

AQUE
in the Chester county pleas,
CHES 29/1–22
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The Weaver

The *Weaver* is truly a Cheshire river, rising on Bulkeley-heath, and never quitting the county during its whole course, 'till its confluence with the Mersey at Weston; passing through Ridley, by Cholmondeley-Hall, to Wrenbury; by Audlem,. Hankelow, Nantwich,. Minshall, and Weever, to Winsford-bridge thence by Vale-Royal, and Eaton, to Hartford-bridge, and Northwich, where it joins the Dane, and soon afterwards the Peover; after which junction it passes by Weverham, Aston, Dutton, Frodsham, and Rock-Savage to Weston, where it joins the Mersey.⁹

5:11 [19 October 1288]

Hugh de Dutton sued the abbot of Stanlow for having diverted the course of some water in Aston, so as to harm his free tenants in Dutton. The lands of the Duttons and those of the abbey were extensive, and there are a number of Astons in Cheshire, but Dutton in Bucklow hundred adjoined both Aston-juxta-Sutton township of Runcorn parish, and the monastic property of Aston Grange. Aston is on the right bank of the Weaver, Dutton being the next township upstream. Perhaps the monks had diverted the course of a stream running into the Weaver in such a way as to injure the Dutton lands.

Hugh 'craved licence to bring a better writ'; sometimes that is merely a device to abandon or settle a case, but it could well indicate that there was a flaw in his original writ: for instance it might have become clear that the inundation &c had not really been caused by the monks. Hugh de Dutton was a prominent landowner and became involved in many cases, but in the records in question he does not again appear in conflict with Stanlow.

Hugo de Dutton' qui tulit br'e. u^s. Abb'em de Stanlawe & alios in br'i de pl'o assi'e cursus cui^sd' aque diu^rse in Aston'. ad noc' lib'i ten' sui in Dutton', ven' & petit lic' quer' melius br'e. I'o ip'e in m'ia. ppl' vic'

17:414 [31 May 1306]

..... Worth was drowned by accident in the water of Witton. The accident was reported by the townships of Witton, Lostock and Shurlach, but Leftwich, the fourth of the four adjoining *villate*, failed to appear, and was fined half a mark (6s 8d).

finis dj'.m^ar'
D villata de Leftwich quia no' venit simul cu' villat' de Witton' Lostok & Schorlach'
ad p^rs' infort' Worth' in aqua de Witton' subm^rsi

⁹ *Magna Britannia: Cheshire*, p. 420.

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20:657 [9 July 1308]

Hugh de Fowlshurst was a gentleman who served as keeper of the king's avowry, as royal bailiff, and as coroner of Wych Malbanc [Nantwich], and evidently acquired some enemies.

On Friday 10 May 1308 a group of men, including three other gentleman (Urian de Sancto Petro [Sanpierre], Hugh de Massey and David de Calveley), came riding into town, to the tollstock, where they saw Hugh de Fowlshurst talking to John de Wetenhall and Thomas de Clive the forester. Urian immediately got down from his palfrey and seized Fowlshurst by the hair, and would have struck him with his sword had not Wetenhall defended him, so that Fowlshurst escaped and went to his house. Urian and his party followed him with drawn swords.

Urian came back on the following Tuesday together with Ralph de Vernon senior and serjeants of the peace (Hugh de Cholmondley and his fellows) and many other men unknown, and three of Ralph's squires (Robert le Grosvenor, Ralph de Heswall and Hugh le Tuy) and also Urian's squires (Richard Pilk, Hugh de Massey, David de Calveley and Robert Whitegote), and they broke down the railing of Hugh's stank (dam or weir) and took and carried off Hugh's fish from the stank.

Eleven days later, on Tuesday 21 May 1308, Patrick de Crewe, Richard Pilk, Nicholas Craddock of Wych Malbanc, Hugh de Cholmondley and their fellows serjeants of the peace, John Rathbone serjeant of Malpas and his fellows and Robert Whitegote, together with other men unknown, came back and demolished the stank, cutting down the trees about it and knocking down the railing, finally casting the trees, the railings and the timber of the stank into the river Weaver.

On 9 July 1308 an inquiry was held before the justiciar, Robert de Holland, and it was ordered that these malefactors be attached by their bodies, to appear in the county court. The matter then became wrapped up in the general inquiry into the Cheshire Conspiracy of 1308. See CONSPIRACY.

20:657

Inquisic'o capta +cora' Rob'to de Holand' Justic' Cestr'+ in pleno Com' +Cestr'+ die M^artis p^x^a post T^anslac[o'is] s'ci [Thome] +Thom'+ Cantuar Archiep'i Anno Regni R' nu'c s'cdo p^r br'e d'ni Reg^s Qui malefactores & pacis Reg^s pturbatores in Hugon', de Fouleshurst d'ni Reg^s de Medio Wico & Custodem aduocariar^u suar^u in Com' p'd'co apud Wicum Malbanu' vi & armis insultum fec'unt. & ip'm in domo suo ibidem p^r triginta dies & amplius obsiderunt quominus officiu' suu'. & co'modu' d'ni Reg^s fac'e potuit &c'. p^r Sacr'm Hamon' de Mascy. Joh'is de Orreby. Joh'is de Arderne Rad'i le Botiler. Rob'ti de Pulford. Thom' de Legh'. Will'i de Fouleshurst. Petri de Thorneton'. Will'i de Mulneton' Rob'ti de Bebynton' Rob'ti de Bulkelegh'. Ric'i Roter Dauid de Beeston'. Dauid fil' Ric'i de Bunnebury, Ric'i fil' Hamon' de Pulford. Nich'i de Frodeshe^m & Bertrami de Meeles Jur'.

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Qui dicunt sup sacr'm suu'. q'd die ven'is px^a post festum s'ci Joh'is ante porta' latina'. anno Regni Reg^s nu'c p'mo in villa de Wyco Malbano. iux^a Le Tolstock venit Vrianus de S'co Petro eq'tans simul cum Hugon' de Mascy. David de Caluilegh'. & aliis ignotis vbi vidit. Hugone' de Fouleshurst ball'm d'ni Reg^s loqu'te' cu' Joh'e de Wetenhale & Thoma de Clyue forestario. & statim illo viso, descendit de palefrido suo, & d'cm Hugon' p capud suu' + & crines+ cepit. & ip'm cum quodam cultello ext^acto pcussisse voluit nisi Joh'es de Wetenhale ip'm tunc defendisset & saluasset ita q'd d'cus Hugo euasit & ad domu' sua' iuit. +vsq'+ vbi d'cus Vrianus simul cu' comitiua sua cu' gladiis & aliis armis ext^actis ip'm fuit insecutus — Dicunt ecia'. q'd die Martis pxi'o seq'nte idem Vrian^s simul cu' Rad'o de Vernon' seniore & s'uietib^s pacis. videl't. Hugon' de Chelmundelegh' & sociis suis. & plurib^s aliis ignotis. & trib^s armigeris p'd'ci Rad'i. Scil't. Rob'to le Grosuenour. Rad'o de Haselwell. & Hug' le Tuy. et ecia' armigeris d'ci Vriani. videl't. Ric'o Pilk. Hugon' de Mascy. David de Caluilegh'. & Rob'to Whitegote. ven' ad p'd'cam villa'. vi & armis & stagnu' p'd'ci Hugon' inclusum palicia fregeru't & secueru't, & pisces ip'ius Hugon' in d'co stagno inuentos cepunt & asptaunt contra pacem. &c' — Dicunt ecia'. q'd die Martis px^a ante festum Asscenc'ois d'ni anno sup^ad'co Patricius de Crewe. Ric'us Pilk. Nich'us Cradok de Wico Malban' Hugo de Chelmundelegh' & socii sui s'uietes pacis. Joh'es Rathebon s'uiens de Malpas & socii sui. & Rob'to Whitegote simul cum aliis ignotis vi & armis veneru't ad p'd'cm stagnu' p'd'ci Hugon' in p'd'ca villa. & d'cm Stagnu' psecuerunt. & arbores +ip'ius Hug'+ circa d'cm Stagnu' crescentes succideru't. & palicia'. vnde inclusu' fuit prost^auerunt. & tam arbores q'm palicia' + & Maeremiu' d'ci stagni+ in aquam de Weuere iactauerunt. cont^a pacem d'ni Reg^s &c'. Ideo ip'i attachient^r p eor corpa. &c'.

22:539 [31 March 1310]

A lad of William de Brickhill (a prominent Chester merchant) was driving a four-horse iron-bound cart when it fell into the river Weaver. The lad was found drowned in the water, and one surviving horse was dragged to land, within the liberty of the abbot of Vale Royal. The three dead horses and the cart were found in the middle of the river. In the cart was a tapet and some linen; four sacks that had been in the cart were found on the opposite bank, in the township of Bostock. The cart, horses, tapet, linen and sacks were, in all, worth £4; and all, except the sacks, were carried off by Ranulph de Bradford, coroner of the Vale Royal liberty.

The coroner of Northwich hundred and the townships of Bostock, Warton, Stanthorne and Moulton reported the incident to the county court. The justice then summoned Bradford to explain his contempt in seizing the cart, dead horses, linen and tapet, by dragging them from the middle of the river to the Vale Royal land.

In May 1310 the abbot appeared in court and claimed that he had a royal charter giving him all deodands from within his lordship. But when the justice asked to see the charter, the abbot refused to show it him, and left, in contempt of court.

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The case was successively adjourned, until August 1310, but does not appear thereafter. But a note shows that, finally, the matter was settled by the payment of a fine.

The sacks had come ashore in Bostock, and Bostock was the lead township in this case. However, the modern township of Bostock is separated from the river Weaver (now canalized) by Moulton and Wharton. On the far bank of the river is, indeed, Whitegate, part of the Vale Royal estates.

22:539 [31 March 1310]

Infortuniu'.

Cat' .iiij.li'. r^s Vall' reg'

.p^r.e',

.iiij.s'.

Coronator Hundr' de Norwico & si'lr villat' de Bostok. Warton'. Stanthurl & Multon' pres' q'd quida' garc'o Will'i de Brichull in quadam carecta cu' q^atuor equis infortunio subm^rsus fuit in aqua de Weu'e. Qui quidem garc'o inuent^s in aqua de Weu'e. & equus viuus tract' fuerunt ad t^rra' infra lib'tate' Abb'is de valle Regali. & car^eta sim'l cu' aliis equis mortuis inuent' fuit in medio filo aque p^rd'ce. Et p^r ho'ies Abb'tis de valle Regali t^acta fuit ad t^ram infra lib'tate' eiusd'm Abb'is in qua carecta fuit quoddam tapetu' & quodda' lintheam'. Et q^atuor sacci qⁱ era't in Carta illa inuent' fuerunt in p^rd'ca aqua ppe t^ram v^rsus Bostok. Nullus inde male credit^r. Jud'm infortunium. Et carecta cu' equis mortuis & viuus, tapetum & Lyntheam' & sacci app^rciant^r ad quatuor libr'. & om'ia p^rd'ca Cat' deuenerunt infra lib'tate' p^rd'ci Abb'is p^rter p^rd'cos q^atuor saccos, quos ex^a lib'tate' Abb'is ad t^ram t^actos +Ran' de ~~v^rnon~~ Bradeford+ Coronator lib'tatis de valle Reg^s cepit & asportauit — Id'o prec' e' vicecom' q'd att' p^rd'cm Coron' q'd sit ad px' Com' ad resp' d'no Regi de p^rd'cis t^rnsgr' & contemptu. Et qa Catall' deodand' in filo aque de Weu'e, & alibi ex^a lib'tatem alic^s cui d'ns Rex hui^smo' Catalla co'cesserit de hui^smo'i casib^s emerg' d'no Regi p^rinent nec liceat alicui absq' sp'iali warr' d'ni Reg^s hui^smo'i Catalla cape seu seisire. Et +qa+ id'm Abbas catall' p^rd'ca in medio filo aque p^rd'ce ex^a lib'tate' suam inuenta, infra lib'tate' sua' ad...t^rxit & illa cepit & occupauit absq' aliquo warr' in p^riud'm & conte'ptu' d'ni Reg^s vt p^rsentatu' est Id'o. p^r. e' vic' q'd att' p^rd'cm Abb'tem q'd sit ad px' Com' as resp' d'no Regi de p^rd'cis. t^rns. & co'temptu vnde de villatis de Bostoc. Warton' & Stanthurl p^r lic' comorandi domi .iiij.s'. Et de Multon' nichil qa ven' — Postea quer' ista t^rmi'at^r p^r fin' vt patet in Rotul' de fin'. I'o +de+ cat'. nich'

22:682 [12 May 1310]

Prec' fuit vic' q'd att' Ran' de Bra+deford+ Coron' lib'tat^s de Vall' Regal' q'd e'et hic ad hu'c Com' ad respo'd' d'no R'. de eo quare catall' deodand' que d'no. R'. p^r subm^rsione garc'o'is Will'i de Brichull in aqua de Weu'e p^rtinuit inf^a pcinctu' ville de Bostoc inuenta i' co'te'ptu' d'ni Reg^s cepit & asportauit. Et vic' nichil inde fec', s' mand' q'd p^rcept' adeo tarde &c' Id'o sic' alias p^r. e' vic' q'd att' eu', q'd sit ad px'm Com', ad respond' d'no. R'. de p^rd'cis. t^rns. & co'te'ptu

22:683 [12 May 1310]

De lib'tat' Abb' de valle regal' ad sect' d'ni R'

Abbas de valle Regali, att' fuit ad respond' d'no. R'. de pl'ito, quare cu' no' liceat alicui catalla deodanda que d'no Reg' p^rinent absq' sp'ali warranto d'ni. R^s. cape seu seisire; Id'm

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Abbas qued' catall' deodand' in filo aque de Weu'e inuenta absq' aliquo warranto, cepit p'd'ca Catall' & ea occupauit & detinuit & ad huc detinet, videl't vnam Car'ect'am fe'rratam & duos equos & alia catalla ad valencia' in toto q^atuor librar^u i' p^riud'm & co'te'ptu' d'ni. R^s. Centu' librar^u &c'

Et Abbas ven' & def' vim & Inur' Et quicq'd &c' Et dicit q'd Abbac' sua p'd'ca fundat' fuit p d'nm. E. Reg' Angl' p'rem reg^s nu'c, Et q'd id'm d'ns Rex p'r &c' ecc'iam ip'ius Abb'is de valle regal' de diu'sis lib'tat' & lib' consuetud' p carta' sua' dotauit, p qua' quide' carta', concessit eis cat' deodand' inf^a dominiu' ip'ius Abb'is & lib'tate' suam &c', Et dic' q'd p'd'cm Infortuniu' contingeb' in filo aque p'd'ce & q'd fil' & cursus aque p'd'ce est inf^a dominiu' & lib'tat' sua', Et profert q^anda' carta' p seip'm lecta' & Cur' no' obste'sam nec lib'ata' sub no'ie ip'ius d'ni .E. R' p'ris &c', no' intellecta'. quam quide' carta' d'cm est eid'm Abb'ti p Justic' Cur' lib'ari ad intrand' clausul' in p'd'ca carta content' p qua' clam' lib'tate' p'd'cam, Qui quide' abb' hoc fac'e renue's in co'te'ptu' Cur' recessit, Ideo de lib'tate p'd'ci Abb'tis quo ad cat' p'd'ca ad Jud'm ad px'm Com' &c'

22:756 [30 June 1310]

Ran' de Bradeford Coronat' +lib'tat'+ Abb'tis de valle regali attach' fuit ad respond' d'no Regi de pl'ito t^lns & vn' Joh'es de Cotoun qui sequit' pro d'no Reg' quer', q'd cu' cat' deodand' sp'al'r d'no Regi ptinea't, Id'm Ran' cat' deodand' que p subm'sion' cui^sd'm [blank] Garco'is Will'i de Brihill, in aqua de Weure d'no R' ptinuit videl' quatuor saccos, prec' quatuor solid' inf^a pcincti' ville de Bostok inuent' absq' aliquo warr' cepit & asportauit, in conte'pt' d'ni R^s. Cent' libr', Et hoc offert verificare p d'no. R'. &c', Et p'd'cus Ran' ven' & dic' q'd ip'e nullos saccos nec aliq^a cat' deodand' que d'no Regi ptine't infr^a pcinctu' ville de Bostok cepit nec asportauit &c' Et de hoc ponit se s't p'riam &c', Et p'd'cus Joh's qui sequit' &c' simil'r, I'o prec' est vic' q'd ve'ire fac' ad px'm Com' .xij. &c' p quos &c'

22:757 [30 June 1310]

Abbas de valle Regali attach' fuit ad respond' d'no. R'. de pl'ito quare, Cu' non liceat alicui cat' deodand', que d'no Regi ptinent absq' sp'ali warr' d'ni Reg^s cape seu seisir', Id'm Abb' qued' cat' deod' in filo aque de Weure inuenta absq' aliquo warr' cepit p'd'ca cat' & ea occupauit & detinuit, et adhuc detinet, videl' vna' carecta' ferr', duos equos & alia cat' ad val' quatuor libr' in p^riud'm & conte'pt' d'ni R^s Cent' libr' &c'

Et p'd'cus Abb' ven' &c' Et dic' q'd Abbacia sua p'd'ca fundata fuit p d'nm. E.. Reg' Angl' p'rem R^s nu'c, Et q'd id'm d'ns Rex p'r &c' ecc'iam ip'ius Abb'tis de valle regali de diu'sis lib'tatib^s & lib'is consuet' p carta' sua' dotauit, p qua' quidem carta' concessit eis, q'd si quis ho'im aut tenenc' suor p aliquo delict' vita' u'l membr' debeat amitter' u'l fug'it, & Judic'o stare nolu'it v'l delictu' aliud fec'it p quo cat' illa d'no Regi ptiner' debent, q'd cat' illa sint Abb'tis & Monachor & successor suor, Et ita p^st concession' eis p p'd'cam carta' f'cam semp hucusq' h'uer' om'ia cat' felon' fugitiuor & deodand' in lib'tate' sua' em'gencia +vn' id'm abb' p'd'ca cat' deodand' inf^a lib'tat' sua' inuent' cepit &c' sic' ei b'n licuit+ Et q'd nulla cat' deodand' que d'no R'. ptiner' debent in aqua de Weure ext^a lib'tate' sua' ceper' nec asportauer' pon' se s'r p'riam I'o prec' est vic' q'd ven' fac' ad px'm Com' .xij. &c'. p q^os &c'

22:930 [4 August 1310]

Jur' int' d'nm Rege', & Ran' de Bradeford Coronator' lib'tat^s Abb'tis de valle Regali +de pl'ito t^lns'+ ponit' in respect' usq'. ad px'm Com' pro def'cu Jur' quia nullis &c' I'o prec' est vic' q'd h'eat corpa eor &c'.

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22:931 [4 August 1310]

*Jur' int' d'nm Rege' quer' & Abb'em de valle Regali de pl'ito t^ans videl' asportac'oe
cat' deodand' ponit' in respect' usq' ad px'm Com' p def'cu Jur' quia null' &c' I'o vic'
h'eat corpa eor' &c'*