholder had chosen a younger bride, his heir may have had to wait many years before securing his entire inheritance. Widows were frequently long-lived: Alice de Lacy outlived her husband, Edmund, by approximately forty-six years.\footnote{Complete Peerage, vii. 680-1.} Not surprisingly, the assignment of dower was often a source of conflict within families especially if the heir was not the son of the widow. Sometimes the heir would refuse to assign a dower portion, forcing the widow to pursue legal action in order to secure her
full entitlement. If the inheritance had been subsequently alienated, the action would be directed against the possessor of the tenement.\textsuperscript{75}

When the itinerant justices visited Oxfordshire in 1261, they heard twenty-nine pleas of dower.\textsuperscript{76} A typical example was Sybil, the widow of Maurice le Angervin. Her writ of dower cited Reginald and Maurice le Angervin, who were presumably her sons or nephews. She claimed a third part of 106 acres of land and seven acres of park with appurtenances in Holcombe. Sybil claimed other lands in this action, including a third of forty acres from Richard of Gloucester. After pleadings, both parties had reached a settlement out of court. Sybil agreed to renounce her dower claims in return for an annual rent of 16s.\textsuperscript{77} Even the smallest of properties was subject to dower rights; Joan the widow of Peter Thorald claimed a third part of six shillings rent in Oxford from Richard son of Nicholas, Matilda his wife and Agnes, their daughter.\textsuperscript{78} Unlike other actions, dower claims could be pursued even if the heir was a minor.\textsuperscript{79} Provided that the widow proved her claim, the heir would be required to give the widow seisin of her third. Widows, therefore, enjoyed a measure of freedom under the common law although most other women were not so privileged.

Dower actions were most commonly resolved by a judgment. Comprising some 41\%, twelve suits had progressed to this stage in 1261.\textsuperscript{80} Interestingly, there was an equal distribution in judgments for and against the plaintiff. Adjournments accounted for slightly less, with five cases or 17\% having being postponed to the forthcoming sessions at Caversham or Reading.\textsuperscript{81} Four other cases were settled by the parties

\textsuperscript{75} Bracton, iii. 357.
\textsuperscript{76} See Table 5.1.
\textsuperscript{77} 192.
\textsuperscript{78} 284.
\textsuperscript{79} Bracton, iii. 365.
\textsuperscript{80} 22, 42, 81, 182, 224, 291, 301, 317, 325, 327, 331 and 348.
\textsuperscript{81} 105, 127, 134, 242, 243 and 344.
themselves, representing 14% of all dower actions. Non-prosecution was less prevalent in these cases, accounting for just 10% of pleas. Another 18% of actions were concluded by the defendant conceding the suit and rendering the disputed property by licence.82 This figure was higher than that for any other form of action found on the Oxfordshire roll. Significant differences in the pattern of outcomes also emerge in a comparison with the 1248 Berkshire visitation. Adjournments were the most common outcome identified by Clanchy’s study, with 48% of cases being postponed. Five suits were settled out of court while only three pleas reached a verdict, all of which were in favour of the defendant. Non-prosecutions were comparatively rare, with plaintiffs failing to pursue their suits in just three pleas. Such variations would suggest that, in actions of dower, the experience of Oxfordshire and Berkshire’s litigants was significantly different.

**Utrum**

Clanchy also discusses two other possessory assizes; utrum and darrein presentment. Combined into a single category in his table, he found that they accounted for just six cases or 2% of all the pleas heard in 1248. The Oxfordshire roll contains a similar proportion of cases. Utrum comprised just four pleas or 1% of the county’s pleas while there was not a single action of darrein presentment.83 Two of these reached a final judgment, with an equal distribution for and against the plaintiff. The parties themselves settled a further plea while in the fourth case the plaintiff withdrew from his suit. Utrum had, by the 1260s, evolved into an ordinary proprietary action whereby the parson of a parochial church was able to claim lands for their church.84 One such dispute concerned a tenement in Stoke Talmage. The assize jury was asked to

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82 74, 102 and 105.
83 27, 77, 188 and 233.
84 HEL, i. 246-7.
decide whether one and a half acres of land in Stoke Talmage were free alms to the
church held by John the parson or a lay fee held by Robert of Stoke Talmage. After
consideration, they declared that it was free alms and Robert was put in mercy. 85 It
was, in Francis Nichols's words, the 'parson's writ of right.' 86

Pleas of land

Often, the enrolling clerk chose to use the term 'a plea of land' to describe the
action used. 87 The 1261 roll recorded that Ranulph of Northampton had purchased a
licence to agree with Roger le Saucer. Whereas in other cases the action was specified,
the clerk simply referred to a 'plea of land.' 88 This was not an isolated example; the
roll contained nineteen such instances. 89 The reasons why the clerk employed such a
term is a matter of conjecture. Meekings has suggested that they 'partook of some at
least of the procedures of actions of right'. To the clerks, therefore, making entries of
'matter subsidiary to pleadings, such as essoins, attorneys, [and] simple adjournments'
the exact nature of the writ 'may be unimportant.' 90 Certainly this is the context in
which 'pleas of land' are mentioned in the Oxfordshire roll, the overwhelming majority
of those recorded being either an appointment of an attorney or a settlement agreed by
both parties. 91 Usually, the bulk of these land pleas were brought using the more
common possessory actions such as right or mort d'ancestor. 92 Sometimes it is possible
to identify the precise nature of the action from the surviving foot of fine. 93 When
Stephen Bodin made an agreement with the abbot of Eynsham, the clerk enrolled the

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85 77.
86 Britton, ii. 207.
87 Crook, 1235 Surrey Eyre, i. 48-9.
88 261.
89 See Table 5.1.
90 Crook, 1235 Surrey Eyre, i. 48.
91 The term 'plea of land' was employed in thirty appointments of attorney, sixteen enrolled agreements,
five essoins and three suits where the plaintiff had failed to prosecute or had withdrawn.
92 This situation can also be found in other eyres, for example see Crook, 1235 Surrey Eyre, i. 48.
93 Nos. 117, 180, 251, 261 and 285-6.
case as a 'plea of land.' But the surviving foot of fine recorded the plea as being an action of right. There are six other instances where a plea of land was actually that of right.

**Others**

Of particular interest is the figure for the category 'Others'. This grouping comprised a quarter of all the pleas heard by the justices in 1261, making it the largest overall category in the table. Amongst the more common actions comprising this group was that of cosinage, which would proceed along similar lines to an assize of mort d'ancestor. But there was one important difference. The latter was only applicable within a limited degree of kinship, such as father to son, uncle to nephew or aunt to nephew. In writs of cosinage, however, more distant kinship was acceptable. Grandfather or even great grandfather to grandson was included in the scope of this writ. Unfortunately, none of the surviving Oxfordshire pleas give any indication as to the relationship between the plaintiff and the ancestor. In all, ten lawsuits were brought before the 1261 justices using this writ. A typical example was that of Beatrice daughter of Alexander of Churchill, who claimed one messuage and four acres in Chipping Norton from John son of Alan. This action was not intended to address the question of right. Instead, the jury was merely to determine who currently had possession of the lands held by an ancestor in fee. Thus the writ covered those who claimed descent from an ancestor who was said to be seised of the disputed

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94 251.  
95 *FoF*, 180 no. 27.  
96 For example, nos. 262 and 285; *FoF*, 179-80, 187-8 nos. 23, 62.  
97 Table 5.1.  
100 See Table 6.1.  
101 100.
tenements. Interestingly, none of the Oxfordshire pleas reached a judgment. While most of them failed because of non-prosecution by the plaintiff, one plea was terminated when it emerged that the defendant was in fact a villein.

Debt was as prevalent in mid-thirteenth century Oxfordshire as it is in the early twenty-first century. Money was borrowed to finance land acquisitions, marry or to maintain one’s status in society. The rebuilding or renovation of property would require a significant financial outlay, the costs of which were frequently met by loans. If the debtor were unable to repay their creditors, they would usually pursue legal action to recover any outstanding debts. Most of these actions were heard in other courts. Debts from wills and testaments were under the jurisdiction of the ecclesiastical courts while the borough courts would deal with those of merchants. Any dispute over Jewish debts came before the Exchequer of the Jews. Nevertheless, some litigation concerning debt did come before the general eyre. Oxfordshire’s roll of 1261 contains thirteen actions of debt. A typical example concerned Henry Absolon. He was recorded as owing thirty-three shillings in a plea of debt initiated by Ernold de Bosco. Henry later defaulted and the sheriff was ordered to distrain his lands. It has been argued by Pollock and Maitland that, in the thirteenth century, ‘numerous actions of debt [were] brought merely in order that they may not be defended, and we may be pretty sure that in many cases no money has been advanced until a judgment has been given for its repayment.’ It is difficult to ascertain whether this was in fact the case. Certainly, many actions of debt ended with a compromise. The defendant

102 Bracton, iii. 318.
103 309.
104 Coss, ‘Geoffrey de Langley’, 6-7, 28 and 34.
105 Crook, 1235 Surrey Eyre, i. 56.
106 Ibid.
107 80.
acknowledged that he owed a sum of money while the plaintiff remitted all the damages that were due to him. Although comprehensive in nature, writs of debt did contain a number of defects. Thus other actions were instituted to remedy these deficiencies.

Final Conords

C.A.F. Meekings has estimated that, in respect of the 1235 Surrey eyre, half of the actions ‘did not go to trial but were either dropped by the plaintiff or concorded.' The same is true for the 1261 visitation. Only 41% of Oxfordshire’s pleas went to trial, the majority failing to progress. 13% were adjourned to a later date following the default of one of the parties. Thomas son of Joan Huscarl, for example, brought an action of mort d’ancestor against John de Wike and Matilda his wife. Having failed to appear in court, the justices appointed another day for the defendants’ attendance. Plaintiffs were not, however, allowed to make a default; their non-attendance resulted in the defendant being dismissed, the sureties being amerced and the loss of the case.

William of Montacute had brought a plea of naifty against William Sinewyne. He did not appear in court and the plea went by default to Sinewyne. Default was not the only reason why a case failed to reach a judgment. Sometimes the plaintiff withdrew from his suit while others did not prosecute. Although the difference between them is difficult to quantify, examples of both can be found in the 1261 roll. Ralph le Bar had brought a writ of entry against the prior of Ogbourne St George for one messuage with appurtenances in Cottisford. He decided to withdraw his suit and was amerced

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109 Ibid., 204.
110 Plucknett, Concise History of the Common Law, 345.
111 Crook, 1235 Surrey Eyre, i. 39.
112 227.
113 Crook, 1235 Surrey Eyre, i. 39.
114 189.
115 Crook, 1235 Surrey Eyre, i. 40.
along with his sureties.\textsuperscript{116} A typical example of a plaintiff not prosecuting his suit was Ellis Mansel. He failed to prosecute an assize of novel disseisin against William of Baldon. The itinerant justices subsequently amerced Ellis and his sureties.\textsuperscript{117} While non-prosecution and default account for some of the suits not reaching judgment, many cases were settled by an out of court agreement.

These compromises, or final concords, feature prominently in the surviving thirteenth-century legal records. Having made an agreement, the parties would ask the court’s permission to concord.\textsuperscript{118} Often a chirograph would have been drawn up detailing the terms of this compromise. Three copies were made, one copy each being given to the plaintiff and defendant respectively. The third copy, or \textit{pes finis}, was retained by the court and eventually delivered to the treasurer of the exchequer at Westminster.\textsuperscript{119} There are forty-five cases from the 1261 roll where a \textit{pes finis} still survives.\textsuperscript{120} One example involved Matthew of Stafford. After initiating an action of right, he came to an agreement with Cecily of Bynne. A chirograph was drawn up and the court’s copy has survived.\textsuperscript{121} Sometimes the clerk copied the terms of the concord onto the plea roll itself.\textsuperscript{122} The Oxfordshire roll contains nineteen such enrolments.\textsuperscript{123} In Oxford, Robert son of Henry Thorald claimed a third of a messuage from William of Wells. Both parties came to an agreement in which William quitclaimed the third to Robert.\textsuperscript{124} Usually a fine was payable to the court for permission to concord.\textsuperscript{125} Although a half mark was the commonest amount proffered, other fines of up to two

\textsuperscript{116} 18.
\textsuperscript{117} 21.
\textsuperscript{118} Crook, \textit{1235 Surrey Eyre}, i. 41.
\textsuperscript{119} \textit{Ibid.}, 42.
\textsuperscript{120} For example, 79 and 350; \textit{FoF}, 178-88 nos. 20-65.
\textsuperscript{121} 350; \textit{FoF}, 182 no. 34.
\textsuperscript{122} For example, 32, 85 and 274.
\textsuperscript{123} There is also another plea (339) which records the terms of an agreement made by the parties but does not specifically mention whether a licence had been obtained.
\textsuperscript{124} 254.
\textsuperscript{125} Crook, \textit{1235 Surrey Eyre}, i. 41.
marks can be found in other eyres. It is now difficult to ascertain why litigants like Thorald decided to come to an agreement. Litigation was an expensive process, the fine merely adding to the costs involved. Perhaps the plaintiff had used legal action to force his opponent into a settlement. It is possible that a litigant, realising that he was likely to lose the case, chose to concord to minimise his loses. A more feasible explanation is that litigants had never intended to pursue the plea to judgment. Final concords were ‘invested with all the sanctity of a judgment of the court’. This led to their being used increasingly as an instrument of land conveyance. Although a concord could not ensure the transfer of property, it did strengthen the conveyance. Any dispute about a concord made in the king’s court could only be settled in his courts. Occasionally, pleas were settled where there was neither an enrolled agreement nor a final concord. The parties would seek the court’s permission and thereby avoid an amercement.

**Foreign Pleas**

Civil pleas originating in Oxfordshire comprised the overwhelming majority of cases heard by the itinerant justices in 1261. There was, however, a small group of foreign pleas that had originated outside the county. Enrolled on membrane thirty-two, the eyre roll contained five such pleas. These have been tabulated in Table 5.2 below. Following Clanchy’s methodology, a further five cases have been excluded. Concerning the enforcement of judgments given in other royal courts, these do not relate to proceedings in he 1261 eyre and merely involved the maintenance of a court’s dignity. One example involved Robert of Pridington, who had disseised William son of

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126 *Ibid.*, 42. This was not an insubstantial sum of money for a poorish freeman.
129 *Crook*, 1235 *Surrey Eyre*, i. 48.
130 937, 939, 942-3 and 946.
Peter of Pridington of his tenement in Stansfield. Although 28s 8d in damages had been awarded to William, this money had not been paid and so the sheriff was ordered to raise the amount from Robert’s lands.131 No single form of action predominated while the category of ‘Others’ was the largest grouping appearing in the table. Unlike the pattern

**The Frequency of Foreign Pleas in the 1261 Eyre**

<table>
<thead>
<tr>
<th>Form of action</th>
<th>Adjourned</th>
<th>Agreed</th>
<th>Not prosecuted</th>
<th>Withdrawn</th>
<th>Conceded</th>
<th>Judged for plaintiff</th>
<th>Judged for defendant</th>
<th>Actual total</th>
<th>Total per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mort d' ancestor</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>Right of land</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>Others</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>60</td>
</tr>
<tr>
<td>Actual total</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>X</td>
</tr>
<tr>
<td>Total per cent</td>
<td>100</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>X</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 5.2.

established in the Oxfordshire pleadings, all five foreign pleas were adjourned to the next county in the circuit, Berkshire. Perhaps the most striking feature of the foreign pleas, however, was their extraordinarily low number. During the 1248 Berkshire eyre, 222 foreign pleas came before the justices while the Shropshire eyre of 1256 had eighty-nine.132 Yet such a small number can be explained, however, as Oxfordshire was the first county to be visited by Gilbert of Preston and his fellow justices. Counties visited later by the justices had more foreign pleas and this figure increased as the circuit progressed.133

**Attorneys**

Attorneys feature prominently in the 1261 roll. There were many reasons why a litigant decided to use them. One possible motive was distance. Travel costs were often

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131 944.
133 Crook, *Records*, 129-30; JUST 1/40 mm. 15-15d. Berkshire was the next county to be visited and a total of twenty-five foreign pleas were recorded. Cambridgeshire, which was the first county to be visited.
prohibitively high and assigning an attorney may have been more economical. When John of Wallop chose to appoint an attorney in a Worcestershire plea of debt, distance was presumably an important factor. Recognising the need to regulate these appointments, Henry III issued letters patent in 1234 that defined the circumstances when an attorney might be used. Under the terms of the letters patent, a litigant was allowed to appoint an attorney in any royal court. Social status did not prevent the use of an attorney: people at the lowest levels of society sometimes chose to nominate a representative. Most of those using attorneys during the 1261 eyre were from the higher echelons of county society. Heads of religious communities would often designate a member of their own house. Thus the prior of Wroxtol named Brother William, his fellow monk, as his attorney in a case against Thomas Trimenel. Influential local knights, men such as Thomas de Valoynes and Miles of Hastings, frequently used attorneys when pursuing legal action. In many instances, the attorney was a friend or neighbour. But some litigants preferred to rely upon a relative. Lucy the widow of Simeon of Wallingford appointed Richard, her son, while Hugh of Burford nominated his son, Adam. Occasionally the litigant would name two attorneys: while engaged in a lawsuit against Robert fitz Nigel, Philippa the countess of Warwick nominated both William le Bel and Reginald the clerk to act on her behalf. It is unclear whether they were empowered to act alternately or independently. Similarly, it

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by the circuit of Nicholas de Turri, heard seven foreign pleas, a figure of similar magnitude to that for Oxfordshire.

134 388.
135 CR 1231-34, 551.
136 378.
137 425 and 445.
138 409 and 377.
139 366.

142
is impossible to say whether these attorneys were ‘professionals’ or just merely a representative.¹⁴⁰

Attorneys were often appointed when a litigant was unable to attend the eyre because of illness. Appearing before the justices, the representative would make an essoin, or excuse, which explained the non-attendance of the principal. In Bracton, it is stated that there were two types of essoin; de malo veniendi and de malo lecti.¹⁴¹ De malo veniendi, an excuse that alleged the ‘impossibility of coming to court,’ was offered on behalf of a litigant for absence at the appointed time.¹⁴² Having presented this excuse, the essoiner then informed the court of the circumstances that prevented the principal’s attendance. There were eleven such essoins made before the 1261 justices.¹⁴³ A suit involving John de Turberville illustrates how this process worked. During a plea of covenant against Richard de Turberville, John was unable to appear in person. He consequently sent his essoiner, John son of Hamon, to offer the essoin de malo veniendi. It seems that the excuse was accepted, as the justices subsequently set another date for his attendance.¹⁴⁴ De malo lecti, the second essoin discussed by Bracton, alleged that the principal was unable to attend the court on the grounds of ill health. Although featuring in other rolls, there was not a single instance of this excuse being offered during the 1261 visitation. While essoins could be made in almost all civil actions, they were mostly used in lawsuits concerning property.

The Oxfordshire litigants

Some 352 individuals had initiated civil suits before the itinerant justices in 1261, fifty-five of whom had brought two or more pleas. They had, in turn, cited 606

¹⁴⁰ Brand, Origins, 73-5.
¹⁴¹ Bracton, iv. 71-145.
¹⁴² Crook, 1235 Surrey Eyre, i. 38.
¹⁴³ 353-63.
¹⁴⁴ 361.
others as defendants, forty-seven of whom feature in two or more suits. This figure has been partially distorted by two pleas; when Richard Overea presented his suit alleging damage to his weir in Islip, he named ninety-seven people as defendants. A further thirty-eight individuals were cited by Roger Doyly in Aston Bampton for novel disseisin. 145 Although the majority of those involved in litigation during the eyre were men, female participation was by no means negligible. If a comparison is made of the extent of female activity in both civil and criminal proceedings, it transpires that women played a greater role in those of a civil nature. Eighty-seven women or 14.36% were arraigned as either defendants or co-defendants in civil actions, three of whom had been cited in two or more suits. This compares to 11.3% of all those accused of criminal activities. However, a much greater proportion of women had actively initiated civil proceedings. 114 females or 32.39% appear as plaintiffs, twenty-one of whom brought two or more cases. Although most of these women acted individually, forty-five did pursue legal action in conjunction with their spouses. Robert of Kentwood and his wife Alice, for example, jointly brought an assize of mort d'ancestor for a tenement in Mapledurham against Peter of Ashridge. 146

Amongst those actively involved in litigation in 1261, there was a wide degree of social diversity. Three litigants were from the highest levels of English secular society. John de Plessis, earl of Warwick, was the defendant in two suits and the plaintiff in a third. 147 Philippa, his wife, was the plaintiff in two other cases concerning customs and services. She was also cited as a co-defendant in a novel disseisin suit concerning a tenement in Oxford. 148 Richard, earl of Gloucester, appeared in two

145 61 and 209.
146 170.
147 151, 193 and 202 respectively.
148 101, 103 and 288.
separate enrolments on the plea roll, one of which was a novel disseisin case from Chadlington.\(^{149}\) The most active magnate was, however, Richard, earl of Cornwall. Directly involved in five suits, he also appeared indirectly in three further actions.\(^{150}\) Complementing the secular elite was that of the Church. Roger of Meuland, bishop of Coventry and Lichfield, acknowledged an agreement concerning some tenements in Oxford.\(^{151}\) Richard of Gravesend, bishop of Lincoln, defaulted in action of debt.\(^{152}\) Heads of monastic institutions were similarly litigious. Osney’s abbot was involved in eight separate civil pleas, including a novel disseisin case from Oxford.\(^{153}\) The prioress of Littlemore featured in three cases while the prior of the Hospital of St John of Jerusalem reached a settlement in a plea of land.\(^{154}\)

County society was equally well represented in the 1261 roll. Twenty-nine knights were recorded as serving as grand assize jurors.\(^{155}\) Twenty-seven were actively involved in litigation.\(^{156}\) Thomas de Valoynes was a defendant in an action of utrum over an acre of land in Bolney. Stephen de Cheynduit was called to warrant another Robert Brand in a plea of cosinage. Both of these men were knights. John de Turberville, the former sheriff of Oxfordshire, was a party to a settlement in a plea of covenant.\(^{157}\) Similar levels of participation can be found within the urban elite. Oxford’s former mayor, Adam Feteplace, was particularly litigious, appearing in eight separate cases. Interestingly, five of these related to properties situated outside of Oxford’s environs. Both of the city’s bailiffs in 1261 were heavily involved. Geoffrey

\(^{149}\) 72-3.  
\(^{150}\) 134, 195 and 239.  
\(^{151}\) 347.  
\(^{152}\) 236.  
\(^{153}\) 253.  
\(^{154}\) 91, 122, 214 and 327.  
\(^{155}\) 40 and 194. For a list of the grand assize knights in 1261 see Chapter Six, 170.  
\(^{156}\) This figure includes the twelve knightly jurors who also appeared as litigants.  
\(^{157}\) 188, 213 and 232.
the goldsmith was the plaintiff in two novel disseisin cases, one of which saw his fellow bailiff, William de Eu, cited as a defendant. Eu was also a defendant in an action of dower.\textsuperscript{158} Geoffrey of Hinksey, who had served as bailiff in 1244, appeared in various roles in ten pleas.\textsuperscript{159}

Any discussion of the social status of those who lay below this elite is more problematic. Difficult questions emerge concerning strict definitions of social position in what was a fluid society. There was an active peasant land market in the thirteenth century, with wealthier peasants buying small parcels of land from their neighbours.\textsuperscript{160} Some peasants, therefore, held parts of their holdings freely while the remainder were held by labour services.\textsuperscript{161} A more accurate measure of the relative social status of litigants would be to analyse the size of properties that were in dispute. There are

The Size of the Holdings in Dispute in 1261

<table>
<thead>
<tr>
<th>Size of holding</th>
<th>Number of Cases</th>
<th>Total % of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manor or knight's fee</td>
<td>8</td>
<td>4.1%</td>
</tr>
<tr>
<td>100-250 acres</td>
<td>6</td>
<td>3.1%</td>
</tr>
<tr>
<td>40-100 acres</td>
<td>14</td>
<td>7.22%</td>
</tr>
<tr>
<td>20-39 acres</td>
<td>18</td>
<td>9.28%</td>
</tr>
<tr>
<td>5-19 acres</td>
<td>43</td>
<td>22.2%</td>
</tr>
<tr>
<td>0-5 acres</td>
<td>105</td>
<td>54.1%</td>
</tr>
</tbody>
</table>

Table 5.3

nevertheless a few drawbacks to such an approach. Substantial freeholders and members of the county elite were as likely to pursue litigation concerning small parcels

\textsuperscript{158} 252, 310 and 301 respectively.

\textsuperscript{159} 262, 295, 310, 311, 322, 333, 337, 341, 343 and 352.

\textsuperscript{160} The Peasant Land Market in Medieval England, ed. P.D.A. Harvey (Oxford, 1984), 1, 102-5.

\textsuperscript{161} Ibid., 69-80, 330-1.
of land as their less wealthy neighbours. Similarly, there is a degree of overlap between the different social groups and the boundaries between them could be seen as arbitrary. Despite these disadvantages, this approach does provide a rough clue to some of the social groups involved in litigation in 1261. Table 5.3 above contains a full statistical breakdown of the lands claimed in court. There were 194 pleas where the size of the disputed property was recorded. Holdings consisting of five acres or less were most commonly the subject of litigation, accounting for 105 pleas or 54.1% of the total. Properties ranging between five and nineteen acres in size represented 22.2% of those holdings where the size was recorded. This grouping would approximately equate to a poor to middling peasant, with ten acres being the minimum considered necessary for subsistence by some economic historians. Tenements consisting of twenty to thirty-nine acres were litigated for in eighteen pleas (9.28%) in Oxfordshire.

**Size of Rents Claimed in Litigation in 1261**

<table>
<thead>
<tr>
<th>Size of disputed rent</th>
<th>Number of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>£20 - £25</td>
<td>1</td>
</tr>
<tr>
<td>£6 - £19</td>
<td>4</td>
</tr>
<tr>
<td>£1 - £5</td>
<td>8</td>
</tr>
<tr>
<td>10s – 19s</td>
<td>7</td>
</tr>
<tr>
<td>1s – 9s</td>
<td>10</td>
</tr>
</tbody>
</table>

Table 5.4

Thirty acres roughly equates to a social grouping that comprised unfree peasants of substantial status. Estates ranging in size from forty to a hundred acres appeared

---

162 1 for example. Osbert Giffard, a prospective knight, initiated an action of novel disseisin for five roods of land, a ½ acre of meadow and a quarter part of both a water and a fulling mill.


164 Carpenter, *Struggle for Mastery*, 55.
only slightly less frequently in those cases heard by the itinerant justices in 1261. Featuring in fourteen pleas, they represented 7.22%. Substantial landed property, such as manors or knight’s fees, comprised some 4.1% of holdings that were claimed. Of all the properties, however, that were the subject of litigation in Oxfordshire, those sized between 100 and 250 acres were the least common. These were recorded in just six or 3.1% of pleas. Similar patterns emerge in relation to those pleas where only a property’s rent was the subject of litigation and the clerks did not record the size of the actual tenement. There are thirty such cases in 1261, the results for which have been tabulated in Table 5.4 above. The most common rents in dispute were those between £1-£5 and 1s-9s, groups that roughly approximate to the categories of substantial peasants and smallholder respectively. The smallest grouping is that of £20-£25, which consisted of one single case where £24 6s 4d was rendered in a plea of debt.\(^{165}\)

Underlying the whole social hierarchy were those who formed perhaps the largest section of society, the unfree. Subject to seigniorial exploitation, they held their land from the lord in return for labour services.\(^{166}\) Peasants were, however, increasingly contesting the burdens imposed upon them by bringing lawsuits before the royal courts which challenged new customs and services.\(^{167}\) If, however, the peasant was of unfree status – a villein – then the action was not allowed to proceed since only those who were free were permitted access to the king’s courts in matters of lands or rents.\(^{168}\) But there had been a blurring of the distinctions between free and servile status.\(^{169}\) Consequently, in actions where the peasant claimed to be free, the case was permitted

\(^{165}\) Carpenter, *Struggle for Mastery*, 52-4.
\(^{166}\) Ibid., 414.
\(^{168}\) Carpenter, *Struggle for Mastery*, 53.
to proceed. This meant that the whole case turned upon the question of status, since the lord responded by alleging the peasant’s servile condition. Oxfordshire was no exception with eight such pleas involving nineteen individuals being recorded on the plea roll.¹⁷⁰ Five of these cases were decided in favour of the lord. Yet in two suits the lord was unable to prove servile status. John de Plessis brought an action to enforce the rendering of servile customs and services that he alleged were due from twelve men in Chalgrove. All denied his claims and the earl later came before the justices to obtain a licence to withdraw.¹⁷¹ The remaining case concerned a plea that had originally been heard in the sheriff’s hundred court at Wootton where Robert Levesone had successfully defended his seisin of a virgate of land in Wootton against Thomas Stonfast. Levesone argued that the manor was not ancient desmesne of the crown and that the tenement itself was held by villenage. Stonfast, who had attempted to claim a virgate that had been held by his father using a writ of right close, challenged the judgment before the itinerant justices and the plea was adjourned until king’s next visit to Woodstock.¹⁷²

Pleadings in the 1241 and 1284 Oxfordshire visitations: a comparison

Historians have long argued that the thirteenth century saw a substantial increase in the range of civil actions available to litigants. This growth was mirrored by a corresponding rise in the amount of judicial business brought before the justices in eyre.¹⁷³ Such was magnitude of the growth that proceedings almost ground to a halt as the system began to crack under the strain. Weighed down by oral complaints and an explosion in the frequency of trespass cases, the burden was too much and in 1294 the

¹⁷⁰ 29, 31, 163, 182, 202, 234, 246 and 309.
¹⁷¹ 202.
¹⁷² 246.
¹⁷³ Harding, Law Courts, 77, 86-7.
eyre was suspended. But is such a trend detectable in Oxfordshire’s surviving eyre rolls? Which actions were more popular with the county’s litigants? Using the evidence of the surviving civil proceedings for two sample visitations between 1235 and 1284, the following section will attempt to provide answers to these questions.

1241 is the first visitation to be analysed in this sample, its civil pleas covering some sixteen membranes. After Edward I’s accession, Oxfordshire was visited only once, in 1284, by the itinerant justices. Selected as the second sample visitation, its surviving civil proceedings cover a total of twenty-two membranes. If used in conjunction with the 1261 visitation, each sample roll is separated by a twenty-year interval, a timescale that readily allows for the identification of any long-term trends. The Oxfordshire data extracted from the three rolls has been tabulated in the preceding

The Frequency of Civil Pleas in the 1241 Oxfordshire Eyre

<table>
<thead>
<tr>
<th>Form of action</th>
<th>Adjourned</th>
<th>Agreed</th>
<th>Not prosecuted</th>
<th>Withdrawn</th>
<th>Conceded</th>
<th>Judged for plaintiff</th>
<th>Judged for defendant</th>
<th>Actual total</th>
<th>Total per cent</th>
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<tr>
<td>Covenant</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Dower</td>
<td>9</td>
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<td>0</td>
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<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>31</td>
<td>12</td>
</tr>
<tr>
<td>Mort d’ancestor</td>
<td>4</td>
<td>7</td>
<td>6</td>
<td>2</td>
<td>2</td>
<td>5</td>
<td>14</td>
<td>40</td>
<td>15</td>
</tr>
<tr>
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<td>2</td>
<td>1</td>
<td>5</td>
<td>10</td>
<td>0</td>
<td>13</td>
<td>13</td>
<td>44</td>
<td>16</td>
</tr>
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<td>0</td>
<td>6</td>
<td>1</td>
<td>3</td>
<td>10</td>
<td>42</td>
<td>16</td>
</tr>
<tr>
<td>Uturum &amp; darrein presenment</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>1</td>
</tr>
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<td>0</td>
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<td>20</td>
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<td>1</td>
<td>1</td>
<td>26</td>
<td>10</td>
</tr>
</tbody>
</table>

Actual Total          | 48        | 70     | 32             | 28        | 7        | 31                   | 51                 | 267          | X              |

Total per cent        | 18        | 26     | 12             | 10        | 3        | 12                   | 19                 | X            | 100            |

Table 5.5

174 Ibid.
175 Cooper, Oxfordshire Eyre. 1241, 21-116.
176 JUST 1/704 mm. 1-21d, 29-29d
Each table records the frequency of actions brought and also their

### The Frequency of Civil Pleas in the 1261 Oxfordshire Eyre

<table>
<thead>
<tr>
<th>Form of action</th>
<th>Adjourned</th>
<th>Agreed</th>
<th>Not prosecuted</th>
<th>Withdrawn</th>
<th>Conceded</th>
<th>Judged for plaintiff</th>
<th>Judged for defendant</th>
<th>Actual total</th>
<th>Total per cent</th>
</tr>
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<td>2</td>
<td>5</td>
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</tr>
</tbody>
</table>

**Table 5.6**

### The Frequency of Civil Pleas in the 1284 Oxfordshire Eyre

<table>
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<th>Form of action</th>
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<th>Agreed</th>
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<th>Judged for defendant</th>
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<th>Total per cent</th>
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</tr>
<tr>
<td>Dower</td>
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<td>6</td>
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<td>3</td>
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<tr>
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</tr>
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<td>16</td>
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<td>65</td>
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<td>25</td>
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<td>6</td>
<td>9</td>
<td>22</td>
<td>X</td>
<td>100</td>
</tr>
</tbody>
</table>

**Table 5.7**
final outcomes. Both the structure and format of these tables are based on those published by Clanchy in his edition of the 1248 Berkshire Eyre and which have been discussed earlier in this chapter. 178

The 1241 Oxfordshire eyre provides the earliest quantifiable statistics for the frequency of civil pleas. A total of 267 suits were brought before the eyre justices, a statistical breakdown of which is reproduced in Table 5.5 above. The most common form of action was that of novel disseisin, which accounted for forty-four cases or 16% of the total. Following closely behind was the action of right of land. Although comprising the same percentage of total pleas as novel disseisin, there were two fewer cases brought using this action. Mort d’ancestor was the next most common action heard by the itinerant justices, accounting for forty pleas or 15%. If the two possessory actions are combined, then they represented almost a third of the total civil pleas in 1241. Such a high figure is not surprising. Clause eighteen of Magna Carta stipulated that they had to be taken in ‘the court of the county in which they occur’, a requirement that was generally enforced. 179 Moreover, both assizes were the fastest forms of action, a feature that doubtless increased their popularity amongst litigants. Three other possessory assizes are also listed separately in the table. Taken together, the assizes of nuisance, utrum and darrein presentment comprised another 4% of suits. Unspecified actions of land form another category. This designation encompasses a small number of cases where land was the subject of the dispute but the form of action cannot be identified with any certainty. It also includes those suits specifically recorded on the assize roll as ‘pleas of land’. Consisting of thirty-one such suits, this represented some 12% of all the 1241 civil pleas. Entry comprised a further 10% of actions while dower

178 Clanchy, 1248 Berkshire Eyre, Appendix VIII. See above 120-2.
179 Holt, Magna Carta, 456-7; Sutherland, Novel Disseisin, 60-2, 126.
accounted for some 8%. There were also some actions that were only rarely used by litigants. One such example was covenant, which only accounted for 2% of all the civil pleas. This analysis indicates, therefore, that there was a wide variation in the frequency of pleas heard by the itinerant justices in 1241.

Similar levels of variation can also be observed in the outcomes of these cases. Settlements between the parties comprised the most common conclusion of pleas during the 1241 eyre. Some 26% of all suits fell within this category, the majority of which record a licence to concord being obtained. At 18%, adjournment was the second most frequent outcome recorded on the plea roll. Adjournments were granted for a variety of reasons. Sometimes these were conventional, the defendant failing to present himself in court or to vouch somebody to warranty. Occasionally more unusual reasons were given. An action of warranty of charter was adjourned because the defendant, Stephen son of Richard, had left for the Holy Land before he received his summons. In many instances, the plaintiff purchased a licence to withdraw from his suit or simply failed to prosecute. If these two categories are combined, it emerges that they accounted for 32% of the total. Some suits did, nevertheless, proceed to a final judgment. Rulings in favour of the defendant were delivered in 19% or fifty-one cases. Judgments for plaintiffs were less common, being dispensed in thirty-one cases or 12% of all suits. Consequently, it appears that during the 1241 visitation, plaintiffs were less successful than defendants in litigation. Even if these figures are split into the forms of action, judgments in favour of defendants still outnumbered those for plaintiffs except for the assizes of novel disseisin and nuisance. Interestingly, these two actions had an equal distribution of judgments between plaintiff and defendant.

180 Cooper, *Oxfordshire Eyre, 1241*, nos. 525 and 627.
Oxfordshire was only visited once during Edward I's reign by the itinerant justices. Some 297 cases were heard by the justices between 14 January and 20 February 1284, a full statistical breakdown of which has been reproduced in Table 5.7 above.\(^{182}\) Compared to the evidence of both the earlier visitations, it is evident that there had been a significant transformation in the frequency of actions within the intervening twenty-three years since the 1261 visitation.\(^{183}\) Entry was now the most common form of action, accounting for 18% of all cases. This represented an increase of 100%. Right of land was only slightly less prevalent, litigants initiating forty-two such suits or 16% of the total. At 9%, dower had become the third most common form of action. The most surprising change was, however, the collapse in the apparent popularity of the two main possessory assizes, those of novel disseisin and mort d'ancestor. Accounting for 7% of pleas each, their combined total was less than that for novel disseisin alone in 1261. This represented a fall of 50%. What instigated such a collapse is uncertain. The sizable increase in assize commissions over the preceding twenty-three years offers one possible explanation.\(^{184}\) Perhaps prospective litigants were also availing themselves of the wider choice of actions that were being introduced.\(^{185}\) Only 1% of pleas were commenced using the three remaining possessory assizes, a figure similar in magnitude to the two previous visitations. The category entitled ‘Others’ continued to increase, attaining some 29% of all pleas. Although a figure only slightly higher than that for 1261, it was nevertheless almost 200% higher compared with 1241. Such a figure is not unsurprising, however, since the category encompassed a wider range of miscellaneous actions.

\(^{182}\) JUST 1/704 mm.1-21d.
\(^{183}\) Tables 5.1. and 5.5.
\(^{184}\) Musson, ‘Local Administration of Justice’, 102.
\(^{185}\) Before this question can be answered with any certainty, a much larger study involving other counties would be needed to establish whether this trend was specific only to Oxfordshire or was symptomatic of a more general pattern. This is unfortunately outside the scope of this present work.
Less dramatic were the changes identified in the pattern of outcomes for suits initiated during the 1284 visitation. Indeed, these trends are broadly similar to those exhibited in the two previous eyres. Judgments in favour of the defendant continued to exceed those given for the plaintiff by 22% to 9% respectively. Their combined total of 31% equalled the figure for 1241 although it was 35% less than that for 1261. Withdrawals and non-prosecutions were the next most common result of litigation. At 29%, this was slightly higher than that found twenty years earlier. Yet licences to withdraw had fallen by 66% within the same period. Correspondingly, non-prosecutions had increased in frequency by more than 150%. The reasons for this shift are difficult to establish, perhaps plaintiffs were deciding that failing to prosecute was more economical than obtaining a licence to withdraw. Settlements between parties had declined slightly to 19%, continuing a trend that originated in 1241.

Many of the trends identified in Oxfordshire were replicated in the civil pleas of the 1248 Berkshire eyre. Clanchy established that the most common form of action was that of novel disseisin.186 This finding was also true of the Oxfordshire visitation of 1241 and 1261. Mort d'ancestor was the next most prevalent action in Berkshire, just as it was in 1261.187 Indeed, the frequency of the majority of actions in 1248 was broadly similar to that displayed in 1241 and 1261. There were nevertheless a few significant differences. If the three possessory assizes of novel disseisin, mort d'ancestor and nuisance are combined, their proportion of cases in the Berkshire eyre was some 45%. This figure is similar to that identified for the Wiltshire eyre of 1249.188 This proportion is much larger than those found for Oxfordshire. The 1241 visitation had the highest share at 34%. By 1261, this had fallen slightly to 30% before

186 Clanchy, 1248 Berkshire Eyre, Appendix VIII, cviii.
187 Ibid.
188 Ibid., lvi, n.4.
declining more sharply to 14⅔% in 1284. Differing trends can be identified in the
category of ‘Others’. Clanchy’s definition positioned 17% of Berkshire’s cases within
this grouping. This was higher than 1241 (10%) but less than both 1261 (25%) and
1284 (29%). Such variations are also found in actions of entry. In 1248, 12% of cases
were initiated by this action, a figure that approximated to those for 1241 (10%) and
1261 (9%). Compared with 1284 (18%), however, Berkshire’s figure was significantly
lower.

These differences did not extend to the overall outcome of litigation in both
counties. Indeed, the Berkshire results were generally of a similar magnitude to those
for Oxfordshire. Judgments in favour of the defendant outnumbered those for the
plaintiff in both counties. In 1248, decisions for the defendant accounted for 23% of all
pleas while Oxfordshire’s percentages were 19%, 26% and 22% respectively.
Berkshire’s plaintiffs were successful in 17% of actions. Oxfordshire’s plaintiffs
represented 12%, 16% and 9% of pleas. Although slightly higher, Berkshire’s figure
was in keeping with those for Oxfordshire. Failures to prosecute and withdrawals
accounted for 25% of suits in 1248. Oxfordshire provided respective totals of 22%,
22% and 29%. Agreements between parties were made in some 23% of Berkshire’s
pleas. Settlements constituted 26% of cases in 1241. Twenty years later this figure was
20% while in 1284 it was 19%. Adjournments were slightly less frequent in Berkshire
than Oxfordshire. In 1248, 12% of actions were adjourned while in Oxfordshire they
accounted for 18%, 14% and 15%. From the evidence of the Oxfordshire eyres,
therefore, it is apparent that while there were some significant differences in the
frequency of actions, the results of litigation were much closer in overall magnitude to
those for Berkshire.
In this chapter, I have attempted to illustrate the judicial remedies available to the thirteenth century litigant. If a demandant chose to pursue his claim, a wide range of legal actions could be used. Novel disseisin was the most common of these, closely followed by that of mort d’ancestor. Yet the majority of pleas in 1261 never reached judgment. Plaintiffs withdrew from their suits, agreements were made between the parties and some cases were adjourned to the next session of the eyre at Berkshire. Those involved in litigation were drawn from across the social spectrum, the bulk coming from the two lowest levels of rural society. By 1284, however, there had been a significant shift in the prevalence of civil actions being heard by the itinerant justices. Possessory assizes had become less common while the actions of entry and right had demonstrated a corresponding increase. In the next chapter, I will examine how the Baron’s War affected Oxfordshire society by focusing upon the extent of participation by the county’s knightly elite.
Chapter Six

Oxfordshire during the Baron’s War, 1258-67

Situated in the southern midlands, Oxfordshire was ideally located to play an influential and sometimes crucial role during the Barons’ War. To the north lay the rebel strongholds at Northampton and Kenilworth. On its southern border lay Wallingford Castle while less than twenty miles from the county lay the royal castle at Windsor. Many of the leading figures at court, men such as Richard de Clare and William de Valence, held estates in the county. Oxford itself, as we have already seen, was a vibrant urban settlement.1 The establishment of a university in the borough further enhanced its prosperity.2 Attracting scholars of international renown such as Adam Marsh and Edmund of Abingdon, the university also contributed considerably towards Oxford’s emergence as a town of national importance.3 Indeed, Oxford’s status was such that it was often chosen as a venue for the meeting of parliaments or great councils. In 1204, King John summoned a great council to assemble at Oxford, an event that was followed by another gathering in 1207.4 During the reign of his successor, Henry III, assemblies continued to convene in the town. These included councils in 1233, 1247 and 1254.5 Oxford was also used as a meeting-place for ecclesiastical assemblies. In 1222, the first provincial council of clergy

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1 See Chapter One, 11-12.
2 A. Cobban, English university life in the Middle Ages (London, 1999), 4; Catto, History of the University of Oxford. Schools were established by the twelfth century and the earliest college, Merton, was founded by Walter of Merton in 1264.
4 Rot. Litt. Pat., 72b; Chronica Majora, ii. 484.
5 Powicke, Henry III and the Lord Edward, i. 133; Chronica Majora, iii. 244; ibid., iv. 622.
of Henry's reign was held at the nearby abbey of Oseney. By the 1260s, therefore, the borough had 'emerged as one of England's leading towns.'

Having attained a prominence in national affairs, it is perhaps inevitable that the disruptive effects of the Barons' War were felt within Oxfordshire society. It has been shown elsewhere that amongst the scholars of the university political sympathies were divided. This lack of unity was replicated within Oxfordshire's knightly elite, a social grouping that was in the midst of a period of profound change. There had been a decline in its military aspects. Few knights had direct experience of warfare by the middle of the century and, by 1245, there had been a reduction in the old feudal quotas for knight service. Castleguard, another military duty, had begun to be commuted into money in the twelfth century although knights continued to serve in both royal and baronial households during Henry III's reign. The Angevin legal reforms of the twelfth century, however, had given the knight a new administrative role. They served as grand assize jurors and viewed those who had essoined themselves in pleas. In 1194, three knights in each county were to be elected as 'keepers of the peace of the crown'. The forerunner of the coroner, they were to receive criminals for delivery to the sheriff and to ensure that all swore to abide by the king's peace. The thirteenth century also saw the knights become an

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7 Blair, Anglo-Saxon Oxfordshire, 177.
9 P.R. Coss, The Knight in Medieval England (Stroud, 1993), 44.
11 Hunnisett, Medieval Coroner, 1; Hudson, Formation of the English Common Law, 134, 138.
integral part of shrieval administration as they served in key offices such as that of sheriff.\textsuperscript{12}

Even more dramatic was the rapid decline in the overall number of knights during the course of the century. From an estimated total of 4,500–5,000 in the early years of John’s reign, this figure had declined to approximately 1-2000 at the turn of the fourteenth century.\textsuperscript{13} Not only were there fewer knights as the century progressed but the pool of those who could qualify for the honour had become more exclusive. Whereas it was still possible to maintain the status of a knight at the beginning of the thirteenth century with only a small manor, by the reign of Edward II only those who held more than two manors were assuming the honour.\textsuperscript{14} This situation was exacerbated by Henry III’s policy of granting exemptions and respites of knighthood. Although a revenue raising measure, it was believed by contemporaries to be a contributory factor.\textsuperscript{15} Such was the perceived magnitude of the problem, the crown ordered eight distraints of knighthood targeted at those who held land worth £20 and on one occasion £15.\textsuperscript{16} This diminution in overall numbers contributed towards the growing exclusivity of the honour which, combined with new strong and extensive moral and social values, turned the knight into an aristocratic figure.\textsuperscript{17}


\textsuperscript{14} Ibid., 21-2.

\textsuperscript{15} DBM, 88-9.

\textsuperscript{16} Waugh, ‘Reluctant Knights and Jurors’, 942.

\textsuperscript{17} P.R. Coss, Lordship, Knighthood and Locality. A study in English society c.1180-c.1280 (Cambridge, 1991), 13, 15.
There has been much academic discussion about the reasons for this transformation. Peter Coss has argued that the knightly classes were ‘passing through a period of economic crisis, a crisis that was both extensive and prolonged’. Inflationary pressures had ‘reduced the real incomes of those living off rents’. Some knights had moved from the practise of leasing to the direct management of their estates, allowing them to cash in on the growing demand for food whilst keeping the profits for themselves. Others, however, did not hold sufficient demesne land or estates to adopt such a remedy. Compounding this problem were the increasing costs associated with knighthood. Technical advances in armoured design rendered older suits obsolete while raising the costs of replacements. Specially bred horses were required to carry the weight of armoured knights; a good destrier costing anything up to £75. This is a figure that was almost four times the minimum amount deemed necessary to become a knight. Even the dubbing ceremony itself became more important and elaborate, forcing many knights into debt. Feasts were becoming an integral part of the ceremony while robes and the need to demonstrate the knightly virtue of largess to well-wishers were all added expenses. Such was the scale that some knights sort financial help from their tenants in an effort to defray these costs. Others chose to spread the costs by participating in ‘mass knightings’.

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23 Coss, Knight in Medieval England, 66-7.
Many lesser knights were therefore finding it increasingly 'difficult to sustain knighthood as it and its attendant lifestyle became costlier'.

Some poorly endowed knightly families sold land in order to pay off debts. A typical example was the Keresley family who had, by the 1290s, alienated much of their estates at Keresley in Warwickshire. Others such as the d’Aubignys had become indebted to the Jews. Such could be the degree of indebtedness that a family could disappear into ‘obscurity’. Stephen de Nerbone had held Stivichall in Warwickshire in the late twelfth century and was succeeded by his daughter Margaret. She got into financial difficulties, however, and embarked upon a programme of alienations. Successive generations continued this policy and the family disappears from the records after 1299.

David Carpenter has challenged Coss’s crisis hypothesis, arguing that such a severe and prolonged crisis did not affect the whole knightly class. Studying a sample group of knights from the 1220s, he traced the fortunes of some fifty-seven knightly families from Oxfordshire. Carpenter found that a total of fifteen families had lost, either temporarily or permanently, some seventeen manors. But seven of these also acquired property, of which three had actually increased their holdings. Some knights did indeed suffer financial hardship. Of the seven least endowed families in the sample, only two successfully survived into the fourteenth century. From the remaining fifty families, however, thirty-one remained as lords of manors and over half continued to ‘produce knights or esquires after 1300’. Even if a family had been forced to surrender knighthood,

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24 Ibid., 69.
29 Ibid., 356-7.
this did not necessarily 'entail a serious decline in social status'. The social gap between those who were or were not knights was minimal nor was the loss of knighthood irrevocable. The Wace family, for example, alternated between esquire, knight, lord and knight between 1264 and 1370. Carpenter's Oxfordshire study suggests that 'there were obviously knightly families which suffered financial strangulation and material collapse'. Yet 'the underlying material position of many of the better endowed knightly families in the thirteenth century was sound.'

Coss has modified his position in subsequent publications. When he produced his 1975 article on Geoffrey of Langley and the knightly crisis, it was based on the evidence of the Langley cartulary. This document recorded Geoffrey's investments, those in Warwickshire being centred on the honour of Coventry. From the cartulary's evidence, Coss argued that the knightly class had a high level of indebtedness. Sixteen years later, however, he published a much wider study of Warwickshire's knightly families which indicated that the difficulties were not as great as his original hypothesis might have suggested. Indeed, this study produced results consistent with those found by Carpenter in Oxfordshire. Some families were experiencing difficulties but it was 'only a minority who forcibly alienate land on any scale'. Further clarification of Coss's position was provided in his *Origins of the English Gentry*. Although acknowledging that the difficulties faced by the knightly classes were not as great as once thought, he maintains that many were still in 'a hazardous position given the prevailing economic

30 Ibid., 360, 366.
32 Carpenter, 'Crisis of the Knightly Class', 367, 378.
34 Coss, *Lordship*, 303.
This period of economic uncertainty coincided with, Coss argues, a transformation in the nature of knighthood that had, by the mid-thirteenth century, created a 'more exclusive knightly class'.

By the 1260s, therefore, knights had become an elite group that had been created by a decline in their overall numbers since the early 1200s. All the knights in the sample group that is the focus of this chapter have been drawn from grand assize panels recorded on the 1261 Oxfordshire plea roll. Unfortunately, no roll survives from the 1252 eyre and no jury lists were recorded in 1268. The jury panels of 1261 do, nevertheless, provide enough knights for a worthwhile statistical analysis to be undertaken. Using grand assize panels as a source of knights has a number of advantages. The first step in a case of grand assize was the selection of four 'lawful knights of the county'. These 'electors' would then nominate further knights to produce a jury of between twelve and sixteen. It is clear that all the grand assize jurors had to be knights; any judgment would have been nullified if it later emerged that this was not the case. Those knights selected as jurors were required to hold land in the locality of the disputed property. Glanvill highlights this qualification by stressing that the juries were comprised of 'lawful knights of the same neighbourhood.' Contemporaries took this requirement seriously: in 1221 for instance the knight Robert Vernay was disqualified from viewing a litigant who has essoined because 'he was a household knight and did not have any land.' The regional nature of the jury panels may present some methodological difficulties as this may distort the

36 Ibid., 107-8.
38 Quick, 'Number of Knights', 114-5; CRR 1207-09, 109. In 1209, the electors of a Dorset grand assize jury were amerced for selecting jurors who were not knights.
39 Glanvill, 30.
40 Coss, Knight in Medieval England, 42.

164
sample if all the property in dispute came from only one part of the shire. Yet the inherent regionalism does mean that in a period where some knights had estates in more than one county, those forming the Oxfordshire sample definitely held property within its borders.

Another major benefit of this methodology is that there is no political bias in this knightly sample. Selecting grand assize jurors from an Oxfordshire eyre roll that predates the outbreak of civil war ensures that the selection of these knights could not have been influenced by the subsequent hostilities. Strengthening the political neutrality of the sample is the fact that service on the grand assize jury was amongst the more unpopular aspects of knighthood. Indeed, some knights paid fines to be excused service on the grand assize.41 It is highly unlikely, therefore, that the knightly jurors would have regarded the grand assize as a ‘forum for political expression.’42 The methodology therefore produces a sample of local knights which is politically unbiased.

Two panels of grand assize knights were recorded during the 1261 Oxfordshire eyre. The first comes from an action of mort d’ancestor concerning a virgate of land in Iffley, which lay in the hundred of Bullingdon.43 This jury list provides the names of some twenty knights. An analysis of the geographical distribution of the knights’ estates has been undertaken, the results of which are reproduced in Table 6.1 and Map 6.1 respectively. The largest identifiable grouping originates from the south east of the county while the second largest comes from the east. Yet approximately a half of all the empanelled jurors were actually drawn from across Oxfordshire and their main estates

41 Waugh, ‘Reluctant Knights and Jurors’, 949, 962.
42 Fernandes, ‘Midland Knights’, 11.
43 40. Robert fitz Nigel, the defendant, was to become an important adherent of Simon de Montfort during the Barons’ War and was killed at Evesham, see CIM, no. 633.
The Holdings of the Grand Assize Knights on the Iffley Jury
were not in the immediate neighbourhood of the disputed property. Indeed, three knights resided more than twenty miles from Iffley.\footnote{44 Ralph of Broughton, Roger of Harpsden and Thomas de Valoynes. The latter, however, held some Buckinghamshire estates that were within ten miles of Iffley, see below n.51.}

The regional nature of the Iffley panel was, therefore, somewhat negated by this use of knights from elsewhere in the county.

The second jury panel comes from a case concerning common pasture in a half virgate of land in Lyneham.\footnote{45 Situated in Chadlington hundred, this lay in the western part of Oxfordshire near the border with Gloucestershire. The enrolled jury list records the names of some eighteen knights, the geographical distribution of which is recorded in Table 6.2 below.\footnote{46 See also Map 6.2.} Three main groupings can be identified. Six knights originating from the north of the county comprise the largest regional contingent on this panel.\footnote{47 Two knights, Thomas de Bréauté and Robert de la Mare, have been included in this grouping as they held sizeable manors at Heyford and Heyford Warren respectively although their chief estates were centred in the southern half of Oxfordshire.} The second grouping, consisting of five knights, comes from the east of Oxfordshire while a slightly smaller cluster of three knights had their estates in the west. Nonetheless some

<table>
<thead>
<tr>
<th>Geographical Area of Oxfordshire</th>
<th>Number of knights</th>
<th>Overall percentage of knights</th>
</tr>
</thead>
<tbody>
<tr>
<td>South east</td>
<td>6</td>
<td>30%</td>
</tr>
<tr>
<td>East</td>
<td>5</td>
<td>25%</td>
</tr>
<tr>
<td>North</td>
<td>4</td>
<td>20%</td>
</tr>
<tr>
<td>Central Oxfordshire</td>
<td>2</td>
<td>10%</td>
</tr>
<tr>
<td>North West</td>
<td>1</td>
<td>5%</td>
</tr>
<tr>
<td>West</td>
<td>1</td>
<td>5%</td>
</tr>
<tr>
<td>South</td>
<td>1</td>
<td>5%</td>
</tr>
</tbody>
</table>

Table 6.1
The Holdings of the Grand Assize Knights on the Lyneham Jury

- Holdings
- Grand Assize dispute
knights were still drawn from further afield including one whose holdings were situated almost forty miles away at Bolney. The regional distribution of knights reflected in the Lyneham panel does differ from Iffley’s in that there is a greater concentration of knights

The Geographical Distribution of the Grand Assize Knights in the Lyneham panel

<table>
<thead>
<tr>
<th>Geographical Area of Oxfordshire</th>
<th>Number of knights</th>
<th>Overall percentage of knights</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>6</td>
<td>33.33%</td>
</tr>
<tr>
<td>East</td>
<td>5</td>
<td>27.78%</td>
</tr>
<tr>
<td>West</td>
<td>3</td>
<td>16.67%</td>
</tr>
<tr>
<td>South East</td>
<td>2</td>
<td>11.11%</td>
</tr>
<tr>
<td>South</td>
<td>1</td>
<td>5.56%</td>
</tr>
<tr>
<td>North West</td>
<td>1</td>
<td>5.56%</td>
</tr>
</tbody>
</table>

Table 6.2

The Geographical Distribution of the Grand Assize Knights of the 1261 Oxfordshire Eyre

<table>
<thead>
<tr>
<th>Geographical Area of Oxfordshire</th>
<th>Number of knights</th>
<th>Overall percentage of knights</th>
</tr>
</thead>
<tbody>
<tr>
<td>South East</td>
<td>7</td>
<td>24.14%</td>
</tr>
<tr>
<td>North</td>
<td>7</td>
<td>24.14%</td>
</tr>
<tr>
<td>East</td>
<td>6</td>
<td>20.69%</td>
</tr>
<tr>
<td>West</td>
<td>4</td>
<td>13.79%</td>
</tr>
<tr>
<td>Central</td>
<td>2</td>
<td>6.90%</td>
</tr>
<tr>
<td>South</td>
<td>2</td>
<td>6.90%</td>
</tr>
<tr>
<td>North West</td>
<td>1</td>
<td>3.44%</td>
</tr>
</tbody>
</table>

Table 6.3

from the north and west of the county. Indeed, unlike the first panel, there was a higher concentration of knights on the Lyneham jury who were drawn from areas outside the immediate neighbourhood.

48 Thomas de Valoynes.
Combining both sets of juries, a provisional total of thirty-eight grand assize knights can be attained. But the real total is less as some knights were serving on both juries, as there was a degree of overlap between the juries, with nine knights were serving on both.49 Once these distortions are addressed, an accurate total of some twenty-nine individual grand assize knights can be identified from the 1261 eyre roll. Their geographical distribution is highlighted in Table 6.3 above.50 The combined panels mirror

The Grand Assize Jurors of Oxfordshire and their Chief Manors

<table>
<thead>
<tr>
<th>Knight</th>
<th>Chief Oxfordshire Manor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maurice d'Aundely</td>
<td>Tusmore</td>
</tr>
<tr>
<td>Robert of Barford</td>
<td>Goldor</td>
</tr>
<tr>
<td>Thomas de Bréauté</td>
<td>Crowell</td>
</tr>
<tr>
<td>Ralph of Broughton</td>
<td>Broughton</td>
</tr>
<tr>
<td>William le Brun</td>
<td>Brize Norton</td>
</tr>
<tr>
<td>Ralph of Chesterton</td>
<td>Chesterton</td>
</tr>
<tr>
<td>Hugh Druval</td>
<td>Goring</td>
</tr>
<tr>
<td>Sampson Foliot</td>
<td>Fritwell</td>
</tr>
<tr>
<td>William Foliot of Rousham</td>
<td>Rousham</td>
</tr>
<tr>
<td>Reginald le Forester</td>
<td>Lyneham</td>
</tr>
<tr>
<td>Roger Gernun</td>
<td>Coombe Gernon</td>
</tr>
<tr>
<td>Roger of Harpsden</td>
<td>Harpsden</td>
</tr>
<tr>
<td>Miles of Hastings</td>
<td>Yelford</td>
</tr>
<tr>
<td>William Huscarle</td>
<td>Brightwell Baldwin?</td>
</tr>
<tr>
<td>Walter of Langley</td>
<td>Bignell</td>
</tr>
<tr>
<td>Roger de Lyuns</td>
<td>Swerford</td>
</tr>
<tr>
<td>Robert de la Mare</td>
<td>Marsh Baldon/Heyford</td>
</tr>
<tr>
<td>Philip le Moyne</td>
<td>Clifton Hampden</td>
</tr>
<tr>
<td>Roger of Paulton</td>
<td>Shipton on Cherwell</td>
</tr>
<tr>
<td>William Quatreveyns</td>
<td>North Weston</td>
</tr>
<tr>
<td>Alan son of Roald</td>
<td>Aston Rowant</td>
</tr>
<tr>
<td>Alan de Romilly</td>
<td>Steeple Aston</td>
</tr>
<tr>
<td>Fulk of Rycote</td>
<td>Rycote</td>
</tr>
<tr>
<td>Simon de St Lys</td>
<td>Chilworth St Valery</td>
</tr>
<tr>
<td>John de St Valery</td>
<td>Barford St John</td>
</tr>
<tr>
<td>James le Savage</td>
<td>Clanfield</td>
</tr>
<tr>
<td>Hugh of Tew</td>
<td>Great Tew</td>
</tr>
<tr>
<td>Thomas de Valoynes</td>
<td>Bolney,51</td>
</tr>
<tr>
<td>Walter de Wahull</td>
<td>Sydenham</td>
</tr>
</tbody>
</table>

Table 6.4

49 Broughton, Gernun, Huscarle, Le Moyne, Lyun, Rycote, St Lys, Valoynes, Wahull.
50 See also Map 6.3.
51 Thomas de Valoynes main estates were at Shabbington which lay just across the county border in Buckinghamshire but he held some land in Oxford and at Bolney, near Harpsden, in Binfield Hundred, see Book of Fees, i. 463, 466; Oseney Cart, ii. no. 650; Cooper, Oxfordshire Eyre, 1241, nos. 680 and 681; 188.
the same scattered pattern of holdings as those of the individual jury lists. Two sizeable groups of seven knights each come from the north and the south east of Oxfordshire. Just over a fifth of the knights originate from the east of the county while four more come from the west. From this evidence, therefore, it is apparent that the jury panels on the 1261 Oxfordshire eyre roll do contain an element of regional bias although its resultant impact has been lessened somewhat by the inclusion of knights from all geographical areas within the county. A full list of the twenty-nine Oxfordshire knights and their main manors within the shire can be found in Table 6.4 above.

Despite the benefits of using jury panels as a source of knights, however, there is one major limitation: the question of what proportion of the total number of the knights acted as grand assize jurors. Other studies have experienced considerable difficulties in attempting to calculate knightly numbers for either an individual county or the realm as a whole. Jeremy Quick has argued for a figure of between 1000-2000 knights active in local government. When landless or household knights, barons and those who avoided grand assize duty are added, he stated that 'it is difficult to believe that there could have been much more than 2000 knights in England at any one time.52 Quick’s estimate was based on an analysis of grand assize juries compiled from a sample of eyre rolls covering a sixty-seven year period between 1202 and 1269. Recently, however, Katherine Faulkner has challenged both the figures and the methodology employed by Quick in his analysis.53 She argued that Quick based his sample across the thirteenth century, thereby ignoring the decline experienced in knightly numbers. Significantly more knights from the early thirteenth century were identified in his study than from the later part of the century.54

52 Quick, ‘Number and Distribution of Knights’, 119.  
53 Faulkner, 'Transformation of Knighthood, 1, 5.  
54 Ibid., 5.
These difficulties are equally applicable in determining what proportion of active knights the Oxfordshire jury panels represent. Comparisons with earlier visitations provide similar totals of empaneled knights. Some thirty-one knights were listed in the single jury panel recorded on the 1241 roll. Just six years later, the names of forty-five knights drawn from six cases were recorded.\textsuperscript{55} These latter figures are higher than those for 1261 although it must be noted that they are drawn from a larger number of jury panels. Quick has estimated that there were an average of fifty-seven knights per county, although he admits that this 'is a very rough indication of the minimum number of knights' and is 'in many respects, unsatisfactory'.\textsuperscript{56} Faulkner has suggested a higher figure of 108 Oxfordshire knights who are known to have served in an administrative capacity between 1199 and 1216. Some prominent knights, however, do not feature in the list while others may not have served in an administrative capacity. Consequently, she believes that this figure is around '20% too low' and that a more accurate estimate is 130 knights.\textsuperscript{57} Yet even this estimate is 'inherently conservative'.\textsuperscript{58} If we adopt Faulkner's 20% figure for the 1261 jurors then an estimated total of thirty-five knights can be obtained. But this revised number is still likely to be an underestimate as her figures were drawn from a wider range of sources. Such is the degree of underestimation that this total is increased by another fifteen by the addition of those knights who appear in a non-judicial capacity on the 1261 eyre roll alone. Robert Brand, who had served as an assize knight in 1247, acted as a plaintiff in an action of common of pasture.\textsuperscript{59} Stephen de Cheynduit was called to warrant

\textsuperscript{55} Cooper, Oxfordshire Eyre, 1241, no. 419; JUST 1/699 mm.8, 13, 17, 21; Quick, 'Number of Knights', 121. Quick's suggests a figure of forty-five assize jurors for the 1247 Oxfordshire eyre roll but this figure is incorrect. A closer examination of the knights provides in fact a total of forty knights.

\textsuperscript{56} Ibid., 119.

\textsuperscript{57} Faulkner, 'Transformation of Knighthood', 6, 9.

\textsuperscript{58} Ibid., 10.

\textsuperscript{59} 248.
Brand in a plea of cosinage.60 A more realistic total is, therefore, something in the order of magnitude of fifty to sixty knights for Oxfordshire in the early 1260s.

Having established both the sources and methodology that will be used in this statistical analysis, it is necessary to establish clear definitions for those who supported Henry III and those who were in opposition to him. Specific parameters have been used for each definition and the criteria applied are the same as those adopted by Mario Fernandes in his recent study of the midland knights during the Barons' War.61 Classifying those who opposed the crown is particularly problematic. There were varying degrees of involvement while many activities could have been interpreted as opposition to the crown. Rebellion could range from passive encouragement to actively fighting in battle against the king's forces. The changing allegiance of some of the baronial leadership and their knightly supporters adds a further complication. I have, therefore, followed Fernandes's use of the term 'contrariant'. This label is less restrictive than 'Montfortian' and is better able 'to reflect the various factions of the opposition', some of which 'were not tied to the earl of Leicester.'62 Oxfordshire's knights have been categorised therefore as contrariants if they:

- fought in any of the battles of the Barons' War against the king
- held office during Montfort's control of government between 1263 and August 1265
- had their lands confiscated by the crown after Evesham
- were accused of being rebels by the crown

60 232; JUST 1/700 m.8; CPR 1247-58, 646. Cheynduit was named as one of the four Oxfordshire knights commissioned to investigate royal and local abuses of power.

61 Fernandes, 'Midland Knights', 13-8.

62 Ibid., 17.
received a safe conduct to come and stand trial

Unfortunately, however, not every contrarient knight will be covered by this broad definition. The haphazard survival of records also means that it is not possible to identify all those in opposition. Sometimes a knight had defected and in these instances dual categorisation has been used.

Slightly less problematic is the definition of those who could be termed loyalists. Since there were far fewer variations in the levels of involvement for loyalists, the criteria used for identifying them will be narrower than those for contrarients. A knight has been categorised as a loyalist if he:

- held office during the king’s resumption of power between 1261 and 1263
- or his property was attacked by known rebels between 1263 and 1267
- fought for the king in any of the battles or sieges of the Barons’ War between 1264 and 1267
- was granted confiscated rebel land by the crown after the battle of Evesham in August 1265

Although the evidence for identifying individual loyalist knights will be discussed later in this chapter, a general point concerning the definition itself can be made here. Such is the nature of the surviving evidence that not all of those who supported Henry III can be identified. After Simon de Montfort’s defeat at Evesham in August 1265, the crown was mainly concerned with identifying and punishing its erstwhile opponents. Loyalists would only be recorded, therefore, if they had benefited in some measure, either in confiscated land or office, by Henry’s return to power. Thus many of those who had served the crown loyally will not be found in the surviving records. Where there is insufficient evidence to identify the political allegiance of a knight, he will be listed as unrecorded. This takes
account of those knights who were politically active but for whom the evidence is lacking. This category also includes those who chose not to get involved in the conflict, as presuming ‘that they all did so would be inappropriate’.\textsuperscript{63}

In the following table, the political allegiances of all the knights in the Oxfordshire sample have been identified using the criteria outlined above. A total of eleven knights have been classified as contrarients, one of whom has dual categorisation since he defected to the loyalists before the battle of Evesham. Contrarients, therefore, represented

The Political Allegiances of the Grand Assize Jurors of Oxfordshire

<table>
<thead>
<tr>
<th>Name</th>
<th>Allegiance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maurice d'Aundely</td>
<td>Contrarient</td>
</tr>
<tr>
<td>Ralph of Broughton</td>
<td>Contrarient</td>
</tr>
<tr>
<td>Ralph of Chesterton</td>
<td>Contrarient</td>
</tr>
<tr>
<td>William Foliot of Rousham</td>
<td>Contrarient</td>
</tr>
<tr>
<td>Alan son of Roald</td>
<td>Contrarient</td>
</tr>
<tr>
<td>Simon de St Lys</td>
<td>Contrarient</td>
</tr>
<tr>
<td>John de St Valery</td>
<td>Contrarient</td>
</tr>
<tr>
<td>James le Savage</td>
<td>Contrarient</td>
</tr>
<tr>
<td>Hugh of Tew</td>
<td>Contrarient</td>
</tr>
<tr>
<td>Walter de Wahull</td>
<td>Contrarient</td>
</tr>
<tr>
<td>Miles of Hastings</td>
<td>Contrarient/Loyalist</td>
</tr>
<tr>
<td>William le Brun</td>
<td>Loyalist</td>
</tr>
<tr>
<td>Sampson Foliot</td>
<td>Loyalist</td>
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<tr>
<td>Walter of Langley</td>
<td>Loyalist</td>
</tr>
<tr>
<td>Fulk of Rycote</td>
<td>Loyalist</td>
</tr>
<tr>
<td>Thomas de Valoynes</td>
<td>Loyalist</td>
</tr>
<tr>
<td>Robert of Barford</td>
<td>Unrecorded</td>
</tr>
<tr>
<td>Thomas de Bréauté</td>
<td>Unrecorded</td>
</tr>
<tr>
<td>Hugh Druval</td>
<td>Unrecorded</td>
</tr>
<tr>
<td>Reginald le Forester</td>
<td>Unrecorded</td>
</tr>
<tr>
<td>Roger Gerun</td>
<td>Unrecorded</td>
</tr>
<tr>
<td>Roger of Harpsden</td>
<td>Unrecorded</td>
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<tr>
<td>William Huscarle</td>
<td>Unrecorded</td>
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<tr>
<td>Roger de Lyuns</td>
<td>Unrecorded</td>
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<tr>
<td>Robert de la Mare</td>
<td>Unrecorded</td>
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<tr>
<td>Philip le Moyne</td>
<td>Unrecorded</td>
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<tr>
<td>Roger of Paulton</td>
<td>Unrecorded</td>
</tr>
<tr>
<td>William Quatremayns</td>
<td>Unrecorded</td>
</tr>
<tr>
<td>Alan de Romilly</td>
<td>Unrecorded</td>
</tr>
</tbody>
</table>

Table 6.5

\textsuperscript{63} Ibid., 18.
37.9% of the total sample. This figure is less than that identified for Cambridgeshire or the neighbouring county of Northamptonshire, which had levels of participation of 42% and 67% respectively. Six knights have been identified as loyalists, accounting for almost 21% of the grand assize knights. This figure is higher than all the counties in Fernandes’s study, the highest of which is the 17% found in Warwickshire. The remaining thirteen knights or 44.8% have been classified as unrecorded. This figure is broadly in keeping with the levels found in Warwickshire and Cambridgeshire but higher than those for Northamptonshire and Staffordshire.

Dictum eyres are an important source for the identification of rebels. Unfortunately, Oxfordshire’s has not survived. Its absence therefore limits the amount of information that can be ascertained about those in the contrariant category. It also may explain the lower figures for contrarients in Oxfordshire compared to other counties. There is, however, a surviving dictum eyre for the neighbouring county of Northamptonshire. This document records that the Oxfordshire knight Maurice d’Aundely agreed to pay what was ‘presumably’ a redemption fine for his Northamptonshire estates. Following the defeat of Montfort’s forces at Evesham, inquisitions were undertaken to identify which lands had been confiscated. Amongst the details the inquisitors recorded were the names of those whose lands had been seized and those to whom the lands had been granted. Oxfordshire’s returns have survived and partially compensate for the loss of the dictum eyre. An examination of these inquisitions reveals

64 Ibid., 322.
65 Ibid.
66 Ibid.
67 Fernandes, ‘Midland Knights’, 63, 91, 270, 290. 67% of Northamptonshire’s knights were contrarients while they comprised 53% of those for Staffordshire. In contrast, Oxfordshire’s only represented 38% of the sample.
the names of four Oxfordshire knights whose lands were confiscated. Osbert Giffard had seized Maurice d’Aundely’s manor of Tusmore while some of his Northamptonshire lands were granted to Grimbaud Pauncefoot. Thomas de Warblington confiscated John de St. Valery’s manor of Barford St John. James le Savage had his estates at Alderton in Northamptonshire given to the Lord Edward. William de Valence seized a carucate of land in Yelford from Miles of Hastings while in the neighbouring county of Buckinghamshire his estates at Stoke were confiscated by John Giffard of Brimpsfield. Other land at Aylesford in Worcestershire was also lost to Giffard. These survey returns are, therefore, an important source for identifying Oxfordshire’s rebel contingent although they do need to be used with caution. Some of the land seizures may have been due to ongoing local disputes, with the unsuccessful litigants using the political turmoil as cover for the pursuance of their own claim. Nor does the survey record the names of all of those who were in rebellion. Indeed, it is not clear whether all the lands seized were actually recorded in the survey. Despite these disadvantages, the survey returns are still a very useful source for the identification of contrarients.

Only Hugh of Tew appears to have participated in the rebellion in a military capacity, serving in the baronial garrison of Northampton when Henry III captured it in April 1264. On 2 January 1265, a letter patent was issued ordering the four men who had acted as hostages for Hugh after his capture to be delivered by the men of Shrewsbury. Service in an administrative capacity also provides evidence for the contrariant sympathies

69 CLM, no. 855.
70 Ibid., no. 854; CR 1264-68, 295, 315, 317.
71 CLM, no. 834.
72 Ibid., nos. 627, 853.
73 Ibid., 936.
74 CPR 1258-66, 399.
of two other Oxfordshire knights. John de St Valery was appointed keeper of the peace for Hampshire in July 1263. After Henry III's defeat at Lewes in May 1264, he was appointed as sheriff of Oxfordshire. St. Valery continued to serve in this role until the end of the Montfortian regime in August 1265. Simon de St Lys also served the Montfortian regime in an administrative role. In July 1263, St Lys was commissioned as the keeper of the peace for Buckinghamshire. On 14 December 1264, he was ordered to enquire, along with the rebel John fitz Nigel, into articles affecting Simon de Montfort and John fitz John. Such an important appointment would suggest that the Montfortian regime was certain of his political sympathies.

Safe conduct and pardons can provide evidence for a knight's participation. On 25 September 1265, Walter de Wahull received a safe conduct from the king. In May 1266, he was granted a royal pardon for his support of the Montfortian regime. James le Savage received a safe conduct in December 1265 and a pardon in January 1266. Maurice d'Aundely was issued with a safe conduct on 8 January 1266 while Hugh of Tew accepted the terms of the Dictum of Kenilworth and was admitted to the king's peace on 17 January 1268. William Foliot of Rousham received a safe conduct in April 1266 while John de St. Valery was granted two pardons in 1266 and 1268 respectively. Sometimes, the issuing of a safe conduct is the only evidence for a knight's participation. Alan son of Roald received three safe conducts between September 1265 and May 1267.

75 Ibid., 271-2, 327, 358; CR 1264-68, 4, 6.
76 CPR 1258-66, 272. St Lys was still serving in this capacity at Easter 1265, see KB 26/174 m.14(1).
77 CPR 1258-66, 475.
78 Ibid., 457, 594.
79 Ibid., 524, 537; Close Roll Supplementary, 1244-66, ed. A. Morton (1975), no. 481.
80 CPR 1258-66, 529; CPR 1266-72, 273.
81 CPR 1258-66, 587; CPR 1266-72, 221.
but these are the only indications of his contrarient tendencies. On 22 August 1265, Ralph of Chesterton received a safe conduct until Christmas 1265. A second was issued in June 1267. Apart from these two grants there is no other surviving evidence for Chesterton’s contrarient sympathies.

Supplementing these main sources are a series of individual and unrelated references that mention in passing a knight’s participation in the reformist cause. William Foliot of Rousham is named as a contrarient in a letter deposited in The National Archives. Ralph of Broughton is described as ‘being against the king’ in a case on the 1268 Oxfordshire eyre roll. One particularly illuminating reference comes from the Oxfordshire forest eyre of 1272. While listing the wastes found in Wychwood forest, the jurors recorded that ‘John [de St. Valery’s] woods were in the hands of Gilbert earl of Gloucester in the time of war and the same John in the earl’s prison’. St. Valery’s imprisonment must have been after the spring of 1265 as the last definite reference to him before Evesham is in a writ of allocate dated on 5 March 1265. It is perhaps more than coincidental that Gloucester’s defection can be dated around this time.

There is also substantial evidence for both the participation of Miles of Hastings in the reformist cause and his later defection to the loyalists. We have already seen that after the battle of Evesham that the victorious royalists seized some of his estates in Oxfordshire, Buckinghamshire and Worcestershire. One of these returns also records that he was with Simon de Montfort the Younger in his livery before Evesham but that he did

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82 CPR 1258-66, 453, 600; CPR 1266-72, 62.
83 CPR 1258-66, 442; CPR 1266-72, 75.
85 JUST 1/702A m.5.
86 E 32/137 m.6d.
87 Maddicott, Simon de Montfort, 327-9.
not fight in the battle. Another mentions that he had been in the Younger Montfort’s service for two years. Despite this close connection, there is evidence that he had decided to defect to the loyalist case as a letter patent issued on 8 November 1265 recorded that Hastings, along with certain other named knights, changed sides at the command of John Giffard.88

Sources for the identification of the Oxfordshire grand assize jurors as loyalists are as varied as those used for contrarients. Thomas de Valoynes was appointed as an inquisitor for the counties of Staffordshire and Shropshire ‘to enquire into the lands of the rebels’. Similarly, William le Brun was appointed to Northamptonshire. This letter patent dates from 21 September 1265.89 A third knight, James le Savage, was also named for the counties of Bedfordshire and Buckinghamshire. This raises a difficulty in relation to his political allegiance as we have already seen that he had his lands at Alderton confiscated and had obtained a royal pardon.90 Maybe this was a different James le Savage or perhaps he was a former contrarient who had defected and later appointed to this post but who had nevertheless decided to obtain a pardon for his former actions? Some saw service in an administrative capacity during the period of Henry’s resumption of power between 1261 and 1263. Fulk of Rycote was appointed sheriff of Oxfordshire at Michaelmas 1262.91 Rycote continued to serve in this capacity until he was replaced by the contrarient John de St. Valery on 27 June 1264.92 Only three minor pieces of evidence can be found for Walter of Langley’s royalist sympathies. The first is a charter issued by the Lord Edward to Ebulo de Montibus on 5 November 1259. Amongst its witnesses was Langley. He also

88 CPR 1258-66, 500.
89 Ibid., 491, 524; CIM, no. 608.
90 See above, 177-8.
91 E 368/37 m.1.
92 CPR 1258-66, 327; CLR 1260-66, 123, 133.
witnessed a second charter issued by the Lord Edward. Dated 4 October 1262, it was in favour of John de Greyliace.\(^93\) The final piece is a letter close that records an agreement between Langley and Robert son of Ralph son of Nicholas and Ralph Pippard. It concerns a redemption fine for Robert’s lands in Great Compton which had been granted to Langley by the king.\(^94\) The evidence for the allegiance of William le Brun is more problematic due to the common nature of his name. In March 1264, he was one of a number of knights summoned by the king to muster at Oxford with horse and weapons. This force later attacked the rebel stronghold at Northampton although whether Brun actually took part is unknown.\(^95\) The only other reference to him as a loyalist dates from September 1265 when he was ordered to take rebel lands in Northamptonshire into custody.\(^96\) Evidence for Sampson Foliot is more negative. On 23 November 1267, he was appointed as sheriff of Oxfordshire, both his predecessor and successor being loyalists. It is unlikely that at this critical time, with the Dictum having just been agreed and the events of the summer at London, that the sheriff, Foliot, would be anything other than a trusted loyalist. Sampson Foliot had his manors at Fritwell and Noke seized by the earl of Gloucester after Evesham but it is recorded that Foliot ‘was never against the king’.\(^97\) On 22 March 1263, Foliot was amongst a group of knights who received protection for going to Wales with the Lord Edward.\(^98\) On 15 December 1263, his wife received a gift of a deer from the king.\(^99\)

Having analysed the evidence for identifying contrarien and loyalist knights, this chapter will now examine what motivated those who supported the baronial cause.

\(^{93}\) *CChR* 1257-1300, 24; *CPR* 1266-72, 733.
\(^{94}\) *CR* 1268-72, 141-2. See also Fernandes, ‘Midland Knights’, 174.
\(^{95}\) *CR* 1261-64, 381.
\(^{96}\) *CPR* 1258-66, 491.
\(^{97}\) *CIM*, no. 855.
\(^{98}\) *CPR* 1258-66, 286.
\(^{99}\) *CR* 1261-64, 328.
Possibly the most active contrariant was John de St Valery. An influential local knight with property in neighbouring counties, his Oxfordshire interests included the manor of Barford St John in the northern hundred of Bloxham.\textsuperscript{100} His family had been leading figures in the county for many generations. The honour of St Valery had been held by John's uncle, Thomas de St Valery. After Thomas' son in law and heir, Robert of Dreux, sided with the French, the honour was granted to Richard of Cornwall in 1227.\textsuperscript{101} John maintained his family's connection with both the honour and its new lord. In 1257, he received letters of protection so that he could accompany Richard to Germany. On 21 January 1261, the itinerant justices were ordered not to hear any complaints against Richard's bailiffs but to send them immediately to him. St Valery was one of those selected by Richard to hear and correct these complaints, an appointment which is indicative of John's continuing connection with the earl.\textsuperscript{102} St Valery's affiliation with Richard also gave him access to royal patronage. During the following decade, he was in receipt of a number of royal gifts. In 1257 for example, his wife Joan secured two deer as the gift of the King. Later, in 1260, Henry granted Joan six oaks from the forest of Doilly in Hampshire.\textsuperscript{103}

St Valery was, despite his close connections with Richard of Cornwall, a committed supporter of the Montfortian regime. On 16 July 1263, a peace treaty was agreed between the king and Montfort, the text of which included the observance of the Provisions of Westminster and the banishment of aliens. Concerned with the restoration of order and stability, which were essential for the successful implementation of the treaty,

\textsuperscript{100} \textit{CIM}, no. 854.
\textsuperscript{101} \textit{VCH Oxon}, ix, 20; \textit{Ibid.}, v. 61; G.H. Fowler, 'De St. Walery', \textit{The Genealogist} n.s. xxx (1914), 11-3.
\textsuperscript{102} \textit{CPR} 1258-66, 196.
\textsuperscript{103} \textit{CR} 1256-59, 76; \textit{CR} 1259-61, 306.
on 20 July Montfort’s government appointed knights to act as keepers of the peace in each county. St Valery was amongst those selected, being appointed to Hampshire. After Henry’s defeat at Lewes in May 1264, St Valery was appointed sheriff of the counties of Oxfordshire and Berkshire.\textsuperscript{104} Although instructed to bring the knights from his counties to the King at Worcester in December 1264, St Valery does not appear to have served the Montfortian regime in a military capacity. John’s support was rewarded by a gift of eight oaks from Bernwood Forest in December 1264.\textsuperscript{105} There is no evidence of his having fought at either Lewes or Evesham. In the aftermath of Montfort’s defeat at Evesham, the victorious loyalists seized his Oxfordshire lands and he was removed from the shrievalty of Oxfordshire and Berkshire. It appears that John de St Valery had suffered personally for his rebel credentials. In 1272, the Oxfordshire forest eyre records that ‘John [was] in the earl [of Gloucester’s] prison.’\textsuperscript{106} St Valery’s imprisonment presumably dates from after the time of Gilbert’s defection in the spring of 1265. Nevertheless, after the fall of Montfort’s regime, he quickly returned to favour. In April 1266 he received a royal pardon, while in February 1267 writs were issued against Thomas of Warblington for the unjust detention of St Valery’s lands.\textsuperscript{107} His rehabilitation was completed by October 1267, when a letter close names him as the incumbent constable of Corfe Castle in Dorset.\textsuperscript{108} This speedy rehabilitation was probably due to his close connections with Richard of Cornwall. What pressures had acted upon an experienced knight like St Valery to entice him into rebellion?

\textsuperscript{104} Ibid., 271-2, 327, 358; CR 1264-68, 4, 6.
\textsuperscript{105} Ibid., 6.
\textsuperscript{106} E 32/137 m.6.
\textsuperscript{107} CR 1264-68, 295, 315, 317; CPR 1258-66, 587.
\textsuperscript{108} CR 1264-68, 345
One factor to be considered is the importance of tenurial bonds, a much-debated topic. The evidence from Oxfordshire suggests that for many contrarients, however, lordship was not of prime importance in their support of the baronial regime. The majority of knights in the sample held land from loyalist lords, in particular Richard of Cornwall. Seventeen knights held property in the county from him. Of these, four were to side with the rebels.109 The Plessis family were equally unsuccessful in flexing their seignorial muscles. In 1242, John de Plessis, a foreign born favourite of Henry III, was granted the marriage of Margery, the widow of John Marshal. This marriage elevated John into the ranks of the great magnates, providing him with estates in Warwickshire, Staffordshire and the honour of d'Oilly in Oxfordshire. Margery was also the sister and heiress of Thomas earl of Warwick, and Plessis was able to acquire the earldom in right of his wife. John died in February 1263, his son Hugh, the product of John’s first marriage to Christian of Sandford, succeeded to the estates but not the earldom.110 Three of Hugh’s tenants, Maurice de Aundely, Hugh of Tew and John de St Valery, defied him and supported the Montfortian regime. With many knights taking positions different to their lords, it is clear that tenurial bonds no longer guaranteed support. These were further weakened in certain instances by the unpopularity of an individual lord. Much of this unpopularity stemmed from the actions of his officials, whose conduct was often seen to be oppressive. Thus, the Provisions of Oxford ordained that ‘four and law-worthy knights shall be chosen...to hear all complaints of any trespasses and injuries, whatsoever by sheriffs, bailiffs, or any other

109 William Foliot held Rousham and Steeple Barton (honour of Wallingford); St Lys held Chilworth St Valery (honour of St. Valery); St Valery held Barford St John (St. Valery); Savage held Clanfield (St. Valery). Of these, St Lys and Savage held from more than one lord. For a more detailed discussion of the reformist sympathies in Cornwall’s affinity, see below, 198-9.


184
Hugh Bigod, the Justiciar, was to conduct a ‘special’ eyre that would visit the counties hearing cases of oppression, both royal and baronial. Bigod visited Oxfordshire between December 1259 and January 1260. Most of the 1260 Oxfordshire eyre roll has been lost, although the few remaining membranes can give a rough estimate of the unpopularity and oppressiveness of certain individual lords.

Most of the allegations were directed against Richard of Cornwall’s officials. One typical example was Sampson Foliot. A future loyalist, he alleged that his wood was taken and animals had been pastured on his land by one of Cornwall’s officials. Unfortunately, there is no other direct evidence of seigniorial oppression upon the knights in the Oxfordshire sample. Yet it may be significant that a large number of contrarien knights held their land from lords who had allegations of oppression levelled against their officials in other counties. Sometimes this unpopularity was compounded by the fact that the lords were of foreign birth. Resentment against foreigners was an important political issue in the 1260s, which appealed across the classes and divisions of English society.

Elements of the reformist programme in 1258 were directed against Henry’s Poitevin relatives and during the summer of 1263 there were a series of attacks perpetrated against both individuals foreigners such as Peter de Aigueblanche, bishop of Hereford, and alien merchant communities such as those in London. The hatred was such that in July 1263 a statute was issued ordering the expulsion of all foreigners apart from those accepted by

111 DBM, 99.
112 Crook, Records, 190.
113 JUST 1/713 m.3.
114 Ibid., m.4. Only one other Oxfordshire knight outside the sample group, Ralph de Aundely, made an allegation in this eyre.
the 'faithful' men of the realm. This popular antagonism may have had an influence upon the Oxfordshire elite. Yet there is little evidence of this during the 1261 eyre. Only two cases were initiated against John de Plessis, one of which involved a knight in our sample. Philip le Moyne brought an assize of novel disseisin against John de Plessis, earl of Warwick and William de St Helen for his common pasture in Clifton Hampden. Philip, whose political stance during the rebellion is unrecorded, was successful in his action. Although of foreign birth, John de Plessis had nevertheless been established in Oxfordshire for almost twenty years. There was, however, a more recent arrival: William de Valence.

Poitevin by birth, Valence had been granted the hundred of Bampton in March 1249. Highly unpopular personally, the conduct of his officials during the 1250s magnified this resentment. Allegations were made against his steward, William de Bussey. Matthew Paris described in dramatic detail the crimes he was said to have committed while enjoying Valence's protection. The incident he concentrated upon most concerned a young man from Trumpington in Cambridgeshire. Imprisoned by Bussey, he was subjected to harsh treatment while incarcerated. The man succumbed to his injuries, after which Bussey ordered his corpse be hung on public display. Further complaints, in his capacity as Geoffrey de Lusignan's steward, were made before Hugh Bigod in Surrey during 1258. Bussey followed Valence into exile in 1258 although he had returned within a few months. He was promptly arrested and imprisoned in the Tower. In January

116 Ibid., 261-80.
117 CChR 1226-57, 339.
119 Chronica Majora, v. 739.
120 JUST 1/873 mm.6-6d, 9.
1259, Bussey was brought to trial and subsequently imprisoned.\textsuperscript{121} This was not an isolated example. Allegations were made against some of Valence’s other officials. Gilbert of Elsfield alleged that Robert, Valence’s bailiff of Bampton, had ejected him from his manor at Drayton. After due consideration by Hugh Bigod, Robert was found guilty and committed to jail.\textsuperscript{122} Gilbert, who died at Evesham, was a committed Montfortian whose Oxfordshire lands were situated in Elsfield. Drayton itself is situated in Berkshire, just a few miles from the border with Oxfordshire. Although there is no direct evidence of allegations brought by his Oxfordshire tenants, it is quite conceivable that both Miles of Hastings and James le Savage, both of whom held land in the hundred of Bampton, had suffered some degree of oppression by, or came into conflict with, Valence or his officials.

Thus far, I have concentrated upon individual tenurial bonds and the stresses to which they were subjected by a lord’s reputation. Yet, with the tendency to hold property in other counties, a knight could come under tenurial pressure from his other interests. The contrarient Maurice de Aundely is a good example. At Tusmore, in the north-east of the shire, he held the manor from Hugh de Plessis. Across the border in Northamptonshire, Maurice held the manor of Addington from Gilbert de Clare. At Addington, Slipton and Cotterstock, Maurice also held land from the contrarient Humphrey de Bassingburn while his manor of Cranfield was held from the abbot of Peterborough, a rebel sympathiser.\textsuperscript{123} If Aundely was influenced it was most likely to have been through his Northamptonshire rather than his Oxfordshire holdings. When Maurice joined the rebel cause, it was as a follower of Clare, a stance that ultimately led to him defying his loyalist lord Hugh de

\textsuperscript{121} Chronica Majora, v. 726, 738-9.
\textsuperscript{122} JUST 1/1188 m.7. It is unclear why this complaint was made in Oxfordshire rather than Berkshire, as is the nature of Valence’s claim to the manor since the manuscript is damaged at this point.
\textsuperscript{123} Fernandes, ‘Midland Knights’, 110, 116.
Plessis. After the battle of Evesham, much of Maurice’s property was confiscated. Nor was Aundely the only Oxfordshire contrarient who held from several lords. In total, there were seven such individuals; John de St Valery, Maurice de Aundely, Simon de St Lys, James le Savage, Hugh of Tew, Walter de Wahull and Miles of Hastings. It is apparent that multiple tenures helped to give the contrarient knights a measure of political independence.

This freedom of choice was a major influence upon a knight. From the Oxfordshire evidence we can see that the majority of knights who remained politically uncommitted were minor landholders. Of a total of eighteen knights whose political allegiance is unrecorded, only one held more than two manors. Such a finding suggests that the more substantial knights were the most likely to be involved. The risk of financial ruin that a knight of modest means faced would have been greater than those of his more wealthier comrades although equally it could be argued that they just had less substance with which to fund a major political role. Pressures exerted by other local knights, particularly those who served in an administrative capacity, may have been a contributory factor in a knight’s political stance. Mario Fernandes has recently used the example of the Northamptonshire knight Baldwin of Drayton to illustrate these pressures. In 1268, Baldwin complained that his lands had been unjustly seized. In his defence he argued that William Marshal, the baronial keeper for the county, forced him into rebellion. He alleged that Marshal threatened him with confiscation if he refused to join the rebel cause. In

124 CIM, no. 855.
126 Fernandes, ‘Midland Knights’, 92.
Oxfordshire, however, there is no surviving evidence that any of the rebels opposed the crown because of threats of confiscation or intimidation.\textsuperscript{127}

A sense of neighbourhood, or locality, was another influential and long-standing factor that can offer an explanation for an individual’s choice of allegiance. Many knights would come into contact locally, where they could discuss subjects of mutual concern with their neighbours.\textsuperscript{128} This shared outlook was reinforced by the geographical spread of landholdings.\textsuperscript{129} In Oxfordshire, most of the contrariants appear to be concentrated in three particular areas of the county. Deddington Castle in the north of the county was the centre of a concentration of rebels whose estates lay within a ten miles radius. Just two miles north-west of the castle lay the manor of Barford St John, held by the contrariant John de St Valery. Three miles further on was Broughton, a manor held by its namesake, Ralph of Broughton. Situated to the south of Deddington was Rousham, the chief residence of William Foliot. These manors were both within five miles of Steeple Barton and Great Tew, held by Roger de St John and Hugh of Tew respectively. Osbert Giffard and John de Dive held Deddington castle itself jointly. Both supported the reformist regime although Giffard later defected to the loyalists in 1265. Further west lay the hundred of Bampton. Held by the loyalist, William de Valence, the hundred also had its own share of rebels. A committed reformist, James le Savage, was the neighbour of Miles of Hastings, a contrariant who defected to the loyalists in early 1265. Their manors of Yelford and Clanfield lay within a few miles of each other. Both properties were located within five miles of Osbert Giffard’s manor at Standlake. John de Dive had a substantial holding at

\textsuperscript{127} Without any surviving records from Oxfordshire’s dictum eyre, it is impossible to establish whether any of the sample knights having been tried for their part in the rebellion in the following eyre.

\textsuperscript{128} Coss, \textit{Origins}, 31-2.

\textsuperscript{129} For what follows, see Map 3, ‘Geographical Distribution of the Contrariant, Loyalist and ‘Unrecorded’ knights in Oxfordshire’. 
The Holdings of the Grand Assize Contrarient, Loyalist and Unrecorded Jurors
Ducklington while approximately nine miles south-east lay Drayton, the manor at the
centre of a dispute between William de Valence and Gilbert of Elsfield.

Centred on Oxford itself was the third concentration of contrariant knights. Stanton
St John, a manor that was in the possession of Roger de St John, lay within a few miles of
Iffley, a property held by Robert fitz Nigel. Both of these manors were situated only three
miles from Elsfield, the chief residence of Gilbert of Elsfield. A little further south was
Garsington, an estate held by the Contrariant, Adam le Despenser. All four were important
and influential supporters of the earl of Leicester within the shire. Smaller pockets of
rebels can likewise be found. In the east of the county near Thame was Long Crendon. A
possession of Simon de Montfort, it lay just across the border in Buckinghamshire. Less
than five miles distant was Chilworth, where Simon de St Lys had a freeholding. Situated
nearby at Sydenham was a manor held by Walter de Wahull while three miles further
south was Aston Rowant, held by Alan son of Roald. Undoubtedly, in areas where such a
concentration of rebel estates existed, these knights were clearly well placed to influence
their neighbours within the locality. Consequently, many of those who held lands lying
close to these clusters may have felt compelled to side with the rebels. While the lack of
evidence makes it difficult to illustrate this in practice, William Foliot of Rousham was
particularly vulnerable to such pressures. His manors at Swerford and Adderbury lay close
to those of Osbert Giffard and John de St Valery. Both St Valery and Giffard were very
influential individuals in the county community and the pressures they could bring to bear
may have been instrumental in determining Foliot’s political loyalty.

Each concentration was likewise situated close to a manor held by a rebel of
national stature. We have already seen how the rebel estates centred upon Oxford were
near manors held by important reformists such as Robert fitz Nigel. The northern cluster exhibits this same pattern. The manor of Barford St John was situated only a few miles from Deddington castle. Its lord was Roger de St John, who served as one of the nine councillors appointed under the Mise of Lewes. This proximity was replicated in the smaller grouping around Thame. Less than six miles away was the Buckinghamshire manor of Quarrenden. Some three miles further north lay Aylesbury. Both of these manors were held by John fitz John. A leading baronial supporter of Montfort, he would command the second division of the rebel army at the battle of Lewes before being captured at Evesham and his father, John fitz Geoffrey, was one of the original reformers of 1258. In each instance, these men were ideally placed to assume the leadership of the local contrarients. As prominent reformers, they inevitably became the focus of knightly discontent within the county. Baronial sympathisers would rally around St John and the others, creating the cluster effect that has been identified. Fitz Geoffrey, St John and Fitz Nigel likewise formed a conduit, providing a direct link between the leaders of the reformist movement and the localities. This path allowed reformist plans and ideals to be disseminated amongst the county's knighthood. It is equally significant that elsewhere in the shire there was no eminent Montfortian to act as leader. This must have been a deciding factor why no other rebel concentrations were formed.

Such a geographical concentration of loyalists cannot be identified. This may partly be due to a lack of surviving evidence, with the reformists having a proportionately

130 Map 3. See also above, 191.
131 DBM, 295. Roger de St John was also appointed.
132 Dictionary of National Biography: Missing Persons (Oxford, 1993), 224-6; DBM, 284-5, 319. John fitz John's inheritance was concentrated in Buckinghamshire which also included the manors of Whaddon and Steeple Claydon.

192
higher presence in the records.\textsuperscript{133} Amongst those knights with no known allegiance, a geographical pattern can indeed be discerned. Occasionally the estates of a knight whose political sympathies are unrecorded were not situated near those of either a contrarient or loyalist. Usually, however, these are clustered near the lands of those whose political allegiance is known. Alan de Romilly’s chief manor was at Steeple Aston. Six miles to the north-west lay Great Tew, a manor held by the contrarient Hugh of Tew. Romilly held a second manor at Harpole in Northamptonshire. Lying less than four miles away were the estates of the contrarient Hugh Gubion.\textsuperscript{134} These geographical groupings may likewise have led many to remain politically uncommitted. Thomas de Bréauté was a case in point. The probable son of Fawkes de Bréauté, he had an estate at Heyford Warren in Ploughley hundred.\textsuperscript{135} Within a six-mile radius were the manors of Great Tew and Rousham, which were held respectively by the rebels Hugh of Tew and William Foliot. Just to the north of Heyford Warren, however, was the manor of Fritwell. Since it was a possession of the loyalist Sampson Foliot, Bréauté found himself in a difficult position. If he had openly sided with the King, it was likely that his contrarient neighbours would have attacked his manor. Any similar declaration for the reformists would have led to retaliatory attacks by the loyalists. Nor was it only Heyford Warren that was at risk; his manor at Crowell in Lewknor hundred was also vulnerable. Eight miles to the north-west were manors belonging to the loyalist knights Fulk of Rycote and Sampson Foliot. But, only two miles north-east of Crowell was Sydenham, an estate held by the contrarient Walter de Wahull. Since siding with either faction would put his lands in jeopardy, the only sensible option that Bréauté could follow was political neutrality.

\textsuperscript{133} See above, 174-5.
\textsuperscript{134} \textit{CIPM,} i. no. 725; Fernandes, ‘Midland Knights’, 118.
\textsuperscript{135} Ray, ‘Alien courtiers’, 53-5.
A sense of neighbourhood was often reinforced through service together in local administration. Many Oxfordshire knights served as grand assize jurors. During the 1247 eyre, Thomas de Valoynes, Roger Gernun, Roger of Harpsden and Reginald le Forester all served on the same jury. These same individuals likewise served together as jurors in 1261. Often those who had served in an administrative role later became baronial supporters. In 1255, Maurice de Aundely had served as a forest official in Rockingham, Northamptonshire, alongside the future contrarient Ralph of Titchfield. During the 1261 Northamptonshire eyre, he served alongside the Oxfordshire knight James le Savage. Both were later joined in rebellion by another thirty-seven of their fellow jurors. Nor was it only future rebels who served in the administration of the shire. Loyalists were just as prominent. In 1255, Thomas de Valoynes was one of the knights appointed to inquire into the state of the royal forests. After the introduction of the Provisions of Oxford in 1258, Valoynes continued to serve in an administrative capacity. In November 1259, he was ordered to view the state of Oxford castle. His fellow inquisitor was Peter Foliot, who had been appointed sheriff of Oxfordshire under the terms of the Provisions. When Peter died, he appointed his wife Ellen and Thomas the executors of his will. Thomas was not the only loyalist with administrative experience. Fulk of Rycote served as the sheriff of Oxfordshire from Michaelmas 1262 until he was removed by the Montfortian regime in June 1264. Sampson Foliot, another future sheriff, was appointed in 1258 along with Simon de St Lys to ‘enquire touching excesses, trespasses and injuries committed in that county [Oxfordshire and Buckinghamshire].’ The results of their inquiry would then be

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136 JUST 1/699, m21.
137 JUST 1/616, mm.2, 4-5; Fernandes, ‘Midland Knights’, 63-4, 91.
138 CPR 1247-58, 434.
139 CLR 1260-66, 41.

194
submitted to the Council. It is apparent that service in local administration was an important factor in the creation of a communal solidarity.

Sometimes, a career in office holding may likewise have sown the seeds of future rebel sympathies. During the 1250s, James le Savage had served as sheriff of Hampshire. After the confrontation between the King and the barons in April 1258, James was ordered to open the chests of the Jews in the Tower of London. He later served with Peter de Montfort in transporting the moneys of the bishop of Winchester to the Exchequer. In such company, he would have been exposed to the political ideals and hopes of the reformists. Simon de St Lys was similarly subjected to these reformist influences. We have already seen that he was appointed to inquire into trespasses committed in Buckinghamshire. In July 1263, St Lys was commissioned as the ‘keeper of the peace’ for Buckinghamshire. On 14 December 1264, he was ordered to enquire, along with the rebel John fitz Nigel, into articles affecting Simon de Montfort and John fitz John. Many of these close ties, which had been built up before the Barons War, continued after the battle of Evesham. Maurice d’Aundely, for example, granted two virgates and an acre of land in Irthlingborough to his daughter John in a charter that has been dated between 1250 and 1272. Heading its witness list were the Northamptonshire rebels Reginald de Waterville and Baldwin of Drayton. Similarly, a charter to the abbey of Osney dated 1254x1268 was witnessed by the rebels Walter de Wahul and Hugh of

140 CPR 1247-58, 647.
141 CLR 1251-60, 308, 478.
142 CR 1256-59, 340.
143 CPR 1258-66, 272. St Lys was still serving as a ‘custos pacis’ at Easter 1265, see KB 26/174 m.14(1).
144 CPR 1258-66, 475.
Sometimes these ties would extend across the political divide: a quit claim dated 22 July 1268 that had been made by William son of Ranulph Sewy to the abbey of Eynsham was witnessed by the contrarian William le Brun and the loyalist Fulk of Rycote. In the long term, it was these ties that helped to heal the rifts created by the rebellion.

Family and kinship was a powerful influence upon some. Maurice de Aundely's decision to support the reformist regime may have been influenced by his relative, Ralph de Aundely. Equally, the influence may have eminated from Maurice. A rebel sympathiser, Ralph's manor at Hardwick was confiscated after the battle of Evesham. Situated only a mile from Maurice’s estate at Tusmore, Hardwick was held by Ralph from Maurice. Miles of Hasting’s decision to join the reformists in 1264 must surely have been encouraged by his kinsman, Henry of Hastings. A leading Montfortian, Henry was related to both the Seagrave and Despenser families. A tenurial bond further strengthened their kinship; Miles held a knight’s fee from Henry in Suffolk. This tie of blood may explain why Miles was serving in the retinue of Simon de Montfort the Younger between 1263 and 1265. Similarly, John Giffard of Brimpsfield may have influenced the conduct of his cousin, Osbert Giffard. Originally a supporter of the reformist regime, John had defected to the loyalists during the spring of 1265. John’s defection was mirrored by that of Osbert. Having fought against the King at Northampton in 1264, Osbert later sided with the loyalists and, in the aftermath of Evesham, co-operated with John in the seizure of rebel lands. Family ties existed between two other contrariant knights, Walter de Wahull and

146 Osney Cart., vi. no.1065
147 Eynsham Cart., i. no.368.
148 CIPM, i. no. 719.
149 CIM, nos. 853-5.
John de St Valery. Although influential, kinship was not always a guarantee of political solidarity. Close blood ties between loyalists and rebels can often be identified. William le Brun was an active supporter of the King. Yet his father in law was the Northamptonshire contrarient, Eustace of Watford. There were further links connecting Brun with the reformist cause. Watford’s third daughter, Joan, had married the Oxfordshire knight William of Parles. Parles was on the baronial side during the civil war and had his lands seized after Evesham. While kinship may have been a motivating factor for some, it was not always the most persuasive influence.

Relationships built up during service in a lord’s affinity may have been a contributory factor. Miles of Hastings was a member of Simon de Montfort the Younger’s retinue between 1263 and 1265. This position exposed him to the aims and ideals of the reformist movement. It is also likely that he had come into contact with many of the baronial leaders, men such as Peter de Montfort and Hugh le Despenser. Indeed, these contacts were likely to have contributed to Miles’s defection in 1265. A letter patent issued on 8 November 1265 recorded that Hastings, along with certain other named knights, changed sides at the command of John Giffard. Similar relationships may have decided the political stance of John de St Valery, a member of Richard of Cornwall’s affinity. When Richard visited Germany in 1257, St Valery was one of his companions. Amongst those who travelled with them were eight future rebels; Hugh le Despenser, who was to serve as the reformist justiciar, Gilbert of Elsfield and Stephen de Cheynduit.

150 Fowler, ‘De St Valery’, 17.
152 CPR 1258-66, 500.
153 CPR 1247-58, 589-90.
The defection of these nine knights to the reformist cause was symptomatic of a much wider crisis that existed within Richard of Cornwall’s affinity. We have already seen that four or 24% of the sample Oxfordshire knights who held land from the earl had defied him and joined the rebels.155 Similar defections can be found amongst those holding land from the earl in Berkshire and Buckinghamshire.156 This loss of control was not just confined to the honours of Wallingford and St Valery: it also extended to his comital county. Before 1258, Cornwall’s sheriff, who was appointed directly by the earl, was often a member of his affinity whose lands lay outside the county’s borders.157 During the Barons’ War, however, Richard had lost some degree of control in the county and Cornish knights such as Ralph Arundel, who had few comital connections, were appointed to the office.158 What caused this extraordinary break up of the earl’s affinity? Between 20 June 1262 and 10 February 1263, Richard was on his third visit to Germany.159 With their lord absent, his knights were more susceptible to outside influences. This circumstance also provided them with an opportunity to exercise a modicum of personal choice. Some may have been encouraged by the conduct of Henry of Almain, the earl’s eldest son, who also chose to support Simon de Montfort.160 On his return from Germany, therefore, Richard of Cornwall was faced with the disintegration of his affinity. Keenly aware of the

155 See above, 184.
156 Ralph de Cheynduit, for example, held lands from Cornwall in both Berkshire and Buckinghamshire while Geoffrey Neynutt held Marston and Pitstone in Buckinghamshire, see Book of Fees, i. 555-6; Boarstall Cartulary, 301; CIM nos. 624; CR 1264-6, 15.
158 Ibid., 30-4. In reaction to his loss of control in Cornwall during the Barons’ War, Richard embarked on a policy of consolidation. The offices of steward and sheriff were amalgamated and no leading Cornish knight would be appointed to this office for the remainder of the century. The earl also acquired control of the key strategic castles of Restormal and Tremerton.
160 Ann. Dunstable, 221-2; Flores Historiarum, ii. 481; Powicke, Henry III and the Lord Edward, ii. 435; Maddicott, Simon de Montfort, 230, 239. Almain was active in the reformist cause and pursued the royalist councilor John Mansel, who fled to Boulogne on June 1263. Unfortunately for Henry, however, Mansel evaded capture and instead it was Henry himself who was captured and imprisoned by the royalists.

198
reformist sympathies of both his knights and his son Henry, Richard may have temporarily wavered in his loyalty to his brother. Doubts were certainly expressed at the time by his contemporaries and the Dunstable Annalist 'numbered him amongst the barons who met at Oxford in April...to renew the oath of 1258'. If Richard did position himself in the reformist camp in the late spring and summer of 1263, it was only a brief flirtation. The earl was placed firmly back amongst Henry's supporters by October 1263: as one of its first acts the newly re-established royalist government granted him the Mowbray wardship.

Service in a lord's affinity helped to build up personal friendships that would later influence many in their choice of political allegiance. These interactive personal relationships can clearly be discerned in the agreements where the defeated rebels needed to provide sureties for their future good behaviour. One such example was that of William of Parles. Seven individuals agreed to stand surety for him, six of whom had also sided with the rebels during the civil war. Two of these pledges were his kinsmen, William le Brun and Eustace of Watford. The remaining five were his neighbours, their lands lying close to his manor at Handsworth in Northamptonshire. Witness lists, if used with caution, can often be valuable evidence of personal relationships. In an undated charter, the future rebel John fitz Nigel demised land to Rose de Rupella. The cartulary of St Frideswide contains an agreement between the abbey and the burgesses of Oxford concerning rents that is dated 2 February 1261. Two of its witnesses were grand assize knights present

161 Ann. Dunstable, 221; Denholm-Young, Richard of Cornwall, 119, 122-3. Denholm-Young also cites a letter written in September 1263 by Pope Urban IV which accuses Richard 'in the strongest terms of notorious duplicity'.
162 CPR 1258-66, 304; Denholm-Young, Richard of Cornwall, 123.
163 CR 1264-68, 229.
164 Boarstall Cartulary, no. 290. The witnesses included Roger Germun and William Foliot of Rousham.
during the current session of the eyre. 165 Maurice de Aundely had issued a charter to his daughter Joan granting her some land in Irthlingborough. Amongst the witnesses were two Northamptonshire contrarients. 166 In 1257, William Insula, a former sheriff of Northamptonshire, was imprisoned at the Fleet for debt. Before he was released, he had to provide a number of sureties. Amongst those he named were three future contrarients, two from Northamptonshire and one from Oxfordshire. 167

Often these personal relationships extended across the political divide. The example of William le Brun and his contrarient connections has already been discussed. His fellow loyalist, Thomas de Valoynes, witnessed a series of charters involving John fitz Nigel. The last of these was dated 11 June 1265. 168 John was a trusted reformist; on 14 December 1264 he had been commissioned to ‘enquire touching certain articles affecting Simon de Montfort’ in the ‘manors of Merston and La Grave, county Buckinghamshire.’ 169 Moreover, John was a kinsman of the Montfortian Robert fitz Nigel. Thomas de Valoynes was also friendly with other rebels. In 1260, Valoynes witnessed a quitclaim of William of Harford. Amongst those present was the future contrarient William Foliot of Rousham. Personal friendships were further strengthened by military service. An important, albeit declining, facet of knighthood, many of the Oxfordshire knights served together in a military capacity. In August 1257, Sampson Foliot, a future loyalist, received letters of protection to serve in Wales. Two other local knights were also recorded as having received a protection for this campaign: Robert de la Mare, Hugh Druval and Walter of Langley. Sampson Foliot received a further protection for the Welsh

165 Cartulary of St. Frideswide, i. no. 64. Ralph of Chesterton and Sampson Foliot.
167 CR 1256-59, 171. Richard of Hemington, Philip of Cowley and James le Savage respectively.
168 Boarstall Cartulary, nos. 222, 281-2, 284-9.
169 CPR 1258-66, 475.
campaign of 1263. 170 In March the following year, Henry III arrived in Oxford intending to raise an army against the barons who were based at Northampton. Letters of summons were despatched to knights across England, including seventeen from Oxfordshire. 171 While it was unlikely that all would have responded to Henry's summons - at least six would be future rebels - personal friendships were strengthened between those who did. 172 Although important, military service was just one of the many relationships which underlay the highly complex and localised society that was Oxfordshire.

Recent research has suggested that within this society there existed a fierce competition for resources. 173 Sometimes this would manifest itself in the legal disputes that came before the itinerant justices during the 1261 Oxfordshire eyre. Adam Feteplace had initiated a plea of covenant against Miles of Hastings over a carucate of land in Yelford. His suit alleged that Hastings had broken an agreement whereby the carucate was demised to Adam in return for a payment of sixty marks. After consideration, the jury decided against Hastings. 174 Miles was also engaged in further litigation against Walter de Grey over common pasture in Kingesdon and Stokwell, both of which formed part of his manor of Yelford. 175 Other contrarients were involved in litigation. It was alleged that Walter de Wahull had been exacting various services from a certain John de la Barre, services which were actually owed by Walter the son of Robert of Sarsden. 176 Nor was it only the rebels who used the courts to consolidate their resources: the loyalists were just as

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170 Ibid., 286.
171 CR 1261-64, 380.
172 These were Aundely, Chesterton, William Foliot, St Valery, Savage and Tew. Miles of Hastings was also one of those summoned.
174 136.
175 222. See also KB 26/174 m.13d. Dated Michaelmas 1265, this document records further litigation between the Grey family and Miles of Hastings.
176 32.
active. The 1261 eyre roll records that Thomas de Valoynes was at law against the church of Bolney over an acre of land. The case concluded when the parson claimed a licence to withdraw from his suit. It is likely that these pleas may have been prosecuted to resolve long running disputes concerning hard pressed resources.

David Hunt has argued that, for some, the Barons' War was 'an opportunity to pursue their own objectives within local society, local disputes reflecting this, rather than, necessarily, support for Montfort or the King.' Thus local rivalries had become intertwined with political instability. As evidence, he cited the dispute between the Marmions and the Bassets of Drayton that caused disturbances in both Staffordshire and Warwickshire. There is little evidence from Oxfordshire that supports this view. In 1261, Philippa the dowager countess of Warwick was at law against Robert fitz Nigel, for hidage and other customs that he was failing to render to her. While their families supported differing factions during the war, loyalist and Montfortian respectively, there is nothing to suggest that either litigant was using the war to pursue their local interests. The only other possible example was Miles of Hastings. His opponent during the 1261 eyre was Adam Feteplace, a former mayor of Oxford. In 1265, Simon de Montfort the Younger had ordered Feteplace's imprisonment. Perhaps Hastings, a former member of Montfort's retinue, did use his influence to secure Adam's arrest. But this arrest only occurred AFTER Hastings defected to the loyalists. There is also further possible evidence of Hastings using for war for pursuing local rivalries. We have already seen that

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177 188.  
178 Hunt, 'Families at War', 27.  
179 Ibid., 25-6.  
180 Ibid., 25-6.  
181 Snappe's Formulary, 284; CIM, no. 294. Adam's son, Philip, had also initiated a suit against Guy Cissor, the earl of Leicester's tailor, which alleged that he had been forced to make a payment to free his father. See KB 26/175 m.18d.  
182 Snappe's Formulary, 284; CPR 1258-66, 500.
in 1261 he was engaged in litigation with Walter de Grey over common pasture in Yelford. The *coram rege* roll for Michaelmas 1265 also contains a suit accusing Miles of removing the goods and chattels from William de Grey's house in Stoke Goldington, Buckinghamshire, during the recent hostilities.\textsuperscript{183} While the exact relationship between Walter and William is uncertain, this litigation may have been part of an ongoing dispute. It is unlikely, however, that they were indicative of any deliberate attempt to use the war as a cover for the continuation of local rivalries.

Peter Coss has placed this intense competition for resources within the context of major economic change. Many knights attempted to adapt to the changing conditions. Some families attempted to reconstitute their estates, repairing buildings and investing in livestock.\textsuperscript{184} Others chose to tighten the manorial structure thereby exerting greater seignorial control over their tenants. But families endowed with only minor proprietorial interests found it increasingly difficult to respond to the challenges they faced. Possessed of incomes that were unable to keep pace with rising prices and expenditure, many families fell into debt.\textsuperscript{185} After turning to Jewish creditors to sustain their position in society, some knights found themselves in even greater financial difficulty. Often they would alienate property in an attempt to maintain their status within the locality. Although beneficial in the short term, this practice would further reduce their capacity to maximise the profitability of their remaining lands.\textsuperscript{186} Recognising that indebtedness was an issue, certain favoured supporters of Montfort were granted relief by the baronial government in

\textsuperscript{183} KB 26/174 m.13d
\textsuperscript{184} Coss, *Lordship*, 102. For the problems faced by lords possessed of small demesnes, see D. Postles, 'Some Differences between Seignorial Demesnes in Medieval Oxfordshire', *Oxoniensia* lvi (1993).
\textsuperscript{185} Coss, 'Geoffrey de Langley', 27-9, 34.
\textsuperscript{186} Ibid., 5. See also P.D.A. Harvey, 'The English Inflation of 1180-1220'. *Past and Present* lxi, (1973); Faulkner, 'Transformation of Knighthood', 18-9.
March 1265.\textsuperscript{187} Perhaps it is not surprising that the 'reformist earls had received such widespread support from the knightly class.'\textsuperscript{188}

The Oxfordshire evidence suggests a modification of this assessment. I have been able to find only one instance where an Oxfordshire knight had been in serious, albeit temporary, debt prior to Barons' War. In 1248, Hugh of Tew had murdered the archdeacon of York; an act for which he was fined £100.\textsuperscript{189} Although this debt was an enormous amount for any knight to repay, Hugh's brother delivered the full amount to Simon de Montfort in September 1248.\textsuperscript{190} It is now impossible to identify how this money was raised; perhaps Hugh had recourse to a Jewish creditor. While there was only one example of serious indebtedness amongst the sample knights, this does not mean that others were experiencing financial difficulties.\textsuperscript{191} There is evidence of knights alienating land for a specified period of time. Miles of Hastings, a prominent reformist prior to his defection in 1265, was endowed with substantial territorial interests. Yet he appeared to have been in need of ready funds. In 1261, Miles was at law against Adam Feteplace. He had demised the manor of Yelford to Adam for a term of fifteen years. They were also engaged in further litigation over a carucate of land in Yelford that had been leased to Feteplace in return for sixty marks of silver.\textsuperscript{192} The alienation of land to religious institutions may likewise conceal evidence of financial difficulties. Knights would sell land to the church in return for ready currency. The Oxfordshire evidence has yielded few

\textsuperscript{187} Coss, \textit{Lordship}, 289.
\textsuperscript{188} Coss, 'Geoffrey de Langley', 34.
\textsuperscript{189} CR 1247-51, 85.
\textsuperscript{190} CPR 1247-58, 27
\textsuperscript{191} Stephen de Cheynduit, for example, was an Oxfordshire knight although not one of those in the sample. Faced by mounting debts, he was forced to grant his manor at Cuxham to Walter of Merton, who used it to endow his new scholastic foundation at Oxford, see P.D.A. Harvey, \textit{A Medieval Oxfordshire Village Cuxham 1240 to 1400} (Oxford, 1965), 5-6.
\textsuperscript{192} 136, 154.
such examples of monastic alienations before 1258. In an undated charter, James le
Savage had granted an acre of land in Clanfield to Oseney Abbey. During the 1240s,
Thomas de Valoynes had made a series of land grants to the Friars Minor in Oxford. 193
These alienations may have been necessitated by financial weakness. Yet it is equally
likely that these grants were merely pious gifts.

The financial position of the knights was, in Oxfordshire at least, rather more
comfortable than Coss has argued. David Carpenter’s study of fifty-seven Oxfordshire
knighthly families during the thirteenth century concluded that although ‘there were
obviously knightly families which suffered financial strangulation and material
collapse...the underlying material position of many middling and upper families seems
secure.’ 194 The finances of the knights in the 1261 sample confirm this view. Many were
possessed of substantial property, two in particular being endowed with considerable
wealth. Walter de Wahull held the honour of Wahull in Bedfordshire that consisted of
thirty knights’ fees, a holding that actually rank him amongst the baronage. The second
was Miles of Hastings, whose four manors included Stoke Goldington in
Buckinghamshire and Yelford in Oxfordshire. 195 Apart from Tew, there is no surviving
evidence of indebtedness for any of the other knights, either reformists or those who
remained politically uncommitted. When the Montfortian regime cancelled the Jewish
debts of its supporters in 1264/5, it did not record the name of a single knight from the
Oxfordshire sample. 196 In fact, the finances of many knights were so secure; their

193 Osney Cart, iv. no. 487;
194 Carpenter, ‘Crisis of the Knightly Class’, 378.
195 CIPM, i. no. 195; CR 1272-79, 289, 309. See also I.J. Sanders, English Baronies: A Study of Their
196 C 60/62. Only four individuals with Oxfordshire lands were named; Robert fitz Nigel, Osbert Giffard,
Peter de Montfort and Stephen de Cheynduit. Stephen in particular suffered serious financial difficulties
descendants remained amongst the county elite well into the fourteenth century. Individual families may indeed have been in difficulty; for the majority, however, debt was not an issue. Thus, the economic situation outlined by Coss did little to increase rebel support within the county.

A belief in the reform programme motivated some rebels. In the shires, this was partially prompted by the demands to address the abuse and corruption that were associated with the offices such as that of sheriff. Extortion, coercion and increasing increments over and above the county farm were key issues in the localities. Men such as Thomas Corbet, the sheriff of Staffordshire from 1248 to 1250, were notorious for their oppressive government. While the sheriffs of Oxfordshire had not been as infamous, the county had still experienced a degree of shrieval oppression. Allegations of unlawful exactions emerged during the 1261 eyre. Nicholas of Hendred, the sheriff from 1254 to 1258 was accused of taking two shillings from John Hosel of Lillingstone Lovell. He had also been accused of taking a half mark from John of Brill. Hendred’s predecessor, John de Turberville, had taken nine shillings from John de la Lee ‘other [than] by the will of the said John.’ The hundred jurors of Wootton reported a further abuse of office by Hendred. A clerk called Philip of Kidlington had appeared before the justices of gaol delivery suspected of theft. They ordered him to be delivered to the bishop of Lincoln’s official while Nicholas confiscated his chattels. The itinerant justices discovered, however,
that although Philip had been cleared of the charge, Hendred continued to detain the chattels. Indeed, he had accepted a fine offered for them by a certain Robert of Kidlington.\footnote{585} Though minor in themselves, these allegations were symptomatic of the degree of corruption which, it was felt, surrounded the office.\footnote{586} Not surprisingly, the appointment of sheriffs and the nature of the office itself were keys issues to the knightly class. Thus the emphasis in the Provisions of Oxford that the sheriff would be a local vavasour who would take an oath of office would surely strike a cord with the local knighthood.\footnote{587} It is interesting, therefore, that both of the men who had held this office between 1254 and 1258 were knights. Neither was based in Oxfordshire although both held estates in the neighbouring county of Berkshire.\footnote{588} 

Other elements of the reform programme would have found favour in the localities. Suit of court was often a contentious issue, the clauses in the Provisions of Westminster in the autumn of 1259 restricting its incidence being therefore especially welcome.\footnote{589} A further grievance was the conduct of royal and magnate officials, an issue addressed by the ‘special eyre’ undertaken by Hugh Bigod in 1259-60.\footnote{590} It is difficult, however, to judge how far their interest in, and dissatisfaction with, these issues would have, in themselves, led many knights into rebellion. The relative youthfulness of the rebels was also emphasised by the chronicler Thomas Wykes, a view which has been

\begin{footnotes}
\footnote{585}{JUST I/1187 m.11, 12-12d; E.F. Jacob, \textit{Studies in the Period of Reform and Rebellion} (Oxford, 1925), 47-8. The actions of William of Riston, the bailiff of Woodstock, may likewise have excited comment. In 1259, he was accused of arresting three suspected thieves, one of whom was pregnant, and hanging them without a trial. He was found guilty and imprisoned.}
\footnote{586}{DBM, 109.}
\footnote{587}{DBM, 138-41; Brand, \textit{Kings, Barons and Justices}, 42-53.}
\footnote{588}{DBM, 113-5. See also Hershey, ‘Success or Failure’, 65, 74-5, 77. For the importance of Simon de Montfort’s personal leadership and his adherence to his oath to the Provisions of Oxford in retaining support for the baronial programme, see D. Williams, ‘Simon de Montfort and his Adherents’, \textit{England in the Thirteenth Century: Proceedings of the 1984 Harlaxton Symposium}, ed. W.M. Ormrod (Grantham, 1985), 166-77.}
\end{footnotes}
accepted by some later historians.\textsuperscript{207} The evidence from Oxfordshire does not, however, support this assessment. Five of the \textsuperscript{29} knights in the sample can, with certainty, be described as being relatively young during the Barons’ War.\textsuperscript{208} Of these, only two were known contrarients. Miles of Hastings survived into the following century, his Inquisition post mortem dating from June 1305.\textsuperscript{209} The second was Walter de Wahull. Although dying in 1269, he came of age around 1250.\textsuperscript{210} One loyalist also enjoyed a similar longevity: Fulk of Rycote’s final appearance in the records dates from 1302.\textsuperscript{211} Thus only a small proportion of those Oxfordshire knights active during the Barons’ War could be described as young.

Age was a likely reason why, however, many knights remained uncommitted. At least one of the knights had died before 1265: an inquisition post mortem recorded Reginald le Forester’s lands at the time of his death in 1263. Jordan, his heir, was said to have been aged forty or more.\textsuperscript{212} Three other knights died within a few years of Evesham. Roger of Paulton had inherited his estates at Shipton on Cherwell by 1245 at the latest. He died between 1261 and 1268, when his lands and heirs are recorded as being in the custody of Thomas de St Vigore.\textsuperscript{213} In 1272, a letter close was issued allowing the son of Robert de la Mare to harvest the crops on his late father’s lands.\textsuperscript{214} William Quatremeyns’s date of death is uncertain although his son was in possession of his lands by 1275. Both had served as assize knights during the 1241 eyre. These were not isolated

\textsuperscript{207} Maddicott, Simon de Montfort, 249.
\textsuperscript{208} Fulk of Rycote, Miles of Hastings, Walter de Wahull, Simon de St Lys and Walter of Langley.
\textsuperscript{209} CIPM, iv. no. 309.
\textsuperscript{210} CFR 1272-1307, 522; Ex. e. Rot. Fin, ii. 501; CIPM, i. no. 995.
\textsuperscript{211} CFR 1272-1307, 448.
\textsuperscript{212} CIPM, i. no. 543.
\textsuperscript{213} Rotuli Roberti Grosseteste episcopi Lincolniensis, ed. F.N. Davis (Lincolnshire Record Soc., xi, 1914) 488; Oseney Cart, vi. 103-4; CR 1264-68, 511.
\textsuperscript{214} CR 1272-79, 27.
examples. Roger de Lyuns made his first appearance in 1235 when the Book of Fees records that he held a knight’s fee in Begbroke.\textsuperscript{215} The following year, he was named as a defendant in a foot of fine dated 27 October concerning Eakley manor in Buckinghamshire.\textsuperscript{216} Amongst those cited as his co-defendants was another sample knight, Alan de Romilly. Romilly also features in the Book of Fees, which noted that he held a quarter of a knights fee in Harpole, Northamptonshire.\textsuperscript{217} Of similar age was Thomas de Bréauté. In 1242, he held a knights fee in Grimsbury, Northamptonshire.\textsuperscript{218} There are two other knights who may have been elderly during the Barons’ War. A Roger of Harpsden was recorded in the Boarstall Cartulary as holding a knight’s fee in Harpsden while a letter close issued in 1240 concerns the Oxfordshire tenements of a Roger of Barford.\textsuperscript{219} Nevertheless, knights such as Bréauté would probably have been less likely to rebel, judging that the inherent risks were simply far too great.

In this chapter I have attempted to illustrate the role played by Oxfordshire’s knightly class during the Barons’ War. County society was divided with each knight facing a range of competing influences. Which one prevailed depended upon not only personal circumstances but also ties of neighbourhood, kinship and tenurial bonds. Motivation for some may likewise have come from unquantifiable factors such as political idealism or youthfulness. Yet for the majority of knights their freedom of choice was curtailed as each influencing factor could have been individually ignored but taken together, they were difficult to resist. Oxfordshire, like its neighbouring counties of

\textsuperscript{215} Book of Fees, i. 447. There is an earlier reference to a Roger de Lyuns in a foot of fine dated 1221 although it is unlikely that they are the same individual, see FoF, 62.

\textsuperscript{216} A Calendar of the Feet of Fines for the county of Buckinghamshire, 7 Richard I to 44 Henry III, ed. M.W. Hughes (Buckinghamshire Archaeological Soc., iv, 1940), 69.

\textsuperscript{217} Book of Fees, i. 604.

\textsuperscript{218} Cooper, Oxfordshire Eyre. 1241, nos. 419, 704; Book of Fees, ii. 939.

\textsuperscript{219} Boarstall Cartulary, 323 n. 68; CR 1237-42, 199.
Northamptonshire and Warwickshire, had a high proportion of its knights in open opposition to the king. Yet the majority of the county's magnates supported the King. Such a circumstance highlights the influence of lesser barons, through the proximity of estates and retinues, within local society. Faced with such an array of competing influences, it is hardly surprising that most of the knights of Oxfordshire were denied the luxury of an independent choice of political allegiance.
Chapter Seven

Description and History of the 1261 Oxfordshire Eyre Roll

The 1261 Oxfordshire eyre roll consists of thirty-two separate membranes stitched together at the head of the roll. Civil pleas from across the shire were enrolled upon membranes 1-11d. Membranes 12-16d contain all the civil cases originating from the borough of Oxford. Essoins and attorneys were entered upon membranes 17-18d. All the crown pleas for the county have been enrolled on membranes 19-30d, those from Oxford borough being recorded on membranes 29-30d. A surviving jury kalendar can be found on membrane thirty-one. On the final membrane are entered the small number of foreign pleas which came before the itinerant justices. Since all the elements expected in an extant roll are present, it is likely that the roll has survived intact. A part of the original wrapper has also survived and is attached to the foot of membrane 31. Both the roll’s dimensions and length are consistent with other eyre rolls of the mid-thirteenth century.

Individual membranes vary considerably in size. Membrane seventeen, the shortest in the roll, measures some 36.5 centimetres in length. At 79.5 centimetres is membrane nineteen, the longest in the document. When an average is taken, however, the membranes measure at approximately seventy-three centimetres in length. Widths of individual membranes

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1 1-250.
2 251-352.
3 353-450.
4 451-834; 835-912.
5 913-936.
6 937-46.
likewise vary somewhat. The widest at 19.5 centimetres is membrane sixteen while the thinnest at 18.5 centimetres is membrane one. On average, the membranes measure some nineteen centimetres in width. Generally, the condition of the membranes is good although there has been some rubbing at the foot of membrane 19-19d.

Involved in the compilation of the Oxfordshire roll were a number of scribes, the hands of whom varied somewhat in both size and neatness. Perhaps the neatest hand is that found on membrane one, the script having been written in a clear and open style. The most easily identifiable hand can be found on membrane 29d, the continual errant spelling of *appellavit* as *apellavit* making the scribe's handiwork distinctive. 7 Almost all the membranes are written from head to foot on both sides. Three membranes, however, were written solely on the front. 8 Pleas entered upon the roll are usually generously spaced. On the dorse of membrane sixteen, in particular, there were just three pleas enrolled on it, a large space of over forty-five centimetres separating the last two enrolments. 9 Cases are generally preceded by an introductory flourish. When copying the pleas on the roll, space was often left for later additions. 10 Occasionally, the scribe has failed to leave sufficient space for enrolment, and thus the lines of text have been reduced substantially to fit the remaining space. 11 A scribe, having run out of space, even continued the case after the following enrolment. 12 Numerous notes of amercement, county names and lump sums were made in the margin that can be found on the left of each membrane. Headings are a common feature of the roll. A heading more than twice the size of the main text

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7 For example, 852 and 883.
8 JUST 1/701 mm.17, 31-2.
9 350-52.
10 247 and 518 are typical examples.
11 256 and 258.
12 256.
introduced the Oxfordshire civil pleas.\textsuperscript{13} Headings of similar size are used at the start of both the crown and foreign pleas sections.\textsuperscript{14} Within the civil pleas, there are headings for the pleadings at both Caversham and Oxford as well as the membranes containing the essoins and attorneys.\textsuperscript{15} The crown pleas also have separate headings, indicating the beginning of each hundred's pleas.\textsuperscript{16} An archivist in the early eighteenth century numbered each membrane of the roll at the tail using Arabic numerals. Certain membranes were marked with a stamp centred upon the image of a crown during the nineteenth century. Two designs can be identified. One stamp was diamond shaped with an inscription, \textit{Public Record Office: Queen's Bench}, around the edges.\textsuperscript{17} The other stamp was oval shaped, its inscription reading \textit{Public Record Office}.\textsuperscript{18} Three pleas from the roll have been published in Alan Harding's edition of the 1256 Shropshire Eyre.\textsuperscript{19}

Each justice would have had a roll for his own use. Unfortunately, only our roll, that compiled for the senior justice Gilbert of Preston, has survived. It has been marked with his initial on three separate membranes. At the head of membrane eighteen was annotated 'Rotulus de attornatorum G de Preston'. On membrane five was written the letter 'G' while 'P' heads the third, membrane sixteen. The exact date at which Preston's roll came into the custody of the crown is unknown. The justices themselves often retained plea rolls following the completion of a visitation.\textsuperscript{20} Attempts were sometimes made to reclaim these rolls. On 8 December 1257, the barons of the exchequer were ordered to

\textsuperscript{13} JUST 1/701 m.1.
\textsuperscript{14} Ibid., mm.19 and 32.
\textsuperscript{15} Just 1/701 mm. 11d, 12, 17 and 18.
\textsuperscript{16} For example, the hundred of Lewknor on membrane 29.
\textsuperscript{17} Ibid., m.16.
\textsuperscript{18} Ibid., m.1.
\textsuperscript{19} Harding, \textit{1256 Shropshire Eyre}, lxii-iii; 106, 272, 658.
\textsuperscript{20} Clanchy, \textit{1248 Berkshire Eyre}, li; Crook, \textit{Records}, 12-3. Bracton's retention of those of Martin of Pattishall was a typical example.
trace the rolls and chirographs of the itinerant justices. Once identified, these were to be collected together and deposited in the treasury. The order further stipulated that, henceforth, all justices were required to deposit all their rolls in the treasury. Consequently, the exchequer made a determined effort to secure all the rolls remaining in Preston's custody upon his death in December 1274. The following January his clerk, Richard Caumpes, restored his last bench roll to the exchequer. Meanwhile, Preston's widow Alice undertook to return all the documents 'in her custody.' Evidently Alice did not fulfil her promise. In December 1275, the sheriff of Northamptonshire was ordered to visit her and send all of Preston's rolls to the treasury for depositing. Presumably this was the moment they entered royal custody.

The later provenance of the roll can be established with some precision. All the eyre records that had been deposited in the treasury were transferred to the Tower of London in the years 1320-6. Following their arrival at the Tower, Bishop Stapledon undertook a systematic survey. From a note written on the wrapper in an early fourteenth century hand, it can be deduced that the Oxfordshire roll was amongst those examined. Evidence of later study can likewise be found on the roll. Following the dissolution of the monasteries, the exchequer acquired the chapter house of Westminster abbey as a record repository. Arthur Agarde, the deputy keeper, undertook a further survey of the plea rolls in 1602. During the inspection he removed the eyre rolls, including that for Oxfordshire, from 'chest B' and separated them into four bundles. A note in his distinctive hand can be

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21 CR 1256-9, 281.
22 E 159/48 m.5.
23 CIPM, ii. no. 69.
24 E 159/49 m.4d.
26 JUST 1/701 m.31.
27 Crook, 1235 Surrey Eyre, i. 2.
found on the wrapper.\textsuperscript{28} Prior to the foundation of the Public Record Office in 1838, the record commissioners undertook an inventory in 1837 during which the presence of the 1261 Oxfordshire roll was confirmed.\textsuperscript{29} All the surviving eyre records in the chapter house were transferred to a repository at Carlton Ride in 1843. Fourteen years later, they were deposited in the newly opened Public Record Office in Chancery Lane.\textsuperscript{30} After the 1888 reclassification of the eyre rolls as records of the justices itinerant', the roll was given the piece number 701.\textsuperscript{31} Prior to the declaration of war in 1939, plans were drawn up for the evacuation of records from London. Consequently, the majority of medieval records were housed in the women’s prison at Shepton Mallet for the duration of the war. Some of the eyre records were transferred in 1942 to Grittleton House in Wiltshire although it appears that the Oxfordshire roll was not amongst these.\textsuperscript{32} During the 1950s, the records of the itinerant justices underwent a further reclassification. The 1261 Oxfordshire roll was given the document reference JUST 1/701. Following the closure of the Chancery Lane site in 1996, the roll was removed to the newly expanded The National Archives at Kew.\textsuperscript{33}

There are many other records that relate to the 1261 Oxfordshire roll. Writs commissioning the visitation have been entered on both the close and patent rolls. Deposited in The National Archives, these rolls are referenced under C 54 and C 66 respectively.\textsuperscript{34} They have also been published in the \textit{Close Rolls} and the \textit{Calendar of Patent Rolls}. Other writs relating to business before the eyre have also been entered on the

\textsuperscript{28} IND 1/17126 f. 8; JUST 1/701 m.31.  
\textsuperscript{29} OBS 1/605 f. 116.  
\textsuperscript{31} PRO Lists and Indexes, IV: Plea Rolls (HMSO, 1910), 153.  
\textsuperscript{32} PRO 18/7 file 9. ‘A List of Records to be removed from Shepton Mallet to Grittleton’, 5.  
\textsuperscript{33} In April 2003, the Public Record Office merged with the Royal Commission on Historical Manuscripts to form The National Archives.  
\textsuperscript{34} C 54/76-8; C 66/73-7; CR 1259-61, 452.
close rolls. Unfortunately, however, there is no surviving writ file for the Oxfordshire visitation. Justices of gaol delivery had visited the county frequently since the previous visitation in 1252. The orders commissioning them were enrolled on the dorse of the patent rolls. Surviving legal records likewise contain material relating to the 1261 visitation. Pleas originating from the shire were adjourned from the central courts for hearing by the itinerant justices at Oxford. These cases can be identified on the bench rolls classified as KB 26. Similarly, Preston and his fellow justices often adjourned Oxfordshire cases to the next, Berkshire, stage of the eyre. Litigants frequently settled out of court, the details on the agreement being recorded in a chirograph. Both parties received a copy while the justices retained a third. Known as a foot of fine, these documents are especially useful in helping to establish the dates of an eyre. A total of forty-two have survived for the 1261 Oxfordshire visitation and are presently catalogued under the reference CP 25/1/188/8. They have also been translated and published by the Oxfordshire Record Society. Inquisitions were occasionally undertaken to establish the circumstances of a particular murder. An example of such an investigation survives for Oxfordshire visitation. A writ ordering Preston to investigate the killing of John le Hoppere by Roger Gambun near the vill of Somerton has survived at The National Archives under the reference C 260/1. Financial documents can provide further evidence concerning the Oxfordshire visitation of 1261. Profits generated by the eyre were answered for at the exchequer. During the process of account, the exchequer clerks

36 KB 26/164-71.
37 For example, 227; JUST 1/40 m.15.
38 Further discussion of their usefulness can be found above in Chapter Two, 31.
39 CP 25/1/188/8 nos. 22-63; FoF, 179-88.
40 C 260/1 no. 17; 561 and 910.
recorded both individual debts and aggregated sums under the relevant county on the pipe roll. Rolls covering the mid-1260s have survived and are now housed in The National Archives under the references E 372/105-13.\textsuperscript{41} Dates of account and other information relating to the account were entered on the exchequer memoranda rolls. Two series of memoranda rolls were kept by the exchequer and have been respectively catalogued as E 159 and E 368.\textsuperscript{42}

\textsuperscript{41} E 372/105-13.
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