

From the *Transactions* of the
Bristol and Gloucestershire Archaeological Society

A Domestic Outrage in Gloucestershire, about the year 1220

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1886-87, Vol. 11, 331-335

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A DOMESTIC OUTRAGE IN GLOUCESTERSHIRE ABOUT THE YEAR 1220.

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ON the Close Roll of 6th Henry the third is an entry, which, apparently, escaped the notice of Dugdale, although it throws light on the genealogy of the Baronial family of Giffard, and supplies indeed the name of a lord of Brimpsfield, whom he omitted from the pedigree.

It is the transcript¹ of a mandate addressed on 27th Decr., 1221, to the Sheriff of Gloucestershire, directing him to deliver his prisoner, Matilda, relict of Richard of Acton, to Elyas Giffard and *Osbert Giffard of Brimpsfield*, who together with William Earl Marischal, William Earl of Salisbury, Osbert Giffard of Norfolk, Gilbert Giffard, and Elyas de Cailloue, have bound themselves that she will, before Easter next, assume the habit of a black nun, or that of the Convent of Semperingham.

No hint is given of the offence she had committed, nor of her relationship to her manucaptors, but on turning to the Assize Roll for this county of nearly even date,² a clue will be found to the solution of both questions.

Under the head of "Hundred of Agmead,"³ it is set forth in the Presentment of the (Grand) Jury, that "Richard Butler, of *Acton*, was wounded⁴ in his own house, it is unknown by whom,

¹ *Vide* Appendix A.

² *Vide* "Pleas of the Crown for the County of Gloucester in 5 Hen. III., edited by F. W. Maitland—London, 1884." The learned Editor, who appends a Note expressing curiosity as "to what happened in the end to the heroine of this queer tale," (page 143) will, I am sure, be glad to have his attention invited to this entry on the Close Roll. There are, as usual, slight discrepancies in the names, but the identity of the two stories is unquestionable.

³ Appendix B.

⁴ He must have lingered long, for it is shown in the proceedings that his wife was summoned in vain to two county courts prior to his death.

although his wife *Matilda* accused William Rous, formerly his servant. On being examined, she states that she had gone to walk in the garden at night with her maid, whilst her husband was having his feet washed by her daughter Amice; that she heard a noise, and on going to the house door saw William and another man with swords drawn near her husband; that they ran after her, but she escaped, and hid herself until they went away; her maid, however, being caught and bound.

The jurors evidently disbelieved her story, denying that Richard ever had such a servant, and alleging that she and her husband were perpetually at strife, and that he sometimes beat her because he accused her of light behaviour; that she often went off to the house of her father *Elyas de Colewey*,¹ or to the house of Robert Wayfer, who had married her aunt; and furthermore that the said Robert and William Wayfer, and John of Fuestone, often came to the house of the said Richard, bringing her back with them, and threatened the said Richard.

Wherefore the jurors of Agmead firmly believe that the aforesaid William and John slew him by the counsel and wish of Matilda herself and bribed by her thereto. The jurors of Grumboldsash Hundred² concur in this opinion.

On being asked by the Court whether she is willing to be tried before a jury of her neighbours, Matilda flatly refuses, on the plea that many of them are probably prejudiced against her.

Judgment is thereupon deferred till one month after Michaelmas (that is till the King's court sits at Westminster).³ Bail being meanwhile exacted for Amice, the daughter of the said

¹ According to Dugdale (Baronage, p. 499), Elyas de Caillewe was a brother of Elyas Giffard, who had assumed his mother's surname. The latter is variously spelt, but was, I take it, the original of the modern Cayley.

² Agmead Hundred was fined only one mark for this murder "quia parvum," p. 121. It probably could not furnish a full Jury of Freeholders, and hence those Grumboldsash were called in. Eventually it merged in that Hundred.

³ Mr. Maitland shews in a note that the Judges of Assize were directed to adjourn all difficult cases to Westminster, and observes that this was "loquela ardua" because Matilda would not submit to trial, (p. 144.)

Matilda. The reason of this last order is not very obvious. The girl can hardly have been suspected of complicity in her father's murder, but she may possibly have given false evidence at her mother's dictation.

What became of the perpetrators of the outrage does not appear. Probably they were suffered to "abjure the realm," and sought perchance to expiate their crime by a pilgrimage to the Holy Land.

Matilda herself doubtless remained in the custody of the sheriff, though perhaps not committed to Gloucester goal till judgment was pronounced. In any case she is not likely to have been hardly dealt with, for the sheriff, Ralph Musard, was connected by marriage with her uncle.¹ Seclusion in a nunnery for the rest of her life was the severest punishment inflicted on her. Perhaps the severest such a woman could receive.

The bearing of this case on the early administration of criminal justice I leave to be discussed by those more competent. It is well worthy of record, if only for the light it throws on the domestic life of the period. Looking at the high standing of the Giffard family, attested on this occasion by the fact that their co-sureties were:—the Earl Marischal, whose father, just deceased, had been Guardian of the Kingdom; and the Earl of Salisbury, the famous Longsword, son of King Henry II. by Rosamond Clifford; two of the chief nobles of England; it is impossible to come to any other conclusion than that the manners and customs of the English aristocracy at the time were coarse and brutal; such in fact as would now be deemed disgraceful in the lowest class of the community.

APPENDIX A.

Rotulus Litterarum Clausarum—anni sexti Henrⁱ tercii—prima pars, memb. 16.

De liberatione }
prison }.

Rex Vicecomiti Gloucestricæ Salutem.—Scias quod concessimus quod Matilda que fuit uxor Ricardi de Actuñ se reddat

¹ According to the pedigree in Dugdale, Elyas Giffard had married Isabella Musard.

religioni nigri ordinis, nisi forte in ordine de Simplingeham¹ possit admitti. Ita quod citra Paschā anno regis nunc sexto, habitum religionis nigre sive de Simplingeham recipiat—quod quidem manuceperunt, Comes Will³ Marescallus, Wills Comes Sarreburiensis, Osbertus Giffard de Norfolcia, Elyas Giffard, Gilebertus Giffard, *Osbertus Giffard de Brunfelde*, Elyas de Cailloe.

Et ideo tibi precipimus quod predicta Matilda sine dilacione predictis Elye Giffard et Osberto Giffard de Brunfelde libera a prisona nostra—committas, Teste H.—tunc apud Winton—xxvij die Decembris per eundem.

APPENDIX B.

Hundredum de Aggemedde, No. 111. Ricardus le Butiller de Acton vulneratus fuit in domo sua nescitur a quibus set Matildis uxor ejus appellavit inde quendam Willielmum Russum qui fuerat serviens ejusdem Ricardi.

Et ipsa venit et dicit quod ipsa fuit in domo sua cum viro suo et quedam Gunula famula sua cum ea, ita quod ipsa per preceptum ejusdem Ricardi viri sui exivit cum famula sua ut iret spaciatum in giardino de nocte sicut debuerunt cubare. Et Amicia filia sua remansit et lavit pedes Ricardi et interim venit predictus Willelmus cum quodam homine et intravit domum et assultavit virum suum ita quod ipsa audivit clamorem et accessit ad hostium et vidit gladios extractos circa virum suum; et ex quo ipsi perceperunt eam secuti fuerunt eam et ipsa fugit cum famula sua ita quod ipsa evasit et ceperunt famulam suam et eam ligaverunt et ipsa jacuit interim in quadam haia et abscondidit se quousque inde recesserunt; et quesita quare non intravit ad auxiliandum viro suo dixit quod non intrasset pro tota Anglia et dicit quod pregnant tunc fuit et grossa, et quesita si velit ponere se super visnetum et juratam utrum culpabilis sit et consenciens de morte illa necne, dicit precise quod non quia forte plures odio eam habeant.

Et juratores dicunt quod discordia fuit sepius inter eam et Ricardum virum suum ita quod ipse eam aliquando verberavit

¹ Sempringham, a Gilbertine Priory in Lincolnshire, founded by Gilbert de Gaunt in 1139—"as a new model of religious life" and doubtless stricter in rule than most nunneries.

eo quod imposuit ei quod stulta fuit de corpore suo, et ipsa sepius redire solet ad domum Elye de Coleweye patris sui et ad domum Roberti Waifer qui habuit amitam ejus[dem] Matillidis in uxorem, ita quod Robertus et Willelmus Wayfer et Johannes de Fuestone venerunt sepius ad domum ejusdem Ricardi et eam secum adduxerunt et minati fuerunt eidem Ricardo.

Unde bene credunt quod ipsi Willelmus et Johannes eum occiderunt et per consilium et voluntatem ipsius Matillidis et per ejus purchacium. Et dicunt quod vir suus nunquam habuit Willelmum Russum ad talem servientem sicut ipsa dicit.

Et Coronatores et Comitatus recordatur quod ipsa secuta fuit ad duos comitatus ante mortem viri sui, et ad tercium comitatum post mortem ejus et ad quartum non venit et ipsa.

Juratores de Grumbaldeasse idem dicunt quod alii juratores, scilicet, quod per purchacium ipsius Matillidis fuit ipse Ricardus occisus a predictis.

Judicium ponitur in respectum usque in unum mensem post festum Sancti Michaelis, et Amicia filia ejusdem Matillidis sit interim sub plegio.

Placita corone de Comitatu Gloucestræ.

Anno quinto Regis Henrici.
