

Warburton

Richard del Deane sued Hugh de Fowlshurst, Robert de Cresswellshaw and Geoffrey de Smallwood, claiming that on 26 May 1306 they had taken two cows and two mares of Richard's at a place called the Deane in Warburton, and driven them to the house of Henry le Priestson, to the damage of 100 shillings.

Hugh, Robert and Geoffrey appeared, and said that Hugh was the keeper of the earl's avowries (see above, under ADLINGTON), and that Richard should have paid the keeper of the avowries 12d a year, but had paid only 8d for the last 20 years or more.

Richard said that one Simon le Bond his grandfather had three sons, Ranulph, Adam and William; on Simon's death his estate was divided equally between the three sons on the understanding that they each bore a fair portion of the charge for the avowry. He had always paid his portion, and was not in arrears, and William and Adam had paid their parts, so was it fair for him to be charged twice?

Hugh said that Ranulph, Adam and William had freely put themselves into the avowry, and had each paid sixpence a year. The judge summoned the visne of the township of Warburton; the jury say that Simon le Bond and Agnes his wife had paid twelve pence a year for the avowry. When their estate was divided, it was upon condition that the eldest son pay eight pence a year, the other two four pence between them. Hugh was wrong in asserting that the three sons had entered into the avowry voluntarily while Simon was alive, and his distraint of Richard's beasts had been unjust. Richard was to have the animals back, plus two shillings damages, and Hugh, Robert and Geoffrey were amerced.

17:398 [31 May 1306]

p^r.

Da'pna .ij.s'.

Hugo de Foul Rob'us de Cressewelleschawe & Galfridus de Smalwode sum' fueru't ad respond' Ric'o del Dene de pl'ito capt' au'ior & vnde idem Ric'us quer' q'd p'd'ci Hugo & alii die Jouis p^xa an' f'm Pentecostes anno .r'.r'. E. xxxiiij.¹⁹ in quodam loco vocato le Dene apud Werberton' cepunt duas vaccas & duo Iumenta ip'ius Ric'i & illa fugauit vsq' ad domu' Henr' le Prestesone & illa ibide' cont^a vad' & pleg' hucusq' detinet, vnde dicit q'd deter' est & dampna h'et ad val' .C. sol' & inde pducit secta'. E p'd'cus Hugo & om's alii ven' & def' vim & iniur' q'n & c' & dicit q'd ip'e idem Hugo est custos aduocariar' d'ni Com' & q'd idem Ric'us del Dene solu'e debuit Custodi eiusd' aduocar' duodeci' denar' p annu', de quo quidem redditu d'cus Ric'us soluit Custod' d'ce aduocar' octo denar' p annu' & q^atuor denar' residuos p viginti annos & amplius retinuit & sic p arerag' d'cor' quatuor denar' cepit ip'e dist'co'es pred'cas sicut ei b'n licuit. Et p'd'cus Ric'us dicit q'd quida' Simo' le Bonde auus ip'ius Ric'i h'uit tres filios scil't Ran' Adam & Will' post cui^s decessu', bona sua partita fuerunt int' p'd'cos Ran' & fr'es suos tali condic'oe q'd quil' eor' rata porc'oe sua suportaret onus aduocarie p'd'ce & dicit q'd de porc'oe sua ip'm contingente

¹⁹ Thursday 26 May 1306

nich' a ret^o est Et q'd p'd'ci Adam & Will'us soluerunt eidem Custodi pporc'om suam vnde pepit²⁰ iud'm si on'a & easde' aduocaria bis debeat psolu'e. Et p'd'cus Hugo dicit q'd quil' p'd'cor Ran' Ade & Will'i p'decessor p'd'ci Simon' g^atis se posuit in eade' aduocaria & quilibet eor sex denar' p eade' aduocaria soluerunt & hoc petit q'd inquirat'. & p'd'cus Ric^s simil'r. I'o p^r. est vic' q'd de visn' de Werberton' ven' fac' &c'. xij. &c' p quos &c'. qui n^c &c'. Postea ad Com' die M^art^s p^x^a post T^anslac'om s'ci Thome martir' p^x' sequens²¹ ven' ptes p'd'ce & similit' .xij. qui dicunt sup sacr'm suu' q'd p'd'cus Simo' le Bonde & Agnes vx^r ei^s qui soluer' duodecim denar' aduocar' p'd'ce, h'uerunt tres filios scil't Ran', Adam, & Will'm int^r quos bona & catalla p'd'cor Simon' & Agnet^s ptita fueru't sub tali condic'oe q'd senior p'd'cor filior solu'et octo denar' eidem aduocar' & q'd alii fr'es soluerent q^atuor den' residuos & q'd p'd'ci Ran's Adam & Will'us no' int^auerunt p'd'cam aduocaria' viuentib^s Simone & Agnete, immo post decessum eordem soluit filius eordem senior octo den' & duo alii filii p'd'cos quatuor den' r'one partic'ois catallor p'd'cor & no' spontanea voluntate sua put p'd'cus Hugo supius asserit & q'd p'd'ci Hugo & om's alii cepunt distric'om p'd'cam iniuste ad dampnu' ip'ius Ric'i duor solidor. I'o. cons' est q'd p'd'cus Ric'us h'eat au'ia sua deliberata & q'd recuperet v'sus p'd'cos Hug' & om's alios dampna sua p'd'ca. & iidem Hugo & om's alii p iniuste capc'oe in m'ia.

²⁰ sic

²¹ Tuesday 12 July 1306