STANFELD v BREWES (1199)

Rotuli Curiae Regis, I, p. 366.

Surrey. An assize comes to declare whether Simon de Brewes and Luke the clerk and Peter de Brewes unjustly and without judgment disseised Odo de Stanfeld and Juliana his wife of their free tenement in Mitcham within [the limitation period of] the assize.

Simon says the assize should not be taken because he took that land into hand by judgment of his court, which he produces and which attests this, for failure of service.

And it was attested that Odo holds that land of this Simon.

Simon is commanded to replevy that land to Odo together with his chattels, and to deal with him rightly in [Simon's] own court.

CLAVERDON v EARL OF WARWICK (1221)

Rolls of the Justices in Eyre for Gloucestershire, Warwickshire and [*Shropshire*], *1221–22*, Selden Soc. vol. 59, pl. 406.

[Warwickshire]. An assize comes to declare whether Henry earl of Warwick and Thomas de Hethe unjustly and without judgment disseised Richard son of Richard of Claverdon of his free tenement in Claverdon [within the limitation period of] the assize.

And the earl comes and says the assize should not be taken because he readily acknowledges that the aforesaid Richard's father Richard held the tenement of him and did him homage, and this Richard should be his man; but when the father Richard died his widow stayed on in the house and is still there; and because she would not at [the earl's] summons deliver up the heir Richard to him, he took the land into his own hand by judgment of his court; and [to attest this] he produces his court of Warwick where this was done, namely . . . [six names] who record that when [the father] Richard died his widow remained in the land with the aforesaid heir, so that the heir was in seisin with his mother; and the earl ordered the mother to deliver up the heir; and because she would not, he asked his court what was to be done about it, and the court

adjudged that she should be summoned to come to his court on a certain [day] to answer; and she was summoned by . . . [two names] who are present and attest this. At that day she neither came nor essoined herself, and the earl asked his court what was to be done about it; and the court adjudged that she should be distrained to come to the next court. At that [next] court, because it was attested that she had no chattels by which she could be distrained, the court adjudged that the earl should betake himself to his fee until the heir should do what he ought to do. And so he took that land into his hand by way of distraint [as well he might].

And Richard who is within age says he was seised of that land for three years after his father's death; and after the disseisin the earl enfeoffed the aforesaid Thomas of nine acres for five shillings to be paid to the earl. And Thomas acknowledges this. And Richard says also that the land is socage and no wardship attaches to it. And he says that on the earl's authority Thomas cultivated the land and took the fruits for four years. And the earl acknowledges that indeed his bailiffs caused the land to be cultivated, but not on his authority.

And so it is adjudged that Richard should recover his seisin, and that the earl should be amerced . . . Damages one mark . . . Afterwards the earl came and made fine of 40 marks for himself and his court.