

tary,' and that it can be traced in at least three manuscripts.² In these 'Contraria,' as Professor Fitting further kindly informs me, Vacarius's model may have been Irnerius's 'Questiones de iuris subtilitatibus,' as his 'Summa Pauperum' is, no doubt, based on Irnerius's 'Summa Codicis.'³

F. LIEBERMANN.

THE BARONS DE MAULEY.

THE account of the barons de Mauley given by Dugdale is marred by two capital errors, which, with their consequent confusions, have been perpetuated by later peerage-makers.¹ It is known that eight members of the family in direct succession bore the name of Peter de Mauley, and that the male line came to an end with the death of Peter VIII in 1414.² Peter VII had died in his father's lifetime, and there can be no question that the death of Peter VI is correctly ascribed to 1383, and that of Peter V to 1355. The ordinary accounts put the death of Peter IV in 1309, of Peter III in 1279, of Peter II in 1241, and of Peter I in 1222; these dates, as the sequel will show, are in every case false, and the errors have confused and vitiated the whole history of the family.³ In my notice of Peter I (*d.* 1241) contributed to the 'Dictionary of National Biography' (xxxvii. pp. 90-91) I indicated my belief that Dugdale was in error in supposing that Peter I died in 1222, and this opinion has been confirmed by the discovery that Peter IV was alive as late as 1334 (he probably died in 1336), and that the Peter de Mauley who died in 1309 was not Peter IV but Peter III. The true facts of the case will be best shown by a brief account of each member of the family. I will only premise that from Peter IV onwards the heads of the family were, in their own time, regularly styled Peter 'le quart,' 'le quint,' &c.⁴

PETER DE MAULEY I (*d.* 1241). The founder of the family was a Poitevin squire in the service of King John.⁵ He is first mentioned as receiving a grant of land in December 1202,⁶ and his name is of

² Counting the excerpt quoted by Merkel (above, p. 306, n. 19). Fitting also inclines to consider *Vaccell.* as a diminutive from *Vacarius*.

³ Both of these works by Irnerius were edited by Fitting, the latter in 1894.

¹ Dugdale's *Baronage*, i. 733; Nicolas's *Historic Peerage*, p. 318, ed. Courthope; Burke's *Extinct Peerages*, 362; G. E. C., *Complete Peerage*, v. 273. An account which is accurate so far as it extends is given in *Yorkshire Inquisitions*, i. 191.

² *Chron. de Melsa*, i. 106. This account was compiled about the middle of the reign of Richard II. 'Petrus septimus genuit heredem, qui in praesentiarum sub custodia noscitur permanere.'

³ *E.g.* with respect to the wives of the true Peter III and Peter IV.

⁴ There is a reference to Peter de Mauley 'the third,' deceased in Nov. 1328 (*Cal. Pat. Rolls, Edw. III.*, 1327-1330, p. 339). This is the earliest use of the numeral suffix I have found.

⁵ He surrendered his lands in Poitou to his younger brother Almeric; cf. *Chron. de Melsa*, i. 106.

⁶ Hardy, *Rotuli Normanniae*, r. 66.

frequent occurrence in the close and patent rolls during the remainder of John's reign. Matthew Paris names him as one of John's evil counsellors in 1211.⁷ According to a tradition preserved by Walter of Hemingburgh⁸ Peter de Mauley was employed by John to murder Arthur of Brittany, and rewarded with the hand of the heiress of Mulgres. Robert de Turnham,⁹ baron of Mulgres, died in 1211, and his lands were granted to Peter de Mauley on 25 April 1214.¹⁰ We know that Peter afterwards married Isabella, daughter of Robert de Turnham,¹¹ and that for her marriage he agreed to pay a fine of 7,000 marks, which was still unpaid on 16 Sept. 1220, when a respite was granted him till the young king should be of age.¹² Peter de Mauley built Mulgrave Castle, and during the early years of Henry III played a prominent part as one of the leaders of the foreign mercenaries; but eventually he made his peace and appears to have retained his position as a trusted adviser of the king till his death. He was one of the sponsors for the king's son Edward in 1239, and going on the crusade in 1241 died in Palestine.¹³ Dugdale, finding that in 1222 Peter de Mauley paid a relief, concluded that Peter I had died in that year, and that Peter II was the crusader who died in 1241. But it seems clear that Dugdale was mistaken as to the nature of the relief paid in 1222,¹⁴ for the 'Chronicon de Melsa'¹⁵ expressly states that Isabella died before her husband, who endowed a chantry at Meaux in her memory. Isabella was born after 1200, and probably died in 1234.¹⁶ It is, therefore, clear that no son of hers could have served King John. But Matthew Paris¹⁷ describes the crusader of 1241 as *natione Pictariensis diuque in clientela regis Johannis educatus et ditatus*, a description which is true of the Peter de Mauley who was *armiger regis Johannis*, but could not have been given of his son by any one who knew the facts.

⁷ ii. 533.

⁸ i. 232-3.

⁹ Robert de Turnham was a Kentish knight in the service of Richard I, who took part in the third crusade and was for a time in charge of Cyprus. Afterwards he was seneschal of Gascony, and about 1195 was granted the marriage of Johanna, only daughter of William Fossard, the last of the old lords of Mulgres. Johanna was then under age, and in 1200 she and her husband had no children; she died before 1214. Cf. *Chron. de Melsa*, i. 105, 231, 260, 289-91.

¹⁰ *Rot. Litt. Pat.* i. 113.

¹¹ *Chron. de Melsa*, i. 106.

¹² *Excerpta e Rotulis Finium*, i. 54: 'Mandamus vobis quod in respectum ponatis usque ad aetatem nostram, demandam quam facitis Petro de Malo Lacu de vii mill. marc. per quas finem fecit cum domino Johanne rege, patre nostro, pro habenda in uxorem Isabella filia et herede Roberti de Turnham.'

¹³ Matthew Paris, iii. 83.

¹⁴ I should conjecture it was paid in respect of the succession to Robert de Turnham.

¹⁵ i. 106, 'Mortua est Isabella ante virum suum.'

¹⁶ *Chron. de Melsa*, ii. 59, 'post septennium ab obitu praefatae Isabellae [Petrus] dedit nobis,' &c. This was, very likely, just before he went on the crusade in 1241.

¹⁷ iv. 89.

PETER DE MAULEY II (1226 ?–1279) was under age at his father's death. On 22 Dec. 1241 his lands were taken into the king's hands.¹⁸ On 12 Oct. 1242 provision was made for the marriage of Peter and Robert, sons of Peter de Mauley.¹⁹ In 1247 (31 Hen. III) Peter de Mauley had livery of his lands. In 1253–4 he served with the king in Gascony, but returned home without leave and in disgrace.²⁰ He died in 1279.²¹ In 1237 he was contracted in marriage to Joan, daughter of Peter de Brus,²² but he can have had no issue by her, and his second wife's name appears to be unknown.

PETER DE MAULEY III (1249–1309) was returned as aged thirty on the feast of St. Mary Magdalen last at the inquisition after his father's death in 7 Edward I.²³ He was, therefore, born on 22 July 1249. He had livery of his lands on 21 Aug. 1279.²⁴ He served in Wales in 1282, 1283, and 1284, and in Scotland in 1291. He was summoned to serve in Gascony in 1294–5, and again served in Scotland in 1299 and 1300–3.²⁵ As dominus de Mulgreve he signed the letter to the pope on 12 Feb. 1301. He was a justice of trailbaston in 1305 and 1307, and served on numerous commissions of oyer and terminer.²⁶ He was summoned to parliament from 23 June 1295. He died before 25 Aug. 1309,²⁶ having married Nichola, sister and heiress of Gilbert de Gant.²⁷

PETER DE MAULEY IV (1279–1336). He was returned as heir of his uncle Gilbert de Gant in 1298, being eighteen years of age on 25 Dec. 1297,²⁸ and was knighted with the prince of Wales in 1306. He was summoned to parliament from 26 Oct. 1309 to 22 Jan. 1336 by writs addressed 'Petro Malolacu.' Styled Peter de Mauley the elder, Dec. 1314.²⁹ He was one of the wardens of the parts beyond Trent in 1314, and served in Scotland in 1315.³⁰ On 22 March 1332, as Peter de Mauley *le quart*, he made a grant for

¹⁸ *Excerpta e Rot. Fin.* i. 364.

¹⁹ Michel's *Rôles Gascons*, i. 1190.

²⁰ *Ibid.* i. 2090, 2151–2, 2842–3, 3598.

²¹ Roberts, *Calendarium Genealogicum*, i. 278; *Yorkshire Inquisitions*, i. pp. 191–200, vol. xxi. of Record Series of Yorkshire Archaeological Association. The writ of *diem clausit extremum* was dated 15 July (*Parliamentary Writs*, i. 731).

²² *Yorkshire Inquisitions*, i. 139.

²³ Palgrave, *Parliamentary Writs*, i. 731, note.

²⁴ *Ibid.* i. 731; *Cal. of Pat. Rolls, Edw. I, 1292–1301*, pp. 304, 479, 605; *Calendar of Documents relating to Scotland*, ii. 1223.

²⁵ Foss, *Judges of England*, iii. 126, where he is wrongly called Peter IV. See also numerous references to him as a justice in the *Calendar of Close Rolls, Edward II, 1307–1313*.

²⁶ Palgrave, *Parliamentary Writs*, iv. 1154. This is the date of the writ of *diem clausit extremum*; but G. E. C. says he was summoned on 12 Dec. 1309, and died in 1310.

²⁷ *Calendarium Genealogicum*, i. 278.

²⁸ *Ibid.* ii. 556. In 1309 he was said to be about 28 years of age; see *Parl. Writs*, iv. 1154.

²⁹ *Calendar of Close Rolls, Edw. II, 1313–18*, p. 211.

³⁰ *Reg. Palatinum Dunelmense*, ii. 1034; *Letters from Northern Registers, 247–8*.

life with remainder to Peter de Mauley *le quynt* and Margaret his wife. On 7 Nov. 1332 there is mention of Peter de Mauley the elder and Peter de Mauley the younger, and on 21 May 1334 of Peter de Mauley the younger.³¹ He appears to have died between 21 Jan. and 24 Aug. 1336.³² He married Eleanor, daughter of Thomas, Lord Furnival.³³

PETER DE MAULEY V (130-?-1355). Described as a man-at-arms in 1324,³⁴ as Peter de Mauley *le quynt* on 22 March 1332, and as Peter de Mauley the younger on 7 Nov. 1332 and 21 May 1334.³⁵ Summoned to parliament by writs addressed 'Petro de Malolacu le quint' from 24 Aug. 1336³⁶ to 15 March 1354. Served in the French campaign of 1346 as Petrus dominus de Mauley, and at Crecy, when his brother Robert was knighted.³⁷ He died on 31 July 1355,³⁸ having married, before 27 June 1327,³⁹ Margâret, daughter of Robert de Clifford (d. 1314). Margaret de Mauley survived her husband, and was alive in 1381.⁴⁰

PETER DE MAULEY VI (1331-1383) was born in 1331, and was summoned to parliament as Peter de Mauley *le sisme* from 20 Sept. 1355 to 7 Jan. 1383. He fought at Poitiers on 19 Sept. 1356, was governor of Berwick in 1368, and several times a commissioner of array in the East Riding. He died on 17 March 1383, having made his will⁴¹ as *Ego Petrus de Malolacu Sextus* two years previously. He married, about 1357, Elizabeth, daughter and heiress of Nicholas Meynil and widow of John, Baron Darcy of Knaith; ⁴² she died in 1367.⁴³ As his second wife Peter VI married Constantia,⁴⁴ daughter and coheiress of Sir Thomas Sutton of Holderness.

PETER DE MAULEY VII (1359?-1380?) was son of Peter VI by his first wife. He married Margery, daughter and coheiress of Sir Thomas Sutton and sister to his father's second wife, and died in his father's lifetime.

PETER DE MAULEY VIII (1377?-1414) was five years old at his grandfather's death. He had livery of his lands, 22 Ric. II, and was summoned to parliament from 18 Aug. 1399 to 12 Aug. 1415 (?).⁴⁵

³¹ *Calendar of Patent Rolls, Edw. III, 1330-1334*, pp. 262, 369, 579.

³² This I assume from the fact that on the latter date the summons is first addressed 'Petro de Malo'acu le quint.'

³³ *Cal. Close Rolls, Edw. II, 1318-1328*, p. 723; she is generally given as wife of the pseudo-Peter IV (d. 1309).

³⁴ *Parl. Writs*, iv. 1157.

³⁵ *Cal. Pat. Rolls, Edw. III*, ut supra.

³⁶ *Cf. Foedera*, ii. 945.

³⁷ Barnes, *History of Edward III*, p. 355.

³⁸ *Cal. Inq. post mortem*, ii. 193. ³⁹ *Cal. Pat. Rolls, Edw. III, 1327-30*, p. 129.

⁴⁰ *Testamenta Eboracensia*, i. 117.

⁴¹ *Ibid.* i. 116-7; *Cal. Pat. Rolls, Richard II, 1377-1381*, pp. 39, 46, 123, 301, 359, 473, 514.

⁴² John Darcy died in 1356.

⁴³ *Cal. Inq. post mortem*, ii. 288.

⁴⁴ *Chron. de Melso*, i. 96; but G. E. C. calls her Matilda.

⁴⁵ So G. E. C.

His will, dated 5 Sept. 1414, was proved on 14 Sept. following; ⁴⁶ it begins, *Ego Petrus de Mauley Octarus*. Peter VIII had married Matilda, a daughter of Ralph Neville, first earl of Westmoreland. He left no issue, and the barony fell into abeyance between the representatives of his sisters.

Brief mention may be made of some other members of the family.

EDMUND DE MAULEY (*fl.* 1314), probably a son of Peter II. He was employed in Scotland in 1301 ⁴⁷ and subsequently, and in the reign of Edward II rose to considerable distinction. He was a friend of Piers Gaveston and an adherent of the king, who made him steward of his household before 20 Jan. 1312. He was present at Bannockburn, when he 'for drede wente and drenchid him selfe in a fresh ryver that is callede Bannokesburne.' ⁴⁸

JOHN DE MAULEY (*fl.* 1320), son of Peter II, attorney for Stephen de Mauley in 1286. ⁴⁹ In 1296 he was taken prisoner by the French in Gascony. He held lands by grants from Peter III and Peter IV, and died between 22 Nov. 1328 and 10 Oct. 1331. ⁵⁰

ROBERT DE MAULEY (*fl.* 1250), second son of Peter I. ⁵¹

ROBERT DE MAULEY (*fl.* 1320), son of Peter II, mentioned as *serrens* in 1277. He was taken prisoner with his brother John in Gascony in 1296. Afterwards he served with distinction in Scotland, and was constable of Bolsover castle from 8 June 1310. By his wife, Joan, he had a son, Robert, the king's yeoman. He died after 7 Nov. 1332. ⁵²

ROBERT DE MAULEY (*fl.* 1346), son of Peter IV, knighted at Crecy. ⁵³

STEPHEN DE MAULEY (*fl.* 1270), son of Peter I. ⁵⁴

STEPHEN DE MAULEY (*fl.* 1310), probably son of Peter II. He went to study at Paris in 1286, and was archdeacon of Cleveland in 1289. On 23 Nov. 1289 he held the prebend of Bugthorpe, York. On 18 June 1312 he was made dean of Wimborne. He was parson of Houghton, Durham, Boynton, Yorkshire, and Lich', and preben-

⁴⁶ *Testamenta Eboracensia*, i. 379-81; but G. E. C. says it was proved on 24 April 1416.

⁴⁷ *Calendar of Documents relating to Scotland*, ii. 1236.

⁴⁸ *The Brute* (Harl. MS. 2279) *ap.* Thompson's edition of Geoffrey le Baker, p. 188; *cf.* *Chron. Edw. I and Edw. II*, i. 215, 272-3, ii. 42, 183, *Flores Historiarum*, iii. 157, Palgrave's *Parliamentary Writs*, iv. 1157.

⁴⁹ *Cal. Patent Rolls, Edw. I*, 1281-92, p. 261.

⁵⁰ *Cal. Pat. Rolls, Edw. I*, 1292-1301, p. 619, and *Edw. III*, 1327-1330, pp. 15, 129, 369, and 1330-1334, p. 369; *Parliamentary Writs*, i. 731; Hemingburgh, ii. 12; Bishanger, p. 154.

⁵¹ *Rôles Gascons*, i. 1190.

⁵² *Cal. of Documents relating to Scotland*, ii. 1223; *Cal. of Close Rolls, Edw. II*, 1307-13, p. 230, and 1313-18, p. 18; *Cal. Pat. Rolls, Edw. I*, 1292-1301, p. 336, and *Edw. III*, 1327-1330, pp. 15, 164; *Parliamentary Writs*, i. 732, iv. 1157; Hemingburgh, ii. 72; Bishanger, p. 154.

⁵³ Barnes, *Hist. Edw. III*, p. 355.

⁵⁴ *Calendarium Genealogicum*, i. 278.

dary of Auckland, and at some time previous to 1312 dean of Auckland. He was clerk of the king's council, 1312-1315, and was also vicar-general of the bishop of Durham.⁵³ C. L. KINGSFORD.

AN UNPUBLISHED NOTICE OF THE BATTLE OF LEWES.

THE fragment transcribed below is written on the last leaf of the MS. 10. B. vi. of the Royal Library in the British Museum. The volume is a handbook to the Decretals by Bernard of Parma, and the interest of English historians in the pontifical law seems to have been hitherto lukewarm enough to allow of this little note being overlooked. Though coming to an abrupt close just at the interesting stage of the fight, it gives several valuable details of the circumstances leading up to the battle. The chief points which appear on a comparison with the chronicles, 'Carmen,' &c., are as follows:—(1) As to the date, the fragment by a slip of the pen gives 1263 instead of 1264 for the year, but agrees with the nearly unanimous testimony of the other authorities as to the day, Wednesday, 14 May, of the great battle. It is, however, much more explicit concerning the events of the Monday and Tuesday. In particular (2) the skirmish of Monday, 12 May, is otherwise quite unknown. We find the two forces in close contact earlier than appears from the other sources. The march from Fletching on the early morning of the 14th can no longer be regarded as the first appearance of the barons outside the forest. Doubtless too it was in this affray that Earl Simon perceived the strategic importance of the hill to the west of the town. (3) The offer of terms made by the bishop of Chichester is more fully explained, and the association of Dominicans as well as Franciscans in the mission was not known from our other authority, the Dover Chronicle (Cotton MS., Julius, D. v.) The negotiation by the other two bishops, which probably occurred on the next day, is here passed over. (4) Of the earl's chariot and banner we hear nothing, though the story may have been reserved to be told later; but it is remarkable that there is no hint of either stratagem or fighting in the winning of the hill upon which the Spital Mill stands. On the other hand we get the name Boxholt, which, if it can be identified, may help to fix the route of the attacking army. This I must leave to those who have local knowledge. (5) In the names of combatants there is little or nothing that is new, but the number of horse and the description of their riders as *pugnatores* and *galeati* does not appear elsewhere.

⁵³ *Cal. Pat. Rolls, Edw. I.*, 1282-91, p. 261, and 1292-1301, pp. 95, 483; *Parliamentary Writs*, iv. 1157; *Cal. Close Rolls, Edw. II.*, 1307-13, pp. 464, 466; Le Neve's *Fasti Ecclesiae Anglicanae*, iii. 145, 178; Robert de Graystones' *Chronicle*, pp. 83, 87; *Registrum Palatinum Dunelmense*, i. 107.