

(Extracts from 'The Manors of Filby' under discussion with Dr Frederick A Filby and the author P N Skelton MBE 1971/2)

## **MASTER ADAM DE FILEBY.**

There were, in the 13th century, at least two persons of the name of Adam de Fileby. Of the younger, described as Abbot of Abbey in Norfolk in 1290AD, and instituted to the church of 'Castor' in 1300, we have, at the moment, no further information. But we have a number of references to the older in various State Papers, Close Rolls and Patent Rolls of the time of Henry III and Edward I, and in the Biographical Register of the University of Oxford.

There does not seem to be any record of his birth or of his early days, nor of his time at the University, and we meet him first in 1257 when, under date March 2nd, 41st. year of Henry III, we read "Presentation of Adam de Fileby to the church at Chelemodeston (near Ipswich, Suffolk), void by the resignation of Henry de Mailing rector thereof; directed to the Bishop of Norwich'. But it is evident that Adam did not settle long in one place, for in the following year he and Henry de Mailing and Philip le Poor (member of a family mentioned in the Dictionary of National Biography) were appointed as Canons of the free church of St. Mary, Stafford, to act as the King's proctors with various legal powers. In 1266, Robert de Fileby was presented to the church at Chelmundeston, vacated by Adam.

In 1264 in the Papal Register under date Kal. 2 June 3 Urban IV, Adam de Phyleby is described as Papal sub-deacon, and another reference gives him as sub-dean of St. Mary's, Stafford, in the diocese of Coventry. He was instructed to ensure that the "bailiffs and goodmen of Shrewsbury received all the customs due to them", but in 1268 he travelled to Rome as King's envoy to the Papal Court, a 'protection' (a kind of passport) being granted to him in the previous December.

Those days were undoubtedly days of rough and ready life, as can be seen from the constant complaints made to the King, and Adam and his friends seem to have been far from innocent, for on July 9th, 1268, we have a record that Henry III issued a "pardon for the long and faithful service of Master Adam de Phileby, King's clerk, to him and Thomas de Phyleby, Adam de Runton, William Pye and all his men, of their trespass last year at Fyncheham, in invading Master Reynold de Cressenhalde, Henry de Marham and other men of the said Reynold, maltreating them and carrying away their horses, arms and other goods; on condition that they stand their trial if any will proceed against them". But there are no records that anyone did proceed against them, so we do not know the real truth of the matter.

Adam seems to have held a considerable number of ecclesiastical appointments, some at one and the same time ..... and this is in fact charged against him in a letter written in 1263 to Archbishop Giffard of York. He was Rector of Althorpe in Lincolnshire 1268, of Postwick, Norfolk 1271, canon and prebendary of St. Martin's le Grand, London, in 1278. Among the records of that church (which are apparently kept in Westminster Abbey) there is a note that "his garciones" made a murderous attack on a man in Maldon, Essex, in 1285. What became of the case is not known. Adam retained his prebendaryship of Bartonsham in Hereford until

his death, and he was also at times archdeacon of Salop, canon of Howden in Yorkshire, prebendary of Laxton, and rural dean of Tutbury.

He made many journeys abroad, the various protections from the King being recorded in the state papers, and the names of those appointed as his attorneys; for example Thomas de Fileby in 1273, Robert de Fileby in 1281 and Richard de Fileby in 1283. In 1286, both Adam and Robert went overseas.

He seemed to have lived at a time when borrowing was extremely common, for the Close Rolls contain a large number of IOUs from various people who borrowed from one and another. In 1275 for instance, Ralph Byl of Fileby (who is mentioned in other records as owning land in the village of that name) acknowledged that he owed Adam de Fileby "70 quarters of barley to be levied in default, according to the market price in the county of Norfolk, at the time when it ought to be delivered, from his lands in the county of Norfolk". In 1285, Ralf 'Bil' acknowledged another debt to Adam of 60 marks (a mark being about 2/3rds. of a pound sterling). Adam himself however in 1283, owed the executors of the will of Luke de Tany 250 marks to be levied in default on his lands and chattels in Hereford.

In 1280, Adam came before the King on "Friday, the Feast of St. Luke" (De Morgan's Book of Almanacs shows that October 18 St. Luke's Day, in 1280, did fall on a Friday) and sought to "replevey" (i.e. to recover) his land in Seleburn (might this be Selbourne?) and La Rode which was taken into the King's hand for his default before the justices in eyre (i.e. in circuit) in the county Southampton, against Walter de Droweys and his wife. Once again the result of the suit does not seem to be recorded.

In 1283, Bishop Quivil granted Adam a yearly pension of 5 marks (a little over 3) but it is evident that Adam did not live many years to enjoy this small sum, When he died in 1287, he was in debt ("in magna pecunie summa) to the Chapter at Hereford, although at the sane time there is a record that Robert de Dekingham owed Adam £20.

The last reference to Adam is under date June 10 16 Edward I (1288) where Robert, Abbot of Redingges, acknowledges that he owes Master Richard de Merlawe and other executors of the will of Master Adam de Fileby, 10 marks.

Researched and written by Dr. Frederick A Filby, 1971.

#### ADDED COMMENTS BY P.N. SKELTON M.B.E.

(a) Adam de Fileby the younger, described as Abbot of Langley Abbey, Norfolk, in 1290AD and instituted to the church of 'Castor', but this is very odd and needs more investigation if that were possible.

(b) Adam de Fileby the elder. To me the important piece of information is that in 1268, Adam de Phileby was a Kings Clerk and had then given long; and faithful service to the King. I would guess that he was Monastery trained and was a learned and clever man, and not, I

should say, an Oxford University Graduate. The Kings Clerks were what we should now call "Senior Civil Servants" employed to take charge of all sorts of the Kings business, it might be, for instance, in Chancery, or it might be in control of shipping work along the South Coast (and organising the transportation of Armies, and all the supplies to France) or say the control of Customs in Ireland and so and so on.

They also acted as attorneys to look after the affairs and estates of important people going overseas. The Kings Clerks were usually of the highest calibre and remarkably efficient and trustworthy (as are Civil Servants today). I don't think they were very highly paid from the Treasury, but rather that they were given sinecure appointments of value from which they could acquire quite a lot of money.

I should guess that the ecclesiastical appointments that Adam had were of this nature, and that he never or seldom actually visited or officiated at the various places. He was in other words a pluralist. This was not, in itself a bad thing, because the man holding these sinecure posts had to pay a priest to do the parish duties, but the trouble was that the priests employed to carry on the parish offices were recruited from men of poor quality because they could be got more cheaply. This was recognised by the Church as a scandal and steps were taken, from time to time to stop it (between about 1300 and 1350). It was no stigma on Adam and it was quite the fashion to have such sinecures.

I quite agree with the last paragraph (1st page Adam de Fileby) about borrowing and lending money. Close Rolls show that it was rife all over the country, but I think of it rather in the sense of quite ordinary and honest financial dealings like "Mortgages" and "Bank Loans" rather than the "down at heel" associations with usurious money lenders. The transactions recorded in close Rolls may have been very helpful in difficult years of bad harvests.

As regards the pardons, the Rolls are full of them and most of the offences seem fairly small, especially considering that Adam de Fileby lived in the times of Simon de Montfort and all that. I should guess that he was faithful to the King until the battle of Lewes 1264, and then for a few months acted under de Montforts orders until Montfort was killed at Evesham in 1265 and thereafter acted again under the Kings orders.

There is one point that puzzles me, namely, that in 1268 Adam went to Rome on Kings business and was given "protection", Dr. Filby says this was a kind of passport, and he may well be right, but I have an idea that it was a guarantee that Adam's goods, properties and rights in this Country should not be stolen or interfered with in any way while he was on the Kings business abroad.

In making the above comments on Dr. Frederick Arthur Filby's excellent account of Adam de Fileby, among which, I suggested that Dr. Filbys interpretation of the word "Protection" was not correct, I have now looked up the authority on this point, with the help of the British Museum, and I find that I was correct. The word "Protection" did not mean "a kind of passport" for protection on a journey. It meant that while Adam was away on the Kings business, his property and other rights in this country were under the Kings protection, so nobody could infringe his rights or interfere with his property while he was away and so

unable to defend them himself. Nevertheless there were certain things which the Kings protection did not cover, and these were set out in a clause (called *nolumus* or *volumus*) written into the document of protection.

The authority for this is "The Dictionary of English Law" edited by Clifford Walsh, Sweet and Maxwell, London 1959, which defines a Writ of Protection as "a writ which, from a very early period, issued out of the Chancery to subjects absent overseas on the Kings service. It made them free of all suits except some few such as the assize of novel disseisin, the assize of darrein presentment, *altaints* etc. It could not as a rule be pleaded to a charge of felony nor to any suit instituted before it was issued".

In simpler language, this means that if a person who was going abroad on the Kings business had himself committed an offence against someone else; he could not escape the consequences simply by going abroad. The assize of novel disseisin for instance, was an enquiry into the ownership of property alleged to have been seized by someone else; the "darrein presentment" was to prove or justify, even by personal combat, a quarrel. In other words, a man going abroad, even with the Kings protection could not commit such offences and rely on the King to protect him against the consequences of his own misdoings.

In checking up on what I had written in comments on Dr. Filby's article, I also looked up the authorities on the work of the Kings Clerks. The Chief Authority is a monumental work by Professor T.F. Tout called "Chapters in the Administrative History of Mediaeval England" (Manchester University Historical series Nos. 34, 35, 48, 49, 57 and 64) 6 volumes and some 2,570 pages. Obviously such works cannot be précised or abridged here but it gives a very complete account of the work of the Kings Clerks. Many of whom rose to high rank as Chancellors of the Exchequer, some became Bishops and one or two Archbishops, while others were rewarded with prebendaries and other church benefices in some sort of ratio to the importance of the work they did for the King, and at the lowest end of the scale we find Kings Clerks working as scribes, purchasers of materials and supplies, messengers and so on. Professor Tout gives a "selected" list of Kings Clerks clown to 1399AD, but unfortunately gives no mention at all of Adam Fileby, nevertheless there is ample confirmation in Calendars of Patent and Close Rolls of what Dr. Filby wrote about Adam de Fileby and also of other members of the de Fileby family.

The difficulty we have is in assessing the status of Adam de Fileby in these constant journeys to Rome. Did he go as an Ambassador or senior diplomat, or simply as a messenger taking the Kings letters, or in the company of one of the great lords as, for instance, a secretary? On at least one occasion he went to Rome on the business of others besides the Kings e.g. in 1268 he went to Rome for Roger de Mortuo Mari (better known to us as Roger Mortimer). We can only assess Adam's status by "reading between the lines" of the rewards he got as listed by Dr. Filby. That he was a most trusted servant of the King is obvious, and we feel that as he held many prebendaries and other high church benefices, it shows that he was very nearly of the status of a bishop and may even have become one if there had been a vacancy.

Now a word of explanation about the complaint in Dr. Filby's third paragraph of a pardon to Adam de Phileby and others for invading Master Reynold de Cressenhalde etc. "on condition that they stand their trial if any will proceed against them". The Calendars of Patent and Close Rolls are full of such pardons, but to a modern reader it seems odd that pardons should be granted on condition that they stand trial. It seems like pardoning a man before he has been tried and found guilty.

The explanation is this:- Someone - in this case Reynold de Cressenhalde - made a complaint of trespass and assault against Adam de Phileby and others, and the court ordered them to appear to answer the charge, but owing to lack of communications (newspapers, radio etc.) Adam and the others do not get notice of the court's order to appear. They may have gone about their lawful occasions to other parts of the country e.g. on the Kings business, or gone to sea or simply on business elsewhere, and in consequence do not know that there is a charge against them. So as they do not appear to answer the charge the court declares them outlawed.

Sooner or later, these "defendants" return home and are astonished to find that they are on the wrong side of the law, so they go to the court to find out what it is all about. They explain to the Court where they have been and what they have been doing and the court is satisfied with their explanation and pardons them for not appearing to answer the complaints against them, but on condition that they now answer the charge. That makes it sound reasonable. The fact that there are no records (according to Dr. Filby) as to whether anyone did proceed against then suggests that Dr. Filby did not search in the Assize or Quarter Sessions Records, where the case would be recorded, if, in fact, it was pursued by the Complainants, but if Dr. Filby did search in those records and found nothing, it can be taken that the charge was dropped.

•••••

I should like to make it quite clear that my remarks above are in no way criticisms of Dr. Filby's work which is both excellent and interesting. My remarks are merely by way of clarification of some points which may seem obscure to modern readers.

P.N. Skelton, Worthing, 20th December, 1972.

---