

AVOWRIES

Introduction

Avowry or advowry (*advocaria*) was a system whereby lords in Wales, the Marches and Cheshire granted protection to settlers or refugees from justice in England in return for their service. That service was soon, perhaps immediately, commuted into agreed annual payments, roughly determined by the status of the applicant.

If any member of an avowry was indicted, the keeper of the avowry could demand the delivery of their body, and keep them till the next shire court.

Being in avowry was not a temporary state, nor just a lifetime commitment, but was a condition inherited by future generations. Descent was in much the same way as the inheritance of land; except there is no evidence that avowries were divided when the only heirs were daughters.

The Cheshire charter of liberties, granted by earl Ranulph in the summer of 1215, includes the provision, that should any loyal stranger come into a baron's lands and want to settle there, it would be lawful for the baron to keep him — saving to the earl such 'avowries' who might of their own accord come to the earl himself, and those who might come to him because of trespasses committed elsewhere.

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Edwardus dei gr'a Rex Angl' D'ns Hib'n & Dux Aquit', om'ib^s ad q^os p'sentes l're puen^rit; Sal'tm. Insp' cartam q^a Ranulph's q^ond' comes Cestr' fecit Baron' suis Cestr'is in h' verba —

Ranulph's Comes Cestr' Constabular' Dapifero Justic' vic' Baron' & Ball'is & o'ni^b ho'ib^s suis & amicis p'sentib^s & fut'is p'sente' [cartam] insp'ctur' & auditur' sal'tm. Sciatis me Cruce signatu' p amore d'i et ad peticione' Baron' meor Cestr' concessisse eis & h'edib^s suis de me & h'edib^s meis om'es lib'tates in p'senti carta subscⁱptas imppetu' Tend' & h'end' Scilic' q'd vnuqⁱsq' eor Cur' suam h'eat lib'am de o'ni^b pl'itis & querelis in Cur' mea motis exceptis pl'is ad gladiu' meu' ptinentib^s. Et q'd si quis ho'im suor p aliquo delicto capt' fu'it p dominu' suu' sine redempc'oe repleg' Ita q'd d'ns suus eu' pducat ad tres Com' & eu' q'etu' reducat nisi sacraber¹ eu' sequat' Et si aliqⁱs adiuentici^s qui fidel' sit in t'ras eor ven^rit; & ei placu'it ibide' morari, liceat Baron' ip'm h'ere & retinere. Saluis mⁱ aduocariis qui sponte ad me veneru't & aliis qui p transg^rssu aliunde ad dignitate' meam ven^rint & no' eis. Et vn^sqⁱsq' Baron' dum op^s fu'it in Werra plenarie faciat s'uiciu' tot feodor^l Militu' quot tenet & eor milites & lib'e tenentes lorias aut haubergella h'eant Et feouda sua p corpa sua defendant lic' Milites no' sunt. Et si aliqⁱs eor talis sit q'd t'ram suam p Corp^s suu' defendere no' possit. aliu' sufficiente' loco suo pon'e possit. Nec ego natu^olos eor ad arma iurare faciam s' natu^olos suos qui p Ranulph'm de Dau'enam ad aduocac'om meam venerunt & alios natu^olos suos q^os suos esse r'onabil'r monst're pot'unt ip'is quietos ccedo Et si vic' m's aut aliqⁱs s'uiens in Cur' mea aliqⁱm ho'iem suor inculpau'it p Twernic se defendere pot'it ppt' Scirefestoh^t quod reddit^t nisi secta' eu' sequat'. Co'cedo & eis quietancia' de Garbis & de oblac'oib^s quas s'uientes mei & Bedelli exig'e solebant. Et quod si aliqⁱs Judex aut sectarius Hundredi aut Com' +co'mitat^s+ in Cur' mea in M'ia incid'it p duos .s'. quiet^s sit Judex de M'ia, & sectarius p duodecim den'. Concedo & eis lib'tate' assartandi t'ras suas inf^a diuisas

agricult're sue in foresta & si landa aut t'ra infr'a diuisas ville sue fu'it que p'us culta fuit, vbi nem's no' crescat liceat eis illam Colere s'n herbergac'oe et liceat eis Husbote & Haybote in nemore suo Cape de om'i gen'e bosci s'n visu forestarii & mortuu' boscu' suu' dare aut vendere +cui+ volu'nt & ho'ies eor no' +in+placite'r. de foresta p sup'a d'co nisi cu' manu'ope inuenia't. Et vn'sq' eor om'ia Man'a sua d'nica in Com' & Hundredo p vnu' senescallu' p'sentat' defend'e possit. Concedo & q'd mortuo viro vx' sua p Quadrag' dies pace' h'eat in domo suo & h'es suus si etatem h'uerit, p r'onabile' releuiu' H'editate' suam h'eat scilic' feodu' Militis p.C. solid', Neq' d'na neq' h'es maritet' vbi dipariget'. set p g'a tu' & assensu'. gen'is +sui+ Maritet' & eor legata teneant' & nullus eor natuu' suu' amittat occasione si in Ciuitate Cestr' ven'it nisi ibi manserit p vnu' a'nu' & vnu' die' s'n Calump'ia. Et ppt' g'ue s'ruiu' q'd in Cestr'is' faciunt nullus eor ex'a Lymam s'ruiu' michi faciet nisi p g'a tu' suu'. & ad custu' meu'. Et si Milites mei de Angl' Su'moniti fu'nt qui Michi Wardam ap'd Cestr' debent & venti sint ad wardam suam facienda' & exc'cit' aliunde inimicor meor no' sit in p'senti n'c op's fu'it b'n lic' Baronib' int'rim ad domos suos redire +&+ requiesc'e. Et si exc'cit' inimicor meor pmpt' de veniendo in t'ram meam in Cestr' v'l si Castellum assessum fu'it p'd'ci Baron' cu' exc'itu suo & visu suo statim ad su'monic'om meam venient ad remoue'du' exc'itu illu' ad posse suu' & cu' exc'itus ille de t'ra mea recessus fu'it p'd'ci Baron' cu' exc'itu suo ad t'ras suas reddire pot'i't & requiesc'e dum Milites de Angl' Wardam suam faciu't & op's de eis no' fu'it, Saluis michi s'ruiis suis que fac'e debent. Concedo & eis q'd in te'pe pacis tantu' duodecim s'uientes itin'antes h'eantur in t'ra mea cu' vno equo qui sit Mag'ri s'ruientes qui eciam p'bendam no' h'eat a Pasch' vsq' ad f'm s'ci Mich'is nisi p gr'am et vt ip'i s'ruientes Comedant cibu' qual't in domib' Hominu' inuen'nt si empc'oe alt'ius cibi ad op's eor n'c in aliquib' d'nicis Baron' Comedant Et in te'pe Werre p consiliu' +meu' + aut Justic' mei & ip'or pona't s'ruientes sufficientes ad t'ram meam custodie'dam put op's fu'it. Et sciendu' est q'd p'd'ci Baron' petic' s'bsc'otas q'a me requirebant om'ino michi & h'edib' meos de se & h'edib' suis remiserunt. Ita q'd nichil in eis de cet'o clamare pot'unt nisi p gr'am & M'iam meam, scilic' senescallus petic'om de Wrec' & de pisce in t'ram suam p Mare Derecto & de Bersare² in foresta mea ad tres arcus et de pcursu Canu' suor. Et alii petic'om de agistamento porcor in foresta mea & de Besare ad tres arcus in foresta mea v'l ad cursus leporario suor in foresta in eundo v's Cestr' p su'monic'om v'l in redeundo et petici'om de M'ia Judiciu' de Wych' xxxa. Bullon' salis. s' erunt in M'ia & leges in Wych' tales q'les p'us fuerunt. Concedo igit' & p'senti Carta mea cfirmo de me & h'edib' meis. Com'ib' militib' om'ib' & lib'e tenentib' toci' Cestr'is'. & eor h'edib' om'es p'd'cas lib'tates H'nd' & Tenend' de Baron' meis & de cet'is d'nis suis quicu'q' sint sicut ip'i Baron' & Milites & cet'i lib'e tenentes eas de me tenent. Hiis test' Hug' Abb'e s'ce Werburg' Cestr' Phi'o de Orreby Tu'c tempe Justic' Cestr' Henr' de Aldithel' Walt'o Deyuill Hug' dispensario Th'm dispensar' Will'o +pinc'na+ Walt'o de Couuentr' [Ric'o Fitoun] Rob'to de Koudrey yuone de Kaledoft Rob'o de Say Normanno de Paunt' Rob'o Dispens[ar'] Rob'to Deyuill Math' de] vern' Hamone de Venables Rob'o de Mascy Alano de Waley Hug' de Culumb[e Rob'o de Pulfort] Petro cl'ico Hug' de Pasci Joceralmo de Hellesby Ric'o de Bresci Ric'o de Kyn[gesl' Phi'o de T'uen] Lichulpho de Thwamlawe Ric'o de ppnt & toto Com' Cestr'.

Inspxim' & l'ras n'ras [patentes] Baronib' Militib' lib'e tenentib' & aliis ac toti c'itati Cestr'is' sup diu'sis lib'tatib' & csuetudinib' ip'is a d'co Com'te & a nob' ccessis dudu' an'teq'a Regni Gubernacula suscepimus fecim' in hec v'ba

Edwardus illust's Regis Angl' p'mogenit' om'ib' ad quos p'entes l're puen'i't Sal'tm

In d'no Sciatis q'd concessim' p nob' & H'edib' n'ris Baronib' Militib' lib'e tenentib' & aliis & tot' [comitatu] Cestr'is' q'd inppetuu' h'eant & gaudeant om'ib' lib'tatib' & csuetudinib' eisde' & pgenitor' [suis] dudu' concessis a d'no Ranulpho q'nd' Comite Cestr' p Carta' suam put in ead' plenius ctinet'. Concessim' aut' eisde' q'd si aliq's tene's t'ram in

Com' Cestr' de quacu'q' felonie Conuictus fu'it vbi cu'q' locor fu'it d'ns feodi feodu' suu' h'eat & recipiat post Annu' & die' sine ct'a dicc'oe alicui^s. Volum^s insup q'd s'uicia que p'd'ci ho'ies n'ri Cestr'is' nob' ad p'sens ad rogatu' n'rm ext^a Com' p'r'd'cm fecerunt inpost'um no' tractent' in csuetudine'. Et vt hec om'ia rata & firma in p'ptetuu' p'maneant p'sentib^s l'ris sigillu' n'rm duxim^s apponendu' Dat' Cestr' vicesimo septimo die Augusti Anno Regni d'ni Reg^s p'ris n'ri Quad^dgesimo Nono.

Nos aut' concessiones p'r'd'cas ratas h'ntes & g^atas eas p nob' & h'edib^s n'ris q^antu' in nob' est ccedim^s & cfirmam^s sicut carta & l're p'r'd'ce r'onabil'r testant'. In cui^s rei test'm has l'ras n'ras fieri fecim^s patentes. T' meip'o ap'd Westm'; T'cesimo die Marcii Anno r' n' xx. Octauo

Postea die ven^ris px^a post f'm purific' b'e Mar' anno Regni Reg^s Edwardi q^arto Joh'es Abbas de vall' regal' dedit cl'icis di' m^arc' p' feod' suo p ista c^arta int^and' eo q'd baron' & Milit' Cestr' p'r'd'cm feod' ...are ...runt Ideo ei lib'atur

Those who came under the protection afforded by the avowry system were a financial asset to the protectors, who received various amounts (such as twopence, fourpence, twenty pence) per year from the head of each family in the avowry, and the best beast as heriot when he/she died.

In the period of the early plea rolls there were many cases when claims were made against individuals for having tried to evade their obligations; the details of the pleas reveal how the system was supposed to work. In the case of the royal avowries, for evidence, recourse was made to the records, i.e. the avowry rolls and inquisitions, which seem to have been a poor and out-of-date resource.

The royal avowry was successively granted out to various local men, as 'keepers' (*custodes*) to administer, their lump sum payments appearing in the Chester chamberlains' accounts. The position of *custos* was not hereditary, and appears to have been a financial speculation. The keepers themselves held inquisitions as to the status of their 'tenants'; and the early court rolls show many, generally unsuccessful, attempts to bring in money in the way of arrears and fines. Hugh de Fowlshurst, who had paid the unprecedented sum of £88 for the office, took a succession of people through the courts, trying to raise money. He lost case after case, which should have been a financial disaster, but there is no evidence that he had to pay the amercements adjudged against him, and his successor, John de Cotton, equally unsuccessful, specifically had his amercements pardoned by the court.

Hugh de Fowlshurst was so unpopular that he became the focus of a minor insurrection in 1308, being twice attacked by crowds of enemies, his property cast into the river Weaver, and his son Richard killed. His attempts to raise money may have been one of the causes of the Cheshire conspiracy of 1308-9. On leaving office he had difficulty clawing back cash from his own revenue collectors.

The Seneschal or Steward of Chester, and the Constable of Chester each had his own avowry; these offices were hereditary, and their avowries were their hereditary possessions. Whereas the keepers of the royal avowries did not

appear in court to take tenants of their avowries accused of crimes into their own custody, this privilege was commonly exercised by the Seneschal and the Constable. If the ‘tenants’ of the avowries stood almost as personal possessions of the Seneschal and the Constable, then when the tenants were fined, or their goods confiscated, the proceeds may have passed to them. However, in the Chamberlain’s accounts of 1303-4, although many fines and amercements are annotated as reverting to the bishop of Chester, the abbot of Chester, the prior, and the abbot of Vale Royal, there is no such annotation for Seneschal or Constable.

The maintenance of bands of men, often criminals, by local magnates, would clearly tend to subvert public order. At that time the serjeants of the peace dealt with serious felonies by summary decapitation, and suspects merely incarcerated often died in gaol. In such circumstances there was protection of being in avowry. In the inquiry into the supposed conspiracy of 1308-9, the accusation was put that Urien de Sancto Petro (Sanpierre), Ralph de Vernon senior and Ralph his son took avowries to maintain men outside their own fee. Ironically, the Vernons were then released after Simon del Hurst claimed them for the Constable’s avowries.

Many avowries were associated with particular places — the avowry rolls seem to have listed tenants by place — but when it came to proving whether a person belonged to an avowry or not, the evidence was always about inheritance: the avowry jurisdiction, like naifety, was tied to the person, never to a particular piece of land.