

Notes and Documents

Bractoniana *

It is well recognized that the known facts of Bracton's life are few. Foss, in his *Judges of England* (1848), Sir Travers Twiss, in his edition of *Bracton* (1878), Mr. J. M. Rigg, in the *Dictionary of National Biography* (1886), and lastly, Maitland, in his *Bracton's Note Book* (1887), have assiduously gathered together such facts as they could find, but the latest of these, when summing up the results of all their labours, confesses that 'of the man himself there is seemingly little to be known',¹ and that even his birthplace has not yet been ascertained. Prince, in his *Worthies of Devon* (1701), favoured Bratton Clovelly, but Bratton Fleming, Devon, and Bratton Court, Somerset, also claim the honour. Maitland held that 'there is but little evidence in favour of any of these claims'.²

I have been led to offer some observations on the subject by finding that an entry in a well-known volume, which has been more than a century in print, has been overlooked by all these writers, although it gives us important evidence on Bracton's territorial possessions, evidence which affords, I shall suggest, a clue to his birthplace, and supplies, I believe, the earliest mention of the man himself. On p. 184 of the *Testa de Nevill* we read:

Ricardus Franceis tenet in Stokelegh' in Hele et in Kollelegh' duas partes unius feodi de eodem³ per medium.

Henricus de Bratton⁴ tenet in Aluredescoth una cum Aylescoth' et Were unum feodum de eodem per medium.

Baldwinus de [sic] Flemeng tenet in Wybbeebyre Nicholai Pulani dimidium feodum de eodem.

Baldwinus le Flemeng tenet in Cridoho unum feodum de Moreton de comite Cornubie.

Idem Baldwinus tenet in Bratton cum membris duo feoda et dimidium de Moreton de eodem.

* 'Bracton', of course, is an erroneous, though now the recognized, form of his name.

¹ *Bracton's Note Book*, i. 13 et seq., 'Of Bracton's life'.

² *Ibid.*, p. 14.

³ i.e. 'de com' Cornub'.

⁴ His name is not found in the very unsatisfactory index to this work.

Although I have made no study of the very difficult topography of Devon, it appears to me that all these entries relate to manors held by those Flemings of Bratton Fleming with whose interesting descent from Erchembald (the Fleming), a substantial tenant of the count of Mortain in 1086, I have dealt more than once in the pages of this Review.⁵ We can trace all the manors above named in the hands of this Domesday ancestor, but while Baldwin le Fleming is entered as holding three of them in his own hands—Webbery in Alverdiscott, Croyde in Georgeham, and Bratton Fleming—the others are held by different men, who are entered as holding them 'per medium'. My contention is that this 'medius' (mesne tenant) was Baldwin le Fleming. The three fees with which we are more immediately concerned are (1) Alverdiscott, (2) Croyde, (3) Bratton Fleming. In 1303 we find them entered together as held by Baldwin le Flemyng.⁶ As Alverdiscott was thus in their own hands again some thirty-five years after Bracton's death, he had probably held it, as of the clergy, for life only.

Alverdiscott, the head of Bracton's fee, lies some four miles east of Bideford (of which he was afterwards rector), half-way on the road from Barnstaple (of which he was afterwards archdeacon) to Torrington. But there were two concomitants in Bracton's fee; in the *Testa* it consists of 'Aluredscoth una cum Aylescote et Were', and these concomitants reappear when it is subsequently found in the hands of the Flemings themselves.⁷ There is no question that 'Were' is Wear Gifford—or rather, it is said, Little Wear therein, lying south-east of Bideford and south-west of Alverdiscott—but the remaining place seems to be wrongly identified. I, at least, cannot doubt that it is Aylescot in West Down, about half-way between Ilfracombe and Heanton Punchardon. But in *Feudal Aids*, i. 582a, it is treated as another form of Alverdiscott. The two names given are so distinct in the entries⁸ that I venture to say this is impossible, though a local antiquary asserts it.

Thus far I have been dealing with a knight's fee in Devon which, though held by Bracton, has escaped his biographers' notice. The only land in the county which Maitland knew him

⁵ *Ante*, xiv. 422; xxxi. 177.

⁶ 'Idem Baldewynus tenet in Bratton, Cridaho et Alwardiscote iij feoda de Mortonia': *Feudal Aids*, i. p. 360.

⁷ 'Baldewinus le Flemyng tenet in Alvydescote et Alyscote [et] Were j feodum Mortonie': *Feudal Aids*, i. 371; cf. p. 413.

⁸ 'Aluredscote una cum Aylescote' (*Testa*); 'Alvydescote et Alyscote'; 'Alfardescote, Haylescote'; 'Alfandescote, Haylescote' (*Feudal Aids*, index to vol. i). It is admitted in *Feudal Aids*, i. 583b, that 'Alscote', 'Alescote', and 'Allescote' represent 'Aylescott' in West Down. In any case it must be admitted that the disputed name cannot represent, as alleged, Alverdiscott.

to have held was Santon or Saunton in Braunton, on the east coast of Barnstaple Bay, near Heanton Punchardon. The proof of this he found in a suit of 1253, when William de Punchardon and Ermengard his wife brought against Henry, as tenant, an action for her dower given her by her former husband.⁹ To this holding he attached some importance.¹⁰ So do I, but for another reason. Santon was feudally a member of Croyde ('Cridoho'), which, we have seen, was a knight's fee held, like Alverdiscott, by the Flemings.¹¹ This brings me to my point, which is that, as Henry held of the Flemings probably all, and certainly most, of his Devon lands, we may fairly infer that he was a native of their manor of Bratton Fleming in that hundred of Braunton with which we find him associated.¹² His 'country' may be roughly described as the district adjoining the east coast of Barnstaple Bay. It was far, therefore, from Bratton Clovelly, which lies somewhat east of the centre of the western border of Devon. It is little, if any, nearer to Minehead's Bratton Court.

I have now shown that Bracton held more land in Devon than was known, and that the first mention of his name is found in the *Testa*. For Foss begins his account of him in 1245, and so does Maitland.¹³ I also claim to have shown that he was probably a native of Bratton Fleming. This is of some interest, because it has been pointed out that in 1212 there was presented to the rectory of Bratton Fleming a William 'de Raleghe', who 'may have been the William Raleigh whose judgements Bracton has made immortal'.¹⁴ Possibly, however, too much has been made of this evidence by Twiss and Maitland, for Odo de Bratton continued to be perpetual vicar of the church, so that Raleigh, I presume, was possibly non-resident.¹⁵

I will now turn from the Devon to the Cornwall holdings of 'Bracton'. Writing of 'his connexion with the Raleighs', Maitland says :

We may well see him in the Henry of Bretton to whom in 1261 Walter Raleigh and Isabella his wife grant for life the manor of Tykenbrede in Cornwall. This manor we may perhaps identify with a spot called Tuckenbury which lies between Linkinhorne and Liskeard. (I owe this suggestion to Mr. Leslie Stephen.)¹⁶

* *Bracton's Note Book*, i. 16. I have not been able to examine the evidence.

⁹ *Ibid.*, p. 94.

¹⁰ 'Villa de Crideho cum Santon . . . que sunt membra ad eandem et est dominus eiusdem Baldewinus Flemmy[n]g': *Feudal Aids*, i. 375. There appears to have been more than one manor in this Santon.

¹¹ Case 976 in the *Note Book* relates to a claim in 1224 against Archibald le Fleming (*Flandrensis*), son of Stephen *Flandrensis*, concerning land in 'Esse', which is identified as Ash Reigney, but which I take to be Ash Rogus in Braunton.

¹² *Ibid.*, p. 19.

¹³ *Ibid.*, p. 14.

¹⁴ Maitland somewhat vaguely states that Raleigh 'was presented to the church'.

¹⁵ *Op. cit.*, p. 16.

This identification of 'Tykenbrede' sounds like guesswork, but it recurs where the 'Bracton' pilgrim is reminded, further on, that near the Cheese Wring we find Tuckenbury, and we remember how the Raleighs gave Bracton the manor of Tykenbrede for his life.¹⁷

Maitland, however, seems to have felt uneasy about it and, in his postscript, recurs to 'Tykenbrede' and leaves the question thus :

I cannot find any place in Cornwall with which to identify it other than Tuckenbury, the termination of which name may, as it seems to me, be a rationalistic perversion by English mouths of something Celtic.¹⁸

Now the student, if he be a wise man, will steer clear of Cornish topography ; I have myself always eschewed it. Still, one may try to give completeness to the tale of Bracton's holdings.

In 1889 there appeared the first volume of the late Prebendary Hingeston-Randolph's *Episcopal Registers of Exeter*. That work of patient and admirable research would have proved to scholars a real boon, if it had contained an index at the end as a guide to its complicated contents. Unfortunately, it is based on the plan of more than one so-called 'General Index', not at the end, but in the text, each of them, moreover, cut in half by a separate 'Index of Institutions'. However, though the contemporary Register does not help us to identify 'Tykenbrede', that of Walter de Stapeldon (1892) contains, under 'Oratories', certain licences to celebrate, of which the first is :

Bello Prato (Beaupré), Isabella de, in her Chapels or Oratories in her Manors of Trewythgy, Tikambred, and Penhalym (3 July 1319).¹⁹

These places are not identified, but we infer that the lands belonged to the Beaupré family. With this clue we find an *inquisitio post mortem* of 21 April 1309, on Stephen de Beaupré, which mentions Penhalym manor and that of 'Tycambred' among his possessions, the latter having been held of the prior of Bodmin,²⁰ but 'Tycambred' is left unidentified.²¹ Part II, however, of the *Register of Bishop Grandison*, which was issued in 1897, brought to light the transitional form 'Dygombrid'. In 1355, it appears, Sir John de Beaupré gave the advowson of St. Just-in-Penwith to St. Thomas the Martyr of Glasney, and it was stipulated that its provost and college should notify Sir John and his heirs 'in Manerio suo de Dygombrid' of certain contingencies (p. 1155). This identified the place as the present 'Degembris' in (St.) Newlyn,²² and it is so identified in the Inquisition of 1329 on Ralf de Beaupré, John's father.²³

¹⁷ *Ibid.*, p. 103.

¹⁸ *Ibid.*, pp. 137-8.

¹⁹ *Reg. of Bishop Walter de Stapeldon*, p. 299.

²⁰ *Cal. of Inquisitions*, v (1908), no. 122.

²¹ *Ibid.*, p. 577.

²² Now Newlyn East

²³ *Cal. of Inq.*, vii (1909), no. 232. It is there 'Tyuganbrede'.

Apart from the identification of Henry's Cornish manor, it should be observed that it belonged to the Beauprés, not 'the Raleighs'; for this will be shown to be, possibly, of importance. The explanation of this apparent correction is that the grant to Bracton was made by 'Walter Raleigh and Isabella his wife'. The Raleighs were not a Cornish, but a Devon family, and Walter must have held this Cornish manor in right only of his wife.²⁴

Not only has the extent of Bracton's landholding been underestimated, but the income he must have derived from spiritual preferments was greater than has been supposed. He was instituted rector of Combe-in-Teignhead in 1259, and of Bideford, by Richard de Greynville, in 1261.²⁵ He appears to me to have retained, at least, the Bideford rectory till his death. Maitland made 'his career as an ecclesiastic' begin with his appointment to the archdeaconry of Barnstaple in the early days of 1264, and his exchanging it, shortly afterwards, for the chancellorship of the diocese; and he spoke also of his holding, at his death, prebends at Exeter and at Bosham.²⁶ His first ecclesiastical preferment is of some interest for its date, as Maitland held that 'for the years after 1259 there is less evidence' of his being at court with the king.²⁷

There is one more point on which the further publication of records enables us to clear up what Maitland found a difficulty. 'As to his death,' he wrote, 'a certain difficulty is created by an entry on the Fine Roll,' which speaks of 'Henricus de Brattona qui interfectus fuit in conflictu habito apud Lewes'.²⁸ On this entry his comment was:

We must suppose either that he had a namesake, or that the clerk who wrote the Fine Roll made a blunder. The latter alternative seems the more acceptable. Of a second Henry of Bratton no trace has been found, and the writ in question would hardly have been made in favour of a nobody. Two of the king's justices were killed at Lewes. . . . It may be that the name of one of them should have appeared in this writ instead of that of their illustrious colleague.

But the Chester Roll of 49 Henry III records (26 October 1265) the gift to William de Leyburn 'of all the lands late of Henry de Bretton and Roger de Chekenes . . . rebels and adherents of Simon de Monte Forti',²⁹ which surely cannot refer to the

²⁴ We find mention of 'Willelmus de Raleg' et Isabella uxor eius' under Somerset in 1258 and of 'Isabella que fuit uxor Willelmi de Ralegh' under Devon in 1271 (*Excerpta e Rot. Fin.*, vol. ii).

²⁵ Bishop Bronescombe's Register (*Episcopal Registers of Exeter*, ed. Hingeston-Randolph, pp. 114, 126). As this volume was published in 1889, Mr. Rigg's life of Bracton in the *Dict. of Nat. Biogr.* (1886) does not mention these appointments, while Maitland, whose work appeared in 1887, was for the same reason not able to avail himself of its information.

²⁶ *Op. cit.*, p. 17.

²⁷ *Ibid.*, p. 22.

²⁸ *Ibid.*, p. 22.

²⁹ *Cal. of Charter Rolls*, ii. 57.

'illustrious' Henry. Moreover, Ancient Deed A. 11350³⁰ records an agreement of 28 April 1260 concerning lands in the hundred of Rochford, in the south-east corner of Essex, to which the first two witnesses are 'Sir Simon Perdriz and Sir Henry de Bretthon knights'. The former was a small local landowner near Rochford, and the latter possibly took his name from Bretton in Stambridge (adjoining Rochford), which a John de Bretton had held earlier of the Rochford family. In the summer of 1262 Henry de Bretton is found holding, of Guy de Rochford, half a knight's fee in Little Coggeshall.³¹ It is clear, therefore, that the great Henry had a namesake in his lifetime.

When I stated above that the identification of Bracton's Cornish manor and its connexion, not with the Raleighs, but the Beauprés, might possibly prove of importance, I had in mind the comments of Professor Vinogradoff and of Maitland on the Digby MS. 222 of Bracton's work and its manuscript allusions to Ralf de Arundel and 'J. de bello prato', i.e. Beaupré.³² Maitland writes of this 'eloquent legend':

'Mittuntur J. de bello prato septem peciae et dimidia subsequentes rubricam istam viz. quod non est capienda conuictio super conuictionem, et de illis tenetur respondere domino (a blurred word which may, I think, be Rad') de Arundell'.

The meaning of this seems plainly to be that the seven and a half quires following the rubric *Quod non est capienda*, &c., are lent to J. de Beaupré (probably in order that he may have them copied), and that he is bound to answer for them to Sir — Arundell. We may infer then that this very MS. belonged to a Sir Ralph Arundell. Beaupré again was a good Cornish name. In the fourteenth century Arundells and Beauprés marry into the same family, their souls are prayed for in the same church.

But these comments are somewhat vague, and Maitland added that 'this trail must be followed by others'.

What we have to do is to find a connexion, not merely between the two families in the fourteenth century, but between the two individuals named, and, if possible, in Bracton's age; for Maitland seems to suggest that the Sir Ralph Arundell mentioned was identical with the Cornish sheriff of 1260. Now Bracton, who held Degembris for his life, died in 1268, and I think we can find a Beaupré in possession some four years later—a John de Beaupré who was closely associated with a Sir Ralf de Arundel. In Ancient Deed A. 8497 we have an acknowledgement that suit is due to the mill of Sir John de Beaupré and his heirs in 'Tygambred'. The deed is dated 28 August 1277 (5 Edward I) and at 'Tygem-bret', and it is endorsed 'pro Degembr',³³ which clinches the

³⁰ *Catalogue*, v. 132.

³² *Ibid.*, pp. xxii, 98-100

³¹ *Essex Fines*, i. 257.

³³ *Calendar*, iv. 317.

identification. But Sir John was at Degembris at least as early, I think, as 1272. For in the same parish of Newlyn the bishop had a park at Cargaul, and on 22 June 1275 Sir John de Beaupré, 'olim Senescallus Cornubie', confessed at Launceston that he had taken an active part on 30 August 1272 in despoiling and cutting down the said park, for which he had been in serious trouble with the bishop and even the archbishop. He therefore agreed to pay the bishop a hundred marks as compensation. As one of his four securities for payment he named Sir Ralf de Arundel.³⁴ Three years earlier (1 May 1269) Sir Ralf was the first witness and John de Beaupré, 'then steward of Cornwall', the second, to a Cornish agreement.³⁵ In a great feoffment by Roger de Vautort to Richard, earl of Cornwall, Sir Ralf is the third lay witness and John de Beaupré, steward of Cornwall, the ninth.³⁶ When, by a thirteenth-century deed, Ralf de Arundell gave some land to Oliver his son, John 'de Beupri' was a witness.³⁷ In 1279, of the three men named to enforce distraint of knighthood in Cornwall, John de Beaupré was the first and Ralf de Arundell the second.³⁸

The next subject to which I would turn is that of 'the cases "noted up" in the margin of the *Note Book*'.³⁹ It appears to me that the district to which these cases point is chiefly the great hundred of Braunton, lying north and east of Barnstaple. We there find Fleming of Bratton Fleming,⁴⁰ Punchardon of Heanton Punchardon, Huxham of West Buckland, 'Corbyn' of Brayley (in East Buckland), 'Gorges' of Braunton Gorges, and Raleigh of Raleigh. Here also the Beaupels held at West Ashford, Snedlegh, and West Down.⁴¹

The first, and, in Maitland's eyes, the most important, of 'the cases "noted up" in the margin' is that of 'Ermengard and the heir of Huxham',⁴² with which he dealt on pp. 16, 93-5. Very skilfully he identified 'Ermeiard' as the widow of Thomas de Saunton (of Saunton in Braunton), who had married William de Punchardon, with whom in 1253 she brought an action for her dower in Saunton against Bracton himself, then tenant there; and he then proceeded to show that William of Huxham (near

³⁴ *Episcopal Registers of Exeter*, Bronescombe, pp. 43-6.

³⁵ Ancient Deed A. 9711 (*Calendar*, iv. 452).

³⁶ *Ibid.* A. 10843. This was the Roger who gave Cargaul, with the advowson of (St.) Newlyn, to the Bishop.

³⁷ *Ibid.*, A. 183.

³⁸ *Cal. of Pat. Rolls*, 1272-81, p. 342.

³⁹ *Op. cit.*, i. 93-102.

⁴⁰ The birthplace, as I suggest, of Henry.

⁴¹ 'With many of the Devonshire landowners Bracton must have been familiar. . . . Raleighs and Punchardons, Traceys and Beaupels sat with him on the bench; no wonder then if some of them were his friends and he had his home among them': *Note Book*, pp. 16-17, cf. p. 94.

⁴² 'Ermeiard et herede de Hokesham.' Professor Vinogradoff seems to have read 'heredes', for he speaks of 'the heirs of Hokesham'.

Exeter) had, shortly before his death in 1255, given 'his land at Huxham' to the William above mentioned. From this he inferred that trouble resulted between Ermengard and 'the heir of Huxham'. I venture to think, however, that he was mistaken in trying to make the two families neighbours by stating that 'Punchardon lies in the parish of Kentisbere some ten miles as the crow flies from Huxham' (p. 94). The 'Punchardon' which gave name to the family must have been Pontchardon by Vimoutiers (now in the extreme north of the Orne), and if the Bracton pilgrim tries to 'find Punchardon in the parish of Kentisbere and catch the train at Tiverton' (pp. 103-4), he will neither, I fear, catch that train nor echo the closing words of the paragraph, *Beati omnes qui ambulant*.

The Huxhams held Huxham of the great Berry Pomeroy honour,⁴³ but were found holding it (of another honour) in 1315.⁴⁴ But their other manor, (West) Buckland, they held of the Courtenays' honour of Oakhampton.⁴⁵ It is this manor, I suggest, which brought them into contact with the Punchardons, for not only was it the same hundred with the English home of that house at Heanton Punchardon; it also made them fellow vassals. The roll of Oakhampton manors includes them both,⁴⁶ while it also contains certain names in the 'noted' cases, Cole (of Harding's Leigh), Corbyn (≡ Corbineston, now Corston), and Cornu (of Huntshaw). William de 'Punchardone' presented to the rectory of West Buckland in April 1261, but Emma de Hokesham, widow of the previous holder, did so in June 1268, when she presented Simon de 'Ponchardon'.⁴⁷ But a curious deed, to which Sir Ralf de Arundel is one of the witnesses, records that Henry de Bolleghe, provost of Glasney, gives to Bishop Walter the advowson of West Buckland ('Bokelonde fil. Walteri'), which he had by the gift of 'Ermigarde', William de Punchardon's widow.⁴⁸ She was here, therefore, dealing with the Huxhams' former property. Thomas de Saunton, her first husband, had held a good deal more than Saunton in Braunton. Huntsham and Cheriton-Fitzpaine⁴⁹ he held, like Saunton, of the Torrington honour.⁵⁰ This is how Sir William de Punchardon, his widow's second husband, came to be patron of Huntsham in 1263, and how, in 1278, a new rector was presented by her third husband, Alexander de Viteri, as holding her dower.⁵¹ This is also how Ermengard came to be 'convicted before Bracton

⁴³ *Testa de Nevill*, p. 182; *Cal. of Inq.*, i, p. 95; *Feudal Aids*, i, 316, 387.

⁴⁴ *Cal. of Inq.*, v, p. 294.

⁴⁵ *Testa*, p. 179.

⁴⁶ *Ibid.*

⁴⁷ *Register of Walter Brouncombe*, p. 190.

⁴⁸ *Ibid.*, p. 282.

⁴⁹ *Alias Cheriton-Saunton*.

⁵⁰ *Testa*, p. 176.

⁵¹ 'Ad presentacionem Alexandri de Viteri, racione dotis Domine Ermagade de Punchardun, uxoris suae': *Register*, *ut supra*, p. 145.

of a disseisin perpetrated at Cheriton'.⁵² He also held at Buckland Filleigh and Hartland of the honour of Barnstaple.⁵³

I cannot but think that fresh light is thrown on 'the heir of Huxham' case by a plea of Trinity Term, 18 Edw. III (1344).⁵⁴ William de Hoxham there sues John de Ralegh of 'Charnys' for land in 'Charnys', which William de 'Punchardoun' had given to William de Hoxham (plaintiff's grandfather) in frank marriage with Emma, *his sister*. The place was Charles, some nine miles to the east of Barnstaple, and therefore in Bracton's country. Although it is rather a far cry from 1255⁵⁵ to 1344, the coincidence of names is too great to be accidental. Charles is found, like Heanton Punchardon, on the roll of Oakhampton manors,⁵⁶ of which I spoke above, as held by William de Punchardon, and when we find that, in spite of the *inquisitio post mortem* of 1255, the Huxhams continued to hold Huxham, and to present to the living,⁵⁷ we may fairly infer that Emma de Huxham, who was still living at least as late as 1268,⁵⁸ was a sister of William de Punchardon, and that her husband's enfeoffment of him, shortly before his own death, was merely a family arrangement, which avoided a long minority and the loss involved in the wardship. If so, there can be little doubt, on comparing 'Case 1843' in the *Note Book*, that Ermengard must have claimed dower from land which her husband, William de Punchardon, only held, in effect, as feoffee in trust for his nephew, 'the heir of Huxham'.⁵⁹

As to 'Whitchurch', the third of 'the cases noted up', I cannot see my way to accepting the equation of *De Albo Monasterio* and Whitchurch asserted by Maitland.⁶⁰ There was, no doubt, a well-known family of Blanchminster or *De Albo Monasterio* established at Stratton in Cornwall, but when its true name emerges, it is not 'Whitchurch' but 'Blancmonster'.⁶¹ Combe Blamoster (or Blaunkmester) was the former name of what is now Combe in Teignhead. With regard to the fourth noted case,⁶²

⁵² *Bracton's Note Book*, i, p. 94.

⁵³ *Testa*, p. 175.

⁵⁴ De Banco, Trinity, 18 Edw. III, m. 310.

⁵⁵ The date of William de Huxham's death. His son and heir, however, was only four years old at the time.

⁵⁶ *Testa*, p. 179. It seems to have passed, with a Punchardon heiress, to the Raleighs, who were holding it in 1303: *Feudal Aids*, i. 361.

⁵⁷ *Feudal Aids*, i. 346, 387; *Stapeldon's Register*, p. 223.

⁵⁸ See above and cf. *Note Book*, i. 94-5.

⁵⁹ This would definitely explain the reference, which Maitland could not do. Ermengard must have survived William, for she subsequently married, as I have shown, Alexander 'de Viteri'.

⁶⁰ *Note Book*, i. 98.

⁶¹ See John de Grandison's *Register*, iii. 1555, where in the bishop's will (A.D. 1368) we read 'lego Randulpho Blaunkmonster'. In Essex this name became corrupted to Blamster. That, in Shropshire, Whitchurch and Oswestry both occur as *Album Monasterium* (a fruitful source of confusion) does not affect the question.

⁶² *Note Book*, i. 98-100.

and its reference to 'Ralph of Arundell', I have dealt with this above.⁶³ The remaining cases do not appear to call for any comment.

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NOTE

In Professor Vinogradoff's letter to the *Athenæum*, which originally brought the *Note Book* to light,⁶⁴ we read, of the ninth case 'noted up', that of Raleigh :⁶⁵

The Patent Rolls give the appointment of justiciaries to try particular assizes. . . . In 1259 Bracton is appointed to try an assize of mort d'ancestor between Hugh and Warin of Raleigh, and that is most probably the case hinted at in our MS. (Patent Roll, 43 Henry III, membr. 13, dorso) In most instances the connexion could not be so clearly ascertained. Still, the examination of Patent Rolls is instructive, &c.⁶⁶

In spite of the very precise reference here given to the Patent Roll, there is nothing of the kind to be found there.⁶⁷ Maitland, however, repeats the reference, though with the addition '(MS. Index)'.⁶⁸ This might not be of much consequence if the case stood alone ; but the whole of his references, exact though they are, to the Patent Rolls for Bracton's life appear to be similarly invalidated and, on verification, erroneous. Of Bracton's employment as justice of assize we read that (i. 19) :

In 1248 . . . there begins a long series of entries on the Patent Rolls.—The first entry that I have seen is dated 12 Feb. 1248, Rot. Pat. 32 H. 3, m. 10d ; this seems the only one in this year ; in two years time they become common.—This series goes on with hardly any break until the end of 1267 ; the last entry that I have found is dated the 26th of December in that year (Rot. Pat. 52 H. 3, m. 33d).

Both the references are erroneous.⁶⁹ The last entry on the Patent Rolls seems to be of 18 October 1267 (Pat. 51 Hen. III, m. 3d). It is not surprising, therefore, to find that the references to two assizes concerning Huxham are no less erroneous (i. 94, 95).⁷⁰

Enough has now been said to show that all the references to the Patent Rolls in the introduction to the *Note Book* will have to be carefully checked. Maitland himself acknowledged his indebtedness 'above all to the manuscript calendars of the Patent and Close Rolls in the Public Record Offices on which I have often relied' (i. 13). Is it possible that he and Professor Vinogradoff can have worked from indexes to some records other than the Patent Rolls ? It seems improbable, but the latter at least, Maitland has pointed out, cited,⁷¹ through Madox, as from a Patent Roll, the very important entry which the accurate Madox correctly cited as from a roll of Exchequer Memoranda. Now that the *Calendar of Patent Rolls* for Henry III's reign is complete, and the Close Rolls themselves in print to 1247, Bracton's life might already be rewritten with advantage. For instance, Maitland gathered from the latter that Bracton, who acted

⁶³ pp. 591 f.

⁶⁴ Reprinted in Maitland's edition, pp. xvii-xxiii.

⁶⁵ *Ibid.*, i. 101-2.

⁶⁶ See *Cal. of Pat. Rolls*, 1258-66, pp. 49-50.

⁶⁷ See *Cal. of Pat. Rolls*, 1247-53, p. 30 ; 1266-72, p. 275.

⁶⁸ 'Rot. Pat. 42 Hen. 3, m. 17d' ; 'Rot. Pat. 46 Hen. 3, m. 5d (MS. Index)'.

⁶⁹ Vol. i, pp. xviii, 25.

⁷⁰ *Ibid.*, p. xxi.

⁷¹ *Op. cit.*, i. 102.