

<County: Durham>

<Code: L0386>

<MS reference: Durham, Prior's Kitchen, Dean and Chapter Muniments, Locellus V.15>

<Text: Memorandum>

Sir John darcy knyght enherite of certayn landes within ye
 bisshoprike of durem in taill to haue to hym and to
 <cropped><probably t>he heires of his body lawfully getenn and of
 othir certayn landes in y^e Countee of Lincoln in the same
 fourme the whilk
 <cropped> died feffet & sesit & had issue of his body Robert
 darcy and iiij . doughtirs eftir whas decese the said Robert
 as
 <cropped> nd heir~ stode possessit of . all ya landes many 3eres .
 And syne he eneffit *sir* Robert vmfrouille and oþer persones
 in
 <cropped>le in all þe same landes als+wele in þe bisshoprike as in
 lincolnschir~ to thaim & to thair~ heires & to thair~
 <cropped>t gaynstandyng þe taill before saide and his entent
 noythir spoken expressit nor writen nor in ony maner
 <cropped> ly betwene god & hym . And fra þat day furthward
 noght gaynstandyng~ þat eneffement so made
 <cropped>yset all þe same landes til he was dede & toke all þe
 profites & helde þ^e courtes
 <cropped> & did þe *seruice* of thayme acustumes . And þe mononday
 befor~ his dede
 <cropped>e died on þ<?> wednesday . next <hole> was a deuyse made vndr~ the seel of his Armes
 lyand in his passions of dede
 euyll of whilk he died And wheþer it was his consent or
 nane it is vnknawen bot on his dede bed it was made as
 his wife *grauntes* the whilk Robert died þan forthwith with-uten
 issue of his body wharfor~ the ryght & þe heritage
 of þe saide landes descendit to dame Eli3abeth pershay sister of
 þe saide Robert & to John of hedworth hir sistersonn

Rouland

Darcy hir othir sister sonn & to Anneys of Neutonn hir othir sister
 doughtir . & heir~ as coheires & *perceuers* descendit lawfully
 of þe body of þe said Sir John darcy // Neuertheles forthwith
 efter þe decesse of þe said Robert darcy Margret darcy his
 wife occupiet þe landes & 3it dose shewyng~ the forsaide deuyse of
 hir saide husband makand mencioun þat it is and
 was his last will þ^t sho sall sell þe landes and dispone thaym for his saule and his dettes be þe *vertue*
 of the
 whilk deuyse sho askes of þe eneffes to eneffe hir . þat sho
 may fulfill þat deuyse . The whilk eneffes withstandes
 it & will noght eneffe hir nor sell þe landes efter þat
 deuyse because þ^t þe saide deuyse was made so late
 <cropped> his<?> deyng And in his passions of dede euyll of whilk he died thay hauyng na
 knowleche of it before
 he was dede Considerit þ^t sho hade & 3it hase þe seele of his armes to make what she walde // And
 also
 considerit to þe vntrowth & grete malice of hir . þ^t sho feyned
 hir with Childe with hir husband efter his dede
 til sho had sellit & wasted þe wodde & þe treis & þervpon gete a nothir womans childe & called hirs
 & hir husbandes
 til haue disherite thaim othir-wyse ploynnyng & withdrawyng the
 saide tailles so þ^t thai haue noght þe tailles
 to recouere with þair~ landes And now sho claymes the landes in
 þe bissoprike to be hir ioynt estate geuen
 hir at hir mariage be hir husbandes eneffes lange before the
 feffement made to *sir Robert vmfrauill* als wele
 as be the said deuyse & eneffement to *sir Robert vinfranill* &
 his felows no3t gaynstandyng þ^t the priour of duren
 and dame Elianore Tempest William lanctonn & Nicholas
 Turpyn squiers hase sene þe tailles . And also who
 grauntes hir-self before *sir Robert vmfrauille* & many othir þ^t þai
 er tailed
 And anent3 the saide landes in lincolnschir~ sho claymes to haue
 thaim in fee simple to sell thaim as is before
 saide efter þe saide deuyse noght gaynstandyng~ þ^t hir said
 husband efter þ^t eneffement so made to *sir Robert vmfrauill*
 raysed þe profit3 til his ded day and na deuyse made bot on
 his dede bed how þe eneffes shulde do

First it is to wete of his counsell whethir it is til *pursew* ad diem
 clausit extremum in lincolnschir~ & a nothir in þe
 bischoprik of the landes beforesaide to þat entent til *proue* thaim
 heires & ther-vpon to haue lyuere be wrþtte
 Or elles an assise of Mortdauncestr~ and to clayme þaim as fee
 simple in als mykyll as Robert darcy helde
 possessioun eftir þe feffement forsaide til his last day sen þe
 tailles may noght be getenn // And þat wryt of
 mortdauncestr~ to be *pursewed* agayn þe enfeffes for þai may make
 defaute efter defaute or elles othir faynt
 plee wharthurgh þai may recouer seisine agayne þe feffes &
 þeron haue lyuere And in þat cas it is to wete gif
 Margret darcy may oght saue hir ryght because of þe deuse
 sen þt þe statut will gif tenant of terme of lyfe in
 dower~
 or be curtasy walde make defaute efter defaute or plede fayntly
 þt he in the reuercioun shal be ressayuit to saue
 his ryght before iugement gif he will comme
 item it is to wete gif it wer~ profitable to *pursew* agayn þe
 enfeffes and hir or better *pursewe* or agayn þe feffes or
 agayn
 hir be a writte of Fourmedoun in descendre . Sen þt thai er
 heires in descendr~ lawfully getenn of þe body of *sir* John
 darcy forsayd and gif thai shall be ressayuit to a verr~ that þe
 landes er tailed to thaim / sen thai bene heires
 in descendr~ noght gaynstandand þt thai haue noght the
 tailles to schewe
 item whethir the heires may entre vpon hir & on þe feffes or
 noght with-oute oþer processe & þair~ entree congealle
 be lawe or noght
 <second sheet> item to wete wheþer Rouland may *pursewe* in his name & in all his
perceuers name the wrytt or noght whethir þe
 remanant of his *perceuers* will or noght considerit þt thai will
 noght accorde thaym to *pursewe* to gadr~ for it hase
 bene sene þt whar~ a *perceuer* hase entred & hald possessioun fra his othir *perceuers* And thai haue
pursewed him whethir
 he wald or noght namand him in thair writt bathe playntif with
 thaim & defendant agayn thaim and hase
 recouered thair~ partes agayn hym



item all this at is said in remedie aboue is bot questioun & mocioun
in this mater to better counsail for he is full
symple of konnyng to gefe counsail in this case þ^t wrate it /
And þerfore it is to se be aduis of gud counsail & wise
men withhalden in þis matier gif any of thir be helply & elles
to take a better *pursuite* þ^t may haue gud fin for be
my simple witte þ^e langer þ^t þ^e *pursuit* is delayet the more hynderance is in þe recouerer~ <lat></lat>