PAPERS.

I.—Account of the Grant of Free Warren, by Henry III., to Thomas Gresley, Sixth Baron of Manchester.

By John Harland, Esq.

Before proceeding to the immediate object of this paper, a brief definition of the terms "warren" and "free warren," both etymological and legal, may serve as general preface and introduction. "Warren," in Dutch *waerande*, but by us derived from the Norman French *Garren* or *Garenne*, implying a place kept, (from *garder*, to keep, to preserve), denotes either the franchise or incorporeal hereditament, or the place itself in which, by prescription or grant, the lord of the honour or manor is privileged to keep "beasts and fowl of warren," as hares, coneys, pheasants and partridges. To arrive at the origin of this feudal privilege, we must go back to the conquest. Flintoff, in his "Rise and Progress of the Laws of England and Wales," states that when William the Conqueror ascended the English throne,—claiming it in right of the will of Edward the Confessor, and not obtaining his title from a notion of conquest over the people, which he carefully disclaimed, but from the feudal meaning of the term "conquest," which signifies *acquest* or newly acquired feudal rights,*—he solemnly swore, in the 4th year of his reign, that he would observe the ancient and approved laws of the kingdom, particularly those of Edward the Confessor, and also ordered that twelve Saxons in each county should make inquiry, and certify what those laws were. Subsequently to this, it was solemnly ordained, in a general council, that the laws of Edward, with such alterations and additions as the Conqueror himself had made, should in all things be observed † Thus the system of Saxon or Anglo-British jurisprudence was confirmed as the law of this country; and thenceforth it formed the basis of the common law, upon which every subsequent alteration was to operate. These alterations, therefore, down to the end of the reign of Henry II., or the beginning of that of Richard I. formed, when

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* Even yet, *nova feuda*, or lands taken by purchase, are termed in the Scotch law, "feus of conquest."

† "Hoc quoque præcipimus ut omnes habeant et teneant leges Eduardi regis, in omnibus rebus, adauctis his quos constituimus ad utilitatem Anglorum.—Leg. Gul. Cong. sec. 23.

blended with the previously existing Saxon jurisprudence, the common law of England. Some of these alterations, however, were widely at variance with the letter and spirit of the older Saxon law. One of the most violent alterations of the ancient constitution consisted in the depopulation of whole counties for the purposes of the King's royal diversion; and subjecting both them, and all the ancient forests of the kingdom, to the unreasonable severities of forest laws imported from the Continent, whereby the slaughter of a beast was made almost as penal as the killing of a man. In Saxon times, though no man was allowed to kill or chase the King's deer, yet he might start any game, pursue and kill it, upon his own estate. But the rigour of these new constitutions vested the *sole property* of all the game in the King alone; and no man was entitled to disturb any fowl of the air, or any beast of the field, of such kinds as were specially reserved for the royal amusement of the Sovereign, without express license from the King, by a grant of a chase, or free warren; and those franchises were granted as much with a view to preserve the breed of animals, as to indulge the subject. Out of these now obsolete forest laws sprang the game laws of more modern times; and in one respect the ancient law was much less unreasonable than the modern; for the King's grantee of a chase or warren might kill game in every part of his franchise; but though, until the modification of the law some ten or twelve years ago, a freeholder of less than £100 a year was forbidden to kill a partridge upon his own estate; yet nobody else, (not even the lord of a manor, unless he had a grant of free warren) could do it without committing a trespass, and subjecting himself to an action.

In King John's time, and that of his son Henry III. the rigours of the feudal tenures and the forest laws were so strenuously enforced, that they occasioned many insurrections of the barons or principal feudatories; which at last had this effect, that first King John, and afterwards his son, consented to the two famous charters of English liberties, Magna Charta and Carta de Foresta. The former contained this remarkable clause:—

XLVIII. 39.—"All evil customs of forests and warrens, and of foresters and warreners, sheriffs and their officers, water-banks and their keepers, shall immediately be inquired into by 12 knights of the same county; and within 40 days after the inquisition is made, they shall be altogether destroyed by them, never to be restored; provided that this be notified to us before it be done, or to our justiciary, if we be not in England."

The Carta de Foresta was also well calculated to redress many grievances

and encroachments of the Crown, in the exercise of forest law. It is no part of our subject to notice these grievances and oppressions, of which perhaps the most graphic and striking exhibition is to be found in the Forest and Game Law Tales, of Miss Martineau. We return to the more strictly legal definition of Warren and Free Warren.

Scriven, in his work on Copyhold and other Tenures, (4th edition, 1846, vol. ii. p. 660 et seq.) says that "the franchise of free warren is to be claimed only by grants from the crown, or by prescription, which supposes such a grant; and the effect of it is to vest in the grantee a property in such wild animals or inferior species of game as are deemed the beasts and fowls of warren." He adds that "the grant of free warren would seem to give a right to appoint a warrener to preserve the game, who is justified by ancient usage, in killing dogs, cats and vermin."

Manwood, in his "Forest Laws" (cap. 1, sec. 5) says that "a forest is the highest franchise of noble and princely pleasure: next in degree unto it, is a liberty of a frank chase; the diversity between a park and a chase is, that a park is inclosed and a chase always open; the last in degree is the liberty of franchise of a free warren."

Blackstone in his Commentaries, (ed. of 1829) in the section on Real Property, chapter iii. "Incorporeal Hereditaments," (which he says are of ten sorts), includes in "franchises," the right to have a forest, chase, park, *warren*, or fishery, endowed with the privileges of royalty. A *forest* in the hands of a subject is properly the same thing with a chase, being subject to the common law and not to the forest laws. But a *chase* differs from a park in that it is not enclosed, and also in that a man may have a chase in another man's ground as well as in his own; being indeed the liberty of keeping beasts of chase or royal game therein, protected even from the owner of the land, with a power of hunting them thereon. A *park* is an enclosed chase, extending only over a man's own grounds. The word *park* indeed properly signifies an enclosure; but yet it is not every field or common which a gentleman pleases to surround with a wall or paling, and to stock with a herd of deer, that is thereby constituted a legal park: for the King's grant, or at least immemorial prescription, is necessary to make it so.* Though now the difference between a real park and such enclosed

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* Coke on Littleton, 233. 2 Inst. 199. 11 Rep. 86.

grounds is in many respects not very material, only that it is unlawful at common law for any person to kill any beasts of park or chase* except such as possess these franchises of forest, chase, or park. *Free warren* is a similar franchise, erected for preservation or custody (which the word signifies) of beasts and fowls of warren†; which being *feræ naturæ*, every one had a natural right to kill as he could; but upon the introduction of the forest laws at the Norman conquest, these animals being looked upon as royal game and the sole property of our savage monarchs, this franchise of free warren was invented to protect them, by giving the grantee a sole and exclusive power of killing such game so far as his warren extended, on condition of his preventing other persons. A man, therefore, that has the franchise of warren, is in reality no more than a common gamekeeper; but no man, not even a lord of a manor, could by common law justify sporting on another's soil, or even on his own, unless he had the liberty of free warren.‡ This franchise is almost fallen into disregard, since the new statutes for preserving the game, the name being now chiefly preserved in grounds that are set apart for breeding hares and rabbits. There are many instances of keen sportsmen in ancient times, who have sold their estates, and reserved the free warren, or right of killing game, to themselves; by which means it comes to pass that a man and his heirs have sometimes free warren over another's ground.||

Enough has been stated to enable the non-antiquarian reader to comprehend what it was that was conveyed to Thomas Grelle, Gresley or Gredley, the sixth lord of the manor of Manchester, by Henry the Third's grant of Free Warren. We have not seen the original of this grant, but only the

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* These are properly buck, doe, fox, martin and roe; but in a common and legal sense extend likewise to all the beasts of the forest; which, beside the deer, are reckoned to be hart, hind, hare, boar and wolf, and in a word, all wild beasts of venery or hunting.—(Coke on Littleton, 233.)

† The beasts are hares, coneys and roes; the fowls are either *campestres*, as partridges, rails and quails; or *sylvestres*, as woodcocks and pheasants; or *aquatiles*, as mallards and herons.—(Coke on Littleton, 233.) Grouse are not birds of warren. But Manwood (Forest Laws, c. 4, s. 3) gives a different account: he says (and supports his opinion by referring to 1 Regist. Brev. fol. 93) that there are only two beasts of warren, the hare and the coney, and but two fowls of warren, the pheasant and the partridge.—(Note by the Editor of Blackstone, J. E. Hovenden, Esq.)

‡ Salk. 637.

|| Bro. Abrid. tit. *Warren*.—If the King has granted a warren within a manor, and and the owner infeoffs the King or lord manor, without saying "and the appurtenances," the warren will not pass from the grantor; for a man may well have a free warren in the lands of others.—(Dyer 30 b. pl. 309.)

paper copy (upon a 2s. stamp) of the Record in the Tower, as the heading of the document sets forth:—

"Inter Recorda Curiæ Cancellariæ in Turri London asservata, scilt: in Rotulo Cartarum de anno regni Henrici tertii tricesimo tertio, membrana 8ª, sic continetur:—

CARTA DE WARENNA p. THOMA GRESLEY } Rex Archie'pis &c. Salt'm. Sciatis nos concessisse & hac carta n'ra confirmasse d'i & f'i n'ro Thome Gredley q'd ip'e & heredes sui in p.petuum h.eant lib'am warennam in om'ibz d'nicis t'ris suis de Mamecestr, in comitatu Lanc': & de Wyllanesham in comitatu Suff: ita q'd nullus intret t'ras illas ad fugand: in eis v'l ad aliquid capiendum quod ad warennam p.tineat sine licencia & voluntate ip'ius Thome v'l heredum suor' sup. forisf'c'uram n'ram decem librar'. Quare volum' & firmit' p'cipimus p. nob' & heredibz n'ris q'd ip'e, &c. ut sª [supradicta]. Testibz Joh'e de Plessetis comite Warr', Joh'e Maunsel, p.posito Bev'l: Rado' fil Nich'i, Paulino Peyor', Rogº de Monte Alto, Rob'ti de Ros, Rob'to de Mucegros, Joh'e Extªneo, Rad'o de Wauncy, Rob'to le Norreys, Nicho' de Stannford, Steph'o Bauzan & aliis. Data p. manum n'ram apud Wodest' xxiij die Julii anno r' n' xxxiij."

[Beneath is written in a smaller hand, "The above is a true copy of the original record of Chancery remaining in the Tower of London. (Signed) Wm. Illingworth, Deputy Keeper of the Records, 27th Feb. 1818."]

The following we offer as a literal translation of the grant:—

"Among the Records of the Court of Chancery, preserved in the Tower of London, to wit, in the Roll of Charters of the 33rd year of the reign of Henry III. in the third skin is contained the following:—

CHARTER OF WARREN FOR THOS. GRESLEY } The King to the Archbishops, &c. greeting. Know ye, that we have given, and by this our charter confirmed, to our beloved and faithful Thos. Gredley, that he and his heirs for ever may have free warren in all his demesne lands of Mamecester, in the county of Lancaster, and of Wyllanesham in the county of Suffolk, so that no one shall enter his lands to hunt in them, or to take anything which belongs to warren, without leave and license of him the said Thomas or his heirs, upon our forfeiture of Ten Pounds. Wherefore we will and firmly command, for us and our heirs, that he, &c. as abovesaid. Witnesses: John of the Parks, Earl Warrenne, Jno. Maunsel provost of Beverley, Ralph son of Nicholas, Paul Pey [or]? Roger de Montalt, Robert de Ros, Robert de Mucegros, John L'Estrange, Robt. le Norreys, Nicholas de Stannford, Stephen Bauzan, & oʳˢ. Given by our hand at Wodest', the 23d day of July, in the 33d year of our reign." [1249.]

The above is an abreviated copy of the original grant. The "&c." after the word Archbishops in all probability implies the following, which we

take from another grant of free warren, by the same King in 1258, nine years later,—"bishops, abbots, priors, dukes, earls, barons, justices, sheriffs, reeves, officers, and all bailiffs and their faithful servants," greeting. The grantee, Thomas Grelle, Gresley, or Gredley, was the son and heir of Robert Greslet, the 5th Lord of Manchester—(who is said to have died 15th Feb. 15th Hen. III. 1231, when this Thomas was only 3 years old)—by a daughter of Henry, brother of Wm. Longchamp, the Chancellor of Rich. I. Thomas Greslet succeeded his father as 6th Baron of Manchester, about the year 1231, but did not obtain his majority till about 1249. In a post mortem inquisition, his father "Robert de Gredley," is stated to have "held twelve Knights' fees in the county of Lancaster, infra Limam et extra," that is within or without, or under and beyond the line or verge of, the old Mercian boundary. On the county of Lancaster becoming an Earldom, Thomas Greslet (and after him his successors in the barony of Manchester), became liable to take his turn in the duty of castle-ward in Lancaster. About the 26th of Henry III. (1241-2) the King being desirous to make another hostile inroad in France, Thomas Greslet received a summons to fit himself with horse and arms to attend the King in the expedition; but he preferred to give 100 marks (£66. 13s. 4d.) besides his ordinary scutage, to be exempt from that duty. However in the following year he was induced to serve; the expedition proved disastrous and to Greslet expensive, of which indications are left in the sub-infeudations about this period, of lands in Rumworth, Worthington, &c. The last feudal event recorded by Dr. Hibbert Ware as occurring in the life of this Thomas Greslet was the grant of free warren, which he had confirmed to him over the lands of Manchester and Horewich. The following is the Doctor's notice of this grant:—

"Within the barony there was much sporting ground. The wood of Aldport, a mile in circumference, which was used by the tenants of Manchester for pannage, contained within it an aëry of hawks and eagles. The park of Blakelegh, covered with oak was seven miles in circumference; it was productive in honey, bees, and 'mineral earths'; it was valued for it pannage, and it contained an aëry of eagles, besides herons and hawks. But the glory of the whole was the extensive chase of Horwich, which merits a more particular description. It is evident, from an examination of manorial records, that a prescriptive liberty of the chase had subsisted throughout the barony of Manchester, time out of mind, and that local forest laws had been framed for the protection of the game to the use of the lord. But in order to obviate any dispute to the contrary, from the newly-created Earl of Lancaster, a confirmation of the privilege by the crown was desirable. As no animals of the class of *feræ naturæ could* be appropriated without license of the King, unless they were claimed by prescription, which was frequently challenged, and as no lands could otherwise be converted into a franchise or privileged place for the keeping of beasts and fowls of the warren, the Lord of

Manchester availed himself of the well-known inclination of the King to relax the severity of the forest laws, and interceded with such success, that in the 33d of Henry III. [A.D. 1248-9] he had obtained the royal grant of a free warren over the estates of his barony. Thomas Greslet, in the spirit of the Norman 'Veneur', regarded the forest of Horewich as the most valuable appendage of the manor of Manchester. It is also rendered highly probable, from an examination of manorial records, that the baron's chief residence was not at Manchester, but at a hunting-seat, which he built for himself, at or near Heton-under-the-Forest, for the sake of hunting and hawking upon the grounds of Horewich."

Dr. Hibbert Ware then prints a summary of the curious forest laws of Horewich, derived from a manorial record of Kuerden;* observing that "although not described until the extent of the barony was taken in 1322, they had a date of origin which is referable to a far more remote period; the right of free warren in the barony having been originally prescriptive." Referring the curious to "the forest laws of Horewich" as described by the historian named, in the "Foundations of Manchester," (vol. iv. pp. 57-58), we may briefly state that the Moor of Horewich about the period named, consisted of both wood and pasture; having a vesture of oaks, elms and other trees, which extended to the adjoining township of Lostock, where, in addition to oaks, hazel trees and thorns are described. Although the extent of the forest was rated at 16 miles in circumference, its boundaries were so much disputed by adjoining proprietors, among whom were the Lacies, that the greatest vigilance was required to prevent intrusion or trespasses. According to the manorial record it was so "several [divided] that none might enter it without leave of the lord."

Henry III. in consequence of his expensive wars in Gascony and his proposed expedition with an English army to the Holy Land, was compelled to seek an aid from Parliament, which in the outset was resisted, when many forfeitures of lands ensued. It is to this cause, says Dr. Hibbert Ware, that we must attribute the escheat which took place of the lands of Manchester and Horewich Forest. The entry was as follows:— "38th Henry III. [1253-4] Thomas Grelle, Manchestre, Horewych forest' terr' Lancastr'." Subsequently, however, we find Thomas Greslet in the repossession of his estates, although the escheat does not seem to have been formally rescinded. In 1259 Greslet was among the number of barons who obeyed the summons to repair to King Henry at Chester; and for this compliance he was in the following year [1260] constituted Warder of the King's Forests South of the Trent. In the 46th year of Henry III. [1261-2] Thomas Greslet died, seised of the Manor of Manchester and its appurtenances. It would appear that he held five and a-half

knights' fees in Manchester; in other parts and the Honour of Lancashire six fees; and one-third part of a knight's fee, with one-twelfth part of another knight's fee, in chief from the Lord the King.

Having concluded this brief sketch of the grantee's life, including a notice of a grant of free warren over the lands of Manchester [? the barony] and Horewich, we must next see whether that grant is the same as the one now under consideration. First, it is clear that the document copied from the original archives in the tower is not an original grant, but a confirmation either of a former grant, or more likely of the immemorial prescription. But while the area of its free warren is "in all his demesne lands of Mamecestre (Lancashire) and Wyllanesham" (Suffolk), the grant referred to, but not cited by Dr. Hibbert Ware (also a confirmation of existing privileges) is stated to be "over the lands of Manchester and Horewich"; and elsewhere "over the estates of his barony." It would seem that this is merely a general and vague way of stating the extent of the privilege conferred, with probably the omission of the manor in Suffolk, as not connected with a local and ecclesiastical history of Manchester. "Demesne,' (from the French *demaine*, which is derived from *dominium*) in its widest and earliest sense, signified "patrimonium domini," and may be regarded as embracing all parts of the manor in the hands of the lord himself, or of his copyholders and lessees,—excluding only those portions in the hands of freeholders. The reference by Dr. Hibbert Ware is, therefore, in all probability to the grant of which a copy is given ante. Willanesham in Suffolk, of which we find no other notice in any inquisition or other document relating to the Gresleys,—is now called Willisham: it is a parish in the hundred of Bosmere and Claydon, 4 miles S.S.W. from Needham.

This paper has already extended beyond our intention, and we can therefore only name two or three of the principal witnesses. The first is "John de Plessetis," or of the Parks (from Plesseiz, Norman-French, park,) Earl of Warrenne, one of the greatest men of his time. He was descended from William de Warenne, who was nearly allied to the Conqueror, fought courageously under him at the Battle of Hastings, and for his services was constituted one of the chief justiciaries of the realm. William Rufus conferred upon him the Earldom of Surrey. In 1247, while young, this John Earl Warrenne married Alice, or Avicia, sister by the mother's side to Henry III. She died in 1256, to the great grief of her royal brother, and

as an old chronicler* adds, "especially of her husband, that loved her entirely." In the struggles between the King and the barons with De Montfort at their head, this Earl of Warenne was found occasionally with and at other times opposed to the King. The latter was his position at the Battle of Lewes, which being gained by the King, the Earl fled into France; his possessions being given to the Earl of Clare. He returned in 1265; landed in Wales in great force, and is said to have been benefitted by the Battle of Evesham, where Montfort was slain.

It was in the following reign, however, that Warenne manifested his great ability both for military command and wise counsel. He is said to have been "a man greatly beloved of his people;" and in all his knowledge and distinction, he seems to have been the champion of their liberties. Thus, in the reign of Edw. I. he bravely withstood the King and the recently passed statute of *quo warranto*† ; and being asked by what right he held his land, suddenly drawing forth an old rusty sword, he boldly exclaimed—"By this instrument do I hold my lands, and by the same I intend to defend them." The chronicler we have already quoted adds—"So that the thing which generally should have touched and been hurtful to all men, was now suddenly stayed by the manhood and courageous stoutness of one man, the foresaid Earl." Still he found himself compelled to plead, under the statute, before John de Reygate and his associates; and his plea sets forth that by adhering to the cause of the Kings of England in France, the Warennes had lost all their lands in Normandy (his ancestors being Earls of Waren in Normandy), on which account King John gave the lands in England to the ancestors of this Earl, and all which they should afterwards acquire, in *warrenage*, because of their surname, "*à Warenna.*" Evidence was adduced that he had all the chases, *warrens* and liberties appertaining to the honour and barony of Lewes; and it was adjudged that the King should seize nothing by his writ for the present. In close connection with our subject, we may mention that in 1238 this Earl's father, William de Warenne, in consideration of a goshawk given to

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* Peck's Antiquarian Annals of Stamford, lib. viii.

† 18th Edw. I. Stat. 2 [1290]. Under this statute those who could not prove the seisin of their ancestors and predecessors as therein required, might be adjudged to have lost or forfeited their estates and franchises: and these escheated estates were sold and the money applied by the King.

Simon de Pierpont, obtained leave for himself and his heirs to hunt (over Pierpont's lordships of Herst and Godebride, Sussex) the buck, doe, hart, hind, hare, fox, goat, cat, or any other wild beast, in any of these lands. This Earl William died May 27, 1240, nine years prior to the grant of free warren to his son. We can only enumerate a few of the most striking events in the life of this famous Earl John, whose daughter Isabel married John Baliol, the candidate for the Scottish crown; who (Warenne) was created Earl of Surrey, and in the war with Scotland took the Castle of Dunbar; his forces slew 10,000 Scots; and he was made Warden and Governor of the Kingdom. In September 1297 he was defeated by Sir William Wallace at Stirling, and he forms a prominent character in Miss Porter's pleasant romance of the Scottish Chiefs. We can only name his spirited protest against the Pope, and that he died at Kennington, near London, 27th Sept., 1304 [32d Edw. I.] having been Earl of Surrey 54 years, and was buried in the midst of the pavement in the choir of the Abbey of Lewes, before the high altar, with this epitaph in the Anglo-Norman of the time :—

"Vous qe passer ov bouche close
Prier pur cely ke cy repose :
En vic come vous esti jadis fu,
Et vous tiel, ferretz come je su ;
Sire Johan Count de Garenne gist yey ;
Dieu de sa alme eit mercy.
Ky pur sa alme prierra,
Traiz mill jours de Pardon avera."

Which may be thus literally rendered :—

"You that pass with mouth shut
Pray for him that rests here :
Alive as you are once I was,
And you shall be such as I am.
Sir John Earl of Warrenne lies here,
God on his soul have mercy.
Whoever for his soul shall pray
Three thousand days' pardon shall have."

This last promise was probably the result of a precept of the King directed to the Bishop of London, in which after characterising the departed Earl as a most faithful and useful subject to himself and the whole realm, and who had "departed this life to his [the King's] very great sorrow," he requires the Bishop to cause the Earl's soul to be commended to the

mercy of God, by all the religious and ecclesiastical persons throughout his diocese. Similar precepts were directed to the Archbishop of Canterbury, for his whole province, and to six Abbots. Incidentally we may notice a tradition, given in an old book on Arms, and noticed also in the *Gentleman's Magazine*, that the Earls of Warenne and Surrey (who bore for arms, checky, or and azure) were Earls of Warenne in Normandy, allied to William the Conqueror, and accompanied him hither. Having lost their Norman possessions, they afterwards received an exclusive power of granting permission or license to vend malt liquors, and to enable their agent to collect the consideration-money paid for this privilege, the more readily, the door posts were painted in chequers, the arms of Warren, the practice of which has been handed down to the present day. This privilege of licensing is said to have been exercised by their descendant, the Earl of Arundel, as late as the reign of Philip and Mary.

The second witness, John Maunsel, Provost of Beverley, was also a notable man. He was the grandson of Philip Maunsell who accompanied the Conqueror into England. Our witness rose rapidly in the favour of Henry III., first attaining the rank of King's Chaplain; in the 18th year of the King [1233-4] he was appointed to an office in the Exchequer; in 1243 he was a subscribing witness to the charter of dowry to the Queen; and in the same year was constituted Chancellor of St. Paul's. In 1244 and again in 1246, he was made Keeper of the Great Seal; and his fame for the impartial administration of justice was great. In 1248 he succeeded to the Provostship or Chief Magistracy of Beverley, and soon afterwards was appointed an Ambassador to negociate a nuptial treaty with the King of Spain. In this document he is described as "fidelem nostrum Johannem Maunsell, Cancellarium London: ac Præpositum Beverlaciæ, Secretarium nostrum." In short, he was in high favour with Henry III., who consulted him on all occasions; employed in many diplomatic missions of the highest importance; and his address and superior talent raised him rapidly to the highest dignities of his profession. In Scotland, like Earl Warenne, he was "invested with almost regal powers;" he was raised to the Council, and was styled "Domini regis Clericus, et Consiliarius Specialis." He entertained most sumptuously at his house in London the King and Queen of Scotland, and a great number of the English nobility, upwards of 700 dishes being served; and the house being too small to contain the number of guests, tents were erected for the superfluity in the field. Soon after

he became Treasurer of York; was Ambassador Plenipotentiary to the Court of Rome, and a witness to the deed by which the Pope transferred the Kingdom of Sicily to Edmond, second son of Henry III. During the greater part of that turbulent reign, he was, in short, constantly employed in commissions of importance to the State. He was thrown into prison by De Montfort and the barons for publishing the Papal Edict, absolving the people of England from the oaths they had been compelled to take, to the prejudice of the King; but on the death of the Earl of Leicester, the King liberated Maunsell and made him Lord Chancellor. Subsequently when the King was captured, Maunsell fled to avoid the resentment of the barons, and remained in exile till his death, which occurred probably in 1265. In addition to the high dignities already specified, this distinguished man was the Chief Justice of England, a valiant soldier, "in armis strenuus, et animo imperterritus;" and in a battle fought between the English and the French, in which he took an active part, he captured with his own hand a gentleman of quality, named Peter Orige, after a close and well-fought combat. He was styled by the Pope "dilecto filio, Johanni Maunsell, Thesaurario Eboracensi, *Capellano nostro*," ("our beloved son John Maunsell, Treasurer of York, and our Chaplain.") He held 700 Ecclesiastical livings; was one of the richest commoners in England, having an annual income of more than 4,000 marks [£2,666 13s. 4d.]; "quo non erat in toto orbe, ditior," says Matthew Paris; lived in great pomp and splendour; was honoured with the confidence and esteem of the King and of the Pope; and possessed an influence equal to that of the first baron of the realm. Yet his latest days were spent in concealment, obscurity, and exile, and he probably died from want!

These two remarkable men, alike distinguished in war and in council, for personal courage and for diplomatic ability, being thus brought into juxta-position as witnesses of this grant of free warren,—offered a temptation, too strong to be resisted, to enliven this dry essay with a biographic outline of their lives. The other witnesses must pass unnoticed. Robert le Norreys was in all probability a son of Alan and a brother of Alan le Noreis, of Speke; and is named in deeds of 1277 and 1292. This grant is dated at "Wodest:" [on Friday,] 23rd July, 1249, [33rd Henry III.] This may mean Woodstone, in Huntingdonshire; but more probably, Woodstock, where Henry III was visited a few years afterwards by the King and

Queen of Scotland,* in August, 1256. Always in need, and having been refused aid by his citizens of London, or by the parliament, the King sold his jewels and plate to raise money, and retired to Woodstock; and in this way we guess, the expensive honour of feasting the Royal Visitors devolved upon the wealthy commoner, cleric, soldier, magistrate, royal secretary, and chief justice, the worthy provost of Beverley. These things exhibit a singular picture of our England, midway in the 13th century.

II.—Remarks on the Ancient Mural Painting of the General Judgment, recently discovered in Gawsworth Church.

By the Rev. A. Hume, D.C.L., LL.D.

The painting to which the following remarks refer is one of three, of which the etchings were presented to the Society at its last meeting.† The drawings had been made by the Rev. W. H. Massie of St. Mary's Chester, a member of this Society, who is brother to the Rector of Gawsworth. To the former gentleman a letter was written immediately after last meeting, as a help to the elucidation of this interesting painting. The following is an enlarged transcript.

There appear to be three distinct parts—Heaven, Earth, and Hell.

I. Heaven.—The Sun and the Moon are both visible, and very near each other. This was the usual way of conveying a certain idea, and producing an effect, though not consistent with the laws of modern Astronomy. The Judge is represented as seated on a rainbow, with his feet on a small circle, in allusion no doubt to the well-known text, *Cœlum sedes mea; terra autem scabellum pedum meorum*, which occurs both in the Old Testament

* Alexander II married the Princess Joan, eldest sister of Henry III, in June, 1221. We learn from the Cronica Maiorum et Vicecomitum Londoniarum, (Vol. 34 of Camden Society), that "in the same year [1256] the King of Scotland and his Queen, daughter of the King of England, came into England, and on the Assumption of the Blessed Mary [Aug. 29] were with the Lord the King at Woodstock;" and that afterwards the King of Scotland and his Queen came to Edinurgh, on Sunday before the decollation of St. John the Baptist. [Aug. 20.] As the Assumption that year fell on Friday, August 25, and the following Sunday, August 27, the King and Queen came to London, (distant sixty miles,) they could only have remained a day and a night with their Royal brother or brother-in-law, at Woodstock.

† See page 14.