THE RECORD SOCIETY FOR THE PUBLICATION OF ORIGINAL DOCUMENTS RELATING TO LANCASHIRE AND CHESHIRE, VOL. XXXIX. FINAL CONCORDS OF THE COUNTY OF LANCASTER, FROM THE ORIGINAL CHIROGRAPHS, OR FEET OF FINES, PRESERVED IN THE PUBLIC RECORD OFFICE, LONDON

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Trieste

THE RECORD SOCIETY

FOR THE

Publication of Original Documents

RELATING TO

LANCASHIRE AND CHESHIRE.

VOLUME XXXIX.

1899.

Final Concords

OF THE

County of Lancaster,

FROM THE ORIGINAL

Chirographs, or Feet of Fines

PRESERVED IN THE

Public Record Office,

LONDON.

PART I.—7 RICHARD I. TO 35 EDWARD I.

A.D. 1196 TO A.D. 1307.

TRANSCRIBED, TRANSLATED, AND ANNOTATED BY

WILLIAM FARRER.

PRINTED FOR

THE RECORD SOCIETY.

1899.

Rec. Mar. 19, 1902.

ADDITIONS AND CORRECTIONS.

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p. 8; *note* 1, line 6, *for* "was," *read* "is supposed to have been"; line 11, *for* "another daughter of Orm son of Ailward," *read* "Emma, daughter of Albert Grelley II."; line 12, *cancel* the sentence which begins "Possibly a third dau. . . ."; line 13, *for* "Baines," *read* "Harland."

p. 20; *note* 3, line 2. Kaakenmoor was the name of a district embracing the modern townships of Crompton and Oldham.

p. 31; *note* 2. The statement that Hornby was acquired by Adam de Montbegon in marriage with Matilda, one of the daughters and coheirs of Adam fitz Swain, rests upon the authority of Dr. Whitaker (*History of Richmondshire*, ii, p. 250). The truth of this statement requires proof.

p. 38; *note* 1, line 1, *after* "Malham," *read* "and Stackhouse."

p. 41; *note* 2, line 1, *dele* "over Hulton." Little Hulton appears to have been held in 1212 by Iorwerth de Hulton, of Richard de Worrley, who in turn held it of William de Nevill. The latter died before 1212, at which date his estates in Lancashire were in the King's hands.

p. 58; *note*, line 10, *for* "Roger de Montbegon," *read* "Adam de Montbegon."

p. 59; *note* 1, line 4, *for* "br.," *read* "de."

p. 62; *note* 1, line 23. It is uncertain whether Augustine de Barton was grandfather, or first husband of Edith de Barton—probably the latter. Line 26, *for* "Lincolnshire," *read* "Yorkshire."

p. 65; *note* 1, line 11, *for* "Evan," *read* "Eynon."

p. 88; *note* 2, line 8, *for* "probably a Lincolnshire man," *read* "a Yorkshire man."

p. 89; *note*, line 32, *cancel* the sentence which begins "His *first* wife." Margery de Elland was Gilbert de Notton's first wife, and therefore Gilbert de Barton's grandmother. Line 35, *dele* "second."

p. 108; *note*, line 4, *for* ". . . de Yealand," *read* "Roger de Yealand"; line 9, *after* "Conyers," *insert* "(*Dodsworth's MSS.*, cxlix, f. 149)."

p. 130; line 1, *for* "Mary," *read* "Margery."

p. 131; *note*, line 13, *for* "laad," *read* "land."

INTRODUCTION.

What is a Final Concord, or Fine? It is a legal instrument, by which lands were conveyed or transferred, in the form of a compromise or agreement made between two parties, who had been litigating their rights in the King's Court. Before the commencement of this class of record, a charter of feoffment was practically the only written instrument by which lands or other hereditable estates were transferred or conveyed. But many inconveniences were found to this method alone, in spite of the publicity given to such instruments by the fact that they were executed at an important gathering of people, such as the County Court, or at the celebration of mass upon an important feast day, and by the attestation of many persons of position and repute, living in the locality of the estate to be conveyed, and in spite of the solemn and public manner in which seisin of the estate was wont to be delivered. The inconveniences arose from forgery, a crime of frequent occurrence in early times, from the loss or destruction of the deed of feoffment, and from the difficulty of proving the genuineness of the instrument, when after lapse of years, the parties to it, and the witnesses were all dead.

Most of the early Fines arose out of litigation in the King's Court. This is clearly proved by the records of suits, found in the Plea Rolls, and in the Rolls of the King's Justices of Assize, from which many extracts have been printed in this Volume. When once a suit had been commenced in the King's Court, no compromise could be entered into, or agreement made, without the sanction of the Court, and the payment of a fine "pro licentia concordandi." But an agreement made in the King's Court, respecting a title which had been questioned by the adverse party,