

## CIPM XVIII.876 and the IPM process: the heir and his inheritance

Several featured inquisitions will explore in detail how the IPM process actually worked: the formal and informal procedures through which IPMs were taken, and the subsequent processes through which a tenant's lands taken into the king's hands, accounted for, and delivered to an heir or granted out to a custodian. The first feature explores these questions from the viewpoint of the tenant-in-chief's heir, using the example of Robert Robell of Great Yarmouth, a minor Norfolk tenant (CIPM XVIII.876). This is one of a small number of IPMs from Henry IV's reign for which a related certificate of homage (described below) survives.

How did the crown know when a tenant had died, and consequently when an IPM was necessary? In the case of a minor tenant like Thomas Robell, government must very often have relied on the information of private individuals. Such individuals had their own interest in ensuring that an IPM was taken. For a tenant's heir, if they were of full age, the inquisition was a crucial stage in securing legal possession of his or her inheritance. (If female heirs were married, as was often the case, it was of course their husbands who acted on their behalf.) If a tenant was under age, the IPM was often initiated by a person interested in obtaining their wardship. (After a statute of 1429-30 a wardship could not, in theory, be granted before an IPM had been taken; but even when a grant preceded any inquisition, a later IPM would usually be necessary).<sup>1</sup> The IPM was not, therefore, simply a document concerned with the king's rights: it was important to any party with an interest in obtaining possession of the estates it described. As we shall see in later features, this can have important implications for the reliability of various aspects of the inquisitions.

Robert Robell died, according to the inquisition, on 24 February 1404. His son and heir Thomas, who was said to be aged 23 in the IPM, was almost certainly of full age and took the leading role in initiating the IPM process. The aim was to ensure proper livery of his father's lands from the crown's hands. Of course, at his father's death the lands are unlikely to have been in the crown's keeping. Indeed, they might never have come to its notice, and Thomas might simply have entered the lands informally without an IPM or any subsequent procedure. But if such entry without due process were later discovered, the lands would be taken into the king's hands and only released on payment of a fine; and an inquisition might, in any case, be required in addition.<sup>2</sup>

Since Thomas wished to have livery of his father's lands, it was necessary to have an inquisition taken *virtute brevis*, by virtue of a writ, rather than one taken *virtute officii*, by virtue of the escheator's office. Later in the fifteenth century legal opinion had established that only an inquisition *virtute brevis* allowed livery (an inquisition *virtute officii* only established the king's rights), and by and large, this also seems to have been the case earlier.<sup>3</sup>

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<sup>1</sup> SR ii.252-3 (8 Hen. VI c. xvi).

<sup>2</sup> For one example, see CIM, viii.49 with CPR 1429-36, 199 (fine of 6s. 8d., a year's issues of the lands) and CIPM, xxiii.625.

<sup>3</sup> K. Parkin, 'Tales of Idiots, Signifying Something: Evidence of Process in the Inquisitions *Post Mortem*', in *Companion*, ed. Hicks, 95.

The writ *diem clausit extremum*, addressed to the escheator of Norfolk, was issued on 12 April. The details of exactly how writs were obtained from Chancery, and the associated costs, are not fully clear. Various sources refer to writs being issued by the Lord Chancellor, although this may not have been necessary in all cases;<sup>4</sup> the expense of obtaining a writ, later in the fifteenth century, was 9s. 2d.<sup>5</sup>

We do not know when the escheator, John Strange or le Strange, received Robert Robell's writ *diem clausit extremum*, although it was probably within one or two weeks after its issue. Possibly Thomas delivered the writ to the escheator himself; heirs are known to have delivered writs on other occasions.<sup>6</sup> Then, however, almost three months elapsed until the inquisition was actually taken, on 15 July 1404. That does not seem to have been an untypical interval in this period, although the process could be much quicker and equally much longer; only in 1445-6 was it officially enacted, as a result of parliamentary petition, that escheators should take IPMs within a month of receiving the writs, and it is not clear whether this statute was at all effective.<sup>7</sup> It seems possible that, had Thomas Robell wished to expedite the taking and return of the inquisition, he might have offered the escheator a *douceur*. It is also likely that he would also have had to make various payments simply to ensure that the inquisition took place: these would probably have included 'rewards' for the jurors, the escheator's clerk, the sheriff (who empanelled the jurors), as well as the escheator himself. Such payments recorded at a later date in the Stonor papers totalled over £5. The total that an escheator himself might receive for taking an inquisition was fixed at 40s. by statute in 1429-30; again, though, it is not clear how effective this was.<sup>8</sup>

How the information contained in the IPM was obtained is, again, somewhat obscure. It is clear from other sources, however, that heirs were often expected to provide relevant details to the escheator, perhaps even to supply draft versions of the findings, and this may well have been the case in this instance. There was the potential for conflict between the interests of the escheator, as the crown's representative, who might want to return findings favouring the king, and the heir, who might want a different outcome. Such conflicts, and the actual deliberations at inquisitions, are very rarely recorded.<sup>9</sup> Like most IPMs, that for Thomas Robell offers few clues as to how its findings were arrived at.

We do not know how quickly the escheator returned the inquisition to Chancery: only in 1429-30 was it enacted, again as a result of parliamentary petition, that inquisitions should be returned within a month of being taken, and it was only several years after that statute that it became usual to note, at the head of IPMs, the date when they were returned into Chancery.<sup>10</sup> At any event, it

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<sup>4</sup> *Paston Letters*, ii.16; iii.191; Carpenter, 'General Introduction', 20; and cf. *Stonor L&P*, i.93; C 1/69/8, 327.

<sup>5</sup> *Stonor L&P*, i.145; iii.11 (both apparently relating to IPMs of 1474).

<sup>6</sup> C. Noble, 'Writs and the Inquisitions Post Mortem: How the Crown Managed the System', in *Companion*, ed. Hicks, 188-91; e.g. *CIPM*, xxv.33.

<sup>7</sup> *SR* ii.389 (c. ix); *PROME*, Parl. Feb. 1445, item 50. For examples of intervals longer than a month after 1447, see *CIPM*, xxvi.559, 563, 566. In the early fourteenth century, the modal interval between writ and inquisition was as little as three weeks: Campbell & Bartley, *Atlas*, 14

<sup>8</sup> *Stonor L&P*, i.145; iii.11; *PROME*, Parl. Feb. 1445, item 50; Carpenter, 'General introduction', 30; CP 40/872 m. 457d (a reference I owe to Jonathan Mackman); for later sixteenth-century evidence see IND 1/17396 f. 61.

<sup>9</sup> For some examples, see M. Holford, ' "Thrifty Men of the Country?": The Jurors and their Role', in *Companion*, ed. Hicks, 202-5.

<sup>10</sup> *PROME*, Parl. Sept. 1429, item 56; *SR*, ii.252-3 (c. xvi); Noble, 'Writs', 191.

was not until October that Thomas Robell initiated the next in entering into his inheritance: suing livery of the estates out of the crown's hand.

Once the inquisition declaring that he was of full age had been returned to Chancery, Thomas would have been able to obtain a letter from the master of the Rolls directed to the chamberlain of the royal household. Thanks to the survival of his certificate of homage (relatively unusual at this period) we know that Thomas obtained such a letter on 26 October 1404 and did homage on or before 28 October.<sup>11</sup> The certificate recited his father's IPM, and instructed the chamberlain to present him to the king so that he could perform homage, which had to be done to the king in person; fealty could be taken by an official, and was often in fact taken by escheators.<sup>12</sup> Thomas's homage and fealty were taken on or by 28 October; then a writ was issued to the escheator, ordering the livery to Thomas of his father's estates, after the escheator had taken surety for a future payment of relief.<sup>13</sup> These writs for livery were enrolled, either on the Close or the Fine Roll (both available in modern calendars): the latter, apparently, as in this instance, when further payments, such as relief, were due to the king.<sup>14</sup>

The extracts from the Fine Roll sent to the Exchequer, on the Originalia Roll, then provided warrant for enforcing payment of relief. Thomas was distrained in Easter term 1406, and paid 8s. 4d.: that is, two-thirds of one-eighth of 100s., the standard relief for a knight's fee. (Thomas held of the king by a half of a quarter of a knight's fee, but because of his mother's dower claim he was only entering into two-thirds of his holding.) As happened not infrequently, a search of the Exchequer records was ordered to confirm that the tenure and service recorded in the IPM were correct; the inquisition's findings were confirmed by the relief paid by earlier holders of the manor, as recorded in earlier Memoranda Rolls, and by the summary of an earlier IPM in a roll of escheator's accounts.<sup>15</sup> It is important to note that the procedure for obtaining relief provided an opportunity for relatively systematic checking of IPM information; we hope to return to this subject in a future feature.

In fact Thomas received livery of only two-thirds of the estate: one-third was retained in the king's hand, to be assigned to Rose, Robert's widow, as dower. Rose and her dower claim had not been mentioned in the IPM and it is not entirely clear how they came to the crown's notice. One possibility is that Rose herself pressed her claim, but this is unlikely, since her third remained in the king's hand the following year and was not released from the king's hands until 7 February 1407.<sup>16</sup> More probably Thomas had been questioned about Rose's claim when he sued livery. We know little about what was demanded of those claiming livery of their ancestors' estates, but it appears that this was a process when title could be challenged on behalf of the king, and when it might be necessary to produce deeds and evidences in support of one's own claim.<sup>17</sup>

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<sup>11</sup> PSO 1/61/9.

<sup>12</sup> The text of an oath of fealty is given in *CIPM* xviii.1098; homage and fealty are described in *Prerogativa Regis: Tertia Lectura Roberti Constable de Lyncolnis Inne anno 11 H. 7*, ed. S. E. Thorne (New Haven, 1949), 63-4.

<sup>13</sup> E 153/2397 m. 5.

<sup>14</sup> For the calendar of the present writ, see *CFR 1399-1405*, 281 (omitting, however, the reference to relief, a common omission in these calendars).

<sup>15</sup> E 368/178 m. 127; E 372/250 res. Norf. m. 1.

<sup>16</sup> E 136/125/5-6, 8; *CCR 1405-9*, 191.

<sup>17</sup> See, for example, *CPR 1436-41*, p. 294; *CPR 1439-41*, p. 293; *CIPM* xxi.625; S. Payling, 'A Beest Envenymed Thorough...Covetize': An Imposter Pilgrim and the Disputed Descent of the Manor of Dodford,

Again, the process of livery will have involved expenditure on Thomas's part. In 1473 an Essex landholder incurred expenses of over £5 obtaining a writ of livery: £2 to the chamberlain, £2 to the master of the rolls, £1 to the clerk of the petty bag, in addition to the costs of travel to London and 'bribes' to the clerk of the hanaper. The actual writing and sealing of the writ were a modest 22d. These fees may well have been typical.<sup>18</sup>

In all, about eight months passed from Robert Robell's death until his son received seisin of the estates. That is perhaps a surprisingly lengthy interval, given that Thomas could receive no profit from the lands during this period and therefore that the best part of a year's income would be lost.<sup>19</sup> It was certainly possible for the process to take place with considerably greater alacrity: Robert Chyrche died on 7 April; his writ *diem clausit extremum* was issued the following day; and although the inquisition did not take place until 22 June, livery of seisin was ordered on 26 June.<sup>20</sup> Why Thomas, and others like him, were not able to obtain livery more quickly is not an easy question to answer. The legislation of 1429-30 and 1445-6, mentioned above, suggests a widely-felt frustration with the potential length of the process. Before this legislation, though, the only remedy of a frustrated heir seems to have been to pay the escheator, or to obtain a royal writ ordering him to hurry.<sup>21</sup> Both remedies could prove costly: John Luttrell in 1428 paid £4 9s. 1d. 'for the speed of' his father's IPM.<sup>22</sup> Perhaps for Thomas, and others like him, the modest value of the estates taken into the king's hand (assessed at just over 23s. in the IPM) meant that it was more economical to wait for the escheator to act at his own convenience.

Much of the actual procedure involved in obtaining an IPM and suing livery remains somewhat obscure. Clearly, however, both processes could be time-consuming and expensive. For those with lands in several counties, or inheriting estates from several ancestors, they could also be complex process, and mistakes at any point could lead to reseizure of the lands by the king. In such circumstances it was perhaps not unnatural that some tenants-in-chief should attempt to avoid the processes of inquisition and livery. By its nature such avoidance, unless it was later discovered, is difficult to detect, although there are several instances where it might be suspected. (One example concerns the manor of Kingsham in Sussex, which appears not to feature in IPMs between 1422 and 1592.)<sup>23</sup> But the significant fact may be that evasion was not more common, and that a substantial number of tenants-in-chief followed due process. That is likely to have reflected the rapid and dense flow of information from localities to centre which kept central government informed about

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1306-1481', in *The Fifteenth Century X: Parliament, Personalities and Power*, ed. H. Kleineke (Woodbridge, 2011), 30.

<sup>18</sup> H. C. Maxwell-Lyte, *Historical Notes on the Use of the Great Seal* (London, 1926), 358-9, printing C 47/34/1/13; for later evidence regarding fees cf. Rawlinson C. 339, f. 78v (?early sixteenth century).

<sup>19</sup> It has been stated that the king was entitled to a year's *primer seisin* of land held of him *ut de corona*, or a payment of an equivalent sum (Carpenter, 'General Introduction', 3, apparently following a more cautious statement in Bean, *Decline*, 11). It is not clear on what evidence such statements are based. The later fifteenth-century readings on *Prerogativa regis* refer only to the loss of issues between death (or seizure of the lands) and livery (*Prerogativa regis*, ed. Thorne, xxiv, 67), as do the 'Rules for liveries' drawn up in 1477 (Bodl, MS Eng. hist. c. 304 f. 376r; for details of the text, see J. H. Baker, with J. S. Ringrose, *A Catalogue of English Legal Manuscripts in Cambridge University Library* (Woodbridge, 1996), 279); and this was certainly the period for which escheators accounted in the first half of the fifteenth century.

<sup>20</sup> *CIPM* xviii.219; *CFR 1399-1405*, 65.

<sup>21</sup> As for example in *CIPM* xviii.423, 592-3 (revised online text, forthcoming; the writs are not fully described in the printed calendar)

<sup>22</sup> H. C. Maxwell-Lyte, *A History of Dunster*, 2 vols. (London, 1909), i.109.

<sup>23</sup> *VCH Sussex*, iii.105

wardships and other dues; and also the interests of tenants themselves in securing the evidence of title that IPMs provided, despite the potential expense of the process.

#### Abbreviations

<i>AgHR</i>		<i>Agricultural History Review</i>
<i>Armburgh Papers</i>		<i>The Armburgh Papers: The Brokholes Inheritance in Warwickshire, Hertfordshire and Essex c.1417-c.1453</i> , ed. C. Carpenter, Boydell & Brewer, Woodbridge (1998),
Bean, <i>Decline</i>		J.M.W. Bean, <i>The Decline of English Feudalism 1215-1540</i> (Manchester, 1968)
<i>BIHR</i>		<i>Bulletin of the Institute of Historical Research</i>
BL		British Library
Bodl		Bodleian Library
<i>CAD</i>		<i>A Descriptive Catalogue of Ancient Deeds in the Public Record Office</i> (6 vols., London, HMSO, 1890-1915),
Campbell, <i>ESA</i>		B.M.S. Campbell, <i>English Seigniorial Agriculture 1250-1450</i> (Cambridge, 2000).
Campbell & Bartley, <i>Atlas</i>		B. M. S. Campbell and K. Bartley, <i>England on the Eve of the Black Death: An Atlas of Lay Lordship, Land, and Wealth, 1300–49</i> (Manchester, 2006)
Carpenter, 'Introduction'		C. Carpenter, 'General Introduction', <i>CIPM</i> xxii
Carpenter, <i>Locality &amp; Polity</i>		<i>Locality and Polity: A Study of Warwickshire Landed Society 1401-1499</i> (Cambridge, 1992),
<i>CCR</i>		<i>Calendar of Close Rolls</i>
<i>CFR</i>		<i>Calendar of Fine Rolls</i>
<i>CIM</i>		<i>Calendar of Inquisitions Miscellaneous</i>
<i>CIPM</i>		<i>Calendar of Inquisitions post mortem and other analogous documents preserved in the Public Record Office</i> , i-xx, 2 <sup>nd</sup> ser. i-xix ( H.M.S.O. (London, 1904-92); xx-xxiii (Woodbridge, 2002-3); xxiv-vi (Woodbridge, 2009-10); 2 <sup>nd</sup> ser.[Henry VII] i-iii (London, 1898-1955).
<i>Companion</i> , ed. Hicks		<i>The Fifteenth-Century Inquisitions Post Mortem: A Companion</i> , ed. M. Hicks (Woodbridge, 2012)

CP	G.E.C[okayne], <i>Complete Peerage of England, Scotland, Ireland, Great Britain and the United Kingdom</i> , ed. H.V. Gibbs et al (12 vols., 1910-59)
CPR	<i>Calendar of Patent Rolls</i>
EHR	<i>English Historical Review</i>
EcHR	<i>Economic History Review</i> , 2 <sup>nd</sup> series
EPNS	English Place Name Society
<i>Feudal Aids</i>	<i>Inquisitions and Assessments Relating to Feudal Aids</i> , 6 vols. (1890-1920)
Hicks, 'Between Majorities'	M.A. Hicks, 'Between Majorities: The "Beauchamp Interregnum" 1439-49', <i>HR</i> lxxii (1999), 31-2.
Hicks, <i>Richard III &amp; Rivals</i>	M.A. Hicks, <i>Richard III and his Rivals: Magnates and their Motives during the Wars of the Roses</i> (1991)
HPT	<i>The House of Commons, 1386-1421</i> , ed. J.S. Roskell, L.Clark and C. Rawcliffe (4 vols., Stroud, 1993)
HR	<i>Historical Research</i>
Holford, 'Testimony'	M. Holford, 'Testimony (to Some Extent Fictitious): Proofs of Age in the First Half of the Fifteenth Century', <i>Historical Research</i> lxxxii (2009)
Kosminsky	E. A. Kosminsky, <i>Studies in the Agrarian History of England in the Thirteenth Century</i> , tr. R. Kisch (Oxford, 1956)
McFarlane, <i>England</i>	K. B. McFarlane, <i>England in the Fifteenth Century: Collected Essays</i> (1981)
<i>McFarlane Legacy</i>	<i>McFarlane Legacy: Studies in Late Medieval Politics and Society</i> ed. R.H. Britnell and A.J. Pollard (Stroud, 1995)
McFarlane, <i>Nobility</i>	K.B. McFarlane, <i>The Nobility of Later Medieval England. The Ford Lectures for 1953 and Related Studies</i> (Oxford, 1973)
ODNB	Oxford Dictionary of National Biography (Oxford, 2004), <a href="http://www.oxforddnb.com">www.oxforddnb.com</a>
<i>Paston L &amp; P</i>	<i>Paston Letters and Papers of the Fifteenth Century</i> , ed. R. Beadle, N. Davis and C. Richmond, 3 vols., Early English Text Society supplementary series 20-22 (2004-5)
<i>Paston Letters</i>	<i>The Paston Letters, 1422-1509</i> , ed. J. Gairdner, 6 vols. (1904)
Payling, <i>Nottinghamshire</i>	S.J. Payling, <i>Political Society in Lancastrian England: The Greater Gentry of Nottinghamshire</i> (Oxford, 1991)
Payling, 'Social	'Social Mobility, Demographic Change and Landed Society in Late

Mobility'		Medieval England', <i>Economic History Review</i> , xlv (1992)
Plumpton L & P		<i>Plumpton Letters and Papers</i> , ed. J. Kirby, Camden 5 <sup>th</sup> ser. viii (1997)
Pollock & Maitland		F. Pollock and F.W. Maitland, <i>The History of English Law</i> , 2 vols. (Cambridge, 1968)
PROME		<i>Parliament Rolls of Medieval England</i> , ed. C. Given-Wilson et al (16 vols., Woodbridge, 2005)
Pugh & Ross, 'Baronage'		T.B. Pugh and C.D. Ross, 'The English Baronage and the Income Tax of 1436', <i>Bulletin of the Institute of Historical Research</i> xxvi (1953)
Ross & Pugh, 'Materials'		C.D. Ross and T.B.Pugh, 'Materials for the Study of Baronial Incomes in Fifteenth-Century England', <i>Economic History Review</i> 2nd ser. 6 (1953)
Richmond, Hopton		C. Richmond, <i>John Hopton: A Fifteenth-Century Suffolk Gentleman</i> (Cambridge, 1981)
RO		Record Office
RP		<i>Rolls of Parliament</i> (6 vols. 1767-77)
Saul,Knights & Esquires		N. Saul, <i>Knights and Esquires: The Gloucestershire Gentry in the Fourteenth Century</i> (Oxford, 1981)
SR		<i>Statutes of the Realm</i>
Stonor L & P		<i>Stonor Letters and Papers of the Fifteenth Century</i> , ed. C. L. Kingsford, Camden 3 <sup>rd</sup> ser. xxix, xxx, xxxiv (1919-24)
TNA		The National Archives
VCH		<i>Victoria County History</i>
Waugh, Lordship		S.L. Waugh, <i>The Lordship of England, Royal Wardships and Marriages in English Society and Politics 1217-1327</i> (Princeton, NJ, 1988)

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