



EXTENT FOR DEBTS

ACKNOWLEDGEMENT OF DEBTS UNDER STATUTES MERCHANT AND STAPLE AND THE WRIT OF CAPIAS

The statute made at Acton Burnell, in Shropshire,⁴ was introduced to provide a quick means for merchants to recover their debts. It supplemented but did not supersede older methods of procedure by the action of debt-detinue, by writs of fieri facias and levari facias (described below),⁵ and by the law merchant. It made provision for the acknowledgement and registration of debts before the mayors of certain towns at the time at which the debts were contracted. Such acknowledgements were called recognizances. The original towns were London, York, and Bristol, but several more were added later. Among these additions was Salisbury, authorized in 1351,⁶ before whose mayor one debt in this volume (16) was acknowledged in 1356. The mayors were aided by royal clerks, each furnished with a special seal and all subsequent legislation made provision for such clerks and seals. Recognizances were to be entered upon a roll and also upon bonds sealed with the debtor's seal and the special royal seal above referred to.¹ If the debtor defaulted, the creditor could report the default to the mayor, who would order the sale of the debtor's goods and devisable burgage tenements, which were likewise deemed to be goods. If the debtor owned goods and such burgages outside the mayor's jurisdiction, the mayor would send the recognizances into Chancery whence a writ would be issued to the sheriff of the county where the goods and burgages were to be found. If there were no goods or burgages there, the debtor was to be sent to prison until a settlement had been reached. If necessary he was to be maintained at the creditor's expense, but then only on bread and water.

The following have references to Grafton :

William de Wyke, merchant, of Westgraston

12 July 32 Edw. III [1358].

Capias returnable on the morrow of the Assumption next [16 Aug.], sued out by John Maleweyn, merchant of London, to whom William acknowledged £200 on 27 Sept. last before Stephen Haym, mayor of the Staple of Winchester, payable at Easter . then next [1 Apr.]. Endorsed. William has not been found. Tues. the eve of the Assumption 32 Edw. III [14 Aug. 1358]. Extent and appraisement at Westgraston before Thomas de Hungerford by John de Flor', Walter de Litelcote, William Chamberlayn, Thomas de Stock', John Waryn, James de Stoundene, Adam Burgolon, Hubert Corderay, William Savage, Thomas Forstebury, John Chavyn, and John de Kepenhulle. At Westgraston: 1?; messuage and garden and a vineyard surrounding the messuage worth 26s. 8d. yearly; 70 acres of arable land of which 35 acres can be sown each year, worth 52s. 6d. (18 pence . an acre.) and the other 35 acres at 'Wrect' are worth nothing because they lie in common; 4 acres of meadow in severalty worth 32s. 4d. yearly with winter pasture (8s. 4d. an acre.); a green worth 12d. Yearly; from rents 2s. 6d.; 2 crofts next to the pasture of which the $\frac{1}{2}$ held by William are worth 4s. yearly; 1 r. of pasture in severalty belonging to John Malewayn and William of which William's $\frac{2}{3}$ of half a pasture is worth 3s. Total £l. 3s. The following goods there: 14% a. of grain worth 7l. 5s. (10s. an a.); 14% a. of dredge of which 7 a. are worth 46s. 8d. (6s. 8d. an a.) and the other 7% a. 25s. (3s. 4d. an a.); 1 a. of green peas worth 10s. In the house: 2 tables with trestles, a form and chair worth 10 shillings a basin (pelvem) with ewer (lavatorio) worth 5 shillings ; in the pantry 2 cloths (mappe) and a towel (manutergium) worth 5 shillings.; brass vessels (vasa aenea), a pot, a posnet (pocinettum), 2 small dishes (patell') and an oven (fornax) worth 14s. 6d.; wooden vessels (vasa lingnea), avat, a kimnel (cumulinum), a cask (tinam), and 2 barrels, worth 6s. 8d. Total £13. 7s. 10d.

18 Aug. 32 Edw. III [1358]. Liberate returnable in quin. of Michaelmas . Next [13 Oct.]; with capias against William's body.

Sat. the feast of Michaelmas 32 Edw. III [29 Sept. 1358]. An indenture testifies that the sheriff has delivered to John Malway the aforesaid lands and goods. C 131/ II no. 8

William Wyke, of Westgrifton, and Thomas atte Stocke, of Wiltshire

14 May 36 Edw. III [1362].

Capias returnable on the morrow of Trin. Next [13 June], sued out by Laurence de Andevere, merchant of the Staple of Winchester, to whom William and Thomas acknowledged 101. on Wed. the feast of the Purification last [2 Feb.] before Hugh le Cran, mayor of the Staple of Winchester, payable on Sun. in mid Lent then next [20 Mar.].

Endorsed. Henry Sturmy, sheriff, has sent the writ to William de Wyke, bailiff of Ralph earl of Stafford's liberty of Kynewardeston hundred, who has returned no answer.

Thomas Hudsun, gentleman, of East Grafton

7 Dec. 19 Eliz. I [1576].

Capias returnable in oct. of Hil. next [20 Jan.], sued out by Richard Hickman and Richard Hayward, citizens and 'clothworkers' of London, to whom Thomas acknowledged 2001. on 26 Nov. 19 Eliz. I [1576] before Christopher Wray, knight, chief justice of the Queen's Bench, payable on 30 Nov. Like writ to the sheriffs of Lond. Endorsed. Thomas has not been found.

17 Dec. 19 Eliz. I [1576].

Inquisition at Est Grafton before Thomas Wroughton, knight, by John Noyse, Edward Brinsdon, Humphrey Griffin, Thomas Somerset, John Pyper, Robert Romsey, William Bennett, Stephen Markes, John Shadwell, George Swyper, William Whitchurch, Thomas Hurlebatt, Robert Pyper, and Nicholas Porter alias Sapper. On the day of the inquisition in possession of: 7 cows worth 131.; 2 bullocks worth 41.; 3 bullocks and a bull worth 71.; 4 bullocks worth 41. 6s. 8d.; 4 calves worth 46s. 8d.; 8 oxen worth 201.; 4 horses and 'a blind gelding' (spadone) worth 131.; 2 'litle naggess' (equillis) worth 51. 3s. 4d.; 4 sows worth 33s. 4d.; a 'stak or rike of ottes' (meta avenarum) with c. 10 qr. of oats, worth 3l. 6s. 8d.; 'stakes or rikes of wheat' (metis tritici) with c. 26 qr. of wheat, worth 261.; 'a stake or rike of rey' (meta siliginar') with c. 5 qr. of rye, worth 3l. 6s. 8d.; 'a stake or rike of beanes' (meta fabarum) with c. 2 qr. of beans, worth 26s. 8d.; 'stakes or rikes of barley' with c. 20 qr. of barley, worth 131. 6s. 8d.; 'a stake or rike of fetches' with c. 3 qr., worth 40s.; 'a stake or rike of pese' (meta pisa rum) with c. 2 qr. of peas, worth 26s. 8d.; 'a stake or rike of barley' (meta ordii) with c. 5 qr. of barley, worth 31. 6s. 8d.; 'a stake of hay' (metafem') worth 53s. 4d.; a plough not fitted with iron tires (caruca sine ferreo ligata) worth 12s.; 2 ploughs fitted with iron tires (caruca ferreo ligata), worth 53s. 8d.; a 'vanne' worth 10s.; 48 a. sown with wheat in the fields of Grafton worth 261. 13s. 4d.; 9 a. sown with rye and wheat in the close called 'the Parke' worth 6l.

28 June 19 Eliz. I [1577].

Liberate returnable in quin. of Mich. next [13 Oct.]; with capias against Thomas's body. Endorsed. The goods have been delivered. Thomas has not been found.

Information courtesy of the Wiltshire Record Society