

Itinerant justices in Kent : Introduction

During the twelfth century, the king's justices made occasional visits to Kent, as they did to every county. Little is known of their proceedings: the main evidence consists of a crop of new entries in the next exchequer roll, recording the debts which people had incurred through getting into trouble with the justices. The following list consists of all those passages in the exchequer accounts for Kent which result from a visitation of the county by justices dealing with a broad range of business. Only once - in 1176 - are the justices explicitly described as "itinerant justices".

(The actual word used, *errantes*, is a pun which only worked in medieval French. As French was pronounced in the twelfth century, two different words - *edrer* from colloquial Latin *iterare*, 'to make a journey', *errer* from Latin *errare*, 'to make a mistake' - had come to sound (and often to be spelt) the same. So *justiciers edranz*, the justices who travelled around the country, were also *justiciers erranz*, the justices who got things wrong. Similarly *edre*, 'journey', came to be pronounced *erre*. In the sort of French spoken in England, that (I do not know why) became *eire*; and English scribes, who tended to write "y" for "i" whenever possible, turned *eire* into "eyre".)

before 1130 - ... *de plac' Henr' de Port et soc' eius* (GREx 1130:65)

before 1130 - ... *de plac' G. de Clint'* (GREx 1130:65)

1154×6 - ... *de plac' cancell' et Henr' de Essex'* (GREx 1156:65)

1166 - *De plac' com' Gaufr' et Ric' de Luci* (GREx 1166:115, 1167:200)

1168 - *De plac' archid' Pict' et Widon' dec' et Regin' de War' et Henr' fil' Ger' cam'* (GREx 1168:214)

1175 - *Nova plac' ... per Will'm de Lanual' et Tom' Basset* (GREx 1175:218)

1176-7 - *Nova placita ... per Rog' fil' Renfr' et Ric' Giffard' et ipsum vic', justiciarios errantes* (GREx 1176:209, 1177:206)
<The sheriff was Robert fiz Bernard.>

1178-9 - *Nova placita ... per Rad' et Will'm filios Steph' et Rog' fil' Reinfr' et Rob' Mantell'* (GREx 1179:118)

1179-80 - *Nova placita ... per Hug' Murdac et Ric' de Pech et Mich' Belet et socios suos* (GREx 1180:145)

1185 - *Nova placita ... per Will'm de Ver et Rog' fil' Renfr' et Will'm Ruffum et socios suos* (GREx 1185:228)

1186 - *Nova placita ... per Joscel' archid' et Will'm Ruffum et Otonem fil' Will'i et Henr' de Cornhill'* (GREx 1186:191)

1188 - *Nova placita ... per Rad' archid' de Colecestre et socios suos, scilicet Rog' fil' Renfr' et Mich' Belet et Rob' de Witefelde* (GREx 1188:206) <A fine made before these justices concerning land in Kent was produced in evidence in 1203 (Jessup 1956, pp cxxii-iii citing CRR); it is not said where the fine was made.>

1189 - *Nova placita ... per Joh'em ep'm Norwic' et ep'm Roff' et socios suos* (GREx 1189:238)

1191 - *Nova placita ... per Warinum precentorem Ebroic' et Simonem de Pateshell'* (GREx 1191:146)

1193 - *Nova placita ... per W. Roth' archiep'm et G. Roff' ep'm et Rog' fil' Renfr'* (GREx 1193:171)

1194 - *De amerciamentis hominum per G. Roff' ep'm et Osb' fil' Hervei et socios suos* (GREx 1195:6)

1196 - *Amerciamenta per Rad' de Arden' et Rad' de Sc'o Martino* (GREx 1196:290)

1197 - *Amerciamenta per Ogerum fil' Ogeri et Galfr' de Sunderness' et socios eius* (GREx 1197:32)

1198 - *Amerciamenta facta per Steph' de Turneham et Rad' de Sc'o Martino et Rand' thesaurar' Saesb' et socios eorum* (GREx 1198:205)

1199 - *Amerciamenta facta per G. fil' Petri et socios suos* (GREx 1199:67)

1202 - *Amerciamenta facta per Ric' de Heriet et Regin' de Cornhull' et Joh'em de Gestling'* (GREx 1202:216)

1206 - *Amerciamenta per Will'm de Wroteham et Regin' de Cornhull'* (GREx 1207:35)

1210 - *Amerciamenta per S. comitem Wint' et Ric' de Marisco et socios suos* (GREx 1210:121)

From the late twelfth century onwards, another source of information becomes available, in the shape of the class of documents called "final concords", "fines" for short. A fine was the record of an agreement reached between two parties in the king's court, drawn up in proper form by the justices' clerks. If the matter was urgent, people from Kent might take their business to Westminster, or to wherever else a suitable court was in session.* But most people, most of the time,

preferred to wait until the king's court came to them. So the arrival of the justices in Kent tends to be marked, not just by a sudden increase in the number of fines, but also by the fact that these fines were being issued in Canterbury or Rochester.

* To cite an extreme case, in February 1212 three fines relating to Kent were made at Newcastle on Tyne (Churchill 1956, pp 50-1).

There are few surviving fines earlier than 1195; but in that year it was decided - the decision took effect on 15 July - that in future all fines would be drawn up in the form of a tripartite chirograph (as illustrated by the frontispiece in Churchill 1956, cf Jessup 1956, pp xvi-vii), the third portion of which, called the "foot of the fine", would be retained by central government. This was, in its way, a very significant decision: for the first time, the king's government committed itself to preserving for all time a class of public records. The decision, once made, was adhered to. From that date onwards, therefore, the survival rate for documents of this kind is very close to 100 per cent.

The two earliest known fines relating to Kent date from the 1180s; these two were both issued at Westminster. The earliest known fine that was issued in Kent dates from 1191 (see the appendix). The next three date from 1194: they result from the visitation by Gilbert bishop of Rochester and others recorded in the exchequer roll for the following year (see above). Three such fines are known (Jessup 1956, pp cxxiii-iv), all dated at Canterbury in September 1194. One of them begins like this:

Hec est finalis concordia facta in curia domini regis apud Cantuariam die Veneris proxima post festum sancti Mathei apostoli anno regni regis Ricardi vi^o coram domino Gilberto Roffensi episcopo et Osberto filio Hervei et magistro Radulfo de Sancto Martino et magistro Simone de Scall' et Willelmo de Auberville justiciis domini regis et aliis fidelibus domini regis tunc ibidem presentibus ... (Turner and Salter 1915-24, pp 531-2).

"This is a final concord made in the lord king's court at Canterbury on Friday ... (23 Sep 1194) ... before Gilbert the lord bishop of Rochester ... (and others) ... the lord king's justices, and others of the lord king's faithful subjects then and there present, ..."

For the period 1195-1216, the feet of fines relating to Kent were printed in shortened form by Larking, in the first six volumes of *Archaeologia Cantiana* (1858-66).^{*} For that same period, and for the period 1216-1272, there are published abstracts of all fines relating to Kent (Churchill 1939-56).

* A facsimile of an early fine (dated 20 Oct 1197) can be found in volume 1 (opp p 249). The text is printed by Larking (1858, pp 249-50) and summarized in Churchill (1956, p 8).

The justices came as close as Bermondsey in November 1198 (Larking 1858, pp 260-70, Churchill 1956, pp 11-14) and again in October 1202 (Larking 1859, pp 268-73, 1860, pp 209-15, Churchill 1956, pp 23-6, 55); but (as far as this type of evidence goes to show) they did not reappear in Canterbury till September 1206 (Larking 1861, pp 297-306, Churchill 1956, pp 39-40).* On this occasion the itinerant justices - explicitly called by that name - were Willelm de Wrotham archdeacon of Taunton, Reginald de Cornhulle, Johan de Gestlinges and Roger de Huntingefeld (Larking 1861, p 297); too late to show up in the exchequer roll for 1206, their visitation is recorded in the next year's roll (see above). After that the next known visitation was in June 1219, year 3 of Henric III, when a team of justices headed by Benedict bishop of Rochester was responsible for the issuance of five fines at Canterbury (Churchill 1956, pp 68-9) and three at Rochester (p 69).

* This is true by and large, but there are two special cases to be noted. (1) A single fine was levied at Canterbury on 3 Feb 1202 before Ricard de Herierd, Johan de Gestlinges and Reginald de Cornhulle (Larking 1859, pp 264-5, Churchill 1956, p 23). These are the same justices named in the exchequer roll for this year (GREx 1202:216); so the date of this fine is certain, despite the original's not being fully legible. (2) A single fine was levied at Canterbury on 7 Nov 1204 before a court presided over by the king himself: *coram ipso domino rege Johanne, G. filio Petri comite Essexie, Simone de Pateshull', magistro Radulfo de Stok', justiciariis* (Larking 1861, p 287, Churchill 1956, p 26).

For the rest of the reign of Henric III, the data are tabulated by Jessup (1956, p xix), as follows:

11 Henry III <1227> 79 fines levied, 75 of them at Canterbury

16 Henry III <1232> 45 fines levied, 27 of them at Rochester and 8 at Canterbury

20 Henry III <1236> 82 fines levied, 78 of them at Canterbury

25 Henry III <1241> 63 fines levied, 61 of them at Canterbury

32 Henry III <1248> 91 fines levied, 88 of them at Canterbury

39 Henry III <1255> 84 fines levied, 59 of them at Canterbury and 1 at Rochester

47 Henry III <1263> 77 fines levied, 69 of them at Canterbury, 5 at Rochester, and 1 at Tonbridge

55 Henry III <1271> 103 fines levied, 82 of them at Canterbury, 14 at Rochester, and 3 at Tonbridge

From this and other evidence, I arrive at the following list of the "eyres" of Kent during the period 1216-1348 (after which

this type of visitation was discontinued). The "JUST 1" references denote the rolls that survive; the "E 372" references denote the exchequer rolls in which the fiscal proceeds start to appear. Images of these (and numerous other) rolls are available through <http://aalt.law.uh.edu/>.

1219 - Benedict bishop of Rochester and others - at Canterbury 9-16 Jun, at Rochester 20-21 Jun - proceeds E 372/63

1227 - Martin de Pateshulle and others - JUST 1/358 - Maitland 1887, vol 3, pp 591-610 - at Canterbury 21 Sep-21 Oct - proceeds E 372/72

1232 - Thomas de Muletone and others - at Rochester 20 Jan-10 Feb, at Canterbury 3-10 Feb - proceeds E 372/75

1236 - Willelm of York and others - at Canterbury 13 Apr-11 May - proceeds E 372/80

1241 - Willelm of York and others - JUST 1/359 - extracts in Furley (1874) - at Canterbury 2-25 Jun - proceeds E 372/86

1248 - Henric of Bath and others - at Canterbury 1-22 Jul, 30 Sep-27 Oct - proceeds E 372/93

1255 - Gilbert de Prestone and others - JUST 1/361 - extracts in Furley (1874) - at Canterbury 25 Jun-22 Jul, at Rochester 11 Aug, at Canterbury 30 Sep-13 Oct, at Tonbridge 20 Oct - proceeds E 372/99

1262-3 - Nicol de la Tour and others - JUST 1/363 - at Canterbury 18 Nov-3 Feb, at Rochester 10 Feb, at Tonbridge 10 Feb - proceeds E 372/107

1271 - Roger de Seyton and others - JUST 1/364-6 - at Canterbury 13 Apr-25 Jun, at Rochester 1-15 Jul, at Tonbridge 8 Jul - proceeds E 372/115

1279 - Johan de Reygate and others - JUST 1/367-71 - the 'quo waranto' proceedings printed by Illingworth 1818, pp 336-51 - proceeds E 372/123

1293 - Johan de Berewik and others - JUST 1/373-8 - the 'quo waranto' proceedings printed by Illingworth 1818, pp 352-68

1313-14 - Hervic de Stanton and others - JUST 1/382-4 - the 'quo waranto' proceedings printed by Illingworth 1818, pp 310-35 (with the date misread as 6 Edw I) - at Canterbury 1-21 Jul, 22 Sep, at Rochester 22-28 Sep, at Canterbury 30 Sep-12 Nov, at Rochester 18 Nov-7 Dec, 27 Jan-9 Feb, 3 Jun <These are among the fines calendared by Greenstreet (1877-83). "It is worth noticing that 7 Edward II <1313-14>, when 64 fines were levied at Rochester and 46 at Canterbury, compared with only eight at

Westminster, was the last year when fines were levied in the county before itinerant justices. Thereafter they were levied at Westminster, or, very occasionally, at York" (Jessup 1956, p xxi).>

1333 - Galfrid de Scrope and others - (JUST 1/387-9)

1348 - Willelm de Thorp and others - (JUST 1/393)

Brief extracts survive for 1219; original records survive for 1227, 1241 and 1255. The accompanying files contain further notes on each of these four "eyres". The records of these and all subsequent "eyres" are calendared by Crook (1982).

The "eyre" of 1313-14 is of special interest, because its proceedings are recorded, not just by the official rolls, but also by unofficial reports of the kind that circulated in pamphlet form -- "year books", as they came to be called (since normally they aimed to cover all the interesting cases of one particular year). An edition of the "year books" relating to this "eyre" of Kent was commissioned and published -- it runs to three volumes -- by the Selden Society (Maitland, Harcourt and Bolland 1910, Bolland, Maitland and Harcourt 1912, Bolland 1913). The reports are all translated into English; and they are much more fun to read than might be expected.

Appendix

The earliest known fine that was issued in Kent dates from 1191. It records the settlement of a case brought against the prior of Leeds by the abbot of Boxley and three of his men, concerning half a yoke in Boxley: the plaintiffs agree to drop the case in return for payments of £4 to the abbot and 20s to his men. The fine embodying this agreement was drawn up before the king's justices at Dartford on 29 June 1191, and this is what it said:

Hec est finalis concordia facta in curia domini regis coram G(ilberto) Roffen' episcopo, et H(erberto) archidiacono Cant', et Willelmo de War', et Alredo de Sancto Martino, iustic' domini regis apud Derenteford', et coram aliis baronibus et fidelibus domini regis ib[idem] presentibus in festo apostolorum Petri et Pauli anno regni regis Ric' secundo, inter R(obertum) abbatem de Boxel' et Radulfum et Ailmerum et Godwinum de Boxel' et Nicholaum priorem de Ledes de dimidio iugo terre in Boxel' quod uocatur de Horwesse. Scilicet quod predictus R. abbas de Boxel' et predicti Radulfus et Ailmerus et Godwinus predictum dimidium iugum terre et totum ius quod in memorato dimidio iugo terre habebant quietum clamauerunt predicto N. priori de Ledes et conuentui eiusdem loci. Vnde placitum fuit inter eos in curia domini regis per breue domini regis. Et pro clamii sui relaxatione dedit memoratus N. prior de Ledes R. abbati de Boxel' quatuor libras argenti et predictis Radulfo et Ailmero et

Godwino viginti solidos sterlingorum.

I do not know what the justices were doing at Dartford at the time, but this document proves that they were there.

Neither half of the original chirograph survives. What does survive is a copy of Boxley's half, incorporated into this charter (DRc/T389/1) of the monks of Boxley for the prior and canons of Leeds.

Notum sit tam presentibus quam futuris omnibus ad quos littere iste peruenerint, quod ego Willelmus prior et conuentus de Boxeleia concordiam que facta est inter R(obertum) abbatem nostrum et Nicholaum priorem et canonicos de Lede[s] de terra de Horwesse gratam et acceptam habemus, sicut cirographum quod R. abbas noster et N. prior de Ledes receperunt in curia [d]omini regis apud Derenteford': inde testatur sub hac forma uerborum. Hec est finalis concordia solidos sterlingorum. Nos igitur assensu domini R. abbatis nostri ad petitionem N. prioris et canonicorum de Ledes ut predicta finalis concordia stabilis et inconuulsa permaneat in perpetuum: communi assensu capituli nostri presenti scripto sigillum ecclesie nostre quod est sigillum abbatis de Boxeleia apposuimus et testium subscriptione corroborauimus. Hiis testibus, domino Reginaldo de Cornell', Roberto de Hasting', Roberto de Welles, Thoma filio Radulfi Geri, Ricardo de Beresse, Iohanne clerico vicecomitis, Willelmo de Hesselteford', Gileberto de Poutone, Hunfrido arbelaster, Willelmo Puinant, Willelmo Chempe, Willelmo de Ifelde, Thoma de Dene, et pluribus aliis de comitatu.

Evidently the prior of Leeds was dissatisfied with the wording of the chirograph. The agreement was binding on the abbot, but there was nothing to say that it was binding on the other monks. One day, perhaps, the monks might think of claiming that the agreement was made by the abbot alone, without their knowledge or assent. This charter exists to obviate that risk.

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