

**BARONIES**  
**in the Chester county pleas,**  
**CHES 29/1–22**  
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**BARONIES**

The eight Cheshire baronies, derived from the Norman tenants of Hugh Lupus earl of Chester, had largely disappeared by our period, although the baronial liberties persisted, and in some cases were later revived. The baronies succumbed to the same phenomenon that destroyed the Norman earldom: the English custom of division of property, where there was no son to inherit, between daughters. Dunham was divided after the death of Hamon de Massey in 1342.

In the early county court records we find traces of four baronies: Dunham, Malpas, Shipbrook and Wych Malbanc. The barony of Halton is not referred to as such, but thrived as ‘Haltonshire’, the fee of the Lacys, earls of Lincoln and constables of Cheshire.

The baronies were mostly fragmented by our period, and it is not at all clear how to piece the fragments together. The picture is muddled by conflicting narratives in the descendant families’ pedigrees; that these landed families constantly intermarried so as to preserve their inheritances, and exchanged large tracts of lands within themselves; and that division of baronies tended to be in shares of estates rather than actually parcelling out individual manors.

The Magna Carta of Cheshire, of Summer 1215, was specifically addressed to dealing with points of concern to the barons of the shire.

30 March 1300 Westminster

Patent Roll 28 Edward I m.23 [499-501]

*Chester, directed to his constable, butler, justice, sheriff, barons and bailiffs, men and friends, whereby he, having taken the cross, for the love of God, and at the petition of his barons of Cestre the following liberties to his said barons and their heirs:— one of them shall have his court free from all pleas and causes in the earl’s court, except pleas belonging to the earl’s sword. If any of their men be taken for any offence, he shall be replevied by his lord without ransom, on condition that his lord produce him at three counties and take him back quit unless the sacaburh (sacraber) sue him. If any stranger of the earl’s allegiance come into their lands to dwell there, the baron may have him and keep him, saving to the earl avowers (advocariis) who have come to him of their own freewill, and others who, by reason of transgression elsewhere, shall come to the earl (ad dignitatem ineam) and not to the barons. Every baron, when need requires in war, shall fully perform the service of as many knights’ fees as he holds, and their knights and tenants holding freely shall have their breastplates and hauberks, and defend their fees by their bodies even though they should not be knights, and if any one is such that he cannot defend his land by his body, he may find a sufficient substitute. The earl will not swear their bondmen to arms, and grants without obstacle to them the bondmen who came to his avowry through Ranulph de Davennam, and such others as they shall show to be theirs. If the earl’s sheriff or any serjeant in his court shall accuse any of their men by ‘twertnic,’ he may defend himself on account of the sheriff’s*

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*scot (propter sirrefescoht), which they render, unless the suit follow him (nisi secta euiii sequatur). The earl grants them acquittance from the sheaves (de garbis) and oblations which his serjeants and bedels were accustomed to exact. If any judge or prosecutor (sectarius) of the hundred or county incur amercement in the earl's court, the judge shall be quit of his amercement for 2s. and the prosecutor for 12d. The earl grants them the liberty of assarting their lands within the bounds of their cultivated land in the forest; and if the laund or land be within the bounds of their town, what was heretofore cultivated where wood does not grow, they may cultivate without payment of herbage (sine herbergacione); and they may take housbote and hedgebote in their wood of every kind of wood without view of the forester, and may give or sell their dead wood to whomsoever they will and their men shall not be impleaded of the forest, except when they are found with the mainour (nisi cum manum opere inveniantur). Every baron may defend all his demesne manors in the county and hundred by one steward presented there. On the death of a baron, his wife shall be left at peace in his house for forty days, and his heir, if he be of age, shall have his inheritance by a reasonable relief, to wit, at the rate of 100s. for every knight's fee, and neither the lady nor the heir shall be married with disparagement, but with the good will and assent of their race, and the baron's legacies (legata) shall be observed, and no baron shall lose his bondman by reason of his coming into the city of Chester, unless he remain there a year and a day unclaimed. And by reason of the heavy service which they do in Cestreshyre none of them shall do service to the earl without the border (extra limam) except of his own free will and at the earl's cost. And if the earl's knights of England, who owe ward to the earl at Chester, be summoned and be come to perform their ward, and there be no army of the earl's enemies present, and no need for the barons, the barons may return to their homes and rest. And if an army of the earl's enemies be in readiness to come into his land of Cestreshyre, or if the castle be besieged, the said barons with their army and view (et visu suo) shall come forthwith at the earl's summons to remove that army to the best of their power, and when that army has retired from the earl's land, the said barons with their army may return to their own lands and rest while the knights of England perform their ward and the said barons are not needed, saving to the earl the services which are due from them. The earl grants that in time of peace only twelve serjeants in eyre shall be kept in his land with one horse for the master serjeant, who moreover shall not have his keep (prebendam non habeat) between Easter and Michaelmas except of grace; and the serjeants themselves shall eat the food they find in men's houses without the purchase of any other kind of food for their use, and shall not eat in any of the barons' demesnes. In time of war, by counsel of the earl or his justice and the barons, a sufficient number of serjeants shall be placed there for the custody of the earl's land as there shall be need.*

*And the barons, for themselves and their heirs, have remitted to the earl and his heirs the underwritten petitions which they claimed from him, so that henceforth they can claim nothing thereof except by the earl's grace and mercy. To wit, the steward's petition touching wreck and fish cast upon his land by the sea, and touching hunting in the earl's forest with three bows and coursing with his dogs; the petition of others touching the agistment of swine in the earl's forest, touching hunting with three bows in the earl's forest, or coursing with greyhounds in the forest in going upon summons to Chester or returning ; and the petition touching the amercement by the judges of Wych of 30 measures (bullon') of salt, but they shall remain amerced and the laws in Wych shall be as they were before. The earl grants and confirms from himself and his heirs to all knights and free tenants of the whole of Cestreshire*

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*and their heirs that they may have and hold all the said liberties of the earl's barons and their other lords, whosoever they be, as the barons themselves, knights and free tenants hold the same of the earl. Witnesses:— Hugh, abbot of S. Werburgh's, Chester; Philip de Orreby, then justice of Chester; Henry de Aldithele, Walter Deyvill, Hugh the Dispenser (Dispensario), Thomas Dispenser, William the Butler (Pincerna), Walter de Coventre, Richard Phitun, Robert de Coudrey, Ivo de Kalecost, Robert de Say, Norman de Paunton, Robert the Dispenser, Robert Deyvill, Matthew de Verum, Hamo de Venables, Robert de Mascy, Alan de Waley, Hugh de Columbe, Robert de Pulfort, Peter the Clerk, Hugh de Pascy, Joceralmus de Hellesby, Richard de Brescy, Richard de Kyngesle, Philip de Thernem, Lithulphus de Thwamlawe, Richard de Perpunt, and the whole county of Chester.*

*(2) Letters Patent of the king made before he assumed the governance of the realm, dated Chester, 27 August, 49 Henry III.<sup>1</sup>, confirming the above, and granting that if anyone liolding land in the county of Chester is convicted of any felony, of whatever place he is, the lord of the fee shall have and receive his fee after a year and a day, and that the services which Edward's men of Cestreshire have at the present time rendered at his request without the county shall not be hereafter drawn into a precedent. By fine made before the treasurer*

The independent earldom fell to the Crown in 1237. In 1249 we find Henry III dealing with a petition from the barons and commonalty of Cheshire.

30 July 1249, Woodstock

Close Roll 33 Henry III m.6 [185-186]

*De querelis baronum et communitatis Cestr' — Querelas baronum et communitatis Cestresir' nuper regi delatas per Walkelinum de Ardern' et Willelmum de Boydel' rex audivit.*

*In primis quod terram suam Cestr' tradidit ad firmam quod antea nunquam fieri consuevit.*

*Item quod wardas, eschaetas, viride et venacionem rex infra comitatum Cestr' alii commisit quam justiciario suo custodienda, ita quod homines de predicto comitatu Cestr' facimus atachiari ad respondendum extra comitatum illum, quod fieri non consuevit.*

*Item quod vicecomes Cestrensis de singulis disseisitoribus contentis in uno brevi nove disseisine capit singulos boves ubi non capi consuevit de omnibus disseisitoribus, nisi bos unus vel quinque solidi.*

*Item quod vicecomes misericordias capit de plegiis eorum qui sibi conquesti fuerunt de injuriis sibi factis, si de querelis suis se retraxerint, cum hoc fieri non consueverit, nisi solam misericordiam capere de ipso conquerente.*

*Item de fossato quod R. de Monte Alto levavit in comuna pasture, ad nocumentum vicinorum, ut dicitur, et de consimilibus manuum operibus.*

*Item de itinere justiciariorum alibi quam ad comitatum.*

*Item quod homines terras et boscos habentes infra Limam commodum suum facere non possunt de boscis suis propriis ibidem.*

*Ad primum articulum rex respondet, quod si comitatus Cestr' regis sit, bene licet regi illum ad firmam ponere, licet ante tempus regis hoc fieri non consueverit. Et, si in firma illa*

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<sup>1</sup> Thursday 27 August 1265

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*Johanni de Grey, justiciario Cestrie, commissa exceperit rex wardas, escaetas, viride et venacionem regis in predicto comitatu, et quedam alia, bene potest rex, et licitum est ei alium custodem ibi ponere, nee rex vult quod per hoc aliquibus dampnum aut gravamen g[ra]veretur.*

*Ad tercium articulum, scilicet quod de transgressionibus factis infra comitatum predictum non vult rex quod extra eundem comitatum trahatur aliquis in placitum, sed ibi coram justiciario suo qui pro tempore fuerit, vel aliis quos illuc rex miserit, respondeat, et secundum legem terre deducatur. Item rex vult quod sicut fieri consuevit tempore comitis Rannulfi de bobus capiendis a disseisitoribus, ita decetero teneatur. Item licet conquerens retrahat se de loquela sua, rex non vult quod plegii sui pro misericordiis distringantur aliter quam fieri consuevit tempore predicti comitis Rannulfi. Ad articulum contingentem predictum fossatum et consimilia manuum opera, respondet rex, quod leges sue et consuetudines usitate vult rex quod a dictis baronibus firmiter teneantur, ita tamen quod de fossato illo fiat quod inde prius ordinavit rex, et quod dictus Rogerus inde postea deducatur secundum quod fieri debet per leges supradictas. Quia in tempore predicti comitis non consuevit justiciarius Cestrie itinerare per comitatum illum, sed de comitatu in comitatum apud Cestriam residere ad placitandum de omnibus placitis; vlt eciam quod hec consuetudo secundum quod fieri consuevit teneatur. Item rex vult et concedit quod quicunque terras et boscos habuerint infra bosco de Lyma extra dominicos boscos regis et forestam suam [de Maclefeud' cancelled] pro voluntate sua de boscis et terris illis disponant. Et mandatum est predicto Johanni, justiciario Cestrie, quod predictos articulos secundum quod dictum predictis baronibus et communitati teneri faciat. Teste ut supra.*

*Et mandatum est baronibus et communitati Cestrensibus quod super premissis articulis eis in libertatibus suis et aliis non derogetur.*

*Teste etc.*

It was a normal form of the Norman earls of Chester to direct their charters to all their barons and ministers, but by the time of the earliest surviving plea rolls any notion of decisions being made by the barons or their having a formal surviving rôle, as a body, in the county administration had mostly evaporated — except that in the very first surviving roll, they appear as an active entity.

On Martinmas in 1289 the barons, knights and free tenants of all Cheshire delivered judgment that according to their custom no writ should be pleaded during time of war other than writs of *vi recenti*, *dote vnde nichil habet* and *de vltima presentacione*, and these only at the usual courts from 40 days to 40 days.

1:4: 18 November 1259

*Judiciu' Baronu' militu' lib'e tenenc' tocius Com' Cestr'sir' In Octab' S'ci Martin' Anno .xluiij<sup>to</sup>.<sup>2</sup> tale est q'd dicunt co'munit' non debere & nolle s'cdm c̄suetud' suam aliq'*

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<sup>2</sup> Tuesday 11 November 1259

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*br'uaa tempe Gwar' placitar' n' t'a .s. br'e de vi recent' & br'e de Dote [vnde] nich' h't & br'e de vltima p'sentac'one & hoc de xl. dieb<sup>s</sup> in xl. & non in minor' t'mino*

Edward son of Henry III was created earl of Chester 26 March 1254; 18 November 1259 letters from him were read in full county court to the barons, knights and other free tenants of Cheshire to be intendant upon Thomas de Orreby as keeper of the forests and escheator, the barons, knights and free tenants with the common assent of the whole court openly answered the same letters by saying that they would not and should not answer anyone except the chief justiciar of Chester or his deputy. Orreby, having heard this, arraigned William de Bostock, to be attached. Bostock, according to the law of Cheshire, left the court by twerthnic and put himself upon the country. The whole commonalty appealed to the chief justiciar that he should not allow their men to be attached within the castle of Chester at the county court aforesaid and at the lord's pleas, but they should be able to leave the castle as freely as they came; and that outside the castle noone should be attached unless by the justiciar of Chester or by his deputy appointed to do so. Orreby called a visne of twelve men, of whom Simon de Hatton and Hugh de Cotton took their oath but the others refused to do so.

1:5: 18 November 1259

*It'm cum exparte d'ni Edward' in pleno Com' Cestr' quedam lit'a e'et porrecta baronib<sup>s</sup> militib<sup>s</sup> et aliis lib'e ten' de Cesters' p'ceptos eisdem in eadem lit'a. quod d'no Th. de Orrebi tanq<sup>a</sup> custodi forestarum & escaetor' quem p'd'cs d'ns Edward' ad hoc ..... in om'ib<sup>s</sup> que ad offic' illud ptinent intendentes e'ent & respondentes Quiquid' Barones milites et alij lib'e tenent' de co'e assensu totius Com' eisdem lit'is plene respond' quod p' aliq<sup>o</sup> mandato s' a p'd'co d'no suo dir'cto sup' hiis alicui q'm Justic' ..... capit' Cestr' u'l aliq<sup>o</sup> expte sua ad hoc deputato respond'e nollent nec deberent de aliquib<sup>s</sup> p'd'cam forestar' tangent' ..... p'mitt'ent' attachiamen't p' aliu' q' p' p'd'cm capit' Justic' u'l c'tum ad hoc attornatu' suu' phib.... vniu'sis Judicat. .... Com' ..... qa nll'm facerent Judic' sup' hi<sup>s</sup> coram alio q<sup>a</sup> memorat' Justic' suo in p'd'cis est eo q' h'et o'es ..... donec suas vsitatas tempib<sup>s</sup> Comit' D'cs vero Thom' de Orrebi hic auditis & intellectis are'iauit Will'm de Bostok ..... p' sup'd'co for' ..... attachiam' idem Will'ms scd'm Leg' Cestessr' p' thertnig' de sup'd'co for' transiuit & de parte posuit se sup' pat'am ad hoc uero tota co'muna p'd'ca capit' suo Justic' supplicarunt quod infra cast' Cestr' ad Com' p'd'cm & ad placit' d'ni tent' quod ho'ies suos ibidem attachiar' no' p'mitt'et inuito a d'co cast' lib'e exire sic' ibidem ueneru't quia n'll ibidem attach' .... debet nec deberet ostendentes q' ex<sup>m</sup> cast' p'd'cm nll'm p'mitt'ent attach' p' aliq' n' p' ip'm +iustic' Cestr'+ u'l p' suu' ad hoc deputatu' xij de visn' coram d'co d'no Th'. q<sup>o</sup>rum Simo' de Hatton' & Hug' de Coten iurarunt & alij iurare renuerunt*

This constitutional crisis was effectively resolved by Thomas de Orreby being created justiciar (q.v.)

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Hawarden, being in Flintshire, lay outside Cheshire, but was a manor of the earls of Chester. In August 1260 some persons claiming the liberty of the manor of Hawarden said that they should not, according to the freedoms and customs of that manor, answer any plea outside the manor, the matter was prorogued with the assent of the justiciar and barons until the next county court, it to be inquired of the earl as to his will and counsel in the matter, the action to remain meanwhile *in statu quo ante*.

1:228: 31 August 1260

*Eadem Cecilia [D'na Cecilia que fuit vx' d'ni Rog' de Monte alto] vers' Pat'c de Neston'. de lib'o tenem'to in Neston'. concessit & vocat ad warantu' Rob' fil' & herede' d'ni Rog' de Monte alto qui est in custodia d'ni Eadward'. Eadem vers' Cecilia' q'ndam vx' Will' de Gannok. de lib'o tenem'to q'd fuit p'd'ci Rog' in Brocton'. & quia quide' calu'pniantes lib'tate' man'ij de Haurdin. dicu't q'd ext<sup>a</sup> man'iu' p'd'cm de nullo placito debent respond'e s'cdm lib'tates & consuetudines eiusd' man'ij. Id'o pro<sup>g</sup>atu' fuit illud placitu' consensu Justic' & baron' vsq' p<sup>x</sup>imu' comitatu' vt int'im inquirat' sup hoc voluntas & consiliu' d'ni n'ri Eadward'. Breue semp integ<sup>o</sup> stante & illeso remanente eod' modo actu' fuit de om'ib<sup>s</sup> de lib'tate man'ij p'd'ci vers' quos p'd'ca d'na impet<sup>a</sup>uerat.*

Thereafter the barons, as such and in a formal rôle, disappear from the records of the county court.