

## DANSY VS. SKIDMORE, 1330

[I have not worked at identifying the place, but suppose that these people lived in the Malmesbury area. (W.S.)]

Hilary Term, 4 Edward III (1330). Court of Common Pleas, Plea No. 5, Folio No. 4a. Marginal heading “Ayel.” Law French.

**Incipit** [first line]: “*William le fitz Rog. Daucy porta brief Daiel vers J. de Skidore, & demanda vi d. de rent.*”<sup>1</sup> John “de Stouford” was attorney for the defendant Skidmore, and Roger “de Baukwell” for the plaintiff. Richard de Willoughby (Wilby) was the justice who presided.

**Summary:** In a writ of aiel<sup>2</sup>, plaintiff [William “le fitz Roger Dancy”] demanded six pence of the rent of the seisin of his grandfather, alleging that his grandfather had enfeoffed Nicholas de B[\_\_\_\_\_] before the statute to hold of him and his heirs. Defendant [John de Skidmore] alleged that the tenements were outside of plaintiffs fee, and that plaintiffs grandfather had enfeoffed [Nicholas of Malmesbury] to hold of the chief lord, so that he had nothing in the tenements after the feoffment. Issue was joined on whether the tenements were within plaintiffs fee.

**Writ:** In a writ of aiel, plaintiff demanded six pence of rent. Defendant alleged that the tenements were outside of plaintiffs fee, judgment if without specialty he should be received. Plaintiff replied that he had demanded of the seisin of his grandfather, and thus his writ comprised a title of succession, where he should not by law make another title, and if the court awarded, he would say enough. [Richard de] Willoughby JCP said, say then. Plaintiff asserted that his grandfather William had been seised of the tenements of which etc., and had enfeoffed Nicholas de B[\_\_\_\_\_] of the tenements before the statute, to him and his heirs forever, to hold of him and his heirs, by fealty and by the services of six pence per year, of which rent plaintiffs writ was now brought, and plaintiffs grandfather had died seised of this estate, and so the tenements were within plaintiffs fee. Defendant said that plaintiffs answer amounted to nothing more than that the tenements were within plaintiffs fee, out of plaintiffs fee, ready etc. Willoughby JCP asked how out of plaintiffs fee, and said that it was necessary for defendant to answer to his deed that he alleged, for this was not a plea of replevin. Defendant alleged that plaintiffs grandfather W[illiam] had enfeoffed N[icholas de] M[almesbury]. of these tenements, to him and his heirs forever, to hold of the chief lord of the fee, which N[icholas]

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<sup>1</sup>William Daucy is correctly *Dancy*, and Roger (presumably the father of John de Skidore) is correctly called elsewhere “de Skidmore.”

<sup>2</sup>A *writ of ayle* was brought against a defendant who had dispossessed a plaintiff of land which his grandfather had died seized. It was similar to the *writ of mort d’ancestor* which served a plaintiff more closely related..

<sup>3</sup>Nicholas “de B.” is never fully identified.

continued this estate until he enfeoffed R[oger de] Skidmore of these tenements forever, to have as above; R[oger] had enfeoffed defendant [John de Skidmore] to him and his heirs; and defendant said that he had never had anything in the tenements after the feoffment made to N[icholas], judgment if plaintiff would be received to say that the tenements were within his fee. Plaintiff said, within plaintiff's fee in the manner that he had said, ready. Defendant said that the tenements had been outside of plaintiff's fee by a deed to which plaintiff's grandfather, of whose seisin etc. was party, to which it was necessary that plaintiff answer. Willoughby JCP said that plaintiff had claimed that his grandfather had enfeoffed N[icholas] to hold as above, and defendant did not show any other deed except what he said, by reason of which it was not necessary that plaintiff answer to what defendant said, but to aver that the tenements were within his fee etc., and thus they were at traverse, and what they said would be entered of the one part and the other in the manner that they had said, and on this to the country etc.