

THE De La WARDE FAMILY of GIVENDALE and GUISELEY, Yorkshire, England

Author: William Paley Baildon.

Edited by: John Graham Ward, October 2022

The book entitled “**BAILDON and the BAILDONS, A HISTORY of a YORKSHIRE MANOR and FAMILY**” is a recognized authoritative source of detailed historical information about the De La WARDE FAMILY in Yorkshire, England in the Middle Ages. In modern times the members of the Family go by the name of WARD.

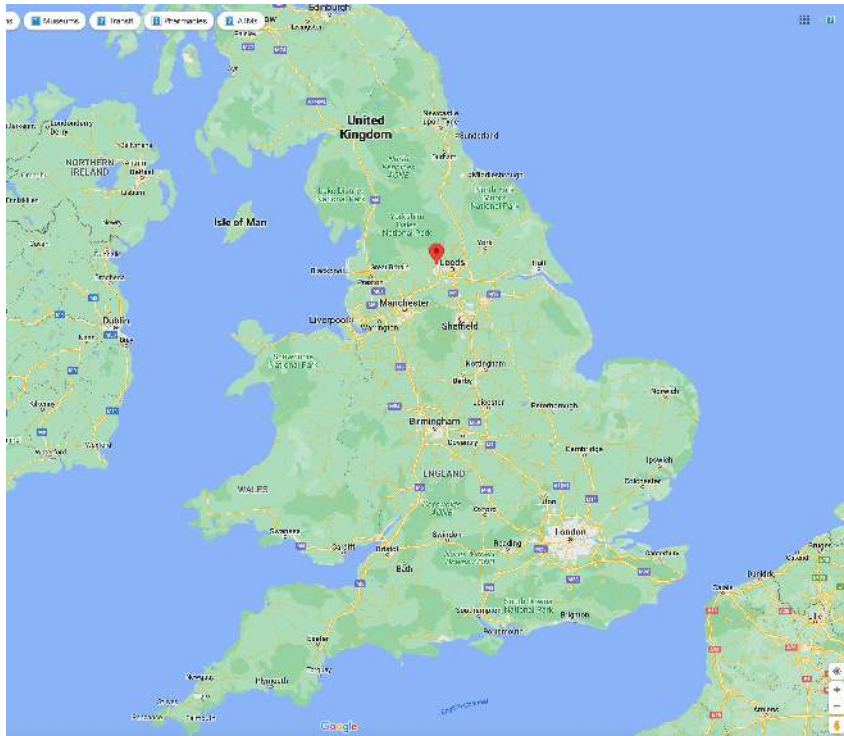
The author, **WILLIAM PALEY BAILDON, D.D.**, was a respected Barrister of Lincoln's Inn, Legal Historian, Author and Fellow of the SOCIETY of ANTIQUARIES (FSA) of London and also Editor of “The Home Counties Magazine”.



WILLIAM PALEY BAILDON compiled the first TWO VOLUMES of his book in the years before the GREAT WAR (1914-1918), but had not published the work before he died on March 14, 1924. His brother, FRANCIS J. BAILDON was tasked with publishing the book, and he chose to print the hand-written NOTES as left by William.

The following information is from a “digital copy” of WILLIAM PALEY BAILDON’S NOTES left for us to “read and digest”. While this collection of hand-written NOTES is somewhat repetitive, it does provide an insight into the COMPLICATED and LITIGIOUS life of the “rich & famous” in Medieval England. The “control” of LAND and, therefore, WEALTH was a full-time BUSINESS...! There are, however, many vexing anomalies in the apparent dates of birth and death, and in the stated relationships which cannot be verified. I have corrected many of the blatant mis-spellings, but I have left some to reflect the “flavour” of “ye olde English”.

WHERE IS BILDON, YORKSHIRE, ENGLAND?



BILDON Red Tag



WILLIAM PALEY BAILDON'S NOTES:

- "This important Yorkshire family, De La WARDE, has long been neglected by Yorkshire genealogists. The only attempt at a detailed history of the Family of De La WARDE is Philemon Slater's HISTORY OF THE ANCIENT PARISH OF GUISELEY published in 1880, where there is a fairly lengthy account. "

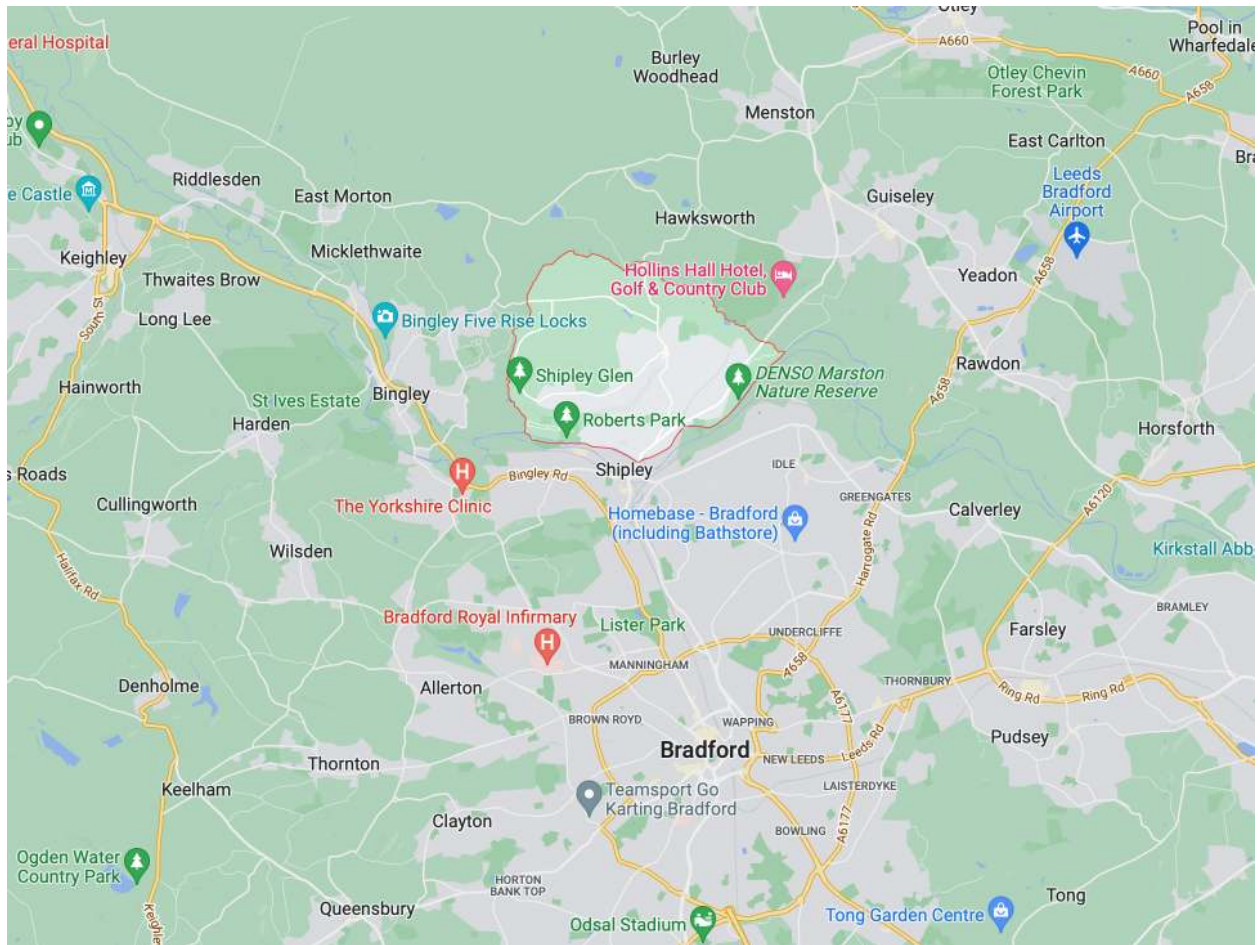
"This, we are told, was supplied by a Mr. HORATIO WARD of 171, Albany Street, Regent's Park, to the late WILLIAM DOWNHAM, who lived at GUISELEY RECTORY when Dr. Clerk was Rector, 1826 to 1859. It shows great industry, but not much discrimination; it gives no references to the sources of the statements made, and, though fairly accurate on the whole, contains many errors.

The name of DE LA WARDE was and is very common. In the following pages I have included only those NOTES which, with reasonable certainty, refer to the GIVENDALE FAMILY of that name."

- "The frequent use of NICHOLAS and SIMON as Christian names in the 13th. and 14th. Centuries makes some of the identifications difficult and uncertain."

- "I now take up the history of the MANOR of BAILDON again. It will be remembered that HUGH DE LELAY sometime early in the 13th Century gave his two properties at Baildon to his son WILLIAM and his daughter ISEULT (ISOLDE) respectively, and subsequently assigned his overlordship of the whole to the ARCHBISHOP OF YORK. When we come to deal with these subordinate Manors in detail, we shall see that they were not held directly of the Archbishops, but of the WARDES of GIVENDALE and GUISELEY, who were interposed between the subordinate Lords and the Archbishops."

- "It is clear, therefore, that one of the ARCHBISHOPS had SUBINFEUDATED his Baildon rights to one of the WARDES, after the Lelay grant, circa 1210 ; I have not found any copy of the grant, but the evidence shows that it must have been WALTER GRAY, to whom the Lelay grant was made, who probably gave the Manor of Baildon to SIR SIMON DE LA WARDE.



In English law, **SUBINFEUDATION** is the practice by which tenants, holding land under the King or other superior Lord, carved out new and distinct tenures in their turn by subletting all or part of their lands.

The tenants were termed **MESNE LORDS**, with regard to those holding from them, the immediate tenant being *TENANT IN CAPITE*. The lowest tenant of all was the *freeholder*, or, as he was sometimes termed, *TENANT PARAVAIL*. The Crown, who in theory owned all lands, was *LORD PARAMOUNT*.

- The **DE LA WARDES** seem to have had a little **DEMESNE** land at **BAILDON**, but it must have been very small; their Lordship consisted mainly in the services of the Lords of the two subordinate **MANORS**.”

A **DEMESNE** or **DOMAIN** was all the land retained and managed by a **LORD OF THE MANOR** under the feudal system for his own use, occupation, or support.



BAILDON HALL, Yorkshire, England.

- The WARDE Family COAT OF ARMS may still be seen in several YORKSHIRE CHURCHES, particularly in **ST. OSWALD'S CHURCH** at Guiseley.



WARD FAMILY COAT OF ARMS



- The Coat of Arms of **OSBERT FITZGEORGE DE LA WARDE** (1088-1150) is found on the wall inside ST. OSWALD'S CHURCH, GUISELEY.



FOUNTAINS ABBEY PARK - after the Dissolution...





■ The WARDE FAMILY PEDIGREE:

The Pedigree of the early WARDE Family is derived solely from the **CHARTULARY of FOUNTAIN'S ABBEY in GIVENDALE**, and must be taken with some caution. Only short notes of the Charters are there given, and no Witnesses, so that it is impossible to check the conjectural dates from other sources.

A **CARTULARY** or **CHARTULARY** also called *pancarta* or *codex diplomaticus*, is a Medieval Manuscript volume or roll (*rotulus*) containing transcriptions of original documents relating to the foundation, privileges, and legal rights of Ecclesiastical Establishments, municipal corporations, industrial associations, institutions of learning, or families. The term is sometimes also applied to collections of original documents bound in one volume or attached to one another so as to form a **ROLL**, as well as to custodians of such collections.

FOUNTAINS ABBEY was funded by the De La WARDE Family and is one of the largest and best preserved ruined Cistercian monasteries in England. It is located approximately 3-miles South-West of **RIPON** in **NORTH YORKSHIRE**, near to the Village of **ALDFIELD**.

■ De La WARDE FAMILY DONATIONS TO THE CHURCH

The De La WARDE Family was very generous to the Catholic Church for many generations. As LORDS OF THE MANOR, they were rich in land and thus responsible to provide military service and taxes to their "LORD", a Baron or an Earl or the King. They held the belief that the gift to the Church would also put them in "good standing" with their God when they die.

These gifts to the CHURCH were confirmed and increased by each succeeding generation of WARDES through the "Charters" or "Warrants" they renewed. These Legal obligations were recorded by the Church in the CHARTULARY.

The original entries in the CHARTULARY of FOUNTAINS ABBEY were as follows.

■ GIVENDALE.

1. OSBERTUS WARD DE GEVENDALE gave us [the Monks of Fountains] in pure alms the meadows called LINPOT and UDERDPOT ; he and his heirs will warrant against all things except the tithes of the Church of Ripon.
2. WILLIAM WARDE confirmed the two meadows given by his Uncle [patruus] in the field of Givendale ; the meadows contain two acres one rood and a half. He also gave a reasonable way through his land to the same.
3. WILLIAM WARDE gave three acres at Swinesti.
4. WILLIAM WARDE confirmed to us forever that the brethren at MARTON GRANGE might lead the water coming down from our mill in the field of Coldwell, through our land wherever we please and may find useful, until it descends into his fee, without contradiction by himself or his heirs.

MARTON GRANGE was built around 1220; this was possibly the date of Ranulph de Merton's entitlement to the land upon which it was built. In 1284 there is mention of a fishery on the site.

At the end of the 13th Century, when VALE ROYAL ABBEY came into being, the MANOR OF MERTON passed to the Abbey. It then became known as MARTON GRANGE, a moated Monastic Grange of which there were others belonging to the Abbey under the control of the Abbot of Vale Royal.

A MONASTIC GRANGE is a farm owned and run by a monastic community. At the time, most farms came under the authority of the LORD OF THE MANOR, being called "Manorial Communities" who controlled them and the servile labour force that was needed to run them.

Monastic communities did not fit into this pattern and were there to provide the sustenance of the monks and nuns of the community.

THE CISTERCIAN ORDER, of which Vale Royal was one, first established this form of monastery support, and other orders followed suit. The Abbot of Vale Royal was all-powerful.

A GRANGE was comparable to ordinary secular farms, but they were well endowed with funds to run, improve, and add to the buildings and land under the monastic community.



MARTON FARM in 2022



MARTON GRANGE Farmhouse in 2022.

5. **WILLIAM De La WARDE (1120-1150)** son of **Osbert FitzGeorge (1088-1150)**, **SIMON** son of **Godwin**, **ROGER** son of **Simon** and **RICHARD** son of **Osbert (1088-1150)**, quitclaimed and confirmed whatever we have in their fee of **GIVENDALE** within the ditch that we made as a boundary between **Givendale** and **Caldwell**, as it begins at the boundary of **Givendale** and **Hewik**, and goes towards **Swinesti**, and thence to the ditch of **Mose**, according to the Charter of **WILLIAM WARDE**, their Lord.

- From these records **ROGER DODSWORTH** deduced the following **PEDIGREE** of the **WARD FAMILY** in the 1100s :

ROGER DODSWORTH (1585-1654), English antiquary, was born near **Oswaldkirk**, **Yorkshire**. He devoted himself early to antiquarian research, in which he was greatly assisted by the fact that his father, **MATTHEW DODSWORTH**, was registrar of **York Cathedral**, and could give him access to the records preserved there.

- **GODWIN De La WARDE**, born circa 1100 (**actually 1085-1130**), who had issue:
 - (1). **SIMON**.
 - (2). **OSBERT (1088-1150)**; gave land in **Givendale** to **FOUNTAINS ABBEY** ; had two sons, **WILLIAM** and **RICHARD**.

- **SIMON De La WARDE (The Crusader) (1130-1181) confirmed the gift to FOUNTAINS ABBEY.**



- **Sir SIMON (The Crusader) DE LA WARDE'S** wife was MAUDE De NEVILLE, (1135-1181) daughter of GILBERT De NEVILLE (Lord of Ashby); he had two sons, JOHN (1158-1216) and WILLIAM (1160-1217).

He gave lands at **ESHOLT** to SINNINGTHWAITE PRIORY, near Wetherby, which grant was confirmed by a Bull of POPE ALEXANDER III in 1172.

WETHERBY is a Market Town and Civil Parish in the CITY OF LEEDS district, West Yorkshire, England, close to West Yorkshire County's border with North Yorkshire, and lies approximately 12 miles from Leeds City Centre, 12 mi from York and 8 mi from Harrogate.

ESHOLT PRIORY - It has been suggested that this is not the ESHOLT in the PARISH OF GUISELEY, where the CISTERCIAN NUNNERY was shortly afterwards founded ; but though we have no record of how or when this property was transferred to ESHOLT PRIORY, as it appears to have been, there can be no reasonable doubt that THERE IS ONLY THE ONE ESHOLT.



ESHOLT PRIORY TODAY (2021)

- Sir SIMON " WAHART" (WARDE?) appears in the RED BOOK OF THE EXCHEQUER among the Knights of the ARCHBISHOP OF YORK in the reign of Henry II, 1154 to 1189, as holding one knight's fee.

In feudal Anglo-Norman England and Ireland, a **KNIGHT'S FEE** was a unit measure of land deemed sufficient to support a knight. Of necessity, it would not only provide sustenance for himself, his family, and servants, but also the means to furnish himself and his retinue with horses and armour to fight for his overlord in battle. It was effectively the size of a fee (or "fief" which is synonymous with "fee") sufficient to support one Knight in the ongoing performance of his feudal duties (knight-service).

A **KNIGHT'S FEE** cannot be stated as a standard number of acres as the required acreage to produce a given crop or revenue would vary depending on many factors, including its location, the richness of its soil and the local climate, as well as the presence of other exploitable resources such as fish-weirs, quarries of rock or mines of minerals. If a Knight's fee is deemed co-terminous with a **MANOR**, an average size would be between **1,000 and 5,000 acres**, of which much in early times was still "waste", forest and uncultivated moorland.

- From 1154 to 1181.- Sir SIMON De La WARDE (The Crusader) witnessed a Charter of ROGER de PONT L'ÉVÊQUE, ARCHBISHOP OF YORK, granting property at INGERTHORPE to Peter his Chamberlain.

The name "INGERTHORPE" means 'Ingrid's outlying farm/settlement'. Earthworks that are purported to be Ingerthorpe medieval village are visible on historic air photos, however they have been listed as rejected or doubtful. Ingerthorpe is not in the DOMESDAY BOOK and wasn't mentioned before the late 12th century. Ingerthorpe was formerly a Township in the Parish of Ripon, from 1866 Ingerthorpe was a Civil Parish in its own right until it was abolished and merged with MARKINGTON WITH WALLERTHWAITE on 1 April 1937.

- From 1172 to January 14, 1173 - Sir SIMON De La WARDE (The Crusader) witnessed a Charter of ALAN son of THORFIN, son of GOSPATRIC releasing to ROGER, Archbishop of York, all the land which his father and ancestors had given in STAINLEY, etc.

STAINLEY is a village in the HARROGATE district of North Yorkshire, England 4 miles north of Ripon. Historically part of the West Riding of Yorkshire, it is the closest settlement to the modern theme park LIGHTWATER VALLEY which is 0.62 miles to the south.

- Sir WILLIAM WARDE, (1160-1217) son and heir of SIMON, confirmed to FOUNTAINS ABBEY the gifts of land at GIVENDALE. He appears among the Knights of the Archbishop in the time of KING JOHN, 1199-1216, as holding one knight's fee.

- In 1196-1197: The earliest dated note I have of WILLIAM WARDE is in the Pipe Roll of this year, where he is returned as owing 2-Marks for PLEAS OF THE FOREST.

In England the "Mark" never appeared as a coin but was only a "unit of account". It was apparently introduced in the 10th-Century by the Danes. According to 19th-Century sources, it was initially equivalent to 100-PENCE, but after the Norman Conquest (1066), it was worth 160-PENCE (13-shillings and 4-pence), two-thirds of a pound sterling.

- In 1213-1214, he brought an assize of last presentation against Hamo, the Treasurer [of York Cathedral] and Adam de Tornour, formerly a Canon of St. Peters's, who was since dead. The matter was adjourned "sine die" (i.e. "with no date set for resumption").

In English law, the ASSIZE OF DARREIN PRESENTMENT ("last presentation") was an action brought to determine who was the last Patron to appoint to a vacant Church benefice - and thus who could next appoint - when the Plaintiff complained that he was DEFORCED or unlawfully deprived of the right to appoint by the Defendant.

- In 1214. The SHERIFF OF YORKSHIRE was ordered to receive the summons [?] between Sir WILLIAM WARD, plaintiff, and Dean HAMO the TREASURER OF YORK and the ARCHBISHOP OF YORK, deforciants, as to the last presentation to the CHURCH OF GUISELEY,

DEFORCIANT: a person who wrongfully withholds something from someone by force.

- In 1216.-**WILLIAM WARD** witnessed an Agreement made between the Canons of RIPON and the Monks of FOUNTAINS ABBEY. **WILLIAM WARD** confirmed to the HOUSE OF SINNINGTHWAITE the whole land of ESSOLT which his father gave, and common of pasture for 16 oxen and 15 cows in Guiseley and Hawkesworth.

WITNESSES, Adam FitzPeter, Thomas his brother, Adam FitzNorman, Adam FitzOrm, and others.

- DODSWORTH records another CHARTER OF CONFIRMATION :

ROGER DODSWORTH (1585-1654), English antiquary, was born near Oswaldkirk, Yorkshire. He devoted himself early to antiquarian research, in which he was greatly assisted by the fact that his father, **MATTHEW DODSWORTH**, was registrar of York Cathedral, and could give him access to the records preserved there.

WILLIAM De La WARDE, confirmed to the NUNS of SINNINGTHWAITE all the land of ESSEHOLT, which they have of the gift of my father, paying half a Mark of silver yearly.

Witnesses: ROGER, ARCHBISHOP OF YORK; JOHN, ARCHDEACON OF NOTTINGHAM; Alan de Pikering; Adam de Tornouer, etc.

- **ROGER OF PONT L'ÉVÊQUE**, (died Nov. 26, 1181, York, Yorkshire, England) ARCHBISHOP OF YORK and adviser of KING HENRY II OF ENGLAND, who supported the KING in his dispute with THOMAS BECKET, ARCHBISHOP OF CANTERBURY.

ROGER OF PONT L'ÉVÊQUE, was ARCHBISHOP OF YORK from 1154 to 1190.

- I also have notes of several undated Charters which were attested by **WILLIAM De La WARDE**.

- I, ADAM, son of PETER DE BIRKINA, have granted to RIEVAULX ABBEY, the whole Ville of Hathelton (except one carucate given to Bolton Priory), without any service except 6s. [rent], of which William de Kasteleia and his heirs pay 2s. for the land which he holds of me in Hatheltona, and THOMAS DE MONTE also [Maude] and his heirs pay r2d.. '

Witnesses : ROGER the PARSON OF BIRKINA, ROBERT VAVASOR, ADAM son of ORM, **WILLIAM WAHARD (WARDE?)** and others. For a yearly pittance of bread, drink and fish at RIEVAULX, on the Anniversary of my death, for ever.

■ Undated ; probably circa 1190. **WILLIAM " WART " (WARD)** witnessed the Charter of **ROGER SCOT OF CALVERLEY** granting lands in Calverley to **MARY** his sister and **GEOFFREY** son of Peter de Arthington, in **FRANK-MARRIAGE**.

In early medieval England land could be given to a bride on her marriage with the intent that it should descend to the children of the marriage to help set up the new family.

Since land given in fee absolute (outright) was at risk of ultimately passing to collateral heirs or being sold or given away (alienation), it was common practice to ensure that the land remained with the direct heirs by giving it instead in **FRANK-MARRIAGE** (*in liberum maritagium*). Under this system, the donor's daughter and later the children of the marriage would hold the land for three generations free of all feudal services, with the donor or his heirs being able to recover it in the event that the direct family line ended during that period. If the family line survived for three generations, the land would convert to fee simple.

Typically, the three-generation rule was not explicitly stated in Charters of Gift, but apparently grew out of 12th-Century custom. By the middle of the 13th-century, there were concerns that the rule whereby the donor or his heirs could recover the land if the family line failed were proving ineffective.

In 1258 the Barons unsuccessfully petitioned the King complaining that nothing was being done to prevent widows without heirs from selling land granted to them in maritagium to third parties.

FRANK-MARRIAGE was first recognized in the reign of Henry II, and became the most common kind of marriage settlement up to the reign of Elizabeth I.

WILLIAM WARD witnessed the undated Charter by which Alexander son of William de Casteleya granted lands in Castley to **FOUNTAINS ABBEY**.

WILLIAM WARD AND PETER WARD witnessed a Deed by which **WILLIAM** son of **ADAM** De Carlton gave land in West Carlton [[near Guiseley](#)] to St. Peter's Hospital, York.

WILLIAM WARDE AND NICHOLAS WARDE his son witnessed a Deed by which **RICHARD** son of **HENRY** and Cicely his wife gave land in Hawksworth to **LEONARD** de Hawksworth.

WILLIAM WARD, and NICHOLAS and SIMON his sons, witnessed a Charter from **WILLIAM DE LEATHLEY**, granting land in Horsforth to **KIRKSTALL ABBEY**.

■ **WILLIAM WARD (1160-1217)** appears to have been dead in 1217. I have no information as to his wife ; he had three sons,

(1.) **NICHOLAS (1185-1250)**.

(2.) **SIMON (1190-1262)**

(3.) **ADAM, (1190-1270)** the ancestor of the **WARDES** of **SALLEY** near **RIPON**.

EDITOR'S NOTE: William Ward's WIFE was WILMOT JOLIFFE (1164-1220)

I have many notes on this branch of the family, but can only include such as affect the main line.

- Adam left a son, Nicholas (dead 1303), whose wife, Sarah, was probably a Conyers.
- Nicholas left a son Simon (dead 1291), whose widow, Alice, married Henry de Eyville before 1300.
- Simon left two daughters his co-heiresses, Sarah and Isabel, both under age in 1303.

- **NICHOLAS WARDE**, son and heir of **WILLIAM**, was born about 1185. He sided with the **BARONS IN** their dispute with **KING JOHN**, but made his peace with the young **KING HENRY III**.

His lands, which had been seized by the Crown, were restored to him, as appears by the following order : -

1217, November 3. A Writ was sent to **GEOFFREY DE NEVILLE**, the **SHERIFF OF YORKSHIRE**, commanding him to give to **NICHOLAS WARD** such seisin of his lands as he had before he withdrew from faith and service of **KING JOHN**, and of which he was dis-seised by order of **HENRY III**, he having now returned to his allegiance.

It would appear from this that **WILLIAM WARDE** was then dead. (NOTE: **WILLIAM WARDE** died on November 3, 1217 in West Riding, Yorkshire, England)

- Undated; circa 1220-1230.- **NICHOLAS WARDE** witnessed a Charter of **ADAM DE REINEVILL**, confirming a gift of land in **BRAMLEY** to **KIRKSTALL ABBEY**.
- In 1221: **NICHOLAS WARDE** witnessed **HUGH DE LEATHLEY'S** grant of **WESTON CHURCH** to **ARCHBISHOP WALTER GRAY**.
- Undated, circa 1227-1230.- **NICHOLAS WARDE** witnessed a charter of **Thomas de Birkin**, granting the wood of **Harden** [near **Bingley**] to **RIEVAULX ABBEY**.
- 1229, May 5.- **GILBERT DE ATON**, **THOMAS DE LUCTON**, **MARMADUKE DE TUENGE** and **NICHOLAS WARDE** were appointed to take the **ASSIZE OF NOVEL Dis-seisin** brought by **Richard Waleys** against **Simon de Hauton** concerning a tenement in **Munketon**.
- Undated, circa 1230. **NICHOLAS WARD** witnessed a Charter of **NEIL DE PLUMTON** confirming a gift by his father **ROBERT** of "land in idle" (not in use?) to **ESHOLT PRIORY**.

■ In 1232, **NICHOLAS WARD (1198-1245)** was one of the (TAX) COLLECTORS of a 40th in the West Riding.

■ In 1236, September 23, Order that **NICHOLAS WARD** and the other CORONERS for Yorkshire, are not to be put on Assizes, Juries or Recognitions.
(CORONERS are independent Judicial Officers who investigate deaths reported to them.)

■ In 1237, **NICHOLAS WARDE** was one of the (TAX) COLLECTORS of a 30th in the West Riding.

■ I248, August 1, **NICHOLAS WARDE** obtained a grant of FREE WARREN to himself and his heirs, in all his DEMESNE LANDS in Givendale and Esholt.

The privilege of FREE WARREN was a reciprocal relationship. The grantee of the warren was granted an exemption from the law (under which all game in the realm was property of the sovereign), but the grantee owed the sovereign the stewardship and protection of the game from all others who might wish to hunt it.

A DEMESNE or “domain” was all the land retained and managed by a Lord of the Manor under the Feudal System for his own use, occupation, or support.

■ Undated; before 1264-1265, **NICHOLAS WARDE** to pay Knights Fees of the ARCHBISHOP OF YORK, from the Register of WALTER GIFFARD,

■ In 1266-1276, **NICHOLAS WARDE** ought to answer for one Knight's Fee in Guiseley.

■ Undated, circa 1248, **NICHOLAS WARDE** granted to ESHOLT PRIORY all the land in Hawkesworth that he bought from Robert son of Martin de Hawkesworth and half the toft which belonged to Siward de Hawkesworth.

Witnesses : Hugh de Lelay, Alan de Catherton, Adam de Nairford, John de Yedon, Nigel de Horsford, Adam and Serlo de Roudon.

■ Undated; circa 1248:

I, **NICHOLAS WARD** of Givingdale, have granted to God and the Nuns of St. Leonard of Essold, for the safety of my soul and those of my ancestors, together with my body there to be buried, a certain toft in the territory of Heukeswrd [**Hawksworth**], called Northcroft, inclosed all round with a ditch ; to be held in free alms, quit of all service and of everything pertaining to the land, so that the said nuns may do therewith whatsoever they will :

Witnesses : Helias, then Bailiff of Ottelay, Benedict de Yadun, Walter de Heukeswrd, Thomas le Russ of Heukeswrd, Thomas son of Pagan de Giselay.

The seal, which appears to have been an antique gem, mounted as they often were, seems to represent a cow or bull, with the legend : **+ SIGILLVM NICOLAI WARD.**

■ **SIR NICHOLAS WARD (1185-1250)** witnessed the following Charter, which is undated, but probably between 1240 and 1245 :-

PETER, son of **ROBERT DE HAWKESWORTH** grants land in Hawkesworth to **MAUDE**, his sister.

Witnesses : Sir Nicholas Ward, Simon Ward, John de Yedon, Walter de Hawkesworth, William son of Lenard, Salomon de Baildon, and others.

He also witnessed **WILLIAM DE LEATHLEY'S** undated Charter to **KIRKSTALL ABBEY**, and Robert de Farnley's Charter to **BOLTON ABBEY**, of lands in Farnley, near Otley.



- **SIMON WARDE (1190-1262)**, second son of **WILLIAM WARD (1160-1217)**, was born about 1200.
- **SIMON WARDE (1190-1262)** may have survived his brother **NICHOLAS (1185-1250)**, who was living in 1248, but if so it cannot have been for any great length of time, for he appears to have been dead before 1262.

WILIAM PALEY BAILDON writes: "This doubtless accounts for the few records concerning **SIMON**. I think he probably did survive **NICHOLAS**, from the fact that he was a Knight. Knighthood in these early times was not usually due to prowess on the field or service to the state, but to the more prosaic fact of owning a certain amount of property."

- I think that this **SIMON WARD, The Crusader**, (1190-1262) was probably the one to whom **ARCHBISHOP GRAY** granted the **LORDSHIP OF BAILDON**, and that the grant was probably on the occasion of Simon's marriage in 1224 to **LADY CONSTANCE De VESCY**.



- In 1228, Wednesday after the Translation of St. Thomas [July 5]. **SIMON WARDE** holds five tofts and a bovate of land in **GIVENDALE**, paying 6d. a year, and in default of the Lord he shall find one honest man to carry the body of the glorious **CONFESSOR, WILFRID**, for him, on Ascension Day and three preceding days, and the like on other feasts, for all service.

This small Estate was probably given by his father on the occasion of his marriage.

■ Undated. I, **SIMON WARDE**, son of WILLIAM WARD, have granted to HUGH DE BERWYK, all the lands in CALVERLEY which I have of the gift of SIR THOMAS DE HAUKE and Walter son of WALTER DE HAWKESWORD.

Witnesses : William son of Constance de Hawkesword, etc.

■ SIR SIMON WARD witnessed the following undated Charter :—

I, **WILLIAM FAUKES of NEUHALE**, son of FALCASIUS LE BUTTYLER of WAKEFELD, have granted, released and quitclaimed to FALCASIUS DE LYNDELAY, son of WILLIAM DE LYNDELAY, his heirs and assigns, all my right and claim to the whole MILL of FARNELAY, and to all the land of FARNELAY which FALCASIUS, my father, bought of RICHARD DE WAXAND and MARGARET his wife, and. gave to the said WILLIAM DE LYNDELAY and FALCASIUS his son, excepting only a culture near NEUHALE, called PRESTECROFT.

Witnesses : Sir Richard de Goldesburgh, Sir SIMON WARD, knights, Geoffrey de Mohaut [Maude], Peter de Midelton, and Robert de Tymbel. (Seal lost).

■ **Sir SIMON WARDE** witnessed the undated Charter of PETER, son of ROBERT DE HAWKESWORTH, circa 1240-1245.

He also witnessed an undated Charter of WILLIAM DE LEATHLEY to **KIRKSTALL ABBEY**.



KIRKSTALL ABBEY is a ruined Cistercian monastery in Kirkstall, north-west of Leeds City Centre in West Yorkshire, England. It is set in a public park on the north bank of the River Aire. It was founded c. 1152 and was dis-established during the Dissolution of the Monasteries under Henry VIII.

- In about 1200: **Sir SIMON WARDE**, 2nd son of WILLIAM WARDE (1160-1217) & born in 1200 in Givendale, Yorkshire, England, married in 1224, Lady CONSTANCE De VESCI; she was dead by 1250 in **BAILDON**, Yorkshire, England. (NOT PROVEN...)



KIRKSTALL ABBEY

■ In 1210 - Sir SIMON FitzWILLIAM De La WARDE (1190-1262) held the Lordship of **BAILDON** on his marriage with Lady CONSTANCE De VESCI. (NOT PROVEN...)

■ In 1228 - **Sir SIMON Fitz WILLIAM De La WARDE** held 5 Tofts & Bovate of Land in Givendale, Yorkshire.

A BOVATE is an old land measurement formerly used in Scotland and England as early as the 16th century sometimes referred to as an OXGANG, or as much land as an ox can plow in a year;

Sir SIMON WARDE (1190-1262) is heir of his elder brother NICHOLAS WARDE (1185-1250)

■ Undated, I, **SIMON WARDE** son of WILLIAM WARDE, have granted to HUGH BERWICK, all the lands in **CALVERLEY**, which I have of the gift of Sir THOMAS HOUKE and WALTER son of WALTER HAWKSWORTH.

■ 1240-1250 - **Sir SIMON WARDE** witnessed a Charter of PETER, son of ROBERT HAWKESWORTH.

■ Sir SIMON WARD married CONSTANCE DE VESCEY (1190 - 1262) in 1210 (or 1224) and by her he had a numerous family:

- (1.) WILLIAM (1230-1266).
- (2.) NICHOLAS ; dead 1276. (1254-1275)
- (3.) ADAM ; dead 1276. (xxxx - 1276)
- (4.) SIMON, Rector of Guiseley; living 1276. (1225 - 1281)
- (5.) ALICE; dead 1276. (xxxx - 1275)
- (6.) ISABEL; dead 1276. (xxxx - 1275)
- (7.) BEATRICE; living 1276.
- (8.) JOAN ; living 1276. (xxxx - 1277)

NOTE: **WILLIAM PALEY BAILDON** says he placed these in the order in which they occur in the document cited below ;

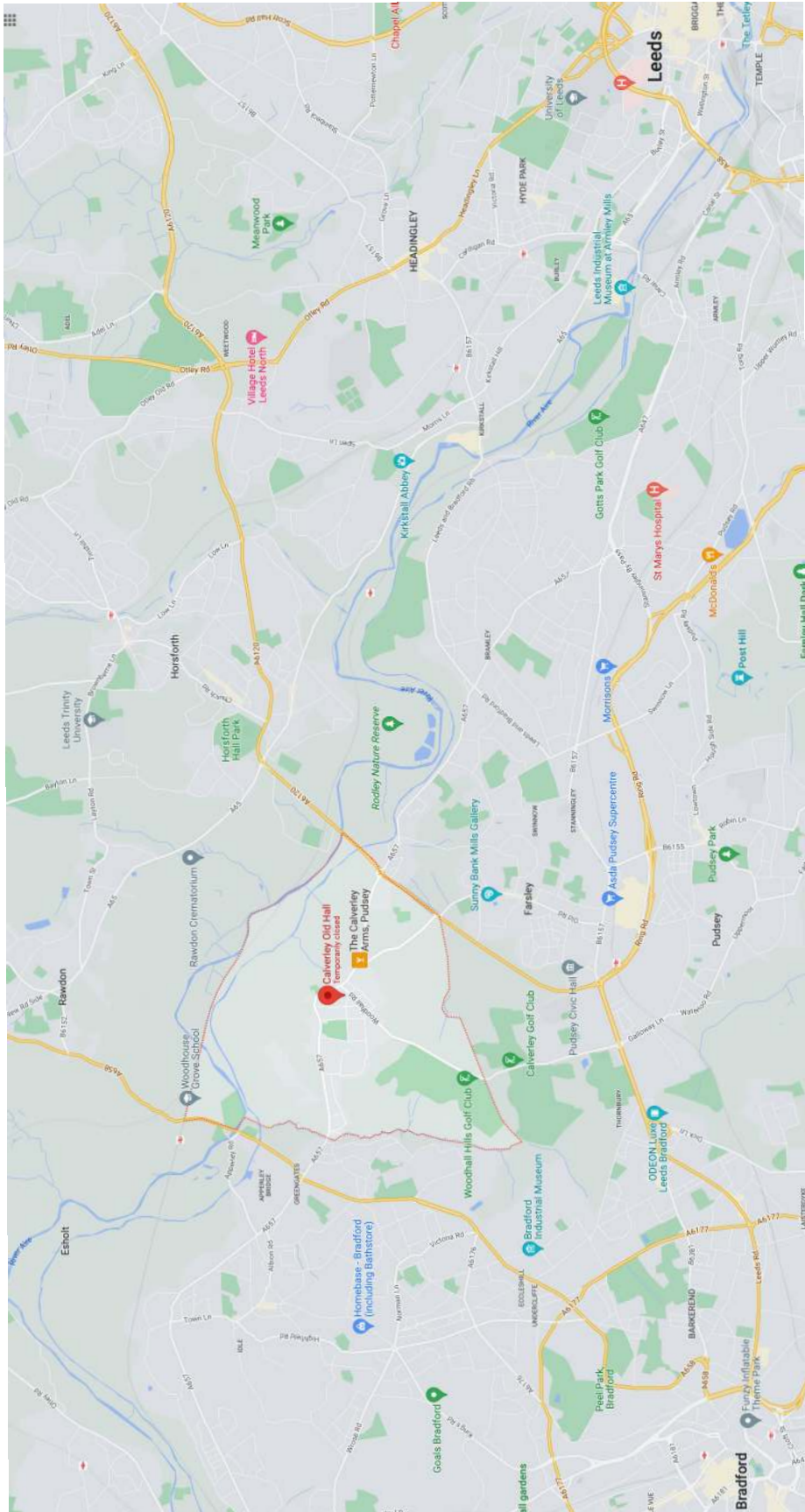
“WILLIAM is said to have been the eldest son. SIMON must have been very young in 1210, and his eldest child was probably not born until some years later.

Sir WILLIAM WARDE, son and heir of Simon, was probably born about 1220. Whitaker states that in 1254, "The guardian of the land and heir of Guyseley " presented RALPH DE CRESSY, Clerk to the Rectory of Guiseley. "

This would imply that the "heir of Guyseley " was under age, and the statement gave me an immense amount of trouble until Surtees Soc. vol. 74, p. 61. This was known as the "Marmion Tenure". Fawkes MSS., Farnley.

P.R.O., Ancient Deeds, D, no. 856. 'Loidis, vol. 2, p. 212.

I discovered that it did not relate to " GUYSELEY," as printed by Whitaker, but to " GRYSELE", that is "GREASELEY" in Nottinghamshire.



CALVERLEY Red Tag

- In 1252, the 27-year old **SIMON WARD, RECTOR OF GUISELEY**, and WILLIAM WARD witnessed a Charter of JOAN daughter of SIMON De BAILDON, granting land in BAILDON to her kinsman, WALTER De HAWKSWORTH.
SIMON WARD also affixed his Seal to the Deed, presumably for greater solemnity. (The sketch of this Seal shows a conventional representation of a Church, having three spires, with the legend, **S: RECTORIS: ECCL: DE: GYSELY: 2**
(This deed was to be printed in full in Book III.)
- **WILLIAM FITZSIMON De La WARDE (1227-1266)** married MARGARET, De Neville (1235-1300) sister of JOLLAN DE NEVILLE (1223-1249) prior to Trinity Term, 1253. 1253, Trinity Term.
- WILLIAM LE DESPENSER and ISABEL his wife sued the **PRIOR of the HOSPITAL OF ST. JOHN OF JERUSALEM in England** to warrant to them the wardship of JOHN, son and heir of RICHARD PYN, which WILLIAM FITZSIMON De La WARDE and MARGARET, his wife, claim against them by reason of the gift which JOLLAN DE NEVILLE (1223-1249) made to them, of whom the said RICHARD held his land by military service.
- In 1262, **SIR WILLIAM WARD** and **SIR SIMON WARD** witnessed a Charter of RALPH son of GERMAN MAUNSEL of Burley, granting a rent of 2s. in MENSTON to WALTER son of WALTER De HAWKSWORTH. This SIR SIMON WARD (1225-1276) was probably William's brother, the RECTOR OF GUISELEY ; Parish Priests were usually styled Sir or Dominus down to the Reformation.

MENSTON is a Village and Civil Parish in the City of Bradford in the County of West Yorkshire, England. Along with Burley in Wharfedale, most of Menston is within Wharfedale Ward in the metropolitan borough of Bradford. The remainder of Menston is in the Leeds City Council area.

- In 1265, **SIR WILLIAM WARD** witnessed a Charter of HUGH DE NAYLEFORD [Neirford], granting land in BAILDON to WILLIAM the Forester of Baildon.
- Undated. **WILLIAM son of SIR SIMON WARDE** grants to **BEATRICE**, his sister, land called THE RODES, in the fee of RALPH MAUNSEL of Burghley [Burley in Wharfe Dale].

Witnesses: SIR ALAN DE CATHERTON, SIMON son of WILLIAM DE HAWKSWORTH, ADAM son of THOMAS of the same, &c.

This BEATRICE must, I think, be the lady who married WALTER DE HAWKSWORTH, otherwise it is difficult to account for the Deed being among the Hawksworth muniments, (Legal term for "documents").

- Undated. HUGH son of ALAN DE HEUKESWORTH [Hawksworth] released to SIR WILLIAM WARD all his claim to a rent of 15d., arising from two bovates of land which MAUDE daughter of ROBERT RUFUS of HAWKSWORTH gave to ALAN, his father.

Witnesses: SIR SIMON WARDE, RECTOR OF GISELAY (Guiseley), Walter de Hawksworth, John Vavasore of Hawksworth, etc. Apparently never executed.

- Undated, I, WILLIAM WARD, have granted to RICHARD DE VESCEY, for his homage and service, all that I have in ROUDON [Rawdon].
(Rawdon is a Village and Civil Parish in the Metropolitan Borough of the City of Leeds, West Yorkshire, England.)

Witnesses : Sir Richard de Lutrington, Sir Robert de Veylay, Sir Robert de Stopham, Sir Robert Maunsell, knights, Richard de Leedes, Matthew de Braham, and others.

From the Register of Bolton Priory. RICHARD DE VESCEY was probably a near relative on the Mother's side.

(Sir WILLIAM WARD appears to have died before 1275.)

- SIMON WARDE, younger son of SIR SIMON, held the family living of Guiseley, to which he was presented in September 1246 or 1247.
 - He witnessed a Charter in 1252, another in 1262, and one undated.
 - He was living in 1276, and dead in 1281.
- In 1270, September, MASTER SIMON WARDE (Rector of Guiseley?) had leave from ARCHBISHOP WALTER GIFFARD to study for three years, receiving the fruits of his Church in the meanwhile.
- Undated. SIMON WARD, RECTOR OF GYSELAY, assigned to his brother, MASTER NICHOLAS WARD, Executor of the Will of their father, a debt of 21 marks and 6 1/2d. [£14. os. 61/2d.], due from his nepos (Nephew) on a bond.

Witnesses : Walter de Hawksworth, etc.

("Nepos" in documents of this date usually means "grandson": apparently it is here used to mean "nephew").

- Sir SIMON WARDE, son of WILLIAM WARDE, was probably born about 1245.

- In 1274-1275, February 12. **SIR SIMON WARDE** was appointed by ARCHBISHOP GIFFARD one of his JUSTICES within the Liberties of RIPON and BEVERLEY.

RIPON is a cathedral city in the Borough of Harrogate, North Yorkshire, England.
BEVERLEY is a market and minster town and a civil parish in the East Riding of Yorkshire, England, of which it is the county town.

- In 1275 **NICHOLAS WARDE** claims against **SIMON WARDE** a message and two carucates of land (exclusive of the MILL) in GYSELEY, and the MANOR OF HESSEHOLT (ESHOLT?) (exclusive of the MILL), as his right, of which property NICHOLAS WARDE, his ancestor, was seised in the time of Henry III ; from NICHOLAS (1254-1275), who died at 21-years old, without issue, the property descended to **SIMON WARDE**, as brother and heir, and from SIMON, who died without issue, to ADAM as brother and heir, and from ADAM to NICHOLAS, the Plaintiff, as son and heir.

SIMON WARDE, the Defendant, admits the seisin of the first-mentioned **NICHOLAS**, and that he died without issue, and that **SIMON** was his brother and heir ; but he denies that this **SIMON** died without issue. On the contrary, he says that by his Wife, **CONSTANCE DE VESCEY**, he had several Sons and Daughters, namely, **WILLIAM** the eldest, the Defendant's Father, **NICHOLAS, ADAM, ALICE** and **ISABEL**, who are all dead, and **SIMON, BEATRICE** and **Joan**, who are still living.

To prove the Marriage he produces letters of **WALTER DE GREY**, late ARCHBISHOP OF YORK, being letters of admission of **SIMON WARDE**, Clerk to the Church of Gyselay, dated at Cawode in September in the 31st year of his Episcopate (1246-1247), and also a letter from **WALTER [GIFFARD]**, the present ARCHBISHOP, being an inspeximus of the proof of the Marriage, which took place in 12??, dated at Otley in November in the 9th year of his Episcopate [1274-1275].

SIMON WARDE also mentions that **WILLIAM WARDE** senex, father of **NICHOLAS** the elder and of **SIMON** and **ADAM**, enfeoffed **ADAM** his son in the Mills of GYSELEYE and in a message and 6 bovates of land in Givendale, to hold of **WILLIAM WARDE** by homage and service ; and that **ADAM** did homage to him, and, after his death, to **NICHOLAS**, his son and heir, and, after the death of **NICHOLAS**, to **WILLIAM WARDE** son of **SIMON WARDE**, his nephew and heir; and that after **ADAM'S** death, **NICHOLAS** his son, the present Claimant, did homage to the same **WILLIAM WARDE** son of **SIMON WARDE**.

The end of the RECORD of this case is much worn, but it seems that the Defendant was dismissed and the Plaintiff was amerced (**punished with a fine**) for a false claim.

Undated: After 1273. **SIMON WARDE** witnessed a Charter of EUDO LA ZOUCHE, confirming to RIEVAULX ABBEY all lands that they had in his fee of Bingley.



RIEVAULX ABBEY, near Helmsley, North Yorkshire, England

It was one of the great abbeys in England until it was seized in 1538 under Henry VIII during the Dissolution of the Monasteries. The wider site was awarded Scheduled Ancient Monument status in 1915 and the abbey was brought into the care of the then Ministry of Works in 1917. The striking ruins of its main buildings are today a tourist attraction, owned and maintained by English Heritage.

■ 1281, December 19, **NICHOLAS WARDE**, **SUB-DEACON**, was instituted to the **CHURCH OF GYSELEY**, on the presentation of Sir **SIMON III De La WARDE**.

NICHOLAS WARDE was probably his brother.

DEACONS are called to work with the Bishop and the Priests with whom they serve as heralds of Christ's kingdom. They are to proclaim the gospel in word and deed, as agents of God's purposes of love. They are to serve the community in which they are set, bringing to the Church the needs and hopes of all the people.

- 1284-1285. WILLIAM DE STOPHAM and ADAM DE NEYLFORD hold in BAYLDON, 4-Carucates of land, (where 24-Carucates make a Knight's Fee) ; they hold of SIMON WARDE by Knight Service, and he holds of the ARCHBISHOP OF YORK by Knight Service, and the ARCHBISHOP holds of the KING-IN-CHIEF.
The same return shows that SIMON WARDE himself held 6-Carucates in Guiseley and 7-carucates in Hawksworth, held of the ARCHBISHOP by Knight Service. Givendale is not included in this Survey.
- In 1285, Easter week. SIR SIMON WARDE witnessed a Deed dated at RIEVAULX ABBEY, by which ROBERT VYLEYN granted to the ABBEY certain lands between Helewyk [Eldwick] and Faheder [Faweather], with common of pasture in HELEWYK.
- In 1289, SIMON WARDE claimed against ANDREW DE NEVILLE that he should exonerate the Plaintiff from the services which PETER DE ROTHERFIELD required for the free tenement in DRIGLINGTON that SIMON WARDE held of ANDREW DE NEVILLE.
- In 1291, November 11. SIR SIMON WARDE witnessed an Agreement made between SIMON THE HARPER and JOHN SCOT relating to land in CALVERLEY.
- In 1291, December 1. THE KING, EDWARD I, confirmed the Charter by which ISABEL DE FORTIBUS, COUNTESS OF ALBEMARLE AND DEVON, granted to BOLTON PRIORY certain messuages and lands in WIGDON, BRANDON, HELTHWAIT, RAWDON AND HAREWOOD.
(SIMON WARDE, KNIGHT, was one of the witnesses.)
- In 1294 SIR SIMON WARDE, witnessed a Charter of ALAN DE CATHERTON, releasing land in BAILDON to WILLIAM LE PROVOST DE BAILDON.
- In 1297, SIR SIMON WARDE paid 16s. as one ninth of £7, 4s. 4d. the value of his live stock, corn and hay, at Givendale.
- In 1297-1298, Hilary Term. FINE between SIMON WARDE, Plaintiff, and RALPH son of RALPH DE NEWBY and GALIENA his wife, deforciant, of the MANOR OF DRIGLINGTON ; To hold to SIMON WARDE and the heirs of his body of the Chief Lords of the Fee, by the accustomed Services.

The Deforciant will warrant for themselves and the heirs of GALIENA. SIMON WARDE gave 100 marks of SILVER.
- In 1298, June 16. SIR SIMON WARDE did homage to HENRY DE NEWARK, ARCHBISHOP OF YORK, on the morrow of his consecration at York, namely on the 16th. July, and took the OATH OF FEALTY.

- **SIMON WARDE** admitted that he held one KNIGHT'S FEE in GUISELEY, GIVENDALE AND KIRKBY WHARFE, and a quarter of a KNIGHT'S FEE in NEWBY on Ure. The GUISELEY property included **BAILDON**.

Newby Hall is an 18th-Century country house situated beside the River Ure at Skelton-on-Ure, near Ripon in North Yorkshire, England.

- In 1300, July 18. In the PALACE AT YORK, SIR SIMON WARD the ELDER did homage and fealty [to **ARCHBISHOP THOMAS DE CORBRIDGE**], for one Knight's Fee in GUISELEY, GIVENDALE and KIRKBY WHARFE, and a quarter of a Knight's Fee in NEWBY on Ure. The GUISELEY property included BAILDON.
- In 1300, Michaelmas Term. **SIMON WARDE** of GYVENDALE claimed against **HENRY DE EYVILLE** and ALICE his wife, three acres of pasture in THORPE near GYVENDALE [Littlethorpe], in which the Defendants had no entry save after a demise which NICHOLAS WARDE (whose kinsman and heir the Plaintiff is) made to ADAM WARDE for a Term which is ended. The Defendants pleaded that another NICHOLAS WARDE gave the pasture to the said ALICE and SIMON WARDE, her first husband, and the heirs of their bodies, and they vouch to warranty the said NICHOLAS.

DEMISE (in British English)

NOUN

- failure or termination ... the "DEMISE of one's hopes"
- a euphemistic or formal word for "DEATH"

In PROPERTY LAW

- a transfer of an Estate by Lease;
- the passing or transfer of an estate on the death of the owner;
- the immediate transfer of sovereignty to a successor upon the death, abdication, etc, of a ruler (especially in the phrase "demise of the Crown").

- In Michaelmas Term, 1302, **NICHOLAS WARDE** appeared, and demanded to know why he ought to warrant? The Defendants then produced a Charter by which **NICHOLAS WARDE** gave the said tenements with others to **SIMON WARDE**, his Son, and the said ALICE in **FRANK-MARRIAGE**. NICHOLAS WARDE then warranted to them, but said the Writ was bad, because the NICHOLAS WARDE through whom the Plaintiff claimed was not seised of the lands after the Coronation of Henry III, so that he could demise to any one.

The JURY said that this was so; and Judgment was given for the Defendants.

The JURY between **SIMON III WARDE** of Gyvendale, Plaintiff, and **NICHOLAS WARDE**, whom HENRY De EYVILLE and ALICE, his wife, vouched to warranty in a plea of land, is RESPITED until Trinity Term for default of the JURORS, **none of whom came.** (...!!!)



Sir SIMON III De La WARDE
(1245 - 1306)

- In 1300, **SIMON III WARDE** senior sued JOLLAN DE NEYVILLE to exonerate him from the services which WILLIAM DE EYNCURT required for the “free tenement” which SIMON held of JOLLAN in Drighflinton [[Drighlington](#)].
- In 1304, the services are set out, viz: HOMAGE, FEALTY, the services due for one-third of a Knight's Fee, and 10d. a year rent at the WAPENTAKE COURT OF MORLEY.

Sir SIMON III WARDE produces a Charter of JOLLAN DE NEVILLE, Uncle of the Defendant, by which he gave the property to MARGARET, his sister, in **FRANK-MARRIAGE**. SIMON WARDE is her son and heir.
- In 1302, September 29, **SIR SIMON III WARDE** witnessed a Charter of ALICE, Widow of HENRY LE BOLOUR of BAILDON, granting land in Hawksworth to WALTER son of WALTER DE HAWKSWORTH.
- 1302-1303, **SIMON III WARDE** holds half a Knight's Fee in GIVENDALE, six carucates of land in DRIGHLINGTON, and also 17 carucates of land in GYSELEY, HAUKESWOORD and BAILDON, where 24 carucates make a fee.

He paid one Mark for the land in DRIGHLINGTON and 6s. 5d., part of 28s. 4d. for that in GUISELEY, HAWKSWORTH and BAILDON; (The payments for GIVENDALE are illegible.)
- In 1303, May 6. **SIR SIMON III WARDE** witnessed an INDENTURE made between SIMON, son of NICHOLAS WARDE of Salley who was son of ADAM WARDE. SIMON was dead in 1291 ; his father NICHOLAS was dead in 1303.

- In 1303, May 17. **SIR SIMON III WARDE** was present when five clerks, having the first tonsure, were degraded at the West door of RIPON MINSTER by ARCHBISHOP THOMAS DE CORBRIDGE.

- 1304 Trinity Term. **SARAH, widow of NICHOLAS WARDE** claimed against **SIMON III WARDE**, one-third of a Water-Mill in Esholt, as dower. She was the Widow of NICHOLAS WARDE of Salley, mentioned in the proceedings in 1301.

- **SIR SIMON III WARD** witnessed an undated Deed by which SERLO son of PETER DEL GRENE of Hawkesworth gave lands in HAWKSWORTH and MENSTON to **HENRY son of WILLIAM DE BAILDON**.

- In 1306, August 1. In the Chamber of **WILLIAM DE GRENEFELD**, ARCHBISHOP OF YORK, at Otley, in the presence of **ROBERT DE BLUNDESTON**, ROBERT DE NOTTINGHAM, RICHARD DE BABYNGTON, and many others, the ARCHBISHOP, saving the rights of any, took the homage and fealty of SIR SIMON DE LA WARDE, Knight, for the tenements held of him in GUISELEY, GIVENDALE, KIRKBY WHARFE, BAILDON and HAWKSWORTH.

- Sir **SIMON III De La WARDE (1245-1306)** shall answer for one Knight's Fee, and shall do suit at the ARCHBISHOP'S COURTS at Ripon and Otley. SIMON'S wife's name was **CLARICE De TREGOZ** (1262-1300). His children were Simon, John, NICHOLAS (1320-1396), Rector of Guiseley, 1306-1307, and probably JOAN (1304-1362), who married JOHN SCOT III OF CALVERLEY. SIR SIMON III died in 1306.

- In 1288, Easter Term. JOHN DE WALKYNGHAM complained of **NICHOLAS WARDE**, Parson of the CHURCH OF GYSELEY in a plea of trespass.

- In 1303, September 25. **NICHOLAS WARDE**, Parson of the Church of Gyseleye, acknowledged that he owed 19 marks and 6d. [£12. 13s. 10d.] to NICHOLAS DE BONDEGATE, Chaplain, to be levied of his lands and chattels in Yorkshire, in case of default of payment.

- Undated; (circa 1300) MARGARET relict (**WIDOW**) of JOHN LE VAVASOUR of Hawksworth granted a toft in Hawksworth to WALTER son of WALTER DE HAWKSWORTH. (**A TOFT is the immediate "yard" of a rural medieval house.**) Witnesses : Nicholas Ward, Rector of Gyselay, William son of Maude de Hawksworth, William son of Constance de Hawksworth, etc.

- SIR SIMON De La WARDE (1276-1335), eldest son of SIR SIMON III De La WARDE (1260-1306) was born about 1270 to 1280 ; he succeeded to the family estates on the death of his father in 1306. From 1315 (when he first served the office of SHERIFF OF YORKSHIRE) to his death in 1335, he was one of the most prominent men in Yorkshire, in both Civil and Military affairs. His name occurs frequently in the Patent and Close Rolls of the period, and as these are now accessible in printed calendars, I omit all but the most important items there found. A fully annotated biography of SIR SIMON would require a book to itself. A good account of his public services will be found in Walbran's book "Memorials of Fountains Abbey".

William P. Baildon: It is not quite certain if he is the SIMON De La WARDE who married ISABEL, daughter of SERLONIS DE WESTWICK (Lord Grassington) and Widow of SIR ROBERT DE PLUMPTON, but I do not know of any other SIMON at this date, and I, therefore, include here all my notes relating to this marriage.

EDITOR'S NOTE: In fact, the SIMON De La WARDE (1283-1334) who did marry ISABEL, daughter of Serlonis De Westwick is not recorded as one of the WARDES of Guiseley.

- In 1299, Michaelmas Term. SIMON De La WARDE and Isabel his wife sued ROBERT DE PLUMPTON for a debt of 12 marks [£8]. This Robert was the son of Isabel by her first husband.
- 1299-1300, Hilary Term. ADAM DE MIDDLETON complained of SIMON WARDE and ISABEL his wife for novel dis-seisin of common of pasture at Gersinton [Grassington in Craven].

In English law, the ASSIZE OF NOVEL DIS-SEISIN was an action to recover lands of which the plaintiff had been dis-seised, or dispossessed. It was one of the so-called "Petty Assizes" established by Henry II in the wake of the Assize of Clarendon of 1166; and like the other two was only abolished in 1833.

- THE COMPLETE PEERAGE, following Bank's Baronia Anglica Concentrata and Burke's Extinct Peerage, makes SIR SIMON De La WARDE a son of ROBERT De La WARDE (1252-1307), who died in 1307, having property in Middlesex, Leicestershire and Derbyshire, and gives him two sisters as co-heirs.
- These ladies really were DAUGHTERS of Robert, who had no connection with the Yorkshire Wardes; see Robert, Calendarium Genealogicum, p. 737.

EDIOR'S NOTE: We have Sir SIMON III De La WARDE (1260-1306) as the Son of Sir WILLIAM FitzSIMON De La WARDE (1230-1266).

■ In 1300, Trinity Term. ROBERT BOUTHUM, Son of LAWRENCE DE BOUTHUM, CICELY his sister, RICHARD DE TYVERINGTON and WILLIAM SPERRY, Executors of the Will of LAWRENCE DE BOUTHUM, sued ROBERT II De PLUMPTON (1268-1325) Son of ROBERT FitzNIGEL DE PLUMPTON (1252-1298) and ROBERT DE OSGODEBY, Executors of the Will of ROBERT DE PLUMPTON, and Sir SIMON De La WARDE and Isabel his wife, co-executrix of the said Will, for a debt of £64. 6s.

■ Undated; circa 1300-1301. THOMAS DE SELEBY and ELLEN, his wife, grant to SIMON WARDE (1276-1335), son of Sir SIMON III De La WARDE (1245-1306), half a carucate of land in Newby-on-Ure, to hold of the Chief Lord, paying him 4s. a year, and also a pair of gloves or a Penny to JOHN DE HAUTECLOU, and a rose at Midsummer to the grantor.

Witnesses, ROGER GOLDESTAN, Bailiff of Ripon, and others.

■ In 1301, March 30, SIR SIMON IV WARDE, (The Younger) (1276-1335), did homage and fealty to THOMAS DE CORBRIDGE, ARCHBISHOP OF YORK, in his Chamber at BEVERLEY, Yorkshire for his tenement in NEWBY-on-Ure, and he admitted that he held by the service of a quarter of a Knight's Fee, but as to other services he knew not ; there must be an inquiry as to these.

BEVERLEY is a Market and Minster Town and a Civil Parish in the East Riding of Yorkshire, England, of which it is the County Town. The Town Centre is located 27-miles south-east of York's centre and 15-miles north-west of the CITY of HULL.

■ In 1302, Trinity Term. Sir SIMON WARDE and ISABEL his wife complained that ROBERT DE PLUMPTON had *disseised them of housebote and hedge-bote and of the third penny of pannage and agistment of herbage in the woods of Foulwyt and Byrcom in Plumpton.*

Housebote: Wood allowed to a Tenant for repairing a house.

Hedge-bote: Wood used for repairing hedges or fences.

Pannage: the right or privilege of feeding pigs or other animals in a wood.

Agistment: in English law, to take cattle to graze, in exchange for payment.

Herbage: the right of pasture on another person's land.

Foulwyt: an unattractive or unsatisfactory feature, especially in a piece of work or in a person's character.

The Defendant paid two marks [£ I . 6s. 8d.] damages, and granted the third penny to the plaintiffs, for Isabel's life.

- In 1302, Michaelmas Term. **ROBERT DE PLUMPTON** complained of Sir **SIMON De La WARDE** and ISABEL his wife for making waste and sale of the houses, etc., being ROBERT'S inheritance in the MANOR OF GERSINGTON [[Grassington](#)], which they hold as ISABEL'S dower.

ROBERT De PLUMPTON alleged that they had thrown down a Hall, price £20, and a Chapel, price 40s., and had cut down 60 large Ash trees in the garden, price 2s. each, 600 Ash trees in the wood, price 6d. each, 1,000 hazels, price 5d. each, 300 poplars [tremulos], price 12d. each, 100 wood-apple trees [pomaria silvestra], price 12d. each, and 200 large whitethorns, price 6d, each.

- In 1302-1303. **Sir SIMON IV De La WARDE** (1276-1335), son of Sir SIMON III De La WARD holds one fourth of a Knight's Fee in Newby-on-Ure. He had a Charter of *free warren* in all his desmesne lands in Newby, dated January 28, 1303-1304.

- In 1306, Easter Term. **NICHOLAS De MEYNELL (1276-1322)** complained of SIMON IV WARDE (1276-1335) son of SIMON III WARDE, WILLIAM Le LATIMER, ROBERT OUGHTRED, and others, for seizing and imprisoning him at York; he claimed £200 damages. (No details are given.)

EDITOR'S NOTE:

NICHOLAS DE MEYNELL was a person of some standing in the North Riding. He was summoned to Parliament from 1313 to 1321 and served for a year (1315) as SHERIFF OF YORK. He is best known for his illicit relationship with Lucy de Thweng who was married to WILLIAM LATIMER at the time. The vengeful Latimer brought Meynell to Court on an accusation that he had hired two men to murder him. As the case progressed, the hired men changed their story and said that Latimer had forced them to support his claims. Nicholas de Meynell is also known for his effigy, which is housed in the Church of the Holy Rood at WHORLTON.

NICHOLAS De MEYNELL died in 1322.

- In 1306, November 21. In St. Mary's Abbey, York, ARCHBISHOP GREENFIELD, saving the rights of any, took the homage and fealty of SIR SIMON De La WARDE the younger, knight, Son of SIR SIMON III De La WARDE, recently deceased, for tenements which he claimed to hold of him in GUISELEY, GIVENDALE, KIRKBY WHARFE, BAILLEDON and HAWKSWORTH, for one Knight's Fee; and he admitted that he owed suit at the COURTS of RIPON and OTLEY from three weeks.
- 1306-1307, 16 January: SIR SIMON IV De La WARDE (1276-1335) presented NICHOLAS WARDE, (1320-1396) Clerk, to the Rectory of Guiseley. NICHOLAS was probably SIR SIMON'S younger brother.
- 1307, September 17. SIR SIMON WARD and SIR NICHOLAS WARD, Rector of Guiseley, witnessed a Charter of THOMAS ,Son of NEIL DE HORSFORTH, granting a rent of 3s. 4d. from the MILL at CALVERLEY to JOHN DE CALVERLEY.

THE START OF THE WOOLLEN INDUSTRY IN YORKSHIRE

The manufacture of WOOLLEN CLOTH has for Centuries been an important occupation of Yorkshire men and women. From the 12th Century onwards there is abundant proof of the existence of the industry, and since that time, generation after generation has worked at the SPINNING-WHEEL, LOOM, AND DYE VAT.

The industry has been the architect of the social structure in each epoch, and has been the motive power of the county's progress. Finally, it has left its mark in the list of family names ; Lister, Walker, Webster, and other names common in the county, have survived from the days when a man took his surname from his trade. 1

Until about 1300, however, the outstanding feature of economic life in the county (apart from agriculture) was the trade in wool. The production of wool, especially for the foreign market, provides a topic which lies outside the scope of this volume, and we can only notice it in passing. But it is necessary to remember that a great part of the wool produced on the manors and abbey lands was exported to feed the looms of Germany, Italy, and the Low Countries. Native and foreign Merchants flocked to the WOOL FAIRS, or went direct to the producer, in their search for supplies. Long-period Contracts were made frequently between these buyers and the Yorkshire Abbots, and on one occasion an Italian company agreed to purchase the whole of the KIRKSTALL clip for ten years. The wool was exported from York and Hull, and between the Merchants of these Towns a keen rivalry existed for the monopoly of the trade.

Meanwhile a certain amount of the raw material was being made into cloth at home, and this amount increased as time went by. We do not know what proportion was retained for the Yorkshire industry, but it is improbable that the local demand was a serious rival of the foreign until the 14th Century. To the rise of that local demand, and the early growth of the Yorkshire textile industry, we must now turn our attention.

LISTER was the trade name for dyer, WALKER for fuller, and WEBSTER for weaver.

The Abbeys were large wool-producers. In 1270, the Abbot of Meaux sold 120 sacks to Merchants of Lucca, Tuscany, Italy. The list of about 200 Monasteries supplying wool to Flanders, circa 1284, contains the names of 39-Yorkshire Abbeys.

Patent Rolls, give lists of Licensees to export WOOL. The licences were chiefly to alien Merchants, but HULL, PONTEFRACT, YORK, LINCOLN, NEWCASTLE, &c., are also represented. In 1230 Merchants of BEVERLEY were sending ships laden with wool, &c., to Flanders, and another ship was laden with the goods 'mercatorum de Eboraco' (Close Rolls, 14 Hen. III, m. 3); and in 1334, Merchants of York, Beverley, Pontefract, and the parts of Craven 'were residing in Flanders'.

(a) The Rise of Cloth-making

Of the origins of the textile industry in Yorkshire, or indeed in England, very little is known. The discovery of rude textile implements in the lake-village of GLASTONBURY and elsewhere proves that the weaving of cloth is of prehistoric antiquity.

In Anglo-Saxon times cloth was widely used for garments by all classes, and the rough coarse fabrics worn by the poor were doubtless woven in the huts of the period, just as hearth-rugs are 'pricked' and stockings knitted in the homes of the working-classes of Yorkshire to-day.

At the same time a higher grade of cloth was being produced in some districts, and dyeing was practised, the dye being obtained from cockles, or from madder imported from France.

By the end of the 8th Century, Mercia was exporting woollen cloaks, presumably made from English cloth, to the realms of Charlemagne, and owing to some apparently fraudulent reduction in the length of the garments Charles found it necessary in 796 to ask King Offa that the cloaks might be "made of the same pattern as used to come to us in olden time".

WOOLLEN INDUSTRY IN YORKSHIRE

Of evidence relating to the Woolen Industry in Yorkshire in particular there is none.

We know that York was an important port and market long before A. D. 1000, trading in wool, and possibly in cloth to a small extent. Of the great mass of the Yorkshire rural population it is safe to surmise that they were dressed in cloth produced by the distaff and primitive hand-loom in the cottages scattered throughout the county.

With the 12th and 13th Centuries comes more documentary evidence relating to York, from which we can gather that the textile industry was firmly rooted in Town and Country alike long before 1300. The first traces are to be found in the two great ecclesiastical centres, YORK and BEVERLEY, where the industry appeared early under guild organization. The WEAVERS of York are first mentioned in the Pipe Roll of 1164 and in the following year the payment is definitely stated to be 'pro gildasua'.

The York guild was by no means the first in the field. Lincoln had its WEAVERS' GUILD in 1131, and the Pipe Rolls of the early years of Henry II record the subscriptions of Weavers' organizations at London, Winchester, Lincoln, Nottingham, Oxford, and Huntingdon. Yet when York appeared, the amount of its contribution leads one to believe that its Weavers' Guild must have been of some magnitude.

ABRAHAM MOON & SONS was founded in 1837 in GUISELEY. In the early days Abraham Moon would sell yarn to families or pay weavers to create fabrics out of his yarn and then sell the finished goods to the Community. After years of this and a good relationship with the Community he expanded his business.

IN 1868 he had a three-story mill built in Guiseley. The Yorkshire location was perfect for wool production with soft water ideal for scouring the fleece and a newly built RAILWAY to Leeds running right behind the building.

The creation of the MILL allowed the Company to expand and products to reach customers farther and farther away.

In 1902 the original Mill burnt to the ground but was quickly replaced by a large one-story Mill built in its place. The Mill also now became fully vertical meaning everything from processing raw fleece, to dyeing, to finishing the fabrics happens on-site.



This is the MILL that is still used to this day. The current Mill is also one of the few vertical Mills still in use in Britain, most wool production does not take place entirely in one facility.

Because of its historic location the wool crafted and processed here retains a historically British quality few are able to replicate. There is truly something in the water!

WILLIAM PALEY BAILDON Notes (Continued):

- Undated; circa 1308. **SIMON De La WARDE** son of SIR SIMON De La WARDE granted all his land and rents in the Vill of Hawksworth and all his Lordship and Title in the name, to WALTER son of WALTER DE HAWKSWORTH and the heirs of his body, for his homage and service, paying yearly a pair of gloves at Christmas; reversion to SIMON and his heirs.

Witnesses : SIR WILLIAM DE STOPHAM the elder, SIR RICHARD WALEYS, SIR ROBERT DE PLOMPTON, knights, JOHN DE STAPLETON, RICHARD De BABYNGTON, and others.

MR. HARRY SPEIGHT (Author of late 1800s) dates this deed as circa 1315, which is some years too late. JOHN De STAPLETON, who witnesses it, appears to have been Knighted in 1308, and the deed is clearly before his Knighthood. An earlier WALTER DE HAWKSWORTH (probably the Father of the Grantee above mentioned) had married a BEATRICE WARDE, who appears to have been SIR SIMON'S GREAT-AUNT.

- In 1310, Easter Term. WILLIAM GRAMARY and SARAH his wife and THOMAS DE EYVILLE sued **SIMON De La WARDE** of Gyvendale to return two bonds which he unjustly detained. The plaintiffs were closely related to the defendant. SIMON WARDE of Sawley, grandson of ADAM WARDE, was dead in 1291, leaving two daughters and coheireses, both then under age. One of these, SARAH, married WILLIAM GRAMARY ; the other, ISABEL, married THOMAS De EYVILLE.
- In 1311, March 25. **SIR SIMON III De La WARDE** witnessed a Charter of "BROTHER JOHN, Abbot of KIRKSTALL, and the Convent of the same place," granting Rights of Common in BRAMLEY to JOHN DE CALVERLEY.
- In 1313, October 1, **Sir SIMON III De La WARDE** was one of those who were pardoned for participation in the murder of PIERS GAVESTON in 1312.
- In 1314, June 24, **SIR SIMON III De La WARDE** was one of those taken prisoner at the Battle of Bannockburn ; he was not killed there, as sometimes stated.
- In 1314, October 3, ARCHBISHOP GREENFIELD gave an order to Roger de Thornton, his Receiver at York, to pay **SIR SIMON IV De La WARDE** £20, as a loan in aid of his redemption ([release from imprisonment at Bannockburn by Robert The Bruce](#)).

- In 1314, October 26, **SIR SIMON IV WARDE**, Lord of Givendale, by a deed dated at Givendale, granted to JOHN LE SCOT OF CALVERLEY and JOAN his wife, for their lives, a yearly rent of 2 marks [£1. 6s. 8d.] issuing out of the Mills of Guiseley.

Witnesses, Sir William de Stopham, Sir Richard le Waleys, Sir William de Bestone, Sir John de Thornhill, knights, Richard de Tange, Walter de Hawkesworth, and Simon de Brame. SIR SIMON WARDE appointed his brother, Sir Nicholas Warde, and Jordan de Byerley to give seisin.

SEISIN denotes the legal possession of a FEUDAL FIEFDOM or FEE, that is to say an estate in land. It was used in the form of "the son and heir of X has obtained seisin of his inheritance", and thus is effectively a term concerned with "conveyancing" in the feudal era.

- In this last document SIR SIMON De La WARDE calls JOHN SCOT OF CALVERLEY "mon valet," which here probably means "Esquire" or "Page". In the old CALVERLEY pedigrees one of the JOHN SCOTS is said to have married a sister of SIR SIMON WARDE ; John Scot may very likely have been a son of this marriage, and therefore a nephew of Sir Simon's. The brother, SIR NICHOLAS WARDE (1320-1396), was no doubt the RECTOR OF GUISELEY.
- Undated; circa 1314-1315, **SIR SIMON IV De La WARDE** witnessed a Charter of SERLO son of PETER DEL GREEN of Hawksworth, granting land in Hawksworth and Menston to HENRY son of WILLIAM DE BAILDON and ALICE his wife.
- In 1315, June 3. **KING EDWARD II** granted an annuity of 100 marks [£66. 13s. 4d.] a year to **Sir SIMON III WARDE** (1261-1306), in consideration of his good service, until he should be provided with a life-estate to that value in lands or rents.
- In 1315, **SIR SIMON IV WARDE** was appointed **SHERIFF OF YORKSHIRE** ; his accounts cover from October 20, 1315, to January 21, 1316-1317.
- In 1315-1316, In the Nomina Vilarum of 9 Edward II, Sir SIMON WARDE is returned as Lord of the Villis of GIVENDALE, NEWBY, GUISELEY and DRIGLINGTON ; Baildon and Hawksworth are returned with the names of the under-tenants. A SIMON WARDE, but whether the same or not I cannot say, is also returned as Lord of the Vill of WELBURN and half that of BULMER.
- In 1315-1316, February 20, **KING EDWARD II** had previously ordered Sir SIMON IV WARDE, Sheriff of Yorkshire, to remove **SIMON DE WAKEFIELD** from his office of Under-Sheriff. **The accusations against Wakefield were false, and he was to be re-instated.**

- In 1317-1318, January 31, **SIR SIMON IV De La WARDE** did homage for the tenements he held of **ARCHBISHOP MELTON** in the Bailiwick of Ripon.
- In 1318, Sir **SIMON De La WARDE** of Gyvendale and **WALTER De HAWKESWORTH** acknowledged that they owed **JOHN DE RITHER** £200, to be levied on their lands and chattels in Yorkshire in case of default of payment.
- In 1318, May 15. **SIR SIMON DE LA WARDE** began his second term as **SHERIFF**, which, with a short interval, in December 1318, lasted until June 15, 1323.

During this interval, and probably connected with it in some way, the following incident occurred of which we should like to learn further details.

- In 1318, December 12. A **SPECIAL COMMISSION** of **OYER ET TERMINER** was issued on the complaint of **SIMON DE WAKEFIELD** that when he was attending on **RICHARD DE GOLDESBURGH** and **WILLIAM DE HEBBEDEN**, the Collectors of the Scutage for the armies in Scotland, in the years 28, 31 and 34 of Edward I [1299-1300, 1302-1303 and 1305-1306], and with the said Collectors approached the **CITY OF YORK** to collect such scutage, **SIMON WARD**, **WILLIAM SIMON DE WARD**, " **ROBERT WARD**," [i.e. Simon Warde's Chamberlain and Cook], **ADAM SON OF HENRY DE BAILDON**, **WILLIAM HIS BROTHER**, and many others, had assaulted him and hindered the collection ; and that the same persons, and others, including **JOHN WARD**, had broken into his house at **Hornington**, co. York, forced his chests, and carried off 2 horses, 6 mares, 10 oxen and 6 cows, worth £30, and other goods and chattels, and £138 in money.

HORNINGTON is near **TADCASTER**. The date of these affairs is not clear, but apparently they took place shortly before the complaint was made in December, 1318. The reference to the earlier dates probably relates to arrears in the collection.

- In 1319-20, Hilary Term. **Sir SIMON IV De La WARDE**, then Sheriff of Yorkshire, witnessed an undated Deed whereby **ROBERT LE VAVASSOUR** confirmed to **FOUNTAINS ABBEY**, for the health of the souls of **SIR WILLIAM De La WARDE**, his father, and **SIR WALTER WARDE**, his brother, all lands in his fee in **THORPE UNDERWODE** in Burghshire [near Borough-bridge] and in **ELNEWYK** which the Monks had of the gift of **GEOFFREY HAGET**, his ancestor.

THORPE UNDERWOOD ESTATE, is situated just 10 miles from the historic city of York and equally close to the beautiful spa town of Harrogate. Thorpe Underwood Estate expands over 100 acres of beautifully maintained, tranquil grounds and is home to the nationally renowned **Queen Ethelburga's College and Chapter House Preparatory School**.

■ In 1321-1322, February 16. KING EDWARD II granted power to WILLIAM De MELTON, Archbishop of York, and Sir SIMON IV De La WARDE, the Sheriff of Yorkshire, to receive any of the rebels who wished to surrender, except Bartholomew de Badelesmere ; they were to be kept in safe custody until further orders.

■ In 1321-1322, March 3. William de Ros of Hamelak, Henry de Percy, William le Latymer, and Sir SIMON IV De La WARDE, were appointed to levy all the men of Yorkshire, both horse and foot, and to proceed against THOMAS, EARL OF LANCASTER, and his adherents, who were then besieging TICKHILL CASTLE.



■ In 1321-1322, March 16. SIR SIMON IV WARDE and SIR ANDREW HARCLA were in command of the King's army when THOMAS, EARL OF LANCASTER, was defeated and taken prisoner at the BATTLE OF BOROUGHBIDGE.

■ In 1322, March 29. SIR SIMON IV De La WARD and SIR JOHN De La WARDE witnessed a Charter of ELIZABETH, widow of THOMAS PAYTFIN of HEADINGLEY, granting her the Manor of Headingley, etc., to her brother JOHN DE CALVERLEY.

- In 1323, May 30.- At Bishopthorpe, **HENRY DE BELLO MONTE**, sworn of the Great and Secret Councils, was committed to prison for contempt, in refusing to give advice as to the truce with ROBERT De BRUS ; his sureties were Henry de Percy, Ralph de Nevill, **SIMON IV De La WARDE**, Henry FitzHugh, and others.
- In 1323, October 8. Sir **SIMON IV De La WARDE** and many others were charged by ROBERT DE MUCHEDEVRE with having seized his goods and chattels at Skipton.
- In 1324, March 29. **SIR SIMON IV De La WARD** witnessed a Charter of JOHN De CALVERLEY, granting the MANOR OF HEADINGLEY to **KIRKSTALL ABBEY**.
- In 1324, May 20. **SIR SIMON WARDE**, knight, was returned by the SHERIFF OF YORKSHIRE as summoned by general proclamation to attend the GREAT COUNCIL AT WESTMINSTER.
- 1324, August 24. **SIR SIMON IV De La WARDE** and **SIR JOHN WARDE** (1285-1346) witnessed a Charter of SIMON DE BRAAM, granting his **MANOR OF ESHOLT**, etc., to **JOHN SCOT**, Lord of Calverley.
- In 1324, December 27. Roger Swyn and Roger de Staunford were allowed their expenses for taking various writs of summons in preparation for the War in Gascony. **AMONG THEM WAS A WRIT OF PRIVY SEAL TO SIMON III De La WARDE.**

THE PRIVY SEAL WRIT:

LAURA FLANNIGAN, FACULTY OF HISTORY, UNIVERSITY OF CAMBRIDGE.

One of the main methods by which accused parties were summoned to appear before central English law courts in the early modern period was the Privy Seal Writ. Issued from the royal Chancery at Westminster to the litigant (for a fee), this writ was a small document in Latin or English, folded into a bound packet. A wax seal measuring around 1 ½ – 2 ½ inches depicting the seated monarch and the royal arms (denoting it as the monarch's 'private' or personal seal) was affixed to the outside. Testimonies given by messengers and plaintiffs to the courts throughout the sixteenth century describe, in detail, the delivery of these small but imposing items in public spaces and in the presence of witnesses. Owing to the vague nature of the text of the writs – which usually identified only the recipient's opponents, and not the matter for which they were being summoned – reactions to being handed one could be extreme. Though the writs came with a financial penalty if ignored, those on the receiving end might 'throw [the writ] on the ground' or otherwise 'violate' the document and the seal whilst uttering 'opprobrious words', and some went so far as to unsheath their weapons. More unusually, one defendant in 1525 threatened to make the bearer 'ete the said letters'. In the 1510s, a litigant's servant actually was caused '*to have eten all [the] seid prive seale with the wax and... swallow it doon*'. In the increasingly litigious society of early modern England, this was a gift no-one wanted to receive.

- In 1324, December 30. **SIR SIMON IV De La WARDE** was summoned to the Parliament appointed to meet at Winchester, Hampshire on March 3, 1325.

- In 1325, February 24. **SIR SIMON IV De La WARD** and **SIR JOHN WARD** (1285-1346) witnessed a Charter of **JOHN De STAPELTON**, granting land in **BAILDON** to William, son of Henry de Baildon.

- In 1325, August 28. **SIR SIMON IV De La WARDE** and **EDMUND WASTENEYS** were appointed for the North and West Ridings of the County of Yorkshire to pursue and arrest certain disturbers of the Peace, who joined together, made raids by day and night, committed robberies, held people to ransom, seized goods at Fairs and Markets without paying for them, waylaid Merchants, and beat those who would not join their party.

- In 1325, September 5. **SIR SIMON IV De La WARDE** received a pardon from the **King, Edward II**, of all debts due from him to the Crown in respect of the time when he was Sheriff of Yorkshire and Keeper of Berwick-on-Tweed, etc., and a release of all the Royal Claims in respect of **forfeited goods** taken by **WARDE** from the King's enemies and rebels in the late troubles. On the same day, **SIMON De La WARDE**, knight, released to the King all his claims in respect to **wages and stipends for the custody of any Towns, Castles, or other places, loss of horses in the King's service, or for any other cause.**

- In 1325, September 16. **Sir SIMON IV De La WARD** witnessed a Charter of **HUGH**, son and heir of **RICHARD DE BABINGTON**, granting the **MANOR OF BURLEY** to **JOHN DE CALVERLEY** and **JOAN** his wife.

- In 1325-1326, January 3. **Sir SIMON IV De La WARDE** was appointed Keeper [custos] of **the corpus of PONTEFRACT CASTLE**, for the munition of the same, the defence of those parts against the incursions of enemies, and the bridling of malefactors, with the usual fee; **THOMAS DEYVILL** was ordered to deliver the Castle to him. On the following day a mandate was directed to **JOHN DE RITHRE**, the Constable of **SKIPTON CASTLE**, to help **Sir SIMON De La WARDE** with all his posse whenever necessary.'

- In 1325-1326, February 8. **SIR SIMON IV DE LA WARDE** and **WILLIAM FITZWILLIAM** were appointed to arrest all trespassers against the Peace in the North and West Ridings of Yorkshire, England and to have them safely kept in the Goal at **PONTEFRACT CASTLE** until further order.

PONTEFRACT CASTLE - Reconstruction



■ In 1325-1326, March 12. A Commission of *oyer et terminer* was issued to HENRY Le SCROPE, Sir SIMON De La WARD, and others, touching the persons who, together with JOHN DE MOUBRAY and ROGER DE CLYFFORD, enemies and traitors, had besieged and captured the CASTLE OF TICKHILL, killed the King's servants there, plundered the men of the town, and committed other crimes.

In ENGLISH LAW, *oyer and terminer* is a partial translation of the Anglo-French *oyer et terminer*, which literally means "to hear and to determine" was one of the Commissions by which a Judge of Assize sat. Apart from its Law French name, the commission was also known by the Law Latin name *audiendo et terminando*, and the Old English-derived term *soc and sac*.

By the commission of *oyer and terminer* the commissioners (in practice the Judges of Assize, though other persons were named with them in the commission) were commanded to make diligent inquiry into all treasons, felonies and misdemeanours whatever committed in the Counties specified in the Commission, and to hear and determine the same according to Law.

The inquiry was by means of the GRAND JURY; after the grand jury had found the BILLS OF INDICTMENT submitted to it, the Commissioners proceeded to hear and determine by means of the PETIT JURY. The words *oyer and terminer* were also used to denote the Court that had jurisdiction to try offences within the limits to which the Commission of *oyer and terminer* extended.

■ In 1326, May 29. SIR SIMON IV DE LA WARD and SIR JOHN WARDE (1285-1346) witnessed a Charter of AGNES daughter of JOHN son of HUGH De BARWICK of RAWDON, granting lands in CALVERLEY to JOHN DE CALVERLEY and JOAN his wife; another Charter of the same Grantor on January 8, 1326-1327; and a third Charter, undated, of MAUDE, sister of AGNES.

■ In 1326, May 30. By a Deed dated the Friday after the Feast of St. Augustine [May 26] HUGH son and heir of RICHARD De BABINGTON released to JOHN De CALVERLEY and JOAN his wife and the heirs of JOHN, the Manor of Burghley in Wharfedale [Burley in Wharfedale] and all right thereto which descended to him from RICHARD his father.

Witnesses : SIMON IV De La WARDE, JOHN De La WARDE, William de Bieston and Roger de Ledes, knights, Lawrence de Arthington, William de Ilkeston, and Michael de Roudon [Rawdon].

- In 1326, December 3. SIR SIMON IV De La WARDE was summoned to the PARLIAMENT appointed to meet at WESTMINSTER on January 7, 1326-1327.

- In 1327, Easter Term. NICHOLAS De HEWYK complained that SIMON WARDE, Chevalier, ROBERT DE SLYNGESBY, THOMAS GRAMARI, JOHN VESEY OF SETLE, WILLIAM DE SMETON, VICAR OF GYGLESWYK, GODFREY DE ALTA RIPA [DAUTRY] of ELSLAK, JOHN DE MALLOM, and others, had broken his houses at Hewyk and Gygleswyk in Craven, and had seized and taken away 14 horses, 4 mares, 10 oxen, 10 cows, 30 pigs, with 200 marks [£133, 6s. 5d.], and had cut down his trees there, and had carried off the trees and timber from the houses and other goods and chattels, worth £100.4s.

- In 1327, April 7. A Commission of *oyer et terminer* was issued on the complaint of THOMAS DE NEVYLL that SIR SIMON III De La WARDE, JOHN De La WARDE, his brother, HENRY, the Prior of St. Oswald's of Nostell, and others, had taken from him at Burghbrigg, five horses, worth £40, and other goods and £20 in money at BRAMHAM, (Leeds).

- In 1327, September 18. A Commission of *oyer et terminer* was issued to HENRY Le SCROPE and others, on a complaint of the PRIOR of ST. OSWALD'S that Sir SIMON IV De La WARD, WILLIAM GRAMARY, THOMAS, his brother, and others, had assaulted and imprisoned him at BRAMHAM, (Leeds), beaten his servants, and carried away his goods.

- In 1327-1328, February 27. A Commission of *oyer et terminer* was issued on a complaint by NICHOLAS DE HEWYK that SIMON WARDE, and others, had broken his houses at Hewyk atte Brigge (now known as "Bridge Hewick") and Bondegate by Ripon, and had felled and carried away trees there and at Giggleswick, and had taken ten horses, worth 200 marks [£133, 6s. 8d.].
(This action seems to have been transferred to the Court of King's Bench.)

- In 1329, Easter Term. The Sheriff was ordered to summon SIMON III De La WARDE, late SHERIFF of YORK, to be before the King to show cause why £19 (the balance of £20, which RICHARD son of GERMAN LE ORFEVRE of York lately recovered against the said Simon De La Warde as damages for a trespass done by Simon upon Richard, vi et armis) should not be levied on his lands and chattels.

Trespass *vi et armis* was a kind of lawsuit at Common Law called a TORT. The form of action alleged a trespass upon person or property vi et armis, Latin for "by force and arms".

■ In 1329, Easter Term. **WILLIAM DE BAILDON** complained that SIMON III WARDE had seized him at Baildon, taken him to PONTEFRACT CASTLE, and there detained him in prison until he had paid him £20.2s.

■ In 1329.-The SHERIFF OF YORKSHIRE was ordered to exact SIMON III De La WARDE, JOHN De La WARDE, his brother, NICHOLAS De GUISELEY, LAWRENCE the Groom [[graciously](#)] of JOHN De La WARDE, WILLIAM de Alta Ripa [[Dautry](#)] of Elslack, GODFREY his son, MARMADUKE de Alta Ripa, and others, to answer for divers robberies and felonies.'

They had been arrested by Michaelmas Term, 1330, and the Sheriff was ordered to bring them up to the King's Bench on a charge of killing NICHOLAS, son of NICHOLAS DE RIPON at Studley on the Morrow of the Nativity of St. John the Baptist [[July 8](#)], 1326.

THEY SURRENDERED TO THEIR BAIL IN MICHAELMAS TERM, 1332, AND WERE ACQUITTED.

■ In 1330, Michaelmas Term. The Sheriff was ordered to distrain the lands and chattels of **Sir SIMON III De La WARDE**, late Sheriff of Yorkshire, and to raise £19, due to RICHARD son of GERMAN LE ORFEVRE of York, which sum he lately recovered against SIMON III De La WARDE, before WILLIAM DE HERLE and GEOFFREY LE SCROPE, appointed to investigate divers alleged misdemeanours of bailiffs and others, in 17 Edward II [[1323-1324](#)], for a certain trespass.

[SIR GEOFFREY LE SCROPE \(1285 – 1340\) was an English lawyer, and Chief Justice of the King's Bench for four periods between 1324 and 1338.](#)

[SIR WILLIAM HERLE was a British Justice. He was first appointed as an attorney for the Common Bench in 1291, and was appointed as a Serjeant-at-law for the Bench in 1299 and was in attendance until 1335.](#)

■ In 1331, Lent Assizes: The Jury of STRAFFORTH WAPENTAKE presented that **Sir SIMON III De La WARDE**, late KEEPER OF PONTEFRACT CASTLE, seized **ROGER COURSON**, without any indictment, on the Monday after Pentecost, 1325, and kept him in prison until he had paid six marks [£4]. Also that whereas there was a quarrel between WILLIAM DE LEVERTON and ROBERT DE BALNE, which they afterwards made up, SIMON De LaWARDE imprisoned them both at Pontefract, until William paid four marks [£2, 13s. 4d.] and Robert 40s., on Trinity Sunday, 1325.

■ In 1332, June 7. **SIR SIMON III De La WARDE**, knight, witnessed the grant of a rent at Towton by WILLIAM DE STOPHAM to JOHN LE VAVASSOUR, dated on Palm Sunday, 6 Edward III 7.

- In 1332, October 20. A Commission of *oyer et terminer* was issued to JOHN MARMION, SIMON III De La WARDE, and others, to inquire as to the persons who broke in Philippa's parks at La Haye, Haiwra, Bilton, and the Forest of Knaresborough,. and hunted there, etc.; and also as to the alleged excesses of the Bailiffs and Ministers there.

In English Law, "*oyer and terminer*" was one of the Commissions by which a Judge of Assize sat. Apart from its Law French name, the Commission was also known by the Law Latin name "*audiendo et terminando*", and the old English-derived term "*soc and sac*".

- In 1333, August 4. On the petition of SIMON III De La WARDE, showing that the late King EDWARD II had granted him an annuity of 100 marks [£66, 13s. 4d.] out of the Exchequer, pending a like provision in land and rent, and had afterwards granted him the Manor of Borden in the Bishopric of Durham, and praying for the balance; the King, in consideration of Simon's expenses in the present Scotch War, grants that he may retain the said Manor, as of the yearly value of 50 marks, and may receive 50 marks yearly at the Exchequer.

SIR SIMON III DE LA WARDE died in the Spring of 1334, shortly before April 9, as shown by the following document:

- In 1334 -1345, Ides April [April 9]. WILLIAM De MELTON, ARCHBISHOP OF YORK, wrote to the ABBOTS of FOUNTAINS and KIRKSTALL:
"Being fully confident of your diligence and purity of conscience, we appoint you in our place to pronounce the absolutions over the body of SIR SIMON IV De La WARDE, knight, lately deceased, from whatever sins he has committed, even in cases specially reserved for us, so far as our power extends so to do. "

MORE NOTES by William Paley Baildon:

The late Mr. J. R. WALBRAN rather let himself go over this, with disastrous consequences. It has not been ascertained, he wrote,

"Why he [Sir Simon III De La Warde] had incurred that extreme censure of the Church which required ABBOT COXWOLD [of Fountains] to pass through the awe-stricken townsmen of Ripon who had rejoiced in his might, to absolve the senseless corpse whose spirit had passed away to the severe tribunal of its God. It was a form that was necessary to enable him to have Christian burial, but whether he obtained it in the CHURCH OF RIPON or among the NUNS OF ESHOLT, is forgotten."

“The explanation is very simple, and, so far from indicating any censure of the Church, what the Archbishop did was a high compliment. Not being able to be present himself, he appointed two of the most important Abbots in the County to act as his deputies and to take part in the last solemn service of the "absolutions" at the Requiem Mass, which may be found set out in any Catholic Prayer--book or Missal. Sir Simon had been one of the leading men in Yorkshire for many years, what more natural than that Archbishop Melton should wish to be represented at his funeral?

MR. HORATIO WARD, in the pedigree before referred to, gives SIR SIMON III De La WARDE two wives, five sons and three daughters.

It is doubtful if he had any children at all, and quite certain that he left no surviving descendants, and was succeeded by his brother. As to his marriage, he may be, and very probably is, identical with the SIMON WARDE who married Lady ISABEL De PLUMPTON (born De WESTWICK), widow of ROBERT De PLUMPTON, in or before 1299.

He left a widow, ALICE [see below]; I have not ascertained who she was. He made a Will, which has not been preserved.”

- In 1334, Michaelmas Term. William de Melton, Archbishop of York, sued John de Roucliff and Walter son of Walter de Haukesworth, Executors of the Will of SIMON WARDE, for a debt of 103 marks [£68, 13s. 4d.]
- In 1334, Michaelmas Term. JOHN son of JOHN DE WHETELEY of Thornton in Craven, and Executor of his Will, sued JOHN DE ROUCLIF and WALTER son of WALTER DE HAUKESWORTH, Executors of the Will of SIMON WARDE, Chevalier, for a debt of 8 marks, 3s. 10d. [£5, 10s. 6d.]
- In 1334-1335, Hilary Term. ALICE, widow of SIMON WARDE, claimed against ISABEL [or ELIZABETH] widow of ROGER DAMORY one-third of one-fourth of the Manors of Escrik and Kirkeby under Knolle, as her dower.
- In 1335, Easter Term. ALICE, widow of SIMON WARD, claimed against WILLIAM GRAA and JOAN his wife one third of 15 messuages, one mill, 17 1/2 bovates and 69 acres of land, 10-acres of meadow and 6s. rent in Drightlyngton and Adwaldon [Adwalton], as her dower. The Defendants vouched to Warranty JOHN DE LANGETON, Parson of Bulmer, and JOHN DE WOMME of York.

- **SIR JOHN De La WARDE (1285-1345)**, second son of **SIR SIMON De La WARDE**, was probably born about 1280 to 1290. He succeeded to the family property on the death of his **brother**, **SIR SIMON**, in 1334 prior to which very little is known of him; he was a knight in 1322.
- The Visitation of 1563-1564 makes **SIR JOHN WARDE (1285-1334)** a son of his brother **SIMON**, and most accounts of the family follow this error. He is probably not identical with the **SIR JOHN WARDE** who was taken prisoner at the **Siege of Calais, 1346-1347**, to whom Edward III gave £14, 6s. 8d. towards his ransom; issues of the Exchequer...
- In 1334, **SIR JOHN De La WARDE**, knight, released to **SIR NICHOLAS WARDE**, his brother, Parson of the Church of Guiseley, all his right to the **MANOR OF GUISELEY**. This Deed was among the Constable Charters when **ROBERT GLOVER**, Somerset Herald, made his Visitation of Yorkshire in 1583-1584. The Deed was probably executed shortly after the death of Sir Simon, for the purpose of a re-settlement, and Sir John had not as yet got a new seal. The use of the label is interesting; it is generally said to be confined to the eldest son, but is here used by the heir-apparent, who was the brother, and not the son.

ROBERT GLOVER (1544–1588) was an English Officer of Arms, genealogist and antiquarian in the reign of Elizabeth I. In the College of Arms, he rose to the rank of **SOMERSET HERALD OF ARMS**, serving in that capacity from 1571 until his death in 1588. As Marshal and Deputy to his father-in-law, William Flower, Norroy King of Arms, he participated in heraldic visitations throughout northern England.

- In 1335, Easter Term. **SIR JOHN De La WARDE** was fined 6s. 8d. for a trespass done to Robert Plummer.
- In 1338-1339, January 2. On taking an **INQUISITION** after the death of **JOHN DE ROOS**, it was found that he held certain tenements in **BAILDON** of **Sir JOHN De La WARDE**, knight, by the service of the fortieth part of a knight's fee.
- In 1339-1340, Hilary Term. **RICHARD De TANFELD** of Ripon, merchant, sued **JOHN**, **brother and heir of SIMON WARDE** of Givendale, for a debt of £54, which **SIMON** owed him on a bond made jointly with John de Ros, a Monk of **FOUNTAINS ABBEY**. **JOHN WARDE** admitted the bond, but said that he ought not to pay, because he had no lands or tenements which descended to him in Fee Simple after **SIMON'S** death. **RICHARD De TANFELD** also claimed £126 on another bond, given by **SIMON** jointly with **RALPH De NEWBY**, and a debt of 25 marks [£16, 13s. 4d.] from **JOHN WARDE** himself.'

- In 1342, Michaelmas Term. Master WILLIAM De La MARE, Canon of St. Peter's, York, WILLIAM DE WIRKESWORTH, and WILLIAM DE FERIBY, Executors of the Will of WILLIAM DE MELTON, late Archbishop of York, sued JOHN WARD, knight, WILLIAM BROWN of Giselay and WILLIAM son of ADAM DE GISELAY, for a joint and several debt of £4.5.
- In 1343-1344, Hilary Term. JOHN WARDE, Chevalier, sued WILLIAM BARBOUR of Wintringham for an account as JOHN'S bailiff in Gyvendale, Esholt and Guiseley.
- In 1344, Michaelmas Term. ISABEL, Widow and Executrix of ROBERT PLUMPTON, sued JOHN, brother and heir of SIMON WARDE, for a debt of £13, and for 13 robes, worth 11-Marks [£8, 13s. 4d.], which he unjustly detained. This suit was still going on against Sir JOHN'S son, SIMON, in 1347 [see below].
- SIR JOHN WARDE (1285-1346) was dead in Easter Term, 1347. If we may trust the dates in Whitaker's list of the Rectors of Guiseley, he was dead in January, 1345, but it is not clear if this is 1344-1345 or 1345-1346.
I have not found any reference to his wife.
His children were (1) Captain Simon, (2) Nicholas, Rector of Guiseley.
- Captain SIMON IV De La WARDE (1315-1383), son of SIR JOHN WARDE (1285-1348), was born about 1315. He was probably first married in or shortly before May 9, 1334, as the following Deed has all the appearance of being a settlement made soon after marriage.



- In 1334, May 23. Reverend NICHOLAS WARDE (1315-1396), Parson of the Church of Guiseley, grants in *fee tail* to SIMON (son of SIR JOHN WARDE) and Maude his wife, all the land, etc., which NICHOLAS had of the gift of SIR SIMON WARDE, his brother, in Newby, except the tenements held in dower by ALICE, widow of Sir Simon; also £7, 11s. 10d. of land, meadow and rent in Givendale. Remainder to Sir John Warde and his heirs.

Witnesses: Sir Robert Conyers, Sir Henry de Hertelington, Sir Andrew de Merkingfeld, knights, and others.

In English COMMON LAW, fee tail or entail is a form of trust established by deed or settlement which restricts the sale or inheritance of an estate in real property and prevents the property from being sold, devised by will, or otherwise alienated by the tenant-in-possession, and instead causes it to pass automatically by operation of law to an heir determined by the settlement deed.

- In 1343-1344, February. SIMON WARDE witnessed a Deed from WALTER HEBBE to WALTER DE BAILDON relating to a “messuage” in MENSTON, Yorkshire.

Messuage: dwelling house, adjacent buildings and land used by the household.

MENSTON is a Village and Civil Parish in the City of Bradford in the County of West Yorkshire, England. Along with Burley in Wharfedale, most of Menston is within Wharfedale Ward in the Metropolitan Borough of Bradford. The remainder of Menston is in the Leeds City Council area.

- In 1344-1345, Feast of the Conversion of St. Paul, January 25. SIMON WARDE witnessed a Charter of SIR WILLIAM DE PLUMPTON, founding a Chantry in Ripon Minster.



■ In 1345, January 19. Captain SIMON IV De La WARDE (1315-1383) son of SIR JOHN WARDE (1285-1349) presented JOHN WARDE, (1324-1382) acolyte, to the Rectory of Guiseley. The Rector was Nicholas De La Warde, Simon's brother. (Rev. C.E.WHITTAKER gives another JOHN WARDE in his List of Rectors, immediately before the 1345 entry, as being presented by this Simon, but does not mention any date. I am inclined to think it is an error.)

■ In 1347, Easter Term. ISABEL, widow of ROBERT PARNING and Executrix of his Will, sued Captain SIMON IV WARDE, (1315-1383) son of JOHN WARDE (1285-1346), kinsman and heir of SIMON WARDE for unjustly detaining £13 and 13 robes worth 13 marks [£8, 13s. 4d.]

This is a continuation of the action begun against SIR JOHN WARDE (1285-1346), Simon's father.

■ 1349, May 24. SIR SIMON WARDE witnessed a Charter of NICHOLAS, called FREEMAN, son of RICHARD DE BURLEY, granting a rent of 6s. in BURLEY to DAME ISABEL DE CALVERLEY, Prioress of Esholt, and the Convent there.

■ In 1349, September 16. SIR SIMON WARDE presented JOHN DE HAWKSWORTH, Clerk, to the Rectory of Guiseley, on the death of JOHN WARDE.

More than one half of the Parish Priests in Yorkshire are said to have perished by the BLACK DEATH in 1349; Sir JOHN WARDE (1285-1349) was probably one of the victims.

■ 1349, Michaelmas Term. SIMON WARDE son of Sir JOHN WARDE, Chevalier, discontinued the action which he had begun against William Gra and Joan his wife, claiming the Manor of Dryghtlyngton [Driglington] as his right, but shortly afterwards started fresh proceedings.

In Trinity Term, 1351, he claimed against William Gra and William Passelewe of Leeds, 3 messuages, 6 bovates of land, 4 acres of meadow and 30s. rent in Dryghtlyngton, by Writ of FORMEDON.

FORMEDON: *In old English law, a writ of right for the recovery of lands by one claiming according to the form of a gift or grant thereof.*

■ In 1352 - Easter Term: The plaintiff's case is set out. He claimed that the property was given by JOHN [Jollan,] De NEVYLLE of Pykhalle to WILLIAM WARDE and MARGARET his wife and the heirs of their bodies; from them it descended to SIMON, their son and heir, and from him to another SIMON as son and heir, and from him to JOHN as brother and heir, and from him to the Plaintiff as son and heir.

William Gra said that he was the sole Tenant of the property, and he vouched to Warranty ROBERT, brother and heir of WILLIAM PASSELEWE.

- In 1352, November 19. SIR SIMON WARDE owed 4s. yearly rent to ST. MARY MAGDALEN'S HOSPITAL, Ripon, for a tenement at Newby.
- In 1361, May 10. SIR SIMON WARDE witnessed a Charter from THOMAS DE ROOS to JOHN Le VAVASOUR of lands in BAILDON.
- In 1362, April 5. SIR SIMON WARDE witnessed a Deed by which ROBERT son of JOHN DE BEAUMONT, knight, confirmed a grant by Sir JOHN, his father, of the reversion of lands in Hodresfeld (Huddersfield?) after the death of AGNES, wife of HENRY DAYVILL, to WILLIAM DE MIRFELD and AGNES his Father's [Sir John's] sister, and the heirs and assigns of William.
- In 1361-1362, Hilary Term. SIR HENRY DE PERCY sued SIR SIMON WARDE for a debt of £40.8s.
- In 1362, Easter Term. SIR SIMON WARDE complained of ROBERT STALL of Ripon, "fisher," for taking fish to the value of £10 in his fish-pond and free fishery at Givendale.
- In 1362, Easter Term. SIR SIMON WARDE complained of the cutting of his trees at Esholt, Baildon and Haukesworth, to the value of £10.10s.

The record of this case is much decayed, and the Defendant's name cannot be made out. I have not found any further reference to the matter.
- In 1362, Trinity. ROBERT FISHER of Ripon was attached to answer SIMON WARDE, Chevalier, for breaking his close at Gyvendale and fishing in his stews [vivaris] there, and taking "pikis, perches, bremes, roaches and cheveynis" [chub] to the value of £20.2s.
- In 1363, Easter Term. SIR SIMON WARDE sued Geoffrey de Newby and William son of Ralph de Newby-on-Yore for a debt of roos.
- In 1364. SIMON WARDE, Chevalier, was one of the free tenants of the MANOR OF HAREWOOD mentioned in a Fine made between WILLIAM DE ALDEBURGH, knight, and ELIZABETH his wife, Plaintiffs, and ROBERT DE INSULA of Rougemont, deforciant.

- In 1365-1366, Hilary Term. ROBERT BONEFAUNT, Vicar of the Church of Ottelay, sued SIMON WARDE of Esholt to render an account of moneys received by him.

- In 1366, Easter Term. ROBERT BONEFAUNT, Vicar of Otley, sued SIMON WARDE, Chevalier, in a plea of debt.

- In 1366, Easter Term. SIMON WARDE, Chevalier, sued WILLIAM son of RALPH DE NEUBY, GEOFFREY DE NEUBY, JOHN DOWESON and JOAN widow of THOMAS RAYNSON of Skelton, for digging in his free turnery at Newby-on Ure, and taking and carrying away turves to the value of 40s., and for damaging and consuming his corn and grass there to the value of 40s., by depasturing their cattle therein. The defendants appeared in Hilary Term, 1366-1367, and denied the trespass of their cattle, and said that the place where they dug turves was their own soil. The case came on for trial before John Moubray, the Judge of Assize, at Ripon, on the Thursday before Christmas, 1368; he certified that RICHARD DE CAWOD, Bailiff of Ripon, had suspiciously arrayed the Jury Panel in favour of the defendants. It was therefore removed back to the Common Pleas.

- In 1366-1367, Hilary Term. WILLIAM son of RALPH DE NEWBY sued SIMON WARDE, Chevalier, for a debt of 50s. NEWBY was one of the defendants in the previous action for trespass [see above]. GEOFFREY DE NEWBY, another of the Defendants, also took counter-proceedings.

- In 1366-1367, Hilary Term. GEOFFREY DE NEWBY sued SIMON WARDE for killing a horse at Newby, value 40s., and for seizing three horses and two cows, and taking them to Givendale, and detaining them until Geoffrey paid a fine of 3s. 4d.

- In 1367, Trinity Term. SIR SIMON WARDE sued JOHN DE HAUKESWORTH, Parson of Gyselay, for the return of a chest, containing Charters, writings and other muniments, which had belonged to JOHN WARDE, his father. The Sheriff returned that the Defendant was a Clerk, and had no lay fee.

- In 1367, Trinity Term. SIMON son of JOHN WARDE claimed 8 messuages, one carucate of land, 200 acres of wood, 500 acres of pasture, and 100s. rent, in Haukesworth, from WALTER DE HAUKESWORTH, and two messuages, two bovates of land, and 20s. rent, in Haukesworth, from ROBERT DE BRADLAY and ELIZABETH his wife; which property had been given by WILLIAM WARDE, Chevalier, to his son SIMON and CLARICE his wife, and the heirs of their bodies; and after the deaths of Simon and Clarice, and of

Simon, their son and heir, and of John, his brother and heir, it ought to descend to the plaintiff, as son and heir of John.

I have not found any record of the defendants' plea, but before Hilary Term, 1369, an order was made for the case to be tried by a Jury.

- In 1370, in Easter Term, **SIMON WARDE'S** claim against WALTER DE HAUKESWORTH was adjourned *sine die*, (with no appointed date for resumption) because WALTER had gone "beyond the seas on the King's service, in the retinue of John, Duke of Lancaster."
- In 1370-1371 Hilary Term, it was again adjourned *sine die*, because WALTER was on the King's service with NICHOLAS DE TAMWORTH, Captain of Calais, in the Garrison there.
- In 1370 Michaelmas Term, ROBERT DE BRADLAY being dead, the case proceeded against ELIZABETH, his widow. She vouched to Warranty JOHN Le RYDERE and ADAM BOLOURE, Chaplains.
They did not appear, and ELIZABETH commenced proceedings to compel their appearance, in Michaelmas Term, 1371.
In Michaelmas Term, 1372, they appeared and warranted to ELIZABETH, and in turn vouched to Warranty ADAM son of HUGH, JOHN son of JOHN DE BRADELAY and JOHN LE WRYGHT of Bradelay.
I have not found any further record of this case.
- In 1367, Michaelmas Term. WALTER DE HAUKESWORTH sued **SIR SIMON WARDE** for an account of the income of his land in Haukesworth, 'held of Simon in socage, which Simon had in wardship, while Walter was under age'.
- In 1367, Michaelmas Term. **SIMON son of JOHN WARDE**, Chevalier, claimed two messuages and lands in Newby-on-Ure from JOAN, Widow of THOMAS RAYNSON of Skelton. The property had been given by SIMON WARDE son of WILLIAM WARDE to SIMON, his son, and the heirs of his body; SIMON, the son, died without heir of his body, and it therefore reverted back to SIMON, the Father; from him it descended to JOHN WARDE, as son and heir, and from him to the Plaintiff, as son and heir.
- In 1367, Michaelmas Term. **SIMON WARDE**, Chevalier, sued JOHN DE BURLAY for an account as Bailiff and Collector of Moneys at Hessholt (**Esholt**).

- In 1368, Easter Term. **SIMON WARDE**, Chevalier, by William Swale, his Attorney, against JAMES BYNGELAYE, Chaplain, claimed two messuages and 40 acres of land in Byngelaye, as his Right, by a Writ of Entry on dis-seisin. The defendant having made many defaults, judgement was given for the plaintiff.
- 1369, March 29. **SIR SIMON WARDE** witnessed a Charter of DAVID DE WOLLORE, Clerk, granting two messuages in Ripon to the Chapter.
- 1369-70, Hilary Term. WILLIAM DE SWALE and AGNES his wife sued **SIMON WARDE**, Chevalier, and others, for assault at KIRKEBY FLEETHAM, and for the abduction of JOHN, son and heir of Agnes. She was the widow of JOHN VAVASOUR of Weston, and the Son and Heir mentioned was JOHN VAVASOUR the younger.

KIRKBY FLEETHAM is a Village in the Hambleton District of North Yorkshire, England about 1 mile east of the A1 road. Along with the two nearby villages of Great Fencote and Little Fencote it forms the Civil Parish of Kirkby Fleetham and Fencote.

- In 1370, Easter Term. **SIMON WARDE**, son of JOHN WARDE appointed HUGH DE WOMBEWELL his Attorney in a Plea of Land against Walter de Haukesworth and Richard de Baildon.
- In 1370, Trinity Term. **SIMON WARDE**, Chevalier, sued JOHN DE GYSELAY, Chaplain, for breaking his house at Givendale, and for taking timber and other goods and chattels to the value of £20.7s.
- In 1370, Trinity Term. **SIMON WARDE** sued JOHN LYN OF GYSELAY, for committing waste in certain houses and gardens in Gyselay, demised to him for a term of years.
- In 1370, Trinity Term. **SIMON WARDE**, Chevalier, sued Robert Watson, John Watson, John Wyn, Adam Walker of Haukesworth, William Warde of Baildon, and Richard Shepherd, for “**breaking his close**” at ESHOLT, cutting down his trees to the value of £10, and consuming and damaging his corn and grass to the value of £20, by depasturing their cattle therein.

Unauthorized or unlawful entry on another person's land. Breach of close is also termed breaking a close.

- In 1370-1371, Hilary Term. CLEMENT LUNY of London, tailor, and BEATRICE his wife, Executrix of the Will of JOHN Le FORTE, Executor of the Will of ADAM Le FORTE, sued SIMON WARDE son of JOHN WARDE, and kinsman and heir of SIMON WARDE, knight, late Sheriff of Yorkshire, for a debt of £4.10s.

- In 1371. ROBERT GLOVER, Somerset Herald, made a sketch of the seal of SIR SIMON WARDE, appended to a Deed, dated 45 Edward III, [1584] then among the Constable evidences. No further particulars are given.
- In 1372, July 4. ADAM DE BYNGLEY, Chaplain, and Nicholas Spenser of Calverley granted a capital messuage at Burley in Wharfedale to Walter Scott of Calverley and Joan his wife.
Witnesses: Robert de Neville of Hornby, SIMON WARDE, Richard de Goldesburgh, senior and junior, knights, Richard de Bayldon, and others.
- 1372-1373, Hilary Term. SIMON WARDE, Chevalier, sued ELIZABETH, Widow of WILLIAM DE WAKEBRIGGE, John de Annesleye, Chevalier, and Hugh de Annesleye, to give up the wardship of the land and heir of John Bealewe, which belongs to SIMON because JOHN held his land of him by knight service.
- 1372-3, February 26. By the INQUISITION taken after the death of SIR MILES DE STAPELTON of Hathelsey, who died December 26, 1372, it was found that his Baildon property was held of SIR SIMON WARDE by service of the fourth part of a Knight's Fee.
- In 1377-1378. JOHN son of ADAM DE OTTELY gave a bond in £40 to SIR SIMON WARDE and JOAN his wife.
- In 1377-1378, March 6. SIMON WARDE, knight, witnessed a Deed whereby THOMAS DE BRUNHOUSE granted to SIR JOHN DE NEVILLE of Raby, the reversion of five burgages, etc., in Ripon.
(in England and Scotland):
Tenure of land in a Town held in return for service or annual rent.
 - a house or other property held by burgage tenure.
- In 1378-1379. SIMON WARDE, Chevalier, and his Wife paid 20s. Poll Tax at Hawksworth.

POLL TAX: In 1371 Edward III appealed to Parliament for a grant of taxation in order to support the war recently reopened against the French. The resulting lay subsidy, levied in each parish throughout the country and designed to contribute a total of £50,000 to the royal coffers, marked a change in the taxation procedures used in England since the 1330s and opened a period of experimentation which was to culminate in the three poll taxes of 1377, 1379, and 1380.

It has long been appreciated that the dramatic increase in Royal Financial Demands in the 1370s, coinciding with the decline of English fortunes on the Continent, produced widespread disaffection in the Country, which manifested itself in the Good Parliament of 1376 and the Peasants' Revolution of 1381.

The 1371 Parliament and the tax which it granted therefore have much to tell us about the attitudes of political society in England to the military and domestic policies of the Crown during Edward II's last years.

Because Parliament made an initial error in estimating the number of parishes in England, historians have tended to dismiss the 1371 subsidy as an example of medieval administrative naivety and financial inefficiency.' It is only comparatively recently that E. B. Fryde and J. G. Edwards have shown that the tax was deliberately designed to introduce an element of flexibility into the rigid tax assessments used since 1334. They have also shown that, once early problems had been eliminated, the subsidy, in fact, proved remarkably productive.

- **SIR SIMON WARDE** was dead in Michaelmas Term, 1385. Whitaker says that he died in 1383, and by his Will directed his body to be buried at ESHOLT PRIORY.

Of his two wives, MAUDE and JOAN, I have no further information.

His children were (1) JOHN, and perhaps (2) SIMON, dead in 1401, and (3) THOMAS, living in 1401.

- In 1400-1401, February 14. The Will of **SIMON WARDE, Esq.**, was proved by **THOMAS WARDE**, the Brother and Executor; it was not copied into the Register. I am inclined to think that SIMON and THOMAS were younger sons of SIR SIMON.

- In 1402, Michaelmas Term: **ROBERT DE HUNTINGTON** of York sued **ELIZABETH Widow of SIMON WARDE** for a debt of £40.1s. She was probably the Widow of the Simon Warde just mentioned.

- **SIR JOHN WARDE, (1340-1391)** Son of **SIR SIMON (1315-1383)** was, as John himself says, 46-years of age in September, 1386, that is, he was born in 1340. (He married Lady Elena Du Bois in 1366.)

- In 1358, September 26. THOMAS DE LA MARE, Canon of St. Peter's, York, by his Will of this date, gave his best horse and £20 to **JOHN WARDE, (1340-1391)** his Page or young Squire [valet]. It is not certain if this refers to JOHN of Givendale, who would be 18- or 19-years old at the time, but it seems probable.

- In 1373, June 19. **JOHN WARDE, (1340-1391)** son and heir of **Captain SIMON IV WARDE, (1315-1383)**, released to SIR SIMON and LADY JOAN his wife, for their lives, certain lands and tenements in Newby-on-Ure.

■ 1373, December 5. Agreement between JOHN DE HAMERTON and JOHN WARDE, eldest son of SIR SIMON WARDE, for the marriage of JOHN WARDE and KATHERINE De HAMERTON, daughter of JOHN "DAMERTON" [i.e. [de Hamerton](#)].

HAMERTON is to pay JOHN WARDE 100 marks [£66, 13s. 4d.] and will grant all the lands held by RICHARD HEBBESON in Mikyl Huseburn [Great Ouseburn], with 5 1/2 marks [£3, 13s. 4d.] a year for five years.

HAMERTON will pay all the expenses of his daughter KATHERINE for two years from the Purification next, and will find for JOHN WARDE and for his "Chamberlain" for two horses during the said two years.

If KATHERINE should eventually be heir to JOHN DE HAMERTON, then JOHN WARDE shall give him 100 marks [£66, 13s. 4d.] and shall enfeoff KATHERINE in £20 of lands after SIR SIMON WARDE'S death.'

JOHN DE HAMERTON, esq., and his wife, paid 20s. Poll Tax at Green Hamerton in 1378-1379.

■ In 1378-1379, January 27. JOHN WARDE, son of SIR SIMON WARDE gave a "Power of Attorney" to JOHN ILKESTON of Hamerton and RICHARD DE SUNYGES, to enter and receive the Manors of Givendale, Newby-on-Ure and Esholt, and the vill of Guiseley, with the advowson of the Church there, after the death of SIR SIMON WARDE, his father, whenever it should happen. The Vill of Guiseley would include the BAILDON property.

■ In 1383, July 8. By the INQUISITION taken after the death of THOMAS, LORD De ROOS, it was found that his BAILDON property was held of SIR JOHN WARDE, by knight service.

■ In 1384, August 17. SIR JOHN WARDE witnessed a Charter of WILLIAM DE CALDBECK, granting the Manors of Calverley and Burley in Wharfedale, etc., to WALTER SCOT OF CALVERLEY.

■ In 1385, Michaelmas Term. SIR JOHN WARDE sued JOAN, Widow of SIR SIMON WARDE [[his father](#)] for the return of 15 Charters, which she detained from him.

■ In 1385, Michaelmas Term. JOHN WARDE, Chevalier, complained of WILLIAM RAYNSON OF SKELTON, and many others, for entering his free warren at Newby and Gyvendale, and hunting there without leave, and for taking fish, value £10, in his several fishery there, and for taking hares, coneys, pheasants and partridges in the warren.

■ 1386, September 17. SIR JOHN WARDE was one of the witnesses in the celebrated SCROPE AND GROSVENOR CONTROVERSY, 1385 to 1390.

“He stated that he was aged 46-years and more; that he had seen Sir Richard le Scrape armed in the arms, azure, a bend or, in Scotland, in the expedition of the Lord of Lancaster [John of Gaunt], and in the last expedition of the King into Scotland; that he was for half a year in the retinue of Sir William Scrope, son of Sir Richard, in Gascony, and there often saw Sir William armed in the same arms with a label; that he had a chamber in his Manor House called Gyvendale, where the arms of Scrope were set up and depicted on the wall, in which chamber were also the arms of Lord Neville, Lord Percy, Lord Clifford, and others, which had been in the said chamber for one hundred and sixty years, as his father had told him.”

SIR HARRIS NICOLAS, in his biographical notices of the Deponents, wrongly identifies SIR JOHN WARDE with JOHN, the SON of THOMAS WARDE of Middleton, notwithstanding a discrepancy in their ages.~

The reference to Givendale is conclusive. The date given, 160 years before 1386, would go back to 1226, but this perhaps should hardly be taken literally. It is much to be regretted that this "painted chamber" no longer exists.

■ In 1387-1388, Hilary Term. ALICE De FYNCHEDEN sued JOHN WARDE, son of SIR SIMON WARDE, for a debt of £10.50s.

■ In 1389, December 6. SIR JOHN WARDE witnessed a Charter of SIR ALEXANDER De NEVILLE of Cundall, granting lands in Cundall, etc., to ROBERT LEDES of Lincoln (an English Politician, Mayor of Lincoln in 1387-88) and others.

• Cundall is a Village in the Harrogate district of North Yorkshire, England.

■ In 1390, August 20. Sir JOHN WARDE granted a toft in Ripon to four Chaplains, and appointed JOHN DE GYSELEY, Chaplain, to give seisin.

SEISIN denotes the legal possession of a feudal fiefdom or fee, that is to say an estate in land. It was used in the form of "the son and heir of X has obtained seisin of his inheritance", and thus is effectively a term concerned with CONVEYANCING in the feudal era.

- In 1391, December 20. **SIR JOHN WARDE** witnessed a deed of Henry Hopper and Agnes his wife, granting land in Hawksworth to John Page, Chaplain.
HAWKSWORTH is a village 1 mile (1.6 km) west of the town of GUISELEY in West Yorkshire, England. It is located to the south of MENSTON and north of BAILDON.
- In 1393, October 18. MAUDE, Widow of JOHN CHARTERS of BURLEY released to WALTER DE CALVERLEY, knight, his heirs and assigns, all her right to dower in a messuage and a bovate of land in BURLEY.
 Witnesses: **JOHN WARDE**, NICHOLAS De MIDELTON, knights, PETER De MARTON, PETER De STEDE, and others.
- In 1393, October 20. **SIR JOHN WARDE** witnessed a Charter of **ROBERT DE LEDES** and others, granting to **WILLIAM DARRELL**, Chaplain, and others, all lands, etc., which they had of the Grant of **SIR ALEXANDER DE NEVILLE, Archbishop of York (from 1374-1388)** of Leckby, North Yorkshire.
- In 1397, Easter Term. WILLIAM GIBSON of Lonsdale sued SIR JOHN WARDE, and JOHN and **ROBERT DE HEWYK** of Givendale, for a debt of £40.3s.
- In 1398, Michaelmas Term. **Sir RICHARD LE SCROPE**, Chevalier, **JOHN FAWELL**, Chaplain, **ROBERT WARDE** of York, and HENRY DE BACCHUS of Wensley, Executors of the Will of **SIMON DE WENSLEY**, late Parson of Wensley, sued JOHN WARDE, Chevalier, for a debt of 4 marks [£2, 13s. 4d.]
- In 1399, Trinity Term. HUGH DE CHARTRES of York, draper, sued JOHN WARDE, Chevalier, for a debt of £20.50s.
- In 1401, Michaelmas Term. ROBERT TOTHE of York, potter, sued him for a debt of £4.0s.
- In 1401, October 4, to November 16. **SIR JOHN WARDE** witnessed a series of Charters by which SIR WALTER DE CALVERLEY effected a new settlement of his Estates.
- In 1402, December 3. **SIR JOHN WARDE** witnessed a Charter by which **WILLIAM DE BAILDON** conveyed certain property in **Baildon** and elsewhere to **feoffees**, and one of **NICHOLAS DE BAILDON**, his son, confirming the same.
- In 1408, September 29. **SIR JOHN WARDE** witnessed a Deed by which **THOMAS DE THORNER** settled the Manor of Baildon on **WILLIAM De BAILDON** and MARGARET his wife.

■ SIR JOHN WARDE appears to have died before December 10, 1414, when his son ROGER WARDE presented to the Rectory of Guiseley.

■ SIR JOHN WARDE married KATHERINE daughter of JOHN DE HAMERTON, circa 1373.

THE VISITATION of 1563-1564 records six Children:

- (1) Roger;
- (2) William; (ob.s.p. - Died without issue.)
- (3) Nicholas; (ob.s.p. - Died without issue.); living 1413, 1423, 1438.
- (4) John; 1405.
- (5) Simon; Rector of Guiseley, 1414; dead 1416.
- (6) A daughter, wife to William Hazelworth. Mr. Ward's pedigree says Hazelworth. One is tempted to suggest Hawksworth, but I have not found any William Hawksworth about this time.

Sir ROGER WARDE (1383-1453), son and heir of SIR JOHN WARDE, was born about 1383.

■ In 1405, March 26. JOHN WARDE and ROGER WARDE, Sons of SIR JOHN WARDE, knight, released to RICHARD DE SKELTON all their right in a garden in Annsgate, Ripon.

Witnesses: WILLIAM DE FENCOTES, and others.

SIR JOHN WARDE had granted this property to JOHN MEMERSMYTH and Beatrice his wife before December 29, 1391.

■ In 1413, Trinity Term. ELIZABETH ,Widow of JOHN DE HIRST appealed THOMAS DE MERKINGFELD the younger, JOHN and ROBERT DE MERKINGFELD, ROGER WARDE and NICHOLAS WARD, and others for the death of her husband.

The three MARKENFIELDS were sons of SIR THOMAS MARKENFIELD; ROGER WARDE married their sister JOAN, and this note suggests that the marriage has already taken place.

■ In 1414, December 10. ROGER WARDE, Son and heir of SIR JOHN WARDE presented SIMON WARDE, Clerk, to the Rectory of Guiseley, on the death of ROBERT MARRAS.

■ In 1414-1415, March 1, April 16.-Roger Ward witnessed the Agreement for the Marriage of WALTER, son of SIR WALTER DE CALVERLEY, with ELIZABETH, daughter of THOMAS De MARKENFIELD of Markenfield, and the settlement consequent thereon.

ELIZABETH MARKENFIELD was the Sister of ROGER WARDE'S wife.

- In 1415, June 25. By the **INQUISITION** taken after the death of **BEATRICE**, widow of **THOMAS, LORD DE ROOS**, it was found that her **BAILDON** property was held of **SIR JOHN WARDE**, by knight service. The information as to the tenure was probably copied from the earlier inquisition in 1383; **SIR JOHN WARDE** was certainly dead, and the property was held of **ROGER WARDE**.
- In 1416, September 20. **ROGER WARDE** presented **WILLIAM SHARROWE**, Priest, to the Rectory of Guiseley, on the death of **SIMON WARDE**.
- In 1422-1423. A Deed was executed relating to the estate of **SIR ROGER WARDE**, **JOAN** his wife, and **NICHOLAS** his son, in Givendale, Esholt and Keswick.
- In 1423, Michaelmas Term. **KATHERINE** xxxxxx? complained of **ROGER WARDE**, Chevalier, of Givendale, and **NICHOLAS WARDE**, Esq. of Givendale, for hunting in her park at Knaresborough without leave, and taking and carrying off her game there.
- In 1423-1424, March 15. **SIR ROGER WARDE** witnessed a Charter of **SIR JOHN BIGOD** of Settrington, North Yorkshire and others, the surviving feoffees of **SIR WALTER CALVERLEY**, deceased, releasing the Manors of Calverley, Burley in Wharfedale, etc., to **WALTER CALVERLEY**.
- In 1426-1427, March 11. Henry, Earl Of Northumberland, Richard Neville, William Harrington, **ROGER WARDE**, and William Normanville, knights, and others, were appointed **COMMISSIONERS OF ARRAY** for the West Riding.
- In 1427, **ROGER WARDE**, William Gascoyne, Francis Passalew, Richard Wood, and Robert Botiler, paid subsidy on 17-carucates of land in Guiseley, Hawksworth and Baildon, where 20-carucates made a knight's fee. Roger was probably tenant for life in possession and the others, the feoffees or trustees of the property under some lost settlement.
- In 1429, June 18. At the proof of age of **WILLIAM INGLEBY** of Ripley, **ROGER WARDE**, chevalier, aged 46, testified that **WILLIAM** came of age on June 8, last; Roger well remembered William's birth, for on that day Roger was knighted. This evidence gives us two useful facts, Sir Roger's age, and his knighthood on June 8, 1408.
- In 1430, August 14. **WILLIAM STOWE** of Ripon, the elder, bequeathed a "looking-glass" to the wife of **SIR ROGER WARDE**.

- In 1430, Michaelmas Term. **SIR ROGER WARDE** complained of ROBERT JONSON, late of Green Hamerton, husbandman, for rescuing certain chattels, seized by the Plaintiff at Green Hamerton by way of distraint.

A HUSBANDMAN in England in the Middle Ages and the early modern period was a free tenant farmer, or a small landowner. The social status of a husbandman was below that of a yeoman. The meaning of "husband" in this term is "master of house" rather than "married man".

- In 1431, June 2. JOHN MARKENFIELD, Esq., mentions in his Will, "my brother, SIR ROGER WARDE, and my sister, DAME JOAN, his wife."

- In 1434, July 10. SIR ROGER WARDE was one of the Commissioners of Array for the West Riding of Yorkshire.

- In 1435, Trinity Term. ROGER WARDE, knight, sued WILLIAM COKE, Yeoman of Nun Monkton,, for taking grass to the value of 100 shillings at Green Hamerton; and the ARCHBISHOP OF YORK sued **ROGER WARDE** of Givendale, knight, for breaking his park and free warren at Ripon, and hunting his game there.

NUN MONKTON is a Village and Civil Parish in the Harrogate district of North Yorkshire, England. It is situated 8 miles (13 km) northwest of York at the confluence of the rivers Ouse and Nidd.

- In 1435-1436, February 15. **SIR ROGER WARDE** presented JOHN FRANKISH, Priest, to the Rectory of Guiseley, on the death of WILLIAM SHARROWE.
- In 1436-1437, Hilary Term. **William Girlyngton**, Citizen and Draper of York, sued **ROGER WARDE** of Givendale, knight, for a debt of £14.10s.
- In 1437, Michaelmas Term. **JOAN WARDE, ROGER WARDE, Esq., and WILLIAM WARDE** sued **WILLIAM FRANKISCH** of Ripon, Gentleman, for a debt of 20 marks [£13, 6s. 8d.] SIR ROGER WARDE'S wife was named JOAN, and he had sons named ROGER and WILLIAM; this note probably relates to them.
- In 1437, November 17. **SIR ROGER WARDE** presented **JOHN SHIRBURNE**, Chaplain, to the Rectory of Guiseley, on the resignation of JOHN FRANKISH.
- In 1437-1438, Hilary Term. **ROGER WARDE**, knight, complained of **JOHN LOFTHOUSE** of NETHER DUNSFORD, husbandman, and others, for breaking his close at Great Husburn [Ouseburn], and cutting trees and underwood to the value of £10.4s.
- In 1437-1438, Hilary Term. **NICHOLAS GIRLINGTON**, Citizen and Draper of York, sued **NICHOLAS WARDE Esq.** of Givendale, for a debt of 60s. 10d.

■ 1438-1439, Hilary Term. Sir ROGER WARDE sued WILLIAM DE RODES (of Rodes near Hawkesworth), husbandman, for breaking his close at Esholt, and felling trees there to the value of £10. 8s.

■ Undated; before 1440.-

To the Most Gracious Lord the CHANCELLOR OF ENGLAND:

Beseeching humbly, your most humble Servants, THOMAS COUPELAND and ALIANORE his wyf, that where as certein traverses were had betwen youre seid suppliantes and SIR ROGER WARDE and THOMAS LEDES, squyer, for the manoir of Westwyk in Yorkshyre, be mediacion of certein persones were bounde to abyde th'award of the most noble Lady JOHANNE, Countesse of Westmerland, the whiche Countesse made award betwen thaim of the manoir abovesaid, as it may appiere be an endenture, seled under the seel of the seid Countesse, more pleynty; the which award to fulfyll the seid Roger and Thomas were sworn upon. a bake in the presence of the seid Countesse. And it is so that the seid Roger and Thomas wale not fulfille the seid award, and the seid suppliantes sewen [sued] the said Roger and Thomas for the brekyng of the seid award, as lawe wole, and they have so thret the seid besechers to sley [slay] or mayme them be cause of the seid sute, that they dar not abyde in the cuntre for drede of deth; and they sued thre writtes, direct to the Shereve and Justices of Pees of the same shire, to cause them to fynde seurete of pees, and ther may non execution be don ayens [against them] because of gret alliance that they have in the cuntre. That it plees to youre noble grace to considere the matier abovesaid, and to graunte a writte direct to the seid Roger and Thomas to appiere before you at a certayn [day], to fynde seurete of the pees to youre: seid besechers, for the love of God and in weye of Charitee.

■ JOAN, Countess of Westmorland, was the daughter of JOHN OF GAUNT by Catherine, daughter of SIR PAYNE ROELT; she married RALPH NEVILLE, first Earl of Westmorland, and died November 13, 1440. The date of the above document cannot, I think, be very much earlier than 1440, since the Defendant, THOMAS LEDES, is probably identical with the man of that name who married SIR ROGER'S daughter MARGARET.

■ In 1442, May 5. SIR ROGER WARDE witnessed a Charter of MARGARET, Widow of WILLIAM SLINGSBY, settling lands in SCRIVEN, etc., on her grandson, JOHN SLINGSBY, and his wife, ISABEL daughter of WALTER CALVERLEY. Isabel was a daughter of Walter Calverley and Elizabeth Markenfield, and consequently a niece of SIR ROGER WARDE'S wife.

SCRIVEN is a Village and Civil Parish in the HARROGATE district of North Yorkshire, England, close to the town of Knaresborough.

■ In 1452, April 19. ROBERT SMYTH cited RICHARD GYLLYNG of Skelton, Chaplain, for DEFAMATION, in saying that he, ROBERT, would not suffer his daughter to marry or to live [noluit tendere jilium suam maritandam aut commorandam] at Newby, on the lands and tenements of ROGER WARDE, knight. These words were spoken in the hearing of SIR ROGER, to the great detriment of ROBERT and the very great indignity of SIR ROGER. The matter having been adjourned, the complainant failed to appear, and the defendant was dismissed.

■ SIR ROGER WARDE died in 1453, after March 19 and before August 10.

■ His Will is as follows:

In Dei nomine, Amen.

Memorandum that I, ROGER WARDE, knyght, in hole mind, the xix day of the month of Maree, the yere of our Lord, M CCCC liij [1452-3], make my testament in this maner. I will and orden Jenet Ward, my wife, Roger Ward, my eldist sane, and NICHOLAS WARD my son, to be my full executurs, and thay to have my gudes, movable and unmovable, and thay to dispose thaym for the wel of my soule, and pay my dettes, and to fulfyll my will; that is to say, I bequeth my saule to God all myghty and to our Lady Sanct Mary and to the hole companie of Hevven, and my body to be beryd at the Abbay of Esshehold in Ayredale; and thay to fulfyll thes and all othir thynges as God and I and thay knawes, as they will answer to God.

Proved August 10, 1453.

SIR ROGER WARDE had married JOAN or JANET, daughter of SIR THOMAS MARKENFIELD of Markenfield, near Ripon, and according to the Visitation of 1563-1564, had 6-sons and 5-daughters:

- (1) Roger;
- (2) John, obiit puer.
- (3) Thomas, sans issu.
- (4) William, sans issu. William, living 1473;
- (5) John, obiit puer et ante fratrem suum Rogerum jilium seniore.
- (6) Nicholas, married "the eldest daughter of Raff Radclyffe," and had issue three daughters; he was living in 1473 [see below].
 - (a) Joan; will 1472;
 - (b) Katherine, "died a maid";
 - (c) Elizabeth;
- (7) Beatrice, married Sir Richard Aldborough, knight.
- (8) Margaret, married Thomas de Ledes, living 1472.

Dame Joan survived her husband, and died between November 14, 1473, and March 29, 1474.

- 1473, November 14. Will of Joan Warde, relict of SIR ROGER WARDE the elder of Givendale, knight, lying on her sick-bed. To be buried at the Abbey of Esholt, within the Church; to the Prioress and Convent of Esholt 20s., and 10-shillings to be distributed among the Nuns [sundry other legacies]. A jewel called "an nowche" of gold, with a precious stone, to be sold, and the price given to a priest to celebrate for my soul and my husband's, and for the soul of Thomas Markenfield, my brother. To Christopher son of Sir Roger Warde the younger a silver bowl with a cover called "a plane piece." Residue to NICHOLAS WARDE and WILLIAM WARDE my sons, equally, and they to be executors.

Witnesses: Dominus Richard Brown, Rector of Guiseley, etc.

Proved March 29, 1474.

- 1472, November 28.

Will of JOAN WARDE, daughter of SIR ROGER WARDE.

1. To be buried at the Church of St. Peter, Ripon, before the Altar of Holy Trinity;
2. 6s. 8d. to the Parish Church of Guiseley, for building the tower.
3. My best furred gown "wit fiches" and a gilt girdle with "white tuschu" [tissue] to be sold to buy a vestment for the Abbey of Esholt.
4. I will, with the consent of NICHOLAS WARDE, my brother, that a tenement at Skelton go to JOHN WARDE, son of SIR ROGER WARDE, deceased, after the death of the said Nicholas.
5. To CHRISTOPHER WARDE a girdle of gold over "tuschu tawny silk."
6. A pair of "beads of coral, gaudy wit calsedone " to be sold "to the payntyng of an ymage of our Lady de Pete [Pity] at the Abbey of Esholt."
7. To the CHAPEL OF THE CONVENT 6s. 8d., "to the payntyng of the ymage."
8. To MARGARET my sister a girdle of green silk, "harness with sylver and gilt."
9. To WILLIAM WARDE my brother, 2 cows.
10. To ELIZABETH WENTWORTH a furred gown of "blod" [blue] and gray, and a girdle of black silk, "harness with silver and gilt."
11. To MARGARET wife of CHRISTOPHER WARDE, a pair of sheets and the fustians.
12. Residue to NICHOLAS WARDE, my brother, and GEORGE WARDE, Clerk, to be disposed of for the good of my soul; they are appointed Executors.

Witnesses: WILLIAM WARDE, &c. Proved March 29, 1474, by Nicholas Warde.

- Sir ROGER WARDE, knight, 1st. heir of SIR ROGER, appears to have been born about 1430. I think that he was probably not the eldest son, and that his brothers, the two JOHNS, who died in infancy, and possibly the THOMAS and WILLIAM who died without issue, and perhaps some of his sisters, were older than ROGER, notwithstanding that Roger is referred to as jilium seniozem.

- In 1453. PRIOR SWYNTON of FOUNTAINS ABBEY records in his Account Book a payment of 4d. when the Abbot baptised the son of Roger Warde of Givendale at Ripon. This date would fit for the baptism of CHRISTOPHER, Roger's eldest son, but as the infant's Christian name is not mentioned it is impossible to be certain.

- In 1455, October 17. ROGER WARDE, esq., presented RICHARD BROWNE, Chaplain, to the Rectory of Guiseley, on the death of JOHN SHIRBURNE.

- In 1455. SIR ROGER WARDE, knight, and JOAN his wife were admitted members of the Guild of Corpus Christi at York.

- SIR ROGER was dead at the date of his Sister JOAN'S Will, November 28, 1472. He married JOAN daughter of SIR THOMAS TUNSTALL, by whom he had issue:
 - (1) Christopher.
 - (2) John.
 - (3) Simon.
 - (4) Robert.
 - (5) Margaret, wife of Sir John Norton of Norton Conyers.'
 - (6) Elizabeth.
 - (7) Joan, possibly the Prioress of Esholt, 1480-97. and
 - (8) Eleanor.

- DAME JOAN survived SIR ROGER, and married SIR WILLIAM STAPELTON of Wighill, as his second wife. They were admitted to the Guild of Corpus Christi at York in 1472. She was Executrix of his Will in 1503.

■ 1507-1508, February 24.

WILL OF DAME JOAN STAPELTON.

She desires to be "beryd in the parish chyrche of Wyghill, in the chapell of our Lady in the northe parte of the same chyrche, wit my husband" [[Stapelton](#)]; "to the Prioress and the Convent of Esholt ([Esholt](#)), to pray for me"; "to my Sone, Sir CHRISTOFER WARDE, knyght, if he live after me, a ryng wit 2 stonys, and a goblett of sylver wit the coveryng"; to my son, JOHN WARDE, a ryng wit a dyamonde, and a Prymor whiche is called my Bretar' Booke, if he liv after me"; "to my doghter, DAME MARGARET NORTON, a ryng wit a balys, and a gyrdil wit a golde tushwe [[tissue](#)], if she liv after me"; "to SIR JOHN NORTON, knyght, a gilt goblett wit the coveryng "; "to my son BRYAN STAPILTON, my wedding ryng"; "to JOHN NORTON, my god-son, a pese of sylver, Parys-warke "; cc to my doghter, DAME MARGARETE NORTON, my crosse wit the releke, and all the goodes whych shalbe praysyd witin halfe the valor that thei shalbe prasyd to"; I will that my son, JOHN WARDE, gyfe to ROGER, his basterd son, x marke, whych x marke he owe me for corn and catall, what tyme as he thinkes most necessary to the said chyld." "I make my doghter, DAME MARGARET NORTON, and my son, JOHN WARDE, my executors, and my son, SIR JOHN NORTON, supervisor; and I will that all the resydew of my godes be disposed for the well of my soule."

Proved March 23, 1507-1508.

They both died in 1520. A brass memorial, was formerly installed in St. Mary's Parish Church, Wath near Ripon, but is now lost or destroyed.



St. Mary's Parish Church,
Wath, near Ripon,
Yorkshire.

- In 1514, November 15. **KING HENRY VIII** granted to "our humble servant **JOHN WARDE**" the office of "Banner Bearer before Saint Wilfrid" at Ripon, with a fee of £5 a year.

This probably refers to JOHN son of SIR ROGER WARDE, and he may be the JOHN WARDE who was Plaintiff in two Fines relating to property in Great Ouseburn in 1502 and 1505.

SIR CHRISTOPHER WARDE, (1453-1521) son of Sir Roger Warde (1429-1472), was probably born in 1453. He is said to have been **Master of the Hart Hounds to King Richard III**, to have fought at Flodden Field, and to have been Standard Bearer to Henry VIII at the Siege of Boulogne.

The first mention of **CHRISTOPHER WARDE** is in the will of his aunt JOAN, November 28, 1472, and the next in the Will of his grandmother, November 14, 1473. He was already married at the earlier of these dates to MARGARET (1455-xxxx), daughter of SIR WILLIAM GASCOIGNE of Gawthorpe.

- In 1474, May 16. **Sir CHRISTOPHER WARDE** appeared before John Pakenham and others, Canons Residentiary, in the Chapter House at Ripon, and there acknowledged to hold of the Chapter divers lands and tenements in Givendale and Newby, by the like services as the Lord of Marmion, and by ancient rent; he did fealty, was sworn, and admitted to the said service. This was after the death of his Father, which probably occurred in the autumn of 1472; he appears to have just come of age.
- In 1482. Knights made at Hutton Field in Scotland (from a MS. formerly of Sir Edward Plumpton of Plumpton, and now of the Marquis of Ripon), "Bannerets in the Vanguard," **Sir Christopher Warde**.

- Undated; after 1482,

To the Most Reverend Father in God, the Archbishop of Canterbury, Chancellor of England,

Showeth unto your Good and Gracious Lordship your poor Orator and Beedman, WILLIAM BATENSON, that where he being possessed of and in 11-acres of meadow and 11-acres of water, in his domaine as of fee, lying in Ripon in Yorkshire, and he thereof so possessed, of trust and confidence that he had to one Sir Christopher Warde, Knight, delivered to him certain evidences concerning the premises, safely to be kept to the behalf of your said Orator, and to be revealed to him at such time as he wold require the same Christopher; It is so, Gracious Lord, such deliverance of the said evidences your Orator hath often times required the said Christopher to deliver him even his said evidences, according to right and conscience, yet that to do he

utterly refuseth. And for as much, Gracious Lord, as your said Orator knoweth not the certain number of the said evidences, he is without remedy at the Common Law and utterly barred from his right without aid and succour of your Good Lordship. . . . Please it your Good Lordship to grant a written subpoena to be directed to the said Christopher, commanding him to appear before the King in his Chancery, there to be ruled as right requires.

SIR CHRISTOPHER WARDE (1453-1521) was farmer of the **Royal Mills at Boroughbridge** from 1484 to 1486.

Sir Christopher was one of the EARL OF NORTHUMBERLAND'S "33-knights of his feedmen" who met **HENRY VII in Barnesdale**, a little beyond "Robyn Haddezston," apparently between Doncaster and Pontefract.

■ Undated; circa 1487. **SIR WILLIAM CALVERLEY** wrote to his Cousin, **SIR ROBERT PLUMPTON**, Constable of Knaresborough Castle, asking his good services in favour of his cousin, **JOHN BAILDON**, who had been put to an occupation of the King's by his (Calverley's) Cousin, **SIR CHRISTOPHER WARDE**.

ELIZABETH MARKENFIELD, Sir William Calverley's grandmother, and **JOAN MARKENFIELD**, Sir Christopher Warde's grandmother, were sisters.

SIR ROBERT PLUMPTON and SIR CHRISTOPHER WARDE married sisters.

■ In 1496, July 8. **SIR CHRISTOPHER WARDE** presented **RICHARD RADCLYFFE**, Priest, to the Rectory of Guiseley, on the death of Richard Browne.

■ In 1500, November 30. **JOHN VAVASOUR** of Weston died, holding one sixth of the Manor of **BAILDON** of **SIR CHRISTOPHER WARDE** as of his Manor of Guiseley, but by what service the Jury know not.

■ In 1500, December 14. **SIR CHRISTOPHER WARDE** presented **CHRISTOPHER WARDE**, Clerk, to the Rectory of Guiseley, on the death of Richard Radclyffe. The new Rector was probably a near relation of Sir Christopher's, possibly a nephew.

■ 1504-1505, January 18. **SIR CHRISTOPHER WARDE** signed the Plumpton Memorial of this date.

- In 1507-1508, February 24. Sir CHRISTOPHER WARDE was a legatee under his mother's Will of this date.
- In 1517–1518, February 28. Royal mandate to "MASTER CUTHBERT TUNSTALL, Keeper of Our Records in Chancery," to cancel a recognizance given by CHRISTOPHER WARDE of Givendale, knight., EDWARD MUSGRAVE of Eden Hall, Cumberland, Esq., and others, to King HENRY VII, dated Feb. 4, 22 Henry VII [1506-1507], in £50, to secure the payment of 50 marks.
- In 1518-1519, March 20. SIR CHRISTOPHER WARDE and JOHN WARDE, his brother, conveyed the FAMILY ESTATES to HENRY PERCY, Earl of Northumberland, CUTHBERT TUNSTALL, Clerk, HENRY CLIFFORD, knight, CHRISTOPHER D'ACRE, knight, THOMAS DUDLEY, Esq., and RICHARD FRANKE, Clerk, to hold upon the Trusts set out in a Deed dated March 7 previous.
- In 1519, June 5. Reversal of outlawry to SIR CHRISTOPHER WARDE of Givendale, sued for debt by THOMAS LANGLEY, Clerk, Executor of Ralph Langley, Prebendary of Givendale in the Church of Ripon; and the like to SIR CHRISTOPHER WARDE of Ripon, sued for debt by ALICE, Widow and Executrix of JOHN AKECHYN of London, Tailor.
- In 1519, October 6. SIR CHRISTOPHER WARDE presented THOMAS BENSON, Priest, to the Rectory of Guiseley, on the death of CHRISTOPHER WARDE.

SIR CHRISTOPHER WARDE married MARGARET GASCOIGNE, (1453-1521), daughter of SIR WILLIAM GASCOIGNE (1426-1461) of Gawthorpe, and by her had three daughters.

- (1) MARGARET GASCOIGNE, stated in the Visitation of 1564 to have been the wife of THOMAS LAWRENCE; stated by J.R. Walbran to have married JOHN LAWRENCE of Burley, and to have died without issue, SEPTEMBER 12, 1519.
- (2) ANNE, and (3) JOAN, of whom post.

- SIR CHRISTOPHER WARDE died December 31, 1521.
- In 1522-1523, February 4.- INQUISITION after the death of CHRISTOPHER WARDE, knight, taken at BOROUGHBIDGE.

[BOROUGHBIDGE](#) is a town and civil parish in the Harrogate district of North Yorkshire, England. Historically part of the West Riding of Yorkshire, it is 16 miles (26 km) north-west of the County Town of York.

■ It was found that **CHRISTOPHER WARDE** (1451-1521) had died seised of the Manors of GUISELEY, GIVENDALE, NEWBY-ON-URE, ESHOLT, EAST KESWICK, ADWALTON, DRIGLINGTON AND GREEN-HAMERTON, and a moiety of the Manor of GREAT OUSEBURN.

- GUISELEY was worth 40 marks [£26, 13s. 4d.] yearly,
- GIVENDALE 80 marks [£53, 6s. 8d.],
- NEWBY and ESHOLT 20 marks [£13, 6s. 8d.] each; they were held of Cardinal Thomas Wolsey, Archbishop of York, by knight service.
- EAST KESWICK was worth 20 marks yearly, and was held of Richard Redman as of his Castle of Harewood, in socage.
- DRIGLINGTON was worth £8 and Adwalton £10 yearly; they were held of the King as of the Castle of Pontefract, in socage.
- GREAT OUSEBURN was worth £20 yearly, and was held of the King as of the Castle of Knaresborough, by knight service.
- GREEN HAMERTON was held of William Gascoine, knight., as of the Manor of Thorp Arch, by service unknown.

His heirs were his Daughter **JOAN WARDE** (1475-1523) aged 46, wife of **EDWARD MUSGRAVE**, knight and three Granddaughters, children of a deceased Daughter, Anne Neville, viz.:

- Katherine, aged 22, wife of Walter Strickland, Esq.,
- Joan, aged 21, wife of John Constable, esq., and
- Clare Neville, aged 14 on October 26,

This is the only INQUISITION I have found relating to the WARDES, which is rather singular, since several of their smaller Estates were held of the Crown.

Sir Christopher apparently left no will; he was buried at Esholt.

ANNE WARDE, was probably **SIR CHRISTOPHER'S** second daughter. She appears to be the "Anne Warde of the Parish of Ripon" who had a license to marry **JOHN WANDESFORD**, Esq., of Kirtlington, Oxfordshire on February 12, 1491-1492. This marriage was annulled, apparently shortly afterwards.

■ In 1556, April 1. An **INSTRUMENT OF DISSOLUTION** of the marriage between **ANNE WARDE**, daughter of **CHRISTOPHER WARDE** of Givendale], and **JOHN WANSFORD** of Kirtlington, Esq., by reason of a previous Contract between her and **RALPH NEVILLE**, and declaring RALPH and ANNE to be lawful "man and wife", under the seal of the **PREROGATIVE COURT**, Thomas Cranmer, Archbishop; notarial certificate at the end.

The date given to this document is apparently that of the notarial copy extracted from the records of the Wark Consistory Court.

The second husband, **RALPH NEVILLE**, was the son of **RALPH NEVILLE** of Thornton Bridge, near Easingwold, by his wife **ANN NEVILLE**, daughter of **SIR WILLIAM GASCOIGNE**, brother of **MARGARET GASCOIGNE**, the wife of **SIR CHRISTOPHER WARDE**;

RALPH (the Younger) and his WIFE were thus FIRST COUSINS ONCE REMOVED.

They left issue of 3-daughters and co-heirs, who were found co-heirs to their Grandfather, **SIR CHRISTOPHER WARDE**, together with their Aunt **JOAN MUSGRAVE**, in 11523.

ANNE NEVILLE died October 12, 1521 in Thornton, Yorkshire, England.

■ **RALPH NEVILLE**, her husband, died July 24, 1522, seised of the Manors of Thornton Bridge, Leckby, Cundall and Kirkby-on-the- Moor (near Boroughbridge), Gipton and Leeds; his three daughters were found to be his heirs:

- (1) **KATHERINE**, then aged 22, wife of Sir Walter Strickland of Sizergh Castle, Westmoreland, England;
- (2) **JOAN**, then aged 21, wife of Sir John Constable of Constable Burton; and
- (3) **CLARA**, then aged 14, wife of Sir Thomas Neville of Holt.



■ **JOAN WARDE**, was probably **Sir CHRISTOPHER WARDE'S** third daughter; she was aged 34 at the time of his death in 1521, which would make her born in 1487. She was married very young. On October 27, 1496, a license was granted for the marriage of **EDWARD MUSGRAVE** of the Parish of Kirkby Stephen and **JOAN**, the daughter of **Sir CHRISTOPHER WARDE**, knight, in the Chapel of Givendale.

The young couple joined the GUILD OF CORPUS CHRISTI at York in 1498.

The most important of the religious guilds was the Corpus Christi Guild, founded in 1408 to celebrate the Feast of Corpus Christi. Between its foundation and closure in 1546 it had nearly 17,000 members, including archbishops of York, regional nobles, and others from the upper tier of city society.

SIR EDWARD MUSGRAVE was the son of **RICHARD MUSGRAVE** of Hartley Castle, Westmoreland, and Eden Hall, Cumberland, by his wife **JOAN**, daughter of **THOMAS, LORD CLIFFORD**.

The devolution of the **WARDE** property for some years after **SIR CHRISTOPHER WARDE'S** death in 1521 is not very clear; there was no immediate partition, though this was done eventually. I think the best way will be to give the documents in Chronological order, with such comments as may be necessary. It must be remembered that the **MANOR OF GUISELEY** seems to have carried what property there was at **BAILDON**, though it is not always named, except the nominal rent referred to in the following note.

■ In 1526. On the death of **JOHN BAILDON** (1468-1526), Mayor of Doncaster, it was found that he held the **MANOR OF BAILDON** of **SIR EDWARD MUSGRAVE** and **JOAN** his wife, as of their **MANOR OF GWEN DALE** [**Givendale**], in socage, by the rent of a "red rose "for all services.

"**GREAT GIVENDALE, (or GREAT GWEN DALE)**, a Parish in the Wilton-Beacon division of the wapentake of **HART HILL**, East riding of the County of **YORK**, comprising the townships of Great Givendale and Grimthorpe, and containing 89 inhabitants, of which number, 60 are in the township of Great Givendale, which is partly within the liberty of **St-PETER-OF-YORK**, 3 miles N.E. from Pocklington.

The Court of Common Pleas in England circa 1500.

The **COURT OF COMMON PLEAS**, or Common Bench, was a common law Court in the English legal system that covered "common pleas"; actions between subject and subject, which did not concern the KING.



Thomas Rowlandson

Court of Common Pleas

Created in the late 12th to early 13th Century after splitting from the Exchequer of Pleas, the Common Pleas served as one of the central English Courts for around 600 years. Authorized by MAGNA CARTA to sit in a fixed location, the Common Pleas sat in **WESTMINSTER HALL** for its entire existence, joined by the Exchequer of Pleas and Court of King's Bench.

The Court's jurisdiction was gradually undercut by the King's Bench and Exchequer of Pleas with legal fictions, the BILL OF MIDDLESEX and a WRIT OF QUOMINUS respectively.

The **COMMON PLEAS** maintained its exclusive jurisdiction over matters of **REAL PROPERTY** until its dissolution, and due to its wide remit was considered by **SIR EDWARD COKE** to be the "lock and key of the common law".

It was staffed by one **CHIEF JUSTICE** and a varying number of **PUISNE JUSTICES**, who were required to be **SERGEANTS-AT-LAW**, and until the mid 19th Century only Sergeants were allowed to plead there.



WILLIAM CECIL, 1st. Baron of Burghley and **CUSTOS BREVIUM** in the **COURT OF COMMON PLEAS**.

The **CUSTOS BREVIUM** was an official in the COURT OF COMMON PLEAS and Court of King's Bench. The Custos Brevium served as CHIEF CLERK, in charge of the officials that supported the Justices of the Common Pleas in their business. In practice the position was a royal favour, and the actual "clerking" was done by the Custos Brevium's Deputy.

As one of the two principal Common Law Courts with the King's Bench, the **COMMON PLEAS** fought to maintain its jurisdiction and caseload, in a way that during the 16th and 17th Centuries was categorized as "conservative" and "reactionary". Reaching an acceptable medium with the King's Bench and Exchequer of Pleas proved to be the downfall of all three Courts; with several Courts of near-identical jurisdiction, there was little need for separate bodies, and the Superior Courts of Westminster were merged by the SUPREME COURT OF JUDICATURE ACT 1873 into a single **HIGH COURT OF JUSTICE**.

With an **ORDER IN COUNCIL** issued on 16 December 1880, the **COMMON PLEAS DIVISION** of the High Court ceased to exist, marking the end of the "Court of Common Pleas".

More NOTES by William Paley Baildon:

■ In 1526, Michaelmas Term. A Fine between THOMAS CURWEN, Esq., and JOHN LAMBERT, Plaintiffs, and WALTER STRICKLAND, knight, and KATHERINE his wife, one of the daughters and heirs of RALPH NEVILLE of Thornton Bridge, Esq., and ANNE his wife, one of the daughters and heirs of Sir CHRISTOPHER WARDE, knight, *deforciant*s, (One against whom a fictitious action of fine was brought.) of:

- One third of the Manors of Thornton, Cundall, Leehy, Gipton, and Kirkby on the Hill, and 50-messuages, and with lands in the same places, and in Leeds, Burton, and Norton in the Mire, [[this was the Neville property](#)]; and also of
- One third of a moiety of the Manors of Gwen Dale, Newby, Keswick, Guiseley, Esholt, and Green Hamerton, and of 60 messuages, etc., lands, and rents there and in Adwalton and Drightlyngton, and
- One third of a moiety of the Manor of Osborn, and of
- One third of the advowsons of the Nunnery of St. Leonard at Esholt and of the Parish Church of Guiseley; to hold to WALTER STRICKLAND and KATHERINE and the heirs of their bodies, with remainder to the right heirs of Katherine.

■ SIR WALTER STRICKLAND died January 9, 1527, leaving a son and heir WALTER, then aged 14-years old. Dame Katherine Strickland survived her husband.

■ 1527, December 21. The assigns of SIR EDWARD MUSGRAVE and his Wife and others, presented WILLIAM HOLGIL, Clerk, to the Rectory of Guiseley, on the death of Thomas Benson.

■ In 1528, Michaelmas Term. HENRY BOROUGH, Esq., and KATHERINE his Wife, late the wife of Walter Strickland, Knight, one of the daughters and heirs of RALPH NEVILLE of Thornton Bridge, were *deforciant*s in a FINE relating to the NEVILLE Property, but not to the WARDE Property. It therefore only concerns us as showing KATHERINE NEVILLE'S second marriage.

WILLIAM PALEY BAILDON had not been able to ascertain when CLARA NEVILLE (1508-1532) died, but suggested it was probably late in 1532 or early in 1533. It does not appear that any INQUISITION was taken after her death. She left two children, a son FRANCIS, who died without issue and probably under age, and a daughter MARY, who succeeded to her Mother's Property, and married (1) THOMAS SMYTH of Cressing Temple, Essex, and (2) FRANCIS HARVEY.

- In 1532-1533, March 6. Grant to **THOMAS ARUNDELL**, Esq., of the custody of the Manors of Givendale, [Guiseley], Escholt, Newby and Husborne, late belonging to **CHRISTOPHER WARDE**, knight, deceased, and now in the **KING'S** hands during the minority of **FRANCIS NEVILLE**, son and heir of **CLARA NEVILLE**, by reason of the attainder of **THOMAS WOLSEY**, the late **CARDINAL OF YORK**, together with the issues and profits of the same from the death of the said **CLARA NEVILLE** and the said attainder.

In English criminal law, **ATTAINDER** was the metaphorical "stain" or "corruption of blood" which arose from being condemned for a serious capital crime. It entailed losing not only one's life, property and hereditary titles, but typically also the right to pass them on to one's heirs.

A **FOOT OF FINE** is the archival copy of the Agreement between two parties in an English lawsuit over **LAND**, most commonly the fictitious suit (in reality a **CONVEYANCE**) known as a **FINE OF LANDS** or **FINAL CONCORD**.

- In 1535-1536, Hilary Term. FINE between **THOMAS CLIFFORD**, knight, **MARMADUKE TUNSTALL**, knight, **CUTHBERT RATCLYFFE**, knight, **WILLIAM PLOMPTON**, Esq., **HENRY NORTON**, Esq., **AMBROSE MYDDELTON**, Esq., **ROLAND ROLANDSON**, Clerk, and **RICHARD LEGH**, Clerk, Plaintiffs, and **EDWARD MUSGRAVE**, knight., and **JOAN** his Wife, **deforcians**, of a moiety of the Manors of **GIVENDALE** (alias **GWEN DALE**), **GREEN HAMERTON**, and **GREAT OSBORNE**, and 40-messuages and a **WATER MILL** with lands in the same; To hold to the Plaintiffs and the heirs of **ROLAND ROLANDSON**. **EDWARD MUSGRAVE** and **JOAN MUSGRAVE** warranted for themselves and the heirs of **JOAN**.

The plaintiffs gave £1,100. The plaintiffs were evidently **FEOFFEES**, probably in connection with a new settlement; it is clear that so far there had been no partition with the Constables.

Under the feudal system in England, a **FEOFFEE** is a trustee who holds a fief (or "fee"), that is to say an Estate in land, for the use of a beneficial owner.

■ In 1536-1537, March 17.

SIR WILLIAM MUSGRAVE to THOMAS CROMWELL, Lord Privy Seal.

Right Honourable and my espeschall goode Lord, this schalbe to advys youre Lordschipe that wher ther is a vere small priory of nuns, called Esholt, within a lordshipe of my lait graunfather, Sir Christofer Ward, who lyeth ther, callyd the manner of Esholt, which standith vere commodiustlye for me, the holle valew therof by yere xix li. or ther abowt; wherfor my request schalbe unto youre Lordschipe that it may please youe to be so mucche my good lord as to helpe me to the sayme of the Kings Highnes, for me and my heres. . . . Humble revyeringe youre said Lordschipe accordinglye, yf this may stand with youre pleasure, that I may have the Kinge his Highnes letter in breff tyme unto the Pryores and Covent for the premyssis, commaunding them to staye all ther gudis and ther comoditis from ony further saill or other grauntes. And thus I pray God to preserve youre good Lordschipe in mucche honor and comfurth, as youre nobill hart requyerith.

Wryttin at Yourke, this xvith day of Marche.

Your Lordshyp is to commaund

Willm Musgrave, knt.

Sir EDWARD MUSGRAVE died May 23, 1542, leaving **SIR WILLIAM MUSGRAVE**, his son and heir, then aged 33; **DAME JOAN MUSGRAVE** (1475-1540) appears to have predeceased her husband; J.R. Walbran says that she left a will dated 1540, and that Sir William had livery of a moiety of the WARDE Estates in 1543, but gives no authority.

Sir JOHN CONSTABLE died May 4, 1542, leaving his wife, **JOAN**, surviving; his will was dated May 2 and proved October 20, 1542. The INQUISITION taken after his death does not mention his wife's property.

■ In 1544, Trinity Term. FINE between JAMES DANYELL, Gentleman, and JOAN his wife, Plaintiffs, and Sir WILLIAM MUSGRAVE, knight, deforciant, of a moiety of the Manors of Escholt and Guiseley, and of 20-messuages, 20-cottages, 200-acres of land, 100-acres of meadow, 200-acres of pasture, 500-acres of wood, and 40s. rent in Otley and Guiseley, and also of the advowson of the Church of Guiseley;
To hold to JAMES DANYELL and his wife JOAN and the heirs of JOAN, they gave £ 200. General Warranty.

ADVOUSON (in English ecclesiastical law) the right to recommend a member of the Anglican clergy for a vacant benefice, or to make such an appointment.

With regard to this document, I can only surmise that Joan Danyell was the **Widow** of **Sir JOHN CONSTABLE**, remarried to **JAMES DANYELL**, and joining with her second husband in the partition of her grandfather's property. Apart from this Fine, I find no evidence of such a marriage.

SIR WILLIAM MUSGRAVE died October 18, 1544, leaving **RICHARD**, his son and heir, then aged 20-years. J.R.Walbran states that Richard had livery of half the WARDE estates in 1546 but, as usual, gives no authority. It is not clear whether he means an undivided moiety of the whole Property or a half share on the partition, probably the former.

The partition of the Warde Property certainly took place about this time, but I have not been able to find any of the Deeds relating to it. The scheme of division seems to have been settled before **SIR WILLIAM MUSGRAVE'S** death in 1544, as shown by the Fine just quoted, and was completed afterwards by a Deed referred to in the **INQUISITION** taken after the death of his son **RICHARD**, in 1555. The date is not there mentioned, but it was probably soon after RICHARD came of age in 1545 or 1546. **The deed does not appear to have been enrolled.**

There seems to have been a division between **Sir RICHARD MUSGRAVE** on the one hand and **WALTER STRICKLAND, Dame JOAN CONSTABLE** and **MARY** and the fact that "Dame Joan" is called "Constable" does not affect my suggestion that she had married again since **Sir John's** death. When a Knight's Widow married a second husband who had no title, it was common practice for her to retain her first husband's surname, just as the Widow of a Peer keeps her title, now-a-days, on marrying a Commoner.

SMYTHE on the other hand, represents the respective interests of SIR CHRISTOPHER WARDE'S two daughters. ROGER DODSWORTH, writing early in the reign of King James I, thus refers to it:

“WEST ESHOLT, where the family of the WARDES a long time had their habitation, whose great inheritance came in our fathers' days by co-heirs to SIR JOHN CONSTABLE of Holderness, who had Esholt and Esholt Park (which had deer in man's memory), with the MANOR of GUISELEY adjoining, which is now MR. SHERBURNE'S, by purchase of his father, SIR RICHARD SHERBURNE of Stonyhurst in Com. Lane. The second daughter and co-heir was married to Sir Edward Musgrave, who had the Manor of Givendale alias Greendale; it was a goodly Manor, sayeth Mr. William Baildon, and the Lordship of BAILDON was held of SIR EDWARD MUSGRAVE and JOAN his Wife, with diverse other Lordships. Esholt was the chief Manor House. These Wards are of Ottely Parish, and builded the south aisle of that Church.”

It will be seen that DODSWORTH does not mention the STRICKLANDS or the SMYTHES as having any part of the WARDE PROPERTY. The explanation of this is that WALTER STRICKLAND and MARY SMYTHE divided the Estates of RALPH NEVILLE of Thornton Bridge, leaving their share of the WARDE Property to Dame JOAN CONSTABLE. This was done in 1549, as I gather from the following note:

- In 1548-1549, February 26. WALTER STRICKLAND, Esq., of Sizergh Castle, Westmorland, and THOMAS SMYTHE of Cressing, Essex, Esq., were bound to JOAN CONSTABLE, Widow, in 400 marks [£266, 13s. 4d.] to observe the terms of a pair of indentures dated February 15 last. Also, JOHN CONSTABLE Esq. of Burton Constable, was bound to STRICKLAND and SMYTHE also in 400 marks, for the observance of the Covenants of Dame JOAN CONSTABLE, Widow, in the same indentures, which were made between Dame Joan Constable of the one part and Walter Strickland and Thomas Smyth and Mary, his wife, of the other part.
- In 1548, December 24. “Certain feoffees or assigns of the heirs of CHRISTOPHER WARDE, knight,” presented WILLIAM BOYES, S.T.B (Bachelor of Sacred Theology) to the Rectory of Guiseley, on the death of William Holgill.
- In 1549, December 2. JOHN VAVASOUR of Weston died seised of one third of the Manor of Baildon, which was held of the heirs of CHRISTOPHER WARDE, knight, as of their Manor of Guiseley, by fealty only.

■ In 1555, October 9. **INQUISITION** taken after the death of **SIR RICHARD MUSGRAVE**.

He was seised [inter alia] of the **MANOR OF GIVENDALE** near Ripon, and of a Messuage and lands there; also of a yearly rent of 50s. from 3-messuages and lands in Newby near Ripon, reserved on a certain partition made between the said **RICHARD MUSGRAVE, WALTER STRICKLAND, JOAN CONSTABLE** and **ANNE [Mary] SMYTHE**, wife of **THOMAS SMYTHE**, as kindred and heirs of **CHRISTOPHER WARDE**, knight.

The **MANOR OF GIVENDALE** was held of the **KING Consort and QUEEN** of England as of the Manor of Ripon, as half a knight's fee; it was worth £30 yearly.

SIR RICHARD MUSGRAVE died at Eden Hall on September 11 last; **THOMAS MUSGRAVE** was his Son and heir, aged 8-years and 40-weeks at his father's death.

It is interesting to note that the current **KING CONSORT** of England was **PHILLIP OF SPAIN**, who had married the “new” Queen of England, **MARY TUDOR**, daughter of the late **KING HENRY VIII**, whose other daughter was **ELIZABETH I**, was just out of “prison” in the Tower of London and smarting for revenge against those who put her in gaol... did I hear someone say, “Queen Mary”? Then there was the “phantom pregnancy” of **QUEEN MARY** who probably had what we now call a “miscarriage”.

KING PHILLIP (who was not impressed with his new Queen, **MARY**, whom he said was “smelly”) was off to Holland to visit new territories of Spain, while he was “dallying” with **PRINCESS ELIZABETH**, the future Virgin Queen.

English Protestants and Congregationalists (known also as **PILGRIMS**) were leaving the Country in droves to escape religious persecution and to become settlers of a “New England” in the New World.

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More NOTES by William Paley Baildon:

- In 1556, October 19. By an **INQUISITION** held after the death of NICHOLAS FITZWILLIAM of Bentley it was found that he held his BAILDON Property of DAME JOAN CONSTABLE, widow, in socage.

SOCAGE, in feudal English property law, form of land tenure in which the tenant lived on his lord's land and in return rendered to the lord a certain agricultural service or money rent. At the death of a tenant in socage (or socager), the land went to his heir after a payment to the lord of a sum of money (known as a relief), which in time became fixed at an amount equal to a year's rent on the land. Socage is to be distinguished from tenure by knight service, in which the service rendered was of a military nature, although, by statute in 1660, all knight-service tenure became socage tenure. In time, most of the land in England came to be held in socage tenure.

- Undated; after March 10, 1563-1564. FRANCIS HARVEY of Cressing Temple, Essex, and MARY his wife, daughter and heiress of SIR THOMAS NEVILLE, deceased, were seised, in right of MARY, of the Manors of Gipton, Leeds, Osmondthorpe, Kirkby [on the Moor], Eastwick and Leckby, the Title-Deeds of which were in the possession of ANSELL BLUNT and LUCY his wife.

I insert this NOTE to confirm what I have already said about the Partition of the WARDE and NEVILLE Properties; the Manors here named were all part of the Estate of RALPH NEVILLE of Thornton Bridge. THOMAS SMYTH, MARY HARVEY'S first husband, died March 10, 1563-1564; some of her children by him assumed the name of NEVILLE. He belonged to one of the families of SMYTH for which a descent from the Cheshire CARRINGTONS has been forged.

MARY HARVEY died January 23, 1592, and was buried at St. Nicholas, Chipping Hill, where there is a mural monument, with effigies of herself and her second husband.

- In 1566-1567, March 13. **Sir JOHN CONSTABLE** of Constable Burton conveyed to **Sir RICHARD SHERBURNE** of Stonyhurst, Lancashire, the Manors of West Escholt and Guiseley, with all their appurtenances, and two turns out of three in the right of presentation to the Rectory of Guiseley (the third turn belonging to Walter Strickland, esq.), and all his lands, etc., in the Parishes of Guiseley and Ottley, and all Deeds, Court Rolls, etc.)

- "**THE GREAT CARRINGTON IMPOSTURE**," vol. 2, History and Records of the Smythe-Carrington Family. Notwithstanding that **THOMAS SMYTHE** in his Will calls himself "Gentleman," and **FRANCIS HARVEY** (on the monument mentioned above) calls himself and SMYTHE "Esquire," DR. COPINGER knows them both; it is a "cheap luxury", and

looks nice in a pedigree belonging to WALTER STRICKLAND Esq. and all his lands, etc in the Parishes of Guiseley and Ottley, and all Deeds, Court Rolls, etc.

This CONVEYANCE was followed by a FINE, which gives some further particulars:-

- In 1567, Easter Term. FINE between RICHARD SHIRBURNE, knight., Plaintiff, and JOHN CONSTABLE, knight., and HENRY CONSTABLE Esq., deforciant, of the Manors of Esholt or West Esholt and Guiseley, 40-messuages, 10-cottages, 6-tofts, a WATER MILL, a FULLING MILL, 40-gardens, 30-orchards, 1,000-acres of land, 200-acres of meadow, 1,000-acres of pasture, 400-acres of wood, 1,000-acres of furze (Gorse bushes) and heath, 20s. rent, and rents of 24-hens, there and in Hawkesworth and Baildon, in the Parishes of Guiseley and Ottley, and the advowson of the Church of Guiseley;

To hold to SIR RICHARD SHYRBURN and his heirs; he gave 800-marks [£533, 6s. 8d.]



Typical Wool Mill
in Guiseley, Yorks.
(Moon & Sons)

- **JOHN CONSTABLE** appears to have been indebted at the time by a Statute or Recognizance to **WILLIAM BURDE**, Citizen and Mercer of London, **SIR RICHARD SHIRBURNE** therefore obtained a bond from **WILLIAM BURDE** of £ 1,000, that he would not attempt to raise CONSTABLE'S debt on the Manors of West Esholt and Guiseley and the other property in the Parishes of Guiseley and Ottley, lately purchased by Sir Richard.

RECOGNIZANCE, in English law, obligation entered into before a judge or magistrate whereby a party (the recognizer) binds himself to owe a sum of money in the event that he does not perform a stipulated act. If he fails to perform the required act, the money may be collected in an appropriate legal proceeding.

- In 1576, Trinity Term. **FINE** between **RICHARD SHIRBURNE**, knight, Plaintiff, and **JOHN CONSTABLE**, knight, and **HENRY CONSTABLE**, esq., **deforciant**s, of the Manors of Esholt or West Esholt and Guiseley, and of 60-messuages, 20-cottages, two Mills, a Dovecote, lands, 20s.-rent and rents of 24-hens, there and in Hawksworth, Baildon, and Menston, and the advowson of Guiseley Church; To hold to Sir Richard and his heirs for ever; he gave £680. Sir John warranted for himself and his heirs and the heirs of Christopher Warde ; Henry Constable warranted for himself and his heirs and the heirs of Joseph Constable and Christopher Warde.'

MENSTON is a Village and Civil Parish in the City of Bradford in the County of West Yorkshire, England. Along with Burley in Wharfedale, most of Menston is within Wharfedale Ward in the Metropolitan Borough of Bradford.

This FINE appears to have been levied to get in the outstanding interests given by some previous CONSTABLE settlement to JOSEPH and HENRY CONSTABLE, Sir JOHN CONSTABLE'S Sons.

- 1580-1581, February. **FINE** between **WILLIAM SMYTHE**, Gentleman, Plaintiff, and **FRANCIS HARVEY**, Esq., and **MARY HARVEY**, his wife, **deforciant**s, of the advowson (1-Copy in the muniment (**document**) room of Trinity College, Cambridge).

- In October 17, 1667, **Sir THOMAS STRICKLAND** of Thornton Bridge, Great-Grandson of **WALTER STRICKLAND**, granted the "third turn" of a presentation of a new RECTOR for Guiseley to TRINITY COLLEGE,. The above-mentioned Deed and certain other documents were probably copied in consequence of some subsequent litigation.

(Information kindly given by **H. MCLEOD INNES**, Senior Bursar:

2-Notes of Fines, Yorkshire, Easter, 9 Elizabeth of the third part of the Church of Guiseley;

To hold to William Smyth and his heirs; he gave 260 marks [£173, 6s. 5d.].

Francis and Mary warranted for themselves and the heirs of Mary.)

This was followed in Easter Term, 1581, by another Fine between **Peregrine [Bertie], LORD OF WILLOUGHBY**, Plaintiff, and **WILLIAM SMYTHE**, Gentleman, **deforciant**, of the same one third, To hold to LORD WILLOUGHBY and his heirs; he gave £9. SMYTHE warranted for himself and his heirs.

(Comment by **WILLIAM PALEY BAILDON**:

This transaction is puzzling, but it shows that the advowson had not been partitioned as between the Neville coheirs. I cannot explain the discrepancy between the two sums paid; perhaps all that Lord Willoughby got was the right of next presentation. He did in fact present a new Rector at once, namely, ROBERT MORE, on April 1, 1581.)

WILLIAM SMYTHE (1556-1629) was probably the son of **MARY SMYTHE (1528-1593)** (born NEVILLE) by her first husband, **Thomas Smythe (1524-1561)**.

The WARDE'S fortified Manor House at Givendale was visited by John Leland (1506-1552), English Antiquarian: "I saw on the other hand a Lordship called, as I remember, "Gindene", where there is a fair Manor place of stone, of late times belonging to the WARDES."

It has entirely disappeared, but the moated site is still shown on the Ordnance Maps.



RECTORY HOUSE, Guiseley, Yorkshire

The original "GINDENE" Rectory house at Guiseley was on or near the site of the existing RECTORY HOUSE, also moated. The present house has the following inscription ([translated from the original LATIN](#)) over the porch:

[Anno Domini, 1601. Faithful Shepherd not blindfolded, ROBERT MORUS Rector of the Church, home founder. Woe to the enemies of Levi \(R.M. Deuteronomy 33 vii\).](#)

The present Rector, REV. J. F. HOWSON, M.A., informed [William P. Baildon](#) that all the oldest timber in the Rectory had obviously been used before, a fact which, taken in conjunction with the words *domus fundator*, in the inscription, suggests it was newly built in 1601 out of the ruins of the old Hall.

The house at Esholt, now commonly known as ESHOLT OLD HALL (to distinguish it from Esholt Hall, built on the site of the Priory), is a picturesque old Mansion, probably erected by Sir Richard or Hugh Sherburne towards the end of the 16th Century. I cannot ascertain that it has any date or other inscription upon it.

Nov. 19, 1910.

The COAT of ARMS of the WARDES have already been referred to. Both the Arms and the Crest can be seen in Guiseley Church, on the pillars of the north aisle, and Dodsworth made the following NOTE of them in 1619:

OTLEY CHURCH. South choir window. Az. a cross patonce or, belonging to Sir SYMON WARD, of Esholt within Otley Parish, who, with Thwaites of Denton, builded the South aisle of the Church, as is reported. There is Ward's Arms in stone in a pillar thereof.

