The inquest ad quod damnun for the Northfolk Chantry at St. Mary Castlegate, York (1318)

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In 1318 Thomas de Northfolk of Naburn sought permission from the Crown to establish a chantry at St. Mary Castlegate in York. The two short documents transcribed and translated here are from an inquest ad quod damnum, a standard inquiry about potential damages to the Crown, which originated in the English Chancery of King Edward II. Hence, the documents are perfunctory, the dreary stuff of a day’s work for a fourteenth-century chancery scribe. As with so many other administrative documents, however, the story behind them is far from boring. In this case it is a story about a nouveau-riche family, an unexplained death, a royal pardon and the desire for salvation.

First, the documents. The inquest ad quod damnum in itself is interesting because it touches upon many points of legal and social significance, requiring a basic understanding of the administrative functions of the royal chancery, incidents of mortmain and escheat, and the purpose and function of chantries. In Thomas’ day, in the early fourteenth century, the chancery was still an administrative office. The chancery had evolved from the pre-Norman office, devoted only to royal correspondence and records, into a body vital to the routine operations of all the royal courts and government. As Timothy Haskett has shown, in the early fourteenth century the chancery had not been divided yet into Latin and English sides; nor was it the dispenser of justice that it would become in later centuries. Nonetheless it was an important tool of Crown

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2 The National Archives of the UK (TNA): Public Record Office (PRO) C143/135/17.


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administration. The chancery was the first office a person or party approached to begin litigation under common law. As late as the reign of Edward III requests to begin litigation still could be made orally; normally and always after Richard II an original writ signaled the entry of litigation into the courts.\(^4\) In addition, the chancery prepared and sealed any documents relating to grants of property, privilege, or office, and commissions and charters were written and sealed there. If Thomas’ ghost could have followed his litigious descendants into the fifteenth-century chancery (to hear the case concerning the suspicious death and inheritance of his great-grandson’s daughters\(^5\)), he would have discovered that, in addition to all its other functions, the late medieval chancery was hearing appeals of common law cases and had begun to hear the equity cases for which it would be better known in the sixteenth century.\(^6\)

Thomas de Northfolk’s request to establish a chantry came to the chancery office due to the Statute of Mortmain. After Edward I passed the Statute of Mortmain in 1279 in an effort to protect the Crown’s feudal rights and control the flow of revenue in the form of lands and rents to the Church, applications to establish an endowed chantry went perforce to the chancery.\(^7\) The chancery then directed the inquest concerning the potential effect of the gift to the regional escheator\(^8\) whose central occupation was to assert (through writ of escheat) the Crown’s rights to lands where the tenant had died without leaving a qualified heir to inherit or where the tenant had been convicted of a felony.\(^9\) Hence the escheator was well prepared to inquire whether a gift to the church from a living donor would result in future losses for the Crown. The extent of the escheator’s powers and the proportional distaste for him among disqualified heirs is well attested and surpasses the present discussion.\(^10\)

14, no. 2 (1996): 245–313. The medieval chancery originated in the Anglo-Saxon office of cancellarius (head of the scriptorium). The office of chancellor would eventually grow into one of great power, but during the early part of the fourteenth century the chancellor was limited in his powers, which were largely administrative and operated in association with other royal officials, especially the treasurer.

4 Common-law original writs, which were documents required to begin litigation in the royal courts, were always issued by the chancery. As late as the reign of Edward III litigation could begin with an oral application. Baker says that after 1400 original writs were always issued. J. H. Baker, An Introduction to English Legal History, 4th ed. (Oxford: Oxford University Press, 2007), 99–103.


7 After 1279 no land could be alienated to the Church unless a license of mortmain (from the French mort main, literally meaning “dead hand”) had been issued. Before any grant was permitted the Crown required that an inquisition ad quod damnum be issued to ascertain whether its interests would be prejudiced. See Sandra Raban, Mortmain Legislation and the English Church 1279–1500 (Cambridge: Cambridge University Press, 1982).

8 Escheat, from Middle French eschier, to fall, occurs when the land literally “falls” or defaults to the lord where there is no legitimate heir. See Richard Kaeuper, “Escheat, Escheator” in Dictionary of the Middle Ages; Helena M. Chew, “The Office of Escheator in London During the Middle Ages,” English Historical Review 58, no. 231 (1943): 319–30.

9 Technically, conviction for a felony resulted in forfeiture. Baker, English Legal History, 239.

10 Sheriffs and escheators were often the targets of violence. A call for the peasants to behead all lawyers and escheaters was attributed to Watt Tyler in 1381. See Nicholas Brooks, “The Organization and
The Crown’s desire to enforce its feudal rights through incidents of mortmain makes good fiscal sense. The foundation of a chantry seems otherwise. A chantry had no real value. It was not a building, but rather a salary line (often five marks per annum) given annually to a cantor priest in a particular church to sing a daily memorial mass on behalf of the donor and their family.¹¹ The wealthiest of families could afford to build chantry chapels, but few families fell into this category. Affluent founders might endow an altar, or specify a pre-existing altar at which their service should be sung. Most of the well-to-do had to be content with simply specifying the church in which their appointed cantor would sing. Why would someone from a well-to-do York family like Thomas de Northfolk spend a significant annual sum on such a chantry? With this question we move from the realm of administration and law to that of social and spiritual mores.

Scholars hold a variety of opinions about the origins of the lay practice of endowing chantries. There is no quarrel as to their monastic beginnings in celebration of anniversaries; rather the debate centres upon the reasons for their adoption by the laity as a form of devotional expression from the end of the thirteenth century.¹² The best answer rests in a convergence of causes: social emulation and self-promotion on the one hand, private contrition and the desire for salvation on the other.

Previously very popular, the founding and funding of monasteries seems to have become less attractive for the wealthy of the late thirteenth and early fourteenth century, but the desire for demonstrable piety remained.¹³ Edward I’s cult of the dead, expressed through his lavish public commemoration of Eleanor of Castile, introduced the opportunity for a new form of elite devotional practice.¹⁴ Whereas only the truly wealthy could hope to approach Edward’s building of monuments and chapels, any well-to-do family with enough surplus income as to spare five marks a year could establish a chantry. In this sense, chantries were a form of penitential legacy and an important and longstanding expression of one’s rank in society. Moreover a chantry was considerably less expensive and dangerous than other methods of demonstrating piety such as crusading or going on pilgrimage.¹⁵ As the fourteenth century unfolded, many families must have

¹¹ In the early Middle Ages monastic chantries became associated with a regular payment, often a dole for the poor or a pittance to support the mass. Eventually chantries connected with parish churches became a popular method of securing permanent daily prayers on behalf of the benefactor and their family. See K. L. Wood-Leigh, Perpetual Chantries in Britain (Cambridge: Cambridge University Press, 1965).

¹² Wood-Leigh, Perpetual Chantries, 2-6.


considered the investment to be worthwhile, fitting well with the sentiment expressed by the increasingly fashionable *ars moriendi* treatises.

Leaving aside the general motives for founding a chantry, what of Thomas de Northfolk's personal intentions? Thomas came from an ambitious family situated in York and its environs. He was the grandson and heir of Martin de Northfolk, a prosperous York merchant who served successively as overseer for Henry III's works at York castle (1251), as a York bailiff (in 1257) and possibly as mayor of York (1259?). Martin de Northfolk used his wealth and influence to acquire property including cultivated lands and water mill in Naburn and a large assart cleared in Naburn forest. These lands he bequeathed to his son Nicholas de Northfolk of Naburn with every expectation that they would eventually pass to his first-born grandson. We know that Thomas eventually inherited Martin's estates, but it is difficult to tell from the record if he or his brother Richard was first born. Something went terribly wrong between the siblings, since it is recorded that Thomas de Northfolk caused the death of his brother Richard de Northfolk. The circumstances surrounding this unfortunate incident remain wholly unknown; however, if purely an accident, it would be unlikely that Thomas would have sought a pardon for Richard's death. Indeed, Thomas sought and was granted a pardon in 1303 at Dumfermline for the death of Richard de Northfolk son of Nicholas de Northfolk. The date of the pardon indicates Richard's death occurred before 1303. Thomas may have secured this pardon through military service since the Patent Rolls list his name among those men (mid-1290s) under the command of John de Warrene, Earl of Surrey in Edward I's campaigns against the Scots. There is also a record of Thomas Northfolk acting as a herald for the King in the early years of the new century.

If Richard's death was deemed a homicide Thomas' right to inherit his family's lands would have been forfeit; however, from the Northfolk records we know that Thomas eventually held and expanded his grandfather Martin's estates, so the pardon he received for Richard's death was important. Pardons for both accidental and intentional homicide were readily had at this time; Edward I, challenged on so many fronts, needed both the money and the fighting men that he...
secured through his official forgiveness. Thomas de Northfolk received his pardon for the death of Richard along with five hundred or so other soldiers pardoned for causing a veritable plague of deaths, thefts and rapes, which the pardons issued en masse were intended to forgive. Having secured his pardon, Thomas de Northfolk went on to a comfortable life. His name may be found as witness to many legal transactions in York and environs. In 1306 he was appointed a member of parliament representing York. Sometime before 1317 after the death of his father he came into his inheritance and took the opportunity to establish a chantry.

By 1317 Thomas was a man of considerable standing in his community. While the foundation of a chantry could serve as a private act of heartfelt contrition, it was also a public statement about the probity of the founder made to associates, neighbours, and fellow parishioners who knew the family history well. Thomas never refers to his dead brother in the dedication, but follows the standard form of dedicating the chantry to his parents. That the chantry was important to Thomas is clear from his continued efforts to preserve it. When the property he first alienated to support the chantry was forfeit due to its connection with the Templars, Thomas took immediate steps to put another rent in its place. Nor were his efforts in vain; for two centuries, until the English parish churches were filled with Henry VIII’s new cant, a prayerful song for the repose of the Northfolks rose daily to the Divine Ear.


26 CPR, Edward II, 3: 396. Although the patent rolls clearly state Thomas had to re-organize the funds for the chantry due to a connection with former holdings of the Templars, the issue of Thomas’ possession of or connection to the Templar properties is a puzzle that is not yet solved. In August 1312 the Archbishop Greenfield, following the command of Pope Clement V, ordered the Templars in Yorkshire disbanded. Thomas may have held lands as a mesne tenant of the Templars.
Manuscript Description

The National Archives of the UK (TNA): Public Record Office (PRO) C143/135/17 contains only two leaves of parchment, each with text on one side of the parchment. Although they were both produced in 1318, it is unlikely that they were issued together, but rather that after issue they were stored together by the chancery scribes or later added to the same file by the keepers of the public records. Both documents are written in the English chancery hand, better known as cursive anglicana, which is a miniscule hand.

Editorial Practice

Expanded abbreviations are italicized. As the text lines are quite long they are numbered individually. Punctuation in the transcription is shown as in the manuscript. The semi-colon in the transcription represents the punctus elevatus for which we have no digital equivalent, but represents a stop similar to a modern end of clause or clause enclosed in commas within a sentence.

The Text of TNA C143/135/17 (2 leaves)27

Leaf 1r
1 Edwardus dei gratia Rex Anglie Dominus Hibernie et Dux Aquitannie dilecto et fideli suo Roberto de Sapy Escaetori suo citra Trentam; salutem. mandamus vobis quod
2 per sacramentum proborum et legaliun hominum de balliva vestra per quos rei veritas melius sciri
3 poterit diligenter inquiratis si sit ad damnum vel prauidicium nostrum aut
4 aliorum si concedamus Thome de Northfolk quod ipse quinque marcatas redditus cum pertinencii
5 in Eboracum dare possit et assignare cuidam capellano
6 divina in ecclesia beate Marie atte Castelyate Eboracum pro anima ipius Thome et animabus
7 Nicholai de Northfolk patris sui et Elene matris sue
8 et antecessorum et successorum suorum ac omnium fidelium defunctorum singulis diebus celebreturo, habendi et tenendi eadem capellans et successoribus suis
9 cappellanis divina in ecclesia predicta pro animabus predictis singulis diebus celebraturis
10 imperpetuum; nec ne. Et si sit ad damnum vel prauidicium nostrum aut
11 aliorum tunc ad quod damnum et quod prauidicium nostrum et ad quod damnum et quod
12 prauidicium aliorum et quorum et qualiter et quo modo. et de
13 quo vel de quibus predictas redditus teneatir et per quod servicium et qualiter et quo modo. et qui
14 et quo sunt medi inter nos et prefatam Thomam
15 de redditu predicto. et que terre et que tenementia eadem Thome remanent ultra donacionem et
16 assignacionem predictas. et si terre seu tenementa eadem
17 Thome remanencia sufficant ad consuetudines et servitia, tam de predicto redditu sic dato, quam
18 de aliis terre et tenementis sibi retentis
19 debita facienda, et ad omnia alia onera que sustinuit et sustinere consuevit ut in sectis, visibus
20 franci plegii, auxilii tallagis,
21 vigiliiis finibus redempcionibus merciamentis contribucionibus, et aliis quibuscumque oneribus
22 emergentibus sustinenda. et quod idem Thomas in assisis

27 The National Archives of the UK (TNA): Public Record Office (PRO) C143/135/17.
iuratis et aliis recognicionibus quibuscumque ponit; prout ante donacionem et assignacionem predictas ponit consuevit. Ita quod patria per easdem donacionem et assignacionem in ipius Thome defectum; magis solito non oneretur seu gravetur. Et inquisitionem inde distincte et aperte factam; nobis sub sigillo vestro et sigilli eorum per quos facta fuerit; sine dilatatione mittatis et hoc breve. Teste me ipso apud Eboracum.  

. xiiii. die Octobris anno regis Edwardi duodecimo

Escripserat examinatur

Leaf 2r

1 Inquisitione capta cotam Roberto de Sapy escaetore domini Regis citra trentam die veneris proxima post festum omnium Sanctorum anno regni Regis Edwardi filii Regis Edwardi duodecimo per sacramentum Roberti de Wystan Willelmi de Thurakston
2 Johanni de Sturughberkis28 Willelmi de Bedale Ricardi Halfknyth Willelmi Odesun Stephani Le Coupere Willelmi Burel
3 Radolpho Le Hoser, Willelmi Doranut Thome Le Ferour et Johannis de Slyngesby qui dicunt per sacramentum suum
4 quod non est ad damnum nec praedictum domini Regis nec alicuius alterius si Thomas de Norfolk29 det et assig.30 net quinque marcatas redditus in Eboracum cuidam capellano divina celebranti in Ecclesia beate Marie in -
5 Castelgate pro anima sua et pro animabus antecessorum et successorum suorum Dicunt eciam quod predictus redditus te-netur de domine Rege31 in capite per serviciam de Gavelgeld et non est aliquis medius inter dominum Regem et predictum
6 Thomam Dicunt eciam quod tenementa et redditus pertinens32 dicatum Thomam remanencia ultra donacionem et assignacionem33 predictas sufficient ad omnia alia honera sustinenda Et quod patria per donacionem et assi -34
7 gnacionem predictas in ipius Thome defectum magis solito non honeretur seu gravetur In cuius rei; tessit-
8 monium predicti jurati presentibus sigilla sua apposuerunt die et anno supradictis

28 The manuscript is difficult to read at this place name; it could be Staininghe or Stainburgh or Stainbury, all of which are Yorkshire place names in Domesday.
29 Norfolk] Northfolkis
30 assig-] assing-
31 Rege] Regis
32 pertinens] penens
33 assignacionem] asingnacionem
34 assi -] assin -
Translation

1r
Edward by the grace of God King of England, Lord of Ireland and Duke of Aquitaine, to his
esteeled and faithful Robert de Sapy, escheator above Trent, greetings. We command that you,
through the oath of honest and lawful men of your bailiwick through whom the truth of the
matter may be better known, diligently inquire whether or not it will be to the damage or
prejudice of us or of others if we grant that Thomas de Northfolk can give and assign five marks
rent with appurtenances in York to a certain chaplain to celebrate the divine offices daily in the
church of Saint Mary at Castlegate York, for the soul of the said Thomas and the souls of
Nicholas de Northfolk his father and Helen his mother and his predecessors and successors and
of all the faithful departed, and the said chaplain and his successors shall have and hold the rent
with appurtenances in perpetuity for celebrating the divine offices daily for the aforementioned
souls. And if it will be to the damage or prejudice of us or others, then to what damage and what
prejudice of us, and to what damage and prejudice of others, and of whom, and how and in what
manner, and where or from whom the said rent is held and by what service and what kind and in
what manner. And who and how many are the mesne tenants of the said rent between us and
the said Thomas. And what lands and what tenements will remain to the same Thomas beyond
the said donations and assignations. And if the remaining lands and the tenements of the said
Thomas will suffice for performing the dues and services, owed both from the said rent thus
given, and from the other lands and tenements held by him, and to meet all other burdens which
he owes and is accustomed to owe such as suits, views of frankpledge, aids, tallages, watches,
fines, redemptions, amercements, contributions, and all other charges whatsoever incident
thereto; and that the same Thomas will be able to be placed on assizes, juries, and all other
recognisances whatsoever, just as he was accustomed to be placed before the aforesaid gift; so that
his patrimony through the same donation and assignation, in default of the said Thomas, may
not be indebted or burdened more than has been customary. And the inquisition thereupon,
distinctly and openly made, to us under your seal and the seals of those by whom it shall have
been made, do you send without delay, and this writ. Witness myself at York, 23rd day of
October, in the twelfth year of king Edward.

2r
Inquisition taken before Robert de Sapy, the lord King's escheator above the Trent on the first
Friday after the feast of All Saints in the twelfth year of the reign of King Edward son of King
Edward, through the oath of Robert de Wystan, William de Thurakston, John de

35 Mesne tenants: mesne from the term demesne, mesne tenants held land from a mesne lord who was himself a
middle man, not holding the land in chief from the crown. See “Mesne Tenant and Mesne Lord” in
36 Frankpledge: originated in Anglo-Saxon legal custom; a group of ten men, normally kindred, who swore
and oath to uphold the peace and hand over lawbreakers and functioned as a self-policing group.
Frankpledge fell out of use after the thirteenth century. See William Alfred Morris, The Frankpledge System
37 Tallages: land tax.
38 Amercements: fines; lit. “being in the mercy of.”
39 In the first document, dated 23 of October, 12 Edward II (23 October 1318) the chancery issued an inquest
requiring the royal escheator in charge of the region north of the river Trent to investigate whether the
crown’s interest would be prejudiced, that is, whether the crown would lose revenue, through Thomas de
Northfolk’s proposal to found a chantry for five marks annual rent. TNA C143/135/17 (2 leaves).
Stunughberkis, William de Bedale, Richard Halfknyth, William Odesun, Stephan Le Couper, William Burel, Ralph Le Hoser, William Doranut, Thomas Le Fermir, and John de Slyngesby, who say upon their oath that it is neither to the King's loss nor injury, nor of any other, if Thomas de Northfolk gives and assigns 5 marks rent in York to a certain chaplain for celebrating the divine service in the church of Saint Mary in Castlegate for his soul and for the souls of his ancestors and successors. They say also that the aforementioned rent is held from the lord King in chief through the service of Gavelgeld and there is not any mesne tenant between the lord King and the aforementioned Thomas. They say also that the tenements and pertaining rent remaining for the said Thomas beyond the previously named donation and assignation will suffice for every other debt incurred. And that the patrimony, through the foresaid donation and assignation, in default of the said Thomas, would not be indebted or burdened more than customary. In witness of this matter the previously named jury being present, have affixed their seals on the day and year written above.40

40 A little more than a month hence, on Friday after the feast of all saints 12 Edward II (1 November 1318) the appointed jury reported that Thomas de Northfolk's gift would not prejudice the crown. The license giving permission to found the chantry is recorded in Patent Rolls for November of 1318. This license was cancelled in 1319 and immediately reissued attached to a different set of properties. The difficulty with the first property appears to be that it was connected to the Templars and was forfeit to the crown. CPR 12 Edward II, 225; 13 Edward II, 396.