

*Proceedings in the Court of Star Chamber*STONOR *v.* DORMER AND OTHERS, 1491

AFTER the *Stonor Letters and Papers*, which I edited lately for the Camden Series of the Royal Historical Society, had been passed for the press I discovered amongst the Star Chamber Proceedings in the Public Record Office (Henry VII, i. 45) the record of a case brought by Sir William Stonor in October 1491 against one Thomas Dormer and others concerning a riotous assembly at Nusselyng (Nutshalling or Nursling) in Hampshire. The case does not fall within the period covered by the letters, but is of value for explaining some matters referred to in them. Apart from this these Star Chamber Proceedings have a considerable interest of their own. Mr. Leadam, in his *Select Cases in the Star Chamber*, states that the proceedings were by bill and answer, after which the court administered interrogatories to the accused party, whom they examined upon oath. Depositions were then taken from competent witnesses. The answer followed upon the issue of letters of privy seal (as here) or of a writ. The first instance of the terms of an 'emanarunt' amongst the cases printed by Mr. Leadam is in 1493—Couper *v.* Gervaux; the first deposition by a defendant is in the same year—Culford *v.* Wotton; and the first depositions by witnesses appear in 1496—Madeley *v.* Fitzherbert. In Stonor *v.* Dormer we get, besides the bill and answer, the 'emanarunt', the examination of the defendants, the depositions of witnesses, and articles to be proved on behalf of Sir William Stonor, the last being imperfect. The record of the proceedings is thus unusually full for so early a date. Out of forty-one cases for the reign of Henry VII given by Mr. Leadam the depositions are preserved in only six.

The proceedings in Stonor *v.* Dormer illustrate how much more important and interesting the depositions are likely to prove than the bill and answer. The bill and answer give us no more than *ex parte* allegations as to what had occurred. In the replies to the interrogatories administered to Dormer and his principal co-defendant, John Welles, we get the significant admission that Sir Robert Cheyny, their confederate, came with thirty armed men to Nursling. But it is only in the depositions of the witnesses that we get at the true facts of the case. Unfortunately the parchment on which the depositions are written has suffered much from damp and rubbing and in great part can only be deciphered with difficulty. I have been able nevertheless to restore almost all that is of importance, though a few details which promised to be of interest are irretrievably lost.¹

¹ All the right-hand side of the first skin could only be deciphered word by word;

The story as given in the depositions is of exceptional interest as an illustration of the state of England on the morrow of the Yorkist victory in 1471. On Saturday, 11 May, one Thomas Hargrave or Hargrove, who alleged that he had been at Tewkesbury with King Edward, sent two of his servants to Nursling to the intent that they should kill Peter Marmion, who was then in possession of the manor, or at all events obtain from him his evidences. Marmion by dint of fair words persuaded them to go away. Then on the next morning Hargrave induced certain persons to go with him to Nursling to arrest Marmion as a traitor. Marmion apparently heard of his coming and fled from the house. On his road he met John Raye, to whom he offered twenty marks if he would conduct him to the sanctuary at Beaulieu. But Hargrave coming up with his men took Marmion back to the house, where he tied him up with a dog's collar and chain in his own hall, and there kept him a prisoner. Early the next morning Hargrave sent a messenger to John Hamond, recorder of Winchester, who was living close by at Skydmore,¹ and begged him to come to Nursling. When Hamond arrived at six o'clock in the morning, accompanied by Robert Kelyng, one of the deponents in 1491, they found Hargrave sitting, drawn sword in hand, on the high bench of the hall and Marmion tied up with the dog's chain. Hargrave declared that Marmion was not only a traitor to the king, but had robbed him, and threatened that he would kill him. In fear of his life Marmion promised to release to Hargrave the manor and all his lands in Hampshire. He was then made to take an oath that he would do so, and have the release sealed with the seal of the mayor of Winchester. Just at this point the depositions fail us. But apparently it was agreed that Hargrave should take Marmion to Winchester, where the release should be acknowledged before Hamond. After the scene in the hall both parties appear to have gone to the parish church. When they came out after mass about 10 o'clock Hargrave again threatened Marmion, who falling upon his knees and quaking with fear promised to do all that was required of him. On the Tuesday Marmion was taken to Winchester, where he acknowledged the release before Hamond, after which one deponent alleged that Hargrave took all Marmion's goods to his own use without having made any payment for them.

The articles with which the record of the proceedings ends were

but ultimately it was possible to recover nearly the whole. Under the circumstances it does not seem convenient to use brackets to show such restorations as are reasonably certain. But some that are purely conjectural are bracketed, and in the latter part (where the original is more legible) brackets are more freely used. I have to thank Mr. M. S. Giuseppi and others for assistance in deciphering an unusually difficult document.

¹ Skidmore Farm, about one mile from Nursling village.

intended to prove first whether Nursling had been sold to Stonor for a good consideration, and also whether Marmion had made the alleged release to Hargrave under duress. They stop short in the midst of a deposition made by Christopher Holand¹ as to an evidence of covenants made between Stonor and Marmion in 1481. Fortunately there is enough of the deposition to enable us to identify the deed with one which is still preserved,² and is here given in full.

Memorandum quod, primo die Marcii anno regni regis Edwardi iiiij^{ti} xxj^o, Willelmus Stonor, miles, apud Tettesworth in presencia Augustini, abbatis de Thame, Walteri Elmes, Hugonis Vnton, Edwardi Wykeham, Nicholai Wagge, Iohannis Chorlecotes,³ Iohannis Bates, Cristofori Holand, Willelmi Lenthale, Roberti Knode, vicarii de Leuknore, Iohannis Alderton, vicarii de Thame, Iohannis Daunce, Hugonis Holand, Willelmi Culdre, Willelmi Henter, Iohannis Caldeyn, Petri Broune, Henrici Badby et David Laurence, optulit deliberare Petro Marmyon, seniori, quoddam scriptum per predictum Abbatem et conuentum suum eidem Petro, seniori, de quadam annuitate xx li. prefato Petro concessa ad terminum vite sue percipienda de et in Manerio de Sydenham cum pertinenciis, ac quoddam scriptum vnus annuitatis concessa Roberto Marmyon per predictum Willelmum percipiende annuatim de Horton in comitatu Kent, ac vnum aliud scriptum per predictum Willelmum concessum Alianore vxori eiusdem Petri de v marcis percipiendis de eodem Manerio de Horton ad terminum vite sue post mortem eiusdem Petri, ac alia scripta per eundem Willelmum concessa Iohanni Marmyon et Petro Marmyon, filiis eiusdem Petri Marmyon, senioris, videlicet cuilibet eorum xl s. annuatim post mortem predicti Petri, senioris, percipiendis de eodem Manerio de Horton ad implendam quandam recognitionem per predictum Willelmum eidem Petro seniori factam in Cancellaria domini xx^o die Novembris A^o eiusdem domini Regis xxj^o.⁴

The previous history of the manor of Nursling furnishes an explanation of the events of 1471. In September 1434 the manor belonged to Edmond Forster, who had made a feoffment of his lands at 'Nusselyng, Seymanston, Bury, Lee, Melbroke, Testwode, and Totton' in Hampshire to one John Roucle. Having no more children to inherit his property he then settled the remainder on his daughter Jane and her husband Peter Marmion and the heirs male of their bodies, reserving to himself an estate for life. Afterwards, about 1458, Robert, son of Jane and Peter Marmion, filed a bill in chancery, stating that his mother was dead and alleging that Forster had made divers aliena-

¹ He was a servant of Sir W. Stonor.

² Ancient Deeds, C. 9863. This document is one of several Stonor deeds, which I have only been able to trace by the help of a manuscript catalogue which has been lately prepared. Unfortunately it was too late to include a notice of them in the *Stonor Letters and Papers*.

³ The first letter of the word is doubtful.

⁴ Cf. *Stonor Letters and Papers*, ii. 153-4.

tions of the said lands, to his disinheritance, and therefore praying that as Forster was of great age and vexed with great sickness, a writ of *dedimus potestatem* for his examination might be issued to the mayor of Southampton and others.¹ It would appear that Forster had made a second marriage and had a daughter Christine, who had married Thomas Hargrove (or Hargrave) of Hargrove near Stalbridge, Dorset. Robert Marmion was apparently successful in his suit, for he passed on his title to his son, the Peter Marmion who was in possession of Nursling in 1471. Thomas Hargrove had a grant of the office 'del Oterhunt' in 1445,² which was renewed by Edward IV in 1461, and again in 1484 to himself and Thomas Dormer.³ Hargrove had three daughters: Elizabeth, wife of John Wells; Joan, wife of Thomas Dormer of Nursling; and Alice, wife of Walter Coker.⁴

Peter Marmion the younger was a country gentleman of some importance, with estates in Oxfordshire and Berkshire as well as in Hampshire. He appears on a commission of oyer and terminer for Oxfordshire in 1464, and was on the commission of peace for Berkshire in 1464-7, for Oxfordshire in 1468 and November 1470, and for the town of Oxford in 1461 and 1471.⁵ During the Lancastrian restoration in 1470-1 he was employed on several commissions.⁶ He does not appear on the commission of peace after the return of Edward IV, and on 4 June 1471 an order was issued for him to be arrested and brought before the king and council.⁷ It thus seems clear that Marmion had taken the Lancastrian side in 1471, whilst some slight evidence that Hargrove was Yorkist is afforded by his retention of the Otterhunt. Peter Marmion did not regard himself as bound by the release to Hargrove, for about 1481 he sold Nursling and his other Hampshire lands to Sir William Stonor,⁸ whose bailiff at Nursling, William Reynolds, was allowed 30s. for his labour by Master William Berkeley. Berkeley appears below as joining with Stonor in the recovery against Marmion.⁹ One of Stonor's tenants at Nursling was William Clerk, who in 1482 was grievously troubled and vexed by Thomas Hardgrave (Hargrove) for the service he rendered to Stonor when possession was first taken.¹⁰

¹ Early Chancery Proceedings, 26/74. The date is between 1457 and 1460. The settlement of September 13 Henry VI was made at 'a maner i-called the Grove'. This identifies Marmion's house with the Grove at Nursling.

² *Cal. of Patent Rolls*, Henry VI, iv. 321.

³ *Cal. of Patent Rolls*, Edward IV, i. 127, iii. 501.

⁴ Early Chancery Proceedings, 235/47.

⁵ *Cal. of Patent Rolls*, Edward IV, i. 347, 389, 559, 570; ii. 625-6.

⁶ *Ibid.* ii. 248-9, 251, 626.

⁷ *Ibid.* ii. 286, 626.

⁸ *Stonor Letters*, ii. 153-4, 175. See also Close Rolls 21 Edw. IV, m. 3 (where the mutual recognizances of Marmion and Stonor are enrolled), and 22 Edw. IV, m. 26 (where there is the release by John, son of Peter Marmion, to Sir W. Stonor).

⁹ Below, p. 428.

¹⁰ *Stonor Letters*, ii. 139, 155-6.

Hargrove must have been dead before October 1491. I have not been able to trace the previous litigation which his sons-in-law Thomas Dormer and John Wells in their answer alleged to have taken place. Nor is there any record of the result of the Star Chamber proceedings. But when Sir William Stonor died in 1494 it was found that James Markes had enfeoffed Sir William Stonor and Ralph Vyne in the manor of Nusshelyng and Beaufoe, but that Thomas Dormer, David Knollis, and William Gerveys had taken all the issues and profits from Stonor's death to 21 July, the day before the inquisition.¹ Stonor, by his will dated 11 April 1494,² made Thomas Ramsey and Walter Elmes his executors, to whom with others he had delivered possession of his manors (including Nursling and Beaufoos). Markes was probably an intermediary in the settlement of Nursling. Sir William Stonor's son did not long survive his father, and a dispute then ensued between Sir William's brother Thomas and Sir Adrian Fortescue, who had married Sir William's daughter Anne, as to the title to the ancestral estates. Nursling, as an acquisition of Sir William Stonor, was of course not in question. In Easter term 1502 Sir Adrian Fortescue brought an action in the common pleas against Thomas Dormer and others for forcible entry on his manor of Nusselyng Beupho.³ Beyond the formal pleadings the record contains no further information. The case came up again next term, and a writ was issued to the sheriff for the appearance of Dormer and his associates on the quinzaine of Michaelmas. On that date they did not appear, and ultimately the hearing was postponed till Easter 1503.⁴ The roll for that term is unfortunately too decayed to be of any use. Dormer would, however, appear to have lost his suit, for before 1506 Sir Adrian Fortescue and his wife sold Nursling to Edmond Dudley.⁵

C. L. KINGSFORD.

To the King our soueraine lord and the lordes of his moost honnourable and discrete Counsaile.

Sheweth vnto youre highnes youre humble and true subject Syr William Stoner, knight for youre most noble body. That wher diuerse personnes being peaxibly seased of the manoirs of Nusselyng and Beaufoos in your Countie of Sutht. in their demean as of fee to thuse of the said syr William and of his heires, and so contynued of long tyme vnto the xvijth day of August the vijth yere of your moost noble Reigne, on whiche day oon Thomas Dormer, John Welles, Syr Walter, parsonne of Est Wodham in your Countie of Berkeshire, John Michel of Houshole, yoman, Richard Bartilmewe of Motfount, yoman, John Boeher, and John

¹ *Cal. of Inquisitions*, Henry VII, i. 961.

² *Prerogative Court of Canterbury*, 20 Vox.

³ *Placita de Banco*, 960, m. 315.

⁴ *Letters and Papers, Henry VIII*, x. 1091.

⁵ *Ibid.* roll 961, m. 374.

Howell of Romsey, yoman, seruauntes to Syr Robert Cheyne, knight, accompanied with diuerse Riottoux personnes to the nombre of lx and moo, armed in maner of Warre, that is to say in Jacques, salettes, bowes, arowes and other armures, defensibly and Riotouxly with force and arms the yere and daye aforesaid entred into the aforesaid Manoirs, and therof in Riotoux wise, put oute James Marcus, then being tenaunt and fermour of the forsaid Manoirs vnto the said Syr William, and the goodes and Catalles of the said James in the said Manoirs being, wherof the nombre and certaintee in a Scedulle herunto annexed¹ is conteigned, Riotouxly toke and kest oute of the said Manoirs, and the graines of the said Manoirs therin being, that is to say two Carte loodes of barley, two Carte loodes of oates and oon loode of haye, riotouxly with force and armes spoiled with their horses, eete, toke and deuoured and carried awaye, to the great hurte and vndoing of the said James Marcus, wherby he is vnable to content and paye the sayd Syr William his Rent and ferm of the said Manoirs; and moreouer charged and commaunded the said James to auoide the possession of the said Manoirs within iiij wekes after Michelmas next folowing, or elles it shulde cost him his lief and goodes: and also it was saide openly by the said misdoers that if they or any of them might mete the said Syr William Stoner it shulde cost him his lief: and also the said Thomas Dormer and John Welles accompanied with diuerse Riottoux personnes to your said suppliant vnknownen maketh daily manasses and thretenynges that if the said James Marcus or any other persone occupie the said Manoirs or any parcell therof as tenauntes and fermours vnto the said Syr William, that then they shal not be in suertie of noo goodes ne Catalles, ne also of their persones, without daunger of lief; to a right perilloux example of other misdoers, withoute a due punishment in this behalue. Wherefore, please it your grace, the premisses considered to directe your letters of priue Seal vnto the said Thomas Dormer and John Welles with the other aboue named, seuerally commaunding them by the same to appere before the lordes of your honnourable Gounsaille at a certain day and vpon a certain payne by your highnes to be limited: And on that commaunding the said Thomas Dormer with the other aboue said to appere as before is reherced to aunswer to the said Riottes and other the premisses. And your said oratour shal pray to God for your moost noble estate longe tendure.

Emanarunt inde littere sub priuato sigillo xvij^o die Octobris anno regni regis H. vij vij^o, directe personis superscriptis ad comparendum apud Westm. crastino Animarum, sub pena cuilibet illorum centum librarum.

This is the aunswere of Thomas Dormer and John Welles to the bille of compleynt of Sir William Stoner, knyght.

They seyen that the matier of the seid bille is matier feaned and of noo trouth, and sued onely to put the seid Thomas Dormer to vexacion and charge. And he saith that the said sir William hath taken ayenst the seid Thomas and John an accion of trespasse and a Writte of forcible

¹ Not now preserved

entree for the entre into the same landez in the comen place, whiche yet hangeth vndiscussed. And the seid sir William, beyng a man of grete myght, taketh alle the meanes he can to vexe and trouble the seid Thomas, he beyng a powre man and havyng noon other substaunce to lyve by but the seid landes, so that he entendeth therby to wery the same Thomas and to cause hym to leve his interesse in the seid landes. How be it for declaracion of trouth and answeare to the seid bille the seid Thomas and John sayen that afore this tyme the same Thomas sued a bille afore the kinges highnesse and the lordes of his most honorable Counseill ayenst the seid sir William for the seid maner and landez, to the which the seid sir William made aunswer, and the seid Thomas Dormer replied ; and after they were at issue the matier was directed by you my lord Chaunceler and other lordes of the kinges moost honorable Counseill to sir Roger Townesende and John Vavasour, ij of the Kinges Justices of his comen place, and before theym the evidences of bothe parties were shewed, by whiche it appeared the title of the seid Thomas to be good to the seid Maners and landez as by the Reporte made by the seid Justices in writing of their owen handes redy to be shewed more pleylny it appereth. And ouer that the seid Thomas and John Welles sayen that one sir Robert Cheyny, knyght, and other were and yet be seased of the maners of Nusselyng and Beaufoos with thappurtenaunces in the seid bille named in their demeanez as of fee to thuse and behoof of the seid Thomas Dormer and of his heirez : and so seased suffred oon James Markes to occupy the same Maners with their appurtenaunces at their wille, paying therfore the Rent therof due, the whiche the same James promysed for the tyme that he did occupie it so to do, and afterwarde for the Rent beyng behynde at the Fest of Thannunciacion of our Lady last past and next after the seid promyse the seid Thomas Dormer distreyned in the seid Maner of Beaufoos, at the whiche tyme the seid James, than seruaunte to the seid sir William Stoner, accompanied with many of the seruautes and frendes of the seid sir William to the nombre of vij score or nere therabout, defensibly and in maner of Werre arrayed, by the procuring and steryng of the same sir William Stoner and his frendez, riottously by them assawted the seid Thomas Dormer and not onely toke from hym the seid distresse but also put hym in grete Joperdie of his lyfe contrary to the lawe and alle good reason. And the seid sir Robert Cheyny perceyvyng this vnlawfull demeanyney came vnto the seid Maners, and the seid Thomas Dormer, John Welles and other in the seid bille named then with hym in peasible wyse, and discharged the seid James Markes that he shuld noo lenger ther occupye ; at whiche tyme he truly contented and paid for alle suche stuff as by hym or any his seruautes ther was occupied or had. And for that the seid sir Robert wolde in no wise but that alle thinge ther then spent shuld truly be payd fore, he sent a seruaunt of his to the wyfe of the seid James to know wheder she were paid for all thing there at that tyme spent. And she sent hym worde by his seid seruaunt that she was for all thing contented and paid. Without that the seid Thomas Dormer and John Welles and other in the seid bille named entred with force and riottously as by the same is allegged : and without that they toke, spoyled or caried away any of

the goodes and Catalles in the seid bille surmysed, or in the Cedula to the same annexed, other than suche that then ther was spended, the which they truly contented and paid fore : and without that they commaunded the seid James to avoide his possession, otherwise then is before rehersed, or that they or any of theym had any such wordez that yf they myght mete the seid sir William Stoner it should cost hym his lyfe : and without that the seid Thomas Dormer and John Welles do manasse or threte the seid James Markes in maner and fourme as in the seid bille also is surmytted. Alle whiche matiers they be redy to prove as this Court woll awarde, and prayen to be dismyssed out therof with their reasounable costes and damages for their wrongfull vexacion in this behalve.

In dorso :

Examinatus per Rophe . . . et Sapcotes, Thomas Dormer, iuratus, affirmat istud Responsum suum fore verum quatenus personam suam concernit : quoad numerum personarum presentium infraspificatarum, &c., fatetur quod estimacione sua fuerunt cum Domino Roberto Cheyney homines ad numerum, vt credit, *xx̄* personarum : et fatetur quod idem dominus Robertus Cheyney, miles, illuc venit ad requisicionem istius examinati ad hunc finem quod defenderet et continuaret possessionem suam infrascriptam.

Iohannes Welles, iuratus, affirmat istud responsum suum fore verum quatenus concernit personam suam. Et fatetur quod Robertus Cheyney, miles, illuc comitatus *xxx* personis et ulterius habentibus gladios et scuta, arcus et sagittas. Et quod idem miles sic comitatus illuc venit ad communicandum amicabilem cum Iacobo Markes de et super possessione infrascripta.

Thes been the proves of Syr William Stonor, knyght ayeinst Thomas Dormer vpon the title of the Maner of Nusshelyng and the lands within the Countie of Hampshire.

First to prove whether that a Relesse made by Peter Marmyon vnto Thomas Hargrave of the Manoir of Nusshelyng and the landes within the Countie of Hampshire was made by duresse of imprisonment and with manasse of the saide Thomas Hargrave or not. And whether this Peter Marmyon was seased of the said Manoir the tyme of a Recouery had ayeinst him of the said Manoir by the said [William Stonor, Knyght]¹ and William Berkeley, Squyer.

Item, to prove the said first Article that the said Relesse was made by duresse for reson [he was a prisoner] John Erck, husbandman of Nusshelyng of thage of *xlvi* yeres and more saith and depeseth vpon a boke that he was at Nusshelyng aforesaid the Sondag² seven nyght next after Tewkesbury Feld in the *xj* yere of Kyng Edward the *iiij*th, and ther he saw the said Thomas Hargrave that was late come from the Feld called Tewkesbury, as he said. And then and ther the said Thomas Hargrave required the said John Erck and diuerse other of his neighbours that were

¹ The restoration of the first two words is of course certain ; the third is probably 'knyght'.

² *sc.* 12 May 1471. The battle was on 4 May.

present, in the Kinges name that they shuld goo with hym into the said Manoir of Nusshelyng to take the said Peter Marmyon as a false traytour vnto the Kyng, and he then with his neighbors went with the said Thomas Hargrave into the place of the said Peter Marmyon then beyng ther in the said Manoir. And when the said Thomas Hargrave saw the said Peter, he drew out his sword and toke the said Peter by the Collar and strangeld and shooke him and toke him and ther kept him all that night in prison. And soo forth tyll that Tywesday next after he was in his keypyng to thentent, as it was proved after, that the said Peter Marmyon shuld relese his titles of the said Manoir and alle his landes in the Countie of Hampshire to the said Thomas Hargrave. Vpon the same Tywesday next after the said Thomas Hargrave caryed the said Peter Marmyon to Winchester to make the said Relesse, and soo the said Peter than and ther made the said Relesse, as it was seyde, unto the said Thomas foreuer and sore ayeinst his wille and oonly for force.

Item, Richard Engrame of Nusshelyng of the age of lx yeres saith and deposeth vpon a boke that the Sondag and yere at Nusshelyng aforsaid, he then being ther at that tyme the tythyngeman of the said lordship. And then and there came the said Thomas Hargrave and required him in the said Kynges name to aide him to take an Errant traytour to the Kyng, oon Peter Marmyon. And ther at his request the said Richard Engrame Required diuerse other persones at that tyme in the Kinges name Walter . . . Parker and other to goo with hym and the said Thomas Hargrave unto the said Manor . . . of the said Peter Marmyon. And ther they founde the said Peter in his house, and the said Thomas Hargrave toke and arested the said Peter Marmyon as a traytour to the Kyng and putt him into a Chamber as a prison [and kept him] in prison all that night to thentent, as I herd say, that the said Peter Marmyon shuld Relesse all his title of the said Manoir of Nusshelyng to the said Thomas Hargrave. And furthermore he saith that the Tewsday next after the said Sondag the said Richard Engrame saw the seruauntes of the said Thomas Hargrave cary the said Peter Marmyon a prisoner to Wynchester to make the said Relesse to the said Thomas Hargrave. And ther as alle the Country said made Relesse for fear of his lief.

Item, Robert Kelyng, yoman, of thage of lx yeres and more saith and deposeth [on a boke] that on Monday seven nyght next¹ after the Feld of Tewkesbury the xjth yere of Kyng Edward the iiijth he was the same Monday at Skydmore at that tyme being Recorder of the Cite of Wynchester and that as he was in comunicacion with the said John Hamond for [diuerse] variaunces between him and John Ewyrby, ther at that tyme came running oon Thomas Gardyner at that tyme seruaunt to the said Thomas Hargrave and said thies wordes at that tyme to the said John Hamond, that his Maister Hargrave recommaunded him to the said John Hamond and prayed him to come to him at Nusshelyng aforsaid in haste for this reason [that . . .] Peter Marmyon [and . . . that he] was aferde lest he shuld kylle him or that the said John Hamond [came] vnto he shuld [lose] his title of the said Manoir : and therupon the

¹ 13 May.

said John Hamond and the said Robert [Kelyng went to Nusshelyng, and when] they came into the place the said Thomas Hargrave was syttyng upon the high benche of the halle [with his sword] drawen, and the said Peter Marmyon was tyed aboute the nekk with a dogges cheyne. . . . And then and ther in the said halle afore vj of the Clokke in the mornyng the said Thomas Hargrave said unto the said John Hamonde and the said Robert Kelyng: Here is this Peter Marmyon, the mooste [high] traytour [unto the] Kyng hath not oonly in his persone but of his falce and subtyll ymagynacion . . . ageynst the Kynges . . . theef that hath robbed me of my goodes, and were not for feare of God he wold [stryke off] his hed. . . . And therunto said the said John Hamond that it was ageynst the lawe. And then the [said Peter Marmyon] promysed hym to make a Relesse of all the Right that he had [in the said Manoir and the landes in] the Counte of Hampshire, or elles he shuld not have lyved now. [Wherupon] the then the said Hargrave toke his sword in his hand, and said to the said Marmyon these wordes. . . . Wilt thou make the Relesse? Then the said Marmyon syttyng tyed as it is aboue conteyned . . . [said] I wille [so do] and therupon the said Hargrave commaunded his servant Thomas Gardyner to [fetch] a boke out of . . . And the said Gardyner servaunt to the said Thomas Hargrave toke out of the . . . to the said Peter Marmyon: Thou shalt swere vpon this boke that thou shalt make Relesse of the Manoir of Nusshelynge with other landes to me and to myn heires from the and thyn heires and this sealed with the seale of Winchester. And vnder the seal of the Mayor was sealed [the Relesse. And the said Peter Marmyon] leyd his hand vpon the boke and kyssed the boke. And¹ as Recorder of the Cite of Winchester to [refuse bail]² and he to come with me to Wynchester before you and ther he to knowlege the Relesse, and ther the said Relesse to be made accordyng to his othe, as he hath made before. And seid ouer these wordes at this tyme: if I wist that this traytor wold not this doo I shuld appeche him of high treason to the Kyng and forthwith hym with myn owne handis in that quarell and to [sic] kille him as a false traytor to the Kyng. And on Wednesday next after the said Monday at Wynchester the said John Hamond said to the said Robert Kelynge that the said Thomas Hargrave brought the said Peter Marmyon to Wynchester as a prisoner before the said John Hamond and other, with a Relesse in his name of the said Manoir and landes to the said Thomas Hargrave and to his heires made, and ther knowlegeyd the said Relesse before theym for fere of deth to be his dede. And over that the said Robert Kelyng said and deposeth that the said Thomas Hargrave toke alle the goodes and Catalles of the said Peter Marmyon to his owne vse: and neuer the said Thomas Hargrave toke to the said Peter Marmyon any peny or half peny for the said Relesse. And alle this is true, &c., as I shall aunswere before God.

Item, John Newman of thage of lx yeres seith and deposeth vpon a boke that he was at Nusshelyng the said Monday the yere aforesaid,

¹ The first membrane ends here; the latter half of the bottom line is quite illegible, the missing words must include something like 'then Thomas Hargrave said to John Hamond you'.

² These words are very doubtful and are therefore bracketed.

and ther I saw the said Peter Marmyon vnder the keping of the said Thomas Hargrave: and were commyng from the parochie Church fro masse abowt x of the Clokke. The said Thomas Hargrave without the Churchyard as they were comen from the Church turned agayne and seid to the said Peter Marmyon, and drew out part of his sworde, saying: 'Yf thou kepe not this promyse which thou hast made with me before John Hamond and Robert Kelynge I will stryke of thy hed': and than he said for fere of his lief, 'I wil doo as you wil haue me to doo in this thyng', and knelyng downe vpon his knees and held vp his handes quakyng for fere of lesyng of his lief. And, as I herd sone afterwarde, the promessee that the said Marmyon had made to the said Hargrave before the said John Hamond and Robert Kelynge was of a Relesse of the Manor of Nusshelyng and other landes with in the Countie of Southampton that he shuld make to the said Hargrave.

Item, John Raye of thage of lxxvj yere dwellyng at Nusshelyng seith and deposeth that the Sondag sevyn night after Tewkesbury Feld, the xjth yere of Kyng Edward the iiijth, at Nusshelyng aforsaid he saw whan oon Thomas Hargrave went and entred vpon oon Piers Marmyons place of Nusshelyng and ther the said Piers fled from the said Hargrave and mett the said John Raye and besought hym to brynge hym to the Seyntuary of Bealey: and I shuld haue of him xx markes for saluacion of his lief. And thervpon came the said Thomas Hargrave Rennyng with his man, and ther toke the said Peter Marmyon and brought him into the place of Nusshelyng: and as I herd say tyed him with a cheyne about the nekk to thentent that he shuld Relesse the said Manor of Nusshelyng with other landes to the said Thomas Hargrave. And as I herd afterwarde that the said Thomas Hargrave caryed the said Peter Marmyon to Wynchester, and ther for fere of deth made the same Relesse.

Item, Edmund Carter of Mylbroke, of thage of lx yeres and moo, saith and deposeth vpon a boke that the Saturday¹ next after Tewkesbury Feld in the xvjth yere of Kyng Edward the iiijth that oon Thomas Blak and William Cowelle at that tyme seruauntes to Thomas Hargrave came to Nusshelyng aforsaid by the commaundment of the said Thomas Hargrave to thentent that they should haue slayne Piers Marmyon then being at Nusshelyng aforsaid in his owne Manoir: and when they came thider they bade the said Piers Marmyon to avoyde that place for their Maister was comyng, and bade hym deliuer to theym all thevidence therto belonging. And thervpon the said Piers Marmyon gave theym fayre wordes. And therupon they departed out of the said house. And then and ther the said Thomas Blake shewed vnto me that yf Peter Marmyon had not geven hym and his ffellow fayre wordes at theyr commyng, they had slayne hym, ffor that was their Maisters commaundment soo for to doo. And for theyr laboure they shuld haue of the said Hargrave theyr Maister xiijs. iiijd. And said ouer this: 'I feere myself how he wol take me whan he commeth to morrow, in his favour, by cause we haue not fulfilled his commaundement.' And in the mornyng after I saw the said Thomas Hargrave whan he came to Nusshelyng and

¹ 11 May.

herd how his seruauentes had not doon his commaundment, he putt the said Thomas Blake out of his place and vii acres of land in Wynston, the whiche the said Hargrave had geuen hym during his lief, and toke his goodes and put him from his seruice. And the Tywysday than next after I came to the said Manoir of Nusshelyng at afternoon, and ther I found oon Piers Wellys, the whiche was bailief of the said Manoir to the said Peter Marmyon. And than and ther he told me that Thomas Hargrave was Rydden to Wynchester the forenoon, and caryed with him Piers Marmyon to thentent that the said Piers Marmyon shuld make him a Relesse of alle the Right that he had in the said Manoir and other landes and tenementes in the Countie of South. And yf he wold not make the said Relesse to the said Thomas Hargrave, the said Thomas Hargrave wold brynge him before the Kyng. And afterwardes I herd diuerse men sey that the said Marmyon by compulsion of the said Hargrave at Wynchester had made a Relesse of the said Manoir and other landes and tenementes in the Countie of South. to the said Hargrave. And this I know, for it was the comen spekyng in alle the Countre.

Thes ben tharticles to be proved by Syr William Stonor, knyght, against Thomas Dormer and his wyf, and John Welles and his wyf, for the title of the Manoir of Nusshelyng with other landes and tenementes in the Counte of Hampshire.

First to prove whether euer Peter Marmyon sold the land or Manor of Nusshelyng with other his landes in Hampshire to the said Syr William Stonor or noo. And also to prove whether Syr William paied eny money for thies landes or noo. And also to prove whether Piers Marmyon made this Relesse enrolled in the Cite of Wynchester by duresse of emprisonment, ye or nay.

In primis, Christofer Holand of Tame in the countie of Oxfordshire, of thage of lxj yeres and more, sworne vpon a boke and saith by his othe that: I saw Syr William Stoner, knight, and Piers Marmyon with Thabbot of Thame called Austyn, Maister John Allerton, the vicar of Tame, Walter Elmesse, oon of the Justices of peas et quorum in the seid countie, and oon William Lentall, with many and diuerse moo of my Neighbours in the Inne called the Corone in Tettysworth about Midsomer in the xxj yere of the Regne of King Edward the iiijth. And then and ther I herd and saw an evidence of Covenauentes that were made betwix the said Syr William Stoner of that oon partie and the said . . .¹

The Cultivation of Closes in the Seventeenth Century

THE advocates of inclosure in the late seventeenth and eighteenth centuries maintained that the resultant closes eliminated the fallow field²; that is to say, the former system of allowing a percentage of the arable to remain idle annually was no longer necessary in view of the improved methods of agriculture. Farming in severalty to these writers was evidence of a higher agricul-

¹ See above, p. 423.

² Gonner, *Common Land and Inclosures*, p. 311.