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PAPERS, ETC.

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*On the Manor of Yeovil.*

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THE first difficulty met with when searching out the history of Yeovil is the many ways in which the name has been spelled, entailing necessarily special research under each form. Thus, there are Evill, Gifle, Givle, Gyuele, Jevle, Juvele, Yeuls, Yeuels, Yevle, Yeuele, Yeveley, and Yeovil. As there are other places similar in name to some of these ways of spelling, the difficulty is thereby increased.

At the time of *Domesday*, 1086, Ivele was held in three parts; no definition of those three parts, nor any notice of Kingston or Hendford is intended here. The purpose now will be strictly confined to that part which was, and descended as, Yeovil manor proper. Not long after *Domesday* it was owned by the family of Say; and in 1205, on the death of Hugh de Say, it fell to Lucius de Say, his eldest son. Lucius,

being a minor, was given to the care of William de Cantilupe.<sup>1</sup> On the 8th November, in the same year, this arrangement was somewhat changed, and the manor was regranted to Gilbert de Say, to hold "as long as it shall please us."<sup>2</sup> Lucius presumably died young, and the manor passed to his sister Margaret, and remained with her until 1216, when a further change occurred. A precept was issued in that year for an enquiry as to whether Margaret, daughter of Hugh de Say and wife of Robert de Mortuo-mari, had exchanged with Thomas de Arden the manor of Gifle for the manor of Southorn (Oxon), and if so, it was to hold good, and the said Robert and Margaret were to be seised of the manor of Southorn.<sup>3</sup> Yeovil manor passed thus in 1216 to Thomas de Arden, and from that time or date it disappears as a private holding.

Next there comes to view a very curious and somewhat inexplicable deed; one with which the history of Yeovil seems to begin, certainly one upon which it very largely rests. This deed, a very perfect one, pretends to be a settlement or statement executed in Ilchester church, before many witnesses, whose names are attached, as between Walrond, parson of Gyuele, and John Matravers, Knt. It is dated the second year of Henry the son of John,—that is, Henry III,—and sets out that the church of St. John of Gyuele was anciently granted to the parson by a daughter of some King,—*contulit filia cujusdam regis*,—as a manor in pure freehold, with all rents and altar gifts, assize of beer and bread, the usual Court and all fines imposed therein.<sup>4</sup> In 1290, this deed, for some reason or for confirmation, was copied, and both original and copy remain for us to-day.<sup>5</sup>

The mention of a King's daughter here throws doubt on the assertion contained in the document. It could not be the

(1). *Close Rolls*, 6th John, M 14.

(2). *Ib.*, 6th John, M 12.

(3). *Ib.*, 17th John, M 3.

(4). *Q.R. Deeds*, various, No. 897.

(5). Augmentation Office, *Cartæ Miscell.*, vol. iii. No. 147.

daughter of Henry III, who, crowned in 1216, did not marry until 1236. It would be further curious and puzzling, even had he a daughter, how she, between 1216, when the manor passed to Thomas de Arden, and 1219, the date of this deed, could have "anciently" given the rights claimed. Except for the mention of this King's daughter, it would have seemed that between 1216 and 1219 the manor had passed from Thomas de Arden to John Matravers, the party to the deed; and then from John to the parson; especially as the advowson or right of presentation to the parsonage remained with Matravers, and with his successors.

Be all this as it may,—whatever the game here played may have been,—from this date and under this curious document a unique position arose, and the parson for the time being, by right of his church and parsonage, became Lord of the Manor, assuming all the usual, and even more than the usual, manorial rights. Thus, when the enquiry as to owners of property was made throughout every hundred in 1274, Walter Mankrewers, rector of Gyvele, was returned as having withheld his suit due to the King for four years past, the damage or loss to the King being two shillings per annum.<sup>1</sup> As the warrant or right for doing this was declared to be unknown, this first enquiry was followed by a second in 1278, to gain further particulars, when the jury declared or found that Master Walter Matravers claimed view of frankpledge, fines, assize of bread and beer, gallows, tumbrell and pillory, and waifs and strays, and that he claimed these by prescription, as belonging to his church of Gyvele, of which he was parson. The jury found also that he had the tolls and the markets.<sup>2</sup> The Ilchester jury returned that Walrond le Tyeyys had caused a market to be held at Gevele, which damaged the market at Ilchester to the value of forty shillings. This was probably the Walrond, party to the curious deed of 1219, and shows the

(1). *Hundred Rolls*, vol. ii. p. 131.

(2). *Quo Warranto*, roll 58.

first market at Yeovil to have been established not long after that date.

It may be noticed here that Thomas de Arderne held also the manor of Kyngeston in Yevele, which he passed to John de Wygeton<sup>1</sup> in 1216, the same year that he exchanged Southorn for Yeovil. Kingston and Yeovil, however, as before mentioned, are here kept distinct.

The above verdict, it would appear, was not absolutely accepted by the burgesses of Yeovil. The various rights, some being extraordinary (such as the gallows), were claimed as existing by prescription; that is, or should be, by long custom, time out of mind; yet that custom here would seem to have been only for fifty years, since the document of 1219. Except for that time, if Ardern's manor were our Yeovil, there was neither patent nor title; and the position, by those who would not accept it, would be considered a case of usurpation. Disputes consequently arose,—warm, strong, and continuous,—disclosing a very uncomfortable state of things. The first peace made resulted in a concession which established a Portreve, who, as being elected by the burgesses, would be a check on the power of the lord. There is, or was, in the manuscripts at Montacute an agreement made at Somerton, before certain justices there assembled, as between the burgesses of Yeovil and Robert de la More, parson and lord of Yeovil, in settlement of certain differences which had arisen between them. It is dated 34th Edward I, 1305, and therein the parson, on his part, agrees that every one of his burgesses, without distinction, may be *præpositus* of the borough. That the said provost shall be elected by the burgesses, and received and approved by the parson: that he shall be sworn to the parson, and be answerable to the same for all rents, fines, or profits arising from the Court: and that every one of them should do suit at the Three-weeks' Courts, or at the portmote of the parson. It

(1). *Feet Fines*, 14th Edward I.

was further acknowledged, on the other side, that the parson by right of his church, had view of frankpledge twice yearly, at Michaelmas and at Hokeday, with all the profits. This document is signed by de la More on his own part, and by twelve burgesses on behalf of the town, and is sealed with the seal of the Commonalty.

A Præpositus—Provost or Portreve—may have existed before this deed of 1305; his position however being by permission, as appointed by and depending on the lord's will, as assistant to the usual steward in cases between party and party; not in cases affecting the property of the manor.

As the advowson and right of presentation to this very manorial rectory remained for some time in the Matravers family, its descent for some years may here be traced, as helping to explain some allusions that will occur. In 1339, Michaelmas, 13th Edward III, Roger Matravers, by deed in a settlement with Hyneford manor, gave the advowson of Yeovil to John Matravers, sen., and after him to John, jun. In 1344, 18th Edward III, Roger separated the right from Hyneford, and gave it to John Matravers absolutely. So it descended through four generations—John the son of John (i), the son of John (ii), the son of John (iii), the son of John (iiii). The last, having no issue male, passed the advowson by gift to John, Earl of Arundell, who had married his daughter Alianore.<sup>1</sup>

In 1329, John de Risington was rector, by the gift of the "noble man, the Lord John Mautravers," and at the instance of his patron, he received or obtained a license of absence from his cure for two years, for the purpose of study.<sup>2</sup> This curious circumstance, that a parson goes to his studies after obtaining a cure, is sometimes met with in these early days. The cure here meaning something worth patronage, such a case may be understood. In 1342, John de Risington was

(1). *Excheq. Q.R., Miscell.*  $\frac{911}{31}$

(2). *Register of Bishop Ralph.*

still rector, and in that year granted a license to Robert de Sambourne, to give twelve burgages in Jeuele, which he held of him as *de jure* owner of the church (that is, of the manor), to support three chaplains; one to be called the arch-presbyter, to celebrate for the salubrious state of John Mautravers and Agnes his wife, and the said Robert, and "myself," whilst they all lived, and for their souls after migrating from this; and the souls of the father and mother of the said Robert and "mine and my successors," and all the faithful defunct, for ever: rendering all mortuaries and heriots to the arch-priest, and to the parson of Yeovil the lord's services or rents due. This document is dated at Charlton Makerel, 20th October, 26th Edward II; and the seal, which bears the legend—*Caput sci Johis Baptiste de Ivell*—is perfect.<sup>1</sup>

In 1355, Robert de Sambourne, "chaplain," under confirmation and seal of the Earl of Arundell, gave to John de Risington and his successors an additional twenty-seven pounds rents; twenty-one marcs to go to the three chaplains "singing perpetually at the altar of the Trinity," reserving only from the balance to the said Robert, the founder, one hundred shillings and a robe, or two marcs per annum, for his life.<sup>2</sup> The lands were in Yevel, Kyngeston, La Marsh juxta Modford, and Chestermour.<sup>3</sup>

During the time of this John de Risington we get evidence of continued discontent, and even of rebellion against him or his proceedings.

In 1349, 25th November, the bishop made his visitation at Yeovil, when the whole town seems to have risen in protest. The liberty of the church was violated by the congregation of a great multitude of people, who, like armed conspirators, invaded it with bows and arrows, bars of iron, stones, and other divers arms, and insulted and attacked the priest, thirsting for

(1). *Cartæ Antiquæ*, Aug. Office, L 28.

(2). *Ib.*, F 12, L 29.

(3). *Inq. Post Mortem*, 22nd Edward III, (2nd Nos.) No. 3; 24th Edward III, (2nd Nos.) No. 31.

blood; and not content with this, they did sacrilegiously and unjustly spill human blood in the said church; and not content with this, they sacrilegiously and with great tumult, not regarding his divine office, and like the devil incarnate, injuriously abused the bishop with contumelious words; and this tumult they continued until dark.<sup>1</sup> For all this some were presently excommunicated, and some did penance in various churches around.

In 1360, the position not being apparently improved, John de Risington exchanged to Meriet with Robert de Sambourne, who was duly presented to Yeovil by Richard, Earl of Arundell.<sup>2</sup> Six years later the feud broke out again, resulting now in a suit at law, the prominent question being the right of the parson to the shambles, claimed on his part to be on land part of the manor; and by the other side, to be on land part of the highway or common field belonging to the commonalty of the town. Sambourne may have produced a document extant, of 40th Edward III (20th May, 1366), pretending to be a patent or confirmation to him of the profits arising from the stallage called the shambles, situate in the highway or common fields of the town; which, it was stated, he had acquired the right to hold in Mortmain without the King's license.<sup>3</sup> He also claimed a market every Wednesday, as having existed through the time of his predecessors beyond the memory of man.<sup>4</sup> As Sambourne was considered to have acquired this claim by craft and cunning,—*arte et ingens*,—and had acknowledged that he held it without license of the King, and against the statute of Mortmain, another power was brought to bear on him, and the King's escheator, who was always on the look out, seized the shambles, and kept them on behalf of the King, asserting that the ground was on the highway.<sup>5</sup> The case consequently came on again in Trinity Term, when

(1). *Bishop Ralph's Register.*(2). *Drokensford's Register.*(3). *Cartæ Antiquæ*, Augment. Office, H 92.(4). *County Placita*, Somerset, No. 29.(5). *Ib.*, Somerset, No. 117.

the jury found everything in favour of Sambourne, and that as parson of Yewel he was lord by right of his church, and that the waste was part of his manor, and not on the highway nor in the common fields.<sup>1</sup>

But the burgesses being still inclined to grumble, Sambourne adopted a somewhat spiritual mode to bring them to obedience. Under threat of what penalties we know not, he obtained from them a curious document, dated at Yeovil the Saturday after Trinity, setting out that whereas certain burgesses in the name of the commonalty, had made divers unlawful and unreasonable slanderous complaints to the very honourable lord the Earl of Arundell, and to the very honourable lord the Sire Robert de Sambourne, parson of Yewel and lord of the town, touching his seignury and the rights of his church, to his great damage and against all good faith and loyalty:—  
“ We, the said burgesses, repenting of these suggestions and untruths, hereby repel the same from the depths of our hearts, and affirm all the rights of the said Sire Robert in the seignury, with all the profits belonging.”<sup>2</sup>

In 1392, 15th Richard II, another suit about land mentions that John Latton, formerly Provost, had acquired for himself and his successors a messuage called the Tolfield, but without the license of the King, and contrary to the statute of Mortmain. That Alice Gryse gave a messuage to Wm. Montfort the then Provost, and to his successors, on condition of a payment to the chaplain of the chapel of St. Mary; and John Hopkins, thirty years before, gave a messuage to William Jamys, Provost, and his successors, on condition that four shillings were paid annually to the same chaplain. Thomas Barstaple forty years before acquired a messuage for himself as Provost, and for his successors. Several others are named in the same way. It was also stated that the Provost held a

(1). *Coram Rege*, Trinity, 40th Edward III, *M* 17; 46th Edward III, Trinity, roll xii.

(2). *Cartæ. Antiquæ*, Augment. Office; *N* 5.



Court every day to try transgressions and debts, and that he took the fines and paid them over to the rector. That the place called the Tolfield formerly belonged to the vicar, but was acquired by Robert Bays, as Provost, for himself and his successors, as was supposed. That the Provost and Commonalty held certain burgages in common under a common seal, and had so held them from a time to which the memory of man runneth not, as appeared in the deeds and muniments of the town, bearing the common seal. That the parson held a fair (*nundinas*) every Saturday afternoon, without a license, and that the townsmen came to the ground on Sunday morning to buy and sell, the sellers paying for their stallage to the Bailiff.<sup>1</sup> Thus the status of both parties seemed now sufficiently determined; the Portreve being strengthened as representing the property of the Commonalty.

The Arundells continued to present to the Rectory until the year 1415, when Thomas, the then Earl, granted the advowson to King Henry V, with two acres in the field called Huwyshe, and duly gave possession on the 1st July.<sup>2</sup> Why this was done does not appear, but it resulted in a change at Yeovil, which reduced the parsonage to a vicarage. In 1420 Henry granted the church, and consequently with it the manor, to the Abbey of Syon, in Middlesex; the grant was, "Deux acres du terre ove les appartenaantz en Yeuele ove l'advowson de l'esclise;" and a "portion" in Mertok.<sup>3</sup> The Abbess, after the manner of her kind, in 1423 petitioned Parliament, that in case of a subsidy being asked for, Syon should not be taxed, "ne ascun chose des dismes, quinzismes, parcell dez dismes, ou quinzismes, dymy dismes, ou dymy quinzismes, ne soit leve, pour Dieu et en oeuvre de charite." But this was "en null maner affirme, approve, ne conferme," but, "soit ouste de la Bille et hors trete."<sup>4</sup>

(1). *County Placita*, No. 30.

(2). *Cartæ Miscell.*, vol. x, Nos. 52, 161.

(3). *Ib.*, vol. xi. No. 18. *Rolls of Parlt.*, vol. iv. 243 a.

(4). *Rolls Parliament*, vol. iv. No. 266.

The Abbess, as owner of the manor, became inappropriate or secular rector of the church, and consequently disputes arose, and differences had to be settled regarding the vicarage.<sup>1</sup> In 1438 the Bishop succeeded in settling a dispute between the Abbess and the Vicar, about the revenues, when it was agreed that the rector should take the tithes of corn, etc., and the principal mortuary fees; the vicar to take the altar fees, the tithe of hemp grown either in field or garden, and of flax grown outside gardens, and the mortuary fees of those who died, not being burgesses or tenants of the rector. The vicar had also two houses in Quedam Street.<sup>2</sup> There seems to have always been a vicar; certainly as far back as 1316, when such an appointment was made by the rector.<sup>3</sup>

So matters rested until the Dissolution, when the whole property fell to the Crown. It was then granted to the Queen in dower, again falling to the Crown on death or divorce. In 30th Henry VIII, on the 12th July, 1538, the farm of the manor, the lands and the rectory, and the chantry called the Trinity, were leased to Sir John Horsey, Knt., for a term of years, the gross value being £45; from which outgoings were deducted, £2 2s. 2½d.; leaving net value, £42 17s. 10½d.<sup>4</sup> In 1588, 30th Elizabeth, Sir John Horsey received a continuing lease, paying certain annual reserved rests.<sup>5</sup> The freehold continued with the Crown until 42nd Elizabeth, 7th February, 1600, when the advowson was separated from the manor, and in consideration of the payment of £1,615 3s. 11½d. was granted, with all belongings, including reserved rents amounting to £26 18s. 8d., to Thomas Freke and Henry Sterr.<sup>6</sup>

As to the manor, by patent, in 1610, all the lordship of Yeovil leased to Sir John Horsey, formerly part of the jointure

(1). *Cartæ Miscell.*, vol. iii. No. 99.

(2). *Liber Albus*, Wells Cathedral, fol. 323 d.

(3). *Drovensford's Register*.

(4). *Cartæ Antiquæ*, Augment. Office, T 13.

(5). *Patent Rolls*, 30th Elizabeth, M 29 (14).

(6). *Ib.*, 42nd Elizabeth, pt. 2, M 33.

of Queen Katherine, including an annual rent of £18 1s. 8d., was granted to George and Thomas Whitmore of London, gentlemen;<sup>1</sup> and then, on the 20th November, 1611, the Whitmores sold to Sir Edward Phelipps, Knt., Master of the Rolls, all that the lordship of Yeovil, with the tithes, heriots, and fines of Court, etc., in free and common socage, not *in capite*, nor by military service.<sup>2</sup>

The new owner did not find himself free from trouble, and a lawsuit was the consequence; there were also other suits about this time, all bearing on the rights or the struggle of the Portreve and burgesses, as against the lord. The first case was at Michaelmas, 9th James I, 1611, and was a question concerning the boundaries of Yeovil parish or borough, and Hendford Matravers, and whether the Portreve within his bounds took certain tolls, and as to the fairs and markets.

The Portreve produced a copy of a charter of the fairs and markets; the original, he believed, was in the custody of the burgesses. John Hacker, *alias* Baker, commonly called great John Baker, used the weights as Bailiff to "Mr. Penny, Esq.," of East Coker; and little John Baker took the profits of the markets and fairs, as Bailiff of the manor under Sir John Horsey, deceased. One witness stated that the tenants of Hendford were within the "parish" of Yeovil, went to the same church, joined in presentments and highways, and in the relief of the poor. Another said that Henford was without the "borough," was no part of Yeovil, and was the property of Lord Compton, and before him of Sir John Spencer. The middle of the street, where the water "doth use to run," was reputed to be the bounds of the borough. Rother cattle, horses, and sheep were usually brought to St. Botolph's fair, which was kept on both sides of the street; part in Yeovil and part out, and some part in Kingston. The horse fair was usually in Kingston. St. Leonard's fair for rother cattle was held in the

(1). *Patent Rolls*, 8th James I, pt. 7.

(2). *Close Rolls*, 9th James I, pt. 43.

field called Huishe in Henford. The Portreve had nothing to do with Hendford.<sup>1</sup>

In 1614, the Portreve was again attacked as to his rights to toll from the common beam or weights. The depositions were taken at Yeovil, 4th April, 1614, and state that there were four markets every week—Tuesday, Thursday, and Saturday, for meat, and Friday a general market. The common beam had been kept by the Portreve, and no one disturbed this until the former suit, four years before. The charge was a penny for a “draught.”<sup>2</sup> *Contra* this, it was asserted that the Portreve, although he was chief judge of the Borough Court, sat with the Steward who was chief judge of the Manor Court Leet held within the borough from “three weeks to three weeks,” and was sworn yearly before him, and so as Portreve he had no rights here, the question being one touching the manor. In 1619 there was another similar suit, but more particularly concerning the Borough Courts, and the status of the Portreve. Twenty interrogatories were put on behalf of the lord, Sir Robert Phellips, who had refused to accept Joseph Starr, the Portreve elected by the Corporation. On behalf of the town, as defendents, there were twenty-two interrogatories, intending to show the custom of electing the Portreve and that the Portreve governed the town, and to determine whether any parson owner of the manor had ever forced, or had the right to force his own nomination against the usual election by the burgesses.

The difference seems to have arisen from the action of the Portreve, who had, under the town seal, appointed William Starr to be Steward of the manor. This never having occurred before, William Starr, as Steward, acting under an order of Sir R. Phellips, as Lord, refused to accept James Starr, who was elected by the burgesses as the new Portreve.

It was acknowledged on both sides that Yeovil was an

(1). *Exchequer Depositions*, No. 31, Somerset.

(2). *Exchequer Depositions*, Easter, 13th James I, No. 19.

ancient corporate town, and had been so time out of mind; and from the depositions, the general position and the customs of the manor can be realised.

It was found that there belonged to the manor parsonage of Yeovil, or the owner for the time being, a Court held in the borough every three weeks, for trial of causes between party and party. Sir John Horsey and his son, formerly "farmers" or leaseholders of the manor, sent their under-stewards, usually every three weeks, to keep their Courts. The perquisites or profits belonged to the parsonage, some allowance being made to the juries for their dinners at the law days.

There was a manor Court Leet kept within the borough twice every year, the profits being taken by the owners for the time being.

Time out of mind there had been a Portreve and certain burgesses, and if any burgess died or departed the town, the Portreve and the rest chose from the freeholders as many as they thought fit to be burgesses. By usage and custom none could be a burgess unless he had a freehold within the borough.

At the Leet, or law day, about Michaelmas, the jury presented the names of two burgesses, one to be Portreve; and at St. Thomas's day next following the Steward came to the Borough Court with the old Portreve to swear the new Portreve; the one of the two nominated, but not selected, being put first for the next year. The Lord of the Manor had assize of bread, ale, beer, and wine.

The hall where the Three-weeken Courts and the Leets were kept was in the borough. The shop under the Hall was held by a grant from Sir Robert Phelips, who received the rent. Under the shop was a room called the Blind-house, wherein stood the stocks, and where malefactors and offenders were committed and punished. All these rooms belonged to the manor or parsonage.

The Portreve, as chief magistrate, and the Constables had

the government of the town. Prisoners were not discharged without the knowledge of the Portreve.

The Portreve inflicted usually: upon drunkards and quarrelers, by stocking; upon rogues and petty larceners, whipping; upon scolds, the cucking stool.

The Portreve had the keeping of the borough or Three-weeken Court books, and kept them locked in a chest, but the Court belonged to the manor. The Stewards of the manor made warrants to the Bailiff to arrest, and the Portreve set his seal and took sixpence above the usual fees for every warrant. No warrant was made without the Steward, confirmed by the Portreve. The Portreve sat in Court as a freeholder of the manor, to give judgment; the Steward, with the other burghesses were assistants to him. The Portreve was permitted to sit as a free judge, but the Steward held the Court.

The *Court Rolls* were kept in a chest in the Town Hall, which belonged to the parsonage, as the parson once owned all the houses thereabouts adjoining the churchyard; but the keys of the chest were usually left with the Portreve. When the Steward came to keep the Three-weeks Court, the Portreve delivered him the "kaie or kaies," and when the Court was over, they were returned to the Portreve.

There were two seals belonging to the Portreve and Burghesses. The Steward sent warrants to be sealed by the Portreve, with one seal. The other seal was used for sealing leases, or for matters concerning the town, and was kept in a chest in the custody of the Portreve under several locks.

One witness deposed in these proceedings, that there had been in the Portreve's keeping a writing, sealed with the broad seal of the Exchequer, made in the time of King Henry VII, to the then Abbess of Syon, granting certain Liberties, such as, to be freed from subsidies and King's silvers, tonnage and poundage, assizes and sessions, and from sheriffs, coroners and escheators; with power to keep a Court of Record once every three weeks. This writing had been handed to Sir Edwd.

Phelips when he purchased the manor and parsonage, and with it was also a *Court Roll* of 17th Henry VIII, in which roll were the fines and perquisites of court for that year.<sup>1</sup>

During this struggle local matters became neglected. The Three-weeken Courts ceased after St. Thomas's day, "because it was not agreed who should be Portreve." The Bailiff who was always sworn before and considered himself an officer of, the Portreve, being now displaced by Sir Robert Phelips, as lord of the manor, became confused, in doubt, and negligent, and allowed a prisoner to go to a play or interlude, from which he very naturally never returned. In a former suit on this point with Sir Thomas Phelips, the judge of assize before whom the case was tried, referred it to Sir John Horsey, who "settled the controversy." The decision apparently being that the lord was the "chiefest man" in the borough, the Portreve "accounted inferior" to him. This would seem to be entirely in accordance with the deed of 1305, and with the usual manorial customs from which that deed originated. But the struggle for liberty, the dual power, with the dual action arising therefrom is very curious, as also, remembering his early origin, is the quiet attempt of the Portreve after a fight of some centuries, to supersede or annihilate his old enemy the manor steward, by simply making an appointment of his own.

(1). *Exchequer Depositions*, 17th James I, Michaelmas, No. 33.

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