

STUDIES IN  
MANORIAL HISTORY

BY

ADA ELIZABETH LEVETT

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## PREFACE

OF the essays relating to the manors of St. Albans which form the main contents of this volume, the majority represent unpublished papers which came into my hands on the death of my sister, Elizabeth Levett. In view of the fact that they then lacked the necessary final revision and completion in detail, and in the absence of any knowledge of what the author's own wishes would have been, the decision to publish them was not taken without much anxious deliberation. Details of the condition in which the papers were left, and of the work which proved necessary to prepare them for the press, will be found in the Editors' Foreword: as to the reasons for ultimately deciding to publish, it is hoped that the book will speak for itself.

As an introduction to the volume I have printed also a short Memoir contributed by Miss E. M. Jamison, and the author's own Inaugural Lecture, delivered on her appointment to a Chair of History in the University of London.

Publication was made possible by the generosity of Miss H. M. Cam and Miss L. Stuart Sutherland, who have collaborated in completing and editing the essays on St. Albans. It is nobody's business to thank historians for what they do for History; but it should be recorded that this has involved for the Editors a very considerable sacrifice of time in the interests of a piece of work which was not primarily their own. The duller and more ungrateful task of acting as general editor and of seeing the book through the press has been undertaken by Miss M. Coate, who has also contributed the list of Elizabeth Levett's published writings. The book owes much to Miss Coate's constant vigilance in matters of detail, and I wish to express my personal thanks to her for having relieved me of the burden of innumerable small transactions

and arrangements which circumstances made it difficult for me to attend to.

Finally, I must express my indebtedness to all those of my sister's friends and fellow historians, too many to mention by name, who have helped me by careful study of the papers in their original form, who guided me in the difficult first decisions, and who have since allowed me to consult them frequently and importunately on matters beyond my own competence. For such help I owe most to the late Miss M. V. Clarke of Somerville College, who originally undertook and actually began the editing of the papers, and to Miss E. M. Jamison, on whose wise advice I have constantly relied.

M. J. L.

UNIVERSITY OF GLASGOW,  
*September 1937.*

## ADA ELIZABETH LEVETT

*10 August 1881—9 December 1932*

ADA ELIZABETH LEVETT was born at Bodiam in Sussex on 10 August 1881, the eldest daughter of Mr. and Mrs. Henry Levett, of High Wigsell, Bodiam, and there she passed her childhood. Her father's family had long been settled in the neighbourhood. Its traditions were those of outdoor activity, not of scholarship, and towards the end of her life, in an autobiographical fragment, she set out to consider how it came about that 'a little girl brought up on a big farm in a very isolated country parish should become a Professor of History'. Her intense interest in intellectual study she attributed partly to short sight, which made many practical pursuits difficult . . . 'Books', she wrote, 'were among the few things I could control . . .'; partly also to 'a very acute and sensitive sense of touch', which, being denied the exercise which a training in artistic work might have given it, expressed itself mainly in revulsion from household tasks. Both these characteristics tended to throw her back for aesthetic satisfaction upon literature, of which she had a vivid appreciation. She had in later life a nice sense of the English language, and an unusual sureness and directness in finding the right word and phrase. Her first draft was almost the final one, so definite was her conception of what she wanted to say, and of the just way of saying it. The resource of happy and pointed quotation came to her naturally from the gift of an accurate and retentive memory.

But history was always her special interest and delight, and this she attributed to various early influences: a certain puritanical strain in her home background, which discountenanced fairy tales and stressed the value of exact truth (it is recorded that even as a very small child she refused to be told any story that was not true); a

certain interest in history and the method of teaching it on the part of her mother; the reading of historical novels; and the nearness of Bodiam Castle, in the ruins of which she spent hours playing and dreaming. The later restriction of access after the castle was restored was felt by her as a very personal loss. To one who knew her only after she went to Oxford, it is in truth the upbringing on 'the big farm' close to the castle that seems the essential factor in her formation. The immemorial antiquity of the Sussex countryside, the age-long life of an English country parish were bred into her. She was naturally at home in the Catholic tradition of the Anglican Church which was always the foundation of her spiritual life, and of her knowledge of ecclesiastical practice in the past. She was at home, too, in the actual working of the land, and this gave her an understanding of manorial organization beyond what can be learnt by the study of court rolls and ministers' accounts. She was a historian born as well as one trained in the severe learning of the schools.

When she was fifteen Elizabeth Levett went to a small private school at Tunbridge Wells, now no longer in existence. Her education there was not planned to lead to scholarship, but she had the advantage of an uncrowded curriculum and of the friendship and teaching of Miss Alice Miller, a woman of intelligence not many years older than herself, to whom she owed much. Together they went to the University Extension Courses in Literature and History at Tunbridge Wells. Among the lecturers was the Rev. W. Hudson Shaw and it was greatly owing to his encouragement that she began to think of pursuing the study of history at Oxford. She always recognized that his praise of the essays she brought him marked a turning-point in her life, where the way she was to follow stretched out clearly before her. Difficulties there were still to be overcome, financial and otherwise, but in 1904 she won the James Cropper Scholarship at Lady Margaret

Hall, and this finally made it possible for her to go up to Oxford in the next Michaelmas Term. In 1907 she attained a brilliant First Class in the Honour School of Modern History, and in the same summer she was given the Gilchrist Studentship, which enabled her to spend a year at the *École des Chartes* at Paris. Her tutor at Oxford was the late Dr. Eleanor Lodge, who had herself worked in Paris, and, encouraged by her and other Oxford teachers, she set out on the long road of scholarship under the direction of Monsieur Élie Berger, Monsieur Charles Bémont, and Monsieur Ferdinand Lot. At the same time that she received the technical training of a historian, she learned that love of France which came very close after her love of Sussex and of Oxford, and led to many vacations spent in travel across the Channel, studying castles and churches, and delighting in the beauty of the country.

Elizabeth Levett's interests were never exclusively those of a scholar, and she began her apprenticeship to the work of teaching and administration on her return from Paris. From 1908-9 she helped to re-classify the Lady Margaret Hall Library and took some pupils in history. After a year's valuable experience as history mistress at the Edgbaston High School for Girls, an experience which led her to write a notable school-book: *Europe Since Napoleon* (Blackie, 1913), she returned to Oxford in 1910 as Tutor in Modern History at St. Hilda's College; in 1913 she was appointed Vice-Principal under Miss C. M. E. Burrows, whose firm friendship she won, and she held the two offices of tutor and Vice-Principal until 1923. During this period, which included the years of the War and the admission of women to membership of the University, she was rich in friends among graduates and undergraduates alike. She helped forward the steady growth of St. Hilda's and the consolidation of the new position opened to women, in the University and outside it, by her clear head for

business, her wise counsel and her success as a tutor; and she began to be known outside the college as a serious historian whose work had to be reckoned with. The lectures and seminars of the late Sir Paul Vinogradoff in the early social and legal history of England attracted at this time many scholars in Oxford, and to his teaching Elizabeth Levett owed the definite direction of her studies to manorial history. To him she gave the unreserved allegiance of pupil to master and, following the general lines to which he had pointed her, she undertook the investigation of 'The Black Death on the Estates of the See of Winchester', and published the results in 1916 in *Oxford Studies in Social and Legal History*, volume v. This study has come justly to be regarded as a classical work. It changed decisively the view formerly held that the Black Death produced a general revolution in English society and agriculture. There was a 'sort of inevitability about her historical work' which has been noted by Dr. Ernest Barker as a mark of its quality. 'When she wrote on the manors of the Bishop of Winchester, she was above the region of hypotheses and conjecture; she had examined her evidence patiently, thoroughly, dispassionately, and the results which she attained were as thorough and dispassionate as her method. She had, too, a concision and point of statement which arrested and kept attention. If she never let passion appear in her work, there was a passion behind it—a passion of interest in what she studied: a passion for finding the exact truth about it, and stating it exactly.' The gift of concise and compelling expression and the capacity of a powerful mind for convincing synthesis are to be found not only in these special studies, but they come out very clearly also in papers of a more general appeal. A number of articles contributed to *The Nation and Athenaeum*, on whose editorial board she had a seat from 1916 to 1919, illustrate her range of interest and distinction of style. Three lectures on Sir John Fortescue, James Harrington,

and Daniel Defoe, which appeared in the series of volumes on Social and Political Ideas edited by Professor Hearnshaw 1925–8, show her grasp of the principles of politics, and the two small books, *English Economic History* (Benn's Sixpenny Library, 1929) and *The Consumer in History* (1929), although pamphlets in size, have a lasting value as introductions to the subjects they treat.

Most of these essays belonged in fact to the next period in her life, after Elizabeth Levett left Oxford in 1923 to take up the duties of Tutor to the Women Students and Lecturer in History at King's College in the University of London. The work of administration aroused her interest and she did it well, bringing to it clarity of thought, a sane judgement, and an aptitude alike for detail and for seizing general issues. She served on boards and committees, and much time and thought were given to the needs of the students under her care, in close co-operation with the Principal, Dr. Ernest Barker, whom she had known from her early days at Oxford. She combined a conservative insistence on law and order, and indeed a good deal of frank prejudice, with a wide-minded understanding of the younger generation and an instinctive sympathy with their outlook; she won their confidence and made them realize that she dealt with each question on its merits and not by any rule-of-thumb. But all this left little time and energy for her own historical studies, a difficulty that besets, indeed, all University teachers, and was increased for Elizabeth Levett by her keen interest in the persons of all with whom she came in contact and her sense of obligation to do all that in her lay to help them. The claims of her home, especially during her mother's long and wearing illness, and of friends, pupils, colleagues, were willingly heard and faithfully met. She spent herself even beyond her strength, for although rarely ill, she was never very robust. She had a special delight in children, and perhaps she found her greatest happiness

in planning for her nephews and nieces and entering into their plans for themselves.

She had already begun at Oxford to examine the working of the Estates of St. Albans Abbey as it was set out in the many surviving Court Rolls, Court Books, Accounts, and other records of the monastery, and she published three articles after she came to London: 'The Courts and Court Rolls of St. Albans Abbey' (*Transactions of the Royal Historical Society*, 1924); 'Baronial Councils and their relation to Manorial Courts' (*Mélanges d'histoire du Moyen Âge offerts à Ferdinand Lot*, Paris, 1925; and 'The Financial Organization of the Manor' (*The Economic History Review*, Jan. 1927), as prolegomena to the larger work which she had undertaken for the series of British Academy Studies, entitled 'The Manorial Organization of St. Albans Abbey'. In order to gain more leisure for this, in 1927 she resigned her tutorship at King's College for a part-time Readership in Economic History; and in 1929 her achievement as an historian received a wider recognition when she was appointed Professor of History in the University of London at Westfield College. She set out her historical faith in an Inaugural Lecture which is here published for the first time, and she emphasized her pleasure that her new title was Professor of History and not merely of Economic History. History for her was a whole transcending the sequence of time or the subdivisions required by the exigencies of study. This faith was given practical expression in the general courses of lectures in English and European History delivered to the undergraduates of Westfield College, no less than in the seminars in medieval manorial history at the Institute of Historical Research, in which she trained a succession of graduate students in this field of study. It was moreover the claim of all history, and perhaps too the claim of Sussex, that made her undertake to write the section of the history of Chichester in the Victoria County History on which she was engaged at the time of her

unlooked-for death. This article interrupted the work on St. Albans, and it also suffered by the illness which had overtaken her in the summer of 1932. She recovered wonderfully and, after a holiday in Cornwall when she was tranquilly happy in her returning powers, she came back to work in London for a brief space. But her death came swiftly, before Christmas. One side of her work was done, and her prayer for 'Courage and gaiety and the quiet mind' had been answered; but the work on the St. Albans Manors was broken off. Much, indeed, had been written, and indications for further lines of research had been left among her papers. It is from these, with the unstinting help of friends and fellow workers, that the present study has been made in the hope that this last contribution of hers to the understanding of a great monastic organization might be preserved and a memorial raised up to an historian.

The historical achievement of Elizabeth Levett may be assessed in her published work, in the judgement of the scholars, English and foreign, with whom she was in correspondence, in the confidence in her knowledge which won her a place on the councils and editorial boards of learned bodies, such as the Royal Historical Society and the Economic History Society. It is harder to set out for all those others to whom this book will come the memory which lives in the minds of those who knew her. Her own description of her characteristics helps: the fine hands come to mind, hands that were creative in a fine hand-writing; the short-sighted eyes expressive of her whole personality behind the habitual glasses. The pencil drawing at the beginning of this volume helps, too, in recalling the small head set on a large-framed body; the dark soft hair and the sensitive mouth with its fleeting, whimsical smile. But no sketch can evoke the genius for friendship, the graciousness of hospitality, the love of beauty, the fidelity and gratefulness of her nature, the acceptance of every opportunity to serve. No words can

fully recall the delight of her witty speech and humorous appreciation of life. She had, moreover, the clear vision, the passion for truth and justice that was impatient of finesse and even of compromise, and drove her to a plainness and sharpness of speech that were not always understood. She had no patience with the caution that found refuge in silence and waited on times or seasons; and her acutely critical mind did not always make for her own happiness. There was a fundamental shyness and reserve about her, too, which made difficult some of the contacts in life, and set up barriers of which she was herself conscious; but with her pupils as with her friends they disappeared. The relation of tutor and pupil was happy because it was definite and clear; it was grounded in the common study of history, in which the personalities and events of the past merged in those of the present. Her pupils recognized instinctively her integrity of mind, her directness of approach, her grasp of the problems and details of history; but they recognized also her sympathy with them as persons, for she led them rather than drove them to think, and roused in them capacity of which they were but half aware, because she believed in them as individual human beings, each with his or her own contribution to make. Some, indeed, were drawn to the paths of research, following knowledge as she did, but for others different ways of life were marked out, and anything like a common mould was abhorrent to her sense of individual value.

It was this sense of the worth of each man and woman that led to her devotion to the cause of adult education. She was the first woman member of the Delegacy for University Extension and of the Joint Committee for Tutorial Classes at Oxford; and she served with her whole heart the Workers' Educational Association, numbering Dr. Albert Mansbridge among her chief friends. It was this sense, too, that inspired her to help with pen and speech justice in other spheres; prison reform and wise

treatment of the social evil called forth all her powers of advocacy and she produced some remarkable papers on these subjects. She made sure of her knowledge and based her pleas on a foundation of fact just as she based her historical work on patient objective investigation illumined by reason and understanding. Any derogation from absolute sincerity in thought and act received instant reprobation. The same condemnation was meted out to the sin of ungratefulness; she never forgot those who had given her their friendship and their help, and she was always ready to help them. Her last piece of writing was an appreciation of Dame Elizabeth Wordsworth, the first Principal of Lady Margaret Hall, an act of piety in which all the warmth and gratitude of her nature shone out; her last act was a journey to Oxford to be present at the funeral services for Dame Elizabeth in the chapel of Lady Margaret Hall and the church of St. Mary the Virgin. Her own death followed very quickly on her return to London. *Souvent me souviens*: let us, in putting forth this study of the Abbey of St. Albans, remember her, as she always remembered her friends, with a grateful heart.

E. M. J.

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# I

## INAUGURAL LECTURE

*Given at WESTFIELD COLLEGE (UNIVERSITY OF LONDON)*

*12 November 1929*

AN inaugural lecture is one given for no very clear purpose, save to fulfil a tradition. The unfortunate victim of the tradition hovers uneasily between his desires to instruct, to edify, and to amuse, and probably his predominant wish is to run away, believing that the opportunity to lecture will certainly recur another day. If, however, tradition conquers, his only immediate refuge is to read some—not too many—of the inaugural lectures of former professors. From such reading I gather that an inaugural lecture may be either a retrospect, taking shape as an act of piety, or as a criticism, according to taste and the circumstances; or a programme laying down the lines on which further advance should be made; or a specimen, a slice out of the work of the new professor, showing what he can do when he tries; or possibly a philosophy, explaining what he believes History to be.

Of these alternatives the only one that appeals to me is the act of piety, but I suspect that some of my audience may not find it very inspiring to be told once more 'there were giants in the land in those days', and they may be unkind enough to retort with the corollary proverb 'Queen Anne is dead'—I will therefore endeavour to combine the retrospect and the programme, merely warning you for my own peace of mind, in words already 800 years old, that 'we are but dwarfs, seated upon the shoulders of giants', and borrowing with all modesty the opinion of Bishop Stubbs, 'I do not believe in the philosophy of History, and therefore not in Buckle', and 'I desire to introduce myself to you, not as a philosopher nor as a politician, but as a worker at History'.

In my looking backward I hardly think it would be fitting to sketch for you the growth of the School of History in London. I have watched it growing only for the last six years; I have heard much of its early days from my Chairman, who has guided such a remarkable growth in his own college, and I have heard other—what shall I call them—‘golden opinions from all kinds of people’. But I have no qualifications for judging the whole progress, and I shall content myself with my first and continued personal impression—that the London School of Historians is one of the most hospitable bodies in the world—the most willing to receive and entertain strangers gladly. And of that characteristic hospitality this college has more than full measure—I have not needed a stranger’s entertainment, because I have been permitted to enter as an old friend. I hope there is a certain good omen in the fact that I have been set down on the very borders of the domains of the abbot of St. Albans, which I have been slowly studying for years. I have only to indulge in what the old Puritans called ‘unreasonable and unnecessary walking in the fields on the Sabbath’ to find some at least of my difficulties dissolving—*ambulando*. It is fitting, however, that I should say a word as to the Chair of History in the College; it has no long list of past holders, for the College itself has no long history. But the very existence of the Chair is due to the reputation of my predecessor. Dr. Caroline Skeel, after a most distinguished career in Cambridge, came to Westfield College in 1895, and for more than thirty years devoted herself with the most loving care and skill to building up historical studies within the College and outside. Her best-known work, *The Council in the Marches of Wales*, already stood upon our Library shelves when I was an undergraduate; one of my most vivid memories, since I came to London, is of a paper by Dr. Skeel, containing an intricate examination of the Welsh Cattle trade, and its effects upon the economic

conditions of Wales, and the agricultural progress of England. Though I knew her very slightly, I shall not forget the fine quality of her enthusiasm, her capacity for utilizing every detail of practical or archaeological knowledge, her delight in talking over the technical side of her work, the exquisite finish of everything that she wrote. We shall not appreciate the range and content of her work until one day we may perhaps have a little volume of her *Collected Papers*. No one, I suspect, will ever fully appreciate her work save her own pupils. But I may at least recognize in her the most generous and kindly of colleagues—a representative both of modern scientific methods in history, and also of that broad and more leisured type of historical culture which flourished in the years before we thought it more essential to know what is new than what is true.

The historian, however, does not only look at the immediate past; he explores many streams of influence, and an act of piety includes many masters known and unknown who have lighted dark paths for us. It is natural, perhaps, to a disciple of Oxford, to note how much we owe to the historians who began to some extent as amateurs, gaining their inspiration here and there in paths that are rapidly closing in front of the modern student, as we destroy the past on the one hand, and tidy and clarify it on the other. Look for a moment at the education of Bishop Stubbs—the historian whose influence is perhaps the most ineradicable in our history. Between the ages of seven and thirteen he attended an ‘academy’ in Knaresborough, where he learnt Greek, Latin, French, German, and Anglo-Saxon, with a little writing and arithmetic. Much of his leisure was spent in the Old Court House in Knaresborough Castle, where the rolls were kept, and where he learned to read and copy medieval documents long before at Ripon Grammar School, and at Oxford he was limited to a purely classical education. The modern mind would execrate the idea

of teaching Anglo-Saxon to a boy under twelve, and would lock up all the charters in glass cases, and mock at the country parson of twelve years' standing who was so intent upon obtaining accurate lists of past and gone bishops, and who saved a day here and there to explore the local archives. Yet it was Stubbs who, more than any other man, created the Oxford School of Modern History. Or turn again to an Oxford historian to whom we owe more gratitude than most of us are willing to pay, John Richard Green—'Johnny Green', in spite of his Victorian and whiskered appearance.

Much of his inspiration, as he tells us, came from the streets and lanes of Oxford, known to him in childhood, and from his jealousy for the city which was so nearly swamped beneath the University. But as we read his simple, unself-conscious letters, we realize how much the *Short History of the English People* owes to his few but crowded years in Stepney—taking tea at 2 a.m. with the women of the streets, enlisting those same outcasts to help him to carry down cholera patients from the overcrowded tenements to the inadequate hospitals—struggling with the account-books of the district-visitor or the parish-nurse, building up the schools, and grieving over the poor law. The life helped to kill the man, but it gave the book something like immortality. It is with a sense of shock that we turn to the portentous sentiment of the contemporary academic person—Benjamin Jowett writing to Stubbs: 'As a clergyman it is natural that a person should wish sometimes to do good in the ordinary sense of the word.'

I have looked back to the great historians whom I never knew, because it was they who created the atmosphere in which I and my contemporaries worked at history. Let me come down to my nearer ancestry.

I will not, and indeed I cannot, say much to you of my 'old Tutor' and 'new Principal'. It might not be altogether safe, and moreover there are debts which can-

not readily be expressed in words. But it is now some twenty years since I first worked with Miss Lodge as a colleague, and would that there were twenty more to come. I am not nearly ready to lose her in that capacity. Nor will I say more of my late Principal and former teacher Professor Ernest Barker, to whom my gratitude is due on many counts—not least for the drastic criticisms which he intermingled with his gift for graceful and sincere encouragement and appreciation.

But I could not fail, in such a lecture, to speak a word of Mr. Hudson Shaw, of St. Botolph's, Bishopsgate, who first opened out the whole field of history for me, gave me enthusiasm, some self-confidence, and sent me to Oxford. My debt to him has meant an unfailing belief in and desire to aid in the 'extra-mural' work of the Universities. And it is a natural step to pass from him to say a word of 'A. L. Smith', Master of Balliol, the greatest of Oxford teachers of my own and of an older generation—in whom we found that most exceptional combination of what was primitive and simple and human—that 'love of earth' which belongs to a gardener or a farmer, united to the acutest criticism, the keenest delight in style, in wit, in delicacy of perception—both genial cynicism and a subtler sympathy. I cannot help recalling a story he told of himself, while on a lecturing tour in the United States—'Say, boys,' shouted an appreciative member of an audience which had been invited to ask questions, 'does any moss grow on A. L. Smith?' 'There's no moss grows on A. L. Smith,' came the answer in chorus—and indeed there's no moss grows on the memory of A. L. Smith in the minds of his pupils. He taught us that the business of the historian is to understand the other man; it may be necessary also to know facts, but knowledge is only the preliminary to understanding; not to be able to write meant, in his eyes, not to be able to think and the fruit of understanding is clear and vivid expression.

But chiefly am I bound to remember the great teacher of whom, perhaps, I am most justly proud—Sir Paul Vinogradoff. I am not forgetting lessons learned in Paris from such men as Charles Bémont and Elie Berger and Ferdinand Lot, whose lucid mastery of detail and exposition of method, combined with exceptional knowledge of English History, supplied what Oxford at that time seemed hardly prepared to give. But it was Vinogradoff who taught me to unify my varied interests, by fitting a detailed and perhaps dull and technical piece of work into the great frame-work of Economics and Jurisprudence, and bringing it to bear upon practical social history. It was Vinogradoff who in this country lifted the study of agrarian and manorial history and its problems from the realm of antiquarianism to the world of international history and comparative jurisprudence, and he carried his pupils with him a step or two up the lower rungs of the ladder. It has been one of the greatest pleasures of my recent work in London to meet two or three of the Russian scholars who are carrying on his work, and adding to our knowledge of English agrarian history, on its most technical and intractable side—would that I could command a fund to ensure that all their work should be translated into English.

Perhaps it hardly becomes me to claim an ancestry in Cambridge also. Yet if I might choose my spiritual forefathers, whom could I wish save Acton and Maitland and Figgis—men whose fundamental interest in ideas, in groups, in communities marks the most solid reaction against the ‘blood and trumpet’ history so hated by J. R. Green. I do not think Maitland and Figgis can have been better read or better loved in Cambridge than in Oxford, and ultimately, I suppose, we possess ourselves of that which we love. It is, as Maitland might have said, one of the forms of inter-University sport.

So much for looking backward. After retrospect,

prospect. What do I, as an historian, as a professor of this University, hope to accomplish, or to set on foot? Not very much, I suspect. ‘The life so short, the craft so long to learn.’ It is a more natural motto for an historian than the boast of the Reformers, *Post tenebras lux*. But even the most casual looking forward demands some formulation of an outlook.

Of one thing only am I certain. I am not concerned with the uses of history—I care nothing if it is proved to be entirely useless—I refuse to be concerned with the question of its purpose, or its use.

Professor Bury once wrote that because history is a science, in order to fulfil its function, it must (like all sciences) be treated as if it were an end in itself. But he goes on: ‘Let us not take the phrase history “for its own sake” to mean that it is not the proper function of history to serve any ulterior interest and that any practical use it may have is thrown in, but not guaranteed—this idea is characteristically academic, one of those cloistral inanities which flourish, preposterous and unashamed, in the congenial air of universities.’

Now I should contest this conclusion from every point of view. I am content to perpetuate the cloistral inanity so scorned by Professor Bury. History should be treated as an end in itself because it is an art—in the words of Henry James: ‘Art is the one corner of human life in which we may take our ease.’ Wherever her shining standard floats, the need for apology and compromise is over. And so with history—it is an art, an inheritance, an end in itself, and it needs no justification and will get none from me. Its results may be good—they often are; as I compare my friends the historians with other men, I often think they are very good—but I do not concern myself with that—I want to get the truth seen and stated, but that is an inherent human necessity and not a moral or utilitarian purpose. Consequently I refuse entirely to associate myself with the controversy as to

whether a school of History should aim at training citizens or at rearing up historians—if it can do the one, it will be doing the other, for the historian who knows nothing but history will never write history worthy of the name.

But the function of the historian himself is more open to discussion. I take it that his essential business is interpretation—sympathy—the more than tolerant study of mankind. The same function was claimed by Professor Royce for the philosopher, in some illuminating pages which I should like to transfer bodily to the case of the historian. There are three parties, he points out, to the process of interpretation: the interpreter, the mind he interprets, and the mind to whom he interprets. The will to interpret makes of these three a community—a community of interpretation—a ‘beloved community’. It implies in the interpreter a self-surrender to ideas not his own, together with a recognition of the fact that ‘when I endeavour to interpret my neighbour’s mind, my interpretation necessarily remains remote from its goal’—a most salutary lesson for most historians, as for other men.

It is, for example, just such a small community of interpreters which lies at the basis of the diplomatic intercourse of modern nations; it is an extended community of the same type which writes and reads the voluminous diplomatic history of to-day. It is yet another community of interpreters, of a very different psychological outlook, which tries to pass backwards into the group life of the Middle Ages, and to write the ‘Genossenschaftsgeschichte’, the history of associations, with a group mind to be interpreted rather than an individual temperament. But in either case we tend to remain remote from our goal—we do not always succeed in getting our interpretation across. Possibly we really do understand the mind which we are trying to interpret; at least, when the body owned by that mind is dead, it cannot contradict us.

But we can and certainly do only too often fail of the other part of the task—the getting of our interpretation over and across to the third and contemporary mind to which we interpret. As Professor Royce said of philosophers: ‘They frequently speak with tongues and do not edify.’ ‘And they are specially disposed to contend concerning their spiritual gifts.’ Possibly the quite modern historian is more disposed to contend that he has no spiritual gifts. My contemporaries, I find, are disposed to contend that an economic historian in particular has no concern with spiritual gifts. Now I am not greatly in love with the modern system which groups and labels us all as economic, or ecclesiastical, or constitutional, or colonial historians. I have never met with any type of history which can safely dispense with any of the other subdivisions, and I am well content with the fate which has converted me from a Reader in Economic History to a Professor of mere History, who is free to make excursions, at pleasure, into Ecclesiastical or Constitutional History. But one word I must say in parting of the economic historian. His special form of interpretation is to distinguish between ‘ponderables’ and ‘imponderables’—those ‘imponderables’ which Bismarck thought so troublesome. In that strange tongue, beloved of some scientists, the concern is with ‘entities with a metrical aspect’—what I should call ‘things which may be measured’—my contention would be that he is better able to distinguish the ponderable from the imponderable if he passes backwards and forwards between the two. We have, let us say, to study the effect of bread and circuses upon the crowd. The precise effect of circuses will be difficult; we may be obliged to call in the psychologist to tell us whether or not black horses will suggest dark care, or the theologian to tell us why the pale horse is Death. But we shall get on more quickly, we shall be in a better position to appreciate the efforts of the psychologist if we know how much bread was given to the

populace, whether it was an adequate supply and a palatable variety, and whether the poor could, on occasion, substitute cake. That is, I take it, the primary function of Economic History—to act not so much as a humble handmaid, but as an expert analyst, preparing the way for the historian of the Church, of the Constitution, of the Law, or for the exponent of political ideas—that is the function marked out by Professor Clapham (who happens to be the only Professor of Economic History in the United Kingdom), and those who have read his last great volume will know that he claims rather less than he performs. Consequently, I should wish to claim that the Economic History of the Middle Ages, the field in which I am most likely to undertake or to direct original work, is a subject which needs every particle of help it can obtain from ecclesiastical history, from law and legal history, from the Constitutional historians, the experts in ‘Foreign Relations’, and from Literature. It ought not to consent to ignore work done in any of these fields, and it may well expect to bring its own contribution to them all in turn. Let me illustrate for a moment the kind of co-operation which I should wish to see extended. Pure history has long drawn very extensively upon literary and descriptive works. The great poems of the fourteenth century fill the minds and the pages of historians. Recently, the technical equipment of history has been brought to bear more closely upon the history of literature—that which is not pure literature, but which is often the preliminary to a sound literary judgement. In a delightful little monograph study of *Piers Plowman*, Mr. Allan Bright has used the technical side of manorial history and records to elucidate the relation of the poet to the Malvern Hills—the exact identity of the ‘fair field full of folk’. Here we have the unity of all knowledge and the historian rejoices. But a few pages farther we find the disunity of scholars in one of Mr. Bright’s failures—his discussion of the supposed illegitimacy of Langland

without the slightest recognition of the fact that thereby hangs a world of legal controversy—for this is a question which sorely taxed the ingenuity of the medieval lawyer. Mr. Bright assumed that the illegitimate son of a villein was necessarily a serf, but the law had its soft-hearted moments. The son of ‘No Man’ had few privileges, but he might at least be permitted to assume that ‘No Man’ was free, since there was no evidence of his bondage.

For myself, and my immediate past pupils in research, there are certain aspects of history which I should like to emphasize—chiefly perhaps the exploration of the constitutional and legal side of Economic History, on lines parallel to those on which constitutional history proper has made such great strides in recent years. From the central history of the constitution I hope to gain much light, to it I hope to contribute a few rays or sparks here and there, gathered up from the obscurity of agrarian history. I should like to illustrate at some length from my own particular field—manorial history. It was probably because the earlier students of the manor had their eye fixed upon ‘Government by public discussion’—the rule of Parliament—that they concentrated their attention upon the manorial court, finding in it something closely akin to direct democracy—and there their gaze remained. The picturesque historian, who throws in the blessed term ‘feudalism’ whenever he cannot explain clearly what he means, believed and still believes in the intolerable tyranny of the wicked lord. The constitutionalist, watching the composition of the court, hearing the constant repetition of the communal judgement *Villata dixit, Halimota consensuit, Jurati presentant*, is strengthened in his belief in the essentially self-governing capacity of the village assembly.

It is the poet, perhaps, who cuts through to the heart of the matter. You will remember Kipling.

‘This was marvellous to me—if even the meanest of them

said that such and such a thing was the Custom of the Manor, then straightway would Hugh and such old men of the Manor as might be near forsake everything else to debate the matter—I have seen them stop the mill with the corn half ground, and if the custom or usage were proven to be as it was said, why, that was the end of it, even though it were flat against Hugh, his wish and command. Wonderful!

This is perhaps the best available description of what the historian calls 'the manorial court in its deliberative and administrative aspect'. But how did the old order change? When and why did the ancient customs break down? When, if ever, did the Saxon come out from his furrow? When did the voice of the old men cease to prevail?

Most of us have by now learnt however indirectly, from the late Professor Tout, or from that great school of History resident in the Public Record Office, that even in England public discussion is not the sole means of government, that it is sometimes only a reflection of, or a disguise for certain solid 'administrative' facts; sometimes an instruction and a guidance to the official, sometimes a mere handful of dust thrown in the eyes of the people. With this caution in mind, we shall turn from the undeniably democratic structure of the Manorial Courts (which are not only judicial but also deliberative and administrative and legislative in function) to study for a space the external administration of great estates, the influences which bore upon such administration, the motives which inspired it.

The Norman landlord might well be dissatisfied now and again to leave his lands in the purely static condition indicated by the 'custom of the Manor'. He obviously needed help—expert help. The steward of Saxon times—the Gerefa—was expected to have an expert knowledge of land-law and also a minute oversight of agricultural operations and implements; the seneschal (or steward) of the thirteenth-century treatise entitled *Seneschaucie* was

required to have both a profound knowledge of the law, and also an intimate judgement as to the season for harvesting, the amount of labour services required in relation to weather and crops, and the technical business of auditing the accounts. Needless to say, this equipment was not always to be found in one man, and the various functions tended to subdivide on much the same lines as did those of the royal administration, and most great estates developed embryo forms of exchequer, auditors, wardrobe, council, in addition to their judicial organization. Law, perhaps, was the most pressing need if the paralysing appeal to custom was to be circumvented. In one or two of the monastic chroniclers of the twelfth century we may see this need becoming articulate, as in the description of Abbot Samson's choice of counsellors whom he chose rather for their knowledge of the law than for their relationship to himself, and the mention of Glanvill's annoyance at his innovations when he removed his habitual counsellors, or even more explicitly in the twelfth-century Chronicle of Battle Abbey, where the abbots' kinsmen and followers turn upon him and reproach him for not having had them educated in the law and the decretals, that they might be useful to him in an emergency. It is thus that we see the first elements of a permanent sworn council growing up in the household out of the practical necessities of a large estate, and gradually taking on more and more of the administrative work. These councils are to be found on monastic and episcopal estates, and also on the larger secular estates, in several cases as early as the mid-thirteenth century. The enthusiasm for the study of law—Civil and Canon Law in the twelfth century, and both English and Civil Law from the thirteenth century onwards—gave to these counsellors the quality of experts. Many of their numbers were 'learned in bothe laws'; a few of them were great judges or counsel of the English courts. On the monastic estates there is a special reason for the rise of these



councils. The Rule of St. Benedict had left all final decision to the abbot, but recommended that he should ascertain the opinion and advice of all the brethren; a distinction between spiritual and temporal questions is probably suggested in the provision that in lesser matters he should seek the advice of the senior brethren alone. The practice of individual abbots varied, and there was no legal ground for complaint if an abbot acted alone. The abbot of Battle, however, roundly declared: 'We are mortal and shall die, but the Abbey of Battle will remain after we are dead, and we will therefore do nothing without their concurrence.' If the whole convent, however, was to be concerned with all secular affairs, it was obvious that the life of religion would be sorely disturbed. The younger monks at least must be sent to bed in good time, and on one occasion at least the *custos* of the Abbey had to provide that business should be protracted over two days, as it threatened to extend beyond the usual hour for retiring. Moreover, if once the whole chapter took to wrangling over leases and harvests, and questions as to forestry, or marriage customs, or the rights of villeins to be ordained or to take the habit, it is clear that the whole purpose of 'our Father Benedict' would be endangered. It might be safe for the abbot to burden himself with these necessary cares, but for the whole body of monks it was impossible. The provision as to senior monks provided a way out of the difficulty. The priory of Winchester, for example, was accustomed to submit the accounts of all the obedientiaries to a body of twelve senior monks; this was evidently the practice by 1170, but by the middle of the next century complaint was made that the prior made an arbitrary choice of monks for the audit, and had ignored the twelve seniors. As the monk who had made the complaint was afterwards accused of having misappropriated sheep to the value of £40, it is possible that the prior had good reasons for his arbitrary choice. In 1232

Pope Gregory IX endeavoured to bring order into the temporal dealings of monasteries throughout the world, and in the statutes which were drawn up by his visitors for Westminster and Bury St. Edmunds we find special provision for the establishment of small bodies of monks, chosen at the discretion of the abbot, to deal with such questions as manorial accounts, and other *extrinseca negotia*, outside the chapter, while only matters relating to the salvation of souls or the great utility of the church should be dealt with in chapter.

Similar injunctions were issued by individual bishops to the religious houses in their dioceses. Bishop Godfrey Giffard of Worcester enjoined the prior of Llanthony to take two or three of the more prudent monks into his counsel and to do nothing without their advice concerning houses, manors, granges, or churches; accounts were to be presented to all the obedientiaries, and if they were not expert they were to take steps to seek instruction—two of the ordinary claustrales were always to be present.

The procedure was obviously in harmony with the needs and tendencies of the times. Some few secular members were almost invariably added to the councils; the seneschal, for example, was inevitably a member of the body which had to deal with judicial and administrative matters. In the treatise known as the *Seneschaucie* he is definitely instructed to report certain matters to his lord *et a son conseil*. Local magnates were freely added in the fifteenth century, and occasionally great legal luminaries. Not only is a well-defined Magnum Concilium traceable at St. Albans from 1264 onwards, but in the constitutions of the daughter houses of nuns, Sopwell and Pré, and at the leper-house of St. Julian's, similar provision is made for business to be discussed by a small select body, and merely reported to the chapter as a *chose jugée*. In some cases the individual obedientiary, e.g. the cellarer, had his own little council, apart from

the abbot's. Even the Dominican order, which was vowed to corporate as well as individual poverty, and which had no estate, found it necessary to devise a recognized body of councillors in every convent, who dealt not only with questions of sermons or confessions, but also with accounts, with building plans, with the engagement or dismissal of servants, or with the distribution of dead friars' books. Obviously, the institution met a very real and practical need. Among the bishops the use of an organized council is found at a similar date. An early form of a councillor's oath appears in the Register of Archbishop Peckham; the council of the bishop of Durham seems to have been well developed by about 1260, and indeed by 1333 it decided roundly that it would not use a Papal Bull which the bishop had procured, because this same bishop, their employer as well as their father-in-God, though sprung from the kings of France and Sicily, had obtained it by suppression of truth and suggestion of falsehood. The council of the bishop of Worcester, in 1300, drew up a neat list of Agenda and appears to have been engaged in discussing the king's writ ordering the sending of proctors of the parochial clergy to Parliament. An examination of these episcopal councils might possibly shed interesting light on the attitude of the bishops generally towards their estates—a much less well-worn topic than the policy of abbots. Is it due to the councils that such sharp contrasts of method appear? Whence comes it that the bishop of Winchester can hardly be detected in an arbitrary action, while his brother of Chichester, disputing with his tenants as to a suit of court, settled the question by first excommunicating them, then inviting them into a church for the removal of the excommunication, where he proceeded to exact from them a corporal oath that they would perform the suit, while the proceedings were watched and recorded by a notary public. Not until we can get far more detailed examination of such con-

trasts shall we safely pronounce on the attitude of the Church towards servitude and peasant grievances, and the only way to gain this knowledge is, I believe, through a study of the administrative methods of great landlords.

On the secular side there is abundance of material for the greater magnates. Of primary importance perhaps are the councils of the royal family, and the fourteenth century is particularly rich in such records. The queen's council, as Professor Ehrlich has pointed out, might have to deal with a peculiar and delicate situation when the queen's tenants appealed to the king in council against an alleged oppression by the queen. There was doubtless some convenience in handing the matter over to the two councils to be threshed out impersonally. A similar situation might arise between the Prince of Wales and his brothers and unseemly differences of opinion might thus be avoided.

The question as to how far these councils really affected the economic development of the fourteenth century has never been explored. Clearly they had the power to wield considerable influence, by judicial or administrative or even legislative action. Broadly speaking, the councils seem to have been called in to deal with questions of boundaries, trespass, breach of game laws, illicit fishing, the misuse of ferrets; suit of mill, fugitive villeins, the abduction, &c., of young girls—precisely the type of case in which the manorial court, acting through juries, could not be trusted to convict. An interesting legal question arose at times as to how far the councils were entitled to bind their principals—John of Gaunt's tenants evidently preferred the personal assurance and responsibility of their lord. Normally the councils were disliked as innovators, aliens on the country-side, who did not know or did not respect the custom. The council of St. Albans presumed to change the ancient custom of the manor, even on such a primary

point as the age of inheritance. It is no light matter deliberately to change the land-law, however archaic it may have become, and the councils which acted thus drew upon themselves an execration parallel to the seventeenth-century hatred of the Star Chamber. Sometimes again a body such as the Black Prince's council in Cheshire might occupy itself in stimulating and controlling the economic evolution of his estates, while earning a wholesome hatred for its zeal in keeping him supplied with unprecedented revenues. Sometimes, of course, the council is more reasonable than the lord.

This is a long—an overlong—illustration of the type of work I should like to promote and to pursue. It demands a wider and more systematic examination than has yet been made of the materials for agrarian history, together with a closer analysis and re-analysis of familiar evidence, and a constant dependence on the lessons of constitutional history proper.

It is work, of course, more suited to the post-graduate than to the undergraduate, and I can only hope that the undergraduate will not come to rank it as my King Charles's head—and me with the renowned Mr. Dick. It is an aim, however, which carries with it a desire to make the study of general medieval history as thorough, as substantial, and as sympathetic as the fierce competition of the 'modern periods' will permit, and in that at least I believe the undergraduate world is with me in so far as it is not purely utilitarian. The Middle Ages make a certain appeal to the imagination, to the instinct for innovation, to the interest in rebellion, to the love of world-wide ideals, which is more natural, I think, to the young than the weariness and disillusion of the late nineteenth and early twentieth century. That is not to say that I would inculcate a purely romantic treatment of the Middle Ages—a treatment dependent on the unthinking repetition of a certain shining vocabulary, glittering without the glow of truth. As a matter of fact, I

suppose the scientific treatment of history is far more developed as regards medieval history than in relation to modern times. We know better how to interpret Magna Carta than the last Insurance Act, and the age-long appeal of which Professor Powicke spoke of the sheep-walks of Furness or the story of Abelard and Heloise has survived the most drastic of critical investigations. I sometimes think that nothing but a scientific study of the Middle Ages would suffice to cure the incredible lack of common sense shown by otherwise reputable writers who venture to pronounce upon the past.

But this lecture ought to draw to a conclusion, and I suppose that an inaugural lecture can only properly conclude by emphasizing once more the future to which it points. But I suspect sometimes that I have passed the age for making plans—'too old a dog to learn new tricks'—I look back more willingly than forward. Let me take refuge in quoting Jowett once more.

When the great master of Balliol was confronted with the poet Swinburne among his undergraduates he was troubled, and declared that the young man would come to no good unless he could be hindered from writing poetry. In despair he handed him over to Stubbs, the historian; Swinburne contrived to respect and admire his new tutor, and was not hindered from making poetry, while Jowett continued to write reflectively to Stubbs on the sympathy which older persons ought to feel for the young, often allowing for their 'extreme and almost unintelligible unlikeness to ourselves'. Now the moral of that story is not that I am willing and anxious to discover a half-fledged Swinburne among my history students, but the more moderate conclusion that I have never yet discovered an 'extreme or unintelligible unlikeness' between my pupils and myself; and I do not believe the historian ever does find the new generations so amazingly unlike himself. And therefore, although he

looks back rather than forward, he must be pardoned, for it is not simply in order to praise the years that are gone, but in order to remember how life looked to him then, in the days when the future meant so much more than the past; he looks back because 'His youth uprising calls his age the Past'.

## II

## BARONIAL COUNCILS AND THEIR RELATION TO MANORIAL COURTS

*From MÉLANGES D'HISTOIRE DU MOYEN ÂGE OFFERTS À  
M. FERDINAND LOT. Paris, 1925*

**M**ANY causes contributed to that disastrous decay of the English manorial courts which deprived the smaller landholder of his main line of defence and his only method of corporate self-expression, leaving him inarticulate in the midst of a predatory world. A study of the thirteenth- and fourteenth-century records<sup>1</sup> leads one to believe that a retrograde process took place, after which it became possible for the peasant to suffer the many injustices of the sixteenth and eighteenth centuries—injustices which could hardly have occurred during the active functioning of the regular courts.

There is, therefore, a special interest in exploring all the possible causes of this decay. Some have long been noted. The intervention of the Justices of Labourers and the Justices of the Peace between lord and man and the regulation of wages by Parliament were two of the heaviest blows struck at the old system.

The break-down of the whole organization of services in kind lessened the need for frequent meetings of the manorial courts; moreover, the courts had evidently become inefficient in this matter, for it is not unusual in the fourteenth century to find disputed services twenty years in arrears. The farming-out of the demesne, either as a whole or in parcels, had a similar influence on the meetings of the court, which only too often tended, for all communal agricultural purposes, to become casual, spasmodic, and perfunctory. Yet a manorial court was

<sup>1</sup> Cf. Leadam, *Select Cases in Court of Requests* (Selden Society), 1898, p. xvi.

clearly needed also for the ordinary business of the customary tenants—for registering title, recording admissions and surrenders, sales and exchanges, preserving customary rules of succession, enrolling leases, conventions, and partitions of land, and registering commutations of services and repartition of rents. Evidently a very vigorous growth of transactions of this kind is to be found in the late thirteenth and early fourteenth century. By the sixteenth century, however, a change has taken place. Many courts have disappeared; others are flouted by their lords; in those which survive the bulk of business seems to have grown less; the steward is usually a professional lawyer, and the part played by the suitors grows less and less important. It is true that numerous little treatises continued to appear, on the manner of keeping the courts, but these have an air of needing to explain a somewhat superseded institution whose procedure had formerly been a matter of common knowledge. Agrarian changes will account for part of the difference—a large part, perhaps—yet something more seems to be needed to explain the disrepute into which the courts had fallen.

One factor in the change has been very imperfectly explored, if at all. The development of the private baronial council has nowhere been treated in detail, nor, to my knowledge, has its possible influence on manorial policy been suggested.

Stubbs wrote a page or two in his *Constitutional History* on the magnificence of these domestic councils, as built up by the magnates of the fifteenth century.<sup>1</sup> Professor Tout states that 'Even the humblest baron had his clerks, his knights and squires, his council, and his wardrobe'.<sup>2</sup> There has been, of late years, a tendency to make much fuller use of household accounts, for baronial as well as

<sup>1</sup> Stubbs, W., *Constitutional History*, 1878, vol. iii, ch. xxi.

<sup>2</sup> Tout, T., *Some Chapters in the Administrative History of Medieval England*, 1920-33, vol. ii, pp. 149, 182-7.

for royal households, and to trace the organization of these households farther and farther back.

The existence of Councils and the identity of councillors is therefore not difficult to authenticate. But little or nothing has been written, in any accessible form, of the composition and functions of these private councils, nor of the rules and custom by which they worked. It is here, perhaps, that it may be possible to bring out a few points not generally known or considered in dealing with the later history of the manorial courts. If the facts lead on to a comparison between the honour court and the baronial council as effective instruments in the administration of justice—an interesting question will have been raised, to which it is improbable that any immediate answer can be given! In his recent work on *Private Jurisdiction in England*,<sup>1</sup> Dr. Ault just hints at the significance of the baronial council, and mentions the existence of one or two, but carries his investigation no further. He compares the honour court of Ramsey (the court of Broughton) to the king's Great Council or 'Parliament', and also to the 'small continual Council' of the king, and the court of Smithcroft to the royal High Court of Justice, but he does not enter upon the question of the existence of a permanent domestic 'Council' in the abbot's household. He quotes the case of the bishop of Ely's council from Maitland,<sup>2</sup> but seems to regard it as indicating only an informal and irregular occurrence. He quotes also the only mention of the abbot of Ramsey's *consilarii*, from a document dated 1305-13, and gives from the Ramsey records some examples of gatherings which seem less formal than the honour court, yet equally authoritative. He has not as yet worked out the possible significance of the evidence.

More light may perhaps be gained by considering the domestic councils as they existed at a rather later period,

<sup>1</sup> Ault, W. O., *Private Jurisdiction in England*, 1923, p. 15.

<sup>2</sup> Maitland, F., *Select Cases in the Court Baron* (Selden Society), 1891, p. 127.

and endeavouring to trace their history backward. First, as to the actual existence of such councils. Even a very cursory examination will discover some records of the councils of Queen Philippa, of the Black Prince, and of John of Gaunt; among the bishops, Durham and Ely have councils by the middle of the thirteenth century, Worcester apparently by 1323, if we may trust a single use of the word *concilium*, and probably Norwich in the early fifteenth century; of monastic councils St. Albans furnishes a remarkably well-defined example, while Peterborough, Ramsey,<sup>1</sup> and St. Mary's Abbey of Vale Royal<sup>2</sup> appear to have had councils of a less determinate character. The Palatinates naturally had their councils, and there are many mentions of the council of the Duchy of Lancaster and of Chester: these, however, are included above among the royal councils.

The list could be extended very readily among the lesser and lay barons in the fourteenth century, and at a later period. When the Statutes of Livery<sup>3</sup> were passed, it is clear that a council was regarded as a normal part of any baronial household, and the giving of livery to councillors was expressly permitted. In the presentment of a Jury, before the hundred of Offlow in 1413,<sup>4</sup> it was stated that William Bermyngeham, of Bermyngeham, Knight, had given a livery of cloth to his carpenter and to two yeomen, they not being servants or officials of the said William Bermyngeham *or of his council*; evidently even an obscure knight such as Sir William Bermyngeham might have been expected to possess his own liveried council.

The Statutes of Livery distinguish spiritual and temporal members of a council, and describe the councillors as men 'learned in the one law or the other'.

<sup>1</sup> *Chronicon Abbatiae Ramesiensis*, ed. W. D. Macray (Rolls Series), 1886, p. 396.

<sup>2</sup> *Ledger Book of St. Mary's Abbey of Vale Royal* (Chetham Society).

<sup>3</sup> Statutes of the Realm, 1 Hen. IV, vii.

<sup>4</sup> P.R.O. Ancient Indictments, Bundle 113.

Whether the custom of keeping a household council of this type was universal is not very clear. The evidence as to the great bishoprics is not altogether convincing. Durham and Ely were special cases, both having exceptional jurisdiction. The evidence as to Norwich is ambiguous;<sup>1</sup> in 1401 Henry Spencer, bishop of Norwich, is summoned to the king's council at Westminster, and in case he could not come in person he was to send 'quatre, trois ou deux persones suffisantz et discretz de vostre conseil'; the bishop in reply names his four envoys, but does not use the word council or 'Conseil' in describing them.

Worcester apparently had a council early in the fourteenth century,<sup>2</sup> for in 1323 the bishop, Thomas de Cobham, wrote to the prior and convent of Worcester that he had conferred the bailiffship of the court of Oswaldslaw on John de Hornyngwold, as the most capable member of his 'Concilium' then at his disposal.

But there appears to be no evidence that, for example, the bishop of Winchester used a council, and the Winchester records are exceptionally full and many of them have been explored and printed. The Winchester system of dealing with episcopal estates had, however, been elaborated at an early period, and the whole financial organization, following exchequer models, was so thoroughly worked out as to leave little room for any superior authority. Moreover, the episcopal estates were widely scattered through six or seven counties, and no attempt at a central administration of justice has been traced.<sup>3</sup>

The archbishop of Canterbury at one period certainly had a council; in Peckham's Register there are references to his council as present in his chamber; to his council as

<sup>1</sup> *Proceedings and Ordinances of the Privy Council*, vol. i, pp. 165-6.

<sup>2</sup> Pearce, E. H., *Thomas de Cobham, Bishop of Worcester*, 1923, p. 216.

<sup>3</sup> Hall, Hubert, *The Pipe Roll of the Bishopric of Winchester, 1208-9, 1903*, Introduction.

distinct from his *familia*, and to the individuals who were sworn of his council.

Doubtless any magnate, even the humblest baron, *might* have his own council, but it is by no means clear that every baron did, in point of fact, have such a council.

The composition of the baronial councils is a matter of some interest; three or four different elements were commonly present.

First, there might be a section useful for display or influence—a group of the larger tenants, neighbouring landowners, or fellow magnates. These lend their local knowledge and prestige. Thus the prior of Tynemouth, in 1480, receives letters patent from the earl of Northumberland, making him a member of the earl's council, with an annuity of £10.<sup>1</sup> Again, Lord Scales, in 1469, was a member of the duke of Norfolk's council.<sup>2</sup> One of the de la Poles is a member of John of Gaunt's council.<sup>3</sup> The fifteenth century saw a great development of this tendency to secure influential support on the household councils.

Secondly, the council would contain a nucleus of permanent officials, the seneschal, the cellarer, the coroner, or others; in the case of a monastery the abbot might be supported by the prior, and there would probably be two or three of the ordinary unofficial monks.

Thirdly, a group of permanent trained experts would form a very important—perhaps the most important—section of the council. These were men trained in the law, sometimes in the law of England, sometimes *utrius jurisperiti*, sometimes themselves foreigners; trained in one of the great continental law schools.

Lastly, on any occasion, there might well be present in the council a judge, an itinerant justice, one of the well-known counsel of the king's courts, or a justice of the peace.

<sup>1</sup> *Registrum Abbatiae Johannis Whethamstede* (Rolls Series), 1872, vol. ii, p. 218.

<sup>2</sup> *Paston Letters* (ed. Gairdner), 1904, vol. v, p. 18.

<sup>3</sup> *Register of John of Gaunt*, ed. S. Armitage-Smith (Camden Society), 3rd series, 1911, vol. xxi.

In 1294 Sir William de Bereford apparently sat in an informal gathering (suspiciously like a council) in the hall of Broughton for the abbey of Ramsey;<sup>1</sup> Bereford and Inge and Spigurnel were all retained for unspecified legal purposes by Walter de Wenlok, abbot of Westminster;<sup>2</sup> while there is unmistakable evidence of a justice, John of Schardelowe, sitting and acting with the council of the abbot of St. Albans (*v. infra*). These cases are quite distinct from the privilege of causing the justices in eyre to come into the manorial court and take part in the administration of justice there, as was done, for example, in the abbot of Battle's court at Wye.

Evidently the council might sit anywhere; it is characteristic of it that it should travel from place to place. To that extent it is evidently more efficient than an honour court. The abbot of St. Albans council would travel to Tynemouth, it could meet in the abbot's chamber, in the great hall, in the church, and probably under the ash-tree in the courtyard, where both the hundred court and the three-weekly courts, held by the cellarer, took place.<sup>3</sup> It is evident that there is room here for considerable confusion of thought, though the actual elasticity of such conciliar action must have constituted a strong argument in its favour.

A similar body at the abbey of Vale Royal, Cheshire, which looks remarkably like a council,<sup>4</sup> appears to have sat to receive homage in the abbot's chamber, in the court of Weaverham, in the chapel, the garden, and the hall. This mobility seems to mark a newer institution than an honour court, which usually had its traditional meeting-place.

<sup>1</sup> Maitland, *Select Pleas in Manorial Courts*, 1889, p. 75.

<sup>2</sup> Pearce, E. H., *Walter de Wenlok*, 1920, p. 90. All three are well-known counsel or judges of the reigns of Edward I and Edward II.

<sup>3</sup> But see pp. 132–3.

<sup>4</sup> *Ledger Book*, pp. 114–15, cf. p. 60. The only definite mention of the word 'conseil' is not very conclusive, and although Dr. Ault writes *concilio*, there is no warrant in the MS. for this. The Ledger Book, however, is only known in a seventeenth century copy (B.M. Harl. MS. 2064) and the Chetham Society has, unfortunately, published only a translation of this.

The functions of the council appear to have been equally varied. Just as the king's council dealt with practically any question that arose, so the private council, besides its ordinary administrative work, might be appealed to on feudal matters, questions of knight service, and so forth; on disputed franchises, on conflict of jurisdictions, or on difficult cases pending in the manorial courts among the customary tenants. It is the latter point that should be specially emphasized as important to this argument. If it can be shown that there was considerable interference by the councils in the conduct of business by the manorial courts, or halimotes, or that by a regular process of appeal a considerable intermixture of foreign or royal methods of justice and rules of law might be brought to bear on the local autonomy of the manorial courts, then it will be clear that yet another factor has to be brought into account in describing the break-down of local institutions in the fifteenth century. Probably the simplest way to illustrate this point is to bring together the available evidence for a few big groups of estates during the thirteenth and fourteenth centuries, and to follow up this investigation by quoting literary evidence, e.g. from the *Paston Letters*, for the fifteenth century.

Some evidence of a rather indefinite character comes from the twelfth century, in Jocelyn of Brakelond's *Chronicle*.<sup>1</sup> It was remarked that when Samson was made abbot, he refused to employ 'the multitude of new relations' who came offering to serve him, but that he retained one knight, eloquent and skilled in law—less from consideration of relationship than for reasons of general utility. When the new abbot was formally received into his monastery he turned to the clerks and knights that stood by, asking them to advise him for the

<sup>1</sup> *Chronica Jocelini de Brakelonda* (Camden Society, 1840), pp. 18, 19, 20, 37, 57.

good of the whole house. And Wimer, the sheriff, answered for them all that they would be with him *in consilio et auxilio*. This, of course, is merely the usual feudal obligation to give counsel.

A little later a more definite reference occurs.

Samson began to show signs that he meant to trust only to God and his own good sense, and he put away from his private council all the great men of the abbey ('tam laicos quam literatos . . . omnes a privato suo elongavit consilio') without whose advice it seemed impossible that the abbey should be ruled. At first Ranulf de Glanvill, the justiciar, was displeased at this, but gradually, as he observed the abbot's prudence, he became reconciled. It was expressly the greater matters that Samson decided for himself; lesser questions he left to be dealt with *per alios*.

This reference, and more especially the mention of Glanvill's displeasure, seems to point to the existence of something like a permanent and official council, but the interpretation is by no means clear. Samson seems to have been more humble as regards the canon law, and associated with himself two clerks learned in the law, and himself spent his leisure in studying the Decretals.

Yet another ambiguous phrase in the *Chronicle* declares that the abbot 'came to our council as if he were one of us'.

Not much can be proved from such passages, but it would seem clear, at least, that the need for skilled legal advice in dealing with the estates and secular business of the abbey was thoroughly recognized. This is the first step towards the formation of a permanent and expert council. To judge from the actions of Samson himself, such a council would have been constantly interposing in questions of manorial custom and privilege.

Passing on to the thirteenth century, there is evidence of episcopal councils at Ely and Durham. The Ely



court rolls (Littleport), so far as they have been published by Maitland,<sup>1</sup> offer only one example of a definite appeal to the bishop's council, in a question of distraint, for refusal of services; the reference appears to imply a permanent council, including Sir Robert de Madingley among its members.

But there are other less definite references to questions being referred to the abbot in person, which may cover a reference to the council. This is a point which needs further investigation.

The case of Durham is more interesting. In the *Gesta Dunelmensia*<sup>2</sup> there is a description in some detail of the discontent of the bishop's (Antony Bek's) tenantry, with the action of the bishop's steward. The complaint is brought by the 'Haliwerfolk'. The bishop replies that he must take counsel before he replies to their complaints, and he went away to discuss the question *cum consilio suo*. The chronicler adds a comment of his own on the 'oily', adulatory character of those who belong to the courts of magnates and prelates, and who, in this case, advised the bishop that the petition was unjust.

The passage, perhaps, is worthy of being quoted in full, as it has only very recently been printed:

' . . . Verumtamen super contentis in ista cedula volumus consulere et de consulto postea respondere. Placuit eis dicti patris responsum. Habito igitur tractatu diligenti cum concilio suo super contentis in cedula memorata, mox ut in curiis magnatum et prelatorum fieri jam solebat, quidam adultores, oleum vendentes, patri suo placencia predicabant, dicentes petitionem eorundem injustam et quod contra dominum suum quodammodo conspirarunt . . . Et isti erant ex Phariseis.'

On another occasion a quarrel had arisen between the monks of the priors of York and Whitby and the men of the bishop.<sup>3</sup> The bishop, vehemently moved by this cause, hastened to 'Kipier', and with his council con-

<sup>1</sup> Maitland, *Select Cases in the Court Baron*, 1891, p. 127.

<sup>2</sup> *Camden Miscellany*, vol. xiii, 1924, p. 13.

<sup>3</sup> *Ibid.*, p. 26.

fronted the prior with his chapter. Having treated the question at some length, finally it pleased the bishop and his council to pardon them.

Ely and Durham, however, were bishoprics possessing special jurisdictions, and may therefore be regarded as exceptional, though it should be noted that in two of the three cases quoted above, the council is taking appeals about ordinary manorial business. Maitland states that other great prelates besides Ely had similar councils, but he quotes no examples.

It is, however, a monastic council, St. Albans, which supplies the most undeniable evidence—not only in chronicles or in letters, but also in the court rolls of the Abbey.<sup>1</sup> The abbot's *Magnum Concilium*, besides the usual administrative business, definitely acts as a court of appeal in two or three cases reserved to the abbot, though in no apparent way differing from cases usually settled in the halimotes. Moreover, the council would seem to have exercised also legislative functions, annulling the ancient rule of succession, commonly used on all the land of St. Albans. The number of cases in which the council unmistakably appears is comparatively small, but significant; the council might meet in the abbot's chamber, in the church, possibly under the ash-tree, where the regular three-weekly court sat, or apparently on the separate manors; it would seem that the cellarer might have his own council. The judgement of the council was to be announced in the halimotes concerned.

From the *Gesta Abbatum* more details are to be gathered of the work of the council; it was evidently called upon for both formal and informal business of an administrative kind, especially in connexion with the troublesome townspeople of St. Albans; it received the report of a perambulation, it gave orders concerning the stricter

<sup>1</sup> On the St. Albans Council see my article in *Transactions of the Royal Historical Society*, N.S., vol. vii, 1924: 'The Courts and Court Rolls of St. Albans Abbey.'

enforcement of view of frankpledge; it annoyed the townspeople by refusing to give them a *written* answer to their demands; it gave consent to an exchange of property, or to a commutation; it had some power of making ordinances. The earliest mention of the council known to me describes it as travelling with the abbot to Tynemouth, in 1264, there to assist at an inquiry into tenures; on other occasions it might sit in the abbey church.

In the case of disputed jurisdiction, or a dispute between two lords, their respective councils might very conveniently be deputed to settle the matter. Thus the council of the abbot of St. Albans met the council of the earl of Warwick, to view a disputed heath at Redbourn, and a decision was reached by agreement between the two councils. Similar cases occur elsewhere, as, for example, in a matter of disputed jurisdiction (over wreckage) between the Prince of Wales and the duke of Lancaster, John of Gaunt.

The abbot Thomas de la Mare is said to have taken a special pride in having learned councillors, skilled in both laws, to whom he gave a special livery of robes. Now these councillors and legal experts were evidently disliked; in 1381 they fled with the prior to Tynemouth, at the first onset of the villeins. When the records of the archdeacon were burnt in the same rising, the chronicler explains that the villeins did not intend henceforth to frequent the civil or the canon law ('quia nec jura civilia nec canonica de cetero frequentare cogitauerunt'). It is difficult to know quite how much significance to attach to such a comment, but at least it shows that the writer of the *Gesta Abbatum* evidently believed that the civil law was being forced upon some of the Abbey's tenants. One would not naturally have expected to find skill in the civil law regarded as a qualification for interpreting the custom of the manor, but the cases quoted above lend some colour to the chronicler's statement. Moreover, the

Statutes of Livery assume that councillors will be learned in the civil or the canon law.

St. Albans was not ill equipped for building up a system of conciliar justice, which in time might have superseded the local customary law. Foreign scholars resorted to the Abbey at an early period; Abbot Robert had a certain clerk, Magister Ambrosius, an Italian, one of the earliest and most capable *legisperiti* in England; in 1158 he dispatched Ambrosius to Rome to watch over his interests in the Papal Curia, but evidently the lawyer had previously served him at St. Albans.<sup>1</sup>

A little later in the same century Abbot Warin brought to the Abbey his brother Matthew, who had learned medicine in Salerno; and their nephew, Warin junior, a renowned student of the Decretals, with two other scholars from Salerno, set up school in St. Albans.<sup>2</sup> Here is evidently a sound foundation for the study of law in St. Albans, and less than a generation after the teaching of Vacarius in Oxford. The thirteenth and early fourteenth centuries furnish abundant corroborative evidence of a legalist atmosphere and a keen love of litigation. As early as 1275 the abbot of St. Albans (like the abbot of Ramsey) forbade the employment of any expert counsel (*adventitii placitatores*) in the halimotes by the parties to a suit; in 1326 the townspeople had retained skilled lawyers in their quarrel with the abbot, promising them lands in reward. The Abbey was in close touch not only with foreign scholars, but also with the royal justices. According to a well-known passage in Matthew Paris's *Chronica Majora*,<sup>3</sup> a justice for Gaol Delivery was called in to advise, in an indeterminate meeting under the ash-tree—which may be a council—on a matter of knight-service; later on the king's justice

<sup>1</sup> *Gesta Abbatum Monasterii S. Albani* (Rolls Series), 1867-9, vol. i, pp. 136-7; 194-5.

<sup>2</sup> *Ibid.*, i. 196. 'Hic Magister Garinus ad leges et decreta se transtulit.'

<sup>3</sup> Matthew Paris, *Chronica Majora* (Rolls Series), 1872-83, vi. 438.

is called in to assist in an ordinary case of manorial business and apparently sits as a member of the abbot's council. Easy communications with London and with the royal judges tend to undermine the self-sufficiency of the Abbey's manorial jurisdiction. The more 'expert' the councillors become, the less patience will they have with local rules and customs; here we have at least one reason for the detestation in which they were held, one more reason for the short-sighted rage of the villeins against legal records.

There is some additional evidence of the development of the abbot's council in the fifteenth century to be found in the later chronicles. In 1433 the abbot consults with the 'solid men of his temporal Council', in a quarrel with the bishop of Lincoln.<sup>1</sup> They being expert in such matters advise that he should seek Letters Patent from the chancery. The council, however, has to remain in the background. 'Pro parte vero Abbatis Sancti Albani comparuit Abbas ipse solus, in utroque tamen jure satis sufficiente concilio communitus.' Finally, all the *legisperiti* are ordered to withdraw, while the parties remain to hear the decision of the judges. In a later case,<sup>2</sup> the abbot was trying to suppress the Cell of Beaulieu, and finds opposed to him the representatives of the founder, with *peculiares consiliarios*; the abbot, on his side, consults not the council, but *varios jurisperitos*, and a special fee paid to one of these counsel is noted among his accounts.<sup>3</sup>

In yet another case the abbot procures the private advice of the judges, Sir William Babyngton and others, in a quarrel concerning tolls and a gallows; the judges advise him to go to law, and the seneschal, acquiescing in this counsel, and having held a council, began the suit.<sup>4</sup>

There is, however, in these chronicles no clear evidence

<sup>1</sup> Amundesham, *Annales Monasterii Sancti Albani* (Rolls Series), 1870-1, vol. i. 314-28.

<sup>2</sup> *Ibid.*, ii. 106.

<sup>3</sup> *Ibid.*, ii. 267.

<sup>4</sup> *Ibid.*, ii. 144.

of the interposition of the council in manorial affairs; the later court rolls might possibly yield more evidence.

Councils belonging to members of the royal family are obviously less important in the history of general developments except in so far as they influenced the development of the council in lesser households.

The early history of the council of the Prince of Wales is as yet obscure; the Black Prince apparently had two or three in his various capacities. John of Gaunt, as duke of Lancaster, had a particularly interesting council, of whose functions considerable records remain.

Mr. Armitage-Smith says of this council:<sup>1</sup>

'Finally there is the Duke's Council, a definite and formal body, who help him in the administration of his estates. Under the presidency of the Chief of the Council . . . accompanied by the Clerk to the Council, they go on progress through the Lancastrian lands, listening to the petitions of aggrieved tenants, settling questions of disputed ownership, respiting demands on a farmer in arrears with his farm . . . acting in short as a final court of appeal to which all causes may be brought. . . . The Duke's Councillors too are men of substance; they go surety for his debts.'

Judging from the portion of his Register<sup>2</sup> which has been printed, John of Gaunt's council was continually acting in an administrative capacity in connexion with his estates; there is little evidence of its dealing directly with the business of the manorial courts.

It is true that in one case the seneschal of the Prince of Wales and the bailiff of the duke combine to discover, by inquest, and at the order of the two councils, whether a certain wreck lay within the lordship of the prince or of the duke;<sup>3</sup> a new extent is made of all the little villages of the honour of Knaresborough, by the seneschal and the auditor of the honour, at the order of the council;<sup>4</sup>

<sup>1</sup> Armitage-Smith, S., *John of Gaunt*, 1904, p. 223.

<sup>2</sup> *Register of John of Gaunt*, ed. S. Armitage-Smith (Camden Society), 3rd Series, 1911, vol. xxi.

<sup>3</sup> *Ibid.*, no. 667.

<sup>4</sup> *Ibid.*, no. 326.

the return of an inquest as to houses in the horse-market of St. Botolph's had to be made to the council; the council sells a grange in the manor of Sutton, deals with farms, leases, or charters of enfeoffment, or conveys ruinous houses to a hermit who wished to live in solitude near the Mount at Pontefract where Thomas of Lancaster was put to death.<sup>1</sup> In one rather striking case Henry of Ingelby had been given leave to enclose land by the duke's Letters Patent and by his council;<sup>2</sup> the manorial court of Crophull l'Evesque objected and endeavoured to hinder the enclosure, whereupon the council sends a second order that the said Henry was not to be molested or hindered in any way.

The jurisdiction and authority of the council was evidently not undisputed. In one case the duke's tenants have purchased underwood from the council,<sup>3</sup> but they petition the duke in person to accept the sale, as they have nothing under seal. On another occasion Johan Curson of Ketilston was to have been brought before the council for trespass in Duffield Fryth, but was given a special pardon by the duke.<sup>4</sup>

If necessary, the council would inform the duke that a case could only be tried and settled at common law in the king's courts.

It is perfectly clear that the duke of Lancaster's council was a permanent and regularly constituted body, sharply distinguished, even by a chronicler, from his *familia*, though on one occasion, when the *consilarii ducis Lancastriae* include the king of Navarre and his brother Giles,<sup>5</sup> it seems practically certain that only temporary advisers are meant. The regular councillors might be allowed to relinquish an office (e.g. of seneschal) but to keep a place in the council for life, with a pension.<sup>6</sup>

<sup>1</sup> Armitage-Smith, S., op. cit., no. 949.

<sup>3</sup> Ibid., no. 407.

<sup>5</sup> Knighton, *Chronicon* (Rolls Series), 1889-95, ii. 73.

<sup>6</sup> *Register of John of Gaunt*, no. 730.

<sup>2</sup> Ibid., no. 1166.

<sup>4</sup> Ibid., no. 750.

The records of the duchy of Lancaster would probably supply much additional evidence as to the relation of the council to the manorial courts, but they have not been systematically explored from this point of view.<sup>1</sup>

Queen Philippa's household books<sup>2</sup> (also as yet imperfectly explored) provide some evidence of the activities of a royal council, though amid the intricacies of the household arrangement the council does not stand out very clearly.

The clerk of the queen's council is named, and his livery of robes is noted; but although very elaborate lists of legal officers are given, including attorneys, clerks, *Factores brevium* in the king's exchequer, the queen's exchequer, the common bench, and the king's chancery, it is impossible to say which of these, if any, belong to the council.

One long entry, however, relates to the sending of Hugh de Glaunville, the chief auditor of the queen's accounts (*Computorum*), through all parts of England to deal with 'seisins' in the castles, towns (*villis*), and manors assigned to the queen, by the king and his council, and to appoint bailiffs, reeves, and other ministers throughout the said castles, towns, and manors, including the honour of Tickhill, and to superintend them all, and to accomplish and hasten all other business of the queen at her ordinance and that of her council. Glaunville's wages and expenses are paid at the order of the council.

The clerk of the queen's wardrobe also appears to have received his wages at the order of the council, and the expenses of the queen's messenger or emissaries for diplomatic business come within the consideration of her council.

Not much, perhaps, is to be gleaned from these few

<sup>1</sup> Cf. Petrushevsky, *Wat Tyler's Rebellion*, ii. 360. 'Et de xxxiii libris de cccxl acris . . . dimiss' Johanni . . . et Ricardo Adamson ad terminum . . . annorum per generalem consilium Domini.'

<sup>2</sup> John Rylands Library, Manchester, Lat. MSS. 234, 235, 236, 237.

entries. Yet at least they establish the fact that the council keeps up an active supervision of the queen's manors and other possessions, whether single manors or an honour.

So far most of the evidence quoted has been deliberately confined to the fourteenth century, or to earlier days. It is impossible here to pursue the activities of private councils into the fifteenth; a few references alone can be quoted. In the *Paston Letters*<sup>1</sup> there are numerous mentions of the councils of various magnates, which, taken altogether, afford some evidence as to the work of such councils in the fifteenth century. Among the various barons mentioned as referring to their councils we find John, Lord Lovel; the duke of Norfolk; the duke of Suffolk; the widow of John Vere, earl of Oxford; the duchess of Suffolk; Lord Moleyns; the earl of Oxford.

The duke of Norfolk's council plays a very large part in the troubles of John Paston; its activities repay some slight analysis.

Evidently the members of the council were not always agreed among themselves, nor with the duke. Lord Scales, writing as a member of the council, protests against the treatment of Sir John Paston's lands and begs the rest of the council to give full information to the duke, and to arrange arbitration and a suspension of the quarrel.

Margaret Paston, writing at the same time, begs Sir John to obtain some writing from the king to cause my Lord of Norfolk and his council to cease the waste that they were committing in Paston's lordships, '. . . for thei have felled all the wood, and this weke thei will carie it a wey, and lete renne the wateris and take all the fyssh'. The next step is a definite interference with the manorial courts by the duke's council. 'Thys Pentecost is my Lordys Counsell at Framlingham, and they purpose thys week and the next to hold Courtys her at Caster, and at all othyr maners that were Sir John Fastolf's.'

<sup>1</sup> *Paston Letters*, ed. Gairdner, 1904, vols. iii, iv, v, vi.

Sir John Paston implies that it made a considerable difference to him which members of the council were present when his affairs were considered. The duchess refuses to act on his behalf until 'my Lord and his Consayll were agreed'; 'she promyseid to be helping, so it were first mevyd by the Counsayll'. It was suggested that the duke's council was ignoring the 'rules and appointments' of the king's council.

The council was evidently more favourable to Paston than the duke. The council put John Paston's offer of service before the duke, 'and so they dyd but then the tempest aros, and he gave them syche an answer that non of them all wold tell it me'. Shortly after Sir John Paston writes that he has obtained letters from the king directed to the duke and to the duchess and to their council separately. John Paston suggests to Sir John that he should obtain yet another letter direct from the king, commanding him to be the messenger and bringer of the other letters to my Lord, my Lady, and their council in person, 'that ye have awtoryte to be your owne solycytour'. Evidently access to the council was not easy—partly because the duke was apt to raise a tempest, partly because, as Sir John Paston had written at an earlier date, 'I remember well that ye dealt wythe ryght delayous peple'. Two or three years later Sir John Paston writes that the king commands the duke of Norfolk to take advice of his council, and to be sure that his title to Caister is good. When the duke died, Paston appears to have been able, readily enough, to come to terms with the council.

The whole story is an interesting example of the influence a household council of this kind might have upon a quarrelsome magnate, either by modifying his rage, or by supporting his acts of aggression. It is evident from other passages in the *Paston Letters* that the manorial courts were at times scenes of wild confusion or violence; if the councils took to 'holding the Courts' by force, it

and so gives a strong lead as to 'tendencies'. It is this stationary aspect which we find in the customals and cartularies of the twelfth and thirteenth centuries, or again in the extents, the *inquisitiones post mortem*, or the Hundred Rolls; and it is this type of evidence which has received, perhaps, most attention in the past. It is obvious that the material on which this static picture is built up should be subjected to close scrutiny, and that the utmost care is necessary to avoid transferring to one century what may have been true of the last. There is no heresy about the Middle Ages quite so pernicious as the theory that they were unchanging. The second method of regarding the land is concerned rather with evolution, with tendencies, with change or progress, and it requires evidence of a different type. This dynamic aspect of agrarian questions seems to belong chiefly to the later centuries, the thirteenth, fourteenth, and fifteenth, but this is largely a matter of the available records. The regular book-keeping of the manor begins in the thirteenth century, in the Court Rolls and the Ministers' Accounts. It is a nice question whether the records were produced by the changes, or whether they merely record, for the first time, changes similar to those of past centuries. In any case, these documents definitely record a state of movement, of change: they are therefore worthy of the closest study from the economic point of view, while they may at times throw considerable light upon legal problems. If their technique is understood, they can hardly lead us astray, since they are, in a unique degree, free from interested motives. Apart from official records, there is some literature, more or less idealistic, on the subject of the medieval land-system—the legal text-book and the agricultural treatise—which, like the extents and surveys, takes up a stationary viewpoint, but is far less satisfactory in its accuracy. The lawyer only too often seems to be divorced from reality, as he describes a kind of paradise for landlords, while the villein either

suffers from impossible restrictions or, at times, seems to occupy 'acres in Utopia'. Walter of Henley and the author of the *Dite de Hosbandrie*, again, describe what they hope rather than what they expect to see; and their calculations often need considerable checking by the accounts of work actually done. Thus Mr. Ballard pointed out that the crops of wheat, oats, and barley grown at Witney between 1340 and 1349 seldom reached more than half the yield which is demanded in the *Dite de Hosbandrie*, while the threefold rotation of crops would seem to have been a vain imagination; wheat might apparently be sown on the same field seven or eight years in succession. Again, he has shown how the rents actually received seriously exceeded the estimates given in the Hundred Rolls.<sup>1</sup> A strong case may thus be made out for a more thorough and complete use of computus rolls, or ministers' accounts, whenever they have survived in a reasonably good sequence: the isolated roll is, of course, not particularly illuminating. These accounts are, of all the manorial records we possess, the most closely in touch with facts and the least influenced by extraneous circumstances, since they were only intended for private use. It seems true to say that they are less influenced by prejudice or by personality than any other type of material, while, nevertheless, they give some real glimpses of corporate organizations and communities.

The manorial and agrarian history of England appears to need re-writing almost every ten years, as new material comes to light or fresh investigators work over the old ground, seeking some new cause which shall explain the break-up of villeinage. The fashionable explanation is sometimes the Black Death, sometimes assarts and enclosures, or the statutes of labourers, or, as in a recent essay, soil exhaustion followed by a necessary throw-back

<sup>1</sup> *Oxford Studies in Social and Legal History* (ed. Vinogradoff), 1916, vol. v. 186, 192.

to pasture. The explanations are various, but the data used are generally the same, or at least of the same class. For this reason it is particularly desirable to make sure of the precise meaning of the terms used in the compotus rolls. I have therefore endeavoured to make a slight comparative study of some account rolls of Battle Abbey, Merton College, the priory of St. Swithun's, Winchester, and of other isolated manors in southern England, and have compared them constantly with the accounts of the bishop of Winchester and with the economic conditions of the St. Albans Abbey estates. There are two broad lines of comparison: the actual economic conditions, and the technical construction and presentation of the account. Under the second heading is included a discussion of the nature and significance of assized rents, and the method of presenting and balancing the receipts and expenses—purely technical points which may nevertheless prove useful.

A brief but suggestive introduction to the study of manorial accounts has been recently furnished by Mr. H. S. Bennett, in an article mainly concerned with the position of the reeve.<sup>1</sup> The genesis of the account roll lies in the responsibility of the reeve; its elaboration arises from the methods of estate-management developed by absentee landlords. There are comparatively few good sets of accounts dealing with a single manor whose lord resided at the hall; the accounts of Wellow, in Somerset, belonging to Sir Walter Hungerford, are among the few exceptions which prove the rule.<sup>2</sup> In some of the accounts we can trace the weekly or monthly reckonings by the reeve, who thus kept track of the labour services, the rents, the stock, the expenditure of corn, the expenses of the lord or his agents. The primitive system of tallies served him well. The shepherds or the haywards would bring in their own tallies, kept up to date with the scrupu-

<sup>1</sup> *English Historical Review*, July 1926, pp. 358–65.

<sup>2</sup> P.R.O. Ministers' Accounts, 974/20–5.

lous care and unfailing memory of the illiterate. The reeve probably needed no written record for himself, but when the seneschal or the cellarer or the bishop's clerks and auditors came upon their rounds of supervision a more intelligible medium might be required. Hence among the Winchester account rolls we find here and there scraps of parchment only an inch or two square, on which are entered the numbers of the stock, the names of men eligible as reeve, or a note of the imposition of labour services: similar notes may be found among the Merton College account rolls. There is very little to show whether the reeve was capable of writing these notes with his own hand or not. The full account would seem to have been always the work of a professional scribe, the fee for whom was often included in the account. With the tallies thus translated, the scribe would proceed to make out the final account. To help him in this task, several model accounts and formularies, or brief treatises on the keeping of the accounts, were written.<sup>1</sup> Both Dr. Cunningham and Mr. Bennett have made use of these models, though neither of them has noted the confusion and repetition into which the model itself sometimes falls, furnishing no very infallible guide to an inexperienced reeve. Moreover, the model sometimes quotes figures which, though they may have been possible locally, are very far from being generally applicable. An entry fine of £10 as early as the thirteenth century is not incredible, but great would have been the outcry if it had been exacted in some districts. It might have been expected that the famous St. Albans Formulary Book,<sup>2</sup> which furnishes a model for almost every piece of ecclesiastical or temporal business in which the Abbey was likely to engage, would also have included a model of a St. Albans account. This would have been specially welcome in view of the almost complete lack of any such accounts

<sup>1</sup> Cambridge University Library, Dd, vii. 6, f. 58b; Ee, i. 1, f. 221 and f. 231b.

<sup>2</sup> *Ibid.*, Ee, iv. 20.

for this Abbey's estates. An account roll there is, certainly, in the Formulary Book, but it proves to be one from the manor of Wolaston, which obviously belonged to a lay landlord, since a large sum is paid *de auxilio natorum ad filiam domini primogenitam maritandam*. However, this account is obviously intended to be used as a model, and therefore probably represents the St. Albans practice sufficiently faithfully.

The normal form and subdivision of an account roll are well known. What is by no means clear is how the common form was evolved. Probably the Winchester Rolls<sup>1</sup> were the earliest to be systematized, under the inspiration of Exchequer methods, and their classifications and subdivisions imposed themselves as a logical necessity. Rents, corn, stock, miscellaneous produce, labour services, and judicial profits form the inevitable framework. Two points, however, have not always been noted: first, that almost any item or any piece of information may be found under any heading, and the investigator who expects a medieval scribe to be as methodical as he undertook to be is likely to be sorely deceived; secondly, items which do not involve money payments are apt not to be recorded, if the lord has reasonable confidence in his reeve; hence the account of the labour services is frequently not entered in full. The ordinary week-work in winter, which involved no meals and no expenditure, was hardly worth recording. Harvest works, on the other hand, are carefully and separately described. Thus the lists of 'works' on the back of the rolls are often missing; on the Winchester Pipe Roll they are not transcribed (even if they were available on the separate manorial accounts) except for one group of manors round Taunton, and very imperfectly for one manor in Hampshire. Nevertheless, the services were being steadily performed. There is no apparent reason

<sup>1</sup> Dr. Hubert Hall, *The Pipe Roll of the Bishopric of Winchester, 1208-9, 1903*; and *Oxford Studies in Social and Legal History* (ed. Vinogradoff), vol. v.

for this variation, but it is a strong argument against relying too much upon the non-appearance of any expected item. Another consideration was suggested by the late Mr. Ballard. It is evident that the receipts of a manor will be partly agricultural and partly seigneurial. To get any clear idea of agrarian evolution, the seigneurial dues ought to be excluded; this involves separating almost all the profits of the courts, except the entry fines, or *ingressums*, which are of the nature of rent; but the separation cannot be complete, since the rents themselves are largely seigneurial rather than economic. In the fourteenth century, however, the real problem lies in the economic results of demesne farming, and these can be arrived at more or less accurately by merely subtracting the whole profits of the courts, and all the older rents, and balancing the rest of the receipts and expenses. Whether the landlord himself ever made this analysis is not very clear, but it is indisputable that, where seigneurial dues were heavy, an account which shows a large total balance might readily cover a net loss on the demesne, while the contrary could not happen unless abnormal expenses—for example, for building—were included. Again the moral is that strict scrutiny and analysis is necessary if manorial statistics are to be really significant. The framework of the account roll survived in proportion to the learning and conservatism of the system behind it. On the smaller manors by the middle of the fifteenth century the use of Latin had almost died out, and the accounts took on a modern shape. At Wiggell, Salehurst,<sup>1</sup> in 1463, we find: 'Also paid for a day carriage of gret sawe logg' with a drage and 12 beasts 1s. and for three men a day to help lode the same logges . . . xiid. Also payd Morys Sawyer for fellynge and cuttynge of timber 21d.' The entries are hardly distinguishable, even to the names, from the day-books or yearly accounts of a farm at the end of the nineteenth century. The

<sup>1</sup> B.M., Harl. Roll, Cc, 26-7.



Winchester accounts,<sup>1</sup> on the other hand, though they change their material form after 1455, and become books instead of rolls, yet retain almost all their traditional classifications through the sixteenth century, and in some respects down to the beginning of the eighteenth century, though by the latter date the grouping is an empty form. The use of Latin survives until the seventeenth century.

One final reason for urging the study of manorial account rolls, apart from their essential economic value, is that, like all accounts, they form an unrivalled field for the picking up of 'unconsidered trifles', which elude us in all the more likely sources of information. Thus from two manorial accounts we may gather that the expenses of the clerical proctors in Parliament were charged upon certain manors—e.g. at Gamlingay (Merton College)<sup>2</sup> in 1322–3, and at Wootton<sup>3</sup> (St. Swithun's Priory) in 1338. The latter entry appears among the miscellaneous and irregular expenses. Again, in the sixteenth century Winchester rent books may be traced the cessation of the collection of Peter's Pence, while a very early mention of the Mayor of London is found in the roll for 1213. In a St. Albans manor, Abbots Langley, it is clear that the expense of providing the *panis benedictus* had been transformed into a rent.<sup>4</sup> None of

<sup>1</sup> Eccles. Comm., Various, 159270–159445, deposited in the Public Record Office. The Rent Books, from 1458 onwards, are numbered Ecclesiastical Commission, Various, 155784. The original Compotus Rolls, from which the Pipe Roll was made up, are Ecclesiastical Commission, Various, Bundles 56–117.

<sup>2</sup> Merton College Archives, Ministers' Accounts, 5376: 'Item procuratori cleri pro parlamento apud Ebor, viii d. ob.'

<sup>3</sup> Compotus Roll of Wootton in *The Manor of Manydown* (ed. Kitchin, G. W., 1895, Hampshire Record Society), p. 149; 'In solutis procuratori existenti pro clero ad Parliamentum domini regis, xv d.' How far this was part of a general system I cannot ascertain, but this question of the expenses of the clerical proctors is one on which Professor Pollard has as yet thrown no light.

<sup>4</sup> Court Rolls of Abbots Langley, 9 Ed. III, in Sidney Sussex College, Cambridge, Library, Δ i. 1. Cf. A. E. Levett, 'The Courts and Court Rolls of St. Albans Abbey' in *Trans. Royal Hist. Soc.*, N.S., vol. vii, 1924.

these facts are what the historian naturally seeks in manorial accounts, but by some lucky chance they are there, and may provide just the clue by which other unrelated facts may be given their due significance.

Perhaps the best way of illustrating the comparative method of dealing with accounts is to pass at once to the technical questions already mentioned—the rents of assize, and the final balance of the account: hence it will be easy to return to more general considerations. One of the items in a manorial account to which the closest scrutiny should be given is the *redditus assisus*, or *redditus assisae*—fixed rents, or rents of the 'Great Fixing' or assize, as one might perhaps translate the latter form. These rents are sometimes contrasted by historians with the labour services still performed and with the wages and other payments made to hired servants. Exact mathematical comparisons have been worked out by one or two writers, as if the rents were a precise equivalent of earlier services. Now, if this contrast be sound, if we have here a genuine standard of comparison, then it is desirable to collect as much information as possible under these heads, and to extend the available statistics as widely as may be. But if it be unsound, if there is no ascertainable relationship between the two, then the sooner a misleading type of investigation is abandoned the better. That there is normally no such relationship is what I would seek to prove.

It is perhaps unfortunate that Miss Neilson, in her usually exhaustive study of *Customary Rents*,<sup>1</sup> has not given a very emphatic definition of rents of assize, nor has she used the evidence of the Winchester pipe rolls on this point as fully as it deserves. Nevertheless, her definition should invite caution:

'The fixed rents, of whatever kind, agreed upon by the lord and the villein or freeholder for the holding of certain tenements, whether of assart land, demesne land, or land in the

<sup>1</sup> *Oxford Studies in Social and Legal History* (ed. Vinogradoff), vol. ii, 1910.

fields of the village, rents which, however originating, were regulated not by the custom of the manor, but by agreements depending upon the nature of the land, and the advantage to the persons concerned. It should be stated, however, that the term *redditus assisæ* has sometimes a broader application.<sup>1</sup>

It is not possible or necessary to follow Miss Neilson's further analysis of the different classes of rents, but enough has been quoted to show that no single or simple definition of rents of assize is of any use to the historian or the statistician. Any manor or group of manors may be working on a definition of its own. Account rolls must be scrutinized with the utmost care if they are to give up their secrets of methods of book-keeping.

The Winchester pipe rolls, or ministers' accounts, have a peculiar value in that they are the earliest as yet discovered, probably the earliest to be compiled. In the first extant roll (1208-9) the various mentions of fixed rents with which each account begins are sometimes given under the name of *gabulum*, or *gabulum assisum*, sometimes of *redditus assisus*. *Land-gabulum* is carefully distinguished from *burgabulum*. Comparison with later accounts where the word *gabulum* dies out makes it perfectly clear that *gabulum assisum* is identical with *redditus assisus*.<sup>1</sup> Now *gabulum* is *gajol*, the old Saxon payments described in the *Rectitudines Singularum Personarum*, itself probably a West Saxon document; and *gajol* was a money payment for land, customary at least a century before Domesday Book, and customary alongside of labour services. There seems to be no possibility of regarding *gajol* as commuted labour services. It may possibly have been an original money rent, of the nature of a tribute or tax, or, more

<sup>1</sup> The term *gabulum* survives till the sixteenth century on one or two of the Winchester manors; for example, at Meon we find in 1530 a *Prepositus operum*, and a *Prepositus gabuli*. At the end of the fifteenth century, at Cheriton, there is a clear distinction between *Terra Gavellata* and *Terra Budell* (? illegible). I have not found this term *Gavellata* in the earlier records. Cf. Eccles. Comm., Various, 155874/1.

probably, it was the commutation of dues in kind.<sup>1</sup> Later evidence would seem to support the latter suggestion, since the assized rents are evidently in part a commutation of payments in kind, and in other districts the term *gabulum* is associated with specific dues in kind. It can be indubitably proved that on the Winchester estates there is absolutely no connexion between rents of assize and commutation of services. This has been said before, but it is worth while to say it again with all possible emphasis. The rents quoted in the pipe rolls, though they rise rapidly in some cases in the thirteenth century, are almost stationary for periods of fifty or a hundred years in the fourteenth and fifteenth centuries. Moreover, each 'increment' is carefully noted and accounted for. In nearly every case it is due to an 'assart' or 'purprestura', enclosed with the lord's permission, for which a small fine is paid and a small additional rent is added to the total. Or it may be expressly due to a commutation of dues in kind. After one year's mention, it is merged in the total *redditus assisus*. It is therefore impossible to determine the composition of the rents of assize, or the reasons for the thirteenth-century increases, without close examination of a large number of rolls. The Battle Abbey manors<sup>2</sup> show assized rents which hardly vary by a penny during the fourteenth century; the same is true of some of the Merton College manors; while the manors of Ramsey Abbey vary in the most erratic fashion. At Wistow<sup>3</sup> the assized rents of 4s. 6d. are unchanged from 1297 to 1380, while at Elton and elsewhere they vary in a manner perfectly inexplicable, unless the variations are merely caused by differences of classification. Mr. Tawney has quoted from various sources a number of examples of these stationary rents of assize for periods

<sup>1</sup> Cf. Liebermann, *Gesetze*, ii, s.v. *Pastung*.

<sup>2</sup> P.R.O. Ministers' Accounts, Crowmarsh, Bundle 958; Brightwaltham, Bundles 742 and 753; Appledram, Bundle 1016; Ansty, Bundle 978/3.

<sup>3</sup> P.R.O., Bundles 879, 882, 877. I owe these references to Mrs. C. B. Buckland's kindness.

previous to the sixteenth century.<sup>1</sup> There are none quite so striking as those of Winchester, but the moral to be drawn is the same. If the rents represented commutation of services, they would not be stationary in the fourteenth and fifteenth centuries. Moreover, on the Winchester estates the actual commutations are entered, either in a special entry *venditio operum*, some items of which are unchanged for at least a century, or they may be hidden away under the heading 'Issues of the Manor', together with sales of timber, or eels, or refuse wool. The same arrangement is found elsewhere: the accounts for Woolstone, Berks.,<sup>2</sup> clearly state: 'exits of the manor, with commuted services'; West Wittenham<sup>3</sup> enters commuted services under the heading *capitagium*, an arrangement I have found nowhere else. Obviously, therefore, the burden of proof lies with those who would contend that rents of assize represent labour services: in individual cases they may be able to prove the point, but the great bulk of evidence tells in the other direction.

We return, then, to the question of the relationship, if any, between *gabulum* and assized rents and labour services. It is not easy to discover the total obligation of a virgater on a Winchester manor, since there are no extents available; it is not easy to ascertain whether the same individual both paid *gabulum* and rendered services for the land. Evidently a man who held office as shepherd or other manorial servant had 5s. per virgate remitted to him: this may have been his whole rent of assize. More definite evidence is forthcoming from adjacent manors belonging to the priory of St. Swithuns. In a rental of the manor of Crondal,<sup>4</sup> dated 1287, we find that the first cottar tenant named pays as much as

<sup>1</sup> Tawney, R. H., *Agrarian Revolt in the Sixteenth Century*, 1912, pp. 115-17.

<sup>2</sup> P.R.O. Ministers' Accounts, Bundle 756/1, &c.

<sup>3</sup> *Ibid.*, Bundle 756/2.

<sup>4</sup> *Crondal Records*, ed. Baigent, F. T., 1891 (Hampshire Record Society), p. 84 seq.

8s. *gabulum* for a holding of 15 acres, while performing a tolerably full complement of services—week-work, harvest-works, and carrying services—and rendering at least some dues in kind, for example, cocks and hens as church scot. Small tenants—for instance, of 10 acres—paid exactly the same, and performed the same services, with very slight variations in the dues in kind, while the holder of a full virgate (24 acres) pays annually 2s. 9d. as *gabulum*, and performs specific services (no week-work) to the extent of about one day in the week, at irregular times. Another virgate estimated at 39 acres pays 5s. *gabulum*, and one of 34 acres pays only 2s. 9d. This high rate of 8s. for the cottar is the more remarkable since in many districts, notably in the Thames Valley near Oxford,<sup>1</sup> the whole works of a virgate were commuted at 7s. per annum, or occasionally 10s. Hence 8s. from a *cotagium* of 15 or 16 acres, in addition to full services, seems to be an unusually heavy money obligation. It is noteworthy that a hide of 106 acres pays only 12s. 8d., while half a hide (39 acres) pays 2s. 6d.; another hide pays 20s. The word 'hide' is used indiscriminately for free and villein tenements. The only conclusion to be drawn is that the assessment of *gabulum* depended upon status rather than acreage, and that the wealthier members of the manors enjoyed a very 'beneficent' assessment. It is not easy to establish a connexion between the *gabulum* of 1208 or of 1287 and the pre-Conquest *gafol*. Speaking generally, however, it may be asserted that the Winchester manors rendered very few dues in kind, compared with the long, strange lists discoverable elsewhere, notably on the Ramsey estates.<sup>2</sup> Nor were the bishop's tenants burdened with the petty personal services characteristic of Ramsey, and perhaps of most monastic estates. A few odd pounds of cumin, or of pepper, or a red rose, or a bunch of arrows, or horse-

<sup>1</sup> *Eynsham Cartulary*, ed. Salter: Oxford Hist. Soc., 1908.

<sup>2</sup> Neilson, *Economic Conditions on the Manors of Ramsey Abbey*, 1898.

shoes or ploughshares are found here and there, but very infrequently. They represent, probably, an irregular survival of freeholders' symbolic dues, rather than a genuine render in kind. It seems reasonable, therefore, to suppose that, in Hampshire at least, *gafol* represented an early commutation of dues in kind, probably dating back long before the Norman Conquest. These dues must have constituted a substantial burden, and, as has been shown, the burden would seem to have been personal instead of, or as well as, territorial in its basis.

A point which may be worth noticing is that the Winchester assized rents were normally paid at the four quarter days, in equal sums—a fact which probably points to a single definite commutation at a fixed date. This, however, is not quite an unvarying custom. At Havant,<sup>1</sup> as late as 1530, the assized rents were payable on twelve festivals throughout the year, in irregular sums. The newer rents, on all the manors, in the fifteenth and sixteenth centuries, are entered separately under various names, and payable once, twice, or four times a year at regular dates. Elsewhere we may find the greatest irregularity. On the St. Swithun's Priory estates<sup>2</sup> the assized rents are paid at various dates—eight or ten festivals scattered through the year. The sums payable at each, of which hardly two are alike, vary from £4 17s. 4d. down to 8s. Again, at Wye<sup>3</sup> in Kent, where there is an almost complete absence of labour services, the rents are paid at twelve different festivals, nearly but not quite regularly one in each month—surely an ancient assessment. This irregularity evidently suggests that a considerable proportion of the rents must represent commutations of the eggs and hens at Easter, or the Christmas cake, or the yule-log, or the young and able lamb at St. John's tide. Moreover, in many cases it is expressly

<sup>1</sup> Eccles. Comm., Various, 155874/1.

<sup>2</sup> *The Manor of Manydown* (Hampshire Record Society), p. 143.

<sup>3</sup> P.R.O. Ministers' Accounts, Bundle 899/1.

stated that certain old customary rents have been included under the heading 'assized rents'. At Crondal are included ploughshares, pond-penny, and sheriff's aid.<sup>1</sup> At Bray (Battle Abbey) the rents include free rents, villein rents, increments, ploughshares, horseshoes, red silver, pond-penny, church scot, corn, salt, *auxilium*, and ward-silver.<sup>2</sup> At Cookham (Battle Abbey) the list is similar—free rents, villein rents, ploughshares, horseshoes, pond-penny, *auxilium*, merssgavel, mircre, fipenny, eels, cocks, and hens.<sup>3</sup> At Cheddington (Merton College) rents of assize include cocks and hens, pepper, hidage, *secta*, *veteri placiti* (?) and tithing-penny.<sup>4</sup> At Ansty, in Hampshire (Battle Abbey), on the other hand, in 1401, assized rents only cover free rents, villein rents, and new rents<sup>5</sup>—the latter a very unusual item to be merged in the assized rents. Abbots Langley (St. Albans Abbey) numbers among its rents not only sheriff's aid, cocks and hens, and some commuted labour services, but also a yearly 2¼d. *pro pane benedicto*—apparently a parochial obligation converted into a rent.<sup>6</sup> In only one case known to me does it seem clear that rents of assize consisted in large measure of commuted services, or new rents. On the manor of Wellow, Somerset, the assized rents rise from £4 to £17, between 1342 and 1365. The most rapid rise is between 1348 and 1352, when large numbers of leases are granted. The exception strengthens the plea for close scrutiny or caution.<sup>7</sup>

As regards freeholders' rents it is almost impossible, in early accounts, to differentiate them from the rents of villeins. By the early fifteenth century they are often,

<sup>1</sup> *Crondal Records* (Hampshire Record Society), p. 51.

<sup>2</sup> P.R.O. Ministers' Accounts, Bundles 742/5 and 13.

<sup>3</sup> *Ibid.*, Bundle 742/6. <sup>4</sup> Merton College Archives, court rolls, 5576.

<sup>5</sup> P.R.O. Ministers' Accounts, Bundle 978/3.

<sup>6</sup> Sidney Sussex College, Cambridge, Library, Δ i. 1.

<sup>7</sup> In a model account roll (Cambridge University Library, Ee i. 1, f. 231b) 'forensic rents' is glossed as assized rents, *tam de bondis quam de cotariis*.

but not invariably, distinguished. The proportion of freeholders to villeins varied in different districts, and constitutes another element of uncertainty. Mr. Ballard believed that a large proportion of the assized rents usually consisted of freeholders' rents.<sup>1</sup> It is just possible that some lines of distinction in the composition of assized rents as between different types of owners might emerge if investigation could be carried far enough. Even in a cursory study of two or three of the older Benedictine monasteries, some points of general interest arise. Ramsey Abbey and, in lesser degree, St. Albans Abbey were remarkable for an immense variety of rents, which are clearly commutations either of dues in kind or of trifling miscellaneous services—not the normal labour by which the agriculture of the manor was maintained, but the petty services exacted by a resident lord and a soulless corporation. An abbot, and perhaps especially a Benedictine abbot of one of the older foundations, was particularly likely to maintain the memory of these archaic personal services and marks of servitude. Hence perhaps the prominence of these older houses in the risings of the fourteenth century. Battle Abbey, on the other hand, with its scattered estates, granted after the Conquest, and often in districts where the orthodox three-field system was not customary, was obliged to evolve new methods. The rents of assize on these manors are even more stationary than elsewhere. Brightwaltham<sup>2</sup> on the Berkshire Downs has rents which only vary by 1*s.* 2*d.* in fifty years: at Crowmarsh<sup>3</sup> (Oxon.) the rents of assize are absolutely stationary between 1323 and 1392, save that in the latter year a rise of about 7*s.* has taken place. At Hutton<sup>4</sup> (Essex) the rents increase by less than £1 between 1341 and 1367, and the increase is clearly not

<sup>1</sup> From a private letter.

<sup>2</sup> P.R.O. Ministers' Accounts, Bundles 742 and 753.

<sup>3</sup> Ibid., Bundle 958.

<sup>4</sup> Ibid., Bundles 844/22-8. Cf. K. G. Feiling in *English Historical Review*, April 1911.

due to commutation. The point of interest on most of the Battle Abbey manors lies in the *stipendia*, or wages paid to regular and permanent manorial servants; the system was evidently developed very early on the Battle manors. Appledram<sup>1</sup> in Sussex, chiefly engaged in corn-growing, had twenty-three regular servants as early as 1286, and paid for all harvest labour at 2*d.* per day. But the development of this wage-system, as has been shown, leaves no trace upon the assized rents.<sup>2</sup>

Almost every worker on manorial history could provide innumerable examples of the varying relationship between rents and services; but it is worth while to emphasize the fact that students of documents, or compilers of statistics, in which the term 'rents of assize' is used, are dealing with a double ambiguity. In the precise account-keeping of a manor it is often impossible to analyse the exact meaning of *redditus assisus*, and historians have hardly attempted the task. On the other hand, in general statements such as extents or *inquisitiones post mortem*, it is always possible that the figures given bear the same relation to the actual revenues as an income tax return bears to income received, or an assessment for rates to the actual yearly value of a property. In either case the only sound motto is *caveat lector*. In all the history of land problems there is no sin like the sin of generalization. Wherever the two types of records—the official statement and the private book-keeping—disagree, the balance of probability always lies with the private accounts, though the latter unfortunately are the least likely to have survived.

Another technical point in the scrutiny of account rolls is the presentation of the balance at the end of the roll. In collecting statistics to cover a long period, there is always a tendency merely to accept the balance as

<sup>1</sup> Ibid., Bundle 1016.

<sup>2</sup> I have not examined in detail the account rolls of any great Cistercian house; a set of these ought to provide some very interesting comparisons.

stated without further scrutiny. There are at least two different methods of presenting the account which may easily be confused, and in that case will produce very misleading results. The two crucial entries are 'forensic expenses' and *Liberatio denariorum*. In some accounts 'forensic expenses' cover only what one might expect—sums of money allotted here and there for special purposes, as the lord of the manor might direct. They normally have no connexion with the economic working of the estate, and ought to be included in profits. For example, on the Winchester manors this heading may cover sums sent from one manor to another, to pay part of the cost of special building operations; or it may cover the expenses of some of the bishop's household, over and above the normal charges. The *Liberatio denariorum* covers the whole of the cash actually paid direct into the bishop's treasury. Normally, it appears true to say that on the Winchester accounts the 'forensic expenses' are unimportant, and the *Liberatio* represents, with reasonable accuracy, the year's profits. It ought, of course, always to be scrutinized in connexion with the arrears, which are occasionally very large, and throw our statistics into confusion. Many estates, among which may be noted Merton College, had a peculiarly confusing system. The 'forensic expenses' might contain considerable sums of money paid direct to the warden or the lord, while the *Liberatio denariorum*, which represents the main profits of the year, is added to the general 'expenses', and this combined *Liberatio et expensa*, under the title of *Summa omnium expensarum*, is deducted from the receipts, leaving a small but entirely misleading net balance of two or three pounds, occasionally rising to £10 or £12. Thus to arrive at the actual profit on a manor we must add the *Liberatio* to the spurious net balance (*et debet*), and probably part of the 'forensic expenses' as well.

To contrast the two methods in tabular form may make the difference clearer.

## MERTON COLLEGE

	£	
Receipts . . . . .	70	
Expenses . . . . .	32	
[Forensic Expenses]:		
Liberatio . . . . .	35	
Expensa et Liberationes . . . . .	67	Profits = £35+3.
(or Summa Expensarum)		
Et debet . . . . .	3	

## WINCHESTER PIPE ROLL

	£	s.	d.	
Summa totius receptae . . . . .	61	7	3 $\frac{3}{4}$	
„  expensae . . . . .	12	19	10 $\frac{1}{4}$	
Et sic debet . . . . .	48	7	5 $\frac{1}{2}$	= Profits.
In liberatione domino . . . . .	23	0	0	
Et sic debet de claro . . . . .	25	7	5 $\frac{1}{2}$	

The meaning of the second account is absolutely clear, the profits stand out, self-evident, without further analysis. The Winchester pipe roll, however, only reached this clarity after a slow process of change and experiment. In 1213 and in 1235, and apparently up to 1264, the form ran thus:

	£	s.	d.
Summa totius receptae . . . . .	87	6	0 $\frac{3}{4}$
„  expensae . . . . .	6	17	0
„  liberationis . . . . .	78	4	3 $\frac{3}{4}$
„  exp' et lib' . . . . .	85	1	3 $\frac{3}{4}$
Et debet . . . . .	2	4	9

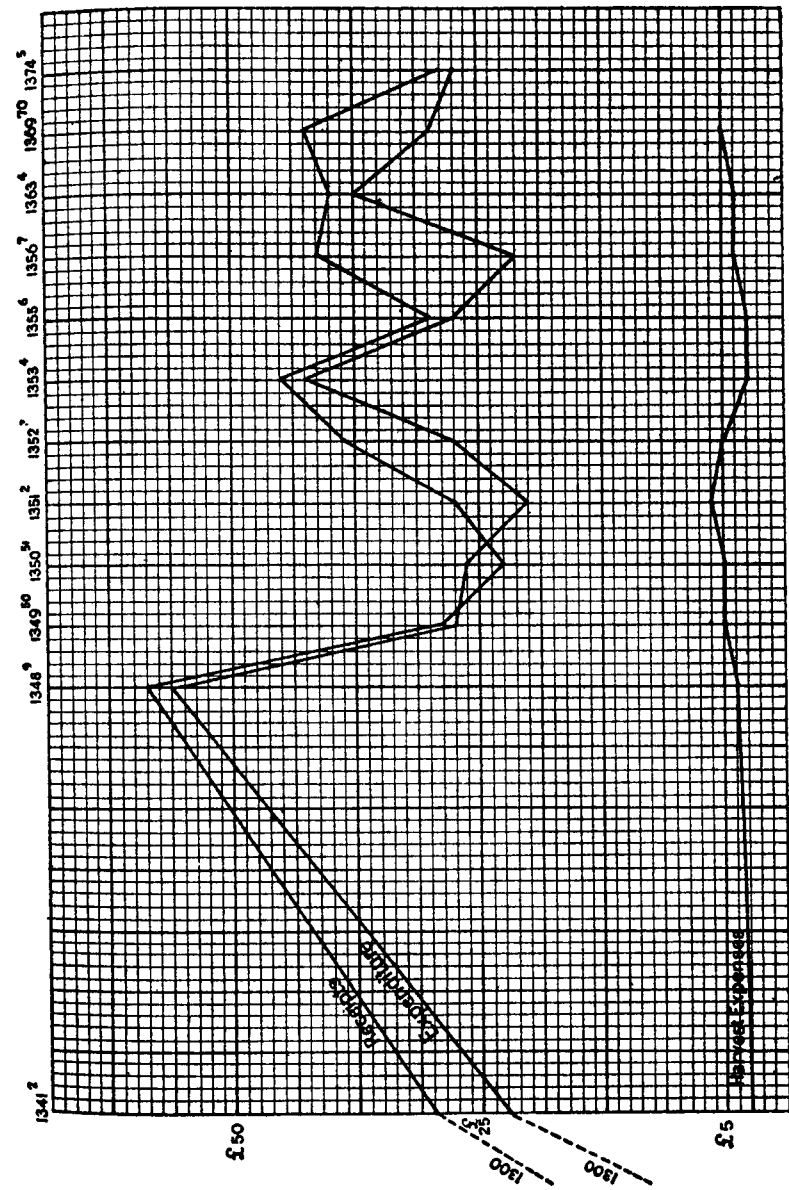
This method is at least clearer than the Merton system, since the 'expenses' are given separately, and a simple calculation will supply the actual profit; between 1264 and 1283, however, the change is made to the form of statement first quoted, which permits the investigator to ignore all the complications of the 'delivery' into the Treasury. Confusion is not very likely when the united items are described as *Expensa et Liberationes*, but when they are disguised under the title *Summa omnium expensarum*,

a mistake is extremely easy. The worker on account rolls will be wise to give careful attention to this point if he hopes to compile sound statistics.

It would be unwise to assert, categorically, that Thorold Rogers was misled by this method of accounting followed by Merton College; indeed, in one case he clearly allows for it; but at least some of his statements as to the fall or disappearance of profits after 1349 would seem to have been coloured by it—if one may assume, as I think is not unjust, that he examined in detail only two or three of the long and consecutive series of Merton accounts.<sup>1</sup> For example, at Ibstone the *Liberatio*, which had stood at £9, or £5 before the Black Death, ran down to £2 in 1347–8, and up to £10 in 1348–9; at Cheddington the *Liberatio* of £10 rises in 1348–9 to £18, and falls afterwards to £2 and £4, but by 1357 and in later years it is up again to £6, £14, £10, and £12. This does not suggest the greatly decreased profits and very narrow margin of which Rogers speaks. If, however, he had accidentally followed what we have called the ‘spurious net balance’, his pessimistic conclusions could readily be explained. The following diagrams have put the two methods into the form of graphs—rather for the sake of indicating the relationship between receipts and expenses than to labour unduly the question of the Merton system. They provide an ocular demonstration of the stability of profits on some manors, while the close correspondence between the expenses and the receipts on the diagram for Cheddington would suggest the need for some explanation, even if the details of the account were not forthcoming. Several of the Battle Abbey manors, from whose accounts two of these graphs were drawn,<sup>2</sup> possessed a highly developed wage system from an early date; they

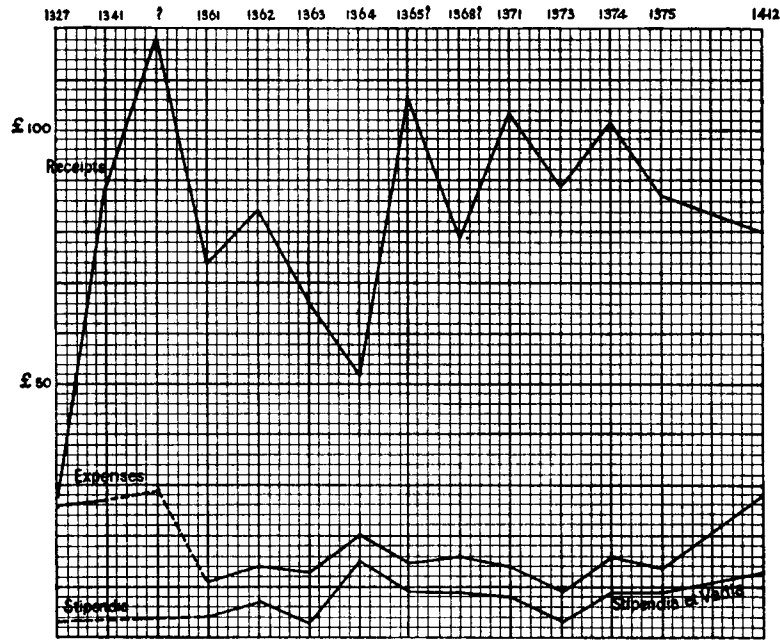
<sup>1</sup> Not only do his quotations suggest this very limited use of the records, but quite recently the bursar’s clerk at Merton was able to point out the exact rolls used by Rogers.

<sup>2</sup> And several others which it is impossible to reproduce here.



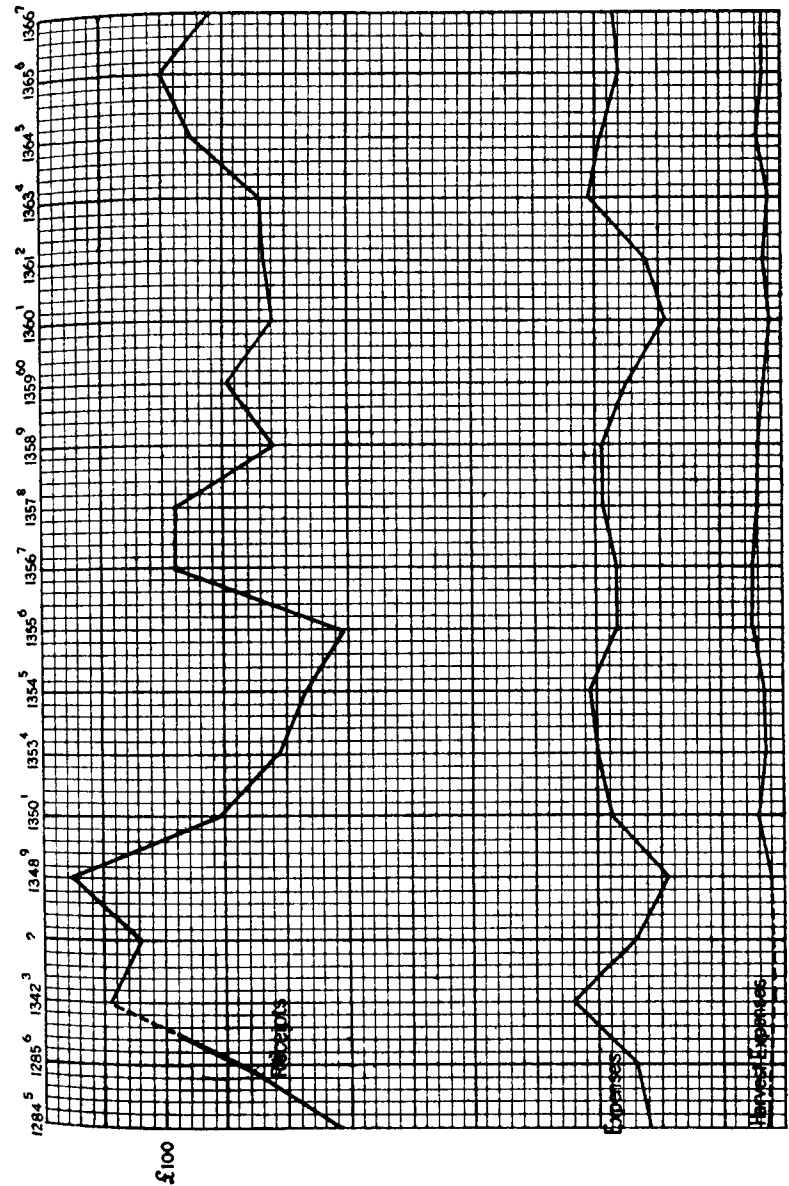
MANOR OF CHEDDINGTON. To Merton College  
(Note: *Liberatio* is included with ‘Expenses’)

represent very different geographical districts, yet all those which have been examined show a margin of profit so large that the doubling or trebling of harvest expenses would hardly have touched the owners, and if the total expenses of all kinds had been doubled, a profit would have been left. The same is even more true of the Winchester manors: Crawley, one of an average group



MANOR OF LULLINGTON, SUSSEX  
To Battle Abbey

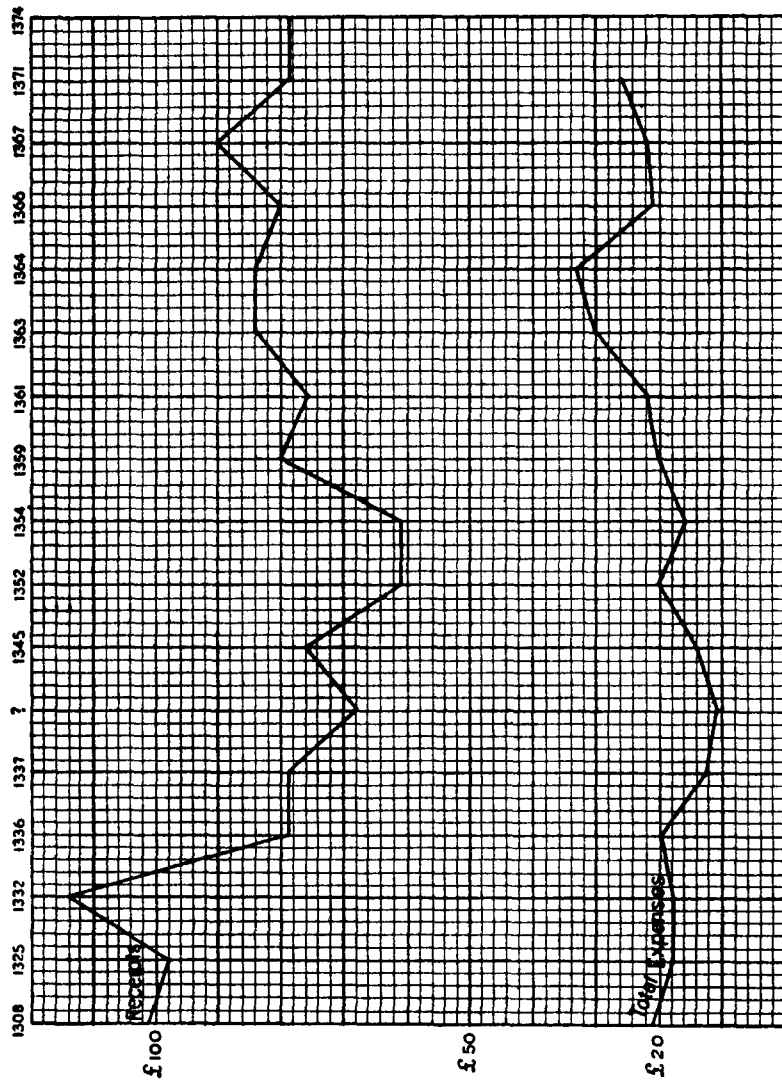
with receipts under £100, could have seen its expenses doubled in each year between 1346 and 1353 without losing its whole balance; in 1351 and 1353 expenses might safely have been multiplied by three. On this manor seigneurial dues played a very small part in producing a profit; the balance is purely agricultural. On most of the Winchester manors, however, the seigneurial payments are a very important item, ranging from £20



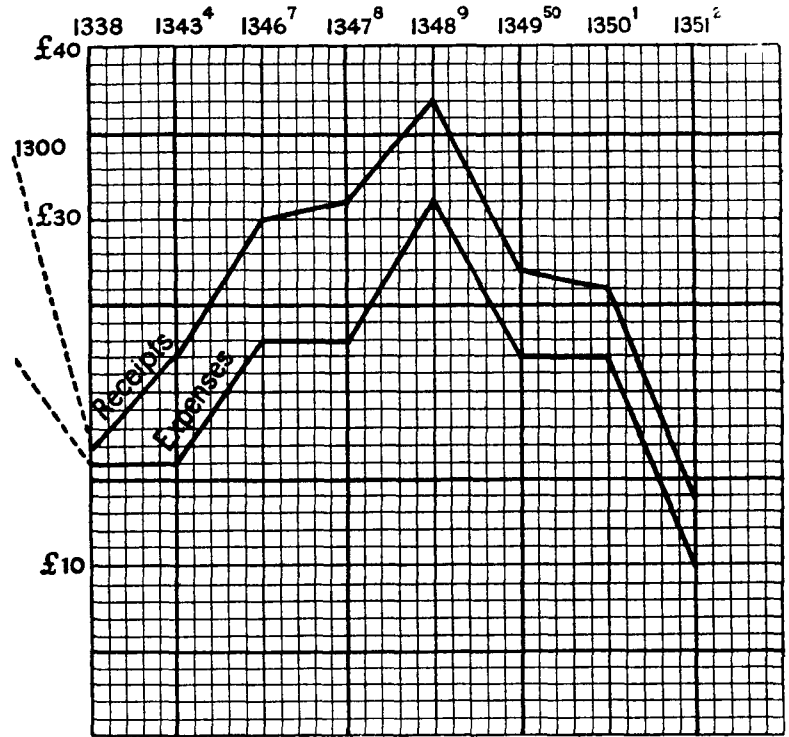
MANOR OF APPLIEDRAM, SUSSEX. To Battle Abbey



to £100 and sometimes more. On the Battle Abbey and the Merton College estates the seigniorial payments through the courts are almost negligible; they rarely rose above £1 or £2, and might sink to 1s., and obviously did not pay the expenses of the seneschal's visit.



MANOR OF WOOLSTONE, BERKS.  
To the Priory of St. Swithun, Winchester



MANOR OF IBSTONE  
To Merton College

The St. Albans Abbey courts, though so carefully held, could only have produced comparatively small sums. It is evident that we have here an interesting line of differentiation, which may supply one of the many reasons for the disastrous decay of the courts in the fifteenth century.

Apart from technical points, indeed, one of the most

striking differences between the accounts of various groups of manors is the wide divergence in the average incomes to be expected. Obviously the size of the manor, as well as its fertility and prosperity, would be an important factor. But the cleavage seems to go deeper and to suggest very real differences of burdens, of method, and of success. Apparently none of the St. Albans Abbey manors within the 'liberty' produced as much as £30 per annum, while the greater number of them produced less than £20; the total revenue of the abbot from within the 'liberty' is calculated at £315, while the revenues of all the obedientiaries amounted to £324; property outside the 'liberty' accounts for £163 more. This sum of something under £900 includes some 'farms' and 'pittances' to the various obedientiaries, and the revenues due from many churches. These figures are drawn from an elaborate statement in the St. Albans Formulary Book,<sup>1</sup> and they are somewhat unsafe, in that no date is assigned to them. However, the Formulary Book was compiled in and after 1382 (apparently in a moment of panic after the wholesale burnings of 1381), and it would seem safe to assume that the calculations belong to the second half of the fourteenth century. Since this account includes all the profits of the courts, and we know how very strictly and regularly the courts were kept, it is obvious that the dues exacted must have been comparatively low. St. Albans, of course, ranked as a rich abbey, but evidently its wealth did not depend only upon its estates. A hasty comparison with the revenues of the bishop of Winchester suggests a very sharp difference. The manorial revenues alone of the bishop, as recorded in his pipe roll, reached the sum of £2,730 as early as 1209. By the middle of the fourteenth century five manors together would produce over £1,000 profits, without including Taunton, which showed a net balance of £700. The total receipts in 1316 were between £5,000

<sup>1</sup> Cambridge University Library, Ee 4. 20, f. 215a.

and £6,000.<sup>1</sup> Only the Hampshire and Somerset manors show such large figures. The average receipts would seem to have been well over £70, while only a small minority sink below £30. The contrast is remarkable and helps to form something like a standard of comparison. That is, any two of the six wealthiest of the Winchester manors would have equalled the whole manorial revenue of the abbot of St. Albans, while the remaining four of these six would have more than balanced the revenues of the obedientiaries. Some such scale of payments and values must be borne in mind whenever a landlord is to be summed up as lenient or oppressive. Turning again to the Merton manors, we find that Ibstone, one of those most frequently quoted by Thorold Rogers, has total receipts ranging from £17 up to £31 and down again to £14, between 1338 and 1352. The serious cause of variation is always the sale of corn. At Cheddington, between 1341 and 1375, the receipts vary between £29 and £41; at Cuxham the limits would seem to be £50 and £26, while Gamlingay, which shows sharper variations, from £15 to £75, has its accounts complicated by heavy rectorial tithe. The perquisites of the court at Ibstone dropped to 1s. 1d., or 3d., both before and after the Black Death; Cheddington has 6d. before the pestilence and 3d. after, with 4s. as a maximum. Hence it is not surprising to find that in 1375 no courts were held. Comparing again with Winchester, we find that the profits of the court of one of the bishop's manors in 1208 would equal the total receipts of several of the Merton manors in 1340 or 1380. Hence it is at least clear that the evidence from the Merton manors is purely economic and agricultural; no question of the emoluments of justice is involved. No satisfactory reason can be suggested for the very marked differences in the seigneurial dues: it is not entirely a matter of geography,

<sup>1</sup> The bishopric was valued in 1293 for Pope Nicholas' Taxation at £2,977, and in 1535 at £5,885.

as the Merton estates are in some cases reasonably near to the outlying Winchester manors, as are also some of the Battle Abbey manors. The generalization may be hazarded that, wherever a group of estates had been consolidated at an early period, perhaps a pre-Conquest period, the courts tended to be better and more strictly organized, and the dues heavier and the profits larger. This may be an entirely fallacious argument, but at least a consideration of the Winchester, St. Albans, and Ramsey estates, over against those of Battle Abbey and Merton College, would seem to lend it some probability.<sup>1</sup>

The great disadvantage of working in such voluminous material as account rolls is that even the most careful of historians lays himself open to contradiction by almost any other worker in parallel fields. Contrary results can always be obtained by a deliberate or even by an accidental choice. It is well, therefore, to remember that in some cases the original cause of difference will be personal, not economic. Even the account rolls may show indirect results of temperament. The contrasted economic types, which remain even to this day to complicate most social problems, are remarkably well illustrated by a little-known fourteenth-century poem entitled *A good short Debate between Winner and Waster*.<sup>2</sup> Its vivid dialogue may perhaps provide the clue for reconciling many of the divergent conclusions reached by more prosaic writers of economic history.

<sup>1</sup> Colleges, of course, started late in the acquisition of estates, as compared with bishoprics and abbeys, and they had few, if any, special officials for the maintenance of manorial economy. Their estates were scattered over many counties, and they had little, if any, connexion with local justice.

<sup>2</sup> Edited by Sir Israel Gollancz (1920). Its date lies between September 1352 and March 1353.

#### IV

### STUDIES IN THE MANORIAL ORGANIZATION OF ST. ALBANS ABBEY

## FOREWORD

PROFESSOR LEVETT had been working for several years before her death on the material for a study of the manorial organization of St. Albans Abbey. In 1924, in a paper read before the Royal Historical Society, she gave some indication of the material on which she was at work and the conclusions to which she was tending. She later agreed to edit some of this material for the British Academy and to accompany it with a long descriptive and analytical introduction. This work was well advanced at the time of her death. She had transcribed a good deal of the material which she intended to print in full—entries in the St. Albans court books of a date earlier than 1246—and had notes of later entries in the same court books and of other documents which she intended to abstract or to print in part. She had also blocked out the scheme of her long Introduction, and written at least a part of every section. From a rough plan of this introduction which was found among her papers, it is evident that she intended to arrange it under the following headings: (a) *Description and History of the MSS.*; (b) *Economic Description*; (c) *Administration and Judicial System*: (i) Central, (ii) Halimotes, (iii) Councils, (iv) Procedure; (d) *Customary Law of the Manor*, including sections on Marriage and Wills; (e) *Economic Questions in 1349–81*; (f) *Bearing of this evidence on 1381*; (g) *Conclusion*. But unfortunately, though some were far more finished than others, no one section was complete.

In consequence, when her papers were examined after her death, it was clear that the book was not in such a state that it could be published in the form which she had herself intended. It seemed possible, however, that by using the more finished parts of the Introduction, a number of isolated essays and short studies might be made ready for publication, with an appendix composed

of some of the materials which Professor Levett had transcribed. The late Miss M. V. Clarke took on this editorial responsibility, but her own death followed in 1935. She had only been able to go through the materials, to decide which parts were suitable for publication, and to jot down a few suggestions for their treatment.

The work then devolved on the present editors. After careful consideration they have decided that it is impossible for them to indicate every occasion on which they have made merely verbal alterations in Professor Levett's text, have changed the order, have incorporated material from her notes, or have themselves added a phrase or sentence to bind together two pieces of the text. The change in the form, from continuous narrative to independent essays, the compulsory omission of several sections altogether, and the unfinished state of the text itself have made a number of minor changes, in their opinion, inevitable, and any method of showing what they are would make the reading of the Studies extremely irksome and would serve no useful purpose. On the other hand, they have carefully indicated in a note any occasion on which they have had to supplement Professor Levett's work; as for instance when she had not yet examined some source which she intended to use, or when, having examined it, she had not yet incorporated the results into her text. In one or two instances Professor Levett's papers suggest that the views expressed in her text were no longer those which she accepted. On these occasions too the editors have taken the responsibility of altering the text and substituting for it a statement of the revised opinions, and these alterations have also been clearly marked.

The editors cannot express too highly their appreciation of the help given them by Miss K. M. E. Murray, B.A., B.Litt., formerly of Somerville College, Oxford, and now of Ashburne Hall, Manchester University, in sorting out Professor Levett's papers, in examining manuscripts,

in checking references, in making the map of the Liberty of St. Albans which has been added and in compiling the Index. They regret that they are unable, through ignorance, to thank, on Professor Levett's behalf, the many scholars to whom she was indebted for advice and assistance while working on this St. Albans material. They are able, however, to thank Mr. Reginald Hine, of Hitchin, who most generously put the Norton Court Book at Professor Levett's disposal, and has permitted the present editors to retain it until their work is completed, and the Master and Fellows of Sidney Sussex College, Cambridge, for their kindness and courtesy in giving facilities for the consultation of the Langley Court Book.

H. M. CAM.

L. STUART SUTHERLAND.

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THE history of St. Albans Abbey is exceptionally well known through its almost inexhaustible chronicles, and from the same sources, given patience and some ingenuity, much of the history of its manors and manorial policy might also be extracted. It is perhaps for this reason that comparatively little effort has been made to investigate and use the non-chronicle material for the history of the Abbey's organization. Yet such material is abundant, almost superabundant, despite the fact that at first sight it is the lack of the usual classes of records which strikes the would-be historian.

### *Ministers' Accounts.*

The Ministers' Accounts available at the Public Record Office are, with the exception of the account rolls of St. Mary des Prés,<sup>2</sup> entirely negligible. The only other document thus catalogued in the Public Record Office bearing on St. Albans possessions is a document of 2-6 Henry V for Park Sokone and Sandridge.<sup>3</sup> It appears, however, to consist of a suit about the lands of John Harpesfeld, deceased.

<sup>1</sup> [Professor Levett had worked out this chapter and written a great part of it. She had, however, left gaps for the description of most of the manuscripts. These descriptions have had, therefore, to be added from an examination of the manuscripts themselves, and of Professor Levett's notes on them. With regard to the method in which the court books were drawn up, she was of opinion when she drafted her chapter that they were made up at very frequent intervals over long periods, but after discussion with palaeographical experts she seems to have adopted the view herein expressed (pp. 89-92 *infra*), a view which, indeed, seems almost unavoidable if the whole series of court books is examined. L.S.S.]

<sup>2</sup> P.R.O. 867/21-36. Of the sixteen manuscripts two, nos. 27 and 28, are not account rolls, but memoranda, and one, no. 29, is an account roll of the Collector of the City of St. Albans. The thirteen account rolls remaining deal with five years in Ed. III's reign; 15-16, 16-17, 24-5 (two rolls), 26-7, 30-1 Ed. III; and with seven years in the fifteenth century; 39 Hen. VI-1 Ed. IV, 4-5, 8-9, 10-11, 14-15 Ed. IV, 22 Ed. IV-1 Ric. III and 1-2 Ric. III.

<sup>3</sup> P.R.O. 867/20.

*Court Rolls.*

There is no court roll of any St. Albans manor in the Public Record Office of a date earlier than 1381, and only four fragments of a later date; one of Westwick for 1 and 3 Henry IV, a single parchment membrane 24 in. × 10 in.<sup>1</sup>; one of Hexton for 7 Henry VIII, a single sheet of paper;<sup>2</sup> one of Moor Park and Rickmansworth, five parchment membranes for 12 and 22 Henry VIII,<sup>3</sup> and that of the prioress of Sopwell for 4–23 Richard II, consisting of seven parchment membranes.<sup>4</sup> The British Museum possesses only one manuscript which may possibly be a fragment of a roll, a fragment for Park, consisting of three entries from the Easter court of 20 Henry VII.<sup>5</sup> Indeed the only tolerably consecutive court roll of St. Albans manors known to exist for a date earlier than 1381 is that of 22 Edward III in the Cassiobury collection, now in the Hertfordshire County Repository.<sup>6</sup>

It seems reasonable to attribute this lack of records of a date earlier than 1381 in part at least to the extensive burning of rolls and muniments which took place at St. Albans in that year during the Peasants' Revolt. Then, as the *Gesta Abbatum* narrates, the rebels 'Non solum libros de officio Archidiaconi eorum notantes excessus et vitia, scelera et delicta, rapuerunt et incenderunt, sed multa munimenta Monasterii in eadem furia combusserunt',<sup>7</sup> and the court rolls contained material which they were very anxious to destroy.

The incompleteness of the records after 1381 requires, however, another explanation. The court rolls after this

<sup>1</sup> P.R.O.178/79. <sup>2</sup> P.R.O.177/38. <sup>3</sup> P.R.O.178/5. <sup>4</sup> P.R.O.178/30.

<sup>5</sup> B.M. Add. Roll 28265, one membrane 10 in. × 6 in. All the entries relate to the land and heirs of John Royse, so that it may be a special memorandum.

<sup>6</sup> Hertford no. 10,549. Extracts from either court rolls or a court book for Tyttenhanger, going back to 1238, were made for the use of the Victoria County History from records in the possession of Lord Caledon, but as he is no longer able to trace it in his collection, it has not been possible to ascertain whether the record was a book or a roll.

<sup>7</sup> *Gesta Abbatum Monasterii S. Albani* (Rolls Series), 1867–9, iii. 370.

date are certainly more plentiful, but they are still by no means complete or consecutive, and, except for the reign of Henry VI, they are very inadequate indeed. Apart from the fragments in the Public Record Office and the British Museum mentioned above, the Cassiobury collection at Hertford contains all that survive. Many of them have fallen to pieces at some time, and their membranes, some of them considerably damaged, have been sewn together without regard to order or the size of the original rolls. It is therefore hard to say precisely how many of the original rolls are here represented. There are entries touching (more or less incompletely) on at least twenty-nine regnal years between 1348 and the dissolution of the monastery.<sup>1</sup> Fifteen of these, the years for which the entries are most plentiful, fall in the reign of Henry VI. For no one year, however, is there anything approaching a full record. One possible explanation of the imperfect condition and relatively small number of these original rolls is suggested both by a statement in the *Gesta Abbatum*, and by the form of the rolls which have been preserved. The earliest roll in the Cassiobury collection, that of 22 Edward III, preserves in fairly complete form the records of no fewer than ten courts between 13 October and the end of the month. The rolls therefore illustrate the method employed in the fourteenth and fifteenth centuries for making the first records of these thirty courts, and they bring out the significant fact that the proceedings of a large number of courts (probably all those under the jurisdiction of the cellarer of the Abbey) were entered not on separate rolls but, as at Ramsey Abbey<sup>2</sup> and on

<sup>1</sup> Herts. County Repository nos. 6544-5 and 10549-82 consist of rolls for the years 22 Ed. III; 18, 21, 22 Ric. II; 4, 5, 6, 11, 12, 14, 15, 18, 23, 26, 32, 33, 35, 36, 37 Hen. VI; 16 Ed. IV; one n.d. Ric. III; 1, 2, 3, 5, 10, 11, 12 Hen. VII, and 3, 20 Hen. VIII.

<sup>2</sup> Ault, W. O., *Court Rolls of the Abbey of Ramsey and of the Honor of Clare*, 1928, pp. xlvi and liii. This seems to have been true at Ramsey only of courts held during the tourn. Court rolls have been found for separate manors, containing entries of halimotes held at other times. No such rolls have been found to exist at St. Albans.



the English Estates of the Abbey of Bec,<sup>1</sup> on one composite roll. All the entries are made consecutively for the various courts, on large, but not very large membranes of parchment, with occasional strips sewn on at the foot, several courts appearing on one membrane. Of the surviving rolls two have entries of views of frankpledge only (18 & 22 Ric. II),<sup>2</sup> another (22 Ed. III) has entries of halimotes only,<sup>3</sup> but the great majority have entries of both view of frankpledge and halimote. Since this was the system of enrolment employed in his courts, it is clear that the problem of the disappearance of the St. Albans court rolls is mainly that of the disappearance, not of a very large number of separate manorial rolls, but of a much smaller number of these big composite rolls.

This method of enrolment in composite rolls cannot have been much more convenient to the administrator than it is to the historian. The entries are not at all explicit, and fail to make clear whether courts were held at certain places where the suitors of several manors attended them, or whether the court migrated from manor to manor. Still further, the entries do not even show clearly how many courts were held nor at what times, for they are often of such a nature as to suggest that memoranda made at less formal meetings of the halimote were only recorded twice a year at the main courts. Most inconvenient of all, the records of any one court might be made, as one copyist remarks, *nimis diffuse in rotulo*,<sup>4</sup> wherever a space was available, so that the task of searching such a record must have presented formidable difficulties. These composite rolls were, in short, large and confusing records, presenting difficulties to the user greater than those normally created by medieval

<sup>1</sup> Maitland, *Select Pleas in Manorial Courts* (Selden Society), 1889.

<sup>2</sup> B.M. MS. Arundel 34, f. 43, refers to rolls of views of frankpledge of Edward I and Edward II.

<sup>3</sup> For possible explanation of this fact *v. ante*, p. 77 n. 2.

<sup>4</sup> Park Court Book, 15 Ed. III (St. Denis).

economy of space and parchment. These difficulties must have been increased with the passing of time. Well before the Black Death the custom of appealing to the court rolls had become common; search was constantly being made among the rolls which were kept in the stable in the courtyard of the Abbey; litigants were already offering their 'copy' of the rolls. After the Black Death much of the wisdom and the memory of the courts must have disappeared, and the confusion in the stable as well as on the individual roll was probably growing intolerable.

#### *Court Books.*

This seems to be the reason for the emergence of another type of record, which avoided some, though not all, the inconveniences of the roll, and the growth of which may have led to some neglect in the preservation of the court rolls. In the *Gesta Abbatum* there is a circumstantial narrative of the demand made by the villeins of Barnet in the disorders of 1381 that the abbot should hand over to them *quemdam librum confectum de Rotulis Curiarum* to be burned.<sup>1</sup> They asked, says the chronicler, because this book proved that almost all the houses of Barnet were held by the rolls, whereas in the time of the pestilence the inhabitants had taken advantage of the fact that the seneschal and cellarer were absent or indifferent to such transitory affairs, and had concocted false charters, alienating tenements among themselves by deed, as if they had been freemen.<sup>2</sup> The abbot promised to hand over the book within three weeks, but he was saved by the collapse of the rebellion, and the volume

<sup>1</sup> *Gesta Abbatum*, iii. 328.

<sup>2</sup> The cellarer had from a very early date been trying to prevent the alienation and demission of lands among villeins unless they had his permission (e.g. Norton Court Book, 56 Hen. III, St. Dunstan). These private agreements, though put in writing (charter), were illegal unless, being made with permission, they were entered on the rolls; and the cellarer tried to prevent their growth. Probably during the plague his vigilance was relaxed and the private agreements multiplied.

is now Additional MS. 40167 in the British Museum. The abbot knew only too well the origin and importance of this book, which can be deduced from one of its own entries under the year 1355. The heading runs: 'Curia tenta apud Gryndlesgate die lune in festo Sancti Dunstani Episcopi, anno R R E tercii a Conquestu xxviii<sup>o</sup>, temporibus venerabilis patris et domini, domini Thome de la Mare Abbatis, et fratris Johannis Mote Cellerarii, qui fecerunt fieri hunc librum ad solacium cellerariorum imposterum futurorum.'<sup>1</sup> There is a somewhat similar reference in the same authority at the same time. It is related that when the townsmen were trying to negotiate with the abbot during the suppression of the rebellion, they offered to return both the charters they had extorted and 'quemdam librum in quo veteres placitae inter Abbathiam et villanos habitae continebantur, quem quidem librum abstulerant in die furoris sui'.<sup>2</sup> Though the abbot's representative would come to no immediate decision about taking back the charters, he accepted this book and returned with it. The book was presumably that which the abbot showed them when they forced him to come out and speak to them when the riots were at their height

'en quel furent continuz un copie dun fet quel gentz de mesme la ville avoient pris dun son predecessour et Covent de mesme le lieu, par duresce et extorsinousement, contenant certeinez libertez; quel feat fuit puis dampne en la court le Roi par mesmes les gentz; dount le copie del dampnation issint de record fuit en mesme la livere, et plusours autres recordes des recoverez et ingres [entries?], que ses predecessours avoient encoutre lour auncestres et predecessours, gentz de mesme la ville.'<sup>3</sup>

Though no such book for St. Albans has survived, it seems probable that it resembled that *confectum de rotulis* of Barnet. If the Abbey could retain possession of these books it could face with some equanimity the burning

<sup>1</sup> Barnet Court Book, 28 Ed. III (St. Dunstan).

<sup>2</sup> *Gesta Abbatum*, iii. 343.

<sup>3</sup> *Ibid.* iii. 292.

of the court rolls themselves, for the books are simply registers of, or books of extracts from, the court rolls, containing everything that could affect the questions in dispute, and almost everything that was of any permanent value to the Abbey administration. It seems very likely, therefore, that more care would have been taken of other manorial records, especially the court rolls, had this more convenient form of record not been evolved.

These court books provide, however, a valuable substitute. Ten of them are known to exist to-day, and they provide the most important material for the history of the Abbey's manorial organization.<sup>1</sup> They are used as the main basis of these studies. Moreover, they have an importance which is more than local. All but one of them, the Winslow book, begin at an early date, the latest in 1286; the Barnet book begins in 1246, the date of the earliest court roll in print, and six others start before this, for two of them begin in 1237, one in 1238, one in 1240, and two in 1244. We have then extracts from the rolls of seven inter-related manors at an extremely early period, and, as will be shown, the extracts appear to have been full and the rolls themselves interesting and highly developed.

The table on p. 82 shows the court books known to exist and those, now missing, to which we have references.

<sup>1</sup> The nearest parallels to these Registers of Court Rolls seem to be the fifteenth-century court books of Tooting Bec (ed. G. L. Gomme, *Tooting Bec Court Rolls*, L.C.C., 1909) and certain extracts kept for the manor of Rickinghall by the officials of the Abbey of Bury St. Edmunds. The latter cover the period from 1259 to 1365, with some gaps, and were evidently copied in the time of Edward III. The abstracts were kept in more modest form than those of St. Albans, and at first contain little more than brief notes of marriages and child-birth; later they deal with questions of status, disposal of villein lands by charter, administration of wills, or the admission of a tenant who *devenerit servus domini gratis*. These abstracts (Add. MS. 40063) were pointed out to me by the late Mr. J. P. Gilson who had some intention of endeavouring to secure their publication. They resemble the St. Albans evidence as to the utter irregularity of holdings, and contain an unparalleled group of cases dealing with folds.

## LIST OF COURT BOOKS

## I. EXISTING MEDIEVAL COURT BOOKS

Manor	Dates	Omissions of long periods prior to 1460	Obedientary	Place of Deposit
Codicote	1237-1416		Cellarer	B.M. MS. Stowe 849.
Croxley	1257-1536	1 Ed. III-51 Ed. III (? lost)	"	B.M. Add. MS. 6057.
Cashio	1238-1460		"	B.M. Add. MS. 40626.
Barnet	1246-1537	4 Hen. V-10 Hen. V	"	B.M. Add. MS. 40167.
Park	1237-1537		"	B.M. Add. MS. 40625.
Winslow	1237-1246		"	B.M. Cart. Harl. 58. F. 30.
	1327-1460	1 Ric. II-10 Hen. V (? lost)	"	Camb. Univ. Lib. MS. Dd. 7. 22.
Abbots Langley	1244-1460	1 Ric. II-10 Hen. V	"	Sidney Sussex Coll. Cambridge MS. Δ i. i
Kingsbury with Westwick and Childwick	1240-1331		Cellarer and Refectorarius	Herts. County Repository. Gorbamby Deeds. X.D.o.
Newland	1286-1366		Kitchener	Bodleian Library. Gough. Herts I.
Norton	1244-1460	1 Ric. II-7 Ric. II	Cellarer	In the possession of Mr. Reginald Hine, Hitchin.
Tyttenhanger	1238-		"	At Tyttenhanger Park? (see note 6, p. 76).

## II. COURT BOOKS MENTIONED IN OTHER MSS. NOT KNOWN TO BE EXTANT

Manor	Dates	Obedientary	Place of mention
Hexton	1237	Cellarer	Mentioned by Francis Taverner in B.M. Add. MS. 6223, f. 9 (see p. 88).
Rickmansworth	Henry III	Sacristan	Mentioned in B.M. MS. Arundel 34, f. 42 d. (see p. 98).

*Winslow* (Camb. Univ. Lib. MS. Dd. 7. 22).

The Winslow book, a gift to the Cambridge University Library from George I in 1715, was extensively used both by Cunningham in his *Economic History* and Seeböhm in his *English Village Community*. It is a volume of 162 folios, 19½ in. × 13 in., the foliation of which falls into two parts: ff. 1-107 cover the years 1 Edward III to 51 Edward III; and ff. 1-52 (a later numbering) those from 1 Henry VI to 38 Henry VI.

The reign of Henry VI is written up in three distinct hands.<sup>1</sup> A note in a fifteenth-century hand on f. 53 of the second half states that there were 294 folios in the book.<sup>2</sup> A librarian's note of 1878 made on f. 55 points out that there are now 162 folios in it; therefore 132 folios have disappeared, and another fifteenth-century note on f. 107 shows that the first part is complete except for one folio and that the loss must consist of the entries for the period 1377-1422. There is also in the British Museum a single folio, Cart. Harl. 58, F. 30, containing entries of the halimote of Winslow for the years 1237-46 and headed on the dorse *Extracta Rotulorum*, which may be one of some still earlier folios, although its size (14 in. × 8½ in.) and handwriting do not correspond with those of any of the other books.

The two court books for Croxley and Codicote, which had been long in the possession of the British Museum, have been used occasionally.

*Croxley* (B.M. Add. MS. 6057).

The Croxley volume belonged to William Cole, the antiquary, and was copied by him with a few annotations. He states that he obtained it as a gift from Mr. Joseph Bentham, Printer to the University of Cambridge, in 1749.<sup>3</sup> It is a volume of 46 folios, parchment, save for ff. 1-3, which consist of an Index drawn up in 1566, on paper. Its folios are of three different sizes, the biggest of which are 20 in. × 13 in. Entries extend from 1257 to 1536, when the manor came into the king's hands at the dissolution. The whole reign of Edward III is unfortu-

<sup>1</sup> ff. 1-8<sup>v</sup>, 1 Hen. VI-3 Hen. VI; ff. 9-50, 4 Hen. VI-36 Hen. VI; ff. 50-2<sup>v</sup>, 37 Hen. VI-38 Hen. VI.

<sup>2</sup> The statement continues: 'caret inde xxvi fol. deliberat magistro Denyn Park (?)'.

<sup>3</sup> Cf. Add. MS. 5834, which is vol. 33 of Cole's MS. notes, p. 221. Cole desired that the original should be returned to Caius College, Cambridge, to which the manor of Croxley belonged, as he despaired of its return to its rightful owners 'that Church [the Roman Catholic], the only probable means to secure Christianity'.

nately missing. The book falls into four parts, differing in handwriting, arrangement, and in size. The first part, ff. 4-16<sup>v</sup>, runs from the beginning to the end of Edward II's reign, with occasional gaps left for entries which were to have been added later. The second, ff. 17-32, written on slightly smaller folios, covers the reign of Richard II and continues up to 10 Henry V. The third, ff. 33-40, covers the years 1-38 Henry VI. The fourth, ff. 41<sup>v</sup>-6<sup>v</sup>, contains, on still smaller pages, a few entries for 23-8 Henry VIII.

*Codicote* (B.M. MS. Stowe 849).

The Codicote volume does not appear to have a traceable history. It consists of 126 parchment folios, about 17½ in. × 12 in., and contains entries from 21 Henry III to 4 Henry V. It appears to fall into two parts: one, ff. 1-104<sup>v</sup>, covering the years up to the end of the reign of Edward III; the other, that of Richard II to the end, ff. 105-26<sup>v</sup>. Each of these parts is written by a single hand. The entries for Henry V's reign are somewhat out of order and incomplete at the end.

While these three books have been used by historians to some extent, the remaining seven do not appear to have been used at all.

*Abbots Langley* (Sidney Sussex Coll. Cambridge MS. Δ i. i).

The court book of Abbots Langley in the possession of Sidney Sussex College, Cambridge, is stated to have been received as a gift in 1641 from Francis Combes, of Hemel Hempstead, who left the manor to the College in his will. It is a vellum book of 130 folios, measuring 19½ in. × 13 in., the last 12 of which are damaged. Its entries run from 28 Henry III to 38 Henry VI.<sup>1</sup> The reigns of Richard II, Henry IV, and Henry V are missing altogether. The entries fall into two divisions clearly

<sup>1</sup> This last heading is, however, illegible.

differentiated by writing and arrangement, ff. 2-106 forming the first part (f. 1 is missing and f. 107 blank); ff. 108-30, 1-38 Henry VI, the second. The foliation is, however, not continuous, but begins again at 1 Edward III and 1 Henry VI. Both parts resemble very closely the similar portions of the other court books.

*Norton* (in the possession of Mr. Reginald Hine, of Hitchin).

The almost complete set of unbound quires for such a book for Norton is in the possession of Mr. Reginald Hine, of Hitchin, who has most kindly permitted me to have the use of it at my leisure. These unbound folios evidently once formed a book, of which a few folios are now missing, three of them covering the first seven years of Richard II. There are now 79 folios, of which two are blank, measuring either 20 in. × 13½ in. or 18 in. × 13 in., containing entries from 28 Henry III to 38 Henry VI. They fall, as usual, into three sections: one covering the period up to the end of Edward III's reign (ff. 1-53), written by a single scribe; the second, on smaller folios and also written by a single scribe, except for f. 70, which is added by a scribe who also makes a few entries at the end of the book, continuing from 8 Richard II to 13 Henry IV (ff. 54-70); the third, from 1 to 38 Henry VI, continues, once again in a uniform hand (ff. 71-9) until 37 Henry VI; on the last folio a scribe with a larger, shakier hand (the same one who is responsible for f. 70) makes the two or three entries that remain. The foliation in the original begins afresh at the beginning of the reigns of Edward II, Richard II, and Henry VI.

In 1922 the British Museum acquired three more books; those of Cashio and Park from the collection of papers at Cassiobury in the possession of the countess of Essex, and that of Barnet, in two volumes, from Major Howard.

*Cashio* (B.M. Add. MS. 40626).

The Cashio court book is made up of 156 vellum folios, 18 in. × 13 in. It came into the possession of the Essex

family from a granddaughter of Sir Richard Morison, into whose hands the manor passed in 1545. The entries cover the years 1238-1460, and are divided by handwriting and method of arrangement into three parts. From the beginning to the end of Edward II's reign (ff. 1-92) it appears to be in one hand, although the British Museum catalogue suggests that from 40 Edward III to the end of the reign it may have been made up at short intervals. There are a few gaps due to loss. The second part, ff. 93-132<sup>v</sup>, is less homogeneous in handwriting, and was probably made up at different times. It covers the years 1 Richard II to 7 Henry V, but has occasional gaps and becomes imperfect towards the end. The third part, ff. 133-156<sup>v</sup>, 1-38 Henry VI, is in a new hand and appears uniform throughout.

Park (B.M. Add. MS. 40625).

The court book of Park came into the possession of the Essex family in the same way. In 1547 it passed with the manor to Sir Anthony Denny and in 1608 to Sir Charles Morison. It consists of 229 folios vellum, of which f. 120 is blank, measuring 20 in. x 13½ in. Entries run from 1237 to 1537 and fall into four divisions. The first (ff. 1-119) goes from the beginning to the end of Edward III's reign. The second, on slightly smaller vellum and in quite a different hand, from 1 Richard II to 3 Henry VI (ff. 121-84); this part is apparently made up at different times though it appears to be in the same hand. The third part, of the same size as the first, but in still another hand, begins again at 1 Henry VI, with slight variations, and continues until 38 Henry VI (ff. 185-212<sup>v</sup>). The fourth (ff. 215-29), on still smaller vellum, covers, in yet another hand, the years 23-8 Henry VIII.

Barnet (B.M. Add. MS. 40167-8).

Of the two court books of Barnet acquired by the British Museum from Major Howard, the second is

Chippingbarnet. Cur' tenet apud Gryndlesgate die Lune in festo  
su' Sunstam Ep'i. anno. R. E. terti a Conquestu. xxviii.  
Compositus venerabilis patris & domini domini Thome de la  
Mare. Abbatis. et frs Johis Mote Cellerari. qui fecerunt fieri  
hunc librum. ad solacium Cellerarioru' posterorum suorum.

Johs Godfred. Thomis Hamond. Johs Chalkhull.  
Ren' m le bale. Johs Godd. Johs maproet.  
Ric' Rog' & Agn' v<sup>r</sup> est. sum' & una fedu' Thill' cur' & Johis Stylio fil' & heres Thillie cur' p  
acti' spore & hedi' da' Thill' cur' ger' firmavit in que fuit da' Thill' remon' sibi & sine m' vltm'  
sic mde dno' terru' debet' & consuet'. Et q' Johs Stylio dno' heredi' da' ten' su' p'm' & remon' vltm'  
p'mone m'uogus' cur' & consuet' e' custodia' da' Johis stylio cur' suo usq' ad hunc' admi'. Et bat  
dno' p' gresima' n. s. Et dca' stylio p' custodia' dy. d. Et sic' sibi.  
Die. e. h'nt' Thillm' atte' Mere ad ostend' q'de' m'gna' e'. m' ten' Thill' barcelmeise sibi dimisso sine  
h'nt'.  
Johs' kunghton' m'at' & penam' v. s. eo qd non repavit' vassu'. m' ten' Johis' kint' sicut' a' pcept'  
fuit m' cur' p'cedent'. Et addit' p. e' ebid' repavit' dno' vassu' c' p'v' sub' pena' xx. s. & e'.  
Thome' cur' s'pyngholt' reman' m' man' dno' eo q' Thome' cur' se' elongavit' nescit' ubi. Ideo  
p. e' debell' respond' de curia'.  
Johs' Godfred' m'at' est' penam' n. s. eo q' non curavit' quoddam' fossat' p'curat' apud h' Southams.  
ad noc' dno' & e' sicut' a' pcept' fuit m' cur' p'cedent'. Et addit' p. e' ebid' cur' p'v' sub' pena' m. s. m. d.  
Die. e. s'cur' m' man' dno' o'mia' t'ras & t'cu' que fuit' Johis' horele' m' magna' Barnet' & resp'nd'  
dno' de curia'.  
p'ced' q' Adam' Robt'. Ric' Coher'. Ric' Smith'. Thill' Gualfias'. Thill' kiam'. Thome' p'ced'  
p'ced' q' Adam' Robt'. Ric' Coher'. Ric' Smith'. Thill' Gualfias'. Thill' kiam'. Thome' p'ced'  
Johs' p'ced' q' Adam' Robt'. Ric' Coher'. Ric' Smith'. Thill' Gualfias'. Thill' kiam'. Thome' p'ced'  
m' p' q' heres' h'nt' Radh'm' non g'ert' ten' s'iu' s' p'm' com' p' estimat'. xx. ac' t'ea' hosta'. Ideo  
p. e' debell' s'cur' dno' ten' m' man' dno' & resp'nd' dno' de curia'.  
Johs' p' q' Thome' m'ced'p'ced' mort' e'. qui tenuit' de dno' n. m' f'uat' & t'ran' noc' Thome' s'ond' &  
t'ran' noc' Thome' s'ond'. com' p' estimat'. b. ac' the' fuit' null' p' p'curat'. Et q' null' p' p'curat'  
p' dca' t'ra. Ideo p. e' debell' t'ranere m' man' dno' & resp'nd' dno' de curia'.  
Thill' Marechal' & Johs' m' le hale. p' q' Thome' h'om'. Adam' Robt'. Ric' Coher'. Johs' Smo'.  
Johs' p' h'ere'. Scolast'ca' Galv'ar'. Thill' h'eb'nd'm'. Ric' Smith'. h'ent' m' le bale. Johs' Gorgesio'.  
Johs' Godd'. Robt' de hodeson'. Thill' Map'. Robt' p'at'e'. Johs' p'ced' h'ere'. Robt' h'om'f'ier'. Simon'  
Raub'. Thill' ffalk'. Thill' h'eb'nd'. h'ac' & f'eg'at' ass'm'. Ideo & e'.

Estbarnet. Cur' tenet apud Gryndlesgate. die & anno supradictis.

Johs' Joseph. Robt' Roff'. Johs' ante' Thillie.  
Thill' Degeve'. Johs' Ruffel'. Thome' ante' Thillie.  
Adit' p. e' t'ranere m' man' dno' omnia' t'ras & t'cu' q'da'. Rogi' deph'm' & resp'nd' dno' de cur' p' p'curat'  
fuit m' cur' p'cedent'.  
Johs' p' q' Robt' d'ull'. Thill' ebe'. Thill' Crouchman'. p'bus' Edman'. Johs' Lyght'p'ce' Thill'  
Thill'mot'. & Thill' G'ons'p'. f'ent' default'. Ideo q'm' m' ma'.  
Johs' Ruffel' p' q' adit' h'unt'. Thill' ante' Thillie. Robt' Roff'. Johs' h'ade'. Robt' Roff'.

Barnet Court Book (Brit. Mus. Add. MS. 40167), f. 88. Entry of Courts held for Chipping Barnet and East Barnet at Gryndlesgate, 19 May 1354

entirely post-dissolution. The first covers the years 1246 to 1537,<sup>1</sup> and includes an eighteenth-century map of Barnet common. It is a vellum book of 263 folios (save for three paper folios) measuring 19 in. × 13 in. It falls into five parts. The first, 1246–1377 (ff. 1–119), is in one hand. At least one folio is lacking before f. 1, and there are a few gaps and erasures. The second, in a different hand, and apparently made up at intervals, consists of ff. 119<sup>v</sup>–67<sup>v</sup>, and covers the reign of Richard II and continues up to 3 Henry V. The third (ff. 168–91<sup>v</sup>) completes the reign of Henry V. The last year of Henry V is imperfect. The fourth (ff. 192–242<sup>v</sup>) covers the reign of Henry VI in a new hand, while the fifth (ff. 243<sup>v</sup>–63<sup>v</sup>) consists of entries for 23, 25, and 28 Henry VIII in a sixteenth-century hand.

*Kingsbury* (Herts. Co. Repository. Gorhambury Deeds. X.D.O.).

Some portions also remain of a Kingsbury court book, which is among the Gorhambury collection deposited in the Hertfordshire County Record Repository by the Earl of Verulam.<sup>2</sup> The remains consist, firstly, of 12 loose folios, measuring 20 in. × 13½ in. (one gathering of 8 and one of 4 leaves), written in a fourteenth-century hand very closely resembling that in which the first sections of the other books are written. They contain very short and incomplete records, with several blank pages, of the court of Kingsbury, between the years 1240 and 1306. The manor, which in Henry III's reign was under the jurisdiction of the cellarer, passed later into that of the *refectorarius*, certainly by 1302,<sup>3</sup> and possibly earlier. The second part of the remaining record consists of a vellum book, written in a much later hand on folios measuring 16½ in. × 12 in. It begins in 1270 and continues

<sup>1</sup> The last entry is, however, undated.

<sup>2</sup> Lord Verulam most kindly permitted Professor Levett to examine this before it was deposited at Hertford.

<sup>3</sup> *Gesta Abbatum*, ii. 67 (Childwick). See pp. 112–13, *infra*.

until 1331. It is curious to notice that the overlapping years in no way coincide. While the courts recorded in the first part met at Westwick and Childwick, those recorded in the second half appear to meet at Kingsbury, and the dates in no single case coincide. They must therefore have been copied from different original rolls, though we have no means of knowing what they were.

*Newland* (Bodleian MS. Gough, Herts. 1).

A volume of the courts of Newland, drawn up at the order of the kitchener, to whom this court was assigned, is in the Bodleian Library. It is a book of 50 vellum folios, measuring 15 in. × 10 in., with entries from 14 Edward I to 40 Edward III. It has been wrongly bound, its entries are in considerable disorder, and it is very incomplete. At the bottom of f. 3 there is a note added, 'Hunc librum extractum de diversorum regum temporibus fecit conscribi Frater R. Beauuer, coquinarius huius monasterii'.<sup>1</sup> It is clearly written in two different hands, the writing changing when the beginning of the reign of Edward III was reached, but both hands belong to the fifteenth century, and the book not only was begun at a later date than, but differs in appearance from, the books drawn up by order of the cellarer.

The court books of other manors were no doubt compiled, and some of them may yet be discovered. In the seventeenth century there was an exactly similar volume for Hexton in the hands of Francis Taverner, lord of the manor of Hexton. He describes it as a 'Great Book of Extracts of Court Rolls in my hands A.21 Henry 3'.<sup>2</sup> Similarly, the sixteenth-century B.M. Arundel MS. 34 refers to the Extracts of the Rolls of the Courts of the Sacrist for Rickmansworth in the time of Henry III, Edward I, II, and III, and Richard II.<sup>3</sup>

<sup>1</sup> Is this the Robert Beaver who was seventy years old or more in 1454? Cf. *Registrum Abbatiae Johannis Whethamstede* (Rolls Series), 1872, i. 126.

<sup>2</sup> B.M. Add. MS. 6223, f. 9.

<sup>3</sup> f. 42<sup>v</sup>; for Arundel MS. 34 see p. 98, *infra*.

The manner in which and the time at which these books were compiled is not altogether clear. There is no reference to their inception except that of 1355 quoted above from the Barnet book, and the note, also quoted, in the Newland book.<sup>1</sup> It seems probable that it was with John Mote, the cellarer, in whose department the need was greatest, that the idea originated, since the two books which survive from the courts of the other obedientiaries appear to have been drawn up at a later date. That of Newland is, as has been said, in two fifteenth-century hands. That of Kingsbury, a manor which had passed from the hands of the cellarer to the *refectorarius* at latest by 1302, is in two quite distinct parts. It looks as if the cellarer, when he had those of his own courts done, had the rolls extracted for the years when the court was in his hands and for a few years later, and then handed them over to the *refectorarius*, but that the latter made no effort to bring them up to date nor to add to them until a much later period.<sup>2</sup>

John Mote was cellarer from 1353 to 1374.<sup>3</sup> The entry of 1355 is not a proof that the policy of extracting the rolls began that year, though such a reform might be the outcome of a reorganization of his office on his accession. The heading of the court held at Gryndlesgate in 1355<sup>4</sup> is the first in which the name of the new cellarer is mentioned, and a clerk writing later might well seize this opportunity to commemorate the originator of these new records. Some evidence as to the method of compilation, though by no means conclusive, is provided by the hand-

<sup>1</sup> See pp. 80 and 88, *supra*.

<sup>2</sup> This explanation is unsatisfactory (*v. infra*, pp. 112-13), but appears the only possible one to account for the discrepancies in this curious court book.

<sup>3</sup> Cf. Winslow Court Book, 27 Ed. III (St. Thomas)-47 Ed. III (St. Martin). John Mote's father is said to have been seneschal and *Auditor Computorum* to many different lords: surely there must have been admirable account rolls, possibly burnt by the mob in 1381. The impulse to keep these books may possibly have been due to parental example or exhortation. Cf. *Gesta Abbatum*, iii. 466.

<sup>4</sup> See p. 80, *supra*.

writing of the eight books drawn up in the cellarer's office and that of the loose folios of the Kingsbury book. In all cases the entries fall into three or four periods, as has already been noticed. The first of these periods appears in all cases to last from the beginning to the accession of Richard II, though in the case of the Kingsbury loose folios there are no entries after 1306, and in that of Croxley all the entries of Edward III's reign are missing. The handwriting is unchanged throughout each of the books until this date, and so very similar that they may indeed be written by the same scribe. It is possible, of course, that one clerk was occupied in extracting the cellarer's rolls for twenty-two years, from 1355 to 1377, first bringing them up to date and then adding to them at frequent intervals. This is, however, unlikely, and the books themselves do not give the impression during this period of being written over a long term of years. It seems more probable that the work was begun after 1355, though it must have been some time before Mote ceased to be cellarer in 1374.<sup>1</sup> All the entries up to 1377 are uniform in character and appear to be well and fully done, though in the earliest years of the record they display, as is natural, some uncertainty as to what is worthy of extraction, and in the reign of Henry III entries are found which have no later parallel; *Nichil in eo notabile*,<sup>2</sup> and occasionally *sunt plura notabilia que non possunt legi*.<sup>3</sup>

The second period runs from the accession of Richard II to some date near the end of the reign of Henry V. After 1377, when the impetus given by Mote was perhaps spent, there is some falling off. The Winslow book has a gap

<sup>1</sup> It is suggested in the British Museum catalogue that the court book of Cashio looks as if it may have been written in one piece up to 1366, and then possibly added to at short intervals until 1377. The others appear all to be written at the same time.

<sup>2</sup> Norton Court Book, 32-33 Hen. III, marginal entry between the courts of 32 Hen. III (St. Etheldreda) and 33 Hen. III (St. Peter ad vincula), App. I, p. 331. <sup>3</sup> Cashio Court Book, 56 Hen. III (St. Dunstan).

between 1377 and 1422, which is shown by the foliation to be due to loss. Croxley, Codicote, Park, Norton, Cashio, and Barnet all have entries in the same or similar hands, some apparently written all at one time, some possibly made up at uneven intervals. In the case of Barnet they fall definitely into two divisions.<sup>1</sup> The entries of this period were, like those of the preceding one, made on a uniform system, though a slight increase of entries out of order, and the occasional occurrence of years in which no entries were made, suggest the clerks were less careful. This system differed in some points from that of the period before; their entries are still long but are fewer in number. On the other hand, all the books reproduce one activity of the courts which is omitted in both the other periods: they transcribe (in many cases in full) all the wills proved in the courts.<sup>2</sup> The entries of this period end in a ragged line, stretching from Codicote, which ends with 4 Henry V, to Park, which go on until 3 Henry VI. After that date no extracts were made for at least twenty years.

The third period of entries seems to be the result of a renewed and determined attempt to extract the rolls, with the result that the entries between 1 and 38 Henry VI are as full and as systematic as those of the best years of Edward III. In this case no doubt is left as to the way in which the extracting was done. In the Barnet book the fourth section has the heading: 'Extracta rotulorum de halimotis sive curiis tentis in diversis maneriis sive dominiis ad porcionem abbatis pertinentibus ab anno primo regis Henrici sexti usque ad annum eiusdem regis . . . et ab anno tercio prelationis abbatis Johannis sexti (sc. Whethamstede) usque ad annum . . . Officium rexit hunc scriptor dummodo scripsit Librum Willelmus

<sup>1</sup> See p. 87, *supra*.

<sup>2</sup> Taverner noticed the same fact in his court book of Hexton, now disappeared (see p. 88, *supra*). It is impossible to say whether the wills were only enrolled during this period.



Walyngforth nomine dictus'.<sup>1</sup> Wallingford came into office some time before December 1451<sup>2</sup> but not earlier than 1445. As all the books of this period<sup>3</sup> are extracted in the same style, written in the same or very similar hands<sup>4</sup> and continue up to 1460, it seems that all the work of extracting this third section of the books was done in those few years.

After this date there was only the slightest vestige of activity until there were some small efforts of revival in the reign of Henry VIII, which make up the fourth period to be found in several of the books. The books seem therefore to be primarily the product of two active cellarers, first John Mote in the later fourteenth century, and then William Wallingford in the mid-fifteenth, with a period of less forceful and uniform but nevertheless valuable work lying between them.

The process of sorting the record of the court rolls under their appropriate headings and entering them in the folios which were later bound into books, must have been a work requiring considerable skill and much care. Occasionally a clerk has classified wrongly and has to write in the margin *cave pro Newenham*<sup>5</sup> or *vacat quia de Newenham*.<sup>6</sup> There was clearly some ambiguity as to the separate existence of some of the smaller courts, as for instance Boreham, the courts of which are in the fifteenth century occasionally entered under a separate heading in the Park book.<sup>7</sup> Probably only one scribe could work at a time, and it would seem most convenient to make the books up concurrently, abstracting from the roll on to a number of separate quires, until each roll was

<sup>1</sup> Barnet Court Book, f. 192.

<sup>2</sup> *Registrum Whethamstede*, i. 5.

<sup>3</sup> This period was either not done or (more probably) lost in the case of Codicote.

<sup>4</sup> Although Winslow is written in three different though similar hands, the rolls are extracted in the same style (see p. 83, *supra*).

<sup>5</sup> Norton Court Book, 39 Hen. III (Lammas Day), App. I, p. 332, n. 1.

<sup>6</sup> *Ibid.*, 1 Ed. III (St. Denis).

<sup>7</sup> e.g. 6 Hen. IV (SS. Philip and James).

finished. Probably the books were written in the Scriptorium, for, though the cellarer had a staff of his own, commonly called his 'Council', he had apparently no private quarters till John Mote, then abbot, built the Seneschal's Chamber, 1396-1401.<sup>1</sup> To keep spread out ten or more folios of a length of about 18 inches requires space and the Scriptorium would seem to be the best place to find it. The scribe employed in the first period is not one of the well-known hands employed in writing or copying chronicles, but the writing is not dissimilar and is that of a skilled and experienced person, very probably a product of the Almonry school which had been revived in 1328.<sup>2</sup>

Since the value of these books as evidence depends not only on the long and consecutive period they cover, but on the fact that their early entries precede any known court roll, it is important to determine how full and complete the extracts are. This can best be done by comparing them firstly with the earliest court roll printed, that of the English estates of the Abbey of Bec (1246),<sup>3</sup> and with those of Ramsey Abbey,<sup>4</sup> and secondly with those St. Albans court rolls which still survive, from which the extracts were made.

An analysis of the entries in the court books of the reign of Henry III shows a division of the cases into three main categories.

1. Administrative activities; surrenders of land, succession to land, exchange of land with the lord's licence, with appropriate payments by the parties to the abbot *pro conventionem sua affirmanda*, payments of merchet, and permission to villeins to live outside the vill. With these entries may be classed memoranda such as that of 33 Henry III (St. Peter),

<sup>1</sup> *Gesta Abbatum*, iii. 441, v. *infra*, p. 104.

<sup>2</sup> *Registrum Whethamstede*, ii. 305.

<sup>3</sup> Cf. Maitland, *Select Pleas in Manorial Courts*, and Gomme, *Tooting Bec Court Rolls*.

<sup>4</sup> Ault, W. O., *Court Rolls of the Abbey of Ramsey and of the Honor of Clare*.

at Barnet 'nomina eorum qui sunt de natione villate de Barnet ex patre et matre et fecerunt finem pro licencia ducendi uxorem et maritandi filios et filias'.

2. Judicial decisions of a penal character involving fines; for such offences as transferring land without licence, for marrying without licence, for failure to keep tenements in good order, for cutting down trees, for failure to perform services or pay rents when fines were sometimes levied on the whole vill. On one occasion when an 'inquisition' had been held three persons are fined for contradicting the verdict of the whole vill.<sup>1</sup> A number of entries report breaches of the assize of ale.
3. Cases between tenant and tenant, generally about disputed title to land, and dower. These are entered on the rolls primarily, no doubt, because payment had to be made to the lord for the right to hold an inquest of neighbours, but they are reported in detail.

If the extracts are compared with the Bec rolls the main difference is seen to be, on the one hand, that they exclude nearly all the business normally grouped under the heading of view of frankpledge, and many domanial offences (as for instance trespass), and in the second place that the entries with regard to land are much fuller and more regular in the St. Albans extracts than they are in the Bec rolls. Though it is not always quite clear why certain entries have been extracted (as for instance breaches of the assize of ale) the general principle is apparent. The clerks have been ordered to copy into the court books only those entries which might conceivably be used as precedents. It is clear from them that the business of the court was well developed by the time these extracts began. The first entry for the manor of Park (1236) notes a somewhat complicated plea and concord between Reginald de Slape and Walter of Tytten-

<sup>1</sup> Norton Court Book, 33 Hen. III (Pentecost).

hanger: the concord was made in the presence of Martin the cellarer and with his consent.<sup>1</sup> The third entry states that a certain Bartholomew, son of Walter Young (Juvenis), took the land of William Olyver as his inheritance before the halimote which had testified in the time of a former cellarer—Richard of Shelford<sup>2</sup>—that he was the nearest of kin. Though we do not know the dates of Richard's tenure of office, this carries the activities of the court some years farther back, and shows the court to have had its own technical phraseology and procedure before the earliest records begin. The method of keeping the record of the courts is also highly developed in comparison with the Bec rolls, to say nothing of the rough notes of the Winchester pipe rolls in 1208.<sup>3</sup> It has been suggested that the court roll began as a financial record, and only gradually achieved its place as a judicial record.<sup>4</sup> It seems, however, impossible to keep these two aspects apart for long; the form of the roll is adapted primarily to the mere recording of payments made to the lord, but the St. Albans rolls seem also from their beginning to have been used for purposes of judicial record. They must have contained full records of all transfers of land, they gave elaborate accounts of suits between tenant and tenant, and they recorded memoranda of administrative importance such as changes in manorial customs.<sup>5</sup> It was these judicial records which the court books sought to preserve, with an eye, of course, to their financial consequences.

This they seem to have done with considerable thoroughness, as is shown by a comparison of the court books with the surviving rolls of the fourteenth and fifteenth centuries. No doubt the later rolls themselves were fuller, and the probability that they would be

<sup>1</sup> Park Court Book, 21 Hen. III (St. Ethelburga), App. I, p. 300. <sup>2</sup> Ibid.

<sup>3</sup> Hall, H., 'The Pipe Roll of the Bishopric of Winchester, 1208-9' (*Studies in Economics and Political Science*, xiv, 1903).

<sup>4</sup> Ault, W. O., *Private Jurisdiction in England*, 1923, p. 142.

<sup>5</sup> e.g. the prohibition in 1355 of leasing land for less than two years without enrolment (see p. 188, *infra*).

used for proving precedents was greater than in the case of the rolls of an earlier period, but the principle of extracting appears unchanged. It is apparent from the later rolls that when a scribe finds a significant entry he copies it out verbatim. A comparison between the court roll (Herts. Roll no. 10559) and the court book of Cashio (B.M. Add. MS. 40626, f. 137<sup>v</sup>) with regard to a court held on St. Dunstan's day, 12 Henry VI, will serve as an instance. Save for the omission of an entry of an essoin, and another of the presentation of a number of men for an unspecified misdemeanour for which they are in mercy, the court book is a verbatim copy of the entry in the court roll for that date. There seems no reason to doubt that the scribe did the same with the earlier rolls, as the length of some of the earliest entries would themselves suggest. If this is so, the high value of these court books as selective transcripts of the earliest known court rolls is undebatable.

The non-consecutive material which can be used in conjunction with the court books is also plentiful though scattered, in many cases damaged and difficult to use.

#### *Chronicles.*

Much of it is printed in the famous chronicles of the Abbey. There is much of value for this purpose in the *Gesta Abbatum*, in Walsingham, Whethamstede's Register, vol. i, and in Amundesham.<sup>1</sup>

#### *Registers and Cartularies.*

Much is also to be found in Cartularies and Registers. The printed material is in *Whethamstede*, vol. ii, and in the *Addimenta* of the *Chronica Majora*, which contain (pp. 416-35) practically all the material in the British

<sup>1</sup> *Gesta Abbatum Monasterii S. Albani a Thoma Walsingham regnante Ricardo Secundo, ejusdem Ecclesiae Praeceptore, compilata* (3 vols.), 1867-9; *Thomae Walsingham Historia Anglicana* (2 vols.), 1863-4; *Registra quorundam Abbatum Monasterii S. Albani qui saeculo XV<sup>mo</sup> floruerunt*, vol. i. *Registrum Abbatiae Johannis Whethamstede*, 1872; *Johannis Amundesham monachi monasterii S. Albani, ut videtur, annales* (2 vols.), 1870-1. All published in the Rolls Series.

Museum Cotton MS. Nero D. 1.<sup>1</sup> The unprinted material is largely contained in the Cotton MSS. in the British Museum, in a fragmentary condition as a result of the disastrous fire of 1731. No attempt can be made here to give an exhaustive account of it. Such an attempt would involve a discussion of the complicated problems of the imperfect St. Albans cartularies, and could not be complete without an effort to reconstruct from casual and puzzling contemporary allusions, and still more casual survivals, the elaborate system of records evolved by the Abbey's central administration. These studies deal only with its manorial organization. Among the manuscript cartularies three general collections have been used. The first is MS. Otho D. III, a very much damaged collection, once consisting of 257 small folio vellum leaves, of which 201 remain, a fourteenth-century cartulary of the Abbey. Its remaining fragments still include Rickmansworth, Cashio, Watford, Sandridge, Hexton-Walden, Caldecote, Winslow, Park and Tyttenhanger, Stanmore, Langley, Croxley, Merridene, Micklefield, Little Bushey, St. Stephens, Luton, Barnet, and Oxhey. Some parts of this manuscript have, however, survived intact. The second half of B.M. Add. MS. 40734 (ff. 18-30) consists of copies of forty-five deeds relating to Codicote, probably removed from Otho D. III before Cotton acquired it.<sup>2</sup> The deeds date from the thirteenth or possibly the end of the twelfth century (No. 37, f. 28) to the fourteenth century. Julius D. III, a small volume of about 7¼ in. × 5 in. of 196 parchment folios of varied content, contains (ff. 1-124) a register of charters of gifts to the monastery, many of gifts to the Sacrist for the endowment of altar lights. They range from 40 Henry III to 17 Richard II, apart from one charter of 1474 added in a later hand. Nearly all of

<sup>1</sup> Matthew Paris, *Chronica Majora* (Rolls Series), vol. vi, *Addimenta*. Appendix III gives a full list of the contents of Cotton MS. Nero D. I, showing if and where they are printed. The omissions include the entries about military service (ff. 134<sup>v</sup>, 148<sup>v</sup>, 172<sup>v</sup>-3) quoted by Professor Levett (*v. infra*, pp. 126, 128).

<sup>2</sup> *British Museum Quarterly*, vii. i. 15.

the varied contents of Nero D. I have been printed.<sup>1</sup> Certain unprinted portions have, however, been used: statements as to the manner in which the burden of knight service and financial assistance was adjusted in St. Albans (ff. 172<sup>v</sup>-3), included in some notes on knights' fees, and entries dealing with military service (ff. 134<sup>v</sup>, 148<sup>v</sup>, 173). A sixteenth-century register containing important material is B.M. Arundel MS. 34, a volume measuring about 11 in. × 7½ in. and containing 90 vellum folios.<sup>2</sup> It is called 'Registrum de diversis terris et tenementis adquisitis per magistrum Johannem Whethamstede et dominum Thomam Ramryge Abbates exempti monasterii S. Albani'. It consists chiefly of titles to lands, legal documents of various kinds, and a few administrative records. The materials used in this study come from ff. 38-45<sup>v</sup>, the pleadings in a case of dispute between the Abbot John Whethamstede and William Flete concerning the manor of *La More* in Rickmansworth, and the final indenture settling it in 1431.

The material used to supplement the court books has therefore been confined to these registers, cartularies, the customaries, the little group of fourteenth-century extents and rentals known to survive, and the Formulary Book preserved in the Cambridge University Library.

#### *Customaries.*

The only customaries useful for our purpose are to be found in a long section of MS. Tiberius E. VI (ff. 8-58<sup>v</sup>), comprising the *consuetudines* of fifteen St. Albans villis. It is a small folio volume in vellum, containing 245 leaves, considerably damaged. The manors included are Park, Sandridge, Walden, Bradway, Codicote, Norton, Newnham, Hexton, Rickmansworth, Croxley, Cashio, Britwell,

<sup>1</sup> See p. 97, *supra*.

<sup>2</sup> It has written on the first page the name of R. Blakene, cellarer of the Abbey in 23 Hen. VIII (see Park Court Book, 23 Hen. VIII (Pentecost), and a stamp has been added later, 'Soc. Reg. Lond. ex dono Henr. Howard Norfolciensis'.

Childwick Magna, and Winslow and Horwood together, and one whose name is missing.

It is not possible to date this section precisely. Entries in the court books, however, suggest that its contents may be some of the customs which were written down in 1284 when, as at Barnet, twelve men were sworn 'ad faciendum scribere omnes consuetudines et servicia que unusquisque tenetur facere ratione terrarum et tenementorum suorum', and when the bondagers of Codicote were ordered to have their services written down in *quodam rotulo*.<sup>1</sup> From internal evidence the customaries are shown to be earlier than 1331, and though the handwriting points to a date later than 1284, they may well be copies of the original rolls made for entry in a book of precedents some time after the actual inquisition was made.

#### *Extents and Rentals.*

This material may profitably be compared with the extents and rentals of the fourteenth century. The most important of these are the four fine uniform volumes, the extents of Tyttenhanger<sup>2</sup> (1331) and Codicote<sup>3</sup> (1332), in the British Museum, and those of Cashio (1332) and Park (1331) among the Cassiobury collection at Hertford.<sup>4</sup> The British Museum also possesses an extent of Caldecote (a small manor held of the lord of Oddingselles), drawn up in 1340, which closely resembles in size, make-up, and

<sup>1</sup> Barnet and Codicote Court Books, 12 Ed. I (St. Luke). At Codicote and Abbots Langley only six men were sworn for this purpose, and at Cashio eleven. All these entries in the court books are within a few days of St. Luke's Day, 12 Ed. I. The variations in the wording of the precept must be significant.

<sup>2</sup> Tyttenhanger, B.M. Add. MSS. 36237, ff. 12 vellum, 13 in. × 9 in. Now bound up with eighteenth-century correspondence and accounts relating to the estate.

<sup>3</sup> Codicote, B.M. Add. MSS. 40734, ff. 1-16, 9 in. × 13 in. Acquired from Mr. R. Hine, of Hitchin, now bound with the Cartulary of Codicote (ff. 18-30) taken from B.M. MS. Cotton Otho D. III (*v. supra*, p. 97). Printed *infra*, Appendix II, pp. 339-69.

<sup>4</sup> Herts. County Repository, nos. 6543 and 7593.

writing the four preceding extents, and seems therefore to be part of the same survey.<sup>1</sup> In addition there is an extent of the lands and services of Simon Broman, dated 1340, imbedded in the court book of Park,<sup>2</sup> some very incomplete extents of Combes and Grenstead (f. 166-9), Great Stanmore (f. 208), and Westwick (f. 236<sup>v</sup>-8) dated 1306, in MS. Cotton Tiberius E. VI;<sup>3</sup> and there are rentals of St. Mary des Prés<sup>4</sup> (1318-19); of Micklefield,<sup>5</sup> a submanor of Croxley, dating from 1351, and owing its interest mainly to its date; of Grensted of 1346,<sup>6</sup> and the fragment of one of Hexton (undated, but probably Edward I).<sup>7</sup>

The extents of 1331-2 are so big and detailed that they seem to be part of a systematic survey of the Abbey's possessions comparable to that of 1284, and it seems possible that the customaries of 1284 and the extents of 1331-2 represent what were described in the fifteenth century as the old and new extents.<sup>8</sup> No records of an earlier, nor of a later investigation appear to survive, though a reference in the court book of Cashio (31 Hen. III, St. Gregory) speaks of an attempt of the whole vill to evade a service *contra librum et rotulum S. Albani*<sup>9</sup> which seems to suggest the existence of a customary for Cashio at least before 1246.

<sup>1</sup> B.M. MS. Lansdowne 404, ff. 46-8, 11 $\frac{1}{2}$  in.  $\times$  7 $\frac{1}{2}$  in. It is bound up with a sixteenth-century account of Fountains Abbey and some manorial accounts, &c., which have no reference to St. Albans or the lord of Odding-selles (cf. *Gesta Abbatum*, ii. 121). The values quoted in the extent seem inconsistent with other information, e.g. in the *Gesta Abbatum*, ii. 180.

<sup>2</sup> Park Court Book, 14 Ed. III (St. John ante P.L.).

<sup>3</sup> That of Combes and Grensted may be of the time of Edward II. The entry giving the date of that of Great Stanmore has been destroyed by the fire.

<sup>4</sup> St. Mary des Prés. P.R.O. Rentals and Surveys, Gen. Series, Portf. 8, no. 38. A narrow roll about 1 ft. 6 in. long, rather illegible at top, containing about 70 names.

<sup>5</sup> B.M. Add. Roll 26831, Micklefield. A parchment roll, about 10 in. wide, consisting of two membranes sewn together.

<sup>6</sup> MS. Cotton Tiberius E. VI, ff. 290<sup>v</sup>-92<sup>v</sup>. Almost illegible.

<sup>7</sup> P.R.O. Rentals and Surveys, Gen. Series, Portf. 5, no. 12. One membrane, about 10 in. in length.

<sup>8</sup> B.M. Arundel MS. 34, f. 39<sup>v</sup>.

<sup>9</sup> The result was *attinctum est per librum et rotulum*.

### *Formulary Book.*

Finally there is the Formulary Book of St. Albans in Cambridge University Library.<sup>1</sup> The book is not only a collection of forms but also of administrative Memoranda. It was a volume of 284 vellum folios, a number of which have been lost or cut out, measuring 11 $\frac{1}{2}$  in.  $\times$  9 in. It is headed: 'Registrum de diversis commissionibus, procuratoriis, mandatis, aliisque litteris multum necessariis et ad communem usum in dies convolantibus: editum per fratrem Willelmum Wyntershulle domini Thome Abbatibus capellanum: Anno domini millesimo tricentesimo octogesimo secundo.' Though dated 1382, some of its entries must have been made later, for they are found dating up to 1388.<sup>2</sup> It has been used by Vinogradoff, and part of it was printed by Maitland in his *Select Pleas in Manorial Courts*. The instructions for drawing up an extent, for holding a halimote and a view of frankpledge, and the oaths to be taken by the Abbey officials on taking up office are valuable to historians of the Abbey, though they shed less light than might be hoped on the organization of courts and administration.

These, together with an occasional use of the assize rolls, are the materials which have been employed in the following studies of the manorial organization, judicial and economic, of St. Albans.<sup>3</sup>

<sup>1</sup> MS. Ee 4. 20.

<sup>2</sup> On f. 284 is the name of R. Blakene (see p. 98, n. 2, *supra*).

<sup>3</sup> [In November 1937 a fifteenth-century cartulary of St. Albans belonging to the Duke of Devonshire, and apparently unknown to all the post-Reformation historians of the Abbey, was exhibited in London by the British Records Association. The Duke having very kindly allowed us to examine the MS., we can say that it does not appear to contain any evidence that would have led Miss Levett, if she had known it, to modify any of her conclusions.

The MS. consists of 244 numbered and 44 unnumbered folios, and contains copies of royal charters, papal bulls, and a great number of deeds concerning property in St. Albans, London, Oxhey, and Westwick. There are also long lists of deeds for all the other manors of the abbey, forming apparently a table of contents for a far larger volume than survives, if, indeed, it was ever completed. The latest document observed is dated 12 Henry IV. H.M.C.]

WHEN the abbot of St. Albans, in accordance with the Statute of Gloucester, put forward his claim to liberties in the Eyre of Hertford in 1278, he claimed 'proprium coronatorem suum, liberum hundredum, visum franci plegii, liberas curias, liberas hallemotas'.<sup>1</sup> In the fourteenth century the seneschal of St. Albans swore on appointment to promote the interests of the house, according to justice, 'ut in curiis liberis et halimotis, visibus franci plegii et hundredis'.<sup>2</sup> Of two of these four types of court, the views of frankpledge and the halimote, many records, as we have seen, survive; for the *liberae curiae* and the *hundreda* no court rolls or registers are extant, and in the absence of such evidence their judicial scope and activity cannot be established with certainty. In the following sections an account will be attempted first of the officials who held the courts; then of the courts themselves, their sutors, their frequency, their places of meeting, their business and their procedure; and, lastly, of some points of special interest in the law administered in them.

A detailed account of the Liberty of St. Albans is outside the scope of this work; but it is interesting, in passing, to note certain similarities with the Liberty of the priory of Tynemouth, for which there is available an illuminating study by Dr. H. H. E. Craster.<sup>3</sup> In spite of highly dissimilar conditions, there are many parallels in the administrative system,<sup>4</sup> with significant minor details. The names themselves of the monks and officials remind us that it must be so; there was a constant interchange of

<sup>1</sup> P.R.O. Assize Roll 323, m. 35 d. *Plac. Quo. Warr.*, p. 280.

<sup>2</sup> Camb. Univ. Lib. MS. Ee. 4. 20, f. 74.

<sup>3</sup> See *A History of Northumberland, issued under the direction of the Northumberland County History Committee*, vol. viii, *The Parish of Tynemouth*, by H. H. E. Craster, 1907.

<sup>4</sup> e.g. the development of the seneschal's post; the election of the coroner in the free court, cf. Craster, *op. cit.*, p. 215.

personnel, not always for penal reasons, and to the monks of Tynemouth it is probable that the mother house represented the summit of ambition—the medieval equivalent of Downing Street to a Scot! It is possible that a cellarer or seneschal from the north may be responsible for some of the unusual terminology of the courts, such as *bundi* or *bundagii*<sup>1</sup> where we should expect *villani*.

#### I. THE OFFICIALS<sup>2</sup>

Both from the internal and the external point of view, the seneschal, or *dapifer* as he is called in the earliest records,<sup>3</sup> was the head of the judicial system, responsible to the abbot and convent for its sound working, and, generally speaking, representing their interests over against the national government. Of the domestic and agricultural knowledge and duties indicated by Walter of Henley and the *Seneschaucie*<sup>4</sup> there are few signs: on large estates the legal and economic functions were almost inevitably exercised by two different officials. From the first mention of a seneschal at St. Albans, that William of Sisseverne who served the Abbey so well in connexion with the dispute over Northaw Wood,<sup>5</sup> the seneschals seem to have been concerned with the legal and judicial concerns of the house. Besides presiding at the Abbey courts, the seneschal acted as the abbot's attorney in the king's courts, attended parliaments,<sup>6</sup> and,

<sup>1</sup> e.g. at Codicote. Court Book, 25 Ed. III (Invention of Holy Cross).

<sup>2</sup> [In this section the account of the coroners has been re-written in the light of additional evidence, and the account of the bailiffs of the liberty and of the vill has been enlarged. H.M.C.]

<sup>3</sup> In 1198 W. de Sisseverne is described in a *Conventio* as Dapifer (cf. MS. Cotton, Otho D. III, f. 27<sup>v</sup>). Some of the earlier charters are also witnessed by the Dapifer. [All the medieval references to this official at St. Albans are in Latin or French; in English he would probably have been called *steward*. H.M.C.]

<sup>4</sup> *Walter of Henley's Husbandry, together with an Anonymous Husbandry, Seneschaucie, and Robert Grosseteste's Rules*, edited by Elizabeth Lamond, Royal Historical Society, 1890.

<sup>5</sup> *Gesta Abbatum*, i. 221, 226; [*Curia Regis Rolls*, i. 116, 291, 339. H.M.C.]

<sup>6</sup> *Gesta Abbatum*, iii. 455.

in fact, defended the interests of the house when and where necessary.<sup>1</sup> At the eyres of Hertford he appeared, on different occasions, to defend the abbot against charges of purpresture on the king's highway, to argue whether land was or was not of the abbot's *villenagium* and whether there had been collusion; whether a defendant rightly refused to answer on the ground that he was a villein; whether the abbot might lay claim to a villein; or to seek a writ *de nativo habendo*.<sup>2</sup> At the end of the fourteenth century we hear of his travelling to Hertford, Ware, and Hitchin on Abbey business, as well as to Shrewsbury for the parliament;<sup>3</sup> and John Mote, immediately on becoming abbot, built a *Camera Senescalli* between the almonry and the gate leading to the stable, as well as a house for storing hay,<sup>4</sup> which suggests that his twenty years' experience as cellarer had determined him to facilitate the work both of seneschal and cellarer by ending that close proximity of hay and court rolls which characterized the thirteenth century at St. Albans.

The seneschals were always laymen and local landowners, often tenants of St. Albans, often relatives of the abbot or of other monks. William de Sisseverne's successor, Sir Laurence de Tebrige, who is described as 'vir eloquens, discretus et in placitis civilibus providus et circumspectus et corpore elegantissimus',<sup>5</sup> may be taken as representative of the type preferred—a man of experience in legal matters and a personable representative of the Abbey. The names of subsequent seneschals can be recovered, almost completely,<sup>6</sup> from charters, assize rolls, and occasionally chronicles, and here as elsewhere, as

<sup>1</sup> [Amundesham, ii. 121 (1435). As substitute for the sheriff in the franchise, he also represented the king's authority. H.M.C.]

<sup>2</sup> P.R.O. Assize Roll, 323, m. 28.

<sup>3</sup> *Gesta Abbatum*, iii. 455.

<sup>4</sup> *Ibid.*, p. 441.

<sup>5</sup> *Ibid.* i. 225–6. [He is also mentioned as the abbot's attorney in *Curia Regis Rolls*, iii. 33, 183. The family apparently were military tenants of the Abbey. *Gesta Abbatum*, i. 264. H.M.C.]

<sup>6</sup> See list of officials, Note A, p. 163.

time goes on, there is a tendency to choose more exalted personages for the position. John of Cambridge, seneschal at the time of the troubles of 1328–35,<sup>1</sup> was a king's serjeant and later a justice of the Common Bench, who sat on Commissions of Gaol Delivery and of Trailbaston to hear cases involving the Abbey's interests.<sup>2</sup> Thomas of Thorneburgh was Recorder of London.<sup>3</sup> In the fifteenth century Lord Hastings, appointed seneschal for life in 1478,<sup>4</sup> was succeeded, on his sudden and tragic death, by Richard III's favourite, Catesby.<sup>5</sup> Such men could well represent the interests of the house in high places, but for the routine work, sub-seneschals were appointed to act with them, such as John de la Hay in 1328<sup>6</sup> and John Forster, described as seneschal as early as 1471,<sup>7</sup> holding office jointly with Hastings in 1483, when it was laid down that so long as Forster lived, Hastings could claim none of the profits of the office, and resigning his post, under compulsion, on the death of Hastings.<sup>8</sup>

The duties of a fourteenth-century seneschal, no less than his authority, are defined in the oath recorded in the formulary book (c. 1382); very possibly in the form followed by John of Cambridge earlier in the century.<sup>9</sup>

<sup>1</sup> *Gesta Abbatum*, ii. 220–1.

<sup>2</sup> *Ibid.*, pp. 220, 223; cf. p. 270.

<sup>3</sup> [Called Shornburwe by Amundesham, i. 438. Dr. A. H. Thomas kindly informs me that he was Recorder Nov. 1403–6. H.M.C.]

<sup>4</sup> *Registrum Whethamstede*, ii. 199 f.

<sup>5</sup> *Ibid.*, p. 266 f.

<sup>6</sup> *Gesta Abbatum*, ii. 222.

<sup>7</sup> *Registrum Whethamstede*, ii. 126.

<sup>8</sup> *Ibid.*, pp. 264–6.

<sup>9</sup> Juramentum seneschalli monasterii sancti Albani:

Ego J de C juro quod de cetero fidelis ero ecclesie sancti Albani nec aliquam fraudem falsitatem faciam vel fieri permittam in aliqua parte officii mei ubi emendas apponere valeam. Consilia domus et secreta visa vel audita celabo nec ad scandalum vel dampnum dicte domus aliquialiter ea detegam. Honorem jura et negotia ejusdem domus pro meis viribus promouebo et defendam nec aliquem dicte domui pro posse meo injuriare permittam. Commodum dicte domus ut in curiis liberis et halimotis visibus franciplegiis et hundredis secundum justiciam procurabo. Rotulos curiarum visorum franciplegii hundredorum et liberationum gaole domino abbati vel cui assignare voluerit liberabo, omnes profectus de gaola emergentes bursario dicti domini abbatis fideliter liberabo. Et si aliquos ministros

It evidently made the seneschal one of the abbot's council, emphasizing the duties of secrecy, integrity, and revelation of treachery, and may be compared with the fifteenth-century English form of oath to be taken by a butler, cook, or other domestic officer.<sup>1</sup> But his primary duty is clearly that of holding courts, and besides presiding at the *liberis curiis*, halimotes, views, and hundreds, the records show him acting both as coroner and as justice of jail delivery for the liberty.

It would appear that down to 1278 the seneschal was *ex officio* coroner of the liberty. In the eyre of 1255 it was presented that there was no coroner save the seneschal of St. Albans, and the present seneschal and the clerk of

dicte domui inutiles percepero infra abbathiam et extra domino abbati vel alicui monacho cui competit ministrum illum sine mora notabo. Et si propter aliqua negotia domus promovenda alicui missus fuero vel iero competentes et racionabiles expensas faciam et eas in redditu meo bursario domini abbatis sine fraude computabo ac omnia alia que ad officium seneschalli pertinent diligenter et fideliter faciam. Sicut me deus adjuuet; et hec sancta dei evngelia. Camb. Univ. Lib. MS. Ee. 4. 20, f. 74. Cf. Seneschal's oath, *Register of John de Pontissara*. (Canterbury and York Soc.)

<sup>1</sup> Fifteenth-century translation of Latin oath on f. 76.

'I, L de B. boteler, Coke or other Officer etc. Promitt trewly and swere upon these holy gospels that as longe as I am in this office, I shall be trewe, kyende, and obediente, to the howse of Seynt Albon, to my lorde, and to my maysters the which be ordeynede by him. And I shall doo no frawde, ne falsehede, in myne office, ne in none other place, within the Monasterye ne suffre other men to doo to my power. But I shall tell hit to my maysters, that hath the Ruele of myne office. Also I shall kepe secrete all ther Councelles, longynge to the seid monasterie, and of my Maysters as the lawe requyryth. What soo ever I see, or here. And nott open them to theyre sklawndre, or to theire hurte. But I shall promote and defende to my power theire right, and their worshippe.<sup>a</sup> Also the thinges<sup>b</sup> that longe to myne Office, the which I have Ministracion of, I shall kepe them hole and sounde to my power. And yef a trewe rekenynge of them, when I am required of my maystere. And I shall trewly minystre them, to the worshippe and profit<sup>c</sup> of the seide howse, be the auyce<sup>d</sup> and ordenawnce of my seide lorde and Maystres indifferently and egally to every persone. And I shall doo and fulfill all other thynges that longith to me or to myne office. So God me helpe and by this boke.' Camb. Univ. Lib. MS. Ee. 4. 20, on separate slip fastened to f. 76.

<sup>a</sup> *honorem jura et negotia* in the Latin version.  
<sup>c</sup> *decus et commodum*.

<sup>b</sup> *victualia res et utensilia*.  
<sup>d</sup> *juxta visum*.

an *ex-seneschal* answered for the pleas of the crown since the previous eyre at St. Albans, as the county coroners did at Hertford.<sup>1</sup> In the eyre of 1262 the seneschal is still discharging the duties of both sheriff and coroner in the liberty.<sup>2</sup> In 1278 the defects of the arrangement were obvious. The abbot alleged in support of his claim to have his own coroner within the liberty 'from time immemorial' that his seneschal acted, and that he himself administered the oath of office. If the seneschal were absent through illness or on business at the king's court, or if he died, the coroner's rolls were in the abbot's keeping, and it was his business to swear in his clerk as deputy coroner if an emergency arose.<sup>3</sup> Three serious failures of duty were reported; a death had occurred in 1272 when there was no seneschal, and consequently no coroner to hold the inquest,<sup>4</sup> and the jury presented the discovery of a dead man, during the coronership of Stephen of Chethindene,<sup>5</sup> of whom there was no mention in the coroner's roll. Moreover, Stephen was not there to answer for his term of office. Worse than that, none of the coroners who had held office since the last eyre save the acting coroner, William of Aiete, were present in person or by deputy to answer for their terms of office.<sup>6</sup> Obviously the abbot or his seneschals had been taking their responsibilities towards the crown far too lightly. As a result, the liberty of appointing a coroner was taken into the king's hands, and for the time being one of the county coroners, freshly elected in the eyre, acted in the franchise.<sup>7</sup> A year and a half later Edward granted the abbot the right to choose and create a coroner, in his own court of St. Albans, of one of his own free tenants, without having to produce any royal writ *de coronatore eligendo* such as was needed for the election of a

<sup>1</sup> P.R.O. Assize Roll 320, m. 30.

<sup>2</sup> *Ibid.* 321, m. 1, m. 4.

<sup>3</sup> *Ibid.* 323, m. 56.

<sup>4</sup> *Ibid.*, m. 50 d.

<sup>5</sup> *Ibid.*, m. 56. Stephen of Chethindene, *alias* Stevenach, Scellingdon, Sutlingdon, was seneschal c. 1266-8.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*, m. 56, 56d; 327, m. 13.



coroner in the county court.<sup>1</sup> The first election under the charter was held on 19 June 1280,<sup>2</sup> and two free tenants were chosen, neither of them the seneschal, who were still acting in 1287 when the justices in eyre next visited the liberty.<sup>3</sup>

The formulary book gives the form of appointment of John Baldewyne as coroner of the liberty in 1355,<sup>4</sup> and Abbot Wallingford's Register contains grants of the reversion of the offices of coroner and hundredor of the liberty to John Stepneth, which make it evident that in 1479, when the grant was made, William Westby combined the functions of bailiff and coroner.<sup>5</sup> Whatever may have been the usage of the thirteenth century, then, it seems probable that in the fourteenth and fifteenth centuries, neither the seneschal nor the sub-seneschal was as a rule appointed coroner.<sup>6</sup>

There is, however, evidence, independent of the

<sup>1</sup> *Pat. Roll Calendar, 1272-1281*, p. 378; *Gesta Abbatum*, i. 445-7. At Tynemouth also the coroner was elected in the *libera curia*. Craster, H. H., *Hist. of Northumberland*, viii. 215; Gibson, W. S., *Hist. of Monastery founded at Tynemouth*, 1846, II, Appendix no. xci, p. lxxv.

<sup>2</sup> *Gesta Abbatum*, i. 444 f.

<sup>3</sup> P.R.O. Assize Roll 327, m. 13.

<sup>4</sup> Creacio J. de B. in coronatore:

Noverint universi quod cum Dominus Edwardus Rex per cartam suam concessit Abbati et Conventui monasterii sancti Albani quod ipsi in curia sua sancti Albani sine breve Regis de libere tenentibus suis coronatorem eligere possint et creare ad attachiamenta placitorum corone in omnibus locis infra libertatem predictorum Abbatis et conventus emergentium facienda. Nos vero Thomas permissione divina Abbas monasterii Sancti Albani et eiusdem loci conventus, ad curiam nostram tentam apud Sanctum Albanum vicesimo tercio die Nouembris anno regni regis Edwardi tercii post conquestum vicesimo nono Johannem Baldewyne libere tenentem nostrum coronatorem eligisse et ipsum coronatorem creasse ad omnia attachiamenta placitorum corone domini Regis infra libertatem nostram in omnibus locis emergentium exequendum. In cuius rei testimonium sigillum nostrum presentibus est appensum ad nostram voluntatem duraturum. Datum apud villam de Sancto Albano die et anno supradictis.

Camb. Univ. Lib. MS. Ee. 4. 20, f. 40.

<sup>5</sup> *Registrum Whethamstede*, ii. 203-5.

<sup>6</sup> It may be noted that in 1328-9 the coroner, John de Muridene, is to be distinguished both from the bailiff of the liberty and from the seneschal and sub-seneschal. *Gesta Abbatum*, ii. 222, 235.

seneschal's oath, that he might be put on the commission for jail-delivery. As we have seen, John of Cambridge served in that capacity,<sup>1</sup> and in 1462 the house was granted the right that the seneschal for the time being should always be one of the justices to deliver the jail of St. Albans, under which grant the abbot instructed John Forster to deliver the jail in 1471.<sup>2</sup>

The seneschal is mentioned as present, at one time or another, at every type of court held on behalf of the Abbey.<sup>3</sup> Whether he attended every court is another matter. He is very seldom mentioned in the court rolls, but occasional references in them seem to indicate that he normally sat with the cellarer in the halimotes, at any rate in the fourteenth century.<sup>4</sup> An agreement concerning Hexton seems to prove that he was expected to be present twice a year. It was agreed that the Rectory of Hexton should bear the expenses of the sacristan and the seneschal and his horses and servants, when coming either to hold courts or to supervise the Rectory, for one day and one night twice a year, while the perquisites of the courts remained to the rector.<sup>5</sup> But the seneschal's office was primarily legal: the economic duties of a steward were in fact performed by the obedientiaries, and from the point of view of the tenants of the manors, the house was represented by the cellarer, the kitchener, the sacristan, the refectorarius, the infirmarius, or the chamberlain, as the case might be, and the court was his.<sup>6</sup>

The cellarer at St. Albans appears to have been the

<sup>1</sup> *Ibid.* 220.

<sup>2</sup> *Registrum Whethamstede*, ii. 126-7.

<sup>3</sup> In the fourteenth and fifteenth centuries, 'seneschal' in this connexion may mean sub-seneschal.

<sup>4</sup> e.g. at Winslow, Court Book, 9 Ed. III (Ascension), reference is made to courts held *coram cellerario et senescallo domini Abbatis* in the fifth, sixth, and seventh years of the reign.

<sup>5</sup> MS. Cotton, Julius D. III, f. 111. The church of Hexton was allotted to the sacristan, the manor to the cellarer.

<sup>6</sup> [e.g. at Newland, Court Book, 17 Ed. I (St. Martin), *curia coquinarii*; at Rickmansworth, *per copiam curiae sacristae* (1428), Amundesham, i. 270. H.M.C.]

most important official, as far as the estates were concerned.<sup>1</sup> In the twelfth century there were two cellarers, one for actual affairs and one for the estates; later the distinction seems to lie between the cellarer and the sub-cellarer. The cellarer administers all those manors which have not been assigned to other obedientiaries—that is, the major part of the Abbey's property falls to his care. The first notable occupant of the office was Adam the Cellarer, brother of Godfrey, a monk at St. Albans, who became abbot of Croyland. After a period at Croyland, Adam was recalled by Abbot Robert (1151–66) and made cellarer, in which position he showed great diligence and skill, particularly in things pertaining to the kitchen, so that in time he was solemnly buried in the chapter-house.<sup>2</sup> The part played by Adam, who is described as *illiteratus*, in setting on foot the historical work of the Abbey has been much discussed, and remains uncertain:<sup>3</sup> it would seem safe to ascribe to him very considerable organizing power, employed in the economic and judicial administration of the manors. Owing to his long life and period of authority, he must have been exceptionally influential, and the highly developed court rolls, which, from the early years of Henry III at least, were stored at St. Albans, point to good brains and legal acumen somewhere in the preceding century. It is interesting, however, to note, in view of the controversy, that no cellarer from 1240 onwards was ever drawn from the ranks of the historians, or reverted to literary work.

A complete list of cellarers from the mid-thirteenth century can be drawn from the court rolls, and dated with considerable accuracy.<sup>4</sup> It is sometimes useful for

<sup>1</sup> [A general description of the cellarer's duties in the fifteenth century is given by Amundesham, i. 218. For an example of his acting, like the seneschal, as representative of the interests of the house before the king's government, see *Gesta Abbatum*, i. 339, 346. H.M.C.]

<sup>2</sup> *Ibid.* 121, 134, 145, 182, iii. 390.

<sup>3</sup> C. Jenkins, *The Monastic Chronicler and Early School of St. Albans*, 1922, pp. 34–6.

<sup>4</sup> See list of officials in Note A, p. 163.

dating events or passages in the chronicles. At times the cellarers changed very rapidly, but the more efficient holders of the office were continued for long periods and not infrequently became abbot.<sup>1</sup> The occasional appointment of two cellarers has been noted above. 'Cellarer of the Court' is a title which occurs at times;<sup>2</sup> *Cellerarius de terra sancti Albani* is another variation.<sup>3</sup>

In his legal position in the halimotes the cellarer would seem to have been considered as almost the plenipotentiary of the abbot. *Dominus*, *Dominus Abbas*, and *Dominus Cellerarius* are at times used almost indifferently, and in many of the precepts given to the courts the cellarer appears to be speaking in his own person. Some important questions, however, were always reserved for the abbot in person: probably, following royal analogies, the abbot at first occasionally presided in his own halimotes, but gradually developed the custom of dealing with such problems in council.<sup>4</sup>

The regular meetings of the halimotes, when required, under the ash-tree at St. Albans<sup>5</sup> must have facilitated such consultation. The centralization itself may possibly be connected with the fact that the cellarer, though frequently itinerant during the week, was expected to return to the Abbey for Saturdays and Sundays, and all the great festivals. At such times he could dispatch much business at a central place, and the Abbey tenants would be frequently brought into personal touch with the Abbey church. The necessary business was apparently dispatched on Saturdays, Sundays, or Mondays, as seemed convenient, but usually on Sundays. Almost all the meetings under the ash-tree recorded are at the week-ends, or on the vigils or morrows of great

<sup>1</sup> e.g. John de Marines, Hugh of Eversdon, Thomas de la Mare, John Mote, William of Wallingford. The four priors of the cells of St. Albans who took part in the election of Abbot Richard of Wallingford in 1327 were all ex-cellarers. *Gesta Abbatum*, ii. 184.

<sup>2</sup> MSS. Cotton, Julius D. III, f. 75.

<sup>4</sup> See *infra*, p. 156.

<sup>3</sup> Otho D. III, f. 86v.

<sup>5</sup> See *infra*, pp. 137–42.

festivals.<sup>1</sup> One entry in 1254 shows the cellarer with his clerk, Adam de Bynham;<sup>2</sup> the sub-cellarer appears in 1322,<sup>3</sup> and there are traces of the cellarer's council in 1342.<sup>4</sup>

The *Refectorarius* held courts for the manor of Kingsbury; in the reign of Henry III this manor was in the hands of the cellarer, and its halimote appears to follow the normal lines. By 1272, however, the records have been separated, and the entries are headed *Curia* (or *Halimot*<sup>5</sup>) *de Childwik*, and *Curia de Westwik* in irregular sequence.<sup>5</sup> In 1273 *Galfredus Cellerarius Sancti Albani* makes a surrender to the lord on behalf of (*ex parte*) the abbot and convent.<sup>6</sup> This suggests that the manor had already been handed over to the *Refectorarius*. About 1290 it was assigned by the Abbot John of Berkhamsted to endow the anniversary of his predecessor;<sup>7</sup> in 1302 it was conveyed by the Abbot John de Marynes by charter to the *Refectorarius*,<sup>8</sup> and from that date, at least, the courts are the courts of the *Refectorarius*.

These vicissitudes probably explain the unusual titles by which the courts are known; in 1285 the court is described as *Convocacio Nativorum*;<sup>9</sup> it appears to have transacted all the usual business; three weeks later another court met with the same title.<sup>10</sup> By November of the same year the assembly is a *Curia* again. It seems impossible to resist

<sup>1</sup> Cf. Graham, R., *Ecclesiastical Studies*, 1929, p. 32. The dean of a Cluniac house, who collected rents and dues, was expected to return to the monastery on Saturdays in time for Vespers, whenever he was not more than half a day's ride away.

<sup>2</sup> Park Court Book, 38 Hen. III (Hilary).

<sup>3</sup> *Ibid.*, 15 Ed. II (Ascension).

<sup>4</sup> Winslow Court Book, 16 Ed. III (Trinity). *De circumspectione domini Cellerarii et eius Concilii*.

<sup>5</sup> Kingsbury Court Book, unbound folios. Reign of Edward I, f. 7 seq.

<sup>6</sup> *Ibid.*, bound volume, 1273 (Invention of Holy Cross).

<sup>7</sup> *Gesta Abbatum*, ii. 51.

<sup>8</sup> *Ibid.* 67.

<sup>9</sup> Kingsbury Court Book (bound volume): . . . die martis proxima ante festum Translationis Sancti Thome Martiris Anno R.R.E. XIII<sup>mo</sup>. The titles *Curia Nativorum* and *Convocacio Nativorum* occur again in 5 Ed. III (St. Katherine and St. Vincent).

<sup>10</sup> *Ibid.*, 13 Ed. I (Mary Magdalen).

the conclusion that in the absence of any responsible obedientiary, the villeins conducted their own affairs.

About the same date it is noted that a surrender was made *in manus domini coram pluribus de homagio et vicario sancti Michaelis*—again an irregular though not an independent procedure.<sup>1</sup> On the whole, the *Refectorarius* does not appear to have been so efficient as the cellarer; and on one occasion a dispute concerning his accounts found its way into the assize rolls.<sup>2</sup>

The kitchener, though he held the manor of Newland, was mainly endowed with rents and dues: *Firma coquina* is an entry which occurs on almost every manor,<sup>3</sup> and probably represents a commutation of the weekly farms of the twelfth century. The kitchen is said to have owed many of its endowments to Adam the cellarer.

The kitchener did not keep the register of the court rolls so well as his colleague the cellarer, and the one volume which survives is on a much less magnificent scale.<sup>4</sup>

The chamberlain held Redbourn,<sup>5</sup> which had its own court, but no records appear to have survived.

The sacristan was perhaps mainly endowed with later acquisitions: in the fifteenth century he is said to hold the manors of Britwell, La More, Ashley, Batcheworth,

<sup>1</sup> *Ibid.*, 13 Ed. I (Palm Sunday). Other peculiarities of phrasing are probably to be accounted for by the chequered history of the manor. In 1306 when 19 acres of demesne were leased to the 'bondagers' of Kingsbury, it was by consent of the abbot and convent, and not of the *Refectorarius*. *Ibid.*, 35 Ed. I (St. Andrew). The Rolls were on occasion read and inspected in full court; a charter granted by a free tenant and his wife was read and ratified in court, and entered on the Court Roll. *Ibid.*, 37 Ed. I (St. Wolfird). An exceptional case occurs in 1321 when an exchange of seven acres is found in full court not to be a damage to the lord, but an easement to the exchangers. A corporal oath was taken that this exchange (*permutacio*) should be recorded in the rolls of Alfonso de Veer. *Ibid.*, 15 Ed. II (St. Thomas the Apostle). In 1298 a lease for three years is said to be *contra statutum manerii*, whereas only a few years before a lease for ten years had been made *per licenciam domini et coram tota Curia ibidem tunc presente*.

<sup>2</sup> P.R.O. Assize Roll 337, m. 7 d.

<sup>3</sup> e.g. at Langley, Court Book, 9 Ed. III (St. Luke).

<sup>4</sup> Newland Court Book, see p. 88 *supra*.

<sup>5</sup> MS. Cotton, Julius D. III, f. 108.

and Rickmansworth.<sup>1</sup> There is little or no evidence as to his methods of dealing with his estates or his courts. There is a tantalizing reference in a sixteenth-century collection to the account rolls of the Beadles of Rickmansworth for the reigns of Edward III and later,<sup>2</sup> but no trace of such rolls has been discovered. The same manuscript cites the rolls of the courts of the sacristan for Rickmansworth in the time of Henry III and after, and the dispute concerning the manor of La More in Rickmansworth is carried back to the time of John.<sup>3</sup>

The seneschal and the obedientiaris who held the courts were assisted by a number of executive officials. The bailiff of the liberty is mentioned in the thirteenth and fourteenth centuries as delivering seisin,<sup>4</sup> collecting dues and amercements, of which he rendered annual account when he handed over the plea rolls,<sup>5</sup> impanelling juries,<sup>6</sup> holding inquests,<sup>7</sup> arresting malefactors,<sup>8</sup> and serving summonses and writs.<sup>9</sup> The claim that he was not bound to execute a mandate of the sheriff's unless the actual words of the king's writ were quoted is of special interest.<sup>10</sup> When Sir John de Cambridge was seneschal, the duties of the bailiff were restricted; he was no longer to receive the summons or issues of the green wax, nor to make the return of writs,<sup>11</sup> but it seems probable that this referred rather to ultimate responsibility than to actual executive work. The arrangement, moreover, may not have been permanent, as in 1435 the writs were directed to the bailiff, not the seneschal.<sup>12</sup> It is possible that the bailiff sometimes held the hundred

<sup>1</sup> He had held Rickmansworth, or part of it, since the twelfth century.

<sup>2</sup> Arundel MS. 34, f. 40<sup>v</sup>.

<sup>3</sup> *Ibid.*, f. 42<sup>v</sup>. Cf. Amundesham, i. 263 seq.

<sup>4</sup> Winslow Court Book, 9 Ed. III (Ascension).

<sup>5</sup> *Gesta Abbatum*, ii. 206.

<sup>6</sup> *Ibid.* 208.

<sup>7</sup> Winslow Court Book, 9 Ed. III (Ascension).

<sup>8</sup> *Gesta Abbatum*, i. 339; cf. 343, 345.

<sup>9</sup> Amundesham, ii. 82, 84.

<sup>10</sup> *Ibid.* 235.

<sup>11</sup> *Ibid.* 264.

<sup>12</sup> *Ibid.* ii. 206.

court,<sup>1</sup> as the seneschal certainly did,<sup>2</sup> but his functions were preponderantly executive. All the evidence indicates that the bailiff of the liberty is one and the same with the bailiff of the hundred; in the fifteenth century he is called indifferently *ballivus* and *hundredarius*,<sup>3</sup> and at the time of the Dissolution the hundredor's office is described as extending to Buckinghamshire, so as to cover Winslow which was in the liberty.<sup>4</sup>

The bailiff may or may not have been identical with the clerk of the liberty; on the whole it seems probable that he would need a clerk to assist him,<sup>5</sup> but the recurrence of names makes it difficult at times to decide whether duplication of office or promotion is in question. William de Bolum is the name of the clerk *c.* 1278;<sup>6</sup> in 1285 he is bailiff of the liberty,<sup>7</sup> in 1288 seneschal.<sup>8</sup> In an 'Ancient Deed' of *c.* 1283 he is described as marshal of the liberty,<sup>9</sup> the title given to Walter of Amundesham, the abbot's esquire who was killed while attempting to arrest Taverner in 1328.<sup>10</sup> Similarly, John de Munden is described as sub-seneschal, as king's bailiff, and as seneschal (1327-36).<sup>11</sup>

The bailiff of the liberty must be distinguished from the bailiff of the vill of St. Albans, described as *prepositus* about 1259,<sup>12</sup> but as *ballivus* by 1291<sup>13</sup> and perhaps as early

<sup>1</sup> See *Gesta Abbatum*, i. 345, *solebat ballivus placitare*; but in 1525 the profits of the office make no mention of pleas of the hundred. Dugdale, *Monasticon*, 1655-73, ii. 255.

<sup>2</sup> P.R.O. Coram Rege Roll no. 167, m. 15 (1260).

<sup>3</sup> *Registrum Whethamstede*, ii. 205. Page, W., *St. Albans Cathedral and Abbey Church*, 1898, p. 42. Cf. Park Court Book, 23 Hen. VIII, 9 April.

<sup>4</sup> Dugdale, loc. cit., ii. 255.

<sup>5</sup> A clerk of the courts of the monastery is mentioned in 1523-4 as receiving 33s. 4d. for writing the rolls of the courts. Jesus Coll. MS. 77 (deposited in the Bodleian Library), f. 306<sup>v</sup>.

<sup>6</sup> MS. Cotton Julius D. III, f. 4<sup>v</sup>.

<sup>7</sup> MS. Cotton, Otho D. III, f. 4<sup>v</sup>.

<sup>8</sup> MS. Julius D. III, f. 38<sup>v</sup>. See Appendix I.

<sup>9</sup> *Cal. Anc. Deeds*, i. 115, no. 992.

<sup>10</sup> *Gesta Abbatum*, ii. 217 (Marshal of the Abbot).

<sup>11</sup> *Ibid.* 205, 228, 261, 303.

<sup>12</sup> M. Paris, *Chronica Majora*, vol. vi, *Addimenta*, pp. 417, 422.

<sup>13</sup> MS. Cotton, Julius D. III, f. 37<sup>v</sup>.

as 1275.<sup>1</sup> The fact that Richard de Ayete is described in 1287 as chief bailiff of St. Albans<sup>2</sup> probably means that he had a sub-bailiff under him. The boroughs and small towns within the liberty probably all had bailiffs apart from the manorial officials,<sup>3</sup> and at Winslow there was a bailiff of the market who held the market court, distinct from the bailiff of the manor.<sup>4</sup>

Each manor appears to have had its own *serviens*; within the reign of Henry III *servientes* are mentioned for Abbots Langley (1250), Park, Croxley, Norton, Barnet, and Codicote (1276).<sup>5</sup> The name bailiff is used somewhat later, though it occurs at Abbots Langley about 1288.<sup>6</sup> Their functions do not seem to be distinctive in any way, and there is no material for tracing their stipends. There is also a *serviens* at St. Julian's, which had no pretension to being a manor.<sup>7</sup>

The Bedells are mentioned fairly frequently in the fourteenth century,<sup>8</sup> though without much definition of their functions: their services are evidently connected with certain plots of land, known as Budell-land. In a quit-claim of 1276 *in sokna de Caysho in parochia de Watford*, the witnesses include *Willelmus tunc Budell' de Caysho, Willelmus Budell' de Parco, et Halimoto*.<sup>9</sup> Bedells of the hundred also occur, but appear to be synonymous with bailiffs.<sup>10</sup>

<sup>1</sup> MS. Cotton, Julius D. III, f. 34.

<sup>2</sup> P.R.O. Assize Roll 328, m. 46. He is called bailiff of the vill in 1291. MS. Cotton, Julius D. III, f. 37v.

<sup>3</sup> e.g. Watford, *ibid.*, f. 94 seq.

<sup>4</sup> Winslow Court Book, 4 Hen. VI (St. Augustine).

<sup>5</sup> Langley Court Book, 35 Hen. III (St. Martin); Park Court Book, 26 Hen. III (SS. Simon and Jude), see Appendix I, p. 302; Cashio Court Book, 55 Hen. III (Trinity), *serviens* of Croxley; Norton Court Book, 34 Hen. III (St. Martin), see Appendix II, p. 331; Barnet Court Book, 31 Hen. III (St. Luke), see Appendix II, p. 326; Codicote Court Book, 4 Ed. I (SS. Philip and James); Kingsbury Court Book, 17 Ed. I (f. 29d).

<sup>6</sup> Langley Court Book, 16 Ed. I (St. Matthew).

<sup>7</sup> Park Court Book, 29 Ed. I (St. Barnabas).

<sup>8</sup> Winslow Court Book, 25 Ed. III (St. Vincent); Norton Court Book, 28 Ed. III (Concept. B.V.M.); Barnet Court Book, 18 Ed. III (St. Dunstan); *ibid.*, 30 Ed. III (St. John ante P.L.).

<sup>9</sup> MS. Cotton, Otho D. III, f. 14v-15.

<sup>10</sup> MS. Cotton, Julius D. III, f. 119. Cf. P.R.O. Assize Roll 323, m. 60.

The office of Reeve was apparently felt to be burdensome, and exemption could be bought at an early date. Thus at Abbots Langley in 1248 a tenant gave 10s. to be quit of the duty, while elsewhere 5s., 2s., or even 1s. might be paid for the same exemption. Corporate responsibility for the reeve is noted at Norton in 19 Edward I; on the other hand, the obligation to become reeve is nowhere defined in the St. Albans records.

Owing to the extreme subdivision of holdings, and the complicated nature of the rents, a rent-collector makes his appearance early on the St. Albans estates, e.g. at Codicote in 1307 and at Barnet in 1314;<sup>1</sup> on some manors he was elected.

One single reference seems to indicate that the abbot had his *Scaccarium* at which rent might be due.<sup>2</sup> In the absence of account rolls, no description of the financial administration can be worked out.

## II. THE COURTS<sup>3</sup>

### *Libera Curia*

We have now to consider the nature of the courts named in the seneschal's oath and in the abbot's *Quo Warranto* claim—hundreds, free courts, views, and hali-

<sup>1</sup> Codicote Court Book, 35 Ed. I (Michaelmas); Barnet Court Book, 7 Ed. II (St. Mark).

<sup>2</sup> Park Court Book, 8 Ed. III (Michaelmas): reddendō inde annuatim ad scaccarium domini Abbatis per manus Bedelli de Parco duos solidos argenti.

<sup>3</sup> [Professor Levett, in her treatment of the courts of St. Albans, concentrated almost entirely on the halimotes and on the important and interesting problem of the relation of the local manorial courts to those held *sub fraxino*. As her notes indicated that she had reached no final conclusion as to the existence or nature of a central court for freeholders, and as it seemed to the present writer impossible to ignore the franchisal aspect of the problem, in the following pages the sections on the courts of the hundred and the liberty must be taken as supplementing and to some extent differing from Professor Levett's interpretation, whilst those on the halimotes, their relation to the court *sub fraxino* and the abbot's council, embody, as far as possible, her views as she had expressed them in writing. H.M.C.]

motes. The crux of the problem concerns the *liberas curias*. Were these the sessions of the court of an honour, the court of a franchise, or simply a court for free tenants? Or, alternatively, was baronial, franchisal, and domanial jurisdiction, to use the terminology of G. B. Adams, exercised in one court?

Maitland, basing himself, it would seem, solely on the register of the Winslow court rolls and on a passage in the *Additamenta* of Matthew Paris, wrote in 1889: 'The Abbot of St. Albans held a court for his freeholders under the great ash tree at St. Albans, and this court seems to have exercised a "jurisdiction in error" over the halimotes of the several manors.'<sup>1</sup> Two questions are here involved: the nature of the court held at St. Albans, and its relation to the local manorial halimotes. Of a central court, to which freeholders owed suit over and above the suit they owed to a local manorial court, Maitland adduced examples at Ramsey, Gloucester, Bury St. Edmunds, and Tickhill.<sup>2</sup> He showed that at Ramsey and Bury St. Edmunds<sup>3</sup> these courts were attended by military tenants and dealt with matters of knight service, so that they might properly be called courts of an honour. Of an appellate jurisdiction he offered no other instances; but he printed among his extracts from the Ramsey rolls the record of the evocation of an uncompleted case from a manorial court to the honour court at Broughton,<sup>4</sup> and two years later, in his notes to the *Court Baron* volume, he wrote: 'Cases of difficulty or importance which arise in the court at Littleport (an Ely manor) may be reserved for the bishop's court or council at Ely; a similar practice prevailed on the estates of other great prelates.'<sup>5</sup> This

<sup>1</sup> Maitland, F. W., *Select Pleas in Manorial Courts* (Selden Society), p. xlvi.

<sup>2</sup> *Ibid.*, pp. xlv-xlvi, 1.

<sup>3</sup> *Ibid.*, pp. xlvi, 50, 61, 76, 80. Military tenants also owed suit to the court of Gloucester Abbey. *Cart. Mon. Glouc.* (Rolls Series), iii. 108 seq.

<sup>4</sup> *Select Pleas in Manorial Courts*, p. 82.

<sup>5</sup> No references are given for this statement, nor for the existence elsewhere than at Ely of the highly interesting practice of the litigant's obtain-

type of evocatory jurisdiction has been discussed more recently by Professor Ault, who has noted both on the Ramsey rolls and on those of the honour of Clare cases illustrating the relations of the manorial and honour courts.<sup>1</sup> Clear cases of appeal from a judgement seem to be lacking. In theory, and apparently in practice also, jurisdiction in error was reserved for the king's court.<sup>2</sup>

We shall find that there is ample evidence that a court held at St. Albans under the ash-tree dealt with 'domanial' or halimote business. Is there evidence for the existence of a court at St. Albans to which freeholders owed suit, and from which they sought justice? Is there evidence for a court at which, as at Ramsey and Bury, the military tenants could discuss the performance of knight service, and before which they could render homage and fealty? And if such business was done, was it done in the same court at which the affairs of the halimotes were dealt with? At Clare and at Broughton the rolls of the honour court are extant, and contain entries which would appear to cover all three types of business: at St. Albans no such rolls exist and the evidence must be sought elsewhere.

Let us first examine the evidence for the existence of a central court of free tenants of the Abbey. In the customs contained in MS. Cotton, Tib. E. VI it is stated again and again that certain tenants—probably only the free tenants—owe suit to the *Curia in Abbathia*, but no details are given, and owing to the damaged condition of the manuscript it is impossible to work out the exact responsibility for the suit. In these statements the court is never

ing a 'writ of right' directed by the bishop to his steward. Maitland, F. W., *The Court Baron* (Selden Society), 1891, p. 111; for the Ely instances see pp. 119, 122, 127.

<sup>1</sup> Ault, W. O., *Private Jurisdiction in England*, pp. 52-5; *Court Rolls of the Abbey of Ramsey and of the Honor of Clare*, 1928, pp. xx-xxii, xxix-xxx, 100-1.

<sup>2</sup> Pollock and Maitland, *History of English Law*, i. 590-1. Maitland's suggestion, quoted above, about the court under the ash-tree, should be read in the light of this later statement.

described as *sub fraxino*, but it is clearly distinguished from the hundred. The statement of the customs of Park necessitates a different entry for nearly every virgate or other tenement: against some of the names, in a later hand, is added 'et debit sectam ad Hundredum et Curiam in Abbathia'.<sup>1</sup> In one case the entry runs 'et debit sectam hundredi et curie in Abbathia pro XLVI acris terre et XVI acris prati'.<sup>2</sup> At Sandridge the statement is ambiguous, 'et bis sectam curie'.<sup>3</sup> At Cashio a separate list of free tenants is given who owe suit twice in the year, but the court to which suit is owed is not specified.<sup>4</sup> At Westwick, in 1306, the suit is definitely stated to be to the hundred and the court of St. Albans.<sup>5</sup> An unequivocal statement comes from Park in 1315, showing a free tenant whose rent is only 3d., but who owes suit 'ad liberam curiam abbatis' as well as to the hundred, and pays a nominal relief of 3d.<sup>6</sup> Abbot Roger (1260-90) remitted to John of Britwell 'quandam sectam curie sue de Sancto Albano et hundredi sui de Caysford'.<sup>7</sup> This John of Britwell was a military tenant,<sup>8</sup> as was John Chyvalle, described in 1383 in the Codicote court rolls as owing 'sectam hundredi et curie sub fraxino de iij septimanis in iij septimanas, et sectam curie manerii de Codicote semel in anno', as well as rent and military service.<sup>9</sup> This appears to be the only instance in the St. Albans records when the court to which the freeholder owes suit is described as *sub fraxino*, but a chancery record of 1393 describes a military tenement as owing three-weekly suit to the hundred of Caysford and three-weekly suit to the abbot's court *sub fraxino*.<sup>10</sup>

If we turn from the suits owed to the court of St. Albans

<sup>1</sup> MS. Cotton, Tiberius E. VI, f. 13.

<sup>2</sup> *Ibid.*, f. 15.

<sup>3</sup> *Ibid.*, f. 23.

<sup>4</sup> *Ibid.*, f. 49v.

<sup>5</sup> *Ibid.*, f. 236.

<sup>6</sup> Park Court Book, 8 Ed. II (St. John Baptist).

<sup>7</sup> MS. Cotton, Otho D. III, f. 28v.

<sup>8</sup> *Gesta Abbatum*, i. 477.

<sup>9</sup> Codicote Court Book, 6 Ric. II (St. Ambrose).

<sup>10</sup> [P.R.O. Chancery Inquisitions A.Q.D. File 417, no. 9. John Mirfelde and John Harpesfelde hold of abbot of St. Albans by military service . . .

to the business done at it, we find that the cartularies of the Abbey, though damaged in many instances, supply some details about the courts in the attestation clauses of the charters. The earliest charters do not mention the courts, but nearly all of them are witnessed by the *dapifer*, the old name for the seneschal.

An undated charter, that evidently belongs to the first half of the twelfth century, records a grant made in the church: 'All this land have I offered upon the altar of St. Albans, *per cultellum*, in free alms.' The witnesses are ranged in two groups, five on the part of the donor and about fourteen on behalf of the monks, headed by Richard de Montague, *dapifer*.<sup>1</sup>

The two earliest charters noted are printed in Note B for the sake of their form. The first, headed *Cirografum Askilli juvenis de Hexton*, is a narrative statement concerning a youth named Askillus, son of Leofward the priest, who, wishing to go on pilgrimage to Jerusalem, granted to Abbot Richard (1097-1119) a certain *terra* which he had in Hexton for an advance of £4 10s. on condition that if he returned within five years and repaid the money he should have his land again. This convention the youth swore to upon the four Gospels. The witnesses include Thurston *Dapifer*, Thurston *Dispensator*, and others. Evidently the work of the seneschal goes back to the time of the First Crusade, though the transaction may not have taken place in a court.<sup>2</sup>

'et per servitium secte ad hundredum dicti Abbatis de Caysford de tribus septimanis in tres septimanas ac secte curie ipsius abbatis apud Sanctum Albanum sub fraxino de tribus septimanis in tres septimanas'. (This is one of the passages cited in the *Vict. County History* as evidence that the hundred court was held *sub fraxino*.) H.M.C.]

<sup>1</sup> MS. Cotton, Julius D. III, f. 80. Cf. Note B, p. 170 *infra*.

<sup>2</sup> MS. Cotton, Julius D. III, f. 115. [Two similar deeds of the time of Abbot Geoffrey (1119-46), witnessed by Walterus *Dapifer* and Ricardus *Dapifer*, are printed by Gibson, W. S., *History of Monastery founded at Tyne-mouth*, vol. ii, pp. xx, xxi. Another witness is Alexander filius Tuoldi, one of the military tenants of the Abbey in 1166. MS. Cotton, Nero D. I, f. 172. H.M.C.]

The second charter describes with exceptional detail the grant made by William, Count of Mortain, of land at Stanmore, and should probably be dated between 1100 and 1106.

'I handed over (tradidi) the land in the Chapter of St. Albans in the presence of all the brothers, hearing and seeing. Afterwards, going out of the Chapter, the brothers following, I placed the present little charter, with a knife, upon the holy altar *ad corpus sancti Albani*. For the confirmation whereof, before offering it up, I have written with my own hand the holy sign of the Cross at the head of this charter.'<sup>1</sup>

Thirteenth-century deeds appear to show that a process of secularization had been going on here, as elsewhere, in which the procedure of the court before the seneschal and of the halimotes had become more important than the ecclesiastical ceremonial. A grant of a certain rent in Bradewey, for instance, is made 'in plena curia sancti Albani; ita quod misi ipsam ecclesiam in possessione ipsius redditus in curia predicta'. The formal act, it would seem, is carried out in the central court of freeholders, and the charter records the act, the first witness being William of Husseburne, seneschal, and five of the other witnesses being tenants by knight service.<sup>2</sup> Another grant, made first in the full court of St. Albans before the same seneschal, is reported in the court of Redbourn, before Richard de Park, then chamberlain, and the whole *villata* of Redbourn. The donor was William son of the Miller, and the donee Milo the Sadler, and the grant conveyed three acres and a meadow.<sup>3</sup> A grant made by Philip of Bradeweya<sup>4</sup> to the church and monks of St. Albans is attested thus: 'ut

<sup>1</sup> MS. Cotton, Otho D. III, f. 73. Cf. Note B, p. 171 *infra*. For another gift *per cultellum* (1119-46) see *Gesta Abbatum*, i. 78-9.

<sup>2</sup> [MS. Cotton, Julius D. III, f. 65. William of Husseburne died in 1245. M. Paris, *Chronica Majora*, vol. vi, *Addimenta*, p. 276. H.M.C.]

<sup>3</sup> MS. Cotton, Julius D. III, f. 108.

<sup>4</sup> [A Hugo de Bradeweie appears in the list of free tenants in the charters of Henry II and John printed in Dugdale, *Monasticon*, ii. 228, 231. H.M.C.]

autem ista donacio concessio et quieta clamacio robur perpetuitatis optineat, presenti scripto sigilla nostra duximus apponenda, et ad majorem securitatem istam donacionem in curia domini abbatis fecimus annotari'.<sup>1</sup>

There is only one reference to the court of St. Albans in the group of charters, dating from the first half of the thirteenth century, printed in the *Addimenta* of the *Chronica Majora*: a quitclaim mentions the 'cartam quam Laurentius de Tebrige de predicto mesuagio mihi fecit in curia Sancti Albani'.<sup>2</sup> The reference is, however, illuminating. In the first place, the charter in question is printed immediately before the quitclaim that mentions it, and contains no reference to a court.<sup>3</sup> It is parallel with the other deeds witnessed by a number of persons named, *et aliis*, or *et multis aliis*, who are almost certainly those present at the court in which the charter was read.<sup>4</sup> Examination of the witnesses' names in these deeds reveals the fact that they fall into two sets—military tenants and free tenants, whose names appear when the seneschal figures as a witness, and humbler folk, described, if at all, as *faber*, *aurifaber*, *cissor*, *lanarius*, *ferarius*, *cementarius*, *le gigur*, *le fuher*, *le mazun*, and the like, with the *praepositus villae sancti Albani* as the only official mentioned. The deeds in question<sup>5</sup> seem to have been published either in the borough court before the reeve<sup>6</sup> or in a court attended by free tenants and military tenants held before the seneschal.<sup>7</sup> The court in which Laurence de Tebrige's charter was read was apparently the court held by the reeve: the *curia sancti Albani* in this case means the borough court. But three military tenants witness

<sup>1</sup> MS. Cotton, Julius D. III, f. 13.

<sup>2</sup> M. Paris, *Chronica Majora*, vol. vi, *Addimenta*, p. 419.

<sup>3</sup> *Ibid.*, p. 418 seq.

<sup>4</sup> [Miss Levett is not responsible for the inferences drawn from the names of the witnesses to these charters. H.M.C.]

<sup>5</sup> M. Paris, *op. cit.*, pp. 416-32.

<sup>6</sup> *Ibid.*, pp. 418-19, 421, 425, 426, 427, 428, 429, 430.

<sup>7</sup> *Ibid.*, pp. 417, 419, 422, 423, 424, 431.



the second charter, and the seneschal heads the list of witnesses. Where free tenants<sup>1</sup> held urban messuages, it seems that either court might be appropriate, and the borough reeve is found as witness along with the seneschal and the military tenants, so that the personnel of the two courts certainly overlapped.<sup>2</sup>

Charters were also published in the halimotes. In one the date is given *Datum in pleno halimoto de Rykmeresworth* (1283):<sup>3</sup> *datum apud Tydenhangre in pleno halimoto*<sup>4</sup> is a slight variation in 1306, probably because the halimote at Tyttenhanger is usually known as *Halimotum de Parco*. In one surrender the witnesses to the deed include the Budell of Cashio and the Budell of Park and the Halimote.<sup>5</sup>

There are two references to the court of St. Albans in the chronicles.<sup>6</sup> Geoffrey of Childwick, one of the military tenants of the Abbey,<sup>7</sup> had died heavily in debt to a Jew: his heir made over the manor of Childwick to the Jew in settlement of the debt. The abbot as chief lord of the fee would not permit the Jew to have peaceful seisin, and a free fight resulted. The supporters of the Jew were arrested and brought to the 'court of St. Albans', where they were released on giving security.<sup>8</sup> The other case arose from a conflict of jurisdictions. Eudo de la Zuche, who had a grievance against a man of St. Albans, had applied to the abbot to have him arrested and brought to plead to a charge of trespass in the abbot's court, according to the old custom by which the plea should be heard in the court of the defendant's lord, if the litigants hold of different lords. The defendant, however, tried to get

<sup>1</sup> Laurence de Tebrige was probably the heir of the free tenant Viel de Thebruge mentioned in Dugdale, *Monasticon*, ii. 228, 231, and was seneschal early in the thirteenth century (*vide supra*, p. 104).

<sup>2</sup> The charters in MS. Cotton, Julius D. III, can be classified in much the same way.

<sup>3</sup> MS. Cotton, Otho D. III, f. 22.

<sup>4</sup> *Ibid.*, f. 92.

<sup>5</sup> *Ibid.*, f. 15.

<sup>6</sup> [These two references were not discussed by Miss Levett. H.M.C.]

<sup>7</sup> M. Paris, *Chronica Majora*, vol. vi, *Addimenta*, p. 437.

<sup>8</sup> *Gesta Abbatum*, i. 401 (c. 1270).

the case transferred to the court of the earl of Gloucester, of whose household he had once been a member, so that the abbot had to obtain a writ from the king in order to recover his jurisdiction over the case.<sup>1</sup>

It would appear then that there was a court of free tenants at which transfers of land were registered, and at which pleas of trespass and other disputes might be heard. Was this court also a tribunal for the special business of the military tenant—the adjustment of responsibility for the performance of knight service? If so, it should undoubtedly be described as an honour court.

Miss Chew has made a close examination of the system of enfeoffment of military sub-tenants at St. Albans.<sup>2</sup> The Abbey owed the service of six knights, but the division of the original integral fees had as early as 1166 proceeded so far that the responsibility was shared by fifteen tenants, and by 1321 there were twenty-five tenants or 'portioners', as well as the abbot himself, owing such fractions of service as  $\frac{1}{7}$ ,  $\frac{1}{11}$ ,  $\frac{1}{14}$ ,  $\frac{1}{34}$  of a knight's fee.<sup>3</sup> This subdivision necessitated special arrangements as to the actual corporal performance of knight service, and there are various statements from 1244 onwards, of how, in fact, the burden of service and of financial assistance was adjusted.<sup>4</sup> The subdivision of the payments due when scutage was levied could be calculated on a fixed permanent scale,<sup>5</sup> but there was no automatic allocation of service, and on each demand from the crown, a fresh arrangement had to be made.

<sup>1</sup> M. Paris, *Chronica Majora*, vol. vi, *Addimenta*, p. 345. Cf. the dispute below as to the abbot's jurisdiction in the hundred of Cashio.

<sup>2</sup> [Chew, H. M., *English Ecclesiastical Tenants in Chief and Knight-Service*, 1932, pp. 124–31. It seems that Miss Chew's book was not available for reference when Miss Levett was writing this section, though she had discussed the matter with Miss Chew, whose view as to a court owed much to Miss Levett. H.M.C.]

<sup>3</sup> [*Ibid.*, Table facing p. 125. H.M.C.]

<sup>4</sup> [MS. Cotton, Nero D. I, ff. 172<sup>v</sup>–3. H.M.C.]

<sup>5</sup> [Tables for calculating this money liability are to be found both in MS. Cotton, Tiberius E. VI and in Camb. Univ. Lib. MS. Ee 4. 20. H.M.C.]

The first statement of the appropriate procedure in such cases belongs to the year 1257. The abbot of St. Albans, charged like the other magnates to supply his quota of knights for the Welsh campaign of that year, called together his military tenants 'as he and his predecessors had been used to do', that, as ancient custom was, each *scutum* should find one chief knight to do the required service. Four of the military tenants, however, refused to do their part, though the majority were agreeable.<sup>1</sup> It was as a consequence of this refusal that the famous session was held under the ash-tree, the description of which is a *locus classicus* as regards the court at St. Albans.<sup>2</sup>

Anno domini millesimo cc<sup>mo</sup> l<sup>o</sup> septimo. Die Nativitatis Beatae Virginis, vocati fuerunt omnes tenentes per militare servitium de abbacia Sancti Albani ad respondendum domino abbati pro defalta quam fecerunt non faciendo servitium suum in expeditione Walliae domino regi pro abbate, sicuti facere debuerunt et consueverunt. Et coram domino Laurencio de Broke<sup>3</sup> tunc justitiario domini regis, ad deliberandum gayolam Sancti Albani sedente sub fraxino in media curia, assidentibus eidem Willelmo de Welmulle tunc senescallo libertatis,<sup>4</sup> Willelmo de Lodewyke tunc coronatore comitatus de Hertforde, dominis J[ohanne] de Bolum,<sup>5</sup> G. de Lyndeseya, Ada de Mota, monachis, dicti tenentes, habito ad invicem diligenti tractatu in quo fuerunt Walterus de Wauncy, Ricardus de

<sup>1</sup> MS. Cotton, Nero D. I, f. 134<sup>v</sup> (printed in *Additamenta*, p. 375).

<sup>2</sup> [MS. Cotton, Nero D. I, f. 172 d (printed in *Additamenta*, pp. 437-9). It has been variously interpreted as describing (a) the hundred court of Cashio (*V.C.H. Herts.* ii. 321), (b) the court of the honour of St. Albans (*Select Pleas in Manorial Courts*, p. xlvi, note 3), (c) the halimote of the soke of Park (Rushbrook Williams, F., *History of the Abbey of St. Alban*, 1917, p. 68). H.M.C.]

<sup>3</sup> Cf. *Gesta Abbatum*, ii. 45, where Laurentius de Broke appears as holding the fee of one knight in Westwick and Schephale, together with John de Gorham.

<sup>4</sup> William of Westmelne was seneschal in the year 40 Hen. III. Cf. MS. Cotton, Otho D. III, f. 46<sup>v</sup>.

<sup>5</sup> John de Bolum was archdeacon in 1264 and prior in 1275. Cf. *Gesta Abbatum*, i. 407, 420.

Oxeye, Rogerus de Bechewerthe, milites; Alexander filius Ricardi, Ricardus de Wodewyke, attornati Radulphi Pirot [et] Willelmi de Gorham, et omnes alii fere per dictum servitium tenentes; et per os domini Rogeri de Meriden communiter respondententes, confessi sunt quod acquietare debent abbatem versus dominum regem de servitio militari in quolibet exercitu. Postquam sciverunt summonitionem domini regis, debent singuli capitaliter de scuto tenentes convenire, et unum militem eligere de quolibet scuto, qui corporaliter faciet servitium, vel ipse electus inveniat alium militem per se servitium facientem.

Then follows a statement, identical with that in the other account,<sup>1</sup> of the actual distribution of responsibility in 1257 between the abbot and the other portioners.

This session,<sup>2</sup> over which a royal justice presides, with county and liberty officials sitting as assessors, cannot be the honour court. It is very doubtful whether it can have been convened by the abbot. He is, it would seem, taking advantage of the presence of a justice of gaol-delivery to bring a complaint against certain defaulting tenants, and the case ends with the submission of the tenants, and their formal acknowledgement of obligation. In some respects the situation resembles the holding of an inquest to obtain information on the Crown's behalf, as to customs or rights, but though the Crown is naturally concerned in the due performance of knight service, the characteristic jury procedure is lacking: the military tenants, after discussion together, make an agreed statement as to the established custom at St. Albans, which is formally recorded before the royal justice.

In accordance with this statement, we read of the military tenants assembling in 1260 in the greater church of St. Albans, when summoned by royal writ to do their

<sup>1</sup> [Cf. M. Paris, *Chronica Majora*, vol. vi, *Additamenta*, pp. 375, 439. H.M.C.]

<sup>2</sup> [Miss Levett is not responsible for the interpretation which follows, nor for the inference drawn from the election of coroners in the court of St. Albans. H.M.C.]

military services<sup>1</sup> on the occasion of another campaign against Llewellyn of Wales. In 1327, we are told,

Venerunt milites sex secundum consuetudinem per breve regis in curia Sancti Albani sub fraxino et assignaverunt Alfonsum de Ver ad faciendum corpus pro scuto de Gorham.<sup>2</sup>

That it was the seneschal's duty to summon the military tenants appears from the statement in the Cambridge formulary:

Cum Rex miserit breve suum Abbati pro servicio suo habendo, tunc debet seneschallus Abbatis summoniare omnes tenentes per feodum militare quod compareant in Abbathia et ipsi eligent de quolibet scuto unum per ordinem qui faciet seruitium illa vice.<sup>3</sup>

As Miss Chew says,<sup>4</sup> these assemblies have no trace of any judicial character, and differ markedly in this respect from the Ramsey records. Only in the phrase used in 1282, *Secundum consideracionem et visum parium suorum*<sup>5</sup> is the atmosphere of a court suggested; for both *consideracio* and *pares* belong to the terminology of a court roll. The word *curia* is more ambiguous; we know that the famous ash-tree grew in the courtyard of the Abbey,<sup>6</sup> and meetings of all sorts might be held there as well as judicial assemblies.

One more reference might be considered in examining the evidence for a court for the military tenants of the Abbey. It occurs in 1280, when the first election of coroners for the liberty under the new royal charter took place. The charter granted to the abbot and convent quod ipsi in curia sua Sancti Albani, sine brevi nostro . . . de libere tenentibus legalioribus et melioribus eligere possint et creare coronatores in libertate sua Sancti Albani;<sup>7</sup>

<sup>1</sup> MS. Cotton, Nero D. I, f. 134<sup>v</sup>.

<sup>2</sup> Ibid., f. 148<sup>v</sup>.

<sup>3</sup> Camb. Univ. Lib. MS. Ee 4. 20, f. 265. This seems to be the same as the 'almost indecipherable entry' in MS. Cotton, Tiberius E. VI, f. 265<sup>v</sup> cited Chew, op. cit., p. 129, n. 4.

<sup>4</sup> Ibid., pp. 129-30.

<sup>5</sup> MS. Cotton, Nero D. I, f. 173.

<sup>6</sup> *Sub fraxino in media curia*. See above, p. 126.

<sup>7</sup> *Gesta Abbatum*, i. 446.

and it was read aloud in the county court of Hertford, together with the royal writ to the knights and free tenants of the Abbey commanding 'quod eidem Abbati et Conventui in praemissis intendentes sitis et respondentes'.<sup>1</sup>

On the following twelfth of June, the charters were again read 'in curia Sancti Albani', in the presence of the abbot, the prior, the archdeacon, and many other monks, 'et etiam in presentia militum et multorum libere tenentium dicti abbatis', and in this court the lord abbot, by the consent of the said knights, chose and created two coroners according to the king's charter.<sup>2</sup> This might seem final; but the names of the five knights present are given, and not one of them is to be found in the lists of military tenants given by Miss Chew for c. 1277. One of them has the name of a free tenant of John's period; they are undoubtedly simply the 'more lawful and better free tenants', the country gentlemen of sufficient standing to serve on the grand assize, or to represent their shire in parliament. This passage in the *Gesta* is the final proof of the existence of a court for free tenants, but contributes no evidence for the existence of an honour court transacting the business peculiar to military tenants. St. Albans cannot be equated with Ramsey. But the military tenants, as the Codicote entry reminds us, might owe, besides their military service, three-weekly suit to the central court for freeholders, and that court habitually sat under the ash-tree.<sup>3</sup> The first half, then, of Maitland's statement can be accepted; but his suggestion that the free suitors of the abbot's central court exercised jurisdiction in error over the halimotes and their villein litigants is not, as we shall see, supported by the records when examined in detail.

On the hundred court it is singularly difficult to obtain any light.<sup>4</sup> The hundred of Cashio, called Albanestou in

<sup>1</sup> Ibid. 446-7.

Codicote Court Book, 6 Ric. II (St. Ambrose).

[For the account of the hundred court I am mainly responsible. H.M.C.]

1086, was composed almost entirely of land held by the Abbey. The account of its areal charges in the *Victoria County History* shows that parishes were being detached from other hundreds after that date and added to the Domesday hundred as late as the middle of the thirteenth century, the only conceivable reason being that they were manors held by the abbot and convent.<sup>1</sup> It resulted that the suitors of the hundred were bound in practice to be, almost all of them, free tenants of the Abbey, though not every free tenant of the Abbey would owe suit to the hundred court. We have seen that the same men might owe suit to both.<sup>2</sup>

There are two instances of conflicting claims in reference to the hundred court. At least one suitor of the hundred was not a tenant of the abbot of St. Albans, namely the abbot of Westminster, who held a manor at Aldenham. In 1201 a jury found that the hundred bailiff held view of frankpledge in Aldenham; that Aldenham men who wished to purge themselves by the ordeal by water had to go to St. Albans; that Aldenham men who waged battle had to fight in the St. Albans hundred court; and that Aldenham men who were to be hanged must be hanged on the gallows of St. Albans.<sup>3</sup> Further disputes between the two abbots led to an elaborate final concord in the year 1256, in which, amongst various detailed statements as to the distribution between the two abbots of the perquisites of justice arising in Aldenham, it was laid down that the township of Aldenham should do suit to the hundred of Cashio, wherever it should be held, every three weeks, with a penalty of four shillings for every default in attendance. The tenants of the abbot of Westminster were to be kept in his prison, if arrested for crime, and tried at Aldenham

<sup>1</sup> *V.C.H. Herts.* ii. 141, 319-20.

<sup>2</sup> *Supra*, p. 120. A list of twelve suitors to the hundred court in the year 1260 contains eight of the military tenants mentioned in 1257. Of the ten present at Nomansland in 1284, six bear the names of free or military tenants of the Abbey. *Vide infra*, p. 132.

<sup>3</sup> *Curia Regis Rolls*, ii. 56.

before the bailiff of St. Albans by other free men of the hundred and manor, and thieves condemned at Aldenham were to be hanged on a gallows common to both abbots. The township of Aldenham was to come with the three neighbouring vills, if necessary, to serve on coroners' inquests. Once a year the bailiff of the hundred was to hold the view of frankpledge at Aldenham. The procedure in serving and returning royal writs was also laid down.<sup>1</sup>

The other direction from which complaints arose was from the borough of St. Albans. In the eyre of 1262 the town of St. Albans complained that the abbot's seneschal compelled them to attend the foreign hundred, contrary to the customs of the town.<sup>2</sup> In 1276 the abbot granted that, so far as in him lay, he would not henceforth compel the attendance of the townsmen at the hundred court, unless they themselves chose to go to law there, or unless their case was such that it could not be pleaded and determined in the lord abbot's court (presumably the court of the borough).<sup>3</sup> Later, in 1328, the townsmen obtained a grant of exemption from sitting on inquests with *forinseci*, 'save only that they should come to the abbot's hundred court when they were impleaded there by writ, as custom was'.<sup>4</sup>

A third conflict arose, about 1259, between the abbot and one of his military tenants,<sup>5</sup> Thomas of Sisseverne. The dispute was ultimately brought before Hugh Bigod, the justiciar appointed in the parliament of Oxford, and it is the fullest account hitherto noted of proceedings in

<sup>1</sup> *Gesta Abbatum*, i. 363-6.

<sup>2</sup> *Jurati presentant et tota villa sancti Albani queritur quod Johannes de Radeswell, Senescallus Abbatis, ponit liberos homines de villa sancti Albani ad sacramentum praestandum sine speciali precepto domini Regis vel waranto et trahit eos ad hundredum forinsecum et compellit eos ibi respondere contra consuetudines et libertates predictae ville. Ideo inde loquendum.* P.R.O. Assize Roll 321, m. 1 (1262).

<sup>3</sup> *Gesta Abbatum*, i. 423.

<sup>4</sup> *Ibid.* ii. 220.

<sup>5</sup> Chew, *op. cit.*, p. 124 (table).

the hundred court of Caysford or Cashio. The abbot brought a complaint against the suitors of his own hundred court for giving a wrong judgement. The chief justice commanded the sheriff of Hertfordshire to take four knights and go to the hundred court of Caysford and there cause a record to be made of the plea in that hundred between the abbot and Thomas de Sisseverne.<sup>1</sup> It appeared that a certain John de Waleton had brought a plaint of trespass against a certain Gregory of Worwell who was a tenant both of the abbot and of Thomas of Sisseverne, in the hundred court, before the seneschal of the liberty, five of the suitors of the court, and seven attorneys of suitors, and when the defendant was ready to make answer to the charge, Thomas of Sisseverne had claimed jurisdiction of him as his lord. The case had dragged on for nearly a year, until the suitors of the hundred, taking advantage of the seneschal's and the abbot's absence, had given judgement in favour of Thomas, against the abbot's will, and to the damage of his liberty.<sup>2</sup> The conclusion of the case cannot be traced, but it illustrates alike the normal size of the hundred court,<sup>3</sup> the fact that the seneschal usually presided, and the dominant part played by the suitors in giving the judgements.

The suit to the hundred court is three-weekly, alike in the statements of the thirteenth and of the fifteenth centuries.<sup>4</sup> The jury of 1201 declared that suit was owed to the court from the township of Aldenham 'wherever the court might be held in the hundred'. Its usual meeting place is nowhere stated. There seems no evidence that it ever met under the ash-tree.<sup>5</sup> Once at least it was held

<sup>1</sup> P.R.O. Curia Regis Roll 167, m. 6 d (Easter three weeks, 1260).

<sup>2</sup> Ibid., m. 15 (Trinity).

<sup>3</sup> The names of the twelve suitors who gave judgement are recorded. More than twelve suits to the hundred are recorded in MS. Cotton, Tiberius E. VI, f. 13 seq.; some of these may have compounded for their suit, and some may have owed suit only twice a year.

<sup>4</sup> See Amundesham, i. 269.  
<sup>5</sup> None of the references in *V.C.H. Herts.* ii. 321, which Miss Levett followed in 1925 (*supra*, p. 27), connect the hundred and the ash-tree; most of them refer to the halimote or free court *sub fraxino*.

on Nomansland common, and its name would forcibly suggest that it sometimes met at Cashio. There are some interesting references to the Nomansland site. In 1429 an old man declared that, as the name would indicate, the said heath was common to the parishes of Sandridge (held by St. Albans) and Wheathampstead (held by Westminster).<sup>1</sup> There was an outstanding feud between the two parishes, each of which claimed it, and again and again the tenants of the abbot of Westminster erected a gallows on it in sign of appropriation, and the men of St. Albans pulled it down and carried off the timber.<sup>2</sup> The holding of Cashio hundred there in 1284<sup>3</sup> may have been merely a demonstration of the rights of St. Alban, but such extra-parochial spots are characteristic primitive sites.

In the absence of any fuller knowledge, one can only assume that the hundred court of Cashio sat, like that of other hundreds, for the performance of public business, such as the six-monthly inquests in the tourn and the collection of customary dues,<sup>4</sup> and for petty civil litigation, in which both townsmen and countrymen may have been involved. That it had ceased to be necessary for the latter purpose before the Reformation seems to be indicated by the absence of any profits of the hundred court amongst the assets of the Abbey recorded in the *Valor Ecclesiasticus*.<sup>5</sup>

Even though the hundred court has to be eliminated from the list of courts held under the ash-tree in the abbey courtyard, there remains a fair variety of judicial sessions. We have seen that the 'three-weekly court' for free tenants was held there, by the seneschal or his deputy; royal justices, appointed to deliver the liberty gaol, and supported by the seneschal, coroner, and bailiff, in all probability used the same site on occasion; under the same tree the military tenants assembled at the

<sup>1</sup> Amundesham, i. 35.

<sup>2</sup> Ibid. i. 14, ii. 131 seq., 214, 217.

<sup>3</sup> MS. Cotton, Tiberius E. VI, f. 70.

<sup>4</sup> Cf. p. 367.

<sup>5</sup> *Monasticon*, ii. 255.

seneschal's summons to determine the incidence of military service when the king's writ called for the abbot's quota, and under the same tree, as we have now to see, the cellarer might call up the halimotes from the different manors, to examine or determine pleas of special importance or difficulty, which might involve reference not merely to the seneschal, but even to the abbot himself and his council.

*The Halimotes and Courts Leet*<sup>1</sup>

1. *Organization.*

In investigating the organization of the halimotes we are at last on firm ground; records of their proceedings, as we have seen, are extant from the year 1237. Three, possibly four, of the registers begin at that date. The halimotes traditionally met every three weeks,<sup>2</sup> but in the court-books there are usually only two entries to each year,<sup>3</sup> one in spring and one in autumn. An entry of 9 Edward III at Winslow speaks of the halimotes 'of the Easter term and of the Michaelmas term'.<sup>4</sup> The Newland register, however, gives extracts from the rolls of seven or eight courts a year in the reigns of Edward I and II, though under Edward III fewer courts are mentioned.<sup>5</sup> For all the manors occasional entries of three or four courts appear in the books. It is probable that the halimote could and perhaps did meet at the three-weekly intervals under the bailiffs or serjeants, perhaps without

<sup>1</sup> [The survival in regular use of the pre-Conquest term *halimote* in the later Middle Ages appears to be unusual, if not peculiar to St. Albans, and may be compared with the use of the terms *hide* and *socone*. H.M.C.]

<sup>2</sup> Suit to the halimote is repeatedly described as being three-weekly, e.g. Croxley Court Book, 2 Ed. II, 2nd court (no further date).

<sup>3</sup> [At Winslow, 1422-48, the norm is one court a year only. H.M.C.]

<sup>4</sup> [Winslow Court Book, 9 Ed. III (Ascension). H.M.C.]

<sup>5</sup> [Newland Court Book. Five courts Dec. 1286-April 1287, eight courts January-June 1300, eight courts January-November 1301, seven courts July 1307-April 1308, three courts June-August 1340. At Kingsbury (Court Book, 26 Ed. I, St. Nicholas) a man is exempt from attendance at any court between the two *liberae curiae*. H.M.C.]

the presence of the cellarer or other official:<sup>1</sup> it probably did some formal business, such as taking surrenders, exacting heriots, or issuing and enforcing by-laws whenever special needs arose. It is possible that these interim meetings kept rough notes of their proceedings, and that at the two great courts of the year, some of this business was reported and some of it merely registered.<sup>2</sup> Many items of business are said to have been dealt with *in plena curia*, a phrase which probably indicates only 'in open court', but almost certainly means a formal assembly, not the informal surrender before the bailiff and two lawful men.

The St. Albans halimotes appear to have been to a great extent migratory, and for certain purposes two or more halimotes might combine. An inquest might be formed of twelve men from each of two villis, or of six men from each of four villis. These were normally contiguous villis, where the problems involved might overlap. It was apparently not necessary that the halimote in which business was transacted should be the court of the manor concerned. A certain Roger Wyking had been placed in seisin of an acre of land in Park, before the halimote of Barnet, there being present twenty-four men from Park and Tyttenhanger;<sup>3</sup> these joint juries, or inquests, were a common feature of procedure. It is evident that the copyist was sometimes confused by the entries as to where the court took place. 'Halimotum de Parco apud Tittenhanger' alternates with 'Halimotum de Tittenhanger apud Park', or at some more unusual centre. Some of the smaller halimotes were habitually summoned to meet at a large central manor. Indeed, it would

<sup>1</sup> Possibly the proximity of Newland to St. Albans made the attendance of the kitchener there a simpler matter than that of the cellarer at the outlying manors.

<sup>2</sup> *Vide supra* p. 78, and cf. Vinogradoff, *Villainage in England*, ed. 1892, p. 361. [The Winslow entry makes it clear that for the purposes of recording the stages of a plea, the Michaelmas halimote was 'the next after' the Easter one, and so on, in the years 1331-2. H.M.C.]

<sup>3</sup> Park Court Book, 47 Hen. III (St. Edmund).

seem probable that several halimotes may have been roughly organized from one Sokone,<sup>1</sup> while the more archaic term survived to describe the larger halimote. The 'three great sokes' described by some authorities<sup>2</sup> are not traceable, but Cashio, Park, Tyttenhanger, Abbots Langley, and Winslow are all termed *Sokone* or *Socone*,<sup>3</sup> and the term may in some cases have covered several of the smaller halimotes. The survival of the term *soke* appears to reflect the survival of a grouping far earlier than the word *manor*, corresponding broadly with the primitive halimotes. The division of the alleged 'sokes' does not appear to coincide with the grouping of manors for purposes of the leet.<sup>4</sup>

The cellarer, in holding the six-monthly halimotes, acted as a kind of itinerant justice. A service of providing him with horses was owed by Cashio. The rolls preserved at Hertford supply an itinerary for various years. In 1348, for instance, we find him at Winslow on 13 October, at Sandridge 15 October, at Northaw and Tyttenhanger on 16 October, at Hexton on 20 October, Norton 21 October, Bramfield 22 October, at Sopwell (for the court of Park) 23 October, Croxley 30 October, and Cashio (for Sarratt and Cashio) 31 October.<sup>5</sup> In 1399 he is at Langley on the Thursday after Easter, at Newnham the following Wednesday, then at Walden on Thursday, at Codicote on Friday, and on Tuesday at Park and

<sup>1</sup> We find, e.g., a man owing suit to the court of Cashio and twice a year to the halimote (Cashio Court Book, 34 Hen. III, St. Barnabas, Appendix I, p. 314), and four years later, a man excused suit to the court of Cashio, but still owing suit to the court of Langley, because he lives there (*ibid.*, 38 Hen. III, St. Peter ad vinculam). The court at Winslow served Shepton, Greenborough, Horwood, Merston, and Oving as well as Winslow.

<sup>2</sup> e.g. Rushbrook Williams, *History of the Abbey of St. Albans*, p. 68; *V.C.H. Herts.* ii. 322.

<sup>3</sup> Langley Court Book, 48 Hen. III (All Saints); Cashio Court Book, 56 Hen. III (All Souls); *ibid.*, 12 Ed. I (St. Luke); Park Court Book, 23 Ed. I (Trinity); Winslow Court Book, 3 Ed. III (All Saints); Tyttenhanger, MS. Cotton, Tiberius E. VI, f. 204 b.

<sup>4</sup> *Vide infra*, pp. 145-6.

<sup>5</sup> Herts. County Repository Rolls, nos. 10549-50.

Stanmore.<sup>1</sup> In 1427 he is at Hexton on the Monday after the close of Easter; at Caldecote, Newnham, and Tyttenhanger on the Wednesday; Walden, Park, Borham, and Sandridge on Thursday; and Rickmansworth on Friday; and after Whitsunday visits Northaw, Langley, Sarratt, Croxley, Cashio and Oxhey, and Wythynhall.<sup>2</sup>

As the halimotes might be called from one manor to another, so in turn they were all called up to St. Albans, and are there described as *Halimotum* or *Curia de A-B tenta sub fraxino*. The only court under the ash-tree to which the rolls and court-books refer is the transported halimote. It is essential to stress this point, because the whole question of evocation and appeal jurisdiction turns upon these *sub fraxino* entries. Proof lies in several directions. In the first place, all the phraseology used points indubitably to the presence, from time to time, of each of the halimotes beneath the ash-tree, with its title expressed with the utmost clarity. Secondly, all the business done beneath the ash-tree is exactly the same as that taken locally in the halimote. Occasionally the same case goes backwards and forwards from the manor to the ash-tree,<sup>3</sup> and the only distinction lies in the different stages of the case. A most complicated form of procedure, in imitation of one of the royal processes initiated by writ, may begin in the manor court, and be continued under the ash-tree, and reach its final stage in the manor again. On the whole, it is the more important and difficult cases which tend to come to St. Albans, but that is natural, as the object is to dispatch a controversy which is too long for a single meeting of the halimote. The cellarer, every three weeks or so (and in some years the courts seem to have met regularly),<sup>4</sup> can call several halimotes together under the ash-tree, and advance each pending suit by one stage. A study of the frequent essoins will show how

<sup>1</sup> *Ibid.*, no. 10551.

<sup>2</sup> *Ibid.*, no. 10557.

<sup>3</sup> e.g. Langley Court Book, 25 Ed. III (St. John ante P.L.).

<sup>4</sup> Cf. Note C.

much this arrangement must have made for efficiency and comparative rapidity.

The rule governing this evocation is clearly stated in the roll of the justices of Oyer and Terminer appointed in September 1417 to hear a dispute that had arisen between the abbot and his tenants in Barnet, who were refusing services and claiming to alienate their holdings by charter.<sup>1</sup> An inquest held before these justices at Hertford<sup>2</sup> declared that no alienation or lease might be made without special leave of the seneschal or cellarer, save *in articulo mortis*, when the surrender might be made to the bailiff. It was further declared that a plea might be called up to the court under the ash-tree *propter temporis brevitatem, aut legis difficultatem*. Although this explanation is late in date, it appears to be accurate as regards the earlier periods. The summons to St. Albans appears in some of the earliest entries; sometimes it is to come before the cellarer *ad stabulum*,<sup>3</sup> sometimes *sub fraxino*.<sup>4</sup>

<sup>1</sup> *Cal. of Patent Rolls, 1416-22*, p. 143. Cf. Barnet Court Book, 7 Hen. V (St. Dunstan).

<sup>2</sup> P.R.O. Assize Roll 340, no. 4, m. 1 d. An inquest taken on the morrow of Michaelmas, 5 Hen. V, finds that every *nativus* owes suit to the Abbot's court of Barnet every three weeks. Every *nativus aut terram native tenens* holds at will or by the rolls of the court according to the custom of the vill, and cannot alienate his land without the leave of the seneschal or cellarer, save *in articulo mortis*, to the bailiff for the time being.

'Et insuper, si aliquod placitum de et super huiusmodi tenemento aut de et super aliquo contractu, transgressione, re vel facto infra predictam villam de Barnet emergente in prefata curia motum ibidem propter temporis brevitatem aut legis difficultatem commode non poterit terminari, placitum illud ad curiam predicti nunc Abbatis et predecessorum suorum sub fraxino infra Abbatiam de Sancto Albano tenendam, vocatam the Court under the Asshe, adiornari et partibus eiusdem placiti certus dies ad eandem curiam profigi debent et debuerunt et consueverunt, a tempore quo non extat memoria, inibi terminandum.'

<sup>3</sup> e.g. Langley Court Book, 31 Hen. III (Michaelmas); Park Court Book, 35 Hen. III (All Souls), Appendix I, p. 308; *ibid.*, 4 Ed. I (Michaelmas); Codicote Court Book, 1 Ed. I (Michaelmas); *ibid.* (Invention of Holy Cross). The latest reference is Newland Court Book, 5 Ed. II (All Saints) (*stabulum coquinarii*).

<sup>4</sup> e.g. Norton Court Book, 31 Hen. III (Pentecost), see Appendix I, p. 330; Cashio Court Book, 51 Hen. III (SS. Peter and Paul); Park Court

Perhaps the call *ad stabulum* belongs predominantly to the winter months; certainly both entries usually indicate that reference to the court rolls was desirable, and since these were kept in the stable, that explains why the halimote 'came to the mountain'. From an early period in the fourteenth century the tenant who was ordered to 'have his record' would appear with his 'copy of Court Roll', to be compared if necessary with the original.<sup>1</sup> Sometimes he had to produce the Custumal;<sup>2</sup> it is not easy to see in what way the tenants could be responsible for producing the 'White Book' of the *Consuetudines*, but it is just possible that the rolls drawn up by the *jurati* were retained locally, after having been copied into the White Book. It would provide a common series of *copies* in the technical sense. The extents of 1331-2, very carefully copied into separate small volumes,<sup>3</sup> would have been portable and convenient for consultation by the cellarer on his rounds.

The following analysis of the type of cases called from Langley to St. Albans, to the court under the ash-tree, will serve to illustrate the function of the court during the fourteenth century. They represent the cases in the first twenty years of Edward III.<sup>4</sup>

1 Ed. III. (1) Distrant for rent. Appeal to former verdict of jurors. (2) Plea of land. Husband as attorney for wife.

2 Ed. III. Case (2) continued in halimote.

(3) Three years' default of service; to show how he had entered upon the lord's fee. (4) and (5) Pleas of land.

*Curia tenta apud Sanctum Albanum* (first separate heading).

(6) Entry on ferthlingate of land.

Distrant for services in arrears. Case (3).

Book, 1 Ed. I (St. John ante P.L.); *ibid.*, 23 Ed. I (SS. Simon and Jude); Langley Court Book, 15 Ed. I (St. Barnabas).

<sup>1</sup> e.g. Newland Court Book, 5 Ed. II (All Saints); Cashio Court Book, 29 Ed. III (St. John ante P.L.); Codicote Court Book, 17 Ed. II (Tr. St. Thomas); *ibid.*, 3 Ed. III (St. John).

<sup>2</sup> e.g. Newland Court Book, 2 Ed. II (St. Alban); Codicote Court Book, 3 Ed. III (St. Luke); Cashio Court Book, 15 Ed. III (St. Dunstan).

<sup>3</sup> [The Codicote Extent is printed in Appendix II.]

<sup>4</sup> Langley Court Book.



- Pleas of land, view ordered. Cases (4) and (5).  
 (7) Entry on four acres of land.
- 4 Ed. III. (8) Case of lease, whether elapsed or not; ordered to bring record of the rolls to St. Albans. None brought; case decided on verdict of the jury.  
 (9) Plea of land, *coram cellerario apud Sanctum Albanum. Discontinuat placitum predictum propter adventum domini Regis.*
- 5 Ed. III. (10) Plea of land, in form of writ of Mort d'Ancestor.  
 (11) Plea of land (curtilage and one rood, view asked).
- 6 Ed. III. (12) Lease (by collusion) of land held for term of life.
- 7 Ed. III. (13) Heriot, of boy under age: question of next heir.
- 8 Ed. III. (14) Man calls the rolls to record that he has paid his marriage fine.  
 (15) Plea of land, *in forma de cui in vita.*
- 9 Ed. III. (16) Plea of land.
- 10 Ed. III. (17) Land and Heriot.
- 14 Ed. III. (18) Detinue of rent.
- 15 Ed. III. (19) Thirty acres of free land, in Cashio, Langley, and Sarratt: jury is called to St. Albans.  
 Same case goes back to the halimote at Langley.
- 16 Ed. III. *Curia tenta sub fraxino.*  
 (20) Exchange, begun in halimote.  
 (21) Lease for sixteen years. (22) to (31) Ten surrenders.
- 17 Ed. III. (32) Services in arrears. Tenant calls to record the Extent, but on the appointed day at St. Albans *non habet recordum.*
- 18 Ed. III. (33) to (42) Merchet. Plea of land. Forfeiture. Surrenders. Detinue of Dower.
- 19 Ed. III. (43) Bartholomew Robert demands inquest in place of assize of Novel Disseisin. Inquest *sub fraxino.* Parties adjourned to halimote, where Robert finally surrenders claim, 20 Ed. III.

This summary list makes it perfectly clear that there is no division between the types of cases taken under the ash-tree, and those taken in the local halimote. Specimens of all kinds will be found in both places, during the same period. Perhaps it should also be said that on such original court rolls as are available, the cases taken

under the ash-tree are merely distinguished by the marginal note *sub fraxino*. The elaborate heading '*Curia (or Halimotum) de Barnet coram Cellerario tenta apud Sanctum Albanum sub fraxino*' is evidently an addition of the copyist; the original more naturally only adds an unobtrusive note of place.

Thus by the evidence of the title-headings in the court books, by the definition given before the king's justices, and by the evidence of the competence of the courts, it is clear that there is no appeal from the halimote to the court under the ash-tree, nor is the court that normally sits there in any sense a superior body. If causes are summoned to St. Albans from a manor, this is nothing but a convenient geographical arrangement, when reference to the records preserved centrally is desirable *propter difficultatis legem*. A late instance of an adjournment *propter temporis brevitatem* is mentioned in a bill of complaint to chancery of the reign of Henry VIII. The homage of Sandridge declare that at a court held there on 9 April 17 Henry VIII by the seneschal they asked for an extension of time to give their verdict in an inquest as to the existence in the manor of any bondmen, regardant or in gross, and the seneschal gave them a day unto the next court to be held under the ash within the Abbey of St. Albans, 'the same court so adjourned to be kepte ther that day thre weks next ensuyng, which adiornement of the said court was according to the olde custome of the said manor of Sandrigge tyme owte of mynde used'. The narrative proceeds to relate how the homage came to St. Albans on the appointed day and delivered their verdict in writing to the clerk of the court under the ash-tree, Richard Elys, to enter the same in the lord's court roll.<sup>1</sup> It seems then that the halimote was the halimote and nothing more, whether at Barnet or Sandridge, or under the tree in the great court of the Abbey, or at the stable.

<sup>1</sup> [P.R.O. Star Chamber Proceedings, Henry VIII, vol. viii, p. 4. This passage appears to have escaped Miss Levett's attention. H.M.C.]

Its more frequent centralized meetings under the ash-tree were the greatest possible convenience to litigants and also to the cellarer, who need not call up halimotes which had no suits pending.<sup>1</sup>

One additional possibility remains to be noted. On the analogy of Tynemouth,<sup>2</sup> supported by various scraps of evidence, it seems probable that the *curia in abbatia* to which three-weekly suit was owed dealt with the immediate surroundings of St. Albans which were never fully manorialized. A map of parochial boundaries shows the present city boundary of St. Albans, or the old limits of the *Tounemandiche*, surrounded by three great parishes, St. Peter's, St. Michael's, and St. Stephen's. These are not coincident with manors, and although several manors can be fitted into them, these manors neither respect the parish boundaries, nor do they entirely fill the parishes. If the manors could be mapped with precision, it would be seen that considerable areas in each parish were left unaccounted for, and that these areas were largely independent free holdings, such as, at a later period, annex the title of manor, or for some unknown reason add the suffix *hide* to their earlier names. St. Albans had no *banlieu*, and it would seem that the *libera curia*, meeting under the ash-tree and presided over by the seneschal alone, may have dealt with the manorial business of this indeterminate belt of lands.

The Courts Leet play a comparatively small part in the

<sup>1</sup> From a few Newland entries it would appear that the kitchener might also call litigants to St. Albans. Newland Court Book, 17 Ed. I (St. Martin), *Curia coquinarii tenta in villa Sancti Albani*; 27 Ed. I, *in stabulo*; 5 Ed. II (All Saints), *in stabulo coquinarii*.

<sup>2</sup> Craster, H. H. E., *Hist. of Northumberland*, viii. 221. 'There was one court (*libera curia*) for the whole liberty, held every three weeks and attended by all the free tenants of the monastery. . . . It was at once seignorial and feudal and combined the functions of the court leet with those of the court baron. Though separate manorial courts were maintained in the outlying districts, around the monastery itself there was no scope for their development. The free court of the liberty was also the court of the adjacent manors.'

history of the St. Alban's manors. They were evidently held on the same days as the Halimote, whether once or twice a year. In the earlier entries in the court-books very few references to the view of frankpledge have been transcribed;<sup>1</sup> the term *leet* is hardly ever used.<sup>2</sup> A note of the profits of the view<sup>3</sup> or of offences against the assize of ale<sup>4</sup> is added, generally to the extracts of a spring session. In the Winslow court-book from 1350 to 1377 two halimotes and one view are noted each year, the view being held in the Easter term. The system of presentment is very clearly revealed, the chief pledges forming a pool from which the 'jurors of the halimote' are selected to make the presentments, the same names recurring year after year. The rolls of 22 Edward III<sup>5</sup> do not record views, possibly because they contain only Michaelmas halimotes, but the rolls of 18-22 Richard II<sup>6</sup> consist entirely of views, and those of Henry VI<sup>7</sup> give clear headings of view and halimote, held always in the Easter term.<sup>8</sup> The Winslow court-book only shows one court for the year under Henry VI, and though the halimote only is named, frankpledge business is noted, under the heading of the different hamlets which owe suit at Winslow.<sup>9</sup>

On one occasion, at Barnet,<sup>10</sup> the scribe appears to

<sup>1</sup> The omission of references to frankpledge business seems deliberate, *vide supra*, pp. 78, 94, and makes generalization as to frequency impossible.

<sup>2</sup> Cashio Court Book, 25 Hen. VI (SS. Philip and James). A house in Watford is granted on condition that the seneschal of the abbot and bailiff of the vill shall be allowed to hold *omnes letas et curias suas* there, and use it as a prison.

<sup>3</sup> Park Court Book, 53 Hen. III (Trinity); *ibid.*, 12 Ed. I (Trinity); Codicote Court Book, 10 Ed. I (St. George); *ibid.*, 15 Ed. I (St. Barnabas).

<sup>4</sup> Codicote Court Book, 50 Hen. III (Easter); Langley Court Book, 16 Ed. I (St. Matthew).

<sup>5</sup> Herts. County Repository Rolls, nos. 10549, 10550.

<sup>6</sup> *Ibid.*, no. 10551.

<sup>7</sup> *Ibid.*, nos. 10553, 10555-10560.

<sup>8</sup> One halimote at Michaelmas is recorded, unaccompanied by a view. *Ibid.*, no. 10560, m. 1 (Hexton, 37 Hen. VI).

<sup>9</sup> Shepton, Greneburgh, Horwood, Merston, Oving, Winslow.

<sup>10</sup> Barnet Court Book, 5 Hen. V (St. George the Martyr).

have copied the full entry of the view because there was no curia held that year. 'Hic non habetur Curia in isto anno quia clamant tenere per cartam et placitare cum Abbate Willelmo incipiunt.' The question was in fact *sub judicio* in the king's court at Hertford,<sup>1</sup> but by July 1418 the meetings of the halimote had been resumed. The Norton court-book has a full record of the view for the year 1409, which includes the election of the two constables.<sup>2</sup> The Norton, Barnet, and Winslow records follow the normal lines, and deal with the tithings, the excessive charges of innkeepers and millers, breaches of the assize of ale, charges of regrating, excessive charges for wine, food, &c., questions of hue and cry, strays, and ditches not cleared. The work of the court leet on these manors is obviously not very highly developed, even in a partially urban area such as Barnet. Many of the questions concerning roads, paths, and highways were normally taken in the halimote,<sup>3</sup> and there are one or two references to the articles of the halimote.<sup>4</sup>

Besides considerable elasticity of function in the halimote, there is evidently no rigid manorial system as to tithings: in 1267 in the halimote at Park it is stated that Richard le Blinde had two sons, and that they were not in tithing within the liberty: there is another similar case, and a further report of two fugitive *nativi* who remain outside the liberty.<sup>5</sup> At a later period fugitives were consistently reported year after year who had merely removed into another manor belonging to the Abbey, and in several cases the fugitive was said to be in St. Albans,<sup>6</sup> and once or twice even *in abbathia*.<sup>7</sup> In such

<sup>1</sup> *Vide infra*, p. 138.

<sup>2</sup> Norton Court Book, 10 Hen. IV (Easter).

<sup>3</sup> e.g. Barnet Court Book, 27 Ed. I (St. Hilary); Park Court Book, 34 Ed. I (St. Martin); *ibid.*, 39 Ed. III (Whitsuntide).

<sup>4</sup> Barnet Court Book, 1 Ed. III (St. Peter ad Vincula).

<sup>5</sup> Park Court Book, 51 Hen. III (St. Dunstan).

<sup>6</sup> *Ibid.*, 9 Ed. I (spring); *ibid.*, 29 Ed. I (St. Luke); *ibid.*, 1 Ric. II (Invention of Holy Cross).

<sup>7</sup> *Ibid.*, 4 Hen. V (May) and 5 Hen. V (St. Clemen).

circumstances, needless to say, he was not recovered. Permission to leave the manor and become an apprentice elsewhere is usually combined with an injunction to attend the view of frankpledge twice a year<sup>1</sup>—an injunction not scrupulously obeyed by the boys who became citizens of London and 'talogh-chaundlers'.<sup>2</sup> In one case at Winslow a boy was given permission to go where he liked and become an apprentice and stay away for his whole life, on condition that either he or the *firmarius* of his tenement should come to the view.<sup>3</sup> At Langley a tenant who left the manor gave half a mark for permission, was to give one capon at Easter, and not to come to the view of frankpledge, unless his presence was urgently required, nor was he to be expected to take up any villein land against his will.<sup>4</sup> Tenants at Langley were treated with considerable elasticity. In 12 Edward III John Bate made fine to be relieved from his suit to the halimote, but was to come once a year to the view.<sup>5</sup> All tenants of King's Langley holding any villein land of the abbot were to come once in the year to the halimote at Abbots Langley, while yet another tenant may be held to his full suit to the halimote and to the view.<sup>6</sup>

The records of the court leet which have been preserved irregularly for certain years during the reigns of Richard II and Henry VI show how the leets were distributed, and how far they varied from the halimotes.<sup>7</sup> Watford appears to be the centre of a large area, rather than Cashio: it includes the tithings of Cashio, Watford, Grovehide, Sarratt, Oxhey Richard, Oxhey Walrond, and Garston and Meriden. It looks as if each of the

<sup>1</sup> Winslow Court Book, 13 Ed. III (St. Lucy).

<sup>2</sup> Park Court Book, 9 Ed. I (Spring).

<sup>3</sup> Winslow Court Book, 3 Ed. III (Ascension).

<sup>4</sup> Langley Court Book, 10 Ed. III (St. Luke).

<sup>5</sup> *Ibid.*, 12 Ed. III (St. Luke).

<sup>6</sup> *Ibid.*, 14 Ed. III (St. John ante P.L.).

<sup>7</sup> *Report Hist. MSS. Comm. Var. Collections*, vii. 305-7. (Now in the Herts. County Repository, *vide supra*, p. 77, n. 1.)

tithings, in the later Middle Ages, claimed to be a manor. In the same way the courts leet for Rickmansworth include the tithings of Micklefield, Croxley, Rickmansworth, Batchworth, Danielhide, Bretwelhide, Wode-wikhide, and Blakethide;<sup>1</sup> Abbots Langley does not distinguish its tithings. Park has a long list: Elstree, Weldhide, Rothide, Hunthide, Apshide, Harpesfieldhide, and Park and Sleaf (Slape or Slapehide). Tyttenhanger and Northaw do not apparently name their tithings. In Sandridge the court leet deals with Bridelhide, Paslewhide, and Thebriggehide. None of the other courts name their tithings.<sup>2</sup> The prevalence of the word *hide* as a suffix is remarkable, as it does not belong to the earlier forms of place-names, and for the most part has not persisted. It frequently seems to indicate an ancient freeholding, which in the earlier records is designated *hida de la Rothe*,<sup>3</sup> feodum del Hunt<sup>4</sup> or Huntsfee, Apsa, hida del Harpesfield, or simple Thebrugge. Many of these tithing-names represent the freeholdings which were jointly responsible for the knight-service of the Abbey.

There was evidently difficulty in the early fourteenth century about the frequent juries required in the halimote, and liability to serve on such inquisitions. Thus in 1295 at Barnet the whole *villata* declared that they would not take the oath, and that they ought not to 'touch the book' except at view of frankpledge. But the *villata* was declared to be at mercy.<sup>5</sup> In 1327-9 six men summoned to take oath and make an inquisition concerning the articles of the halimote altogether refused: their excuse is that they are free men and hold no villein land.<sup>6</sup> A few years later Alexander de Grindlesgate *noluit ire ad*

<sup>1</sup> For Blacketts as a manor *v.* Park Court Book, 15 Ed. III (St. Denis).

<sup>2</sup> The tithings at Winslow are described by the names of the chief pledges, not by a territorial designation.

<sup>3</sup> MS. Cotton Otho D. III, f. 89v.

<sup>4</sup> MS. Cotton Tiberius E. VI, f. 8v.

<sup>5</sup> Barnet Court Book, 23 Ed. I (St. Katherine).

<sup>6</sup> *Ibid.*, 1 Ed. III (St. Peter ad Vincula).

*librum et jurare sicut alii nativi domini*.<sup>1</sup> Alexander, though undoubtedly a villein, seems to have been a well-to-do and important though troublesome person. The *jurati* of Chipping Barnet took up this argument, and declared that they were only bound to present defaults at two halimotes in the year, but the lord would not accept this.<sup>2</sup> The usual argument seems to run that free men were only bound to do suit and to serve on juries twice in the year, at the view of frankpledge. In one case, the view of frankpledge is called *libera curia*,<sup>3</sup> and an elaborate argument is set up to prove that there had been no default, the case being ultimately referred for consultation with the seneschal.

## 2. Procedure.<sup>4</sup>

The evidence of the court books as to the procedure in the St. Albans halimotes has two aspects. It illustrates both their consistency with the normal type of manorial court and their divergence from it in some notable features.

There are, to begin with, frequent illustrations of the corporate character of the halimote. The judgement is that of the whole body of the court, not of the presiding official. At Codicote, for example, the early entries emphasize this constantly: *considerationem halimoti* is asked for the determination of a question of hedges and of bad ploughing;<sup>5</sup> *consideratio villate* is asked in a matter of pannage, and the decision stands *villata dicit*;<sup>6</sup> in a case of possible disputed tenure of land, it is laid down that the

<sup>1</sup> *Ibid.*, 7 Ed. III (St. Paul).

<sup>2</sup> *Ibid.*, 9 Ed. III (St. Gregory).

<sup>3</sup> Kingsbury Court Book, 26 Ed. I (St. Nicholas). The expression is analogous to that pointed out by Maitland, *liberae furcae*, and refers to the fact that the right to hold view of frankpledge was a liberty or franchise.

<sup>4</sup> [The section on procedure, for the form of which I am largely responsible, is based on various notes of Miss Levett's and on her paper in the *Transactions of the Royal Historical Society*, 1924. H.M.C.]

<sup>5</sup> Codicote Court Book, 22 Hen. III (Hokeday). See Appendix I, p. 318.

<sup>6</sup> *Ibid.*, 31 Hen. III (All Saints). See Appendix I, p. 319.

defendant shall have his costs *per visum legalium hominum*;<sup>1</sup> a surrender is made before the seneschal, cellarer, William lord of Norton and the two villis of Walden and Codicote;<sup>2</sup> an acre of land is recovered *per visum halimoti in villa de Codicote*, or again the *villata* declares that Thomas of Froblehall has the greater right to hold the land (*majorem habet justiciam*).<sup>3</sup> Seisin is given in several cases *coram toto halimoto*, and in 1292 a certain Robert Pani from a neighbouring manor, possibly a freeman, makes a bargain with the lord concerning his wife's land, agrees to take up the position of a villein in obedience and in respect of goods, and to be in scot and lot with the neighbouring villeins, and makes a letter to this effect; seals it with his own seal and has it read *in pleno halimoto, unacum fideiussoribus istis*.<sup>4</sup> At Croxley, again, the action of the court is emphasized. A woman demands reasonable dower in full halimote;<sup>5</sup> a defendant calls the whole halimote to witness his previous reception of seisin in the court; surrenders are commonly attested *per totum halimotum*.<sup>6</sup> At Newland, in regard to a dispute as to the suit owed by certain tenants the suitors of the court, enjoined to give judgement, get the case adjourned to the next court 'on account of the absence of their peers', and the bailiff is instructed to secure the attendance of the absent suitors at the next court, when judgement is given that the defaulters be distrained.<sup>7</sup>

In the course of the fourteenth century, however, the testimony of the whole halimote is replaced by that of the *jurati* or the inquest: *testatum est per inquisitionem* becomes the usual formula. An early example of some interest occurs at Barnet in 1262, when a convention as

<sup>1</sup> Codicote Court Book, 31 Hen. III (SS. Philip and James). See Appendix I, p. 319.    <sup>2</sup> Ibid., 32 Hen. III (St. Faith), Appendix I, p. 321.

<sup>3</sup> Ibid., 35 Hen. III (St. Edmund), Appendix I, p. 322.

<sup>4</sup> Codicote Court Book, 20 Ed. I (SS. Simon and Jude).

<sup>5</sup> Croxley Court Book, 44 Hen. III (Trinity).

<sup>6</sup> *teste tota curia*, Codicote Court Book, 17 Ed. I (Trinity).

<sup>7</sup> Newland Court Book, 1 Ed. II (St. Valentine).

to inheritance made between father and son 'in full court two or three times' is testified to by 12 jurors of Barnet and confirmed by 24 jurors of Tyttenhanger and Park. The convention so upheld is enforced by the court.<sup>1</sup> The inquest may be made by 6, 12, 24, or even 48 persons, or by the whole township,<sup>2</sup> and may settle both economic questions as to pasture, services, encroachments and the like and also legal questions as to title. The jurors are even described as judging; at Barnet in 1288 'Radulfus Sprunt in pleno halimoto dixit quod Celerarius et jurati falsa judicarunt'.<sup>3</sup>

In a dispute between two Croxley tenants in 1316 about a driftway the plaintiff demands to prove his case *secundum quod curia consideraverit*, and produces a deed of feoffment from the Abbot. An inquest is then taken of the twelve jurors of the halimote of Croxley whose names are given as to whether this deed is genuine or fraudulent, and they confirm the plaintiff's claim and the validity of the 'muniment'.<sup>4</sup>

This instance illustrates the practice, which appears at an early date, of supplementing the witness of the court or the jurors by the use of written documents. These documents might be charters, but very soon after 1236 we also find the practice of appealing to the record of the court rolls, which comes almost to supersede the judgement or verdict of the halimote or inquest. *Ut testificatur per rotulum* is good proof: the record of the rolls is valued for enforcing all kinds of contracts, leases, and agreements among the villeins themselves,<sup>5</sup> so that a

<sup>1</sup> Barnet Court Book, 46 Hen. III (St. Peter ad Vincula).

<sup>2</sup> Ibid., 2 Ed. I (SS. Philip and James), *inquisitio per totam villatam de la Leye*. Cf. Codicote Court Book, 29 Ed. I (St. Barnabas), 'Compertum est per inquisitionem et considerationem totius halimoti'. Cf. Park Court Book, 50 Hen. III (SS. Simon and Jude). *Verdictum curie; verdictum halimoti; inquisitionem curie*.

<sup>3</sup> Barnet Court Book, 16 Ed. I (St. Hugh).

<sup>4</sup> Croxley Court Book, 9 Ed. II (St. Lucy).

<sup>5</sup> Agreements between villeins which have been entered upon by charter without the lord's permission are being attacked at Barnet from 1312 onwards, a very careful inquisition into villeins' charters being made in 1345,

payment of *6d. pro conventioni sua affirmanda* is a common entry.<sup>1</sup> Litigants, it would seem, ask that the rolls kept in the great stables at St. Albans may be searched on their behalf<sup>2</sup> and produce their versions of the record, true or false, in court. The word 'copy'—*profert copiam*—first occurs at Winslow in 1332,<sup>3</sup> when an entry from the roll of 15 Edward II is cited *verbatim* to show that the case had been decided in favour of the litigants ten years previously. Appeal may also be made to the record of the Custumals to determine services or status; the entry *ponitur in respectu quousque scrutetur le Domesday*<sup>4</sup> at Codicote in 1323 probably refers to the Custumal, made, as we have seen, in 1320. In 1344 two tenants are given a day at St. Albans to produce the record of the 'Custumal or White Book' in support of their refusal to perform ploughing services.<sup>5</sup>

Alongside the method of proof by jury and by record, there still survives sporadically the old method of oath helping. At Park in 1346 a man wages a three-handed law, and again in 1415 a twelve-handed law is awarded.<sup>6</sup> The latest example appears to be at Barnet in 1425, where a man defends himself in a plea of debt with a six-handed oath.<sup>7</sup>

There are a few instances of contempt of court, showing

and the charters being surrendered in court. Barnet Court Book, 5 Ed. II (St. Paul), 6 Ed. II (St. John Baptist), 7 Ed. II (St. Mark), 15 Ed. III (St. James), 19 Ed. III (SS. Peter and Paul). Cf. 7 Hen. V (St. Dunstan).

<sup>1</sup> Cf. Codicote Court Book, 19 Ed. I (St. Margaret), 'dat xiid. pro irrotatione'.

<sup>2</sup> *Ibid.*, 1 Ed. II (St. Leonard), 'Dedit vid. pro scrutatione rotulorum'. Cf. Cashio Court Book, 21 Ed. I (Trinity).

<sup>3</sup> Winslow Court Book, 6 Ed. III (SS. Peter and Paul).

<sup>4</sup> Codicote Court Book, 16 Ed. II (Trinity). Cf. Barnet Court Book, 16 Ed. II (St. Barnabas), 'ponitur in respectu quousque scrutentur rotuli de Consuetudinibus ville de la Barnet'.

<sup>5</sup> Barnet Court Book, 18 Ed. III (St. Dunstan). Cf. Cashio Court Book, 16 Ed. III (SS. Philip and James).

<sup>6</sup> Park Court Book, 20 Ed. III (St. John ante P.L.); *ibid.*, 3 Hen. V (SS. Philip and James).

<sup>7</sup> Barnet Court Book, 3 Hen. VI (Ascension).

how the dignity and order of the halimote were preserved. In 1253 a man is fined 2s. for cursing the twelve jurors *in plena curia et coram domino*;<sup>1</sup> in 1253 a tenant is amerced for contradicting the cellarer;<sup>2</sup> others are punished for saying the cellarer and jurors had given false judgement,<sup>3</sup> and others for abusing each other or making a noise in court—'fecerunt strepitum, in Curia garrulando'.<sup>4</sup>

There is a clear recognition in these registers that the law enforced is the custom of the halimote, and, what is more remarkable, that the custom of the halimote differs from the common law. A claim to inherit by the rule of Borough English is justified thus in 1306 at Barnet: 'Et hoc habent et utuntur secundum consuetudinem halimoti eorundem et non secundum legem communem.'<sup>5</sup> And again, a year later, we read: 'Quia placita tenementorum in villa de la Barnet non spectant ad legem communem, sed se habent secundum consuetudinem manerii.'<sup>6</sup>

A few entries illustrate possible conflicts that might thus arise between the manorial and the royal courts. In 1341 there was a dispute whether certain land at South Mymms was held 'by the rod' or not. The tenant produced a charter of the year 1315, and also a fine made in the king's court in 1316. The decisive fact was, however, that the rolls of 27 Edward I showed that the land was held in villeinage.<sup>7</sup> Again we find a certain Cristina Smith declaring that she neither ought nor would answer concerning her free tenement without a royal writ.<sup>8</sup> Cristina died before it could be determined whether her tenement was freehold or villein tenure. Again in 1321

<sup>1</sup> Langley Court Book, 37 Hen. III (St. James).

<sup>2</sup> Park Court Book, 37 Hen. III (St. Faith).

<sup>3</sup> Barnet Court Book, 16 Ed. I (St. Hugh).

<sup>4</sup> Winslow Court Book, 26 Ed. III (St. Dunstan).

<sup>5</sup> Barnet Court Book, 34 Ed. I (St. Thomas).

<sup>6</sup> *Ibid.*, 35 Ed. I (St. Hugh). The question was whether a wife could plead in her husband's absence, she being present and *pars placiti*.

<sup>7</sup> *Ibid.*, 15 Ed. III (St. James).

<sup>8</sup> *Ibid.*, 2 Ed. II (St. Thomas); 3 Ed. II (St. Dunstan).

a villein is commanded to make condign amends for bringing a royal writ against a neighbour concerning a messuage for which he ought to have gone to law in the halimote.<sup>1</sup> At Winslow in 1327 the vicar claims that he is not bound to answer to the abbot for appropriation of the abbot's marl because the land is glebe, and free tenement belonging to his church at Winslow, and he is not therefore bound to answer without a royal writ.<sup>2</sup>

It would seem that the border-line between the custom of the manor and the common law was regarded as coinciding with that dividing the freeholder from the villein tenant. A man who had married a woman holding in villeinage, by relinquishing his wife's tenement regains his status as *Liber homo ad communem legem*.<sup>3</sup>

On the other hand, if those who held 'halimotland'<sup>4</sup> were debarred from using the common law procedure, the abbot was prepared to go a long way in providing a satisfactory substitute. The St. Albans court books illustrate extraordinarily well the extent to which the manorial courts were following the precedents of the common law courts and the statute law, and imitating the legal forms of the king's chancery. Vinogradoff has pointed out the imitation on manors of Ancient Demesne of the proprietary and possessory assizes,<sup>5</sup> and examples have also been noted by Gomme at Tooting Bec,<sup>6</sup> but few records can be as rich as the St. Albans registers in instances of this practice.

Cases, very fully described, occur from the thirteenth century onwards,<sup>7</sup> once at least in the reign of Elizabeth,

<sup>1</sup> Barnet Court Book, 14 Ed. II (St. Margaret).

<sup>2</sup> Winslow Court Book, 1 Ed. III (Trinity).

<sup>3</sup> Codicote Court Book, 22 Ed. III (St. Dunstan).

<sup>4</sup> Park Court Book, 8 Ed. II (St. John Baptist).

<sup>5</sup> Vinogradoff, P., *Villainage in England*, p. 98.

<sup>6</sup> Gomme, G. L., *Court Rolls of Tooting Bec*, p. 88. 'Queruntur in natura assise mortis antecessoris.'

<sup>7</sup> [I have found no thirteenth-century evidence in support of this statement of Miss Levett's. H.M.C.]

in which the equivalents of the possessory assizes are used in the abbot's halimotes. Pleas of land *in forma brevis assise mortis antecessoris* are the most common,<sup>1</sup> but novel disseisin<sup>2</sup> also occurs, together with writs of entry,<sup>3</sup> *scire facias*,<sup>4</sup> dower,<sup>5</sup> cosinage,<sup>6</sup> formedon,<sup>7</sup> and several others.<sup>8</sup> For all these cases it is clearly stated that the land in question is villein land, *terra nativa tenta per virgam ad voluntatem domini*. Only one instance has been noted, at Park in 1376, when a writ *in forma brevis assise nove disseisine* is issued in respect of a free tenement.<sup>9</sup> These cases give a very tolerably clear summary of the pleadings on both sides, occasionally quoting the exact wording of the records on which the parties rely, and the decisions are, of course, 'matter of record' for any further disputes.

### III. THE ABBOT'S COUNCIL

Beyond and above the system of judicial and administrative organization hitherto described, there existed a body whose constitution and powers cannot be very easily

<sup>1</sup> e.g. Codicote Court Book, 20 Ed. III (St. Martin); 25 Ed. III (St. Clement); Barnet Court Book, 14 Ed. III (St. Dunstan); 22 Ed. III (St. Dunstan); 16 Hen. VI (Assumpt. B.V.M.); Langley Court Book, 21 Ed. III (St. George); Cashio Court Book, 15 Hen. VI (SS. Philip and James); 20 Hen. VI (St. George); Park Court Book, 19 Ed. III (St. John ante P.L.); 28 Hen. VIII (November).

<sup>2</sup> Barnet Court Book, 30 Ed. III (St. John ante P.L. and St. Denis); Codicote Court Book, 19 Ed. III (St. Leonard); Cashio Court Book, 27 Hen. VI (St. Dunstan); Langley Court Book, 20 Ed. III (St. John ante P.L.); Winslow Court Book, 21 Ed. III (St. Ambrose).

<sup>3</sup> Barnet Court Book, 23 Ed. III (SS. Simon and Jude) (*cui in vita*); Codicote Court Book, 26 Ed. III (St. Denis); Cashio Court Book, 15 Hen. VI (SS. Philip and James); 31 Hen. VI (Low Sunday) (*per et cui*).

<sup>4</sup> Codicote Court Book, 27 Ed. III (St. Ambrose); Park Court Book, 13 Hen. IV (St. George).

<sup>5</sup> Barnet Court Book, 24 Ed. III (St. Katherine); Norton Court Book, 23 Hen. VI (St. George).

<sup>6</sup> Langley Court Book, 25 Ed. III (St. John ante P.L.).

<sup>7</sup> Cashio Court Book, 25 Ed. III (St. John ante P.L.).

<sup>8</sup> *Donaciones en le remanere*, Langley Court Book, 18 Hen. VI (All Saints). Writ of right, Barnet Court Book, 17 Hen. VI (St. George).

<sup>9</sup> Park Court Book, 50 Ed. III (first court).

defined, but of whose importance there can be no kind of doubt. The existence of private councils on the great liberties has long been known, though until recently it has not been generally acknowledged that they were in no way imitative of royal practice, but a spontaneous and contemporaneous growth. The farther investigation is pushed, the more evident it appears to be that the evolution of the private council had made considerable progress during the twelfth century, and that its development was hastened and encouraged on monastic estates by papal injunctions to the effect that secular business, *negotia extrinseca*, should not be brought in detail before the whole chapter. The development of its functions, however, seems in many respects parallel with that of the royal council, and its activities fall readily under the headings of consultative, administrative, legislative, and judicial work.<sup>1</sup>

The earliest references to the council of the abbot of St. Albans occur under Henry III, when it appears as advising and supporting the abbot in lawsuits.<sup>2</sup> It witnessed an entry into a tenement.<sup>3</sup> It gave its advice with regard to the release of suit to a tenant,<sup>4</sup> it approved of a commutation, it 'moved the lord abbot' to annul the forfeiture of a tenement,<sup>5</sup> it gave its consent to an exchange of property, in 1308 it ordered a perambulation of the town boundaries and received the presentment of the twenty-four jurors who had been sworn before it to carry out the perambulation,<sup>6</sup> and in 1328 it made arrangements about view of frankpledge in St. Albans.<sup>7</sup> Its advice was taken in matters of policy as well as administration; in

<sup>1</sup> On the whole question of private councils see Levett, A. E., *Baronial Councils and their relation to Manorial Courts* (1925), (Mélanges Lot). Printed *supra*, pp. 21-40.

<sup>2</sup> MS. Cotton Nero D. 1, f. 77 (1258). Cf. *Gesta Abbatum*, i. 441 (1279).

<sup>3</sup> Cashio Court Book, 28 Ed. III (St. Augustine).

<sup>4</sup> *Gesta Abbatum*, i. 477.

<sup>5</sup> Park Court Book, 50 Ed. III (Michaelmas).

<sup>6</sup> *Gesta Abbatum*, ii. 165.

<sup>7</sup> *Ibid.* ii. 205.

1326 the abbot and his council refused to give written answers to the rebel townsmen of St. Albans,<sup>1</sup> and in the dispute over handmills the council called upon the townsmen to fulfil their promises—'interpellati fuerunt per Consilium'.<sup>2</sup> In 1381 the rebellious villeins are alleged to have called for the seneschal of the abbot and other members of his council with intent to slay them, but the council had fled with the prior to Tynemouth.<sup>3</sup> In the fifteenth century Abbot Wheathampstead's council dealt with the complaints of the townsmen while he himself was absent at the Council of Siena.<sup>4</sup>

Abbot Thomas de la Mare (1349-95) took a special pride in having learned counsellors, *utrius juris periti*, whom he provided with a special livery of robes. On one occasion they met the council of the earl of Warwick in order to view a disputed heath at Redbourn, and a decision was reached by agreement between the two councils.<sup>5</sup>

In a long-drawn-out dispute with the bishop of Lincoln, in 1433, Abbot Wheathampstead, finding himself in legal difficulties, 'viros solidos sui temporalis concilii adiit . . . qui in talibus satis experti, dederunt sibi concorditer consilium'.<sup>6</sup> Here again knowledge of both laws was requisite, as papal bulls and royal charters were both involved, but the council were not allowed to appear in court. Fortified by their expert advice, however, the abbot won his case in the exchequer.

Further, the council is described as exercising legislative functions. The townsmen swore that they would observe the ordinances that should be drawn up by the abbot's council as to handmills,<sup>7</sup> and in 1328 a set of ordinances drawn up for the government of the liberty and the procedure of the abbot's court are recorded.<sup>8</sup> The court books refer to the decrees of the council; when the word

<sup>1</sup> *Ibid.* ii. 158.

<sup>2</sup> *Ibid.* ii. 252.

<sup>3</sup> *Ibid.* iii. 294, 301.

<sup>4</sup> Amundesham, i. 192.

<sup>5</sup> *Gesta Abbatum*, iii. 260.

<sup>6</sup> Amundesham, i. 314. [The instances from Amundesham have been added by H.M.C.]

<sup>7</sup> *Gesta Abbatum*, ii. 253.

<sup>8</sup> *Ibid.* ii. 206.



*statutum* is used in them it may mean a royal statute, a custom of the liberty, or a rule made by the abbot in council. In 1337 at Park the act of legislation itself is recorded. The rolls of the twenty-first year of the cellarer Luke of Bovyngdon having been searched for the rules of succession anciently used on the lands of St. Alban, it was found that the heir lost his right if he did not claim the land within four halimotes. 'And afterwards the Abbot Michael and John of Schardelawe and all the council of the lord Abbot annulled the Statute in perpetuity.'<sup>1</sup>

We are concerned here, however, mainly with the judicial functions of the abbot's council. The close relationship of the legislative and judicial functions in the Middle Ages is a commonplace, and from the thirteenth century to the fifteenth<sup>2</sup> the abbot's councillors are closely concerned with the abbot's own legal business in the king's courts. We have seen that the court under the ash-tree, as it figures in the rolls of the halimotes, had no appellate powers. It remains to show that in matters where the custom of the halimote and the record of the rolls was not enough, the abbot himself in council could decide a difficult case.

In the early records of the Curia Regis the note *loquendum cum rege* is generally taken to indicate a reference of the disputed point or a reservation of the case in question to the judgement of the king's council. A similar note: 'Loquendum cum domino abbate' or 'Ideo consulendum est cum domino Abbate' may indicate a similar practice, though it is possible that it covers only informal consultation. Such phrases recur fairly frequently on the rolls.<sup>3</sup> But there is more explicit evidence of a rare type.

In 1337 at Park a very remarkable case is recorded.<sup>4</sup>

<sup>1</sup> Park Court Book, 11 Ed. III (St. Dunstan).

<sup>2</sup> Note Amundesham, i. 263 (1428).

<sup>3</sup> The earliest instances noted are Park Court Book, 8 Ed. I (Pentecost), Croxley Court Book, 10 Ed. I (SS. Philip and James). They are frequent in the later fourteenth century. Cf. *Select Pleas in Manorial Courts* (Selden Soc., vol. ii), pp. 22, 155.

<sup>4</sup> Park Court Book, 11 Ed. III (Michaelmas).

On 24 September, Thomas de Grutton impleaded Richard Slape in the halimote in a plea of land; after one or more essoins Richard was summoned by the precept of the cellarer to appear at St. Albans, under the ash-tree, on the Saturday next after St. Hilary (17 January 1338). On this day both parties were present, but the abbot reserved the case to be heard and terminated before himself and before Sir John de Schardelawe,<sup>1</sup> at the next coming of the said John.<sup>2</sup> Thereupon on the Wednesday next after the Annunciation (1 April 1338), both parties appeared, in the abbot's chamber, before the abbot, the prior, Sir John de Schardelawe, and the seneschal, cellarer, and all the great council of the abbot. The plea which was heard before this august company involved a messuage, twenty-six acres of arable land, two acres of meadow, and one of wood, held in villeinage at the will of the lord. The grant pleaded by Thomas dated back to 12 Edward I, and Richard in his defence went back to the time of King Henry (with no precise date); he described his father as *servus ecclesie sancti Albani*, and ascribed the complicated history of the tenement to the fact that he was a minor aged one year and sixteen weeks when his father died. The whole case, therefore, is one clearly involving villein land and villeins by descent. In the course of pleading it appears that each party could use the record of the rolls, finding an entry to support his case. Eventually the *processus* was adjourned till the next halimote, in order that the rolls might be searched on behalf of both parties, but the execution of the judgement in the plea was to be reserved for the abbot and Sir John de Schardelawe.<sup>3</sup> The next

<sup>1</sup> Cf. Walsingham, *Historia Anglicana* (Rolls Series) (1863-4), i. 224, for his arrest and disgrace in 1339.

<sup>2</sup> John de Schardelawe appears to have been at St. Albans about St. Dunstan's Day (19 May) and Michaelmas of 1337 and Lady Day and St. James's Day, 1338.

<sup>3</sup> 'Executio iudicii placiti supradicti reservetur ad dictos dominos Abbatem et Johannem de Chardelowe.'

stage in the case was taken about three weeks later, on St. Mark's Day, 25 April, at Park, and the plea and the judgement were deferred until the next coming of Sir John, which was on St. James's Day (25 July). Both parties were solemnly summoned: Richard appeared, but Thomas did not. They were given one last date, at the next halimote, to appear without any esoin before the seneschal and cellarer, when judgement would be given whether the parties were present or not.<sup>1</sup>

Here then is a clear case of the council's acting as a superior court of first instance, dealing with manorial business concerning villeins, by way of evocation.<sup>2</sup> The closest parallel to it is probably the less explicit entry which Maitland quotes in which a case of the bishop of Ely's manor of Littleport is called to Ely to be heard 'coram domino Roberto de Maddingle et Johanne de Cant' et aliis de consilio domini',<sup>3</sup> though this is a case of free men holding villein tenements. The calling up of a case before the court of Broughton does not appear to be analogous, as it is apparently the reference of a manorial plea to an honour court, and the reason may be that the parson is involved.<sup>4</sup>

Another instance from the Winslow register belongs to the year 1335. The defendant was ordered to produce the record or to hear what justice should recommend through the abbot and his council, in full halimote.<sup>5</sup> The wording

<sup>1</sup> It is possible that an inquest held in *Magna Aula apud Sanctum Albanum* in a similar case, perhaps as to the same lands, in 1274, may also have involved conciliar judgement. Park Court Book, 2 Ed. I (St. Luke).

<sup>2</sup> Cf. Vinogradoff, *Villainage in England*, 1892, p. 391.

<sup>3</sup> *The Court Baron* (Selden Society, vol. iv), p. 127. See also p. 111.

<sup>4</sup> *Select Pleas in Manorial Courts* (Selden Society, vol. ii), p. 82. The well-known case (*ibid.*, p. 75) in which Sir W. de Bereford sat in the hall at Broughton, apparently in the court of the honour which received homages, should also be noted. It is analogous with the council in which John of Schardelawe sat.

<sup>5</sup> Winslow Court Book, 9 Ed. III (SS. Simon and Jude). 'Et habet diem . . . ad recipiendum ibidem quod per dominum Abbatem et consilium justicia suaserit in pleno halimoto.'

carries a distinct suggestion of equity. Again at Cashio in 1354 a tenant has a day at St. Albans to show *coram domino abbate et consilio suo* how he entered on his tenements.<sup>1</sup> From a later entry it appears that he was a freeholder.<sup>2</sup> On the earlier rolls such entries as *judicium ponitur in respectu donec presentiam domini Abbatis*<sup>3</sup> or *ad reconsiliandum cum domino Abbate*<sup>4</sup> appear to indicate the reservation of judgement for the abbot's council no less than the later definite direction *consulendum est cum consilio domini*.<sup>5</sup> Again, a case is respited *quia concilium domini nondum inde avisatur*.<sup>6</sup>

One entry seems to show that the council might attend the court under the ash-tree. At a court held there on 24 April 1406, a case had been summoned from Park in which the entry of five persons on villein land was involved; 'et quia videtur per consilium suum et consilium domini per antiquas evidencias rotulorum curie' that the land should be held *per virgam*, the tenant who is present surrenders his charter to the cellarer.<sup>7</sup> The entry further suggests that the advocates who were not allowed in the local halimotes<sup>8</sup> might be admitted to plead at St. Albans.

#### IV. CONCLUSION<sup>9</sup>

Is it possible, in the light of these diverse facts, to arrive at a precise legal definition of the relation to each other of the various courts of the Abbey? All our evidence as to the activities of the court for free tenants belongs

<sup>1</sup> Cashio Court Book, 28 Ed. III (St. Augustine).

<sup>2</sup> *Ibid.*, 31 Ed. III (Michaelmas).

<sup>3</sup> Barnet Court Book, 31-2 Ed. III (St. Leonard).

<sup>4</sup> *Ibid.*, 35 Ed. I (St. Hugh).

<sup>5</sup> Park Court Book, 33 Hen. VI (St. Martin).

<sup>6</sup> *Ibid.*, 10 Hen. V (Invention of Holy Cross).

<sup>7</sup> Park Court Book, 7 Hen. IV (24 April 1406).

<sup>8</sup> In 1275 the abbot had laid it down that no expert counsel (*adventitii placitatores*) should be allowed to plead in the halimotes for the parties to a suit. See p. 192 *infra*.

<sup>9</sup> [For these final remarks, which go definitely beyond Miss Levett's conclusions, I have to acknowledge a debt to the notes left by Miss M. V. Clarke. H.M.C.]

to the earlier centuries; in the later Middle Ages only the burden of suit to it is mentioned. On the other hand, the judicial activities of the council do not come in question till the last quarter of the thirteenth century. No formula will apply with equal validity to the twelfth and the fifteenth century at St. Albans. And though the halimotes persist throughout, not only their frequency but their character changes. The judgement of the suitors is replaced by sworn verdicts or by the authority of the record. Feudal or communal jurisdiction is transformed into official jurisdiction; customary law replaced by a kind of equity.

We know in theory that the court for free tenants should be made up of the free tenants. No rule exists for the composition of the council, but it is clear that it contained the chief officials of the Abbey, some legal experts, occasionally influential friends, and most probably some of the free tenants of the Abbey, like the *armigeri* who were bound to accompany the abbot to Tynemouth.<sup>1</sup> Professor Ault has suggested that at Ramsey 'An informal group of councillors, relatives, officers or friends of the abbot appears to form the nucleus of his court'.<sup>2</sup> If the free court of the abbot of St. Albans, like the *Curia Regis*, contained an official as well as a feudal element, the replacing of feudal by conciliar jurisdiction might come about by a natural evolution, as the free tenants, whatever their obligations as to suit, went to the king's courts for purposes of litigation and ceased to bring their business to the abbot's court. In the natural course of things, the three-weekly sessions under the ash-tree could have ceased. But at St. Albans, from the thirteenth century on, the halimotes are being called up to St. Albans, and it is conceivable that the suburban manors had always used the central court.<sup>3</sup> In theory the free

<sup>1</sup> *Gesta Abbatum*, i. 264.

<sup>2</sup> *Private Jurisdiction in England*, p. 15; *Court Rolls of the Abbey of Ramsey and the Honor of Clare*, p. xiii.

<sup>3</sup> See above, p. 142.

court and the court customary would be distinct; in practice, sitting at the same place and at the same intervals, they might become conflated if not confused. The seneschal should hold the free court, the cellarer or some other obedientiary the court customary; but the seneschal undoubtedly had some part in the jurisdiction of the halimotes. It is difficult to believe that in the fourteenth and fifteenth centuries there were two distinct three-weekly courts sitting under the ash-tree, one free, the other villein. The majority of the dates recorded for halimotes *sub fraxino* fit a three-weekly interval.<sup>1</sup>

But when we turn to the procedure of this three-weekly court, it is not that of an honour court or a court of free tenants. The community functions, if at all, as a jury; judgement is bureaucratic and authoritative. On occasion, what can only be described as appellate or evocatory jurisdiction is exercised, but not by the suitors of the court; it is the abbot's council that gives judgement, and gives judgement as a body superior to custom. The lord abbot and his council are free to decide matters according to the principles of justice.<sup>2</sup> This fact may explain in part the unpopularity of the council with the rebels of 1381 and their protest against the civil and canon laws.<sup>3</sup> Just as, in the fourteenth century, the king's chancellor and council were drawing upon the principles of the civil law to make good the deficiencies of the common law, so the lawyers of the abbot's council, *utrius juris periti*, were annulling or overriding the custom of the manor<sup>4</sup> and encroaching on the province of the manorial courts.<sup>5</sup> How far the tenants of the Abbey had

<sup>1</sup> See Note C.

<sup>2</sup> Winslow Court Book, 9 Ed. III (SS. Simon and Jude).

<sup>3</sup> *Gesta Abbatum*, iii. 308: 'Nec jura civilia nec canonica de caetero frequentare cogitaverunt.' [Cf. the statute of 1391, which protects men from being compelled to answer concerning their freehold before the council of any lord or lady. *Stat. Realm*, ii. 82. H.M.C.]

<sup>4</sup> As at Park in 1337. See above, p. 156.

<sup>5</sup> Cf. Plucknett, *Year Books of Richard II, 1389-90* (Ames Foundation, 1929), p. xlii.

any serious cause of complaint in this matter it is not easy to ascertain, but it undoubtedly became a grievance. To the abbot and his officials the flexibility of the system commended itself, exactly as it did to the king and to his petitioners. Occasionally an inquiry must have been initiated by petition and held before the council. Indeed, if a serious dispute arose between the tenants and one of the obedientiaries, an appeal to the abbot, heard by him in council, would seem to be the natural procedure. As the fourteenth century drew towards a close, it is evident that the council was being used to deal with problems in which the halimotes would not readily give a conviction—poaching in the lord's warrens or fishing-waters, fugitive villeins, and the like. New and burning questions of various kinds were increasingly referred to the council. Cattle-lifting has never been a crime easily dealt with by juries, and the breakdown of the manorial social life saw the rise of similar problems. But alongside this centralization of jurisdiction in the interests of the abbot, the court under the ash-tree continued, down to the eve of the Reformation, to function for the convenience of the villagers, and in 1526 the men of the manor of Sandridge asserted in their petition to chancery that the adjournment of their business to the next court to be held under the ash-tree within the abbey 'was according to the old custom of the said manor of Sandridge, time out of mind used'.

NOTE A  
LIST OF OFFICIALS OF ST. ALBANS, 1097-1539

KEY TO ABBREVIATIONS

A.R. = Assize Roll.	W. = <i>Whithamstede</i> .
Add. = M. Paris, <i>Chron. Máj.</i> , vol. vi.	G.T. = Gibson, <i>Hist. of Tynemouth</i> , vol. ii.
C. = Court Book.	O. = Cotton MS. Otho D. III.
C.R.R. = <i>Curia Regis Rolls</i> .	T. = Cotton MS. Tiberius E. VI.
G.A. = <i>Gesta Abbatum</i> .	J. = Cotton MS. Julius D. III.

Duration of Abbacy	Abbot	Seneschal or <i>Dapifer</i>	Bailiff of Liberty or Hundred	Bailiff or Reeve of Vill of St. Albans	Cellarer
Nov. 1097 to May 1119	Richard de Albini	Turstan (J. 115) <i>Dapifer</i>			
1119 to Feb. 1146	Geoffrey de Gorham	c. 1136 Walter (G.T. p. xxi) <i>Dapifer</i>			
May 1146 to July 1151	Ralph Gubiuin	c. 1140 Richard (G.T. p. xxii) <i>Dapifer</i> Richard de Muntagut <i>Dapifer</i> before 1154 (J. 81)			
June 1151 to Oct. 1166	Robert de Gorham	William de Sisseverne <i>Dapifer</i> before 1195 (B.M. Add. MS. 40734, f. 38)			
May 1167 to 1183	Simon	William de Sisseverne <i>Dapifer</i> 1198 (O. 27v) <i>Seneschal</i> (G.A. i. 221) 1200 (C.R.R. i. 291)			
Sept. 1183 to April 1195	Warin of Cambridge				Adam c. 1151-66 (G.A. i. 107, 121, 182)
July 1195 to July 1214	John de Cella				Roger de Parco (G.A. i. 218, 221)

<i>Duration of Abbacy</i>	<i>Abbot</i>	<i>Seneschal or Dapifer</i>	<i>Bailiff of Liberty or Hundred</i>	<i>Bailiff or Reeve of Vill of St. Albans</i>	<i>Cellarer</i>
Nov. 1214 to Feb. 1235 Aug. 1235 to April 1263	William of Trumpington John of Hertford	Laurence de Thebrugge 1203 (C.R.R. iii. 33) (G.A. i. 225. J. 15) William de Husseburne (J. 65, 108, O. 96v) 1248 William de Husseburne (J. 36) 1248 Ralph Dayrel (A.R. 318, m. 27) William de St. Leger 1253 (G.A. i. 338. Cf. A. R. 320, m. 30) 1255 John de Marines (A.R. 320, m. 30, O. 78) 1255 William de Westmelle (O. 46v) 1257 William de Welmulle (Add. 438) Westmille (J. 49v) 1260-2 John de Radeswell (O. 86, 155) 1261-2 John de Radeswell (A.R. 321, m. 1) [1264 J. de Wakefeud, viceseneschal. J. 40] 1267 Stephen de Sutligdone (J. 19v) Scelingdon (J. 55)	Adam de Belver (J. 36)  1255 Urbanus de Lecheword (A.R. 320, m. 33)  1261-2 Stephen Grasaloyle (A.R. 321, m. 1)	1255 John Aspar (A.R. 320, m. 33)  1264 Richard fil Walteri (J. 40) 1267 Thomas Mauclerc (J. 19v, 55)	Martin (G.A. i. 298) Martin 1236-7 (Park C.) 1237 Richard of Shelford (Park C.) 1238 Simon (Cashio C.) 1249 Wm. of Horton (Cashio C.) 1253 William (G.A. i. 341) 1254 William of Horton (Park C.) 1255 William of Horton (Cashio C.) Robert de Wautham or Waltham c. 1257. 1258 (O. 86) 1263 William de Waltham (Park C. Langley C.) Walter de Wylum 1266 (Norton C.) 1267 Raynard (Norton C.) 1267 John le Hunte (Park C.)
Sept. 1263 to Nov. 1290	Roger of Norton				

		Sydelington (A.R. 324, m. 40) Chethindone (A.R. 322, m. 56) Richard del Oke (A.R. 324, m. 40, O. 3v) Richard (O. 81v) c. 1269 Richard de le hoc (J. 32) Adam de Illeye (A.R. 324, m. 40) Adam de Hylleye (J. 3) Adam de Illeye (J. 12v, 13) 1273 Richard of Wetchamstede (Kingsbury C.) 1275 William de Aiete (de Eyecote, G.A. i. 413) (O. 87) 1277 W. of Ayete (J. 35)  1278 W. of Ayete (A.R. 324, m. 40) 1282 William de Bolum (O. 83) 1285 William de Bolum (O. 4 d) 1286 William de Bolum (O. 184 d) 1287 William de Bolum (A.R. 327 m. 13) 1289 William de Bolum (J. 37v) 1290 William de Bolum (O. 186)	1278 John de Wakerle (A.R. 323, m. 60) (J. 119)  Stephen of Rykemesworth (A.R. 327, m. 13)	1275 Gilbert de Cobam (J. 34) 1276 R. de Weston (G.A. i. 420) 1278 Ralph of Weston (A.R. 323, m. 60)  1291 Richard of Ayete (J. 37v A.R. 328, m. 13)	1273 Geoffrey (Kingsbury C.)  1280 R. de Gravele (Norton C.) 1281 John de Marines (Cashio C. Norton C.) 1284 John de Marines (Norton C.) 1287 John de Marines (Cashio C.) (Norton C.) 1288 L. 90 Richard Hakford (Norton C.) 1291-3 Luke de Bovinton (Norton C.)
Dec. 1290 to Oct. 1301	John of Berkhamsted				

<i>Duration of Abbacy</i>	<i>Abbot</i>	<i>Seneschal</i>	<i>Bailiff of Liberty or Hundred</i>	<i>Bailiff or Reeve of Vill of St. Albans</i>	<i>Cellarer</i>
Dec. 1290 to Oct. 1301	John of Berkhamsted	1294 William de Bolum (J. 22 <sup>v</sup> ) 1297 John of Kyrkeham (J. 23)	1297 John of Grenstede (J. 23)	1294 Roger of Thwangton (J. 22 <sup>v</sup> ) 1296 John Tete (J. 38)	1294 Luke de Bovyndon (Park C.) (Norton C.) 1295 Luke de Bovyndon (Norton C.) 1298-1303 John Stethenach (Norton C.) 1304-8 Hugh of Eversden (Norton C.)
Jan. 1302 to Feb. 1309	John de Marines	1304 Paganus de Port (J. 23 <sup>v</sup> ) 1306 William de Bolum (O. 92)	John Pecock (A.R. 332, m. 1)	1304 Geoffrey de Childewik (J. 23 <sup>v</sup> )	1309 William Barbour (Norton C.) 1310 Prior of Wymondham deputy cellarer (Norton C.) 1311-13 Thomas of Bovingedon (Norton C.) 1314 Richard de Tewyng (Norton C.) 1315-16 J. Hurle (Norton C.) 1317-20 Nicholas Flamsted (Norton C.) 1321-2 Richard Stoppesle (Norton C.) 1323-4 William Heron (Norton C.) 1324 Robert Saunford (Norton C.)
Feb. 1309 to Sept. 1327	Hugh of Eversden	1314 John de la Hay (G.A. ii. 123) 1318 John de la Hay (O. 16 <sup>v</sup> )  1324 Nicholas Rodland (J. 83, 103 <sup>v</sup> )	1314 Roger de Thwangton (A.R. 332, m. 1 <sup>v</sup> )		

Oct. 1327 to May 1336	Richard of Wallingford	John de Munden, sub-sen. (G.A. ii. 205) 1328 John de Cambrugge (G.A. ii. 206) 1331 John de la Hay, sub-sen. (G.A. ii. 222) 1332 Roger Thwangton (Winslow C.) 1334 John of Mondene (Croxley C.)	1333 Richard de Piriton (Winslow C.)	1325 Geoffrey Maclary (J. 103 <sup>v</sup> ), Makery, (J. 83)	1325 John Kilsul (Norton C.) 1326-7 Robert Saunford (Norton C.) 1328 Walter Arblaste (Norton C.) 1331 Nicholas Flamstede (Norton C.) 1331 Nicholas Flamstede (G.A. ii. 222) 1332-4 Richard Hederset (Norton C.) 1332-9 Nich. de Bewyk (Norton C.) (1332 Nicholas de Bewyk deputy, Winslow C.) 1333 (J. de Keleshalle deputy, Winslow C.) 1339-40 Thomas Mare (Norton C.) 1340-4 W. Wynselowe (Norton C.) 1344-8 John Bynham (Norton C.) 1349 Adam Wittenham (Norton C.) 1350-3 Ralph Whitecherch (Norton C.) 1354-73 John Mote (Norton C.) 1374-95 Robert Chestan (Norton C.)
June 1336 to April 1349	Michael of Mentmore		1341 Thomas Barn (A.R. 337 m. 9)		
May 1349 to Sept. 1396	Thomas de la Mare	1362 Richard Fyfhid (O. 7 <sup>v</sup> ) c. 1366-94 John of Whitewell (G.A. iii. 17, 217)		1357 William Seys (G.A. iii. 69)	

<i>Duration of Abbacy</i>	<i>Abbot</i>	<i>Seneschal</i>	<i>Bailiff of Liberty or Hundred</i>	<i>Bailiff or Reeve of Vill of St. Albans</i>	<i>Cellarer</i>
Oct. 1396 to Nov. 1401	John Mote				1396-8 Robert Botheby (Norton C.) 1399-1401 William Heyworth (Norton C.)
Dec. 1401 to Aug. 1419	William Heyworth	1403-6 Thomas of Shornburwe (Thorneburgh) (Amundesham i. 438)			1402-8 John Blebury (Norton C.) 1409-10 John Blebury and Simon Wyndesore (Norton C.) 1411-12 John Blebury (Norton C.) 1417 Michael Cheyne (Barnet C.) 1419 Michael Cheyne (Park C.)
Aug. 1420 to Nov. 1440	John of Wheathampstead (a)	1425 John Barton (J. 83 <sup>v</sup> )  1429 John Barton (Winslow C.)  1437 Richard Huntigate (Barnet C.) 1438 John Barton (Barnet C.)			1426 Robert Ware (Winslow C.) 1427-8 Robert Ouvesby (Winslow C.) 1429 William Alrewyke (Winslow C.) 1430 Robert Ware (Winslow C.) 1433 Michael Cheyne (Winslow C.) 1438 Michael Cheyne (Barnet C.)

Jan. 1441 to Dec. 1451	John Stoke	1445 William Laken (Park C.)			1439 John Langton (Park C.) 1445 John Peyton (Langley C.) 1446 William of Wallingforde (Langley C.)
Jan. 1452 to Jan. 1465	John of Wheathampstead (b)	1452 William Laken (W. i. 101) 1455 William Laken (Barnet C.)	Edmund Westby (W. i. 101)	Henry Dipere (W. i. 101) 1460 Richard Favor (W. i. 359)	
Feb. 1465 to July 1476	William Albone	1471 John Forster (W. ii. 126)			1470-7 Thomas Albon (W. ii. 87) 1474 Nich. Boston (W. ii. 108)
Aug. 1476 to June 1492	William of Wallingford	1483 John Forster and Lord Hastings (W. ii. 255-7) 1483 Wm. Catesby (W. ii. 266)	Wm. Westby (W. ii. 189)	1478 John Newbury (W. ii. 189) 1478 William Smythe (W. ii. 191)	1476-8 John Rothebury (W. ii. 160) 1480 Tho. Sudbury (W. ii. 232)
1492 to 1521	Thomas Ramryge				1516 Thomas Marchall (P.R.O. Ct. Roll 177/38)
Dec. 1521 to Nov. 1530	Thomas Wolsey	1526 William Marshall (Star Chamber Proc. Hen. VIII, vol. viii, no. 4)			
Mar. 1531 to Jan. 1538	Robert Catton				
1538 to Dec. 1539	Richard Boreman or Stevenage				1531 Robert Blakeney (C. Park)

## NOTE B

## EARLY GRANTS OF LAND TO ST. ALBANS

(a) Cotton MS. Julius D. III, f. 115

*Hextonne**Cirografum Askilli iuuenis de Hextonna* (1097-1119)

Quidam Iuuenis, nomine Askillus filius presbiteri Leofuardi volens Ierusalem pergere; quamdam terram suam quam Apud Hegstanestune habuit deo sancto que Albano, et Abbati Ricardo,<sup>1</sup> atque fratribus dereliquit. Cui Abbas Ricardus societatem oracionum atque beneficiorum fratrum concessit, eique multum roganti libras quattuor et solidos x pro eadem terra usque ad annos quinque, hac condicione accommodavit, ut infra quinquennium rediret, et pecuniam ex suo redderet, terramque eodem servicio haberet, quo eam tempore Abbatis Pauli<sup>2</sup> habuit. Quod si infra constitutum tempus rediens, debitum reddere non posset Abbas ei supra accommodatam pecuniam, solidos XL daret, terramque sanctus Albanus libere absque omnium calumnia iugiter haberet. Si autem infra predictum terminum morte preventus, vel alio impedimento detentus minime reverteretur, terram ut iam diximus sanctus Albanus iure perpetuo possideret; et Abbas pro anima ipsius iuuenis, vel animabus parentum suorum monachum unum in monasterio sustentaret hanc conuencionem absque malo ingenio seruandam idem Iuuenis super quattuor euangelia iuravit. Audientibus et videntibus hiis testibus, Turstano dapifero,<sup>3</sup> Alberto francigena, Herberto de Hulme, Turstano dispensatore, et aliis.

(This does not entirely correspond with the transcript in Jesus Coll. MS. no. 77, which was apparently made from Otho D. III. No trace of it is now to be found there, the Hexton Charters being destroyed and probably incomplete.)

<sup>1</sup> Abbot Richard, 1097-1119.<sup>2</sup> Abbot Paul, 1077-97.<sup>3</sup> Cf. *Gesta Abbatum*, i. 72.

(b) Cotton MS. Otho D. III, f. 73

*Carta Willelmi Comitis de Moretonia de terra de Stanmere*  
(1100-6)

Willelmus Comes de Moretonia H. de Boceland vicecomiti et omnibus fidelibus Regis Henrici francigenis et Anglis de Midel-sexa, salutem. Sciatis quia reddidi deo et sancto Albano ad proprium victum monachorum terram de Stanmere quietam et solidam sicuti pater meus vel ego umquam eam melius habuimus pro remissione peccatorum meorum et pro anima patris et matris mee et sororis mee Mabilie que ibidem sepulta requiescit et pro anima Regis Willelmi quia scivi et intellexi pro certo quod sanctus Albanus longo tempore eam injuste perdidat. Precor ergo vos ut eam . . . ratis ad honorem . . . et sancti Albani . . . -vientium, propter di . . . vestrarum valet . . . dicionis testes sunt . . . sacerdos, Rannulfus sacerdos W . . . scamel villa, Rogerus . . . Petrus pincerna,<sup>1</sup> Hugo . . . Willelmus filius Almeini, Andreas de Tolco, Turstanus dispensator Vivianus Milo Radulfus filius Aluredi, Radulphus Ferreres (?).

Ego Willelmus Comes de Moretonia tradidi supradictam terram in Capitulo Sancti Albani in presencia omnium fratrum audientibus et videntibus prescriptis (?) testibus. Postea vero de capitulo exiens sequentibus fratribus et predictis testibus presentem cartulam cum cultello quodam super sanctum Altare ad corpus sancti Albani terram predictam offerens posui. Ad confirmandam autem hunc reddicionem signum sancte Crucis in capite hujus cartule, propria manu scripsi.

<sup>1</sup> Cf. *Gesta Abbatum*, i. 72. Butler of the earl of Mortain.



(c) Cotton MS. Julius D. III, f. 80<sup>v</sup>*Donacio Hamonis filii Mainfenini de terra de Chalfhunte* (1135-54)

Hamo filius Mainfenini, Omnibus sancte ecclesie fidelibus tam presentibus quam futuris salutem. Notum sit vobis quod ego pro salute mea et uxoris mee et filiorum, fratrum, omnium que parentum et amicorum et hominum meorum, pro animabus quoque patris mei et matris mee omnium que parentum et amicorum defunctorum, dedi et in liberam atque perpetuam elemosinam concessi deo et ecclesie sancti Albani et monachis eiusdem loci, unam virgatam terre et dimidiam in Chalfhunte, et essartum unum secundum divisas et terminos qui a perambulantibus constituti fuisse noscuntur, totam itaque hanc terram super altare sancti Albani per cultellum optuli, et monachis eiusdem loci in elemosinam sicut supradictum est perpetuo iure possidendam concessi, liberam et solutam et quietam cunctis in posterum diebus ab omnibus serviciis et redditibus, consuetudinibus, exactionibus et quibuscumque querelis, erga me et omnes heredes meos et erga regem et omnes vicecomites eius sive ministros, et erga omnes homines, hoc excepto quod predicti monachi unam pelliciam monachi, et unas botas [*sic*] monachiles mihi et heredibus meis pro recognicione singulis annis inde persolvent, et ab omnibus aliis rebus penitus liberi et quieti erunt. Concessi etiam et dedi eis plenarie communem in eadem villa tam in pasturis quam in aliis rebus et pascuam porcorum in silva ipsius ville, et ad construenda in predicta terra edificia, de nemore ville quantum necesse habuerint. Hujus rei testes sunt ex mea parte Eudo sacerdos, Radulfus puer, Gervasius miles, Hugo polet, Herewardus. Ex parte vero monachorum, Ricardus de Muntagut dapifer, Johannes de Childewyc, Hugo de Westwyc, Willelmus de sancto Albano, Willelmus filius Turstini et filius ejus Nicolaus Gaufridus de Sai, Grimbaldus, Warinus pincerna, Andreas et Osbertus de monasterio, Johannes de Walingef[orde], Nigellus filius enic, Samuel clericus, Radulfus Crispianus, Godefridus de infirmitorio, et Holfast.

## NOTE C

## CURIA SUB FRAXINO

*References in the court books to the holding of manorial pleas or surrenders at St. Albans*

Every such reference to which Professor Levett gave an explicit note is here included. The title of the session is variously given:

A = *apud St Albanum*C = *coram cellerario*F = *sub fraxino*S = *in stabulo*.

Year	Month	Day	Title	Manor
1245	Nov. 19	Sun.	A.C.	Cashio
1247	Oct. 5	Sat.	S.C.	Langley
"	Oct. 6	Sun.	C.	"
1248			F.A.	Norton
1250	Feb. 19	Sat.	A.	Cashio
"	Nov. 20	Sun.	A.	Park
1255-6			S.	Park
1257	Sept. 8	Sat.	F.	(Tib. E. VI, f. 261 <sup>v</sup> )
1258	Nov. 10	Sun.	C.	Langley
1266-7			F.A.	Cashio
1270	May ?		S.C.	Park
1271	Oct. 3	Sat.	A.	Barnet
1272-3			S.C.	Codicote
1273	? May 6	"	A.F.	Park
"	May 30	Tu.	S.C.	Codicote
1274	Nov. 4	Sun.	<i>in magna aula A.</i>	Park
1275	May 19	"	S.C.	Cashio
"	Nov. 1	Fri.	S.C.	"
1276	Sept. 29	Tu.	A.	Park
"	? Oct. 25	Sun.	S.	"
"			<i>ad granarium A.</i>	"
1279			A.	Norton
1280	July 20	Sat.	A.	Park
1281	? Apr. 13	Sun.	S.C.	Codicote
1286	Nov. 3	"	A.C.	"
1287	Aug. 3	"	F.A.	Langley
1288	<i>c. Michaelmas</i>	"	S.A.	Park
1289	Nov. 14	Mon.	<i>curia coquinarii tenta in villa St. A.</i>	Newland

Year	Month	Day	Title	Manor
1294	Nov. 24	Wed.	F.C.	Park
1297-8			S. ( <i>curia coquinarii</i> )	Newland
1302		Sun.	A.	Kingsbury
1307	c. Oct.		F.	Barnet
1309	Jan. 4	Sat.	F.	"
1311	Oct. 30	"	S. ( <i>coquinarii</i> )	Newland
1313	June 30	"	A.	Codicote
1314	July 15	Mon.	F.	Barnet
"	? Oct. 18	Fri.	C.	Codicote
"	? Dec. 22	Sun.	A.	"
1315	Dec. 28	"	A.	Langley
1316	Oct. 9	Sat.	A.	Newland
1317	May 21	"	A.F.	Norton
1319	June 30	"	A.	Langley
1320-1		Sun.	A.	Norton
1321-2		Tu.	A.	Winslow
1321	Sept. 29	"	A.	Codicote
1324	July 28	Sat.	A.	Norton
"	Aug. 4	"	A.	Codicote
1326	Sept. 15	Mon.	A.	Norton
1327	May 30	Sat.	A.	Langley
"	June 27	"	A.	Winslow
"	Nov. 14	"	A.	Langley
1328	Apr. 30	"	A.F.	Codicote
"	Nov. 5	"	A.	Langley
"	Dec. 10	"	A.	Winslow
1329	June 3	"	A.	Codicote
"	Oct. 21	"	A.	"
1330	May 12	"	A.	Langley
"	Dec. 8	"	A.	Cashio
"	Dec. 22	"	A.F.	Langley
1331	May 11	"	A.F.	"
"	June 1	"	F.	"
1332	Feb. 1	"	F.C.	Codicote
"	May-June	"	F.	Norton
"	Nov. 7	"	A.	Langley
"	Dec. 7	Mon.	F.	Winslow
1333	Feb. 3	Wed.	A.F.	"
1334	May 14	Sat.	F.	Langley
"	Oct. 29	"	C.F.	"
1335	June 24	"	C.F.	"
"	"	"	F.	Cashio
"	Aug. 20	Sun.	C.	"
"	Nov. 18	Sat.	F.	Codicote
1336	Jan. 20	"	A.F.	Cashio
"	Oct. 26	"	C.F.	Langley

Year	Month	Day	Title	Manor
1338	Jan. 17	Sat.	F.	Park
"	Dec. 23	Wed.	C.A.	Barnet
1340	May 27	Sat.	F.	Langley
1341	July 28	"	F.	"
"	Nov. 10	Sat.	A.	Barnet
1342	Nov. 11	Mon.	F.	Park
"	Nov. 16	Sat.	F.	Langley
"	"	"	F.	Cashio
"	Dec. 7	"	C.	"
1343	Jan. 18	"	F.	"
"	July 19	"	A.	Barnet
"	Nov. 29	"	A.	Langley
1344	May 29	"	A.	Barnet
"	"	"	A.F.	Langley
"	"	"	A.	Park
"	June 19	"	A.	"
"	"	"	A.F.	Barnet
"	July 10	"	A.	Langley
"	"	"	A.	Park
"	Nov. 11	Thu.	A.	"
"	Nov. 13	Sat.	F.	Codicote
"	"	"	A.	Langley
"	"	"	F.	Barnet
"	Dec. 11	"	F.A.	Codicote
1345	Jan. 8	"	F.A.	"
"	May 21	"	A.	"
"	"	"	A.F.	Langley
"	June 11	"	A.F.	"
"	"	"	A.	Cashio
1346	May 13	"	A.	Park
"	June 10	"	A.	Norton
"	Nov. 18	"	A.	Codicote
1347	Jan. 13	"	A.	"
"	May 26	"	A.	Winslow
"	"	"	A.	Langley
1349	Jan. 17	"	A.	Park
"	June 27	"	F.	Codicote
1351	Jan. 1	"	A.	"
"	Jan. 29	"	A.	Winslow
"	June 18	"	A.F.	Cashio
"	"	"	A.F.	Langley
"	Dec. 4	Sun.	A.	Park
1352	May 12	Sat.	A.	Cashio
"	"	"	A.	Codicote
"	June 2	"	A.	"
"	"	"	A.	Barnet
"	Nov. 1	Th.	A.	Langley

Year	Month	Day	Title	Manor
1353	Apr. 20	Sat.	A.	Codicote
1354	May 26	Mon.	<i>Curia de Langley tenta A.F.</i>	Langley
"	June 28	Sat.	A.	Cashio
1355	May 16	"	A.	Barnet
"	? June 24	Wed.	A.	Cashio
1356	Oct. 8	Sat.	A.F.	Barnet
"	"	"	A.F.	Cashio
1357	Jan. 21	"	A.F.	Barnet
1366	Dec. 28	Mon.	A.F.	Park
1376	June 21	Sat.	A.F.	"
1379	Feb. 7	Mon.	F.	Barnet
1388	May 18	"	F.	Langley
"	? May 18	"	F.	Barnet
"	June 23	Tu.	F.	Park
1389	June 26	Sat.	F.	"
1390	June 22	Wed.	F.	Barnet
"	June 23	Thu.	F.	Park
1393	May 31	Sat.	A.F.	Codicote
"	"	"	A.F.	Park
"	June 23	Mon.	A.F.	Barnet
1394	May 3	Sun.	F.	Park
"	June 23	Tu.	A.	Barnet
1395	May 31	Mon.	F.	Park
1398	June 23	Sun.	F.	"
1402	May 13	Sat.	F.	Codicote
1406	Apr. 24	"	A.F.	Park
1409	June 8	"	A.F.	Barnet
1410	Apr. 12	"	A.F.	Codicote
1412	May 23-4	Sun.- Mon.	F.	Park
"	May 28	Sat.	F.	"
1413	June 21	Wed.	A.F.	Barnet
1414	May 5	Sat.	F.	Park
"	May 19	"	F.	"
"	June 23	"	F.	"
"	Oct. 1	Mon.	F.	"
"	Nov. 12	"	F.	"
1415	Jan. 12	Sat.	F.	"
"	Sept. 30	Mon.	F.	Barnet
"	Oct. 26	Sat.	F.	"
1416	Oct. 5	Mon.	A.F.	"
1417	May 29	Sat.	A.F.	Park
1420	Jan. 12	"	F.	Barnet
1423	June 21	Mon.	F.	"
"	June 22	Tu.	F.	Langley
"	July 20	"	F.	Barnet

Year	Month	Day	Title	Manor
1423	July 20	Tu.	F.	Langley
1427	May 31	Sat.	F.	Barnet
1428	May 1	"	A.	"
"	July 3	"	F.	"
1430	Aug. 1	Tu.	F.	"
1433	July 25	Sat.	F.	"
1435	May 28	"	F.	Cashio
"	June 18	"	F.	"
"	July 9	"	F.	"
"	Aug. 6	"	A.	"
1437	May 4	"	F.	"
1440	July 12	Tu.	F.	Barnet
1445	May 18	"	A.F.	Norton
1449	June 3	"	F.	Cashio
"	July 5	Sat.	A.F.	"
1453	July 26	Thu.	A.F.	"
"	Aug. 16	"	<i>curia de Cashio A.F.</i>	"
1454	June 20	"	<i>curia de Cashio A.F.</i>	"
1526	May 7	Mon.	<i>The court under the Ash within the abbey of St. Alban</i>	Sandridge (Star Chamber Proc. Hen. VIII, vol. viii, p. 4) Park
1536	Nov. 30	Thu.	F.	"

### 3. THE ECONOMIC ORGANIZATION OF THE LIBERTY OF ST. ALBANS

#### GENERAL SURVEY<sup>1</sup>

THE economic organization of the liberty of St. Albans is, on account of the absence of ministers' accounts, even less easy to reconstruct than is its judicial system. Information about it has to be gathered piecemeal here and there, and deduced from entries in the court books, customals, and extents, which supply, however, a good deal of miscellaneous material illustrative of economic conditions. When this material is examined the question is at once asked, what light does it throw on the causes of the Peasants' Revolt? Few stories are better known in the economic history of England than that of the Peasants' Revolt at St. Albans. Wat Tyler's dramatic career is indeed more familiar, but its interest has long been recognized to be more strictly political than social. Kent was rising against taxation and an unpopular foreign policy rather than against manorial conditions. The maxim 'in Kent there is no villeinage' had just enough truth in it to put the Kentish men on a different footing from their brothers in other counties.

But the St. Albans rebellion was a genuine uprising of villeins against their lord, against seigneurial burdens. Both in the *Gesta Abbatum*<sup>2</sup> and Walsingham's *Historia Anglicana*<sup>3</sup> the tale is told fully and dramatically. In one

<sup>1</sup> [The material for this essay comes, with some rearrangement, from several sections of Professor Levett's intended Introduction. She had not yet examined, however, the two extents of Cashio (1332) and Park (1331) in the Hertfordshire Collection, though she was aware of their importance. When material from these two extents is quoted, it is on the editors' responsibility. Most of the notes have had to be added, and are taken from Miss Levett's transcript. Mr. R. V. Lennard, of Wadham College, Oxford, has most kindly read through this essay, and made many valuable suggestions. L.S.S.]

<sup>2</sup> *Gesta Abbatum*, iii. 287 seq.

<sup>3</sup> Walsingham, ii. 15 seq.

most important way the material which is here used is disappointing; about St. Albans itself there is no information. But though the citizens of St. Albans were the leaders of the riots and had their old and peculiar grievances, they were vigorously supported by the men from the other villis of the liberty. It is with their case that our material deals. Since the halimotes took no part in punishing the offenders, the court books can be expected to show no trace of the actual troubles, unless in the unusually large number of cases of trespass, but it is in them that we might expect to find evidence of predisposing causes of discontent.

The conclusion which the court books and extents seem to suggest is not that labour services were particularly galling, nor that there was serious economic pressure on the villeins—their burdens may indeed have been lighter than those of many manors in central and southern England—but that excessive subdivision of holdings, and the lack of some great area of unused land good for sheep-farming, such as the Downs, fostered discontent; and that this discontent was enhanced by their proximity to London, and by the consequent influences of migration and the sharper demand for wealth. The discontent showed itself, not in an outburst born of economic misery, but in a revolt against the inescapable seigneurial pressure of the Abbey's administration. They objected to their unfree status, their suit at the lord's mill; to the strictness with which warrens and hunting and fishing rights were preserved; to the determination, perhaps spasmodic but certainly pertinacious, with which the Abbey clung to its rights, and probably to an inequality of dues and customs which bore witness both to the antiquity of the Abbey and its failure to bring any systematic policy to bear on the newer problems it had to face. St. Albans shows a strange mingling of the very archaic and the irregular or unorthodox. Custom and terminology are old. The Abbey and its land had been

shut off among the woods for centuries after the days of Offa, with its eyes turning back constantly to Rome and to the old Britons, who had furnished the proto-martyr, but it was also a stage on the highway to London, a scene of activity, and it felt the backwash of all the social and political forces of the great city. It preserved much social custom, drawn from both East Saxons and Mercians, but its traditions of estate-management were uncertain, with that mixture of the absolute and the accommodating which is dangerous to a ruler. In this respect it is the very antithesis of the bishopric of Winchester,<sup>1</sup> with its admirably organized manorial system, and it is hard to resist the conclusion that here is an illustration of the maxim that heavy regular claims are easier to endure than much lighter irregular ones. Adam Smith's third canon of taxation has an unchanging truth.

The manors of the liberty of St. Albans were not wealthy as the Bishop of Winchester counted wealth. Geographically though not legally much of the district must have been forest up to a comparatively late period. Hertfordshire is a county of fairly uniform characteristics at the present day, but in the early Middle Ages there must have been a marked contrast between the open and the woodland regions. Thus Hitchin in the north-east is the very home of the open fields, while a large part of the liberty of St. Albans must have been almost continuous woodland, with closely-strewn oases of cleared land and centres of population. According to the *Gesta Abbatum*,<sup>2</sup> it was Abbot Leofstan in the eleventh century who cleared the thick woods south of Watling Street from the Chilterns to London, making bridges and smoothing down the rough places, and making safe the roads. The whole of the Chilterns, the author of the *Gesta* declares, was a dense and impenetrable forest, full of wild and fierce beasts. However this may be, Leofstan probably

<sup>1</sup> Levett, A. E., *The Black Death on the Estates of the See of Winchester* (Oxford Studies in Social and Legal History, v, 1916).

<sup>2</sup> *Gesta Abbatum*, i. 39.

cleared much of the country round Cassiobury, Watford, Croxley, Rickmansworth, Sarratt, Langley, Aldenham, Elstree, and Barnet: that the clearing process was not complete is evident from many entries in the court books. The name *Newland* occurs at least twice as the name of a manor,<sup>1</sup> while the same word or one of similar meaning is fairly frequent among the field names.<sup>2</sup> Although at Barnet certain tenements are distinguished in 1288 as being *de antiqua terra*,<sup>3</sup> it is true nevertheless that among the separate tenements there is rarely any note of purpresture or assarts, but this is probably because there was no very clear distinction between the open fields and the newer enclosures. It seems likely that, while many of the villages were of ancient origin, the greater part of the arable land was in the thirteenth century of comparatively recent enclosure and cultivation.

The centres of population which had grown up in the cases of cleared land comprised both villis with closely connected hamlets and freemen's holdings, together making up the 'manors' of the court books, and some very small towns, some of which seem to have possessed or claimed some of the characteristics of boroughs.<sup>4</sup> At Codicote, which can never have been more than a flourishing village, there was a market, and apparently a fair,<sup>5</sup> and the extent of 1332 distinguished certain tenants as *in Foro et Burgagio et iuxta Forum et Burgagium*.<sup>6</sup> These include the holders of various shops in the *forum*

<sup>1</sup> The two manors of Newland and Newland Squillers.

<sup>2</sup> e.g. at Codicote, Extent, f. 6, and Croxley, Court Book, 11 Ed. II (2nd court). At King's Langley, near by, assarts were called 'forlands'. P.R.O. Rentals and Surveys, no. 279.

<sup>3</sup> Barnet Court Book, 18 Ed. I (St. Clement). New assarts at Barnet (*ultimo assarto*) are referred to in MS. Cotton Tiberius E. VI, f. 181<sup>v</sup>.

<sup>4</sup> Cf. MS. Cotton Nero D. I, ff. 181<sup>v</sup>-182. A list of farms in which Codicote, Norton, Newnham, and Hexton are marked as boroughs (*burgum*) and Osewick as a hamlet and borough (*Hamest et Burgum*).

<sup>5</sup> According to the *Gesta Abbatum*, i. 472, a fair was granted by the Crown in 1260-90. Amundesham, ii. 153, says it was claimed as a right by the Abbey in 1437.

<sup>6</sup> Codicote Extent, f. 10<sup>v</sup>. See p. 358, *infra*.

but also many who owe the usual agricultural services. They appear to be in no way distinguished by tenure. There is also reference to a forge<sup>1</sup> and to the stall of the leather-curiers,<sup>2</sup> while among the personal names is that of William the Cuteler.<sup>3</sup> Winslow was said in 1279 to be a borough, but to have only ten burgesses;<sup>4</sup> in 1234 it claimed both market and fair.<sup>5</sup> In 4 Henry VI a case was brought in *Curia Mercate ballivi*.<sup>6</sup> Watford had a market and fair,<sup>7</sup> and tenants holding shops in the market;<sup>8</sup> Barnet also was a small town with a weekly market, whose economic life was developing on urban lines. It is possible that the difficulty its tenants caused the Abbey by their refusal to take the oath except at the view of frankpledge, and their pertinacious claim that they held their lands by charter and not by rod, may have been connected with some claim to quasi-borough privileges. St. Albans was, of course, a definitely urban community, with forty-six burgesses in Domesday Book; it was represented at some periods in Parliament and had a long struggle in progress with the Abbey for its independence.

Dr. H. L. Gray, both in his map and more cautiously in his text,<sup>9</sup> excludes Hertfordshire from the three-field area and groups it with the lower Thames valley, only allowing the north-eastern fringe of the county round Hitchin to fall within the three-field area. He lays emphasis on the extreme irregularity of the Hertfordshire field system, and his evidence, mainly of the sixteenth and seventeenth centuries, is fully corroborated by the St. Albans court books and extents. As regards

<sup>1</sup> Codicote Court Book, 38 Hen. III (St. Hilary).

<sup>2</sup> *Ibid.*, 3 Ed. III (St. Luke).

<sup>3</sup> *Ibid.*, 15 Ed. I (St. Barnabas).

<sup>4</sup> *Rot. Hund.* ii. 338. Cited in *V.C.H. Bucks.*, iii. 466.

<sup>5</sup> *Charter Rolls, 1226-57*, p. 190. Cited in *V.C.H. Bucks.*, iii. 467.

<sup>6</sup> Winslow Court Book, 4 Hen. VI (St. Augustine).

<sup>7</sup> *Gesta Abbatum*, i. 479 and iii. 502.

<sup>8</sup> Cashio Extent, Herts. No. 6543 (6 Ed. III), ff. 12 and 12<sup>v</sup>.

<sup>9</sup> Gray, H. L., *The English Field Systems* (Harvard Historical Studies), xxii, 1915, pp. 369 sqq.

the arrangement of the fields, it is clear that even in the thirteenth century there were in most of the manors a number of fields, *culturae*, or crofts adapted to the physical features of the district and not infrequently already enclosed. These smaller fields seem, if we may judge by the extents, to be in most cases grouped together into a rough and irregular three-field division for the rotation of crops, the divisions being known as the *Prima, Secunda, et Tertia Seisona*.<sup>1</sup> This system apparently represents either the break-down or the unsuccessful imitation of the orthodox three-field system. Of the two hypotheses the latter seems the more tenable. In Tyttenhanger, for instance, the arrangements of fields suggests strongly that the land was brought into cultivation at different dates and assigned to form an artificial three-field system. The three-fold rotation of crops is clearly traceable in the three *Seisonae* mentioned in the extent, but the groups consist of 170½, 163, and about 181 acres respectively, and while each of the first two is made up of two named fields, Theynesine Field and Le Brache, and Sterte Field and Efeld, the third consists of five units varying from fields of 93 and 70 acres to crofts of only 4 or 6.<sup>2</sup>

While on the whole the fourteenth-century evidence

<sup>1</sup> e.g. Tyttenhanger extent, f. 1. Codicote extent, f. i-i<sup>v</sup>. See Appendix, pp. 339-40, *infra*.

<sup>2</sup> Tyttenhanger extent, f. 1. [Mr. Lennard writes: 'I think it is largely a question of nomenclature—whether we use the terms *three-field system* and *two-field system* to mean merely systems of triennial and biennial fallowing respectively, or whether we only apply those terms, as Dr. Gray does, to a lay-out of the fields according to the "midland" pattern, according to which the fallows formed a large block while the cropped area formed another large block or two such blocks. A certain obscurity of language in Gray's book (which Marc Bloch describes as *malheureusement un peu confus*) seems to have led Miss Levett, as it has led others, into supposing that his conclusions involve a greater alteration of older views about the English field systems than they in fact necessitate. This tendency has I fear been strengthened by the fact that the late Professor H. W. C. Davis unfortunately misunderstood some statements in Professor D. C. Douglas's *Social Structure of Medieval East Anglia*, and in his preface to that volume asserted that in East Anglia the normal peasant holdings were "not composed of acre strips"']

points to a three-field rotation of crops, as at Cashio, where a tenant leased all the land he held from the lord, except one messuage and three acres *scilicet in quolibet campo unam acram secundum seysionem*,<sup>1</sup> there is a two-field rotation at Caldecote,<sup>2</sup> and apparently also at Norton.<sup>3</sup> The crops grown on these manors cannot usually be ascertained with any exactitude, for lack of suitable evidence, but it seems highly probable that wheat was grown far more extensively than other corn. Among the field names are found, though rarely, 'Barlylond' and 'Refeld'.<sup>4</sup> These are applied to small crofts only, and it seems improbable that such names would arise if the three great fields were normally sown with barley and rye. The district moreover lies outside the rye area mapped by Sir William Ashley,<sup>5</sup> and the evidence as to harvest meals points to the fact that white bread was commonly provided for the workers,<sup>6</sup> while recent experiments at Rothamsted seem to prove that in this district rotation is not particularly necessary and that the soil is well adapted to wheat.

Whether the three-field system was decaying or imperfectly developed, it was greatly distorted by the results of assarting, on the one hand, and by the early growth of enclosure, leasing, and subdivision, on the other. In Caldecote, a small two-field manor, the two fields were so irregular in size, probably on account of some process of assarting, that men's rents varied from year to year with the field which was in cultivation. In one case a rent which was 11s. 9d. *quando saisona seminis accidit ex parte occidentali* was only 6s. 3d. in the alternate years.<sup>7</sup>

<sup>1</sup> Cashio Court Book, 56 Hen. III (All Souls).

<sup>2</sup> Caldecote Extent, f. 47<sup>v</sup>. Cf. p. 206, below.

<sup>3</sup> Norton Court Book, 42 Ed. III (Easter). Cf. also 20 Ed. III (St. Luke).

<sup>4</sup> Codicote Court Book, 15 Ed. III (SS. Simon and Jude); *ibid.*, Extent, ff. 12<sup>v</sup>, 14. See pp. 362, 364, *infra*.

<sup>5</sup> Ashley, W., *Bread of our Forefathers*, 1928, p. 91.

<sup>6</sup> Cf. Micklefield Extent, *dorso* (B.M. Add. Roll, 26831) and MS. Cotton Tiberius E. VI, f. 16<sup>v</sup> (name of manor missing) and f. 23<sup>v</sup> (Sandridge).

<sup>7</sup> Caldecote Extent, f. 47<sup>v</sup>. See full transcript, Note D, pp. 205-6.

The same irregularity is seen in the holdings of the tenants. The origin of the enclosure movement is being pushed farther and farther back, until it links on to the original clearing and consolidating of the open fields. On most of the St. Albans manors it is clear that the break-up of the virgate as the normal holding, the growth of the custom of sub-letting, the beginning of a process of exchange in order to secure compact holdings and separate closes, the planting of hedges, and the sharing out of their timber and firewood, was in full swing by 1300, and can be traced back to 1250 or 1240. Some of the earliest entries are concerned with hedges.

According to the custumals of 1284<sup>1</sup> the normal size of tenements varied considerably between different manors within the liberty and in its close proximity. The custumals already indicate, what the court roll of Hexton shows in 1516,<sup>2</sup> an excessive subdivision of holdings which may well have been a predisposing cause of discontent in 1381. At Park in 1284 the typical holding was a virgate; at least 19 virgates are mentioned, though some of them are held by two tenants jointly; there are 8 half-virgates, 13 ferlings (quartrona or quarter-virgates), and many smaller tenements.<sup>3</sup> In the extent of 1331 there are two holdings of a carucate, 24 virgates, and 11 half-virgates, as well as a great number of lesser holdings. The joint ownership of virgates seems, however, to have much increased. As many as four owners is not uncommon, and as some of these joint owners also own separate property and owe different dues, the position becomes very complicated.<sup>4</sup> The manor of Codicote, on the other hand, has in 1332 only one half-virgate, and all the other holdings

<sup>1</sup> MS. Cotton Tiberius E. VI.

<sup>2</sup> P.R.O. Court Roll 177/38.

<sup>3</sup> MS. Cotton Tiberius E. VI, ff. 8-16<sup>v</sup>, Park.

<sup>4</sup> Hertford County Repository. Cassiobury MSS. no. 7593, ff. 3<sup>v</sup>-4, e.g. four holders of a virgate owe rent, Cook's farm, sheriff's scot, averagium, carucage, &c. In addition, tenant A owes 6 quarters of oats to the Granary; tenant B 4 quarters; tenant C 2 quarters, and tenant A also pays 6d. rent for half an acre in Rushmere and 2d. for Warranty.

are smaller.<sup>1</sup> In the same year there are in Cashio only two holdings of a virgate, and the first had three and the second two joint holders. Half-virgates and ferlings were fairly common, but the great majority of the holdings were smaller.<sup>2</sup> In 1284 Winslow and its surroundings were mainly divided into virgates,<sup>3</sup> but at Rickmansworth the ferling is again the most usual holding.<sup>4</sup>

Among the smaller holdings on all the manors subdivision had evidently proceeded far. The first eight entries in the Croxley Court Book concerning specified areas of land deal with plots of  $1\frac{1}{2}$ ,  $2\frac{1}{2}$ ,  $18\frac{1}{2}$ , 10,  $1\frac{1}{2}$ , 3, and 6 acres, and these are not unusual entries; elaborate leases and conventions are constantly found concerning similar tiny plots.<sup>5</sup> As to the size of the virgate<sup>6</sup> there is some ambiguity. At Abbots Langley there is a reference to a half-virgate of 20 acres<sup>7</sup> but in 1291 it is expressly stated that the virgate on the neighbouring manor of King's Langley is of 80 acres,<sup>8</sup> while at Codicote a half-virgate of 32 acres is recorded.<sup>9</sup>

While the unorthodoxy of the St. Albans manorial conditions is shown by the great subdivision of the smaller

<sup>1</sup> Codicote Extent. See pp. 339 seqq., *infra*. Cf. MS. Cotton Tiberius E. VI, ff. 30-5. <sup>2</sup> Hertford, Cassiobury MSS. no. 6543.

<sup>3</sup> MS. Cotton Tiberius E. VI, ff. 56-8v. <sup>4</sup> *Ibid.*, ff. 42v-45v.

<sup>5</sup> Croxley Court Book, 41 Hen. III (Easter).

<sup>6</sup> There appear to be few indications of *acres* varying in size, and none of any distinction between field acres and measured acres, but that they did vary is certain, since the pole used in mensuration varied from 15 to 20 feet. Cf. Codicote Court Book, 17 Ed. I (Trinity), and 16 Ed. I (Michaelmas). Barnet Court Book, 11 Ed. I (Michaelmas), an acre '*per minorem mensurationem*'; *ibid.*, 33 Ed. I (St. Hugh), *ad maiorem virgam*. Sometimes plots of 1 or 2 acres are described as *selions*, apparently not a technical term. e.g. Winslow Court Book, 21 Ed. III (St. Ambrose). The *carucate* occurs very rarely. When it does, as at Park (Extent, 1331), it appears to be a large freeholding. Cf. *V.C.H. Herts.*, ii. 298. At Wheathampstead in several cases a *carucate*, a freehold tenement of 120 acres, claimed later to be a manor. On the neighbouring manor of King's Langley 2 *carucates* appeared to contain 450 acres. P.R.O. Rentals and Surveys, no. 279.

<sup>7</sup> Langley Court Book, 23 Ed. III (All Saints).

<sup>8</sup> P.R.O. Rentals and Surveys, no. 279.

<sup>9</sup> Codicote Court Book, 9 Ed. III (Michaelmas).

holdings, brought about by transfers and leases, it is also shown by the early appearance of evidence of widespread consolidation and inclosure. Local custom as regards hedges and ditches is interesting and early in date. In a lease dated 1265 it is specifically agreed that neither lessor nor lessee shall waste the hedges.<sup>1</sup> The second court in the Codicote book (1238) reports that the judgement of the halimote is desired about a hedge and a balk wrongly ploughed up.<sup>2</sup> In 1244 the tenants of Abbots Langley are already formally asking the aid of neighbours in partitioning a hedge.<sup>3</sup> In Kingsbury in 4 Edward II John Jug was given permission to enclose with a ditch two acres in the common field with the common consent of his neighbours.<sup>4</sup>

The leasing, selling, and exchanging of land is common throughout the later years of Henry III; by the end of the reign of Edward III the stream was in full spate. Single acres were often hedged and ditched and almost every acre might require to be separately described. By 1360 one tenement at Barnet is described as containing 30 acres of arable lying in 10 or 12 parcels, nearly all enclosed with hedges.<sup>5</sup> Moreover holdings of a fair size were being thus laboriously amassed. One tenant of Park, Walter Wyggmore, amassed 64 acres of arable and 7 acres of meadow, though, as his son was a felon, the holding escheated to the lord.<sup>6</sup> In 1349 holdings of 70 and 80 acres were found in the same manor. This process of accumulation was carried on not only by transfer of land but by leasing among tenants, and in some cases,

<sup>1</sup> Croxley Court Book, 49 Hen. III (SS. Philip and James).

<sup>2</sup> Codicote Court Book, 22 Hen. III (Hokeday). See Appendix I, p. 318.

<sup>3</sup> Langley Court Book, 28 Hen. III (Hokeday).

<sup>4</sup> Kingsbury Court Book, 4 Ed. II (Michaelmas). 'Iohannes Jug obstupavit seu infossavit duas acras in campo communi de Kyngsbury viz. atte Shorthok sine licencia domini ideo etc. Et dominus concessit sibi licenciam infossandi ex communi consensu totius vicinorum ibidem. Et dat domino pro predicta licencia habenda ii s.'

<sup>5</sup> Barnet Court Book, 33 Ed. III (St. Matthew). See Note E, pp. 206-7.

<sup>6</sup> Park Court Book (?). [This reference has not been traced. L.S.S.]



as at Winslow, by the early leasing out of the demesne piecemeal (1344).<sup>1</sup> Some faint attempts to control this can be seen in the court books. At Barnet in 1248 Richard Doget gives 3s. for an inquisition whether he or William Ailward has the greater right in some land the latter holds. The twelve 'dicunt quod dominus Celerarius voluit quod dictus Ricardus non habebit dictam terram quia habet aliam'.<sup>2</sup> In the thirteenth century the Abbot Roger of Norton tried to restrain it by regulations, evidently without success,<sup>3</sup> and in 1355 the abbot ordained that throughout his manors the ancient custom of leasing land without enrolment if the lease were for less than two years must be abandoned. Every lease, no matter how short, must be enrolled with the lord's permission in court, but as this involved a change of custom, no fine was to be taken for recording the shorter leases.<sup>4</sup>

The society which was deeply affected by the concurrent growth of consolidation and subdivision of holdings had little outlet for its activities or relief from its needs in the development of pasture, though, as at Codicote, there might be considerable stretches of wood and underwood for pannage.<sup>5</sup> There was comparatively little

<sup>1</sup> Winslow Court Book, 18 Ed. III (St. Petronella).

<sup>2</sup> Barnet Court Book, 32 Hen. III (St. Faith). See Appendix I, p. 327.

<sup>3</sup> *Gesta Abbatum*, ii. 453-5.

<sup>4</sup> The order is entered in the Court Books of Codicote and Norton (Concept. B.V.M.), Barnet, Langley, and Cashio (St. Lucy), Winslow (Epiphany), and Park (St. Thomas the Apostle). Cf. also Langley Court Book, 12 Ed. I (SS. Simon and Jude), fine for lands leased *ultra terminum statutum in hallimoto*, and *ibid.*, 32 Ed. III (St. George), licence to lease for two years without fine because this is allowed by custom of the manor. There were some instances before 1355 of enrolments for leases of two years (e.g. Croxley Court Book, 49 Hen. III, SS. Philip and James, Cashio Court Book, 5 Ed. II, St. Martin). Control over leases seems to have involved, sometimes at least, the stipulation that the profit must 'remain within the homage', meaning apparently that transactions must take place only between members of the same homage (e.g. Langley Court Book, 10 Ed. III, St. Luke), and often the stipulation that villein lands must not be leased to freeman. (Cf. Cashio Court Book, 1 Ed. II, SS. Simon and Jude, fine for leasing an acre to freeman. *Ibid.*, 19 Ed. I, St. Mary Magdalene, land leased to freeman recovered by lord.)

<sup>5</sup> Codicote Extent, f. 1v. See p. 340, *infra*.

pasture or meadow-land belonging to most of the manors. Codicote had, indeed, only 1 acre of meadow in demesne and 4 acres of pasture, and what they had was often the subject of litigation on account of encroachment.<sup>1</sup> At Cashio there were 45 acres of meadow, in three fields, and 35 acres 'in Moris', 8 acres for the pasture of oxen, 16 acres for the pasture of cows, and 5 acres for the pasture of calves.<sup>2</sup> At Park the total *terra frisca et pastura* was 45 acres in all, on which could be kept 18 cows, 1 bull (*preter boves et affras* for 4 ploughs), 200 sheep *maiori centena* (i.e. 240), three *sues*, 24 *porcos* and their young.<sup>3</sup> Croxley had a big common meadow known as Blackmore, of which 10 acres were unjustly appropriated in 1322 by Edmund de Chiltere, who was the farmer of Micklefield.<sup>4</sup> At Norton in 1250 there had been a difficulty about the common meadow of Pucsxethurne, for the land of Ralph de la Grene *et socii sui* was to be divided off by definite boundaries by the serjeant and lawful men.<sup>5</sup> In the absence of account rolls it is difficult to form any opinion as to the amount of stock on the manors. At Tyttenhanger in 1331, where the abbot had his favourite residence, the lord maintained 2 plough horses, 12 oxen and 12 horses for 3 ploughs, 18 cows and a bull, 120 sheep, 4 sows, a boar, and a variety of poultry.<sup>6</sup> A case of wardship brought up in the court of Abbots Langley showed a ferling of land to be equipped with 2 oxen worth 4s. each, 1 horse worth 5s., and 16 sheep and 3 pigs valued at 1s. each.<sup>7</sup> Records of the heriots of small tenants often show whether it is usual for them to keep sheep; in this

<sup>1</sup> Codicote Extent, f. 1v, see p. 340, *infra*. Court Book, 6 Ed. III (St. Dunstan), 4 persons fined for overburdening the common pasture.

<sup>2</sup> Cashio Extent, Herts MS. 6543, f. 1.

<sup>3</sup> Park Extent, Herts MS. 7593, f. 2.

<sup>4</sup> Croxley Court Book, 15 Ed. II (St. Hilary). For Blackmore cf. *ibid.*, 14 Ed. II (SS. Simon and Jude).

<sup>5</sup> Norton Court Book, 34 Hen. III (St. Martin). See Appendix I, p. 331.

<sup>6</sup> Tyttenhanger Extent, ff. 1v-2.

<sup>7</sup> Langley Court Book, 32 Hen. III (St. Mary Magdalene).

district it is not usual to find that a sheep is their best beast. Sheep-breeding, therefore, clearly played its part in a system of mixed farming, but it was never of sufficient importance to revolutionize the organization of the villis.

A number of small villis or little larger semi-agricultural towns whose members have little chance to increase their wealth by large-scale pasture, but are active in reshuffling their holdings: this is the picture of the social conditions in the liberty of St. Albans. The career of an individual tenant for some years may serve as an example of the opportunities of an active man in such a society. In 1277 Hugo Cok of Codicote was tallaged at 6*d.*, the lowest rate noted. Shortly afterwards he took a place in the market where fish was sold, paying 8*d.*; he then took up 5 roods of land for 1*s.* fine, a similar plot for 2*s.*, at a rent of 4*d.*, a *placea* near Ledewell for 2*s.*, 2 half-acres and another *placea* for 2*s.*, 2 acres and 1½ acres for an increment of rent of 1*d.*, 1½ acres on a 10 years lease for a 6*d.* fine, 1½ acres for a term of 4 crops or 10 years (?); after a brief interval he added 2¾ acres, a messuage and 3 acres, 1 acre and a hedge, ½ acre in 3 parcels leased for 9 years, a *placea* near his tenement, three roods and 1 acre for 9 years, and 1 acre for 12 years or 8 crops, a *pecia terre* for 3 years or 2 crops. He also got leave to make a ditch 5 feet wide which cost him 10*s.*, and on one occasion he and his wife were fined for bad brewing. Finally, in 1306, he surrendered all these holdings to his daughter Christina.<sup>1</sup> Such detailed descriptions are the most convincing proof of the danger of generalizations about the manor, while the amount of semi-intellectual energy which must have been absorbed in remembering (or forgetting) such complex obligations is amazing.

Some concrete evidence valuable in reconstructing the life of the tenants is also available when the custom grew up in the fourteenth century of recording the Princi-

<sup>1</sup> Codicote Court Book, 5 Ed. I (Michaelmas) to 34 Ed. I (St. Edward), ff. 14-28.

palia or chief chattels in the court rolls on the death of a villein. At Norton John Geiard, who held three cotlands, one ferling, another cotland, a cottage and two acres, died, and his heriots amounted to two cows, one horse, and a mare, while his son aged nine inherited as Principalia, one plough with coulter and ploughshare valued at 2*s.*, one brass pot, one dish, one cart worth 1*s.* 6*d.*, one bushel-measure bound with iron worth 1*s.*, one lock, one seedcod, one harrow, one *tribula* (three-pronged fork or flail?), and one mattock.<sup>1</sup> The next tenant whose goods are thus enumerated had a plough, with all its apparatus worth 3*s.* 4*d.*, a horse worth 8*s.*, a brass pot, a dish, a chest, a tun, a bushel (measure), a cart, a saddle, a *have* (head-piece?), and a pair of traces, a seed-cod, and another tun or barrel.<sup>2</sup> These lists give some idea of the 'farming tackle' necessary on these small but accumulating tenements.

This rather cramped, though complicated and changing society existed within the area of London influence. There was a steady drain of villeins from the villis with or without permission. Some went only to other villis within the liberty; some to St. Albans, but many to London, where we hear of several apprenticed to merchants,<sup>3</sup> another 'with the Queen Dowager',<sup>4</sup> a third on the king's service.<sup>5</sup> On the other hand, however, manorial organization was affected by the land-hunger which even then was felt around London. If there were a drain from the liberty there was also a stream running in, and the Abbey was as landlord clearly in a strong position to deal with it. These *Adventitii*, sometimes described as *liberi et adventitii*,<sup>6</sup> were freemen who came as strangers into the

<sup>1</sup> Norton Court Book, 8 Ric. II (St. Petronella).

<sup>2</sup> Ibid.

<sup>3</sup> Park Court Book, 9 Ed. I (Spring); *ibid.*, 16 Ed. II (Pentecost); Codicote Court Book, 37 Ed. III (Michaelmas).

<sup>4</sup> Park Court Book, 26 Ed. III (St. John ante P.L.).

<sup>5</sup> *Ibid.*, 14 Ed. III (St. Luke).

<sup>6</sup> e.g. Codicote Court Book, 28 Ed. III (Concept. B.V.M.), Cashio Court Book, 29 Ed. III (St. Luke).

vill and took up villein land, frequently through marriage with the heiresses of villein lands. The new-comer in an estate which needs population is generally a privileged person; as, for instance, the *hospitaggi* of forest districts in northern France, who were highly favoured and given a protected position. This was not, however, the case at St. Albans, where these men were forced to make a contract with the lord, to be in scot and lot, in tallage and services, to pay merchet and heriot, and to be obedient to him both in body and goods.<sup>1</sup> This elaborate undertaking, sometimes more, sometimes less explicit, was sealed by the new-comer with his own seal.<sup>2</sup> The existence of these sealed contracts is an interesting comment on the academic doctrine of the lawyers that contract with the lord made a man free, or was a presumption of freedom. The contracting away of freedom of body as of goods, in the mid-fourteenth century, is a very remarkable practice, and proves how thoroughly the abbot had obtained the whip-hand.

But the presence of these *adventitii* must have brought complications into the status of tenants and of land, and may have added to the legal cast of much of the opposition of the villeins to the Abbey. The struggle of the villeins and the abbey about their claims to transfer land by charter was as persistent as the friction about suit at its mills. The early development of the presentation of 'copy' of the rolls is also significant, and as early as 1275 the abbot had to prohibit the introduction of skilled pleaders (*adventitii placitatores*) into the local courts.<sup>3</sup> It is strange to think of the legal experts from London representing their clients in the courts of these small and remote villas, or even in the courtyard of the Abbey *sub fraxino*, but it is all part of the unevenness of social development in the liberty.

<sup>1</sup> Codicote Cartulary (B.M. Add. MS. 40734), no. 22 (1296), f. 24, no. 24 (1290), f. 24<sup>v</sup>, no. 30 (1284), f. 26. Cf. Park Court Book, 56 Hen. III (St. Dunstan); *ibid.*, 23 Ed. I (Trinity).

<sup>2</sup> Langley Court Book, 22 Ed. I (St. Barnabas), and Codicote Cartulary, *loc. cit.*

<sup>3</sup> *Gesta Abbatum*, i. 454-5.

The status of tenants is by no means easy to define on these manors. There is no regular terminology or division into orthodox classes. When the *jurati* are asked to determine the status of a man they usually determine whether he pays merchet,<sup>1</sup> if he holds *per cartam* or *per virgam*,<sup>2</sup> or if he pays tallage.<sup>3</sup> On two occasions the standard of 'uncertain service' is suggested, and on one occasion accepted. At Barnet in 1266 'Unde Iurati dicunt quod libera est et quod omnes tenentes predicte terre semper tenuerunt eandem pro certo servicio'.<sup>4</sup> At Park in 1273, on the other hand, this argument is pushed aside;

'iurati tam capitales plegii liberi quam nativi dicunt super sacramentum suum quod tenementum quod Hugo de Strattele modo tenet solebat esse villenagium Abbatis, et solebat facere villanas consuetudines, et postea venit Adam le Dipper et fecit finem ut possit tenere dictum tenementum pro certo, set dicunt quod idem Adam dedit domino x marcas eo quod accepit uxorem sine licencia. Et dicunt quod si dictus Adam modo esset in plena vita quod ratione dicti tenementi debet talliari, et sequi coram Iusticiarios sicut alii villani.'<sup>5</sup>

The payment of heriot was evidently a complicated matter and no test of the unfreedom of the payer. Some free tenants paid heriot, but a free tenement which had no hearth (*astrum*)<sup>6</sup> paid none.

In individual cases it was evidently a very thin line that divided the freeman from the villein. Not only were there frequent inquests on the subject, in which even a

<sup>1</sup> e.g. Park Court Book, 20 Ed. II (St. Denis), the *jurati* present that Reginald Prest married without licence, but Reginald 'dicit quod finem facere non debet pro eo quod liber est et libere conditionis corporis sui'.

<sup>2</sup> e.g. *ibid.*, 4 Ed. II (Hilary). 'Venit Godfredus Bolymere et clamat tenere dictum tenementum libere et per cartam, et iurati dicunt quod de iure teneri debet per virgam.'

<sup>3</sup> e.g. *ibid.*, 8 Ed. II (St. John the Baptist). William Piel is stated to be *talliabilis domino et eius nativus*.

<sup>4</sup> Barnet Court Book, 50 Hen. III (SS. Simon and Jude).

<sup>5</sup> Park Court Book, 1 Ed. I (St. John ante P.L.).

<sup>6</sup> *Ibid.*, 11 Ed. III (St. Dunstan).

man's own relatives might refuse to support a claim to freedom, but the replies of the *jurati* when they came were not always easy to understand. The words 'per liberos homines de Watford et de Caysho et per alios villanos de Caysho'<sup>1</sup> may perhaps bear the meaning 'others who are villeins', but what is to be made of the definition of a certain piece of land 'quod liberum est, ita tamen quod cum gersummari debeat seu vendi, fiet ad voluntatem domini et per virgam'?<sup>2</sup>

From these tenants the Abbey exacted the dues and services demanded by an overlord. Many of them were a constant source of friction between tenants and lord long before the Peasants' Revolt. They can best be examined by comparison of the customals of 1284 and the extents of 1331-2, supported by the evidence of the court books, while on all the manors the long lists of tenements given in 1349-50 provide a valuable additional source of information.

The nature of the manorial organization of the liberty necessitated certain modifications from the classic form. It seems clear that though the Abbey showed itself zealous in keeping up tenants on its holdings 'sufficient' to do its services, early subdivision of land had rendered the exaction of week-work difficult and on most of the manors week-work was practically non-existent. On the other hand, harvest work was heavy and many other less regular services existed, some of them communal in incidence, which must have involved considerable labour. At Park, for instance, the customal of 1284 shows that the labour services of one holder of a virgate consisted of three days ploughing in the year with one plough and harrow; harrowing with four horses at *Customerharwynges*; four men for hay-making, mowing, pitching and carrying for two days with a cart.<sup>3</sup> Meals were often

<sup>1</sup> Cashio Court Book, 34 Hen. III (St. Barnabas).

<sup>2</sup> Park Court Book, 8 Ed. II (St. Luke).

<sup>3</sup> MS. Cotton Tiberius E. VI, f. 8-8<sup>v</sup>. He also owed in rent and dues

supplied, and were fairly lavish, the ploughmen having meat, fish, pease and vegetables, the haymakers bread, beer, vegetables, two *fercula* of meat or fish, and 'pitance'.<sup>1</sup> On another manor the customary tenants who gather mulberries have a feast consisting of twenty-two white loaves, (a dish of?) oatmeal, a great dish full of salt, and one sheep.<sup>2</sup> In harvest each virgate at Park owed four men for *laggebedereþ* (reaping) and for each *precarium* during the harvest. Miscellaneous services included carrying oats, threshing, rat-catching, and paying homage.<sup>3</sup>

On other manors the details follow the same lines. In one manor autumn work at the rate of one man each day or two men every other day during harvest is exacted from half a virgate.<sup>4</sup> A quarter-virgate owes 72 works at  $\frac{1}{2}d.$  each; this at 12s. a virgate is a fairly heavy money valuation, for on manors round Wallingford, for instance, it is not uncommon to find the dues of a virgate assessed at from 7s. to 12s.<sup>5</sup> At Hexton the number of *opera* due was 3679,<sup>6</sup> which, if it be calculated at 70 *opera* per week, or 10 men per day throughout the year, must have provided the lord's demesne with adequate labour. Some of these services were due from the whole community, 2s. 11d. to the *firma coquine* (the payments to the Kitchen established by Adam the Cellarer) with *averagium* (see p. 198, *infra*) at the rate of 2d. at every third 'farm' sent up to the Abbey; 5d. in *sheriff's scot*, and 15 qrs. of oats (though this last seems incredible and may be entered erroneously in the MS.), two cocks and two hens, with *carucagium*. A full plough paid 1d. and a half-plough  $\frac{1}{2}d.$

<sup>1</sup> The meals are also carefully described in the 1332 extent of Park (Herts County Repository, Cassiobury MS. 7593), e.g. by this time it is understood that the haymakers have 'suum madeshepe', i.e. 40 white loaves, each weighing 1 $\frac{1}{2}$  cobb, 2 sheep, 1 bowl full of oatmeal and 1 bowlful of salt (f. 18<sup>v</sup>). Other *precaria* given their English names were *alebedereþþ* or *heralebederip*, a day's binding service with ale (cf. Caldecote Extent, f. 48<sup>v</sup>) and *tredenday* (cf. Cashio Extent, f. 1<sup>v</sup>).

<sup>2</sup> MS. Cotton Tiberius E. VI, f. 19<sup>v</sup> (manor unnamed). Cf. Park Court Book, 22 Hen. III (St. Barnabas). Cf. Appendix I, p. 302.

<sup>3</sup> MS. Cotton Tiberius E. VI, f. 8-8<sup>v</sup> (Park).

<sup>4</sup> MS. Cotton Tiberius E. VI, f. 18<sup>v</sup> (name of manor missing).

<sup>5</sup> *Ibid.*, f. 42<sup>v</sup> (Rickmansworth).

<sup>6</sup> *Ibid.*, f. 42<sup>v</sup>.

as at Cashio those of mowing and carrying, and in case of failure the *villata* was amerced as a body.<sup>1</sup>

The irregular services due fell either on individual tenants or on the *villata*. At Park one holding owed a horse to the abbot when he went to Tynemouth for 40 days; the horse was to be returned in as good a state as when it was lent, and the tenant (very reasonably) was exempt from suit to the hundred and the *Curia in Abbatia* while it was away.<sup>2</sup> At Cashio one tenement had the duty of supplying the cellarer with a horse, for 50 leagues at the first summons, and for 15 at the next. If the cellarer did not need the horse the tenant paid 12s.<sup>3</sup> These were all big men, and their tenure is presumably the survival of some form of serjeanty.

A heavy and widespread irregular service imposed on the *villata* as a whole was connected with the repair of the lord's mills. At Cashio there were early disputes about carrying mill-stones and timber to the mill. The whole *villata* in 1245 denied the service but was convicted of error by book (i.e. extent)<sup>4</sup> and by roll. The service of *Stonlod*, 'quod si dominus emat Londonii vel alibi distans longe de manerio unam petram molarem erit in auxilium ad eandem cariamdam',<sup>5</sup> is found in the 1333 extent. Similarly, at Abbots Langley the duty of repairing the mill called Assemille and carting the necessary timber was a much-disputed burden mentioned in the earliest rolls. At length in 1355, at a court under the ash, an Inquest makes a solemn statement of custom. It declares that all villein tenants of Northend are accustomed to carry big timber by water whenever the mill or the flood-gates want repair, but not for the mill-house; and that all the tenants of Northend whether

<sup>1</sup> Cashio Court Book, 31 Hen. III (St. Gregory). See Appendix I, p. 313.

<sup>2</sup> MS. Cotton Tiberius E. VI, f. 13. Cf. *Gesta Abbatum*, ii. 208.

<sup>3</sup> Cashio Court Book, 32 Hen. III (St. Luke). See Appendix I, p. 313.

<sup>4</sup> For extent see pp. 100-1, *supra*. Cashio Court Book, 30 Hen. III (SS. Simon and Jude); 31 Hen. III (St. Gregory).

<sup>5</sup> Cashio Extent, f. 2.

*maiores* or *minores* mud the mill pond and repair any damage to the pond when necessary, and they ought to build up at their own expense without allowance of other works all the earth works round the mill and the flood-gates; and that all the tenants of Southend carry timber, as above, and not for the mill-house, but have no obligation as to the pond. After searching the rolls the *jurati* say they have never seen or heard that the tenants of Westend were in any way obliged to help with carriage, but they are ordered to mud the banks with the tenants of Southend.<sup>1</sup>

The dues and rents are highly complex: they combine the commutation of services with various regular money-rents and other more irregular dues often of a primitive nature, and some of them still payable in kind. Certain payments were consistently demanded, though sometimes inconsistently assessed. The entry fine or *Gersuma* was evidently originally paid fully in kind—in ploughshares or sextars of wine or measures of corn. Sometimes in the thirteenth century it was paid in a gold besant.<sup>2</sup> On the St. Albans manors it never amounted to any large sum; 1s. to 6d. an acre is the form in which it is usually met, a sum which made 30s. a virgate an average charge, but as the pieces of land taken up were very small the total was a figure almost negligible in comparison with the sums received on the manors of the bishop of Winchester. The heriot on the St. Albans estates has been said by a modern historian, basing himself apparently on the Formulary Book, to have consisted of the 'best head of cattle and all house furniture'.<sup>3</sup> The court books, however, show that this was certainly not the case. Again and again a heriot is stated to be one beast or one chattel, such as a brass pot. On one occasion a heriot of half an acre of wheat and half an acre of oats

<sup>1</sup> Langley Court Book, 28 Ed. III (St. Augustine).

<sup>2</sup> Park Court Book, 22 Hen. III (St. Barnabas). See Appendix I, p. 301.

<sup>3</sup> Vinogradoff, *Villainage in England*, p. 160.

was claimed, and evidently taken in cash. It was obviously an unusual case when the *jurati* reported that the only animals left by Ralph Doget were one sow with eight sucklings, and they were obliged to admit that by the custom of the manor the whole family belonged to the lord.<sup>1</sup> A heriot was paid by the widow even in the case of a conjoint feofment,<sup>2</sup> and by both husband and wife in a case where the husband had entered upon his wife's tenement.<sup>3</sup> It was usually paid on a surrender of land, but no heriot need be paid if any land whatever was retained.<sup>4</sup> Hence the alienor sometimes retained half an acre of land while surrendering the rest, in order to avoid paying the heriot.

The payments consistently demanded of customary tenants in addition to heriot entry fine and merchet (which is dealt with in detail elsewhere) were *redditus assisae* (on some manors apparently the same thing as *libera redditus*), *averagium* (carrying service), *firma coquine*,<sup>5</sup> sheriff's scot,<sup>6</sup> and sometimes bynnote, the delivery of or payment for oats at the granary. Occasionally a purely ecclesiastical due, such as the obligation to provide in rotation the *panis benedictus* from each household, has been converted into a rent, paid in this instance at the rate of 2*d.* or 3*d.* a year.<sup>7</sup>

Peculiar dues owed, which are not found throughout the whole liberty, are highly varied and primitive. Most of them appear to have been commuted, but some are still payable in kind, shersilver (still sometimes due as ploughshares), culterpany, garshaven (a rent, originally one out of a number of swine paid for the right to pasture

<sup>1</sup> Codicote Court Book, 28 Ed. I (St. James).

<sup>2</sup> Winslow Court Book, 28 Ed. III (St. Dunstan).

<sup>3</sup> *Ibid.*, 3 Ed. III (Ascension).

<sup>4</sup> *Ibid.*, 26 Ed. III (All Saints). <sup>5</sup> See above, p. 194, n. 3.

<sup>6</sup> Payable to the Abbot because the hundred was in his hands, cf. Neilson, N., *Customary Rents* (Oxford Studies in Social and Legal History, 1910, vol. ii), p. 92.

<sup>7</sup> Langley Court Book, 9 Ed. III (St. Luke).

animals),<sup>1</sup> combepenny (paid from a coumbeland), christ-masselove, werpanes (or love-loaf), sickelsilver (presumably rents in commutation of haymaking) as also rypsilver, stremefermynge, and stonlod<sup>2</sup> are easily comprehensible, but *sonnel-silver* and *comþernag* are dues not yet identified. Freburgh-silver, which occurs only once as paid to the king, ought probably to be connected with *frithborh* or frankpledge.<sup>3</sup> When, as at Abbots Langley in 1355 the demesne lands had been farmed out, the apportioning of dues and service between abbey and farmer must have been difficult. In one case a new tenant of villein lands agreed to pay the farmer 6*s.* 8*d.* for the minor services, to hoe, mow, and reap for him, and to repair the mill when necessary. The farmer, on his side, agreed to forgo the threshing, ploughing, and carting dung formerly due from the tenement. Other dues such as the *firma coquine*, sheriff's scot, hens and eggs were to go direct to the various officers of the Abbey, and freburgh-silver, where it fell due, to the king.<sup>4</sup>

The apportionment of services and rents on all the manors is marked by extreme irregularity, even between equal units in the same manor. At Tyttenhanger,<sup>5</sup> it is true, four half-virgate holdings can be found which owe the same dues:

Rents at 4 quarter days . . . . .	5 <i>s.</i> 6½ <i>d.</i>
Two days ploughing at <i>cibum domini</i> or . . . . .	6 <i>d.</i> per diem.
Two men on Boon days at <i>cibum et potium domini</i> or . . . . .	1 <i>d.</i> per man. <sup>6</sup>
Suit of Court, Pannage, <i>Gersuma</i> , Leyrwite, Tallage.	
Total, about 7 <i>s.</i> per annum.	

<sup>1</sup> Neilson, *op. cit.*, p. 68.

<sup>2</sup> See above, p. 196.

<sup>3</sup> Neilson, *op. cit.*, pp. 166, 170-1.

<sup>4</sup> Langley Court Book, 28 Ed. III (St. Lucy).

<sup>5</sup> Tyttenhanger Extent, ff. 2<sup>v</sup>-3.

<sup>6</sup> Another half-virgate owed 1*d.* for a hand-mill—*Quernpanes* (ff. 3<sup>v</sup>-4). This payment is noteworthy in connexion with the vexed question of suit at the lord's mill, and the ownership of hand-mills. Several cases are recorded where permission has been given to own hand-mills.

And in the same manor one holding of a whole virgate paid roughly twice as much:

Rent . . . . .	8s. 5d.
Cocks and eggs . . . . .	3 cocks, 22 eggs.
Two days ploughing, <i>ad cibum</i>	
Three men at autumn boonday <i>sad cibum</i>	
<i>pro mola</i> (i.e. Hand-mill- <i>Quernpanes</i> ) . . . . .	$\frac{1}{2}d.$ <sup>1</sup>
Michaelmas to St. Peter, 1 work per week	$\frac{1}{2}d.$
St. Peter to Michaelmas, 1 work per week	2d.
Harrowing, hoeing, mowing, carrying hay, 3 love-loaves, 4 bushels of corn, suit, heriot and tallage.	
Total, about	14s.

But this good proportion is by no means maintained throughout the extent. The ferling is the commonest tenement, but its rents vary from 1s. 11 $\frac{1}{4}d.$  and 2s. 8 $\frac{1}{4}d.$  to 3s. and 4s. 1d. Twenty acres owe 5s. 11d.; 4 acres 4d.; half a virgate of free land 5s. Odd holdings of 10 or 15 acres might pay as little as  $\frac{1}{2}d.$  per acre with no services. The highest rate is one virgate which paid 8s. 5d., performed occasional services, and in addition one day's week-work throughout the year. No less than thirty-three different entries are made in the extent of the varying dues of virgates, half-virgates, and ferlings.

The same irregularity is shown on the other extents, of which that of Codicote gives the customary services in very great detail. It seems useful to quote one entry in full to indicate their nature. John Salecok, holder of a messuage, a half-virgate, and a croft of land held *sub messuagio*,<sup>2</sup> owed:

Free Rent (Liberum redditum)	1s. 4d. in 4 equal portions at quarter days.
<i>Firma Coquine</i>	8d. in 2 equal portions a year.
Sheriff's Aid	2 $\frac{1}{2}d.$ twice a year.
<i>Averagium</i>	7d. in 4 portions.
Shersilver	2s. 8d. in 4 equal portions.
Winter ploughing	2 $\frac{1}{2}$ acres.
Lent "	"
Fallow "	" or 6d. per acre.

<sup>1</sup> Ibid., f. 5<sup>v</sup>.    <sup>2</sup> Codicote Extent, ff. 1<sup>v</sup>-2. Cf. Appendix II, pp. 339-41.

Harrowing	1 day with horse if he has one.
Benerthe (ploughing)	1 at each sowing, if he have a plough, with meals.
One cock, one hen	At Christmas.
Thirty eggs	At Easter.
42 <i>opera</i>	Between Michaelmas and August, $\frac{1}{2}d.$ each.
One love loaf	At Christmas, $\frac{1}{2}d.$
One man	Carrying hay for one day, no meals.
Mowing	To help till lord's meadow be finished.
Harvesting	Two men reaping at each <i>precaria</i> with meals but no drink, or 1d. per diem.
Reaping and binding	Three acres corn at lord's will, or 4d. per acre.
Carrying corn	One day, with all meals, if he has a horse and cart.
Cleaning mill-course	Half a day with one man when necessary.

This is a fairly heavy burden, for the money value is over 9s. apart from items not valued.

The irregularity of dues was apparently common to the district and not peculiar to the Abbey's lands. The extent of Caldecote (1341), a small manor recently acquired by the Abbey, which it held in chief of the Lord of Oddingselles, for the service of half a knight's fee, is of some significance as it probably represents local custom unmodified by any policy or requirements of the Abbey. There were some free tenants, for they united to perform the service of half a knight. Otherwise we know nothing of them. The typical bondage holding, and there were about a score of such holdings, seems to have been half a virgate and a messuage. The dues and rents payable show the same variety and complexity as those on the other manors of the Abbey. A specimen tenement owed 6s. in money rent at Lady Day and Michaelmas, together with 3d. at the same terms for sheriff's aid, and  $\frac{1}{2}d.$  known as 'free rent'.<sup>1</sup> Ploughing services of 8 days were

<sup>1</sup> Caldecote Extent, f. 46-46<sup>v</sup>.

valued at 3s. 4d. or 5d. a day; evidently the ploughing due from 19 tenants would suffice for a demesne of 112 acres, leaving considerable margin. The ordinary services of hoeing, binding, and shocking corn, carting corn, and finding one man *ad stipulandum* are all carefully valued at rates from  $\frac{3}{4}$ d. per day hoeing to 2d. per diem or  $3\frac{1}{2}$ d. for reaping half an acre. Against the service of reaping, binding, and shocking half an acre of corn (without meals) is placed the note *Et valet opus ut in patria*, or alternatively 2d. a day. Evidently commutation is taking place somewhat precariously and at varying rates. The only full meals provided are for the mowers; carting corn received one meal per day, as does the *stipulandum*. Harvesting is rewarded with beer, but not apparently with meals. The tenant owes 20 eggs at Easter, a cock and three hens at Christmas, and also one big loaf, *nomine exennii*, when he and his wife dine with the lord. It is not easy to imagine that the half-virgator and his wife were accustomed to dine at Christmas with the abbot of St. Albans, though some of the older St. Albans manors owed the Christmas loaf; this friendly custom may have been a survival from the days when the manor was directly in the hand of the lord of Oddingselles. Suit of court once in three weeks is noted for all tenants, but unfortunately no details are given as to the court to which it was owed. The whole liability of a half-virgator would seem to lie between 12s. and 13s. 6d. per annum. Evidently no week-work was done, or none had survived; between 20 and 30 days at specific seasons were required, sometimes in labour and sometimes in cash.<sup>1</sup>

In addition to the rents, dues, and services on the lord's demesne, there were also of course the obligations of suit at the lord's mill, and the legal obligation of suit at his court, already discussed. The St. Albans manors therefore shared in all the complexities of a society growing unsystematically and irregularly. There is no reason to

<sup>1</sup> Caldecote Extent, f. 46-46v.

think it was a harder overlord than its neighbours; like them it had permitted and taken its share in change without reducing it to a system, but its corporate tradition and complicated administration made it especially tenacious of its rights, with regard to which it would recognize no change.

The dissatisfaction of its tenants was no sudden outburst in 1381; nor were the men of St. Albans, although the leaders, the instigators of the discontent of the other manors. The court book of every manor tells the same story. Difficulty about labour services begins almost as far back as the court books. It was not difficult, on account of the extreme irregularity and subdivision of holdings, to withhold services and evade dues for a long period without detection, but fines for these offences are common throughout the court books. In 1245 at Park 12 tenants and 1 (vacant?) virgate were fined for not providing 2 men each for the lord's haymaking.<sup>1</sup> In 1265 we find 19 tenants fined for refusing services,<sup>2</sup> and similar entries are frequent in subsequent years. In 1314 the court book gives 19 cases of services refused involving at least 27 men.<sup>3</sup> Though these fines were definitely higher than the value of the services lost, e.g. 14d. fine for 10d. services, they were ineffective, for the next year there were 20 cases of default.<sup>4</sup> Though in 1351 enough leases had been made to fill up the tenements said to have remained vacant in the lord's hands after the Black Death, in 1357 there is a list of services in default amounting to 114 days work, and assessed at 17s. 10d.<sup>5</sup>

At Barnet there are few early entries about services, but from 1354 cases of default become frequent. At Norton refusal to work begins before 1250. The whole *villata* refused to thresh provender, except when the

<sup>1</sup> Park Court Book, 30 Hen. III (Michaelmas). See Appendix I, p. 305.

<sup>2</sup> *Ibid.*, 50 Hen. III (SS. Simon and Jude).

<sup>3</sup> *Ibid.*, 7 Ed. II (St. Hugh).

<sup>4</sup> *Ibid.*, 8 Ed. II (St. Luke).

<sup>5</sup> *Ibid.*, 31 Ed. III (St. Denis).



lord came in person.<sup>1</sup> At Abbots Langley the evasions seem particularly frequent. As early as 1282 the whole *villata* was fined 18s. for failing to come to the harvest with thirty-six sickles,<sup>2</sup> and several individuals defaulted.

Similar evasions are recorded in the case of money dues. Sometimes a tenant was in arrears for years. When there are added to these refusals of works and evasions of dues, the constant friction about suit at the lord's mill (first mentioned in the court book in 1250), some friction about poaching in the lord's warrens and woods, and occasional outbursts about suit at his court, the main incidents leading up to the 1381 Revolt have been indicated.

The policy of the Abbey was, in view of the hostility of its tenants, neither very wise nor conciliatory. The outbursts of the *Gesta*<sup>3</sup> after the Revolt against the incorrigible men of St. Albans owed some of its bitterness, no doubt, to recent fear, but they were reminiscent of a long history of past antagonism. It seems too much to blame a medieval administration for failing to control the subdivision and redistribution of tenements which made its own work so difficult. But there seem to have been periods of slack administration when dues were not collected and irregular practices were allowed to flourish. No administration is blameless when sixty years of arrears have been allowed to pile up. These periods of slackness were balanced by alternating periods of vigorous exaction of dues and assertion of their claims. No doubt John Mote's cellarership was such a period, and his activity must have pressed heavily on those whose obligations had been evaded in the past. Hence perhaps his unpopularity in 1381.<sup>4</sup> When administration was active there were attempts to make up arrears, and convictions followed. On one occasion at least a new tenant was adjudged liable

<sup>1</sup> Norton Court Book, 35 Hen. III (St. Dunstan). See Appendix I, p. 332.

<sup>2</sup> Langley Court Book, 10 Ed. I (St. Denis). <sup>3</sup> *Gesta Abbatum*, iii. 371.

<sup>4</sup> He was by this time prior, and had given up the cellarership in 1374.

for the services in arrears when he took over the tenement.<sup>1</sup> This was possible as the amount was only 3s. 9d., but arrears were sometimes allowed to run so long that this rule would have proved absolutely prohibitive. Very similar were the Abbey's occasional attempts to put down private hand-mills, and its uncertain course in the long dispute about charters with the tenants of Barnet.

The administration might be uncertain, but the aim was consistent: the maintenance of the Abbey's rights. Nothing shows this more clearly than the care taken that tenants should be 'sufficient' to do the services their tenement owed. When a tenant was said to be insufficient, poor, and young, the services are often laid upon the whole halimot, or on all the *jurati*, while the tenement may, for a time, be occupied by the *jurati* in common (*in communi sibi et suis*).<sup>2</sup>

These spectacular assertions of rights, however, provided an obvious ground for discontent, and the whole record of the Abbey shows the ill feeling they aroused among tenants, already irritated, it seems probable, by the inequality of burdens and predisposed to discontent by the various social influences acting upon them. Occasional tenants bore heavy economic burdens, but for most of them they were no heavier than those of neighbouring villeins, and light compared with those of many manors in southern England. The uprising of villeins against their lord was not, thus, a purely economic struggle. When the relation of overlord and villein was so complex, it is idle to expect that it should be.

#### NOTE D

*Extract from Caldecote Extent* (B.M. MS. Lansdowne 404), f. 47<sup>v</sup> (see p. 184, *supra*).

Simon Wykyng tenet unum messuagium et unam dimidiam virgatam terre et unum quartronum terre qui sicut dictus

<sup>1</sup> Park Court Book, 47 Hen. III (Invention of the Holy Cross).

<sup>2</sup> e.g. Park Court Book, 3 Ed. III (All Souls), 15 Ed. III (St. Dunstan).

Ricardus fecit fidelitatem et recognovit etc. videlicet de redditu per annum quando saisona seminis accidit ex parte occidentali vi s. Et de auxilio vicecomitis iii d. Et quando saisona seminis accidit ex parte orientali tunc de redditu et auxilio vicecomitis xi s. ix d. Et eodem tempore faciet quatuor precarias cotidie cum quatuor hominibus et ad ultimam precariam earundem cum vi hominibus. Et eodem tempore ad blada liganda cum duobus hominibus per unum diem et metet unam acram bladi sine cibo. Et inveniet duos homines per duos dies ad sarclandum sine cibo. Et duos homines per unum diem ad stipulandum pro uno repasto. Et eo tempore quo saisona ex parte occidentali acciderit faciet quatuor precarias cotidie cum duobus hominibus. Et ad ultimam precariam earundem cum tribus hominibus, et ad blada liganda cum uno homine per unum diem. Et metet dimidiam acram sine cibo domini. Et sarculabit cum uno homine per duos dies sine cibo. Et stipulabit cum uno homine per unum diem pro uno repasto. Et dabit ad Natale Domini duos gallos et quatuor gallinas. Et ad Pascha xxix ova. Et arabit et cariaabit etc. Hic non nominata faciet sicut dictus Ricardus Borgeys. Et valet opus proportionaliter ut predicatur.

## NOTE E

*Barnet Court Book*, 33 Ed. III (St. Matthew) (see p. 187, *supra*).

Dominus concessit Beatrici que fuit uxor Johannis de Wedon custodiam duorum mesuagiorum similiter iacentium, duarum shoparum, unius cotagii et alterius cotagii xxx acrarum terre, unius acre prati et duarum acrarum bosci. Unde predicta duo mesuagia iacent inter tenementum quondam Johannis Springost ex parte una et cimiterium beati Johannis Baptiste ex altera, et una shopa iacet inter shopam Johannis Flether quam tenet ad terminum vite, et Regiam viam. Et alia iacet inter shopam dicti Johannis et shopam Johannis in the Hale, et unum cotagium iacet inter tenementum quondam Johannis de Wedon et tenementum Edwardi Baillif, et aliud cotagium iacet inter tenementum Henrici in the Vale et tenementum Ricardi de Langford, et vi acre terre quondam Johannis Howe iacent in uno crofto iuxta Regiam viam et extendunt a Mayeslane usque terram Johannis Chalkhull. Et iii acre terre sepibus inclusis

iacent iuxta predictum croftum et extendunt a Mayeslane usque terram dicti Johannis. Et ii acre terre sepibus inclusis iacent iuxta predictas iii acras et extendunt a Regia via usque terram Johannis Chalkhull. Et iiii acre terre iacent iuxta predictas ii acras sepibus inclusis et unum caput abuttat super terram Henrici in the Vale et Stephani de Hodesdon et aliud super Mayeslane. Et v acre terre iacent iuxta predictas iiii acras terre sepibus inclusis et extendunt a terra Henrici in the Vale et Johannis Clerk usque Mayeslane. Et ii acre terre vocate Alisotesfeld sepibus inclusis iacent iuxta predictas v acras terre et extendunt a Mayeslane usque le Holoughcroft. Et ii acre terre vocate le Holoughcroft sepibus et fossatis inclusis iacent inter predictam terram et viam que ducit de Barnet usque Tatterrugge et extendunt a terra quondam Johannis Rowe usque terram vocatam Alisotesland. Et ii acre terre iacent in duobus croftis quorum unus croftus vocatur Pekfithelcroft et alius le Weycroft iacet inter terram Willelmi Hobcok et Johannis Boor ex parte una et terram Johannis Chalkhull ex altera et extendunt a grangia quondam Johannis de Wedon usque Holoughcroft. Et ii acre terre iacent in uno crofto sepibus inclusis inter terram quondam Johannis de Wedon et terram quondam Nichoa May et extendunt a terra quondam dicti Johannis usque Mayeslane. Et ii acre terre iacent in uno crofto vocato Wityngesfeld inter terram quondam Henrici Jacob et terram quondam Walteri Gladevant et extendunt a bosco vocato Southawe usque Braynte. Et una acra prati in Satersfeld inter pratum Edwardi Ballivi et pratum Johannis in the Hale. Et ii acre bosci vocati Girthovesgrove iacent inter terram quondam Johannis Rowe ex utraque parte. Et extendunt a terra quondam dicti Johannis usque Mayeslane, cum custodia Agnete filie et herede, Ricardi de Wedon. Tenendum sibi usque ad etatem dicte Agnete in villenagio, ad voluntatem domini per servicium inde debitum et consuetum, et dat pro termino habendo xx d. etc.

4. WILLS OF VILLEINS AND COPYHOLDERS<sup>1</sup>

THE St. Albans records contain a good deal of material valuable for the study of medieval wills. The evidence bears on the right of the villein to make a will, may possibly throw some light on the problem of the lay or ecclesiastical origin of testamentary jurisdiction, and gives numerous illustrations of the contents of such wills, showing them not only as the vehicles of pious bequests for the salvation of the testator's soul, and of gifts of chattels, but also sometimes of bequests of land.

It is fairly common knowledge that villeins were permitted as a matter of privilege to make wills, in spite of the legal theory that a villein held nothing which was not already the property of his lord. Pollock and Maitland quote several cases in which villein wills were executed, though none of these cases are of very early date.<sup>2</sup> The Church taught that it was a man's duty to make a will—at least upon his death-bed, with his last confession; if he had nothing that was not his lord's, he could not make restitution for his slackness in paying tithes, &c. nor could he make any gift to the Church. Hence it is common to find that ecclesiastical landlords permitted their villeins to make wills. The probate of such wills, however, takes place in the manorial court and not before the archdeacon. On St. Albans Abbey estates this distinction is clear, for while the wills of freemen were proved by the archdeacon of the Abbey (an exempt archdeaconry) the wills of villeins went for probate to the

<sup>1</sup> [This section was marked by Professor Levett herself in a note appended to it as quite unfinished. It is no more than a suggestion of the thesis which, as her correspondence shows, she wished to work out. It seemed useful, however, to include it even in its present imperfect form, to add a number of notes from her rough transcripts, and to append the wills which Professor Levett had herself transcribed. L.S.S.]

<sup>2</sup> Pollock and Maitland, *History of English Law*, 1895, i. 400 and ii. 314 seq.

cellarer in the halimote.<sup>1</sup> This was evidently common practice at an early date: the earliest mention of a villein's will known to me is in 1208-9, when among the notes of the courts held for the bishop of Winchester we find the entry *de iiii s. de testamento*.<sup>2</sup> At Cashio in 1251 there is an inquest of the halimote to decide whether a villein (*rusticus*) could leave his chattels away from his heir or not. Unfortunately the finding of the inquest is not recorded.<sup>3</sup>

In the hundred rolls it seems to be taken as a matter of course that the villeins (*servi*) of Swincombe, Oxon., a manor belonging to the abbot of Bec, will make their wills: 'if any of them die without making his will the whole of his moveable property falls to his lord.'<sup>4</sup>

References to wills occur, though sparsely, in the St. Albans Abbey court books, in the thirteenth and early-fourteenth centuries, until in 1350, when the question had evidently grown pressing, a formal decision was given and entered on the court rolls: it appears in the records of several different manors, in identical terms, and was evidently published in each court.<sup>5</sup> The decision runs:

'Turati requisiti quorum vel cuius conditionis testamenta probari debent coram Cellerario. Omnes unanimiter responderunt quod testamenta omnium nativorum et native tenentium. Requisiti ulterius a quo tempore incepit ista consuetudo, ad quod responderunt quod a tempore a quo memoria non

<sup>1</sup> Winslow Court Book, 23 Ed. III (St. Denis). Codicote Court Book, 23 Ed. III (St. Luke).

<sup>2</sup> Hall, H., *The Pipe Roll of the Bishopric of Winchester, 1208-9, 1903*, p. 20. It is just possible that in this case the will was made by a freeman, since the early halimotes made little distinction.

<sup>3</sup> Cashio Court Book, 34 Hen. III (First Sunday in Lent).

<sup>4</sup> *Rot. Hund.* ii. 758a. Cf. Pollock and Maitland, i. 417; Vinogradoff, *Villainage in England*, p. 176; Holdsworth, iii. 542; Glanvill, bk. vii, ch. 16. The lord is said to be entitled to the goods of his intestate villein.

<sup>5</sup> Winslow Court Book, 23 Ed. III (Monday after St. Denis); Barnet Court Book, 23 Ed. III (SS. Simon and Jude); Codicote Court Book, 23 Ed. III (St. Luke).

existit, et quod omnes Cellerarii sine interruptione sic usi sunt et gavis. Sed dicunt quod si quis liber fuerit et tenuerit messuagium libere et in eodem messuagio libere tento videlicet per cartam ad communem legem et in eodem obierit, probatio testamenti huiusmodi libere tenentis pertinet ad Archidiaconum Monasterii Sancti Albani.

It may be noted that this formal inquiry and statement ought probably to be connected, not only with the emergencies of the Black Death, but also with the petition entered upon the rolls of Parliament in 1343:

'The Commons pray that whereas a Constitution is made by the Prelats to take Tyth of all manner of wood, which thing was never used, and that Bondwomen and wives (*neifs et femmes*) may make a will, which is against Reason, that it will please the K. by himself and his good Council to ordain remedy. . . .'<sup>1</sup>

To this petition the answer was received: 'The King wills that Law and Reason be done.'<sup>2</sup>

A certain amount of confusion is apparent here; the word *neifs*, translated in the printed rolls as 'Bondwomen', has been taken by some recent writers<sup>3</sup> as 'bondmen', and *femmes* as 'bondwomen'; other evidence suggests, however, that it is 'bondmen' who are meant, whereas *femmes* is evidently a slip for *femmes couvertes*, i.e. married women, not necessarily villeins, as the king's reply shows,<sup>4</sup> 'touchant . . . testamentz des niefs et femmes couvertes'.

The reason for the formal decision at St. Albans and for the petition in the rolls of Parliament is best seen by a comparison of some of the Constitutions made by the prelates, to which exception was taken.

In 1328, under Simon Mepham, archbishop of Canter-

<sup>1</sup> *Rot. Parl.* ii, 18 Ed. III, p. 149 (translation from Hody, H., *History of the English Councils and Convocations*, 1701, 3rd pt., p. 227).

<sup>2</sup> *Rot. Parl.* ii, 18 Ed. III, p. 150.

<sup>3</sup> e.g. Coulton, G. G., *The Medieval Village*, 1925, p. 331.

<sup>4</sup> *Rot. Parl.* ii, 18 Ed. III, p. 150.

bury, and again in 1342 under Archbishop John Stratford, constitutions were framed dealing with the wills of villeins and of married women. These constitutions, with others of similar import, of an earlier date, are given in full in Wilkins, *Concilia*;<sup>1</sup> the clause dealing with the question in 1328 is simple:

'De Testamentis nativorum non impediendis.

Item omnes illi, qui ascriptitiorum vel aliorum servilis conditionis testamenta, vel ultimas voluntates quovismodo impederint, contra consuetudinem ecclesiae Anglicanae hactenus approbatam, per excommunicationis sententiam compescantur.'

The Constitutions of John Stratford, in 1342, are more complex, and expressly deal with the question of married women and widows, in relation first to debts and then to wills and testaments;<sup>2</sup> the important clause runs as follows:

'vii De debitis intestatorum solvendis.

. . . Caeterum contingit interdum, quod clericis aut laicis divino iudicio decedentibus intestatis, domini feudorum non permittunt debita defunctorum solvi de bonis mobilibus eorundem, nec in usus uxorum suarum, liberorum suorum, et parentum, vel alias pro dispositione ordinariorum bona predicta, pro ea portione, quae secundum consuetudinem patriae, defunctos contingit, permittunt distribui pro eisdem; alii siquidem ascriptitiorum et aliorum servilis conditionis<sup>3</sup> hominum, necnon solutarum et conjugatarum mulierum, et suarum propriarum uxorum, vel etiam aliorum, impediunt, vel impedire procurant factionem liberam testamenti et ipsius executiones, et dictorum testantium voluntatem ultimam, tam contra jura, quam consuetudines ecclesiae Anglicanae hactenus approbatas, in divinae majestatis offensam, et laesionem juris ecclesiastici evidentem.

'Testamentis insuper coram ordinariis locorum, ad quos per-

<sup>1</sup> Wilkins, *Concilia*, 1737, ii. 553. Cf. *ibid.*, p. 155, Synod of Exeter, 1287, for similar provision. Cf. *Gesta Abbatum*, ii. 481, Constitution of Abbot Richard (c. 1336).

<sup>2</sup> Wilkins, *Concilia*, ii. 705.

<sup>3</sup> Cf. Lyndewode, G. L., *Provinciale*, 1501, Bk. III, Tit. 13, who declares that 'of servile occupation' is not equivalent to *servus*.

tinēt, probatis et approbatis, huiusmodi testamentorum probatio et approbatio, nisi ratione laicalis feudi, si id in testamento aliquo legari contigerit, nullatenus a laicis requiratur; nec impediānt clerici vel laici, aut cuiusvis conditionis homines, seu impediiri procurent, quominus testamenta et ultimae voluntates defunctorum procedant, et consequantur effectum in his, quae legari possunt de consuetudine vel de jure.'

The evidence as to the wills of villeins raises a difficult question as to the jurisdiction under which such wills were proved. Pollock and Maitland evidently regard it as only a pious opinion among the common lawyers of a later day that 'in some indefinitely remote age wills were proved in the lay courts', and the doubt is expressed as to whether probate was known earlier than Glanvill;<sup>1</sup> Selden apparently knew no 'express probate' before the time of Henry III.<sup>2</sup>

When, therefore, the probate of wills takes place in the halimote, it is suggested that the manors involved are always in ecclesiastical hands, or have at some time earlier been held by religious orders with special privileges. The express grant made by Alexander IV to Cistercian houses in England of the right to give probate to the wills of their tenants<sup>3</sup> is not quite to the point, though it suggests an explanation which must always be taken into account. The privilege of the Knights of St. John, and of the Templars, which in some instances passed to the Crown, is likewise a special case. The real problem remains; is the whole jurisdiction over wills, in the halimote, including probate, entirely due to the delegated ecclesiastical authority of the ecclesiastical landlord, abbot or bishop or lesser personage? There is little chance of proof, but the early references seem to point to a strong element of custom, probably dating

<sup>1</sup> Pollock and Maitland, ii. 341.

<sup>2</sup> Selden, J., *Original of Ecclesiastical Jurisdiction in Testamentary Causes*, 1683.

<sup>3</sup> *Chron. Melsa* (Rolls Series), ii. 121-2 (quoted in Pollock and Maitland, ii. 342 n.).

back at least to the days of a concurrent jurisdiction of lay and ecclesiastical courts, which Caillemer considers so characteristic a feature of the twelfth century.<sup>1</sup>

To permit the halimote to decide the custom is not the normal method of ecclesiastical jurisdiction, and the very early date of the Winchester example<sup>2</sup> seems to point to a custom more remote than the crystallization of the ecclesiastical methods of probate, and possibly links the thirteenth century with pre-Conquest custom. The whole body of confused evidence emanating from the boroughs tends to confirm this view.<sup>3</sup> The question

<sup>1</sup> Caillemer, R., *Origines et Développement de l'exécution testamentaire*, Lyon, 1901, p. 674. 'L'Église n'est cependant pas arrivée du premier coup, dès l'apparition du testament à une compétence exclusive pour les causes relatives à l'exécution testamentaire. Du temps de Glanville, l'Église n'exerce encore qu'une juridiction concurrente.' The writer appears to think that the church courts received a set-back in the thirteenth century: having been fully competent within boroughs in the early part of the thirteenth century, they were no longer universally competent in the second half. Cf. London.

But cf. Martin, O., *Histoire de la Coutume de la Prévôté et Vicomté de Paris*, 1922-6, vol. ii, book iv, p. 493. Strong confirmation of this view of concurrent jurisdiction is forthcoming from the neighbourhood of Paris. Dr. Martin writes: 'Au xiv<sup>e</sup> siècle — et c'est à cette époque seulement qu'il est possible de l'étudier en détail dans la région parisienne — le testament est un acte mixte dont la juridiction laïque entend connaître, aussi bien que l'officialité. . . . A la fin du xiv<sup>e</sup> siècle, les testateurs commencent à déposer leur testament au greffe de la juridiction à laquelle ils désirent attribuer compétence.' He adds various examples of the limited power of serfs to make wills: e.g. in Champagne serfs could dispose of 5 sols by will, doubtless for religious purposes.

<sup>2</sup> c. 1208, v. *supra*. The custom of proving wills in the manorial court did not, I believe, survive on the Winchester manors.

Professor Hazeltine, in his introduction to *Anglo-Saxon Wills*, edited by Dorothy Whitelock, 1930, pp. xvii-xviii, has some discussion as to the manner in which wills were made and authenticated. He quotes cases of wills made orally before the Witan, while a written record of the will was made and read out to the witnesses, and the testator. A will might be made orally, upheld by the gemot, and then entered in a church-book as permanent evidence. What could be done before the Witan could probably be done before humbler bodies.

<sup>3</sup> Cf. Tait, in Ballard and Tait, *Borough Customs (1216-1307)*, Cambridge, 1923, Introd., pp. lxxviii-ix. 'Alienation [of land] by sale or gift was not peculiar to boroughs, but in the thirteenth century devise of land was not

is discussed in detail by Miss Bateson, who makes it clear that the borough court was successful in challenging ecclesiastical jurisdiction at one point—the devisability of borough tenements.<sup>1</sup> Hence in some cases, notably London, the municipal court retained probate of burgess wills; in other cases, e.g. Oxford, concurrent probate in borough court and Court Christian, seems to have been the rule; in others, enrolment of wills by the borough court had great practical advantages.

In one of the Cinque Ports (Fordwich) the mayor, bailiff, and jurats were expected to be present at the making of the will, and to prove it afterwards; a nuncupative will disposing of purchased lands made before the mayor and two jurats was *ipso facto* valid. At Dover, in cases of intestacy, the mayor is said to act as ordinary. In all the Cinque Ports there is strongly marked concurrence of authority and various anomalous practices.<sup>2</sup> Miss Bateson quotes two cases where probate is apparently given in a secular court, i.e. the Forest-tourn of the Forest of Knaresborough, a parcel of the Duchy of Lancaster (c. 5 Elizabeth), and the manor of Porchester (undated).<sup>3</sup> It seems difficult to ascribe any ecclesiastical antecedents to the Forest of Knaresborough, where all customary tenants might prove their wills, and Porchester certainly partakes very closely of the nature of a borough, though its history is complicated. At Porchester every tenant, whether of the high tenure or the base, might bequeath the whole or part of his tenement by his last will; if such will were presented at the next court or within a

found outside them, except perhaps in some parts of ancient demesne' (p. lxxix).

<sup>1</sup> Bateson, M., *Borough Customs* (Selden Soc., vols. xviii, xxi) (vol. xxi, p. cxxxviii seq.; text, pp. 194–200). 'Even the church councils acknowledged this exception of the lay fee,' cf. Caillemer, op. cit., p. 677; Conc. London, 1342.

<sup>2</sup> Bateson, *loc. cit.*, ii. 199–201.

<sup>3</sup> *Ibid.*, 198 n., 199; Knaresborough, Harleian MS. 5223, f. 12; Porchester, Add. MS. 8153, f. 175.

year. By a later clause it would seem that only three or sometimes two acres might be devised. Manors of royal demesne and ancient demesne<sup>1</sup> probably owned privileges akin to those of boroughs, and the claim to be ancient demesne probably lies at the root of the well-developed custom on the St. Albans manors. It would be in accordance with other privileges and customs of the borough courts to believe that their testamentary jurisdiction was to some extent an archaic survival, and points to a general secular custom older than that of the Church courts. At Hertford, in 1363, a woman proved her husband's will in the borough court; he devised his tenement to his wife for term of life and afterwards to their surviving children, or, failing them, to his wife's heirs.<sup>2</sup> The will is entered on the borough rolls, and nothing was charged for probate, because she was the wife of a burgess. In 1436 a will was brought into court, and all the tenants testify that it was made while the *testatrix* was of sane memory.<sup>3</sup> Hertford is the borough which one would naturally compare with the St. Albans manors; it is sometimes described as a manor, and the courts in which wills are proved are described as *Curia Generalis*, or *Curia cum Continuacione Lete*.

The St. Albans decision of 1350 is interesting in that it

<sup>1</sup> Not only is the will disposing of land to be found, but some hint of the borough custom of lay probate. Cf. Maitland, *Select Pleas* (Selden Soc.), vol. ii, p. 127, where the jurors are called upon to decide a question of testament. It is an interesting case in which the chaplain, having first made an informal surrender of six acres of land to the use of a man and his wife and two boys, who were to provide him with necessaries, at his death bequeathed in his testament all his purchased land to the two boys. The jurors refused to make any presentment, because none of them were present when the chaplain made his will, and left the court, in great contempt of the Lord.

<sup>2</sup> Corporation Records, Hertford, vol. 6 (index 3), Manor Roll, 36 Ed. III. Margaret que fuit uxor Roberti Cisor.

<sup>3</sup> Corporation Records, Hertford, 14 Hen. VI (index 8), 3 Hen. IV (St. Martin). There is no trace here of any previous probate in an ecclesiastical court. Cf. Bateson, *Borough Custom*, ii. 195, n. 5. 'Probate first before the ordinary, then before the borough officers, was regarded as the normal burgage will rule.'

refers to the probate of villein wills by the cellarer as of immemorial custom. Certainly the custom seems to have been a century old: beyond that there is no evidence, except that in 1256 there was already a custom to which the *villata* was expected to testify.<sup>1</sup> Detailed references to the St. Albans custom may be gathered incidentally among the court books. In 1255, at Kingsbury, a man is given licence to make (*condendi*) the will of his mother,<sup>2</sup> and a similar case occurs in 1275. The practice is implied even earlier: in 1238 a widow gave 5s. to retain the goods of her husband, which had not been bequeathed (*legata*).<sup>3</sup>

As early as 1256 at Abbots Langley the *villata* was called upon to testify the truth *super quamdam consuetudinem testamenti*.<sup>4</sup>

There was evidently a close connexion between the heriot and the will, as indeed there was bound to be.<sup>5</sup> In 1273, at Kingsbury, a woman is said to have sold a cow which the lord ought to have received *pro herietto et pro testamento*;<sup>6</sup> the two payments were evidently merged, and the heavy fine of 7s. 1d. imposed was ultimately reduced to 5s. At Norton, in 1376, a widow who took over the wardship of her son and his lands was obliged to find pledges that she would not alienate either the *Principalia* of the holding, or the goods bequeathed by the will.<sup>7</sup>

<sup>1</sup> Langley Court Book, 40 Hen. III (St. Thomas).

<sup>2</sup> Kingsbury Court Book, 40 Hen. III (St. Martin).

<sup>3</sup> Cashio Court Book, 22 Hen. III (SS. Peter and Paul). See Appendix I, p. 311.

<sup>4</sup> Langley Court Book, 40 Hen. III (St. Thomas).

<sup>5</sup> Cf. Maitland, *Domesday and Beyond*, 1897, p. 298, 'in the tenth century this render (heriot) is closely connected with the exercise of testamentary power. The thegn offers a heriot with a prayer that "his will may stand". He presents swords and money to the King that he may be worthy of his testament.'

<sup>6</sup> Kingsbury Court Book, Invention of the Holy Cross, 1273 (bound volume). Mr. W. D. Peckham, in *Thirteen Customals of Sussex Manors of the Bishop of Chichester* (Sussex Record Soc.), xxxi, p. xii, apparently translates *testamentum* as heriot, but it would seem more natural to reverse the argument, and to regard the heriot as given in return for permission to make a will.

<sup>7</sup> Norton Court Book, 49 Ed. III (SS. Philip and James).

In 1338 the executors concerned with a lease are declared to remain equally bound with the lessees to maintain the lease.<sup>1</sup>

A few years after 1350 the custom grew up of enrolling the wills of villeins upon the court rolls.<sup>2</sup> A number of these are printed in a note to this chapter. Dr. Cunningham has printed one or two for the fifteenth century,<sup>3</sup> but they are more common between 1377 and 1420 than later. These wills are concerned not only with the provision of altar lights or singers at the Matins of the Dead or of Masses or for the distribution of sheep in ones and twos among the members of the family, but from time to time they actually dispose of land—whether land held in villeinage or land held by a villein is not always clear. But in view of the St. Albans attempts to make all new tenants agree to hold in villeinage, and as the villein was forbidden by the rules of Abbot Roger in the thirteenth century to buy free land,<sup>4</sup> it is most probably part of the *Villanagium* which is thus devised. Sometimes the land is left to a specific person, sometimes the executors are ordered to dispose of it as seems best for the soul of the testator, sometimes the land is left definitely to the Abbey for a specific purpose. In the latter case the Abbey, though not of course infringing the conditions of the statute *De religiosis*,<sup>5</sup> did actually recall land to the immediate control of the convent, under a different title, without the litigation that would inevitably have followed upon mere confiscation or claim of escheat.<sup>6</sup>

<sup>1</sup> Winslow Court Book, 11 Ed. III (St. Dunstan).

<sup>2</sup> There can be no doubt that the testators were villeins, or their wills would not have been proved in the halimote. The only possible doubt concerns the status of the lands mentioned, although in theory and by precept the St. Albans villeins could not hold free lands.

<sup>3</sup> Cunningham, *Growth of English Industry and Commerce* (Cambridge, 1896), i. 615.

<sup>4</sup> *Gesta Abbatum*, i. 454.

<sup>5</sup> Stat. Westm. ii, 13 Ed. I, ch. 41.

<sup>6</sup> Vinogradoff, *Villainage in England*, p. 67 n., quotes cases showing that even the statute *De religiosis* could be evaded by the lord entering upon his villein *acquest*. The rules laid down at St. Albans prior to the statute

The disposal of land by villeins at their death seems first to have been made possible as a means of making provision for the soul of the dying man. The method first employed was that of conditional surrender to the lord or another with subsequent sale by permission of the lord. For instance, in the year of the Black Death, at Barnet, John Martyn surrendered his villein tenement to Henry in the Vale, and, with the lord's licence, it was agreed between John and Henry that Henry should subsequently expose to sale and sell the aforesaid tenement, and should use for the benefit of the souls of John and Beatrice his wife all the sums of money accruing therefrom.<sup>1</sup>

In 1389 there is a case of an acre of land and a messuage being surrendered by Alicia Hamond to the lord, and granted out again on condition that the new tenant should find a chaplain to celebrate the divine mysteries in the church for the soul of the said Alicia Hamond, for one year.<sup>2</sup>

Two years later another tenement was given to the son of a deceased tenant by the lord, on strict condition that he should find a chaplain for the chapel of St. John Baptist at Barnet, to celebrate Mass for his father's soul, during the lifetime of his mother.<sup>3</sup> Failure to comply with the condition involved forfeiture.

In 1394 tenements are left to three brothers and sisters jointly;<sup>4</sup> if two of the three shall die, then the executors shall have half the land, to sell it for the soul of the dead father; if all three die the whole is to be sold for his soul. Duty to his family evidently came first, but it is curious that he shows no specific concern for the souls of his deceased children. Again, in 1396 a cottage and croft

forbade any such *acquest* to be made without permission, but the statute must have supplied a new reason for granting permission.

<sup>1</sup> Barnet Court Book, 23 Ed. III (St. Pancras).

<sup>2</sup> Ibid., 12 Ric. II (St. Peter).

<sup>3</sup> Ibid., 14 Ric. II (second court, no further date).

<sup>4</sup> Ibid., 17 Ric. II (Vigil of St. John).

is granted by the lord to Margaret Patryk, to hold in villeinage, on condition that (*sub tali condicione*) the money should be spent for the soul of her husband (*et denarios inde perceptos quod disponat pro anima dicti Willelmi prout melius sibi viderit expedire*).<sup>1</sup>

In case a sale of land was to be made for the good of the soul of the dead tenant, it was permitted to the children or heirs to buy in the land at a valuation; in one case the price of 40s. was fixed.<sup>2</sup> This seems to have been akin to the burgess privilege of pre-emption, parallels to which occur in the Channel Isles.<sup>3</sup>

In 1406, at Cashio, a tenant surrendered his land, a ferthingate, to the use of his son, and if his son should die without heir, then to the widow of the surrenderer, for life.<sup>4</sup> After that, *the lord* should sell the land, and use the money received therefrom for the souls of the dead tenant and his wife. This land was held *per servicia*. These complicated arrangements, whereby the lord was left as a kind of final executor, were clumsy and anomalous proceedings. The power to leave tenements by will which succeeded it seemed a definite advantage in procedure.

It is during the second half of the fourteenth century, and particularly during the reign of Richard II, that the custom of enrolling the villein's wills begins. Usually it is only a question of money gifts to the churches, the priests and other officials, the chapels, lights, altars, bells, &c. Sometimes gifts to the highroads also or to a pilgrimage count as acts of charity.<sup>5</sup> But occasionally cases of bequest of land occur, which throw some light on the power of the villeins to sell a villein tenement.

Thus in 1406 the will of John Rolf was proved, and

<sup>1</sup> Barnet Court Book, 19 Ric. II (Pentecost).

<sup>2</sup> Ibid., 34 Hen. VI (12 April).

<sup>3</sup> Barnet and several other manors of St. Albans did indeed claim to be boroughs (cf. *supra*, p. 182), which somewhat complicates the situation. It is difficult to see precisely what they meant by this claim or on what it was based.

<sup>4</sup> Cashio Court Book, 6 Hen. IV (Trans. St. Thomas).

<sup>5</sup> Barnet Court Book, 5 Hen. IV (St. George).



amongst other directions is one that a certain croft should be sold to pay his and his father's debts—to the amount of 27*s.* 10*d.*<sup>1</sup> John Rolf must have been either a villein or a free man holding in villeinage; there is nothing to show which.

A rather puzzling case is in the will of Thomas Mauncell, 1413.<sup>2</sup> He probably was a free man holding some land in villeinage. When *in extremis* he gave up a tenement, a field of 8 acres held in villeinage, to the lord, and the lord granted it to John Beauchamp—who appears to have been Mauncell's executor. In his will are the words 'Item volo quod executores mei vendant unum campum vocatum Eylmerfield ad solvendum debita mea, tenementum meum et residuum vero bonorum meorum do et lego Agneti uxori mee' (joint executor with John Beauchamp).

At Cashio, in 1448, there are two cases in which land was left to executors to be sold for the good of the souls of the deceased and of all faithful departed.<sup>3</sup> One tenement was definitely stated as being held in villeinage, the other probably was. By this date, of course, one is practically dealing with the law of copyhold.

Wills are found actually enrolled in the court books of Cashio, Park, Barnet, Winslow, Codicote, Croxley, and Norton; the first notes as to probate occur in 1379,<sup>4</sup> the first text of a will in 1380 at Park<sup>5</sup> and at rather later dates on the other manors.<sup>6</sup> The probate of the wills was strictly enforced, by distraint of the executors, if necessary; forms of probate are given in the St. Albans

<sup>1</sup> Barnet Court Book, 7 Hen. IV (St. Mark).

<sup>2</sup> *Ibid.*, 13 Hen. IV (Ascension).

<sup>3</sup> Cashio Court Book, 28 Hen. VI (Invent. Holy Cross and St. Nicholas).

<sup>4</sup> *Ibid.*, 2 Ric. II (St. Mark).

<sup>5</sup> Park Court Book, 3 Ric. II (St. Ambrose).

<sup>6</sup> Cashio Court Book, 5 Ric. II (Exaltation of the Holy Cross); Barnet Court Book, 19 Ric. II (Pentecost); Codicote Court Book, 5 Hen. IV (St. Guthlac) (note only, no full texts of wills are given in this court book); Winslow Court Book, 4 Hen. VI (St. Augustine); Norton Court Book, 6 Hen. IV (St. George); Croxley Court Book, 10 Hen. IV (Ascension).

Formulary Book,<sup>1</sup> and though they are apparently for the use of the archdeacon, there is little doubt that the cellarer followed the same forms.<sup>2</sup> The leaving of lands by will seems, however, to have been only a passing phase. The later wills generally contain no attempts to deal with land, and the villein or copyholder, after the first quarter of the fifteenth century, apparently falls back upon a custom of death-bed surrender (*in extremis in articulo mortis languente*) to the bailiff or to two good men of the manor, for the use of a named heir. It is not very clear how or why this retrograde step is made. A dramatic account of a death-bed surrender occurs at Barnet in 1459.<sup>3</sup> The circumstances of the surrender were evidently so complicated and so homely that the sworn statement was set down verbatim in English—almost the only example of English in these court books until the reign of Henry VIII.

'I, Jon Wyndover was wyth the sayde Philipp Barnabi lyeng in grete sikenesse in the presens of Reynold William and William Nicoll wych Reynold and William desiryd me to go wyth them to Thomas Ledburn that tyme Baylly of Barnet. And soo I went wyth them to the Chambur window of the saide Baillie lying in his bed betwyx x and xi of the clok in the nythg, the wych desyryd the Bailli to cum and to wete of the seyde Philip wych of iii parcells of londe he wold sell that is to say of bon mateyn, Amcrochefelld or terres. And the Bailli seyde he was syke and wolld nat cum forth that nythg, and he asked wo was there wyth them, and they seyde Jhon Wyndover, and then the bailli sayd. Jhon, thow art a trew man, and all the strenkh and pore that I have of mi lord of Sent Albons I yeve to the tyll to morow that the son aryse. And I wyll that thow goo theder and wete wych of the iii parcells he wyll sell and bring me word to morow, and iff he lyff I wyll take it myselff.

<sup>1</sup> Camb. Univ. Lib. MS. Ee. 4. 20.

<sup>2</sup> [The wills printed in Note F, which are only specimens, form an interesting commentary upon both the evolution of villeinage and the testamentary disposition of copyhold lands. L.S.S.]

<sup>3</sup> Barnet Court Book, 37 Hen. VI (St. Margaret). See also *ibid.*, 2 Hen. V (St. Thomas Martyr) and 1 Hen. V (St. Clement).

And then the seyd Jhon Wyndover went to the seyd Philipp Barnaby lying in his deth bed, and asked of him wych of the iii parcels he wolld sell; to the wych the seyd Philipp gaff me non answer for his witt were passid and mithg not speke on worde that I mithg undirstonde and son aftyr the same nythg he dyed. And noo surrender made to me of noo lond by the othe that I have made as schall answer afore God etc. and on William Grene serviant that tyme with the seyd Philipp also sworn upon a boke before the sayd steward beyng wyth the sayd Philipp all that nythg sayd that ther was noo surrender made that nythg of noo lond and that hee hard the seyd Phillip sey in his live that he wold nevyr sell non of the iii parcels of lond nor non other. And Jhon Grene fadyr of the seyd William sworn and examind seyd the same.<sup>1</sup>

Elsewhere it is stated that such a sick-bed surrender is not valid if the devisor should recover sufficiently to go to church or to market again after making the surrender, and it may not be made by any one *in bona sanitate corporis*.<sup>2</sup> In the eighteenth century a formal surrender seems to have been the necessary preliminary to making a will disposing of copyhold property.<sup>3</sup>

The custom of enrolling wills upon the court roll did not apparently last very long at St. Albans, and would seem to have been due to the interest of two or three cellarers, who describe themselves as *Commissarius in hac parte*, and to a desire to have the practice fully recorded. It does not appear to indicate any change in the custom of the manor. In 1380 Robert Chestan, who had been cellarer since 1374, is described as being also archdeacon: it is from this date that the enrolling of the wills begins.

<sup>1</sup> Barnet Court Book, 37 Hen. VI (St. Margaret). The case having been heard by the Abbot John Wheathampstead in person and by the seneschal, it was adjudged that no surrender took place. Cf. *ibid.*, 18 Hen. VI (St. Faith) (f. 241<sup>v</sup>), when Philip Barnaby was said to have surrendered Amercrouchefeld.

<sup>2</sup> *Ibid.*, 33 Hen. VI (St. George). Shillibeer, H. B., *The Ancient Customs of the Manor of Taunton Deane*, London, 1821, p. 46.

<sup>3</sup> Shillibeer, *loc. cit.*, p. 94. At an early date (1270) surrenders were sometimes made at the church door, like marriages.

Robert Chestan held the office of cellarer until 1396, but in wills enrolled between 1380 and 1393 he is described as *Commissarius* (e.g. Park, 16 Ric. II, Easter).<sup>1</sup> It seems possible that Robert Chestan may have been archdeacon at the same time, and that this might account for the greater precision; it is not possible, however, to trace how the archdeacon dealt with the wills of freemen until the fifteenth century.

To sum up: Vinogradoff, in his *Villainage in England*, expressly excluded the possibility of devising any land, villein or freehold, by testament. He quotes with approval from Spence, *Equitable Jurisdiction*: 'As all the courts of civil jurisdiction had been prohibited from holding jurisdiction as to testamentary matters, and the Ecclesiastical Courts were not permitted to exercise jurisdiction as to any question relating to freehold, there was no court which could properly take cognisance of a testamentary gift of land as such.'<sup>2</sup> Even as regards freehold, this statement seems too sweeping, as it ignores the borough courts and lands held in gavelkind, but it is evident that villeins or copyholders might in this matter enjoy greater freedom of legal resources than the freeholder, and that the manorial courts could and did exercise jurisdiction in testamentary questions, whether this jurisdiction was original or delegated from ecclesiastical courts. The court books of St. Albans afford valuable evidence both of the right of villeins to make wills and to dispose of land as well as of chattels, and also of the use which they made of this privilege, while the early date at which well-developed testamentary custom is found in the manorial courts suggests a secular rather than an ecclesiastical origin for the privilege.

<sup>1</sup> Park Court Book, 3 Ric. II (St. Ambrose).

<sup>2</sup> Spence, i. 136 (quoted in Vinogradoff, *Villainage in England*, p. 76). Vinogradoff, p. 166: 'There can be no thought of a person so situated alienating land by act of his own will.'

## NOTE F

## TRANSCRIPTS OF WILLS

*Park Court Book* (Add. MS. 40,625). 6 Hen. V (St. Luke).

Testamentum Johannis atte Brook probatum est coram fratre Michaelis Cheyne, Cellerario et Commissario in hac parte cuius tenor sequitur in hec verba. In dei nomine, Amen. Ego Johannes atte Brooke de parochia sancti Stephani in die sancti Kalixti Pape Anno Domini millesimo cccc<sup>mo</sup> xviii<sup>mo</sup> sana mente condo testamentum meum in hunc modum. In primis lego animam meam deo etc. et corpus meum ad sepeliendum in cimiterio sancti Stephani iuxta sanctum Albanum. Item lego Willelmo filio meo unam ovem matricem. Item filie mee seniori I ovem. Item filie mee juniori I ovem. Item summo altari pro decimis oblitis I ovem matricem. Item ad ymaginem sancti Stephani I ovem. Item lumini coram ymagine sancte Crucis I ovem. Residuum omnium bonorum meorum non legatorum do et lego Alicie uxori mee et Johanni Benne, ut ipsi disponant pro anima mea prout melius viderint expedire. Et inde habent administracionem in forma iuris et praestiterunt sacramentum.

*Croxley Court Book* (B.M. Add. MS. 6,057). 10 Hen. IV (Ascension).

Testamentum Simonis Canoun probatum est coram fratre Simone Wyndesore, Commissario in hac parte anno domini millesimo cccc<sup>mo</sup> ix<sup>o</sup> cuius tenor sequitur in hec verba. In dei nomine Amen, etc. In primis lego animam meam deo etc. Item lego fabrice ecclesie de Rykmersworth ii s. Item lego cuilibet clericorum eiusdem iii d. Item lego Agneti filie mee unam vaccam. Item lego Magote filie mee unam vaccam. Residuum vero bonorum meorum do Agneti uxori mee, ipsam et Johannem filium meum ordino executores meos per presentes etc.

Testamentum Johannis Canoun probatum est anno domini millesimo cccc<sup>mo</sup> ix<sup>o</sup> coram fratre Simone Wyndesore Commissario in hac parte cuius tenor sequitur in hec verba. In dei nomine etc. In primis lego animam meam deo, etc. Item lego lumini Beate Marie de Rykmersworth I ovem. Item lego Campanis eiusdem ecclesie I ovem. Residuum vero omnium

bonorum meorum do et lego Johanni atte Forde et Johanni atte Hille, ipsos quos ordino executores meos per presentes etc.

*Croxley*. 4 Hen. V (St. Matthew).

Testamentum Johannis atte Forthe probatum est coram fratre Michaelis (*sic*) Cheyne Cellerario et commissario in hac parte, cuius tenor sequitur in hec verba. In dei Nomine Amen. Anno domini millesimo quadringentesimo quintodecimo sexto die mensis marcii. Ego Johannes atte Forthe compos mentis condo testamentum meum in hunc modum. In primis lego animam etc. corpus meum ad sepeliendum in Cimiterio Beate Marie de Rickmersworth. Item vicario ecclesie predictae ii s. Item Johanni Streteman viii d. Item Johanni Bramenhangre viii d. Residuum vero bonorum meorum non legatorum do et lego Ricardo filio meo ut ipse etc. Et ipsum ordino executorem meum etc. Et inde habet administracionem in forma iuris, et prestitit sacramentum.

*Barnet Court Book* (Add. MS. 40,167). 19 Rich. II (East Barnet, Pentecost).<sup>1</sup>

Testamentum Willelmi Dogett probatum est coram fratre Roberto Botheby Commissario in hac parte cuius tenor sequitur in hec verba. In dei nomine Amen. Die veneris post festum conceptionis beate Marie virginis anno domini millesimo ccc<sup>mo</sup> nonagesimo quinto. Ego Willelmus Doget parochie de Estbarnet in mea bona memoria ac sana mente condo testamentum meum in hunc modum. In primis commendo deo beate Marie et omnibus sanctis eius animam meam. Et corpus meum ad sepeliendum in cimiterio ecclesie parochialis sancte Marie de Estbarnet. Item lego domino Johanni Shifford capellano parochiali xii d. Item lego ad opus ecclesie iii s. iii d. Item lego filio filie mee xx s. Item lego Johanne Rolf uxori Johannis Rolf junioris iii s. iii d. Item lego duobus filiis Johannis Hemmyng cuilibet eorum unam ovem. Et residuum omnium bonorum meorum debitis meis solvendis do et lego Willelmo Doget et Ricardo Doget filiis meis. Item Thome clerico parochie iii d. Et hos facio ordino et constituo executores meos ad disponendum pro anima mea prout sibi viderint melius expedire, etc.

<sup>1</sup> This is the first villein will in this court book.

*Barnet.* East Barnet. 1 Hen. IV (St. Mary Magdalene).

Testamentum Johannis Croucheman probatum est coram fratre Willelmo Heyworth commissario in hac parte cuius tenor sequitur in hec verba. In dei nomine Amen. Die sabbati proxima ante festum sancte Margarete virginis anno domini millesimo cccc<sup>mo</sup>. Ego Johannes Croucheman de Estbarnet condo testamentum meum in hunc modum. In primis lego animam meam deo beate Marie et omnibus sanctis et corpus meum terre. Item lego summo altari de Estbarnet vi d. Item lumini beate Marie ii s. Item ad emendationem ecclesie ii s. Item lego Johanne filie mee omnia vasa mea enea et omnia instrumenta et necessaria ad artem pertinencia. Residuum vero bonorum meorum lego Thome Bedel, et ipsum facio executorem meum.

Testamentum Johannis May senioris probatum est coram fratre Willelmo Heyworth commissario in hac parte cuius tenor sequitur in hec verba. In dei nomine Amen. Et commissio est administratio bonorum dicti defuncti Johanni Wetherdon capellano Johanni atte Mille et Willelmo Doget executoribus dicti defuncti et inde habent administrationem.

*Barnet.* East Barnet. 4 Hen. IV (St. Denis).

Testamentum Johannis Joseph probatum est coram fratre Johanne Blebury Cellarario ac Commissario in hac parte cuius tenor sequitur in hec verba. In dei nomine Amen. Quarto die Decembris Anno domini millesimo cccc<sup>mo</sup> tercio. Ego Johannes Joseph lego animam meam deo beate Marie et omnibus sanctis et corpus meum ad sepeliendum in cimiterio ecclesie beate Marie de Estbarnet. Item lego fabrice ecclesie sancti Albani xii d. Item lego ecclesie parochiali de Estbarnet viii d. huius testamenti facio ordino et constituo executricem meam Margaretam uxorem meam cui lego residuum omnium bonorum meorum non legatorum ut ipsa faciat cum predictis bonis pro anima mea meliori modo quo sciverit. Datum die et anno supradictis.

*Barnet.* East Barnet. 6 Hen. IV (St. Faith).

Testamentum Thome Rolf probatum est coram fratre Johanne Blebury cellarario ac commissario in hac parte, cuius tenor sequitur in hec verba. In dei nomine Amen. In primis

lego summo altari ii s. Et ordino Johannem Rolf et Willelmum Rolf filios meos executores meos quibus do et lego residuum bonorum meorum. Item lego Ecclesie Sancti Albani viii d. Et commissio est administratio predictis executoribus in forma iuris.

*Barnet.* East Barnet. 7 Hen. IV (Ascension).

Testamentum Johannis Rolf probatum est coram fratre Johanne Blebury cellarario ac commissario in hac parte. Cuius tenor sequitur in hec verba. In dei nomine Amen. Ego Johannes Rolf de Estbarnet penultimo die mensis Februarii anno domini millesimo cccc<sup>mo</sup> quinto condo testamentum meum in hunc modum. In primis lego animam meam deo beate marie et omnibus sanctis et corpus meum ad sepeliendum in cimiterio beate marie de Estbarnet. Item lego ad lumen beate marie dicte ecclesie iii d. Item lego ad pontem vocatum Katebrygge iiii d. Item lego domino Johanni iii d. Item volo quod croftum vocatum Fulkyttysfeld vendatur ad solvendum debitum meum et debitum patris mei, videlicet Johanni Croydon iiii s. Item Alicie May iii s. Item Alicie Bedel ii s. Item Johanni Fuller xviii d. Item Johanni Scot x d. Item Juliane atte Mille x d. Item magistro Galfrido Creyk xii d. Item Margarete et Alicie sororibus meis iii s iiii d. Item Katerine Redhed xvii d. Item Margarete Patryk xiiii d. Item Johanni Michel iiii d. Item Roberto Rolf de Hakeney viii s. Item Willelmo Heyward iiii d. Huius testamenti facio ordino et constituo executores meos Thomam Rolf et Ceciliam uxorem meam ad faciendum pro anima mea meliori modo quo sciverint. In super lego et do dicte Cecilie uxori mee residuum omnium bonorum meorum non legatorum. Data die et anno suprascriptis.

*Barnet.* East Barnet. 11 Hen. IV (Translation St. Thomas).

Testamentum Thome Rolf probatum est coram fratre Johanne Blebury commissario in hac parte. Anno domini millesimo cccc<sup>mo</sup> xi cuius tenor sequitur in hec verba. In dei nomine, Amen. In primis lego animam meam etc. et corpus meum ad sepeliendum in cimiterio beate Marie de Estbarnet. Item lego operibus dicte ecclesie viii d. Item lego monasterii (*sic*) sancti Albani xii d. Item lego Margerie uxori mee decem oves matrices. Residuum bonorum meorum post debita mea soluta et exequias meas factas lego Johanni Rolf filio meo et Johanni Rolf cognati

(*sic*) meo quos constituo meos executores ut disponant pro anima mea prout melius viderint deo placere. Et inde habent administracionem in formam (*sic*) iuris.

*Barnet.* Chipping Barnet. 13 Hen. IV (Ascension).

Testamentum Thome Mauncell<sup>1</sup> probatum est coram fratre Johanne Blebury Cellerario ac commissario in hac parte. Anno domini millesimo cccc<sup>mo</sup> xii<sup>o</sup> cuius tenor sequitur in hec verba. In dei nomine, Amen. In primis lego animam deo etc. Item lego rectori ecclesie vi s. viii d. Item lego cuilibet capellano divina celebrantur (*sic*) xx d. Item lego Johanni Pume xx d. Item volo quod executores mei vendant unum campum vocatum Eylmerfield ad solvendum debita mea. Tenementum meum et residuum vero bonorum meorum do et lego Agneti uxori mee quam constituo meam executricem et Johannem Beauchamp supervisorem eiusdem testamenti ad disponendum bona mea ut eis melius videantur. Et inde habet administracionem in forma iuris, etc.

*Cashio Court Book* (B.M. Add. MS. 40,626). 5 Ric. II (Exaltation of the Holy Cross).

Testamentum Willelmi Aldewyn probatum est coram fratre Roberto Chestan Cellerario monasterii sancti Albani in hec verba. In dei nomine Amen. Ego Willelmus Aldewyn de parochia de Watford condo testamentum meum in hunc modum. In primis lego animam meam deo et beate Marie et omnibus sanctis eius et corpus meum ad sepeliendum in cimiterio ecclesie Beate Marie de Watford predicta. Item lego domino Johanni parochie presbyterio vi d. Item lego domino Roberto capellano vi d. Item lego Willelmo sacriste ii d. Item Ade clerico ii d. Item Johanni Cauche clerico ii d. Item ad opus ecclesie de Watford i quarterium omnium bladorum. Item lego Johanni filio meo ii oves matrices. Residuum omnium bonorum meorum do et lego Elene uxori mee ut ipsa ordinat (*sic*) et disponat pro anima mea prout melius viderit expedire.

*Cashio.* 4 Hen. V (Michaelmas).

Testamentum Rogeri Aldewyne probatum est coram fratre Michaeli Cheyne Cellerario et Commissario in hac parte cuius

<sup>1</sup> ? a freeman.

tenor sequitur in hec verba. In Dei nomine Amen. Ego Rogerus Aldewyne sana mente condo testamentum meum in hunc modum. In primis lego animam meam deo omnipotenti etc. et corpus meum ut sepeliatur in cimiterio de Watford. Item summo altari ii s. Item fabrice ecclesie iii s. iiiii d. Item ecclesie de Langele iii s. iiiii d. Item ecclesie de Saret xx d. Item cuiuslibet (*sic*) sacerdoti de Watford existente in meis exequiis et celebrante pro me in die sepulture mee vi d. Item tribus filiis meis cuilibet ii bussellos frumenti dimidiam quarterii ordeii, cuilibet ii oves. Item sacriste de Watford viii d. Item clerico parochiali iiiii d. Item Willelmo Spicer Johanni Stowtte Waltero Yonge Matilde Sadelere et Alicie Frik uxori Johannis Calabre cuilibet eorum vi d. Item lego Hugoni filio meo juniore unam vaccam. Item lego duobus filiis Rogeri filii mei cuilibet i ovem. Item Thome Martyn. Item lego filio meo Johannis (*sic*) Aldewyne i ovem et agnum. Item lego pro I triginitali pro anima mea ad istud testamentum exequendum constituo Agnetem uxorem meam executricem Hugonem et Rogerum filios meos coadiutores. Item lego vie regie iii s. iiiii d. Datum in vigilia Assumpcionis Beate Marie virginis Anno domini millesimo cccc<sup>mo</sup> xv<sup>o</sup>. Et inde habent administracionem in forma iuris.

*Winslow Court Book* (Camb. Univ. Lib. MS. Dd. 7. 22). Grenburgh. 4 Hen. VI (St. Augustine).

Testamentum eiusdem Alicie probatum est coram fratre Roberto Ware Cellerario et Commissario cuius tenor sequitur in hec verba. In dei nomine, Amen. Anno Domini millesimo cccc xxvi<sup>o</sup>. Ego Alicia Kyng de Greneburgh condo testamentum meum in hunc modum. In primis lego animam meam deo etc. et corpus meum ad sepeliendum in cimiterio ecclesie sancti Johannis Baptiste. Item lego luminibus in ecclesia IIII bussellos ordeii. Item lego Aquebaulto iiiii d. Item lego Alicie Wyght unam tunicam et residuum bonorum meorum do et lego executoribus meis ut ipsi disponant pro anima mea etc. Et constituo Johannem et Galfridum filios meos. Et prestiterunt sacramentum etc.

*Winslow.* Grenburgh. 5 Hen. VI (Ascension).

Testamentum Johannis Wattes probatum est coram fratre Roberto Ouvesby Cellerario et commissario in hac parte, cuius tenor sequitur in hec verba. In die nomine, Amen. Ego

Johanna (*sic*) Wattes compos mentis Anno domini millesimo cccc xxvii condo testamentum meum in hunc modum. In primis lego animam meam deo et corpus meum ad sepeliendum in cimiterio sancti Johannis Baptiste de Greneburgh. Item Monasterio sancti Albani xii d. Item vicario de Greneburgh xii d. Item clerico eiusdem ecclesie iiii d. Item iiii luminibus eiusdem ecclesie dimidiam quarterii brasei. Item ecclesie de Wynges xii d. Item Agneti Lary unam ollam eneam potellam et cistam et i coopertorium et i par' linth. Item Margerie Lary i ollam eneam potellam et cistam. Item fratribus de Aylesbury xii d. Item Willelmo Childe filio meo spiritali i bussellum brasei. Et de residuo bonorum meorum non legatorum constituo Johannem Geffes meum executorem ut ipse disponat bona mea cum adiutorio Johannis Boveton meliori modo quo sciverint deo placere pro anima mea et inde prestitit sacramentum in forma iuris.

*Winslow.* Horewoode. 5 Hen. VI (Ascension).

Testamentum Johannis Pyconde probatum est etc. in die sancte Fidis. In dei nomine Amen, in die sancte Fidis anno domini millesimo cccc xxvi<sup>o</sup>. Ego Johannes Pyconde condo testamentum meum in hunc modum. In primis lego animam meam deo etc. et corpus meum ad sepeliendum in cimiterio sancti Nicholai. Item lego ecclesie de Horrewode vi s. viii d. Item lego cereis vi s. viii d. Item vicario vi s. viii d. Item Monasterio sancti Albani xii d. Item fratribus de Dunstaple xii d. Item fratribus de Aylesbury xii d. Item fratribus Augustini Oxon. xii d. Item fratribus carmelitibus de Northampton xii d. Item cuilibet filiolo meo iiii d. Item residuum bonorum meorum non legatorum do et lego Johanni filio meo et dictum Johannem facio executorem meum et inde prestitit sacramentum in forma iuris.

*Winslow.* 7 Hen. VI (Trinity).

Testamentum Johannis Thomelyn probatum est coram fratre Willelmo Alnewyke Cellerario et commissario in hac parte cuius tenor sequitur in hec verba. In dei nomine, amen. Ego Johannes Thomelyn sane memorie condo testamentum meum in hunc modum. In primis lego animam meam deo omnipotenti etc. et corpus meum ad sepeliendum in cimiterio sancti Laurencii de Wynslowe. Item lego ecclesie vi s. viii d. Et

luminari sancte Crucis xii d. Item cuilibet luminari ecclesie i bussellum ordei. Item conventui sancti Albani ii s. Item cuilibet per manus meas de sacro fonte levato i bussellum ordei. Item fratribus de Dunstaple xii d. Item fratribus de Aylesbury xii d. Item fratribus Augustini de Oxon. xii d. Item Carmelitibus Oxon. xii d. Item filiis Thome filii mei ii bussellos drageti. Item Johanni Coton et uxori eius xii d. Item Johanni Hosteler et Emme uxori eius viii d. Item ad emendacionem cuiusdam venelle xii d. Item ad emendacionem vie borialis xii d. Item ad emendacionem vie iuxta crucem xii d. Item Alicie filie mee vi s. viii d. Item Johanni filio filie mee filiolo meo i bussellum frumenti. Item Johanni Hogges dimidiam acram ad seminandum cum ordeo. Item eidem Johanni dimidiam acram terre ad seminandum cum fabis. Item Agnete filie mee ad maritagium suum xl s. Item volo quod Willelmus filius senior dabit ei xx s. Ordino et constituo Julianam uxorem meam Willelmum Thomam et Stephanum filios meos esse executores ut ipsi meliori modo quo sciverint deo placere pro anima mea disponant. Residuum bonorum meorum relinquo uxori mee. Et commissa est eis administracio huius testamenti et prestiterunt sacramenta etc.

*Winslow.* 5 Hen. VI (Ascension).

Testamentum Johannis Mayho probatum est coram fratre Roberto Ouvesby Cellerario et Commissario et in hac parte, cuius tenor sequitur in hec verba. In dei nomine, Amen. Ego Johannes Mayho anno domini millesimo cccc xxvi<sup>o</sup> condo testamentum meum in hunc modum. In primis lego animam meam deo, corpus ad sepeliendum in cimiterio sancti Laurencii de Wynslowe. Item lego unam libram cere ecclesie de Wynslow. Item do et lego Alicie uxori mee unum tenementum iuxta Trewbrygge. Item unam acram terre quam Johannes Dany de Shypton tenet habendum et tenendum predictum tenementum cum predicta acra terre supra dicte Alicie ad terminum vite, et post decessum predictae Alicie remaneat idem tenementum et acra terre Johanni filio meo. Item lego Johanni filio meo unam ollam eneam maximam. Item lego filie mee Johanne ii patellas. Item Agnete filie mee ei posnet unam ollam et patellam. Item lego ponti iuxta Padbury xx d. Residuum bonorum non legatorum do et lego Alicie uxori mee etc. Et dictam

Aliciam facio meam executricem et inde prestitit sacramentum etc.

*Winslow.* 11 Hen. VI (Trinity).

Testamentum Willelmi Albyn probatum est coram fratre Michaeli Cheyne Cellerario cuius tenor sequitur in hec verba. In dei nomine amen. Ego Willelmus Albyn sane mentis die martis proximo post festum sancti Edwardi Regis et confessoris anno domini millesimo cccc xxxii. condo testamentum meum in hunc modum. Item in primis lego animam deo etc. et corpus meum ad sepeliendum in cimiterio sancti Laurencii. Item Monasterio sancti Albani xii d. Item vicario de Wynslowe ii s. Item Felicie servienti mee pro maritagio suo xx s. Item Thome famulo meo xx s. Item luminibus cancellae et infra ecclesiam v bussellos de drageto. Residuum bonorum meorum non legatorum do et lego Alicie uxori mee et ipsam facio meam executricem cuius (*sic*) administratio istius testamenti est commissa et prestitit sacramentum.

*Norton Court Book* (in the possession of Mr. Reginald Hine).  
6 Hen. IV (St. George).

Testamentum Johannis Bradewey probatum est coram fratre Johanne Blebury Cellerario ac Commissario in hac parte cuius tenor sequitur in hec verba. In dei nomine Amen. Ego Johannes Bradewey de Norton die veneris proxima ante festum Annunciacionis Beate Marie anno domini millesimo quadringentesimo tercio condo testamentum meum in hunc modum. In primis lego animam meam deo Beate Marie et omnibus sanctis et corpus meum ad sepeliendum in cimiterio ecclesie sancti Nicholai de Norton'. Item lego summo altari iii s. iiii d. Item lego porticui ecclesie de Norton' lx s. Item lego fabrice ecclesie de Baldok vi s. viii d. Item lego filiolo meo Johanni xl s.<sup>1</sup> ad inveniendum ad scholas quam diu duraverit. Item lego Margerie filie Walteri filii mei c s. pro maritagio suo. Item lego Johanni Helder vi s. viii d. et unum epitogium. Item lego Malcot servienti eiusdem vi s. viii d. Item lego cuilibet pauperi homini et mulieri in villa de Baldok et Norton xii d. Item do et lego totum Residuum omnium bonorum meorum non legatorum Waltero filio meo et ordino et dispono predictos Walterum

<sup>1</sup> 'Item' crossed out.

filium meum et Hugonem fideles executores meos ad disponenda pro anima mea et pro omnibus busatoribus (*sic*) meis prout sibi viderint melius expedire attestati sunt hec die et anno supradictis.

*Norton.* 7 Hen. IV (Easter).

Testamentum Willelmi Sayer de Norton' probatum est coram fratre Johanne Blebury Cellerario ac commissario in hac parte cuius tenor sequitur in hec verba. In dei nomine Amen. Ego Willelmus Sayer de Norton in die sancte Katerine anno domini millesimo cccc<sup>mo</sup> quinto condo testamentum meum in hunc modum. In primis commendo animam meam deo omnipotenti Beate Marie et omnibus sanctis et corpus meum ad sepeliendum in cimiterio ecclesie sancti Nicholai de Norton. Item lego summo altari dicte ecclesie ii s. Item lego ad emendacionem dicte ecclesie vi s. viii d. Item lego ad conventum sancti Albani ii s. Item altari Beate Marie ii s. Item lego altari sancti Thome ii s. Item lego lumini sancti Nicholai xii d. Item lego clerico parochii vi d. Item lego Residuum omnium bonorum meorum executoribus meis ad debita mea solvenda. Et hec omnia et singula facienda istos constituo executores Johannem Hale iuniorem et Willelmum Laweman dans potestatem specialem et generalem bonorum meorum ut habeant et disponant secundum ut melius viderint expedire anime mee die et anno supradictis.

*Norton.* 11 Hen. IV (Easter).

Testamentum Johannis atte Cherche probatum est coram fratre Johanne Blebury Commissario in hac parte anno domini millesimo cccc<sup>mo</sup> x cuius tenor sequitur in hec verba. In dei nomine Amen. In primis lego animam meam deo etc. et corpus meum ad sepeliendum in cimiterio de Norton'. Item lego summo altari eiusdem ecclesie xii d. Item lego ad emendacionem dicte ecclesie iiii bussellos ordei. Item lego clerico parochiali ii pecca ordei. Item lego residuum omnium bonorum meorum executoribus meis ad mea debita solvenda istos constituo executores meos dominum Willelmum Lyntok vicarium ecclesie de Norton et Thomam Colwell dans eisdem potestatem specialem et generalem bonorum meorum ut habeant et disponant secundum quod melius viderint expedire in periculo anime et inde habent administracionem in forma iuris etc.

*Norton.* 11 Hen. IV (Easter).

Testamentum Johannis Boton probatum est coram fratre Johanne Blebury Commissario in hac parte anno domini millesimo cccc x<sup>mo</sup> cuius tenor sequitur in hec verba. In dei nomine amen etc. In primis lego animam deo etc. et corpus meum ad sepeliendum in cimiterio de Norton. Item lego summo altari eiusdem ecclesie iiii bussellos ordei. Item lego ad emendacionem dicte ecclesie iiii bussellos ordei. Item lego lumini sancte Marie i bussellum ordei. Item lego lumini sancti Nicholai i bussellum ordei. Item lego clerico parochiali iiii d. Item lego Residuum omnium bonorum meorum executoribus meis ad debita mea solvenda et ad hec omnia facienda istos constituo executores meos Ricardum Dewebury et Johannam uxorem meam dans eisdem potestatem generalem et specialem bonorum meorum ut habeant et disponant ut melius viderint expedire in periculo anime etc. Et inde habent administracionem in forma iuris.

*Norton.* 11 Hen. IV (Easter).

Testamentum Johannis Boton probatum est coram fratre Johanne Blebury commissario in hac parte anno domini millesimo cccc ix<sup>mo</sup> cuius tenor sequitur in hec verba. In primis lego animam meam deo etc. Item lego summo altari dimidium quarterii ordei. Item lego ad emendacionem ecclesie dimidium quarterii ordei. Item lego lumini beate Marie i bussellum ordei. Item lego lumini sancti Nicholai i bussellum ordei. Item lego clerico parochiali iiii d. Item lego Residuum omnium bonorum meorum executoribus meis Ricardo Dewebury et Johanne uxori mee ad debita mea solvenda dans eisdem potestatem bonorum meorum ut disponant pro anima mea sicut melius viderint expedire. Et inde habent administracionem etc.

## 5. MERCHET AND MARRIAGE CUSTOM<sup>1</sup>

THE COURT BOOKS of St. Albans Abbey provide a good deal of information about merchet and marriage custom, and about the fine a villein must pay for sending his sons to school. The evidence seems worth collecting since it comes from one estate, where conditions can be fairly well equated, and since, in the case of merchet and marriage custom, much of the evidence is earlier than 1250, and most of it earlier than 1300.

The court rolls of Abbots Langley are exceptionally rich in evidence as to manorial marriage custom between 1244 and 1300. The entry *Leyrwite* (or fine for immorality) occurs occasionally, though not frequently: it is paid by a father for guarding his daughter badly (*pro filia sua male custodita*),<sup>2</sup> and also by a brother for his sister, after he had perhaps made the mistake of pleading to a case before the archdeacon. Once at least, at a late date, *Leyrwite* was paid by a man.<sup>3</sup> Rape appears to have been dealt with by a light fine, paid apparently by the woman.<sup>4</sup> A fee of 6*d.* is paid by a tenant for taking a wife,<sup>5</sup> but the licence

<sup>1</sup> [This short section is the most unfinished of those which have been thought suitable for publication. It is no more than a sketch of the manner in which Professor Levett hoped to treat the subject. Many of the notes have been added from Professor Levett's transcripts. L.S.S.]

<sup>2</sup> Langley Court Book, 28 Hen. III (Hookday).

<sup>3</sup> Norton Court Book, 26 Ed. III (St. Mark). One exceptional phrase occurs: a woman is said to be *impregnata ad huntadium domini*. 'Huntadium' is probably OF. *hontaige*—'to the shame of the Lord'. In what sense is the lord shamed? Because he cannot maintain good order? Or is he simply damaged by losing the fine on marriage? In this case it cannot be a question of losing the lord's chattels to an ecclesiastical court. [In Professor Levett's notes this reference is attributed to 47 Hen. III and is said to arise in the case of *Heymo clericus*. The court book in which it occurs was not noted, and we have failed to trace the reference. L.S.S.]

<sup>4</sup> Codicote Court Book, 2 Ed. I (SS. Philip and James). Cf. Maitland, *Court Baron* (Selden Soc., vol. iv), p. 95, where such cases are to be presented among the articles of the leet.

<sup>5</sup> Langley Court Book, 28 Hen. III (Hookday).



to marry is often combined with an entry fine on taking up land, which at the same date might amount to 5s.<sup>1</sup> At Croxley a woman paid 5s. entry fine and 2s. for licence to marry, while her husband, a stranger, paid 10s. for leave to marry her and to dwell upon the abbot's villein lands.<sup>2</sup> A man is said to be at mercy for taking a wife without leave,<sup>3</sup> and he might have to pay 1s.<sup>4</sup> or 2s.<sup>5</sup> for giving his sister in marriage, and a widow apparently paid to marry her daughter.<sup>6</sup> Both parent and husband paid a fine.<sup>7</sup> One woman, known only as Langlif, paid 1s. for having her dower together with permission to marry.<sup>8</sup> Three shillings paid the fine of a man who wished to sub-lease his land for ten years, and to marry his daughter to the ward of the lessee, the ward himself being the son of the late owner (or original villein tenant) of the land.<sup>9</sup> The whole operation is somewhat complicated and gives rise to an elaborate convention, affirmed in court for a fee of 3s. 8d.

Less familiar are the arrangements made in court for the marriage of various tenants or other members of the community. Thus in 1265 it was provided by the counsel of twelve jurors that Galfridus le Palmer and Isabella atte Dounhouse should be mutually joined together in marriage.<sup>10</sup> Apparently no fee was required in this case.

In 1269 William atte Grave was given time from May 1 to Michaelmas to provide himself a wife, and was bidden to bear himself chastely meanwhile, on pain of half a mark.<sup>11</sup> By St. Luke's day, three weeks later than his term, he still had no wife, and was given a respite till

<sup>1</sup> Langley Court Book, 28 Hen. III (Hookday).

<sup>2</sup> Croxley Court Book, 31 Ed. I (1st and 2nd courts, no further dates).

<sup>3</sup> Langley Court Book, 28 Hen. III (St. Michael).

<sup>4</sup> Ibid. <sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Cashio Court Book, 44 Hen. III (St. Martin).

<sup>8</sup> Langley Court Book, 28 Hen. III (St. Michael).

<sup>9</sup> Ibid., 32 Hen. III (St. Mary Magdalene).

<sup>10</sup> Ibid., 49 Hen. III (St. Leonard).

<sup>11</sup> Ibid., 52 Hen. III (SS. Philip and James).

the next court (probably a spring court) to find one, and was bidden to find pledges that he would make his *attractum*, i.e. bring his goods and chattels on to the lord's land. It was frequently made a condition that a man should not withdraw his chattels from the lord's dominion, i.e. outside the liberty. At the same court Galfridus Knyght is given until the next court to consider marriage (*ad consulendum se ipsum de uxore capienda*).<sup>1</sup>

Some twenty years later Radulfus Goman was disobedient to the cellarer, because he would not receive Margery atte Doune as his wife and had refused her (*absolutus est ab ea*).<sup>2</sup> He was fined 2s. and Margery was bidden to marry herself by next Michaelmas (it was then May), and to pay 1s. in advance for permission—a somewhat harsh requirement in view of the circumstances.

Apparently all male villeins paid for a licence to marry, and as late as 1338 John atte Dane met a charge that he had married without permission by claiming that he was free.<sup>3</sup> The jurors, however, and one of John's cousins testified that he was a villein (*nativus*) and he and his brother were put in prison until they would make fine.

The balance of the scanty evidence seems to indicate personal commands of the cellarer as determining matrimonial arrangements, but the case quoted above in which the counsel of the jurors was asked, points in the other direction; an order by the court is rather of the nature of community action, though possibly inspired by official zeal. The interest of the community in the matter is moreover easy to see, as land which escheated to the lord for lack of an heir might be imposed as a burden on the whole homage, who were constrained to elect a tenant, or to make themselves responsible.<sup>4</sup> In districts where the size of holdings was already adequate, a tenant might need to be compelled to take up extra land. The element

<sup>1</sup> Langley Court Book, 52 Hen. III (St. Luke).

<sup>2</sup> Ibid., 20 Ed. I (St. John).

<sup>3</sup> Ibid., 11 Ed. III (St. Dunstan).

<sup>4</sup> e.g. Langley Court Book, 23 Ed. III (SS. Philip and James).

of consent in marriage, on which the Church always insisted, is hinted at only in one entry, from Croxley, where two tenants, in arranging a twenty years lease between themselves, received permission to marry the son of the lessor to the daughter of the lessee if both should consent.<sup>1</sup>

The fees charged by the lord generally look rather like registration fees than serious hindrances in the way of free choice. If the lord's court was to take cognizance of questions of title, it must necessarily possess evidence of lawful marriage. Only in one or two early entries is there any hint of moral blame, as for insufficient care in guarding a daughter. On ecclesiastical estates it is obvious that one might expect great care in the maintenance of order, and, as Dr. Coulton notes, where the Abbey is exempt from the ordinary archidiaconal control there will not be the usual conflict as to the loss of goods in a spiritual court.<sup>2</sup> This point can, however, be overstressed. Jealousy between the members of the convent and the interests they represent works in exactly the same way. The archdeacon of the Abbey might not meddle with the matrimonial affairs of the villein tenants.

It is by no means clear that the payment for leave to marry was due only from villein tenants.<sup>3</sup> A certain Domina Beatrix, of Cashio, paid 10s. in 1252 for permission to take a husband wherever she pleased within the lands of the abbot, and from among his homage.<sup>4</sup> In the next year Domina Avelina paid 5s. for the same permission, but in her case it also covered the entry fine for her daughter's land and her daughter's wardship.<sup>5</sup>

Domina Alicia de la Lee paid 10s. for permission to take a husband in Bovington, and to remove one-third

<sup>1</sup> Croxley Court Book, 29 Hen. III (SS. Philip and James).

<sup>2</sup> Coulton, *The Medieval Village*, pp. 477-8.

<sup>3</sup> Cf. Craster, *Hist. Northumberland*, viii. 226. He quotes the lord of Whitley who gives fine upon the marriage of his daughter (merchet) and yet the prior claims the feudal rights of marriage and wardship.

<sup>4</sup> Cashio Court Book, 36 Hen. III (St. John).

<sup>5</sup> *Ibid.*, 39 Hen. III (St. Thomas).

of her chattels with her, while another third was to be left for the use of her five boys, in the hands of four lawful men, who were to increase these goods if possible for the use of the boys.<sup>1</sup> Nothing is said of the remaining third. It seems clear that these ladies were free women, and that their payments are akin to the feudal *maritagia* and do not bear the servile stigma of the merchet. In the case of men, however, it seems that freedom carried with it exemption from payments for leave to marry. William de Stanmore paid 6s. 8d. to have an inquest as to whether he was free or not, with an express condition that if he was not free, this 6s. 8d. should cover his marriage, while if he was found to be free, the half-mark should be held to have been paid for the inquest.<sup>2</sup>

The pledges taken by a free man who married the heiress of a villein tenement have been dealt with elsewhere.<sup>3</sup> If no such formalities were complied with, the woman's land which she held jointly with her sister might be seized, and she driven out with her husband without a tenement,<sup>4</sup> or she might get off more lightly by sacrificing a cow to satisfy the lord.<sup>5</sup>

The Norton courts begin, in 1243, with numerous notes of payments for taking a wife, usually at the rate of 6d., 1s., 2s., or 4s.;<sup>6</sup> when the *gersuma* or entry fine is combined with this licence the rate is a mark, or half a mark.<sup>7</sup> In one case both entry fine and merchet were paid by a boy who had four more years to pass under the guardianship of his mother.<sup>8</sup> For a marriage without permission a fine of half a mark was paid.<sup>9</sup>

<sup>1</sup> Cashio Court Book, 39 Hen. III (St. Thomas of Canterbury).

<sup>2</sup> *Ibid.*, 39 Hen. III (St. Andrew).

<sup>3</sup> See p. 192, *supra*. <sup>4</sup> Codicote Court Book, 33 Ed. I (SS. Peter and Paul).

<sup>5</sup> Croxley Court Book, 2 Ed. II (1st court).

<sup>6</sup> Norton Court Book, 31 Hen. III (SS. Peter and Paul); *ibid.*, 30 Hen. III (St. Barnabas); 28 Hen. III (Hookday). See Appendix I, pp. 328-30.

<sup>7</sup> *Ibid.*, 28 Hen. III (Hookday); 30 Hen. III (St. Barnabas).

<sup>8</sup> *Ibid.*, 29 Hen. III (SS. Simon and Jude). See Appendix I, p. 329.

<sup>9</sup> *Ibid.*, 31 Hen. III (St. James). See Appendix I, p. 331.

A very complicated contract was made in 1248, under the ash-tree in the court of St. Albans, between William Thomas and Walter son of Robert, to the effect that William should give his daughter, when she reached suitable age, with a ferthing of land, to Walter, who was the ward of William.<sup>1</sup> The pact was sealed with a kiss; nevertheless William failed to fulfil the convention. On appeal to the cellarer Walter was placed in seisin of both the land and the lady.

An intention to marry was apparently treated as severely as an actual marriage without permission, and it was the reeve who was then penalised.<sup>2</sup> A man might evidently marry before he was of age.<sup>3</sup> An exceptional sum of 10s. was paid for marriage with an heiress, who received half an acre *in maritagium*, and a promise of the rest of her father's land on his death; the 10s., however, was probably an entry fine in advance, as it is stated that 6d. was paid for the licence to marry.<sup>4</sup> The cellarer did not necessarily attempt to control the individual marriages, for one shilling only was paid by Stephen son of Martin to marry *ubi melius viderit expedire*,<sup>5</sup> and there are other cases of the same vague permission.<sup>6</sup> A certain Margaret of Norton was adjudged by twelve jurors as best qualified to hold the land of her father by the rent of 1 lb. of cumin paid yearly in the abbot's chamber; she was left free to dwell where she would and to marry without further permission of any kind, but hers was evidently a free holding and she paid 20s. for the privilege.<sup>7</sup>

In one case it is roundly stated, for purposes of claim-

<sup>1</sup> Norton Court Book, 31 Hen. III (Pentecost). See Appendix I, p. 330.

<sup>2</sup> Ibid., 31 Hen. III (St. James). See Appendix I, p. 331.

<sup>3</sup> Ibid., 29 Hen. III (SS. Simon and Jude). See Appendix I, p. 329. 2 Ed. I (St. Denis).

<sup>4</sup> Park Court Book, 26 Hen. III (SS. Simon and Jude). See Appendix I, p. 303.

<sup>5</sup> Norton Court Book, 55 Hen. III (St. Mark).

<sup>6</sup> Kingsbury Court Book, 40 Hen. III (St. Martin); Cashio Court Book, 54 Hen. III (SS. Simon and Jude).

<sup>7</sup> Norton Court Book, 8 Ed. I (Whitsun). See Appendix I, p. 336.

ing heriot, that *vir est caput mulieris*,<sup>1</sup> but the circumstances are not quite clear; possibly a free woman had married a villein. An interesting sidelight is thrown upon the custom of taking a wife aside to express her willingness or unwillingness (*sola examinata*) by an entry of an exchange made against the will of the wife, who was obliged to make her surrender, weeping, in the halimote.<sup>2</sup> The inheritance of women was sometimes involved in complicated fashion with their marriages. Of the four daughters of Ralph the reeve and Sara his wife, only one, Petronilla and her husband, received his half-virgate burdened with certain allowances to Sara; two other daughters were disqualified because they had been dowered with the goods and chattels of Ralph and Sara, and a fourth daughter, Agnes, took nothing because she had married a free man without permission. The fine for her marriage was, however, ultimately paid by her mother.<sup>3</sup>

In another case at Cashio (c. 1244) a woman was declared by the jurors to have no claim to her father's lands, because she had been dowered from his goods, and he was a villein.<sup>4</sup> A gift or promise of land made to a woman *ad hostium ecclesie* was the normal common law form of the ancient dower, found also on these manors.<sup>5</sup> It appears elsewhere, however, that an ordinary surrender of a mesuage might be made at the church door; the former gift therefore may have had no connexion with marriage.<sup>6</sup>

The court might on occasion undertake through its bailiff to see that a widow was 'reasonably dowered',<sup>7</sup>

<sup>1</sup> Norton Court Book, 17 Ed. I (Trinity). See Appendix I, p. 336.

<sup>2</sup> Ibid. <sup>3</sup> Ibid., 28 Ed. I (St. Dunstan); *ibid.* (St. Hilary).

<sup>4</sup> Cashio Court Book, undated, evidently 44 Hen. III. Cf. Holdsworth, *History of English Law*, iii. 271, for examples of borough custom by which a child to whom a marriage-portion had been given could be 'foris-familiated' and accounted unable to claim any future share in his inheritance.

<sup>5</sup> Barnet Court Book, 'post decessum domini Regis' (St. Clement), i.e. 1272.

<sup>6</sup> Codicote Court Book, 6 Ed. II (St. Catherine).

<sup>7</sup> Cf. Britton, ii. 236-7, quoted by Holdsworth, *op. cit.*, iii. 192. 'Dower was ordained by common constitution of the people, and cannot be undone by any single person.'

but when a wife was beaten or insulted, it was claimed to be to the damage of her husband 40s.<sup>1</sup> However, by consideration of the court, compensation was made in the form of half a sextar of wine to husband and wife, and 6d. to the lord *pro misericordia*—a clear example of *bot* and *wite*.

Two or three interesting cases concerning marriage occur at Park. In 1238 Chelestria de Eywode gives 2s. for the privilege of remaining without a husband all her life and this was notified to the halimote.<sup>2</sup> She probably did not retain her husband's land. Ranulph de Strode, however, paid 5s. to remain without a wife for a year;<sup>3</sup> in the same court he had acted as pledge for the *Leyrwite* of Duce de la Strode, apparently a member of the family.<sup>4</sup> In another case the 4s. fine paid by the father sufficed to permit his daughter to take seisin of two acres of land, and also to choose a husband.<sup>5</sup> In the first year of Edward I, a villein tenement was converted into a rent-paying holding, but its owner paid 10 marks in order to be able to take a wife without permission.<sup>6</sup> Sometimes the permission to marry is definitely limited, within the lands of St. Albans:<sup>7</sup> it was desirable that the husband should come to his wife's lands, rather than the wife go, retaining possession of her own holding to an outsider.

Some kind of corporate responsibility is hinted at in a Winslow entry, where the whole *villata* of Horwood is fined for concealing the fact that Joan le Carter had married without the lord's licence, while she paid a second fine.<sup>8</sup>

Many of the arrangements made in court were to take effect several years hence. Robert de Strate took on the guardianship of three girls with their father's land for

<sup>1</sup> Newland Court Book, 15 Ed. I (Conversion of St. Paul).

<sup>2</sup> Park Court Book, 22 Hen. III (St. Barnabas). See Appendix I, p. 302.

<sup>3</sup> Ibid. <sup>4</sup> Ibid. <sup>5</sup> Ibid., 38 Hen. III (St. Lucy).

<sup>6</sup> Ibid., 1 Ed. I (St. John ante P.L.).

<sup>7</sup> Ibid., 10 Ed. I (St. Mark); Codicote Court Book, 4 Ed. II (2nd court).

<sup>8</sup> Winslow Court Book, 3 Ed. III (All Saints).

six years,<sup>1</sup> but at the end of the term he was to relinquish the land to William of Cashio together with the marriage of the eldest daughter. In another case a mother seeks leave to marry her daughter, placing her and her land (e.g. the mother's?) in the guardianship of her daughter's husband, until the son should come of age.<sup>2</sup> [The grammar is not very clear, but this seems to be what is meant.]

The responsibility of women in the halimote seems to have depended largely upon the opinion of the lord or his officers. Thus by special arrangement it was decided that the wife of John atte Toune should be responsible for the remainder of a lease if she should be left a widow.<sup>3</sup>

In one of the earliest courts, however, a widow had to pay 5s. for the chattels of her dead husband, which were not bequeathed.<sup>4</sup>

By a peculiar arrangement in 1246 a certain Agnes de la Dune surrendered to the lord all her land to the use of her son, William, he paying an entry fine of 10s. and she a heriot of 5s. William then handed back the land to his mother for her life, agreeing to perform the *servitium debitum* as her attorney; William was to receive the lands freely if he were the survivor, but if he died she was to remain in possession for her life—a complicated family settlement for so early a date.<sup>5</sup>

Another complicated arrangement allowed Robert son of Robert atte Dune to pay the entry fine for his father's land, and for licence to marry, while permitting the father to hold the land during his life; the son was to marry and take his wife to his father's tenement with his consent.<sup>6</sup>

<sup>1</sup> Cashio Court Book, 33 Hen. III (St. Barnabas). See Appendix I, pp. 313-14. Cf. also 39 Hen. III (St. Thomas).

<sup>2</sup> Croxley Court Book, 41 Hen. III (Easter).

<sup>3</sup> Winslow Court Book, 15 Ed. III (Easter).

<sup>4</sup> [Possibly this was by way of a penalty for intestacy?]. Cashio Court Book, 22 Hen. III (SS. Peter and Paul). See Appendix I, p. 311.

<sup>5</sup> Ibid., 30 Hen. III (Whitsun). See Appendix I, p. 312.

<sup>6</sup> Cf. Holdsworth, *op. cit.* iii. 191. An endowment *ex assensu patris* could

In the absence of any information it is difficult to see why half the fee for licence to marry is said to belong to the bailiff of Langley.<sup>1</sup> Fines for leave to marry were still being paid in 1396, at the rate of 6s. 8d. and six capons,<sup>2</sup> and they continue well into the fifteenth century.<sup>3</sup>

Although Barnet claimed to be a borough, and only about seventeen of its families were villeins *de natione*, bound to make fine for licence to marry, or to give son or daughter in marriage,<sup>4</sup> the early entries regarding marriage are very frequent. In 1247 Philip the Reeve successfully claimed that he held Baconland by conjoint feoffment and could not answer without his wife, but their title proved to be invalid.<sup>5</sup> A marriage gift of three acres in 1260 is accompanied by a careful settlement on the survivor of the couple, with reversion to the right heirs on either side.<sup>6</sup> Two tenants at Barnet denied their villeinage, one for a reason very unacceptable to the abbot, *quia natus apud Sanctum Albanum*.<sup>7</sup>

The closer one examines the merchet the more decidedly it appears as a legal and economic incident, with very much less moral or servile sentiment attached to it than has usually been supposed. Probably modern indignation has been carried back into the whole question, and is mainly out of place. Some system of registration was absolutely necessary for economic reasons, and what element of compulsion is to be found may well be explainable by the need of maintaining the economic *status quo* of the village group.<sup>8</sup>

be promised, at common law, by a son who had not yet inherited his father's land.

<sup>1</sup> Cashio Court Book, 4 Ed. I (Michaelmas).

<sup>2</sup> Croxley Court Book, 19 Ric. II (Pentecost).

<sup>3</sup> P.R.O. Court Roll 178/9, 1 Hen. IV.

<sup>4</sup> Barnet Court Book, 33 Hen. III (St. Peter). Cf. p. 182 *supra* and Appendix I, p. 328. This is the only general statement I have found as to liability to merchet, and it would seem to apply only to Barnet.

<sup>5</sup> *Ibid.*, 31 Hen. III (St. Luke). Cf. also 31 Hen. III (St. Katherine). See Appendix I, pp. 324, 326.

<sup>6</sup> *Ibid.*, 44 Hen. III (Low Sunday).

<sup>7</sup> *Ibid.*, 33 Hen. III (St. Peter). See Appendix I, p. 328.

<sup>8</sup> It is possible that the peculiar status and the name itself of the 'ani-

It has seemed worth while to make this detailed examination of marriage entries, since few, if any, other sets of court rolls provide such full material for reconstructing the customary law before 1272. The result is not very convincing, but there emerges at least the possibility of insisting upon a communal element in what has usually been accounted seigneurial tyranny.<sup>1</sup> The servile merchet is not easily distinguishable from the feudal control over the marriage of heiresses, and although it is treated as a mark of villeinage, this is only a parallel to the fate of heriot, a free warrior's due which became to some extent a servile badge. If we may treat the need for permission to sell an ox or a horse in the same way, as a survival of the Anglo-Saxon laws requiring publicity for all sales of cattle, we have gone far to remove the shame of unfree birth. The insertion of these three restraints in formal statements of custom becomes the mere statement of conditions of tenure.

The very vigorous dislike with which merchet seems to have been regarded was probably not much greater than that which was reserved for either of the two other disabilities, or indeed for any mark of villein tenure.

The colour of the language in which a man is said to 'redeem his blood' is perhaps due to the long pre-conquest evolution of marriage custom, in which the element of purchase is being slowly eliminated, while the element of consent and free choice is being fostered by the Church. Feudal necessities and economic necessities were against the ideal freedom of choice, and with the Norman Conquest came a definite set-back in the position

lepipman' owes something to the custom of regulating marriage in relation to tenements. The 'alone-leaping' man (the word is simply an intensive form of 'only' or 'single') probably transformed himself into a married virgater when opportunity offered. Cf. Maitland, *Court Baron* (Selden Soc., vol. iv), pp. 112, 146.

<sup>1</sup> Is it too much to say that there were no women in England able to marry without payment of some kind of fee, save the daughters and widows of burgesses?

of the woman, which is condemned in local parlance as a reversion to purchase. But the restrictions upon her were not due to personal and arbitrary limitations of liberty, nor to ecclesiastical tyranny: they were woven upon the essential warp of village economy.

It is possible to interpret the records as regards permission to send a boy to school in much the same light as leave to marry a daughter. The fine paid is usually light—perhaps the Abbey had learned a lesson from the mistake it had traditionally made as regards Nicholas Breakspear.<sup>1</sup> Certainly the sums are in no way prohibitive; they serve as a registration informing the lord what has become of his villeins' boys. Sixpence or a shilling is usual, 5s. the maximum. Occasionally there is a note to the effect that the boy may go to the 'clerical schools', but may not take orders, or, sometimes, the tonsure.<sup>2</sup> In one court only (Hexton, 22 Edward III)<sup>3</sup> it is possible to trace the reasons of this prohibition. A boy may go to school, on condition that he is not the eldest son, and that he will not take the order of a subdeacon without special permission. Two other boys have the same licence on the same date: for them it is specified that they must not be the eldest sons of their fathers, nor may they take any minor orders (?);<sup>4</sup> they may choose their school, and go when they please. Each boy pays 1s. Three boys from one manor in 1348 seems a good proportion, but between 1331-3 at Norton no less than nine boys received permission to go to school, one at cost of 3d., others all at a cost of 6d. each in fines.<sup>5</sup> It seems impossible not to connect this with the great revival of the Almonry School, associated with the year 1328.<sup>6</sup>

<sup>1</sup> *Gesta Abbatum*, i. 112, 124-5; Jenkins, Claude, *The Monastic Chronicler*, p. 26.

<sup>2</sup> Park Court Book, 19 Ed. III (St. Leonard).

<sup>3</sup> Herts. County Repository, Court Roll no. 10550 d.

<sup>4</sup> *ordines infra sacros*.

<sup>5</sup> Norton Court Book, Ed. III (St. John ante P.L.); 5 Ed. III (St. Mark); 6 Ed. III (St. Dunstan).

<sup>6</sup> Cf. *Registrum Whethamstede*, ii. 305 seq.

It seems difficult to interpret these licences in any way save as showing that the abbot wanted clerks, in the secular sense, but was not anxious to have them in orders. Moreover, a villein needed special 'licence' (?) to take orders,<sup>1</sup> and in this matter the abbot could act in place of the bishop. His duty as an ecclesiastic corresponds with his interests as a landlord; he needs to ensure a due succession of heirs on his villein lands, and the canon law imposes limitations on the ordination of serfs, just as it did upon the ordination of bastards—in the interests of the Church. Again the servile taint of the restriction may be almost removed, in favour of economic and spiritual motives.

<sup>1</sup> It is remarkable that in the very interesting attempt to identify William Langland, Mr. Bright shows no sign of acquaintance with the legal doctrine that *filius nullius* must be presumed to be free. (Bright, A. H., *New Light on Piers Plowman*, Oxford, 1928, p. 37.)

## 6. THE BLACK DEATH ON THE ST. ALBANS MANORS<sup>1</sup>

JUST as the general economic survey of the St. Albans manors has been linked with a consideration of the causes of the Peasants' Revolt, so the examination of economic changes on these manors can most conveniently be linked with the consideration of the ravages and results of the Black Death. The Extents of 1331-2 show that no revolutionary change in manorial administration had occurred by that date. Regular and conventional arrangements, as has been already shown, had probably never existed on these estates, but there had been no far-reaching or widespread changes since 1250. The leasing of the manors was irregular: the labour services were apparently leased to the farmer, and the courts were never farmed, but were still used to exact reluctant labour at boon-days, and primitive payments in kind. How, we must ask, did the Black Death affect the society described in the foregoing essays?

To begin at the beginning, the actual figures of the mortality, so far as a court roll will reveal them, must be ascertained. Now a court roll can only give figures for a selected group of the population, the actual holders of tenements. These will normally be men, over sixteen years of age, but otherwise of any age. During the plague-

<sup>1</sup> [This chapter is itself quite unfinished, and was apparently intended to serve as an introduction to a discussion of the changes in social and economic organization on these manors in the late fourteenth and fifteenth centuries. Rough notes among her papers seem to suggest that Professor Levett was considering a survey of the effects of the Black Death over the country as a whole. The value of this fragment, and of the material collected for tables of mortality and inheritance, induced the Editors to include it as it stands. The first paragraph alone is not precisely as Professor Levett wrote it. A few minor alterations were necessary, as it had been left in an unfinished form. The notes also have been inserted throughout from Professor Levett's transcript. Except for this the fragment was in a form fit for publication as it stood. Miss K. M. E. Murray drew up the tables from Miss Levett's notes. L.S.S.]

period a considerable number of tenants may be women and children, and in the course of twelve months many of them in turn may be swept away. The selected group, then, may be considered as varied and representative, from the point of view of liability to disease and infection. It is 'selected' mainly in the legal sense. The difficulty of obtaining an exact figure for the population of a manor is almost insuperable, as we have no means of knowing the numbers of sub-tenants, servants, unmarried sons waiting for tenements, co-parceners, or pensioners, who may be standing behind the single name upon the Extent. The smaller the holdings, however, the less serious will be the discrepancy. In any case, the numbers given in the Extent, and the numbers of deaths reported in the court roll are a safe minimum, and the persons concerned belong to identical groups. The analysis of the figures may prove very significant in two ways. First as regards geographical distribution. Whenever the method of entry permits, the number of deaths should be distributed among the tithings or subdivisions of the manor. It would seem that the mortality was very irregularly spread over adjacent villages or hamlets. This is characteristic of modern outbreaks of bubonic plague in India. Secondly, the mortality is very unevenly spread over a period beginning in July 1348 and ending in October 1349. The great majority of deaths are reported at the spring courts, in April and May 1349. At Norton it is possible to date with more exactitude: previous to 25 April four deaths had occurred in the autumn of 1348, and four between the autumn court and 25 April: after that date and before June 29 twenty deaths followed. At Codicote the great mortality (fifty-nine) falls between 1 November 1348 and 19 May 1349, after which date only six deaths took place. At Cashio the worst (fifty-five) was over by 3 May, although eighteen subsequent deaths are recorded.<sup>1</sup> At Langley it is the court

<sup>1</sup> See Tables I and II, pp. 256-84.

on or about 1 May which had to record seventy-three deaths, while only nine appear in the autumn court. It seems clear that the violence of the epidemic had exhausted itself before the summer began, and corroborative evidence may be discovered elsewhere to show that from February to the middle or end of May would cover the period of greatest danger. This is true particularly of the eastern and east-midland counties of England, and the reason is not simply that the plague had entered the country in the south-west, and had taken six to nine months to reach Hertfordshire. The available descriptions of the plague include two elements, the characteristic *buboes*, or swellings and boils, and the lung symptoms, coughs and blood-spittings. Some writers emphasize one, some the other. Modern medical knowledge would probably differentiate the two sets of symptoms as indicative of (*a*) pure bubonic plague, (*b*) pneumonic plague. The two forms could occur concurrently, but whereas the bubonic type may usually appear without intermixture of pneumonic symptoms, the second type can hardly stand alone. The circumstances in eastern England in the early spring of 1349 were all favourable to the pneumonic plague, and it is almost certainly to this infection that the very heavy rates of mortality were due.

Modern investigation has traced the course of bubonic plague back to the common rat, and his usual parasite, *pulex irritans*. Repeated observations in India make it clear that no general causes can be assigned to the sporadic distribution of pure bubonic plague, save the accidental infection of rats, either directly or by way of transport of the flea.<sup>1</sup> Hence lines of communications will prove an important factor in its dissemination, but the rate and distribution of this disease may be slow, and incalculable.

<sup>1</sup> Reports on Plague in India, issued by the Advisory Committee appointed by the Secretary of State for India, the Royal Society, and the Lister Institute, Cambridge, 1911.

Pneumonic plague, on the other hand, is conveyed by direct contagion from the infected person, and isolation is the only safeguard against it. This type of plague therefore is not only far more virulent, but also extremely likely to spread rapidly, and at the present day it may easily show an infection rate of 90 per cent. or more, with an almost equally high death-rate, while the infection rate for modern bubonic plague is rarely as high as 10 or 12 per cent. Here, perhaps, is a possible reconciliation of the highly discrepant figures which may be obtained for different villages, or different parts of England. It is based very largely upon an examination of the periods of highest mortality. Evidence is not always easy to obtain, as it was usually summarized on court rolls under two dates, one autumn and one spring meeting of the court, but an extra meeting may give valuable data. Failure to pay rents is sometimes recorded in sufficient detail to make it possible to assign deaths to the right quarter of the year, but this is comparatively rare. The evidence of bishops' registers, however, is exceedingly valuable from this point of view, as the deaths of incumbents are always dated, and it appears to support, if not indeed to initiate, the theory as to a peculiarly high spring mortality. The point is stressed here for economic rather than medical reasons. If we are right in the contention that from August 1348 to December 1348 the loss of population rarely exceeded 10 per cent., and often did not reach that proportion, it is clear that the crops could all have been harvested, and the autumn sowings, usually the most important, could have been carried through. That this actually happened is proved in some localities by the corn available for sale in the summer of 1349. If the plague hit a particular district very heavily in the autumn, it was probably not till late September or October, and however violent the outbreak, it always wore itself out in two or three months at the most. By the spring sowings the population would have gathered



itself together again, and the situation would be saved. Where the maximum mortality occurs between March and the end of June, it is evident that no less dangerous period, from an economic point of view, could have been chosen. The corn crops could take care of themselves, to a very great extent, between those dates; the work of weeding and summer ploughing of fallow could be dispensed with, if absolutely necessary, and by the time the harvest was ready, the plague had spent its force, and the remainder of the inhabitants, even if only two-thirds, or one half, could contrive with some difficulty to bring the corn to the granary. The average historian of the plague-period seems to have worked from two assumptions: (1) that every peasant-farmer was occupied to the utmost of his capacity before the pestilence; and (2) that after it the whole remaining population, supine and unalert on their own holdings, tended to rise up and wander about the country in search of high wages. Neither assumption will hold water. There was a margin left for exertion, and the exertion was made. The usual shortage of corn, which began to be shown in a rise of prices in June and July, was likely to be less pressing, in so far as the population was reduced. This may be shown by a study of corn-prices, and also by noticing the amount of old corn which remained to be sold. Rectory accounts (*compoti*), where large quantities of tithed corn are accounted for, furnish good evidence on this point. If this argument be admitted, it seems clear that the maximum economic disturbance will occur at the sowing-time of 1349, with corresponding results in the harvest of 1350. In point of fact, this is what actually happened in many cases, and losses were accentuated by disastrously bad weather.

How far does the St. Albans material bear out this hypothesis? The first point to be emphasized is that there is absolutely no evidence in the court books of any break in the system. The courts met at the usual date,

or an extra court was interpolated, to dispatch exceptional business. The entries continue almost unchanged, the number of inhabitants whose names appear on the court rolls is not noticeably decreased, after the first year or two. True, the original rolls do not exist, and it is not possible to judge how the clerks dealt with the crisis. But in substance the record remains unchanged.

The next clear point is that comparatively few of the holdings were left vacant: the heirs were often minors, or collateral relatives, often women, but in quite half the cases a vacant holding was taken by an heir of full age. The cases of escheat, by failure of the blood, which are found in small numbers on the Winchester manors, are hardly represented here. Some villages escaped much more lightly. In the spring of 1349 while Horwood saw seventy-four deaths, Shipton and Greenborough had only five and eight, and these tithings lay side by side. It remains to be seen how economic conditions were affected.

It may be useful to examine a single manor in some detail. At Abbots Langley, at the court held in May 1349 seventy-one tenants were reported dead. Among the seventy-one tenements involved there does not appear to be one which is described as a virgate. There are perhaps eight or ten half-virgates, but the normal unit seems to have been a ferthlingate. There is nothing to show the size of the half-virgate or of the ferthlingate, except in one case where the latter seems to be equal to 45 acres *per parcelas*. 'One ferthlingate and 15 acres' constitutes one holding; one *astrum*, one message, and *diversae terrae de adquisitione* amounting to 24 acres form another; 3 crofts and other parcels in various fields make up a holding of 12 acres. The *tenementum Breakspere* seems to consist of a message and 100 acres or more held freely, though there had been much litigation in the past as to whether Nicholas Breakspear (in the thirteenth century) held freely or in villeinage. There are many small plots

of only a few acres; one *astrum* and  $1\frac{3}{4}$  acres is perhaps the smallest. If one may assume that a ferthlingate contains about 10 acres, and a half-virgate 20 acres, then the amount of land which changed hands would be upwards of 900 acres of arable land. The area of the present parish of Abbots Langley appears to be 5,255 acres.

Practically every one of these seventy-one tenements was taken up by a new tenant, in forty-four cases by a man or woman of full age, in twenty-one by a minor, occasionally by a very young child. There are six surrenders to other tenants, two tenements are left in the lord's hand; in one or two cases the land is taken up by a stranger, in a few others by a niece or sister, but in the great majority of cases it is a son or daughter, or less often a brother, who inherits; twice at least a husband inherits *per legem Anglie*. One daughter renounced her claim to four acres, and another tenant was found. A brother who inherited a ferthlingate gave up the capital messuage, and two acres to a sister who had no legal claim. One interesting note states that a ferthlingate which had no heir was delivered to the whole homage to hold for services (*Et dicta terra tradita toto homagio per servicia*). The homage evidently did not love corporate responsibilities, for a tenant was found in the same court. Another tenement was accepted by a new tenant under the express and stringent condition of forfeiture if he should prove rebellious.

These statistics may be slightly inaccurate in places, if a tenement happens to have changed hands more than once in the interval between two courts, for it is fairly clear that a new tenant did not wait for the next court before taking possession. But the proportion of error thus caused must be very slight.

At the All Saints' court, of the same year, only three of the jurors were the same as in May, and eight more deaths were recorded. The eight tenements, however, were all taken up, and six marriages were licensed.

In April of the following year, it is reported, as on all the manors of St. Albans, that all the villeins and the villein holders give, of their own will, 60s. of common tallage *ad subsidium nove creationis domini Abbatis*.<sup>1</sup> Evidently consideration for the Abbey's tenants had not been much increased by the visitation of the pestilence, nor had the disorganization proceeded far. By St. Martin's tide, 1350, one might conclude that the manor had resumed its normal course. The records note a certain number of exchanges, and there are entries concerning lands enclosed with quick hedges; a few leases are registered with services partly retained and partly remitted; one boy is apprenticed to a *mercator*.<sup>2</sup> None of these entries are novel ones: they merely indicate the absence of drastic revolution. The only apparent change lies in the number of fugitive villeins—six in 1351, and ten in 1355; as usual elsewhere proclamation is made year after year that these fugitives must be forcibly brought back to the manor; often the place of their abode is known and sometimes mentioned. But nothing happened. The leakage was a little greater than usual, but that is all that can be said: the Abbey repeated the useless formula in order to preserve the memory of its legal rights, and the court continued to present the names of those who ought to share its responsibilities.

<sup>1</sup> Langley Park, 24 Ed. III (St. Mark); Norton, 24 Ed. III (St. Alphege); Codicote, 24 Ed. III (St. Alphege); Barnet, 24 Ed. III (St. John ante P.L.); Winslow, 24 Ed. III (Trinity).

<sup>2</sup> Langley Court Book, 25 Ed. III (St. John ante P.L.).

TABLE I  
LANGLEY

<i>Dead Tenant</i>	<i>Holding</i>	<i>Heriot</i>	<i>Fine</i>	<i>Heir</i>	<i>Relationship</i>	<i>Age</i>
<i>A. May, 1348</i>						
John Bate	1 cot. w. curt.	brass pot 18 <i>d.</i>		Margeria	wife	full
Roger Ordwy	1 mes. 1 ferth. w. pert.	horse 2/-	10/-	John	son	full
Hugo le Freynsše of King's Langley	2 acr. 1½ acr. w. pert.		5/-	Thomas	son	full
<i>B. October, 1348</i>						
Elyas Parker	1 cot.	cow 6/8		Richard	son	full
<i>C. May, 1349</i>						
Alexander Aleyn	1 mes. ½ virg.	horse 5/-		Elena (G. <sup>1</sup> John Stroute and Richard Reynold)	daughter	8 yrs
John Yugelot	1 mes. ½ virg. cottage	bull 6/- cow 6/-	6 <i>d.</i>	Richard Aleyn Hugo	son	full 13 yrs
Elena, widow of Hugo le Palmer						
William Bette	2 mess. 1 ferth. 15 acr.	2 horses 7/-		Richard (G. Ralph atte Doune)	son	14 yrs
William, son of William atte Monte	1 mes. 15 acr.	steer 3/-	pardoned	Cristina (G. Geoffrey Mayn)	daughter	14 yrs
Robert Lawe	cot.	brass pot 12 <i>d.</i>	6 <i>d.</i>	John le Helder	no relat.	full
Simon Cane	1 mes. 1 ferth.	cow w. calf 6/-	6/-	John	son	full
John Pigannce	1 mes. 1 croft.	bullock 4/-	12 <i>d.</i>	Thomas Pigannce	son	full
Adam Palmer	1 mes. 1 ferth.	cow 2/6	6/8	John Hendrekyn	heir <i>ut dicit</i>	full
John Richard	1 mes. 1 ferth.	3 cattle 4/-	6/8	Thomas	brother. Sister took cap. mes. 2 acr.	full

<sup>1</sup> G = Guardian.

4365	John Ordwy Bysouthē	{ 1 mes. ½ virg. 1 mes. 1 ferth.	2 horses 6/8 and 9/- cow 6/-	16/-	John	son	full
	Richard Palmer	1 cot. 1 acr.			(granted to William atte Chaumbre)	no heir (but taken up) in lord's hands	
	Alicia, wife of Walter Rolf	1 mes. 1 ferth.	half a bullock 3/6 sheep 10 <i>d.</i>			in lord's hands	
	John, son of Alexander atte Dounhous	½ mes. 1 ferth.					
	Susanna Richard	1 mes. 1 ferth.	cow 7/-	18 <i>d.</i>	Thomas Richard		ull
	Henry Ordwy	1 mes. 1 ferth.	cow 5/-	12 <i>d.</i>	John (G. Matilda his mother; her death is recorded below and Roger Hortheren made G.)	son	6 yrs
	Alicia atte Monte	1 mes. 15 acr.	cow 6/-	12 <i>d.</i>	William (G. Geoffrey atte Monte)	son	12 yrs
8	Alexander atte Grove	2 cot. w. curt. and croft	mattock 6 <i>d.</i> scythe 4 <i>d.</i>	pardoned	Richard (G. Alicia atte Grove)	son	14 yrs
	Richard Spyer	1 mes. w. curt.	3 cattle 12 <i>d.</i>	12 <i>d.</i>	William	brother	full
	Walter Rolf	1 mes. 1 ferth.	bullock 12 <i>d.</i>	6 <i>d.</i>	William (G. John atte Welle)	son	14 yrs
	Alexander atte Dounhous	1 mes. 1 ferth. w. pert.	bull 6/-	12/-	Richard	son	full
	John Walkeleyn	1 mes. 1 ferth. (45 acr. <i>per parcellam</i> )	2 horses 3/4	6/8	William	brother	full
	Richard atte Chambre'	1 mes. ½ virg.	horse 8/-	20/-	Richard	son	full
	Cristina Werkworth	1 mes. 15 acr.	heiffer 16 <i>d.</i>		Agnes (husband is Richard Coupe)	daughter. Husband holds <i>per legem Anglie</i>	full
	William atte Hathē	2 mes. 2 ferth.	horse 6/- 2 ewes 8 <i>d.</i>	4/-	William	son	full

<i>Dead Tenant</i>	<i>Holding</i>	<i>Heriot</i>	<i>Fine</i>	<i>Heir</i>	<i>Relationship</i>	<i>Age</i>
John Wheler, son of John le Wheler	1 mes. 3 crofts. Other parcels in various fields. c. 12 acr.	pig 6d.	6d.	Peter (G. William Harlewyne)	son	15 yrs
William Brekesper	1 mes. 100 acr. or more	horse 6/8	12/- relief	John	heir? to be distr.	7 yrs
John Elrych	1 mes. 1 ferth.	horse 2/-		John Bysouthe	son	full
John le Swon	1 mes. 8 acr.	cow 3/-	18d.	Cristina atte Mounte	heir	18 yrs
Amicia, daughter of Richard atte Strete	1 mes. ½ virg.	bull 3/4	2/-			(counted as full)
John Smyth de Huntebrugg	1 <i>astrum</i> . 1 mes. <i>diversas terras de acquisitione</i> 24 acr.	2 horses 6/-	20/-	John	son	full
Joanna, wife of John Reynald	1 mes. ½ virg.	horse 2/-	3/4	William	son	full
Henry Hortheren	2 mes. ½ virg. ½ ferth.	cow } horse } 5/-	5/-	Roger	son	full
Walter Tornor	1 cot.		12d.	(Stephen le Smythe)	surrendered, tenant found	
John Taillor of King's Langley	6½ acr. <i>ter. nat.</i> ½ acr. meadow		2/-	John	son	full
Richard Taillor	1½ acr. <i>terra</i> . 1½ acr. meadow <i>nat.</i>		16d.	John, son of John Taillor	heir	full
Hugo Walkeleyen	2 mes. 1 ferth. 45 acr.	horse } cow } 5/-	10/-	John	son	full
John Wilemot	1 mes. 10 acr.	sheep with lamb 8d.	3/-	John	son	full
Margeria Bate	1 cot. w. curt.	<i>tripes</i> 2d.		Henry (G. William Molend)	son	10 yrs

William Rose	1 cot. w. curt.	horse 12d.		William Rose	son	full
Richard Aleyn	1 mes. 1 ferth.	brass pot 12d.	12d.	John	brother	full
John Cave	1 mes. 1 ferth.	sow 20d.		( <i>Et dicta terra tradita toto homagio per servicia</i> )	no heir (tenant found same court)	
John Hendekyn	2 mes. 2 ferth.	horse 4/-	2/-	William Hendekyn	son	full
Geoffrey Edus	1 mes. 4 acr.	cow 2/-	18d.	Isabella Albon	daughter did not claim tenant found	full
Thomas Tamworth and Alicia his wife	1 mes. 1 ferth.	brass pot 8d.	pardoned	William (G. William Bruteyth)	son	2 yrs
John Wheler	1 mes. 3 crofts (c. 6 acr.)	cow 3/4		John (G. John Crokedi)	son	12 yrs
Isabella Loveday	1 cot.	ewe <i>matrix</i> 2d.		John, son of William Jordan	next heir found by inquest (?)	
John atte Dene	1 mes. 1 ferth.	<i>taurulus</i> (?) 18d.		Joanna	daughter	full
William le Swon	1 mes. 15 acr.	o	2/-	John	son	full
Cristina atte Delle	1 cot. w. curt.	3 cattle 12d.		Thomas Astrild	husband <i>per legem Anglie</i>	
Richard Bysouthe	1 mes. 1 ferth.	horse 5/-	pardoned	Joanna (G. Simon Bysouthe)	daughter	5 yrs
Robert Eustace	1 mes. ½ virg.			William Roberd	tenant found	
John atte Strate	1 mes. ½ virg.	horse 5/-		Amicia, daughter of Richard Strate		8 yrs
William atte More	1 mes. ½ virg.	bull 3/-	5/-	Joanna	daughter	full
William Snarry	1 <i>astrum</i> . 1 ferth.	bull 4/-	12d.	Walter Ordwy	stranger	
Walter Mileward	1 cot. 3 acr.	<i>urceolus</i> 3d.	12d.	Isabella	daughter	full
Alicia atte Strate	1 cot. 1½ acr. pasture	bullock 2/-	6d.	Joanna, wife of John Ewer		full
Richard Pays	1 <i>astrum</i> . 1½ acr.	o	6d.	Richard	brother	full
Agnes Snarry	1 mes. 1 ferth.	sheep 4d.		Alicia	sister	10 yrs

<i>Dead Tenant</i>	<i>Holding</i>	<i>Heriot</i>	<i>Fine</i>	<i>Heir</i>	<i>Relationship</i>	<i>Age</i>
Thomas Freynsh William Selesweyn	2 acr. 1½ acr. 1 mes. 1 ferth.	horse 2/-	2/- 12d.	Richard Emma, daughter of Margeria Selesweyn (G. John Rodlond)	brother	full 6 yrs
Richard Hortheren	2 mes. 2 ferth.	horse } cow } 5/-		Roger	son	full
William Hendekyn Joanna, wife of Richard Roger	2 mes. 2 ferth. 1 cot. 5 acr.	2 horses 3/- cow 3/-	3/4	Margeria John, brother of Jo- anna	sister brother	full full
John Strouter	2 cot. 9 acr.	horse } steer } 3/-	pardoned	Elena (G. Richard le Sok)	daughter	10 yrs
Richard atte Dene	1 mes. 2 ferth.	horse 2/6 cow 2/6	10/-	Cecilia	daughter	full
Agnes Phelipp	1 cot. 1 croft (1 acr. al- together).	o (poor)	6d.	Elena Phelipp		full
John Rodlond	1 mes. 1 ferth.	draught animal 3/-	3/-	John	son	full
Walter atte Stone	1 mes. 1 ferth.	bull 4/-		Richard (G. Richard atte Dounhous)	son	13 yrs
John atte Delle William atte Grove	1 mes. ½ virg. 1 mes. 1 ferth.	cow 2/- bull 3/-	2/- 12d.	John (G. Agnes wife) Cecilia, daughter of Richard atte Dene	son	4 yrs full
<i>D. November, 1349</i> Richard Bette	1 mes. 1 ferth.	sow 8d.	2/-	John (G. William atte Doune)	son	12 yrs
William Aleyn John Smyth of King's Langley	1 mes. ½ virg. ½ acr. 3 roods meadow	o (poor) ibid.	12d. 6d.	Richard Aleyn Juliana	son sister	full full

John Houwe	1 mes. ½ ferth.	steer 20d.	2/-	John (G. Cristine By- southe)	son	8 yrs
William Brice	5 acr.	o	6d.	John (G. John Cas- trus)	son	12 yrs
John, son of Roger Ordwy	1 mes. 1 ferth.	draught- animal 2/-		Roger (G. Rosa his mother)	son	10 weeks
John atte Water	2 partes (?), 8 mes. 12 acr.	brass pot 12d.	12d.	William Palmer	relative	full
Richard Bond	1 croft 2½ acr. enclosed with hedges. 3 roods in 2 parcels	o	6d.	John atte Wynche (G. John Mayngbrok)		5 yrs
Thomas Williot ( <i>William</i> but corrected to <i>Thomas</i> in margin by a later hand)	1 mes. ½ virg.	bull 3/-	12d.	Agnes (G. John Ste- venes)	daughter	2 yrs
<i>E. April, 1350</i> Peter le Wheler	1 cot.	mattock 4d.	12d.	Thomas (G. William Harlewyne)	brother	8 yrs
<i>F. November, 1350</i> No deaths recorded						

## NORTON

<i>f. 12<sup>o</sup></i> A. Autumn 1348 B. 28 April 1349 William Munden Agnes Pernel	about 4 deaths 1 mes. croft of 9 acr. ½ mes. 1 ferth.	horse 13/4 o	3/4	None named Alicia Pernel (m. John Moreman)		full
Alicia Swetekyn Agnes Olive	1 mes. 1 croft of 3 roods 1 acr.	o		daughter Richard Scragg ( <i>per</i> <i>legem Anglie</i> )	husband	2 yrs full

Dead Tenant	Holding	Heriot	Fine	Heir	Relationship	Age
<i>f. 13</i> C. 2 July 1349 John Reymund	1 mes. 1 quart.	cow 3/-	6/8	Agnes (m. John in the Hale)	daughter	full
Elena, d. of John Shepherd	1 mes. ½ virg.	cow 2/6	3/4	Matilda	aunt	full
John Hassh	1 mes. 1 quart.	cow 2/-	4/-	Richard	son	full
Johanna Mayster	½ mes. ½ tenement	horse 12d.	Not known	John	son	full
Richard Andreu	¾ mes. ¾ tenement and other holdings	0	0	Richard	son	full
Adam Ward	1 mes. ½ virg.	cow 3/-	13/4	Alicia (guardian John Loveleg)	daughter	full (insane)
Alica Ward	1 mes. 1 cotland	horse 3/-	2/-	John Loveleg		full
<i>f. 13<sup>v</sup></i> John Neweman	1 mes. quart. 1 cot.	horse 3/4 cow 2/-	2/-	John	brother	full
Walter Wysot	1 cotland. 1 quart.	0	3/4	Lawrence	brother	full
Ralph Albreth	1 mes. ½ virg.	horse 6/8	13/4	Roger Albreth		full
John Veesse	1 cot. 1 rood (free soke-man)	sheep 4d.	owing	Margareta	daughter	7 yrs
Alexander Andreu	1 mes. 1 quart.	0 (poor)	pardoned	Cecilia <i>non venit</i> , John Hathe took it	daughter	
Agnes, widow of Roger Albreth	1 mes. ½ virg.	horse 4/-	20/-	Geoffrey	brother	full
John Carter	1 cot. ¾ quart.	cow and calf 2/-	pardoned	Alicia refused, Richd. Bate took it	sister	full
John in le Hale	1 mes. 1 cot. 1 cotland. 1 quart.	2 sheep 8d.	0 (poor)	John	son	full

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Richard le Fuller	2 mes. ½ virg.	2 horses 8d.	pardoned	John, granted to John Albreth (who marries 3rd time)	son	minor
Roger Crowe	1 mes. 1 cotland.	brass pot 8d.	12d.	Sarra	sister	full
John Isonde	1 mes. 1 cotland.	cow 2/-	pardoned (poor)	John <i>non venit</i> , Wm. atte Church took it	son	
John Reymond	1 mes. 1 cot. 1 cotland. 1 quart.	horse 6/8 bullock 8d. sheep 4d.	2/-	Emma	sister	full
Walter Sayer	1 mes. ½ virg.			John Sayer	son	?
<i>f. 14</i> D. 15 October 1349 John Bonde	1 mes. ½ virg.	horse 18d.	2/-	Margareta (G. Rose Bonde)	daughter	8 yrs
Richard atte Lane	1 mes. 2 cotlands.	0 (poor)		Richard (and remains in lord's hand)	son	14 yrs
William Cok	1 mes. 1 rood	0 (poor)	6d.	Walter	son	full
E. 20 April 1350 Walter Melward	1 mes. 1½ acr.	1 tunic 10d.	2/-	Isabella and John	daughter and nephew	full
<i>f. 14<sup>v</sup></i> Master John de Erdelye	1 meadow. 10 acr. pasture, 5 acr. arable. plus 16 acr. Free.		40/-	John, Amicia, and Agnes. Lord gives ward to Isabella their mother	nephew and nieces	minors

## BARNET

A. 19 May 1348 John Samwell	1 mes. w. curt. 1 acr. meadow	cow 8/-	5/- w. merch.	Richard (G. Alice, widow)	son	12 yrs
B. 3 November 1348 Margaret, widow of John Randulf	1 mes. w. curt.	cow 8/-	5/-	Richard, son of Wm. Randulf		full

Dead Tenant	Holding	Heriot	Fine	Heir	Relationship	Age
C. 18 May 1349 Simon Lutlyngton Thos. Baker Walter Hened	1 mes. 1 acr. 1 mes. 1 mes. 1 acr.	ox 7/- horse 20/- horse 16/-	3/4	no heir Geoffrey (G. Simon Bor)	son	6 yrs
Geoffrey Springold	1 mes. 1 grove (½ acr.) Free	sheep 8d.	1d. relief	Albred	son	full
John Taillour Walter Arnold Simon Litlington Walter Bartelmeu John Samwell	1 cot. w. curt. 1 cot. w. curt. ½ mes. 1 mes. 18 acr. 2nd part 1 mes. w. garden	brass pot 8d. pig 6d. ox 5/- horse 7/- o	6d. 6d. 2/-	William Agnes and Alice John Samwell (G. Ric. Carlton)	son daughters	full full 3 yrs
f. 79 <sup>v</sup> William Wrench Thomas Gurdlere Henry Neweman	1 mes. 5 acr. ½ mes. 6 acr. 1 m. 1 curt. ½ acr.	1 brass pot 6d. horse 4/- cow 6/-	pardoned 12d. 6d.	Julia John (G. Simon Hened) Margaret (G. Wm. Rolf)	daughter son daughter	full 9 yrs 1 yr
John Tawier John Taillour	1 cot. w. curt. 1 mes.	sheep 6d. cow 12d.	6d.	William in lord's hands <i>quousque</i> , &c.	son	full
Stephen Cok Agnes Berd	1 mes. 4 acr. 1 mes. 8 acr.	cow 6/8 ox 12/-	3/4 4/-	John atte Mulle Alicia atte Dane, Margaret and Matilda (G. John Love)	sister nieces	full minors
John Rolf junior	1 mes. 20 acr.	bullock 2/-	3/4	Thomas (G. Richard Rolf)	son	6 yrs
John Latecomhome	1 mes. 1½ acr.	young pig 8d.	12d.	Sabina and Margaret	daughters	full

Walter atte Dane	1 cot. 5 acr.	pig 10d.	2/-	Alice atte Dane, Matilda and Margaret (G. John Love)		full minors
John Doget	1 mes. 8 acr.	horse 5/-		Johanna Doget (conjoint inheritance)		
John Sponyng John Hert	1 cot. 2 mes. 12 acr.	horse 5/- cow 6/- mare	2/-	in lord's hands <i>quousque</i> No heir. John Gilberde took it		
John Wheler William Rolf Thomas Pritel	1 mes. 8 acr. 1 mes. 20 acr. 1 mes. 8 acr.	cow 5/- ox 12/- cow 5/-	2/- 5/- 6d.	John John Johanna Pritel. (G. John Gilberd)	son son	full full 2 yrs
f. 80 Walter Ripon and Wymark Springold Walter Webbe	1 mes. w. curt. 1 cot. w. curt.	o pig 12d.	6d. 12d.	Robert (G. Thos. Coddicote) Alice (wife of John Gerlond who paid fine)	son of Wymark sister	2 yrs full
John Robcok Peter atte Chapel Thomas Bor William Nichol senior Richard Oseward John Peckesithele John Eymmer John Bor	4 acr. 1 cot. w. curt. 1 mes. 5 acr. Free 1 mes. w. curt. 1 cot. w. curt. 1 mes. 1 acr. Free 16 acr. (1) 1 cot. w. curt. (2) 2 cot. 1 acr.	hogette 3d. pig 12d. o o young pig 6d. sheep 6d. 2 sheep 4d.	2/- 25d. relief 6d. 12d. 3/4 12d. 12d.	William Simon Simon Richard Nichol Richard Nichol Richard Eymmer Agnes Saly Thomas Rolfe (G. Ric. Rolfe)	son son son nephew	full 3 yrs full full full full full 6 yrs
William Toby Thomas in the Vale John Goderale William Bartelmeu	1 mes. 12 acr. 5 acr. 1 cot. w. curt. 1 cot. w. curt.	mare 3/-	2/- 2/- 3d. pardoned	Agnes (G. John Toby) John Agnes Beatrix (G. Elena Bor)	daughter son daughter daughter	1 quart. full full 1 yr

<i>Dead Tenant</i>	<i>Holding</i>	<i>Heriot</i>	<i>Fine</i>	<i>Heir</i>	<i>Relationship</i>	<i>Age</i>
Cristina Pritel	1 mes. 20 acr.	horse 5/-	6d.	Johanna Pritel (G. John Gilberd)		2 yrs
John Rolf senior	1 mes. 4 acr.	horse 3/4	2/-	Robert Rolf		full
Thomas May	1 mes. 4 acr.	horse 3/4	12d.	John (G. Robert Rolf)	son	14 yrs
<i>f. 80<sup>v</sup></i> John May	1 mes. 20 acr.	horse 7/-	3/4	John May (G. Julia, mother)		13 yrs
Robert Crouchman	1 mes. 8 acr.	cow 3/-	2/-	John	son	full
Thomas Wylmot	1 mes. 10 acr.	horse 2 cows on account of 2 cottages 9/-	3/4	Gilbert	son	full
Richard Berd	1 mes. 12 acr. 1 <i>astrum</i>	horse cow 10/-	3/4	John Berd		full
Robert Russel	12 acr.		3/4	John	son	full
Nicholas Chapman	1 mes. w. curt.	horse 7/-		Beatrix Bores (Grant from lord)		
John Taillour	1 mes. w. curt.	cow 3/4	18d.	John Kent (G. Alicia, mother)		1 yr
Thomas Rolf	1 mes. 2 acr.	1 bill 3d.	12d.	Robert	brother	full
Milo Pritel	1 ten. (12 acr.) 1 cot.	3 steer 1/2 mark	12d.	Julia (G. Cristina, mother)	daughter	2 yrs
John Springold	1 cot. w. curt.	young pig 12d.	12d.	Margaret (G. Johanna, mother)	daughter	3 yrs
John Wedonn	1 mes.	horse 10/-		Nicholas (in lord's hands <i>quousque</i> )	son	2 yrs
John Tobi	1 mes. 7 acr.	ox 5/-				
Ralph Godfrey	1 mes. 3 acr.	cow 3/4	2/-	John	son	full
John Daniel	1 cot. w. curt.	cow 3/4	6d.	Walter (G. Alice Daniel)	son	6 yrs

<i>f. 81</i> John Ingold	1 cot. w. curt.	o	6d.	Margaret (G. Henry in the Vale)	daughter	3 wks
Richard Wedon	2 mes. 1 acr.	horse 13/4	12d.	Agnes (G. Agnes, mother)	daughter	3 yrs
Emma Martyn	1 cot. w. curt.	horse 2/-	pardoned	Geoffrey	son	full
Walter Gladewyna	1 mes. 20 acr. Free	cow 6/8	9/7 relief	heir		1 yr
Philip le Tanner	1 mes. 2 acr.	cow 5/-	3/8 relief			
Richard le Knight	1 cot. w. curt.	cow 3/4		Thomas	son	12 yrs
Thomas, son of Walter Bartelmeu	1 cot. w. curt. 6 acr.	cow 5/-	8/-	Agnes and Robert—son of Margaret Bartelmeu (G. Walter Punchard and Agnes Bartelmeu)	sister	full minor
William Toucestr	1 mes. 10 acr.	cow 6/-	3/4	Johanna Pritel		
Roger Ingold	1 cot. w. curt. 1 acr.	<i>hoggastre</i> 6d. <sup>1</sup>		Margaret, daughter of Richard Ingold		
Simon Gurdler	1 cot. 2 acr.	1 pitchfork	12d.	John (G. Simon Hened)	nephew	9 yrs
Richard Ingold	1 cot. w. curt.	horse 6/8	6d.	Margaret (G. Henry in the Vale)	daughter	3 wks
John Hened	1 mes. 12 acr.	horse 13/4	3/4	William (G. Simon Hened)	son	3 yrs
Cristina Pritel	1 mes. w. curt.	horse 5/-	6d.	heir (G. John Gilberd)		minor
Alice, wife of Thomas Benet	1 mes. 6 acr.	horse 2/-	3/4	John Chalkhul	heir	full
(The bottom of the folio is cut off)						
<i>f. 81<sup>v</sup></i> Walter Bartelmeu junior	1 mes. 24 acr. Free	brass pot 12d.	12d.	Thomas	son	full
Walter Grant	1 cot.	horse 3/4	15/4 relief 6d.	William Muriel	son daughter	full full

<sup>1</sup> i.e. pig or sheep in its second year.



<i>Dead Tenant</i>	<i>Holding</i>	<i>Heriot</i>	<i>Fine</i>	<i>Heir</i>	<i>Relationship</i>	<i>Age</i>
Agnes Toby	1 mes. 10 acr.	bullock 12d.	2/-	John Toby	uncle	full
Robert Toller	1 mes. w. curt. 1 mes. 1 acr.	2 horses 16/-	3/-	Thomas (G. Johanna, widow of J. Spring- old)	son	1 yr
John Mich'	2 acr.		18d.	William (G. William Mycche)	son	14 yrs
John Josep	1 mes. 3 acr.	o	2/-	John Josep (G. Mar- garet Josep)		17 yrs
Richard Berd	2 mes. 16 acr.	horse 7/- cow 5/-	3/4	John Berd	brother	full
Richard le Reve	½ mes. 5 acr.	horse 3/-	6d.	William le Reve (G. John Bedell)	son	7 yrs
William le Reve	1 mes. 4 acr.	cow 2/-	6d.	William, son of Ric. le Reve (G. John Bedell)		7 yrs
<i>f. 82</i> D. Oct. 29, 1349		(the bottom of the folio is cut off)				
William, son of Walter Bar- telmeu junior	1 mes. 24 acr. Free	o (poor)	15/4 relief	Mabel	sister	full
Peter Godfrey	1 mes. 12 acr.	o (poor)	12d.	(G. John Godefrey)	son	4 yrs
Peter atte Holmes	2 acr.		6d.	John, son of Simon atte Holmes		13 yrs
Robert Plesyngton	1 croft of 3 acr.			No heir. In lord's hands		
<i>f. 83</i> E. May 10, 1350						
Juliana Terry	2 acr.		2/-	William Terry (granted by lord)		full
<i>f. 83<sup>v</sup></i> F. Nov. 25, 1350 Chipping Barnet						
Stephen le Cook	1 cot. 3 acr.		3/4	John atte Melle		full

## CASHIO

A. May 7, 1348						
Elena atte Broume	1 mes. ½ virg.	o (poor)		Richard Bysouth (by lord's licence for a term of years)		
Thomas atte Hulle	toft. 16 acr.	horse 3/-	6/-	Richard atte Hulle	older brother	full
B. May 6, 1349						
Robert King	1 mes. ½ virg. 4 acr.	2 oxen 6/-		Alicia	daughter	10 yrs
Henry atte Dyche	1 mes. 1 ferth.	1 ox 2/6	2/-	Henry	son	full
Geoffrey Ascelyn	2 mes. ½ virg.	2 oxen 6/-	5/- w. merch.	John	son	full
Adam Hendegome	1 mes. 1 ferth.	1 brass pot 2d.		John, son of Wm. Hen- degome (G. Thos. Hampton and John Portreve) (later, same court, let by lord)		13 yrs
Henry Colman and Petronilla his wife	1 mes. Free.	2 cows and 1 <i>iuventus</i> 6/8	18d. relief	Alicia	daughter	full
William Baldewyne	1 mes. 1 ferth.	1 ox. 1 horse	2/-	Henry	son	full
	2 mes. ½ virg. 1 ferth.	5/-	merch.	William	son	full
Simon atte Nasshe	2 mes. (1 free). 1 virg.	2 oxen 6/8	6/8 w. merch.			
			2/- relief			
John Purdon	1 mes. ½ virg.	1 cow 2/-		Matilda (G. John Al- bon)	daughter	1 yr
Johana Cristemasse	1 mes. 1 ferth.	1 horse 18d.		Edelina (in lord's hands <i>quousque</i> )	daughter	full
Nicolas le Neve	1 mes. Free. 1 ferth.	o (poor)	3/- relief	in lord's hands <i>quousque</i>		
<i>f. 69</i> Roger atte Doune	Nat. 1 mes. ½ virg.	2 oxen 12/-	6/8 w. merch.	Adam	brother	full

<i>Dead Tenant</i>	<i>Holding</i>	<i>Heriot</i>	<i>Fine</i>	<i>Heir</i>	<i>Relationship</i>	<i>Age</i>
John Atte Orchard	1 mes. 1 ferth. 8 acr.	1 <i>iuventus</i> 12 <i>d.</i>		Thomas	son	full
Henry le Daye	1 mes. 1 ferth.	1 sheep w. lamb 10 <i>d.</i>		Henry (in lord's hands <i>quousque</i> )	son	
Petronilla, wife of Henry le Daye	1 mes. Free	1 sheep <i>matrix</i> 6 <i>d.</i>	18 <i>d.</i> relief			
Thomas Coreyeur and wife, Alice	1 mes. 1 ferth. 1 free mes. in Watford	1 cow 8/- 1 <i>iuventus</i> 2/- 1 pig 2/-	18 <i>d.</i> relief	<i>Terram nativam</i> in lord's hands <i>quousque</i>		
William Ploket	1 mes. ½ ferth.	1 sheep <i>matrix</i> w. lamb 10 <i>d.</i>	12 <i>d.</i>	John	son	full
Peter atte Hulle	1 mes. ½ virg.	1 <i>hoggastre</i> 10 <i>d.</i>		Gilbert atte Hulle (G. William Aldwyn)		1 yr
John atte Doune	2 mes. 1 virg.	1 steer, 1 sheep 2/10		John	son	4 yrs
Amy atte Hulle	1 cot. 1 acr.	1 sheep <i>matrix</i> 6 <i>d.</i>		William ( <i>per legem Anglie</i> )	husband	full
John, son of Hugh atte Hathe	1 mes. 1 ferth.	1 young pig 5 <i>d.</i>		Walter Sitalday		full
Thomas atte Doune	2 mes. ½ virg.	1 horse 12 <i>d.</i>	¾ w. merch.	Alicia	daughter	full
John Goshalm	1 mes. 1 ferth.	0		in lord's hands <i>quousque</i>		
John atte Hethe	3 mes. ½ virg.	1 cow, 1 ox, 1 horse 10/-	2/-	Roger	son	full
Roger atte Dene and wife Johanna	1 mes. ½ virg.	2 sheep <i>matrices</i> w. lamb 8 <i>d.</i>	2/- w. merch.	Walter	son	full
Nicholas Taillour	1 mes. 8 acr.	0 <i>quia de novo edificato</i>		John (in lord's hands <i>quousque</i> )	son	8 yrs
John Payn	1 mes. ½ virg.	0 (poor)		in lord's hands <i>quousque</i>		

Roger Bokeler	1 ferth.			no heir		
William le Wheler	1 mes. Free.	1 cow 3/-	3/- relief	heir to be distrained		
John atte Strate	1 mes.	1 horse 6 <i>d.</i>		in lord's hands <i>quousque</i>		
Matthew Ballard	1 mes. Free	1 horse 12 <i>d.</i>	12 <i>d.</i> relief	heir to be distrained		
Robert Beyhendenhathe	1 mes. Free	1 sheep 6 <i>d.</i>	2/- relief	"		
John Spilleman	. . . mes. Free (gap in MS.)	1 horse 2/-	(gap left in MS.)	"		
f. 69 <sup>v</sup>						
Isabella Waryn	. . . mes. Free (gap left in MS.)	1 cow 3/-	(gap left in MS.)	"		
William Parson	1 mes. Free	1 horse 8/-	18 <i>d.</i> relief	"		
Walter Skynner	1 mes.	1 horse 8/-	3/- relief	"		
John Smyth	2 mes.	1 cow 2/6	4/- relief	"		
Cristina daughter of Wm. atte Strate	1 acr.		6 <i>d.</i>	Johanna wife of John Ewer	next heir	full
Henry Merenden	1 acr.		pardoned	John	son	full
William Irman	1 mes. ½ virg.	1 ox 6/-		Alicia (in lord's hands <i>quousque</i> )	daughter	full
Paulina Brutewell	1 mes. ½ virg.	1 ox 3/-	6/8 w. merch.	John	son	full
William Sprot	2 mes. 1 virg.	1 ox, 1 cow 5/-		Johanna, wife of John le King (in lord's hands <i>quousque</i> )		
Adam Thomas	2 mes. ½ virg. ½ virg.	2 oxen 6/-		in lord's hands <i>quousque</i> (wife Celia to be dowered)		
Thomas Stout	1 mes. Free	(blank)	6 <i>d.</i> relief	heir to be distrained		
William atte Brugg	1 mes.	1 cow 2/6				
John, son of Geoffrey Asscelyne	2 mes. ½ virg.	1 horse 2/- 1 brass pot 12 <i>d.</i>	5/- w. merch.	Adam	brother	full
John de Bernham & wife Johanna	1 mes. ½ virg.	1 sheep 4 <i>d.</i>	¾	Alicia (G. Ralph le Smyth)	daughter	1 yr

<i>Dead Tenant</i>	<i>Holding</i>	<i>Heriot</i>	<i>Fine</i>	<i>Heir</i>	<i>Relationship</i>	<i>Age</i>
Johanna Cristemasse	1 mes. 1 ferth.	1 horse 18d.	4/- w. merch.	Edeclina	daughter	full
Nicholas le Kyng	1 mes. $\frac{1}{2}$ virg.	1 ox 3/-	3/-	Alicia (and no other heirs, therefore in lord's hands. Later given to Walter Hereward who paid fine)	daughter	10 yrs
Adam Assceline <i>f. 70</i>	2 mes. $\frac{1}{2}$ virg.	1 horse 18d.	5/- w. merch.	Henry	brother	full
William Ireman	1 mes. $\frac{1}{2}$ virg.	1 ox 3/-	7/-	John, son of John de Brutewell. Father came and paid fine		1 yr
Nicholaus Tailleur <i>C. October 27, 1349</i>	1 mes. 9 acr.	0	12d.	John (G. John Toky)	son	9 yrs
Johanna Pope	1 cot. 1 curt. ( $\frac{1}{2}$ acr.)	1 bill $\frac{1}{2}$ d.	pardoned	John (surrendered it, but taken up)	son	
John Averey	2 mes. $\frac{1}{2}$ virg. $\frac{1}{2}$ virg.	1 horse, 1 ox 7/6	3/-	John (G. Cristina, mother)	son	2 $\frac{1}{4}$ yrs
Henry Cokedell	3 mes. 21 acr.	2 oxen, 1 cow 9/-	4/-	Cristina who claims for 1 acr. and $\frac{1}{2}$ virg.)	wife (conjoint)	
William Cokedell	1 mes. 5 acr. 3 roods	0 <i>quia de novo edificatur</i>	4/-	John	son	
Richard Williot	1 mes. $\frac{1}{2}$ virg.	1 ox 7/-	pardoned	Agnes (G. John Cokedell)	daughter	2 yrs
Gilbert Hasard	6 acr.	0	pardoned	John	son	

John Albon	$\frac{1}{2}$ virg.	0	6/8	John (G. William Wellemen)	son	2 yrs
Ibid.	2 mes. Free	1 cow 2/6	4/6 relief	heir to be distrained		
<i>f. 70 d</i>	3 mes.	1 cow 2/6	11/- relief	heir to be distrained		
Gilbert Cauche	1 croft	0	27d. relief	"		
John atte Lee	1 mes. Free	1 bullock 20d.	4d. relief	in lord's hands		
Ibid.	1 mes. 1 $\frac{1}{2}$ virg.	1 ox 3/-		heir to be distrained		
John Wodeward	1 mes. $\frac{1}{2}$ virg.	0 (poor)	3d. relief	in lord's hands		
John Saman	1 mes. $\frac{1}{2}$ virg.			heir to be distrained		
Margeria Shraf	1 mes. Free			in lord's hands <i>quous-que</i>		
Henry Phelipp	4 crofts (15 acr.)			heir to be distrained		
Henry Parson	1 mes. and land. Free.	1 horse 4/-	6/5 relief	"		
John Waryn	1 mes. several mes. Free.	1 cow 2/6	15/5 relief	in lord's hands		
Ibid.	w. land	1 cow 5/-	16/2 relief	in lord's hands <i>quous-que</i>		
John de Ely	1 acr.			"		
Thomas Hampton	3 acr. 1 rood <i>nat.</i>			Agnes (G. Robert de Bradefeld)	daughter	3 yrs
John Portereve	1 croft. 3 acr.		2/-	Margarete (G. Willi-	daughter	7 yrs
<i>D. April 27, 1350</i>				mina, mother)		
Simon Hulle	3 acr. 1 rood pasture		2/-	Elanora (conjoint heir)	daughter	
Thomas de Hampton	9 acr.			in lord's hands <i>quous-que</i>		
Alice Williot	1 mes.	1 cow & calf				
Thomas Turn						

PARK

Dead Tenant	Holding	Heriot	Fine	Heir	Relationship	Age
A. April 26, 1347 f. 89 <sup>v</sup> Ralph Parker Elena le Whyte	1 mes. 1 acr. 1 cot. 1 curt.	1 <i>iuventus</i> 3/- 1 mattock 3d.	6d. relief 3/4	John Petyt	3 sisters son	full
B. October 25, 1347 f. 90 John Potter Agnes Rolf	1 cot. 1 curt. 1/2 acr. Free 1 cot. 1 curt.	1 cow 7/- 0 (poor)		Adam Stephen Rolf	son	full
f. 90 <sup>v</sup> Ralph Williem (sic)	1 mes. 1/2 virg. 7 acr.	1 ox 12/-	20/- w. merch.	William (G. Sarah, mother)	son	12 yrs
f. 91 Thomas atte Hulle	1 mes. 1/2 virg. <i>astrum</i>	1 brass pot 2/- 1 <i>urciolus</i> 12d.	10/-	Gilbert	son	full
C. May 8, 1348 f. 91 <sup>v</sup> William Fulk	1 mes. 1/2 virg. 1 cot. w. curt. (1/2 acr.) 1 1/2 acr. 1 croft (4 acr.)	1 <i>affrus masc.</i> 18d. 1 pot 2/-	6/8	John	son	full
Ralph Savare f. 92 <sup>v</sup>	1 mes. 1/2 virg.	1 byl. 1d.	10/-	Alicia (husband Ric. le Bret pays fine)	daughter	full
D. October 23, 1348 Amicia le Bedell Agnes Halpeny'	1 mes. 16 acr. (part free) 1 cot.	1 pig 2/- 1 sheep <i>matrix</i> 20d.	18d.	Thomas Broun John Halpeny	son	full
Stephen Rolf	3 mes. 4 acr. Free	1 <i>iuventus</i> 2 <i>iuventi</i> 17/8	2/3 1/2 relief			
Adam Smart	2 acr.		3/4	Walter	brother	full

E. May 7, 1349 f. 93-95 <sup>v</sup> John Pieres	1 mes. 1/2 virg.	1 cow 5/-	Pardoned	Agnes, daughter of Roger Pieres (G. Richard Neel)		1 yr
William Yherdele	2 <i>astra</i> . 80 acr.	1 cow, 1 ox 16/-	12d.	Elena Yherdle (G. Reginald Yherdle)	daughter	1 yr
Christina, widow of Wm. Smart	1 mes. ferth.	1 ox 7/-				
Richard Hendegome	5 <i>astra</i> . 1 1/2 virg.	2 <i>affrus masc.</i> 2 <i>affrus fem.</i> 1 cow 25/-	6d.	John Bigge (G. Wm. Bigge)		12 yrs
John atte Forde	2 mes. 1 ferth. 15 acr.	2 <i>affrus masc.</i> 1 <i>affrus fem.</i> 4/-	2/-	Richard atte Forde	son	full
Roger Beneyt John Tailleboys	1 <i>astrum</i> . 1 acr. 1 mes. of about 1 acr.	1 cow 5/- 1 <i>iuventus</i> 7/-	pardoned	Elena (G. Sara Beneyt) Cristina, (G. Emma, mother)	daughter daughter	6 yrs 5 yrs
Roger le Beadle and wife Christina	1 mes. 20 acr. Free	1 mattock 2 1/2 d.	16/1 relief	John Bedell		
Simon Petyt	1 cot. 1 acr.	1 ewe 10d.		John (G. Richd. Petyt)	son	5 yrs
Nicholas Collesone	1 cot. w. curt.	brass pot 4d.		Nicholas Willesone		16 yrs
William Willesone	1 croft (2 acr.)	0		Nicholas Willesone		16 yrs
Hugh le Taillour	1 mes. 1 ferth.	1 <i>affrus</i> 3/-	2/-	Richard	son	full
John Howe	1 <i>astrum</i> . 1/2 virg.	1 horse 3/-		Alicia	sister	full
Richard Bokeler	1 mes. 3 acr.	1 <i>affrus</i> 3/6		Richard (G. Margery Bokeler)	son	3 yrs
John Hichecok	1 mes. 8 acr.	1 cow 4/-		no heir. In lord's hands		
Robert Cupman	1 mes. 1 1/2 ferth.	1 cow 4/-	6d.	Cristina (G. Agnes, mother)	daughter	4 yrs
Adam le Daye	1 mes. 1 acr.	1 cow 4/-		Matilda	daughter	4 yrs
Thomas le Muleward	1 mes. 1 ferth.	1 cow 4/-	6d.	John (G. Henry Mule- ward)	son	4 yrs

<i>Dead Tenant</i>	<i>Holding</i>	<i>Heriot</i>	<i>Fine</i>	<i>Heir</i>	<i>Relationship</i>	<i>Age</i>
John Coulyng Margery Betrich Robert le Swon	1 mes. 1½ acr. 1 mes. 1½ acr. 1 cot. w. curt.	1 <i>iuentus</i> 3/- 1 ewe lamb 6d. 1 ewe 6d.		John Blacherd John ( <i>per legem Anglie</i> ) Roger (in lord's hands <i>quousque</i> )	husband son	full
John Smart	1 mes. 1 ferth.	1 ox 4/-	pardoned	Agnes (G. Alexander Slape)	daughter of Wal- ter Smart	8 yrs
John Skyle	1 mes. ½ virg.	1 cow 3/6	6/8	Edith Skyle surrender to Wm. Athelwyke		full
Alexander Gregory	1 mes. ½ virg.	1 cow 3/6	¾ w. merch.	John	son	full
William Smart	1 cot. w. curt.	1 cow 3/-	2/-	Agnes (G. Alexander Slape)	daughter of Wal- ter Smart	8 yrs
John Avereye Adam le Potter John Shepherd	1 mes. ½ virg. 1 cot. w. curt. Free 1 mes. Free. 1 ferth.	1 calf 10d. ½ bullock 15d. 1 cow 3/6	¾ w. merch. ½d. relief	Nicolas Leverich Richard	brother	full full
Alexander le Bedell	1 cot. w. curt.	1 horse 4/-		Johanna (G. John Cokedell)	daughter	8 yrs
Ralph Frenshe Matilda Blakberd	1 mes. 3 acr. Free 1 mes. 1 ferth.	1 ox 3/- 1 horse 3/-	20d. relief pardoned	James John Blakberd (un- willing heir) John Dryver took it up	son	full
William Faleys Thomas Wykyng Thomas Hendegone	1 cot. w. curt. 1 mes. 1 ferth. 2 mes. 1 ferth.	1 pig 6d. 1 <i>iuentus</i> 16d. 2 horses 13/4	2/- 4/- w. merch.	Alicia Alexander Adam	wife son brother	full full
John Gregori	1 mes. ½ virg.	1 ox 3/-	¾	Richard (G. Alexander Slape) (for few months?)	brother	minor

Richard atte Rothe atte Threhouses	1 mes. ½ virg.	1 horse 2/-	6/8 w. merch.	Thomas	son	16 yrs
Alicia Eywode Simon Mayheu Thomas Smart	1 mes. ½ virg. 1 mes. 1 virg. 3 mes. 1½ virg. ½ ferth.	1 cow 3/- 1 ox 3/- 2 oxen, 1 cow 9/-	6/8 6/8 <i>gersuma</i> as elsewhere 5/- w. 20d. merch.	Gilbert Smith Roger atte Beche Richard	<i>cognatus</i> son	
Thomas Gylemot	1 mes. 1 ferth.	1 cow 4/-	20d. relief	Richard Herpesfield		6 yrs
James Freynssh	1 mes. 3 acr. Free	1 cow 3/-, 1 bullock 8d.	10/-	Alicia (G. Richard Rothyng) John	<i>cognatus</i> son	
William Caysho	1 mes. 1 virg.	1 ox 4/-, 1 horse ¾		Agnes (G. Richard Ailward)	daughter	1 yr
Roger Piers	1 mes. ½ virg.	1 ox 4/-		William Alicia	son daughter	full full
Richard Colyn John Nottle Agnes Neel Matilda Hendegome	1 mes. 1 virg. 1 mes. 3 acr. Free 1 cot. w. curt. 1 mes. 2 acr.	1 <i>iuentus</i> 8d. 1 horse 12d. 1 sheep 4d. 0	6d.	Ralph John Bigge (G. William, father)	brother	12 yrs
John Ayleward Cristina Hug'	1 mes. 1 virg. 1 mes. 1 ferth.	1 ox 2/6 0	¾	Thomas John Bigge (G. Walter Rothe)	brother	full 12 yrs
Johanna Broman John Bark	1 mes. 3 ferth. 1 mes. 9 acr. 1 acr. meadow	0 0	½d.	Adam Hendegome Cristina (conjoint)	wife	full
Gilbert atte Hulle Walter Braserye Hugo Crok William Caysho	1 mes. 80 acr. 1 mes. 9 acr. 1 mes. 3 acr. 2 mes. 70 acr.	1 horse 3d. 1 <i>iuentus</i> 2/- 1 calf 6d. 1 ox, 1 horse 6/-	13/4 ¾ 2/-	William Felicia Salecok Richard Beuchaump John (G. Alice, mother)	brother son	12 yrs
Peter le White John Pele	1 mes. 4 acr. 1 mes. 5 acr. Free	1 <i>iuentus</i> 2/- 1 cow 3/-	12d. 12/- relief	Roger Roger	son son	full full

<i>Dead Tenant</i>	<i>Holding</i>	<i>Heriot</i>	<i>Fine</i>	<i>Heir</i>	<i>Relationship</i>	<i>Age</i>
Alicia Prat	1 mes. 16 acr. Free	1 steer 20d.		Roger	son	full
Margeria Cok	1 mes. 3 acr.	0 (poor)	12d.	granted by lord to Elene Blaunche		
Custancia Knotte	1 mes. 1 virg.	1 mare 8d.	5/-	Isabella (Geof. Colyn her husband, took up land to himself and heirs of Isabella)	sister	full
Elena Adam	1 mes. ½ virg.	1 <i>iuventus</i> 12d.	2/-	Matilda	daughter	full
John Edrich	1 mes. 2 ferth.	1 horse 12d.		John	son	6 yrs
Richard Edrich	1 mes. 10 acr.	1 <i>urciolus</i> 4d.		John Edrich		6 yrs
Isabella Willes	1 mes. 1 ferth.	0 (poor)		Juliana Bele		9 yrs
John Aumfelis	1 mes. ½ ferth.	0 (poor)	12d. w. merch.	Margeria	sister	
Henry le Muleward	3 acr. arable. 3¼ acr. meadow		3/4	Henry	son	full
Roger atte Broke	1 mes. ½ virg.	0 (poor)		Alicia atte Broke		10 yrs
Cristina Hendegome	1 mes. 2½ acr.	1 ewe 6d.		John and William Shepherd ( <i>per legem Anglie</i> )	son and husband	12 yrs
Thomas Thrustel	1½ acr.		6d.	no heir. William Sil- vester took it up		
John Sovereyn	1 ferth.		12d.	Richard Sovereyn in lord's hands <i>quousque</i>		
John le Helder	1 ferth.			Alicia atte Watere		full
Walter atte Watere	1 croft (abt. 2 acr.)		6d.	Cristina	daughter	
Thomas Wikyng de Esthide	2 mes. ½ virg.	2 oxen 6/-	6/8 w. merch.			
Hugh Broun	1 mes. w. some free land	0	9/4 relief	no heir (?)		
Richard Smart	3 mes. 1½ virgs. ½ ferth. 9 acr. Free	0 6d.	10/-	Alicia John Boteler and Alicia	d. of Cristina his niece	

Richard atte Rother <i>F. November 6, 1349</i>	1 mes. 1 virg.	1 ox 3/-	10/- w. merch.	John	son	13 yrs
Geoffrey Bartelot	1 mes. w. free tent. 4 acr.		21/6 relief	Matilda	daughter	full
John Chapman	1 cot. w. curt.	1 <i>iuventus</i> 2/-	pardoned	Alexander Gregori (G. Alexander de Slape)		8 yrs
Adam Rolf	1 cot. w. curt.	1 <i>iuventus</i> 2/-	2d. relief	Alexander de Slape <i>per reversione</i>		
Robert Coser	1 mes. 1 ferth.	1 cow 3/-	18d.	Walter	son	full
Ralph Hanhamsted	3 mes. 1 virg. 1 ferth. (& free land, unknown how much)	3 oxen 11/-	pardoned	Matilda	daughter	12 yrs
Alicia, daughter of John Nottele	1 mes. 3 acr.	1 <i>iuventus</i> 3/-		in lord's hands <i>quos- que</i>		
Richard atte hide de Lan- gele	3 mes. Free	1 ox, 1 cow 12/-		Amicia Curteys de London distrained for relief		
William Sprot	1 mes. 3 ferth.	1 young pig 4d.		John (in lord's hands <i>quousque</i> )		minor
<i>G. April 29, 1350</i> <i>f. 96</i>						
John Grom <i>f. 96v</i>	1 mes. ½ virg.	1 steer 4/-		Katherine	daughter	3 yrs
Agnes Peres	1 mes. 1 virg.	1 cow 6/-, 1 mare 2/-	3/4 w. merch.	Richard Neel and Anabil Smart		
Cristina Peris	1 other mes. ½ virg. 1 croft		12d.	Anabil Smart Richard Neel ( <i>per legem Anglie</i> )	husband	
Alicia Goldsmyth <i>f. 97</i>	1 acr. w. cot.	1 brass pot 12d.	12d.	Nicholas	son	
Roger de Slape	1 mes. 1 ferth.	0	10/- w. merch.	Alexander de Slape		

## CODICOTE

<i>Dead Tenant</i>	<i> Holding</i>	<i> Heriot</i>	<i> Fine</i>	<i> Heir</i>	<i> Relationship</i>	<i> Age</i>
<i>f. 73 b</i> A. May 22, 1348 William Terry junior	1 mes. 1 curt.	1 bill 2d.		William Cristina	son wife (conjoint w. husband)	7 yrs
Cristina Coke Robert le Swon	1 mes. w. curt. 1 cot. w. curt. 2 acr. and 5 acr.	1 pig 4/- 1 cow 5/-	3/4	John Juliana Robyn (did not come, in lord's hand <i>quousque</i> )	son wife (conjoint)	full
<i>f. 74</i> B. Nov. 6, 1348 Juliana Robyn	1 cot. w. curt. 2 acr. and 5 acr.	1 cow 6/8	2/-	Robert	son	full
Margeria le Bray	1 mes. 5 acr.	1 sheep <i>matrix</i> 8d.		Johanna, wife of Thomas Faber		full
<i>f. 74 b</i> John le Freynsh William Thekkenheye	½ acr. 1 mes. ½ virg. 1 ferth.	1 horse 2/-	3/4	Agnes Margaret (did not claim, in lord's hands <i>quousque</i> )	wife (conjoint) wife (conjoint)	
Ibid. Agnes le White, widow Ric. Strate	1 mes. 5 acr. 1 plac. 5 acr.	1 sheep <i>matrix</i> 8d.	5/- w. merch.	John John le White senior	son son	full full
Agnes le White	1 plac. 9 acr.	1 pitchfork 4d.	2/-	John le White senior. Surrendered to John le White junior	son	

C. May 19, 1349 John Muleward	1 mes. 3 acr.	1 ox 6/-	5/-	Walter son of Robert Muleward		full
Margeria, d. of Agneta Martyn	1 cot.	1 pitchfork 6d.	6d.	Marg. wife John Wille		
Hugh Aleyn	1 mes. ¼ virg.	1 ox 5/-	pardoned	Eva Partyn (granted by lord to Roger Carpenter and Eva, his wife)		
John atte Pirye John le White Rosa la Daye Richard atte Dane John atte Pirye junior	1 mes. ½ virg. 2 crofts. 1 <i>astrum</i> 1 mes. 22 acr. 1 mes. 8 acr. 1 mes. 10 acr.	1 ox 4/- 0 ½ calf 6d. 1 cow 2/- 1 <i>iuventus</i> 18d.	5/- pardoned 12d.	Alicia John Thomas atte Dane Richard atte Dane Robert (G. Richard atte Pirye)	daughter brother son	full 8 yrs
John Thikkeneye Ralph Thikkeney Margareta Monewood Simon Walter	1 mes. 5 acr. 1 mes. ½ virg. 1 mes. ½ acr. 1 mes. 5 acr.	1 <i>iuventus</i> 3d. 1 cow 3/- 1 cow 2/- 1 cow 12d.	6d. 6d.	William William, fil. William William Margeria (G. Alicia, mother)	brother grandson son daughter	4 yrs 5 yrs
William Haleward (wife's land) John Martyn	1 mes. ½ virg. 1 mes. 10 acr. 1 cot. w. curt.	1 <i>iuventus</i> 6d.	pardoned merch. 6d.	Alicia	wife (conjoint) sister	
Robert Ludde	1 acr.		12d.	Agnes (wife of John Cok who paid fine)	sister	
Walter Arnold	1 mes. ½ virg.	1 ox 3/-	10/- w. merch.	Reginald	brother	
John le Budell <i>f. 75 b</i> William Marchall	1 mes. 10 acr. 1 mes. ½ virg.	1 ox 4/- 1 horse 18d.	2/- 2/- w. merch.	Agneta John	wife son	

<i>Dead Tenant</i>	<i>Holdng</i>	<i>Heriot</i>	<i>Fine</i>	<i>Heir</i>	<i>Relationship</i>	<i>Age</i>
Adam Robyn	5 roods		pardoned	William (G. Scolastica, mother)	son	3 yrs
John le Clerk	2½ acr.		pardoned	John Taglemere		
William atte Dane	2 mes. 3 acr.	1 sheep 6d.	6d.	Hugh (G. Alicia, mother)	son	5 yrs
William le Muleward	1 mes. 2½ acr.	1 horse 2/-	6d.	John (G. Margaret, mother)	son	11 yrs
William fitz Wm. atte Dane	1 cot.	0	pardoned	John (G. Margaret, mother)	brother	11 yrs
Reginald Smith	1 mes. 10 acr.	1 horse 5/-	6d.	Cristina (G. Johanna, mother)	daughter	8 yrs
Thomas le Cupper	1 mes. 3 acr. 1 rd.	1 bullock 2/-	6d.	John (G. Julianna, mother)	son	½ yr
Alicia le Bedell	1 cot. 1 curt.	1 sheep 3d.	pardoned	John Taglemere, no heir. In lord's hands	<i>cognatus</i>	
John le Webbe	1 cot. w. curt.	0				
Reginald Ernold	1 mes. ½ virg.	1 bullock 2/-	¾	Thomas Jambbe. Surrendered to William Monewode		
Margareta le Pottere	1 mes. 1½ acr.	1 axe 1½d.	6d.	Hugh le Pottere		
William atte Grave	1 cot. 2 acr.	0	2/-	John Taglemere		
Walter atte Hathe	1 mes. 4 acr.	0		no heir. In lord's hands		
William Terry	1 mes. w. curt.	0	6d.	Thomas atte Dane		
Henry Haukyn	1 mes. 1 ferth.	1 bill 1d.		in lord's hands		
Dom. John Vicar	1 cot.	2 cows 6/-	12d.	John Wittenham		
Henry Carpenter	2 mes.	0	2/-	Henry	son	
Walter atte Hulle	1 cot. w. curt.	1 sheep w. lamb 4d.	6d.	Mabil (G. Wm. Cok)	daughter	8 yrs

Juliana Evelot	1 cot. w. curt.	0		no heir. In lord's hands)		
William Osebern	1 mes. 11½ acr.	1 horse 2/-	2/-	Margareta Wyther		
John le Fuller	1 cot. w. curt.	1 horse 2/-		in lord's hands <i>quousque</i>		
Johanna London	½ cot. w. curt.	1 sheep 4d.	6d.	John London		
John Banghull	1 cot. w. curt.	1 sheep 2d.	3d.	John (G. Scholastica, mother)	son	4 yrs
Richard Banghull and Agnes his wife	1 mes. and plac.	0	12d.	Juliana	daughter	full
Richard le Helder	cot. w. curt.		pardoned	William (G. Alicia, mother)	son	3 yrs
Eva le Helder	3 cot. w. curt. 19 acr.	2 horses, 1 cow 20/-		William	son of Ric. Elder	3 yrs
f. 76 Reginald Doget	1 cot.	1 horse 2/-		John Sara	son	full
Simon Childeme	2 mes. ½ virg.	1 horse 3/-, 1 ox 3/-	6/8	Hugh	wife (conjoint)	full
Matilda Carpenter	1 mes. 7 acr.	1 cow 2/-	2/-	Henry Muleward		
John Boveyre	1 mes. 1 ferth.	1 horse 2/-	12d.	John	son	full
William atte Hulle	1 mes. ½ virg.	1 horse 2/-				
f. 76 b Robert Ayleward	1 mes. 2½ acr.		pardoned	in lord's hands <i>quousque</i> . Later granted to John Muleward		
Ralph Muleward	1 cot. w. curt.	1 cow 3/-		John Lucia Lorugh	son	
Simon le Muleward	1 mes. 9 acr.	1 ox 2/-		in lord's hands <i>quousque</i>	wife (conjoint)	
Geoffrey atte Thorne	1 mes. 1 ferth.	1 cow 2/-		John (in lord's hands <i>quousque</i> )	son	1 yr
John Lorugh	1 mes. 14 acr.	1 sheep 2d.		John	son	4 yrs
Robert atte Pirye	1 mes. 24 acr.	1 brass pot 2d.		In lord's hands <i>quousque</i>		



<i>Dead Tenant</i>	<i>Holding</i>	<i>Heriot</i>	<i>Fine</i>	<i>Heir</i>	<i>Relationship</i>	<i>Age</i>
Eva Hechele	1 cot. w. curt.	0	pardoned	John Hechele	brother	
William atte Felde	1 mes. 2 acr. Free	1 ox 2/-	3/6 relief	(heir distrained to do suit)		
Richard Punchard	1 cot. 2 acr.	1 bullock 10d.	12d.	Adam Punchard	brother	minor
<i>f. 77</i> D. October 20, 1349						
Robert Ayleward	1 cot. w. curt. 2½ acr.	0	pardoned	no heir. Lord grants to John Muleward		
Sibilia le Reve	1 mes. 3½ acr.	0 (poor)	6d.	Robert (G. Simon atte Pirye)	son	10 yrs
John White	1 astrum. 2 acr.	0 (poor)		in lord's hands		
Agnes Thourghbern	1 cot. 1 rood	1 sheep 6d.		" (except 1 toft granted out)		
Simon Muleward	1 mes. 9 acr.		pardoned	no heir, granted to John atte Thorn		
Robert Riche	1 mes. 2 acr.	1 sheep 6d.		no heir		
<i>f. 78</i> E. April 21, 1350						
John Morice	1 mes. ½ acr.	1 cow 6/8	6d.	granted by lord to John atte Stile		

TABLE II

MANOR	POPULATION			DEATHS						NEW TENANTS						VACANT			NO HEIRS			Per cent Death	1349 Marriages				
	Domes- day	C. 14th	Later <sup>1</sup>	April & May 1348	Oct. & Nov. 1348	April, May, June 1349	Oct & Nov. 1349	Apr. & May 1350	TOTAL 1349	HOLDERS OF AGE			MINORS			May 1239	Oct. 1349	Apr. 1350	May 1349	Oct. 1349	Apr. 1350		..	May	Oct.		
										May	Oct.	Apr.	May	Oct.	Apr.												
										1349	1349	1350	1349	1349	1350												
May		Oct.		Apr.																							
BARNET	..	10 Ed. II. 72 names (Subsidy Roll)	1801 Chipping B. 215 houses 597 males East B. 56 houses 185 males	1	1	81	4	2	85	38	1	2	37	2	0	4	1	0	3	1	0	..	..	..	No evidence	..	..
CASHO	52	6 Ed. III. C. 200 (Extent) (69 Cashio 13 Britwell 115 Watford 17 ?)	1801 Watford 661 houses. 1,736 males	2	..	55 (incl. 5 wives)	18	4	73	24	9	1	10	3	2	9	6	1	1	..	..	..	..	..	..	10	7
CODICOTE	24	5 Ed. III. C. 121 (Extent)	1801. 99 houses 309 males	3	5	59 (incl. 1 wife)	6	1	65	33	0	0	15	1	0	9	23	15	4	3	1	57% or 45% without women	..	..	..	3	..
ABBOTS LANGLEY	19	..	1801. 222 houses. 601 males	3	1	73 (incl. 2 wives)	9	1	82	40	3	..	20	6	1	2	..	..	4	..	..	..	..	..	14	7	
NORTON	22	..	1801. 55 houses 118 males Neunham 13 houses 44 males	..	4	April 4. (3 women) June 20 (4 women)	3	2	27	18	1	1	2	2	1	0	1	0	0	0	0	35%	..	..	..	7	7
PARK	..	5 Ed. III. C. 150 (Extent)	1801. 150 houses. 380 males	2	4	77 (incl. 1 wife)	8	5	85	44	4	5	28	3	1	3	1	0	4	0	0	..	..	..	8	11	
TYTTENHANGER	..	5 Ed. III C. 90 (Extent)	1801. 59 houses 180 males	..	31	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
WINSLOW	..	..	..	2 (1 woman)	0	16 (incl 6 women)	13 (3 women)	2 (1 woman)	29	9	9	2	6	3	0	..	1	..	..	..	..	..	..	..	..	3	1
SHIPTON	..	..	..	1	0	5 (2 women)	5	..	10	4	2	..	1	2	..	..	1	..	..	1	..	..	..	..	..	4	1
HOREWOOD	..	..	..	1 (woman)	0	74 (incl. 15 women. 3 wives)	23 (7 women)	2 (women)	7	45	15	2	21	5	..	2	..	..	2	..	..	..	..	..	..	22	7
GRENEBOROUGH	..	..	..	1	0	8 (incl. 3 women)	12 (3 women)	1	20	6	6	..	2	3	1	..	3	..	..	1	..	..	..	..	..	1	1
									156																		

<sup>1</sup> From the population returns, 41 Geo. III, ed. Clutterbuck, vol. i, p. 3.

TABLE III  
ANALYSIS OF NEW TENANTS, MAY 1349

MANOR	SONS		DAUGHTERS		OTHER RELATIONS		STRANGERS	DOUBTFUL		NO HEIR	NO EVIDENCE
	<i>Full age</i>	<i>Minor</i>	<i>Full age</i>	<i>Minor</i>	<i>Full age</i>	<i>Minor</i>		<i>Full age</i>	<i>Minor</i>		
Barnet . . .	15	14	5	8	13	11	1	4	4	3	5
Cashio . . .	11	3	5	4	4	2	..	4	1	1	17
Codicote . . .	8	9	2	3	15	4	2	11	..	4	5
Park . . .	13	8	3	7	20	8	1	7	5	4	3
Norton . . .	6	1	3	1	8	0	..	1	..	..	..
Langley . . .	17	13	6	4	15	3	3	6	0	4	..

TABLE IV

CODICOTE. LANDS VACANT IN LORD'S HANDS

1. *Tuesday after St. Luke. 23 Ed. III (20 Oct. 1349).*

John White	1 astr. 2 acr.
Agnes Thourghberum	1 cot. 1 rood
John Lorugh junior	1 mes. 14 acr. (in lord's hands except wife's dower)
John Webbe	1 cot.
Hugh Aleyn	1 mes. 40 acr.
Walter atte Hathe	1 mes. 3 acr.
William Terry	1 cot. 1 curt.
John Haukyn	1 mes. 11 acr. ( <i>et sunt alie terre in manibus diversorum tenementium de quibus inquiratur</i> )
John Morice	1 cot. 1 rood
Alicia Syre	1 cot. with curt.
Martyneslond ( <i>que tradita fuit</i> )	
John Lombe junior)	5 acr.
Agnes Martyn	1 cot. with curt.
Thos. Bromshale	5 acr.
Robert Riche	1 mes. 2 acr.
Ralph Thikkeneye	1 mes. $\frac{1}{2}$ virg.
Geoffrey atte Thorne	1 mes. 1 ferth.
Robert atte Pirye	1 mes. 24 acr.
William atte Hulle	1 mes. $\frac{1}{2}$ virg.
Reginald atte Hurne	1 mes. 1 ferth. (3 acres of which are let to John Smyth)
Ros, Daye	1 mes. 22 acr.
Gunnildescroft	5 acr.

NOTE. At the court held on Thursday, 11 November 1350, the jurors presented an account of sums received by the Beadel from the sale of pasture and yield of fifteen small parcels of land being vacant and in the lord's hands. The former owner is named in five cases, in the others a field name only is given. The profits range from 3d. to 5/-, one piece is described as 9 acres, and another as a rood, otherwise there is no indication of size.

THE ACCOUNTS OF ST. MARY DES PRÉS  
(PRAY)<sup>1</sup>

THE lack of account rolls for the St. Albans manors is an almost insuperable difficulty in the way of economic description and analysis. It is therefore perhaps permissible to make a detailed report on the one set of such accounts which survives in a usable form, the account rolls of the priory of St. Mary des Prés, a small nunnery just outside St. Albans to the north-west.

The priory of St. Mary des Prés was founded by Abbot Warin in 1194 as a refuge for leprous nuns. Some time after 1223 the priory, which had always been very poor, seems to have fallen into decay, but about 1254 the house was rebuilt. Probably at this time it lost its original character and became an ordinary nunnery. Regulations for it were drawn up by Abbot Richard de Wallingford (1328-36), and some Ordinances survive in Cotton MS. Nero D. 1, probably made by Abbot Michael or Thomas de la Mare.<sup>2</sup> In 1341-2 the community consisted of four nuns; in 1342-3 of five, and in 1352-5 of eight sisters and a prioress. The lands of Pray were during the fourteenth century managed and supervised by one of the monks—such as Brother Richard of Bovingdon, Brother Ralph and Brother John Flitewyte—known as the 'Mestre des Prés'.

The agricultural methods in use at Pray may reasonably be assumed to be similar to those of adjoining estates for the Abbey. As the few rolls extant fortunately cover the crucial period of the Black Death they are doubly valuable.<sup>3</sup>

<sup>1</sup> [This short study was left complete by Professor Levett apart from a few connecting sentences. She had herself drawn up the tables which it contains. It is probable that she intended it to form part of a longer study. L.S.S.]

<sup>2</sup> *V.C.H. Herts.* iv. 428 seq.

<sup>3</sup> P.R.O. Ministers' Accounts 867/21-36.

According to a slip of parchment attached to the roll for the years 1356-7,<sup>1</sup> the nunnery at Pray held 107 acres in the common field between the Domum de Prato and the Dounefield, together with 39 acres in the Woodfield, upwards of 120 acres scattered in 15 crofts and fields, and 37 acres of pasture called Prayheath. At Pleydell, of which the accounts are always combined with those of Pray, 45 acres remained in the hands of the prioress, while 11 acres had been let by Brother Nicholas, who had just given up the 'Mastership' of the House of Pray. That is to say, 146 acres were to be found in the common field and one large field probably assarted from the woodland, while another 176 acres was made up in other ways. From the Grange account we gather that as much as 180 acres was sown with wheat and oats, the two principal crops. Barley and rye hardly appear at all,<sup>2</sup> drage and mixtel in smaller quantities than wheat, and the oats grown were almost entirely used for horses or pigeons. Hence it is natural to find that the harvest-workers were usually given white loaves, as were all the household servants, and the poor. Some beans and peas were grown, and vetches were fed green to the horses.

The estate at Pray does not, at this date, appear to have included any villein lands, in spite of the mention of the common field. Certainly no villein services are mentioned, and the property of the Sisters appears to have constituted a home-farm rather than a manor. No court was held at Pray, whereas at the priory of Sopwell the prioress holds a manor and the court is known as *curia domine*. The agricultural work at Pray was normally accomplished by four ploughmen, two *Fugatores* (leaders of the plough), a carter, a shepherd, cowherd, swineherd, two maids in the dairy, one or two tanners, and one 'Preyman'—perhaps the hayward. The household further

<sup>1</sup> P.R.O. Ministers' Accounts, no. 26.

<sup>2</sup> The St. Albans district lies outside the rye areas noted by Sir William Ashley, *The Bread of our Forefathers*, p. 91.

required a chaplain, clerk, *Garcionum magister* (?), and a *Barbetonsor*.

The following table sets down the wages of this household at the few dates available. Though it must be remembered that a money wage on this scale is little more than a courtesy<sup>1</sup> and needs to be considered in connexion with land, rents, and various allowances in kind which were the substantial portion of the workman's wages, these tables are of some value, and permit the making of a few generalizations about the effects of the Black Death upon the estate. The difficulty of compiling such tables is considerable. The rate of day-wages is usually the only satisfactory standard, and it is sometimes difficult to discover precisely what was added by way of meals to the money wage. It is here assumed that *ad mensam* implies full meals, while *ad tascham* meant work without meals. In one case immediately after the Black Death a food allowance of 2d. p.d. was given to the harvesters in place of food. Occasionally wages are noted as *sine cibo* instead of *ad tascham*, but the phrase, usual elsewhere, *ad cibum domine* is here always replaced by *ad mensam*. Beer is sometimes given without meals; the women who 'collected straw' had 2½d. per day and 2 gallons of beer for their *Nunschenches*, among six of them.<sup>2</sup>

## WAGES

*Household and Agricultural Labour. Pray*

	1341-2 Min. Accts. 867/21	1350-1 Min. Accts. 867/23 and 24	1352-3 Min. Accts. 867/25	1356-7 Min. Accts. 867/26 (not a full year)
Chaplain . . .	20/- p.a.			
Clerk . . .	4/-		{ 8/- ¼ year 6/8 for writing account	

<sup>1</sup> The *decimator* who collected tithe received 2s. 6d. in one case, while another who collected and carried tithe to Redbourn received 4s. 2d. made up of stipend and allowance. Such rates show that yearly wages of 2s. and 3s. or even 5s. and 6s. were little more than pocket-money. (Cf. P.R.O. Ministers' Accounts, 867/24.)

<sup>2</sup> P.R.O. Ministers' Accounts, Bundle 867/25.

## Household and Agricultural Labour. Pray (cont.)

	1341-2 Min. Accts. 867/21	1350-1 Min. Accts. 867/23 and 24	1352-3 Min. Accts. 867/25	1356-7 Min. Accts. 867/26 (not a full year)
Garcionum Magister	5/-	6/8	8/-	
Tanner . . .	4/8	8/- p.a.	9/- p.a. <sup>1</sup>	
Fugator . . .	5/6	5/- p.a.	5/- <sup>1</sup>	
Carter . . .	5/-		3/- (½ yr) <sup>1</sup>	
Shepherd . . .	3/-	3/-	3/- <sup>1</sup>	
Cowherd . . .	3/-	5/-	5/- <sup>1</sup>	
Swineherd . . .	3/-	3/-	3/- <sup>1</sup>	
Maids . . .	3/-	3/-	3/- <sup>1</sup>	
Preyman (?) . . .	2/-			
Barbetonsor . . .	2/-			
Ploughmen . . .	3/-	3/- <sup>2</sup>	8/- for 10 acr. (men hired)	
Threshing . . .	1d. p. qr.	4d. p. qr. wheat 2½d. drage	2½d. p. qr. drage	1½d. p.d.
Mowing <sup>3</sup> . . .		6d. p.d. (ad mensam)	5d. p.d. (with food)	2d. p.d. ad mensam. 4d. ad tascham
Thatching . . .	3d. p.d. no food		Thatcher's boy, 1d. p.d.	
Reaping and binding wheat . . .	6d. p. acr.	8d. p. acr. 4d. p.d. 2d. for food 4d. p.d. no food 2d. p.d. + food	4d. p.d. no food 2½d. p.d. + food	6d. p. acr.) oats 8d. p. acr.) + beer drage 2d. p.d. + food 4d. p.d. no food 8d. p. acr.) wheat 7d. p. acr.) ad oats tascham
Reaping and binding peas . . .	5d. p. acr.			
Stacker . . .				1/- p. week
Women, collect- ing straw . . .			2½d. p.d. beer but no food	
Women, washing and shearing sheep . . .		3d. p.d. + food		

<sup>1</sup> With 2s. 3d. bushel wheat per week, or slightly less in some cases.<sup>2</sup> This 3s. is said to be for *companagium*, i.e. the 'relish' with his bread—cheese or herrings.<sup>3</sup> Mowing is always *ad mensam* and is thus the most highly paid work.

## WAGES

## Mainly Craftsmen

	1341-2	1350-2	1352-3	1356-7
Tiler and boy . . .	5d. p.d. no food	3½d. + food	2d. p.d. + food	
Plumber and boy . . .	3d. p.d. + food	10/- (con- tract?)		4d. p.d. + food
Carpenter . . .		2d. p.d. + food 1/3 p. week + food 1/6 p. week + food	3d. p.d. 18d. p. week + food	3½d. p.d. + food 5d. p.d. no food
Mending houses in Hall . . .		2d. p.d. + food 3d. p.d. + food		
Mending barns . . .		9d. p. week + food		
Sawyer . . .		1/- p. 100 ft. of board	5d. p.d. no food	
Plasterer . . .		1d. p.d. + food	2d. p.d. + food	
Tector and his mate . . .				c. 2d. p.d. (? no food) 1d. p.d.
Brasier . . .				1d. per lb. brass used
Making furnaces Casual labourer		2d. p.d. + food		2d. p.d. + food

After 1349 it is evident that wages had gone up very considerably in some cases: the cost of harvesting wheat had risen from 6d. to 8d. per acre. But it is also evident that the rate of wages varied almost infinitely with the type of work done; a rough carpenter working on brass is sharply distinguished by wage from the skilled carpenter working on the hall. In practice a medieval 'just wage' was not one which took no account of skill. A table such as given above is not particularly impressive when made, but the effort to compile it, from the available materials, makes it perfectly clear why the Statutes of Labourers could hardly succeed, and why they needed

constant revision. No list of minimum wages could hope to catch all the varieties of 'piece-work' practised in different districts, and remunerated at rates which varied with the quality and quantity of the crops. What is sometimes surprising is the amount of labour which seems to have been required; 154 reapers are hired, but the phrase *quasi per unum diem* suggests that the number really represents the number of working days paid for.<sup>1</sup> Probably two men reaped about an acre of wheat in a day and thus '154 reapers' would account for 77 acres—or nearly the whole area sown with wheat—though at what pace it seems difficult to say, as the amounts of food provided are calculated in the same way.

If comparatively modern analogies may be trusted, it seems most probable that 10 or 12 workmen would finish the prioress' harvesting in a month, even allowing for the weather and the Saints' days, and that she is unlikely to have been more expeditious in her methods. In like manner when one small tenant is said to owe the services of 36 men,<sup>2</sup> it is practically certain that he must have owed 36 days' labour, which he could work off in single units, or by 2 or 3 men at a time, if he had sons or subordinates available. Taking the account as a whole, the cost of wages went down immediately after the Black Death, but the individual wages were nearly all higher.

The accounts of St. Mary des Prés immediately after the Black Death are also of some general economic interest apart from wages. Receipts are considerably lower than in 1342, but expenses have gone up by nearly £29, and as the existing accounts are not consecutive, it is impossible to discover how the adverse balance was met. Broadly speaking, the deficit is caused by (a) heavy building repairs, at enhanced wages, after a period, probably, of neglect; (b) heavy purchases of stock and of household stores at Stourbridge Fair; (c) very large and quite

<sup>1</sup> P.R.O. Ministers' Accounts, Bundle 867/25.

<sup>2</sup> P.R.O. Rentals and Surveys, 296 (Shenley) 5 Ed. I.

exceptional purchases of corn. All three are due to the dislocation and uncertainty caused by the Black Death, and by the losses consequent upon the disastrously wet and cold summer of 1351. What is significant is that the large extra expenditure was undertaken so soon; evidently the sisters were not all dead, nor were they in such despair as to allow the barns to fall down, or to abstain from buying large quantities of salt fish, or wax, or nails.

The purchases of corn are perhaps sufficiently interesting to be set down in full; they are the only 'sensational' item.

*Corn bought—1350-1<sup>1</sup>*

13 qrs. 1 bus. wheat for sowing	£6 11s. 3d.	@ 10s. per qr.
12 „ 3 „	£10 3s. 0d.	@ 8s. „
10 „ 6 „	£3 12s. 3½d.	@ 6s. 8d. „
2 qrs. mixtil	16s. 4d.	@ 8s. 2d. „
3½ „ „	£1 4s. 6d.	@ 7s. „
6 bus. „	6s. 1½d.	@ 12½d. per bus.
2 qrs. 3 bus. beans	9s. 6d.	@ 4s. per qr.
16 qrs. 2½ bus. oats (for sowing)	£3 16s. 1½d.	@ 4s. 8d. „
7 qrs. 6 bus. bras' drag'	£3 2s. 0d.	@ 8s. „
2 qr. „	13s. 0d.	@ 6s. 6d. „
1 „ „	7s. 0d.	
6 „ 1 bus. „	£2 9s. 0d.	@ 8s. „

Evidently it was necessary to buy the whole of the seed corn this year, and a very large proportion of what was needed for consumption. Unfortunately the Grange Account on the back of the roll is defaced and almost illegible; no safe conclusions can be drawn from such figures as may be read. According to the Grange Account for the year 1352-3, almost 50 quarters of wheat were used for baking during the year, and there seems to be no record of any other grain being used for human food, save a little oatmeal, and the mixed grain used for malting.<sup>2</sup>

By 1352-3 Pray seems to have been self-sufficing as regards corn, though a return was received from Norton

<sup>1</sup> P.R.O. Ministers' Accounts, Bundle 867/23-4. <sup>2</sup> *Ibid.*, Bundle 867/25.

and Codicote that no tithes could be paid, because the land was *frisca et inculta hoc anno*. This sounds somewhat like an excuse, as Codicote was certainly carrying on without much dislocation (*v.* p. 249), and Norton, after a death-roll of between twenty and thirty, was pursuing its normal course. A small flock was kept, which perhaps increased slightly after 1349; on the first rolls 85 fleeces are stated to have been sold,<sup>1</sup> 5 fleeces making 1 stone, and 1 fleece therefore weighing *c.* 2½ lb. In 1352-3 there were 129 fleeces for sale for 45*s.*; that is, 27 stones at 1*s.* 8*d.* per stone.

It is unfortunate that there are no other account rolls by which to check these, but the impression produced of a heavy death-roll, with rapid recovery, is exactly consistent with the evidence of the court rolls. In 1353 there were still 50 vacant tenements paying no rent, but they were mainly houses and shops within St. Albans itself;<sup>2</sup> the total loss of rents, shown only on the Expenses and not on the Receipts side of the account, was well over 50 per cent.; a few crofts, however, had been leased and appear under the heading *Firme*. Two shops were lost, and no one knew where they were situated.

In addition to the value of their evidence of the effects of the Black Death, the Pray accounts have another interest, in that they illustrate remarkably well the extent to which a small estate and house were not self-sufficing. There are many small purchases of ecclesiastical requirements, such as would occur wherever a private chapel was found. Wax candles for St. Nicholas, or at Candlemas; a 'Paschal' candle at Easter, hemp cord for the bells, oil for lamps in the chancel, mats or covers for the altar, or an occasional book—some of these occur each year. Household needs included salt, pepper, a pepper-mill, butter, milk, wine, a knife for the cook and a bolt for the larder, dishes, salting-vats, big spoons and trivets, more bolts, locks and padlocks. 'Gungibr' might be

<sup>1</sup> P.R.O. Ministers' Accounts, Bundle 867/21.

<sup>2</sup> *Ibid.*, 867/25.

gingerbread, or perhaps merely ginger. At the fair at Stourbridge large purchases were made of dried fish, including one '*Middelwoxe-fysh*'; at festive seasons an occasional salmon is added, and 'Wastell' appears now and then. The monks who acted as wardens had far more costly equipment than the sisters; their boots, stockings, shoe-mending, fur hoods, and super-tunics were a frequent small expense. A super-tunic and hood was made of 3 ells of Burnett at 1*s.* 6*d.* per ell, while habits for 4 nuns only cost 3*s.* in all.<sup>1</sup>

On the farm the chief need was iron for the ploughs, and by 1353 steel is evidently being used fairly extensively: the steel was imported in bundles or sheaves of thin rods; a bundle of steel *de Warlok* is not very intelligible. Steel gadds were bought, and horseshoes at 1*d.* each: iron was about ¾*d.* per lb. A ploughshare and coulter cost 2*s.* 11*d.*; three iron feet and a ristcho (rest-shoe?) are other parts of the plough. Such materials for the smith needed to be continually renewed; brass is bought at times in large quantities, for the big brass pots used for 'pottage', and broken brass is sold on one occasion to the extent of 92 lb.<sup>2</sup> Lead is sometimes needed for the roofs; in one year surplus lead was sold to the abbot to the value of £18 13*s.* 4*d.*<sup>3</sup>: probably some building had been dismantled. The sale of wool required the purchase of packing-cloth, thread, 'paknedlen', and one *boydekyne magna* was bought for making harness, and four big needles for making sacks. Whipcord, traces, lines (i.e. reins), cart-saddles, and a Dingtoul appear in the carter's account. Wax and wicks are bought for candles and a man makes candles at 3*d.* per day. Winnowing fans, wine-vats and barrels, and a 'harezeve' (hair-sieve) needed to be renewed from time to time.<sup>4</sup> Tar and 'reddle' for marking sheep are obtained at Stourbridge Fair. Building-materials were a constant cause of expen-

<sup>1</sup> P.R.O. Ministers' Accounts, Bundle 867/21.

<sup>2</sup> *Ibid.*, 867/26.

<sup>3</sup> *Ibid.*, 867/25.

<sup>4</sup> *Ibid.*, 867/25.



diture; almost incredible numbers of tiles and tilepins were required. They cost very little ( $1\frac{1}{2}d.$  per thousand tilepins) but seem to have lacked permanence.<sup>1</sup> A great variety of nails was used, and the steady rise in their price is perhaps as significant as any single item in a price list can be.

Building expenses after 1349 form an interesting item, and wages were paid on very varied bases. A wall was rebuilt *ad tascham* for 8s., and 800 feet of boards are sawed at 1s. per 100 feet. A plumber working by the job had 10s. for repairs on the roof of the chancel and the almoner's house, but he probably provided his own lead. Lead nails were bought at  $7\frac{1}{2}d.$  for 150, while 'rof-nayls', 'wownayls', bordnayls, spykyngnayls, lathnayls cost perhaps 1d. for 50. It is difficult to compare the rates of wages; sometimes the work is done *ad tascham*, sometimes *ad mensam*, and often a price is quoted *ex conventione*. The impression remains, however, that more outside help was necessary in 1350-1, either because the household servants were fewer (their total wages had declined), or because repairs had been neglected.

In 1351 household purchases had gone down considerably in value, and consisted of modest amounts of bread, fish, beer, red herrings, meat, pepper, cummin, olive oil, white grease for frying, together with eggs, milk, butter, and cheese. Evidently a home dairy was not regarded as profitable.

Stourbridge Fair had apparently not declined; a few years later 150 dried fish were bought, and again large numbers of nails and horseshoes, mats, cloths, and baskets in small quantities. The master of the household going with two men, one cart, and five horses to the fair returned their expenses at 4s.  $6\frac{1}{2}d.$  for both going and coming.

These irregular accounts evidently need very severe analysis before they can be used as a basis for any agricultural descriptions or conclusions, and the series is

<sup>1</sup> P.R.O. Ministers' Accounts, Bundle 867/21.

not long enough to be of much use on this point. They can only cast a flickering light on the economy of this small community in the middle of the fourteenth century. They give more certain evidence of the effects upon it of the Black Death. Though there was clearly a heavy death-roll among the tenants of the priory, they show that here, as elsewhere, no serious confusion or permanent loss followed after the pestilence.

## Account Rolls. Pray

Receipts	1341-2	1350-1	1352-3
	Min. Accts. 867/21	Min. Accts. 867/23-4	Min. Accts. 867/25
	£ s. d.	£ s. d.	£ s. d.
Arrears . . . . .	11 18 10 $\frac{1}{2}$	9 8 6	
Assized Rents . . . . .	15 13 5 $\frac{1}{2}$	15 13 6 <sup>1</sup>	15 13 6 <sup>2</sup>
'Pensions' . . . . .	13 4	10 16 2 <sup>3</sup>	8 1 9
Sale of Tithes . . . . .	2 2 10	3 1 8 $\frac{1}{2}$	} Pensions } Tithes } Oblations } Firme
Firme . . . . .	5 1 8	2 0 0	
		1 0 0	
		3 5 3	
Sale of Corn . . . . .	4 11 11	3 13 4 $\frac{1}{4}$	
Exits of Manor <sup>5</sup> . . . . .	7 8 8 $\frac{1}{2}$	5 7 6	23 14 9 $\frac{1}{6}$
Sale of Stock . . . . .	1 0 10	Late 7 19 5 $\frac{1}{2}$	1 9 0
		sales	
Farm of Dairy <sup>7</sup> . . . . .	2 16 9	None	2 9 6
Oblations . . . . .	3 13 9 $\frac{1}{2}$	Cf. Pensions	10 0 0 <sup>8</sup>
Forensic Receipts . . . . .	2 7	"	
	55 6 3 $\frac{1}{2}$	63 14 5 $\frac{1}{2}$	61 8 6 $\frac{1}{4}$
	[sic]	[sic]	

<sup>1</sup> Cf. Expenses *infra*. From the long list of vacant tenements (*c.* 50) it would appear that the greater part of the Assized Rents was made up of semi-urban houses, shops, crofts, &c., ranging from 7s. or 8s. down to 4d. and 6d. per annum. According to a Rental of 12 Ed. II (P.R.O. Rentals and Surveys Portf., 8/38) tenants of the priory amounted to about 70, among whom were a mason, a *paneter* (i.e. bread maker?), a clerk, a madder-monger, a parchmenter, a butcher, and a baker.

<sup>2</sup> This entry is misleading: cf. Expenses.

<sup>3</sup> The greatly increased sum described as Pensions includes some payments for masses of those who had perished in the pestilence, and £6 13s. 4d. by the hand of the prioress—apparently a gift.

<sup>4</sup> It is noticeable that there is still tithe and corn to sell in 1350-1; the stock seems to have been farmed. But cf. Expenses. [Notes cont. overleaf.]

Expenses	1341-2	1350-1	1352-3
Debita Soluta .	5 14 7 $\frac{1}{2}$ <sup>1</sup>	No entry	No entry
Resolutio Redditi- tuum . . .	5 2 5 $\frac{1}{2}$ <sup>2</sup>	3 14 4	3 14 4
Custus Carucarum	2 1 0 $\frac{1}{2}$	3 13 3	Decasus
Custus Carectarum	9 4 $\frac{1}{2}$		Reddi- 8 12 0
„ Domorum	1 12 2 $\frac{1}{2}$ <sup>3</sup>	8 9 2 $\frac{1}{2}$	tuum 4 5 3
„ Necessari- orum . . .	4 6 6 $\frac{1}{2}$	3 4 10 $\frac{1}{2}$	
Emptio Stauri .	1 10 5 $\frac{1}{2}$	{ 4 11 2 Beasts 3 10 4 Stores	{ 3 1 2 1 3 4
„ Bladi .		33 9 9 $\frac{1}{2}$ <sup>4</sup>	18 6 $\frac{1}{2}$ <sup>5</sup>
Tritura & Vanni- tura . . .	1 10 11 $\frac{1}{2}$	15 10 $\frac{1}{2}$	3 5 $\frac{1}{2}$
Sarculatura & Fal- catura . . .	10 9	18 8	1 1 10
Custus Autumpni	4 6 8	3 7 9 <sup>6</sup>	4 0 11 $\frac{1}{2}$
Stipendia Familie	4 3 8	3 8 8	3 10 3
Expensi Domorum	12 3 7	5 8 8 $\frac{1}{2}$	6 3 0 $\frac{1}{2}$
Necessarii (Brothers & Sisters) . . .	1 12 4 $\frac{1}{2}$		Hire of plough- ing 8 0
Allocationes .	{ 9 3 10 6	Forensic 1 11 2	1 14 9 <sup>7</sup>
	46 5 5 Etsic excedat receptum exp- ensa in ix li. x d. ob.	75 3 9 $\frac{1}{2}$ Et sic excedit xi li. ix s. iiii d.	45 8 1 $\frac{1}{2}$ Remanent xviii. lii. d.

Notes to table, p. 297 (cont.).

<sup>5</sup> Exits of the Manor consist of hay, pasture, faggots, skins, wool (17 stone at 1s. 10d.), apples, straw, timber, oak-bark, hiring-out of ploughs.

<sup>6</sup> This very large figure for the Exits is made up of the normal amounts for wood, wool, wool-fells, and hides, together with £18 13s. 4d. for lead sold to the abbot.

<sup>7</sup> Nine cows were farmed: as dairy-produce appears among the 'necessary expenses', this was evidently considered the most convenient method of maintaining supplies.

<sup>8</sup> This £10 was a gift from Brother John Kyrkeby, *ad ingressum suum* (to the office of warden?).

<sup>1</sup> Debts include an entry for *Stipendia*, apparently overdue; some entries of rents due, and payments for carriage, &c.

<sup>2</sup> These payments of rent seem to have been normal: they include payments to the abbot, the Refectorarius and other obedientiaries, to the manor

Notes to table (cont.).

of Westwyk, and to one or two churches, and a payment for doing suit to the Portmanmote, and to the Court of Hemel Hempstead.

<sup>3</sup> *Custus Domorum* seems to cover cost of repairs, while *Expensa Domus* means household expenses.

<sup>4</sup> The first available account after the Black Death, which shows an almost complete loss of rents, contains also an abnormally large sum spent on the purchase of corn, the details of which are given on p. 293.

<sup>5</sup> By 1353 all the items are fairly normal, except the greatly decreased rents; the manor was once more self-sufficing as regards corn. The increased cost of harvest is not the product of any one factor; some wage rates have gone up, some down since 1350, and the method of payment has changed since 1341. Cf. Table on pp. 290-1.

<sup>6</sup> Expenses and yearly wages show a decrease rather than increase, due partly to the failure of the harvest; partly to decrease in the number of regular servants of the manor.

<sup>7</sup> Among the forensic payments is 10s. for tenths and fifteenths; this would represent 1s. 10d. of the Exits of the manor, excluding lead; or roughly 1s. 10d. of the stock and corn sold. It seems to bear no relation to the gross produce of the estate.

## APPENDIX I

## EXTRACTS FROM COURT BOOK

*Park* (B.M. Add. MS. 40625) 1237-52

EXTRACTA ROTULORUM DE HALIMOTIS TENTIS APUD  
MANERIUM DE PARK, TEMPORE REGIS HENRICI FILII  
REGIS JOHANNIS

HALIMOTUM DE PARKE DIE LUNE PROXIMA POST FESTUM SANCTE  
ATHELBURGE. ANNO XXI<sup>o</sup>.<sup>1</sup>

Halimotum de Parco recognovit quod placitum fuit inter Reginaldum de Slape et Walterum de Tydenhanger et concordati fuerunt ita quod idem Reginaldus deberet tenere terram in vita sua, reddendo predicto Waltero annuatim vi d. Et facta fuit concordia coram domino Martino Cellerario. Et post mortem Reginaldi reverteretur terra ad unum puerorum predicti Walteri. Et hoc de consensu predicti Martini Cellerarii.

Relicta Galfridi de Hoo dat vi d. pro custodia pueri sui ad terminum xv annorum.

Bartholomeus filius Walteri Juvenis capit terram Willelmi Olyver in hereditate coram halimoto de Parco qui testificaverunt eum esse heredem propinquiorem tempore Ricardi de Shelford tunc Cellerarii. Et Walterus pater predicti Bartholomei invenit plegios tenendi terram in statu et faciendi servicium pertinens ad terram predictam usque ad etatem dicti Bartholomei, et sunt plegii Fulco de Wynchefelde &c.

Galfridus Bruman cepit terram Willelmi Gosewell in feodum et in hereditatem et dat de gersumma xii d.

Tradita est terra Edmundi Noreys Simoni de la Slow, et relaxantur ei ii vomeres de vetere servicio.

Tradita est terra Ricardi Trogoil Ade Bedello per servicium cuiusdam summe avene.

Tradita est terra Ricardi Carectarii Galfrido Fabro, usque ad terminum xii annorum et dat Cellerario xii d. et condonatur una summa avene in primo anno.

<sup>1</sup> i.e. 13 July 1237.

Tradita est terra Reginaldi Wroth Ricardo filio Alexandri de Burston in Hamenefeld.

Tradita est terra Lumgi Copman ad Bruteyhte Willelmo de Okershe, et dat Cellerario iiii s. de gersumma, et dat unam summam avene de incremento per Ricardum de Shelford, Cellerarium.

Tradita est terra Thome de Gosewell que fuit Simonis Beatric' per servicium xv denariorum, et dat de gersumma ii s.

HALIMOTUM APUD PARKE, DIE SANCTI BARNABE APOSTOLI ANNO  
REGNI REGIS HENRICI XXII<sup>o</sup>.

Willelmus porcarius dat domino ii s. in gersummam pro terra que fuit Willelmi Bruys, faciendo servicium videlicet xii d. pro i opere faciando et iiii d. annuatim.

Adam Bedellus dat domino i sextarium vini ut habeat licenciam accipiendi duas acras terre que fuerunt Felicie de Leye, reddendo annuatim viii d.

Hugo Molendarius dat domino i besantum, ut habeat licenciam accipiendi v rodas terre que fuerunt Felicie de Leye.

Idem Hugo dat domino i besantum ut habeat licenciam accipiendi terram que fuit Alicie sororis sue.

Rogerus de Hanamsted et Walterus filius Aluredi dant domino i besantum ut habeant licenciam accipiendi i ferlingatam terre que fuit Iohannis de Hanamsted ad terminum x annorum.

Umfridus Clericus dat domino xii d. ut habeat licenciam accipiendi i ferlingatam terre que fuit Iohannis de Hanamsted ad terminum decem annorum.

Petrus filius Ricardi de Herpesfelde capit terram Nigelli filii Ade ad terminum ix annorum et dat domino ii s. pro licencia accipiendi.

Idem Nigellus dat domino pro licencia dimittendi ii s.

Robertus Prepositus de Sopwell capit terram que fuit Isabelle Melkster ad terminum xii annorum, reddendo inde annuatim ad granarium sancti Albani v summis [*sic*] avene v s. et vi d. de redditu, et dat domino pro licencia accipiendi unum sextarium vini.

Michaelis novus homo capit xi acras terre que fuerunt Henrici

Forestarii, reddendo annuatim de redditu xxii d. Et dat domino in gersummam v s. vi d.

Rogerus de Holte capit xi acras terre que fuerunt Henrici Forestarii, reddendo inde annuatim de redditu xxii d. Et dat domino in gersummam v s. vi d.

Chelestria de Eywode dat ii s. ut sit sine viro in tota vita sua, et hoc notatur coram Halimoto.

Simon de Bynham dat dimidiam marcam pro terra Iohannis de Eywode de Tydenhangre.

Duce de la Strode dat ii s. pro Leyrwite. Plegius. Ranulphus de Strode.

Willelmus de Hockelford dat v s. ut habeat licenciam manendi quo voluerit a festo sancti Michaelis anno R. R. Henrici xxii usque ad festum sancti Michaelis proxime sequens, plegius Ranulphus de Parco.

Iohannes de la Roke in misericordia quia non collegit moros sicut decuit terre sue.

Ranulphus de Strode dat v s. ut sit sine uxore per spacium unius anni.

Rogerus de la Holte dat vi d. de gersumma ut habeat 1 rodam terre de Parco.<sup>1</sup>

24 Hen. III (St. Calixtus).

Willelmus Colier cepit ii acras in feodo quas tenuit Mazelote de Borgham et dat ii s. Plegius. Thomas Schad.

*In margin*—Nichil inveni de anno xxv<sup>to</sup>.

26 Hen. III (SS. Simon and Jude) (at Tyttenhanger).

Willelmus filius Margarete de Borham dat domino ii s. pro consideratione halimoti de terra que fuit matris sue si sit rectus heres nec ne.

Adam Grant in misericordia pro transgressione Bosci de Borham, plegius nemine [*sic*] et dabit pro misericordia annuatim in manerio del Park vi d. ad ollas, scilicet ad dayeriam.

<sup>1</sup> The entries for 21 and 22 Hen. III have been transcribed in full; all subsequent extracts from this court book are merely a selection.

Adam de Okersse dat domino ii s. ut habeat considerationem halimoti de quadam terra quam Walterus Blakberd tenet. serviens plegius.

Alanus Trayleboys dimisit totam terram suam Rogero Clerico et heredibus suis et dant domino pro conventione et gersumma xii d., quilibet eorum plegius alterius.

Cristiana de Hanamstude in misericordia pro defectu unius hominis in autumpno vi d.

Willelmus Porcarius in misericordia dimidiam marcam pro pena facta inter ipsum et Eliam de Molendino pro transgressione unius sepi inter ipsos; de hiis x s. dat domino xl d. ut habeat xxiiii homines super xii de predicto visu.

Raze de Grindelesgate dat domino x s. pro licencia capiendi filiam Normanni del Parkstrate cum terra sibi et heredibus suis et pro gersumma. Plegius Willelmus de Borham.

Philippus Carectarius frater Willelmi Bedelli dat domino v s. pro licencia capiendi uxorem, et pro transgressione uxoris sue.

Willelmus filius Margarete dat domino iiiii s. pro gersumma terre que fuit Alicie sororis sue de dono predictae Margarete matris sue, sibi et heredibus suis, plegius Walterus de Borham &c.

Iohannes filius Royes, Adam de Smaleford, et Ricardus de Smaleford accipiunt terram Walteri Iuvenis salvo sibi capitali mesuagio. et iii acris terre usque ad terminum vii annorum et facient servicium quantum pertinet ad tantam terram, salvo quod predictus Walterus reddet per annum 1 summam avene et 1 falcem in prato domini, et dant domino iii s. pro conventione, plegius &c.

Nichil inveni de anno xxvii<sup>to</sup>.

28 Hen. III (Michaelmas) (at Tyttenhanger).

Adam de Okersse	} In misericordia, pro defectu 1 hominis
Willelmus de la Rothe	
Iohannes de la Rothe	

29 Hen. III (Ascension).

Willelmus Bedellus dat domino vi marcas in gersumma pro dimidia virgata terre quam quondam Willelmus forestarius de

Bruteight tenuit, tenenda et habenda sibi et heredibus suis, reddendo annuatim pro omnibus serviciis xvii s. et x d., videlicet totam illam terram quam dominus Abbas in manu sua tenuit per v. annos.

Preceptum est Petro de Herpesfeld, Willelmo Matheu, Iohanni Wikyng, Ade le Grome et Iohanni de la Rothe quod custodiant terram Radulfi de Herpesfeld de vasto bosci sui.

30 Hen. III (Ascension).

Radulfus de Herpesfeld dat domino xii d. ut habeat licenciam dimittendi vii acras et dimidiam Hugoni filio Walteri tenendas et habendas dictas vii. acras et dimidiam de dicto Radulpho et heredibus suis dicto Hugoni et heredibus suis reddendo dicto Radulfo et heredibus suis servicium debitum et domino Abbati ii d. annuatim, scilicet ad festum sancti Michaelis i d., et ad festum Pasche i d.

Willelmus Ernold de Childewyke optulit domino dimidiam marcarn ut habeat veredictum xxiiii hominum utrum habeat maius ius in terra quam Ricardus le Carecterius quondam tenuit in villa de Parco vel ille W. qui petit.

Preceptum est quod Thomas Modi distringatur pro secta.

Ricardus filius Abel optulit domino dimidiam marcarn ut habeat veredictum xxiiii hominum de Parco et de Tydenhanger utrum habeat maius ius in una ferthlingata terre quam Galfridus de Eywode tenet ut eam petit, an ille Galfridus ut eam tenet. Willelmus Bedellus et Walterus de la Hulle, plegii.

30 Hen. III (St. Peter ad Vincula).

Ricardus filius Abel petit unam ferthlingatam terre versus Galfridum de Eywode ut ius suum, tenendum de domino Abbate. Galfridus respondit et ponit se in duabus villis utrum habeat maius ius in illa terra ut eam tenet, an dictus Ricardus ut eam petit.

Willelmus Clericus de Parkstrate reddidit totum ius et clamium quod habuit in toto tenemento quod tenuit in Parkstrate in manus Cellerarii.

Cellerarius commisit illam terram quam idem Willelmus reddidit Cellerario Waltero Capellano tenendam sibi et heredibus suis de dicto Cellerario cum redditibus et omnibus pertinentiis suis, et dat Cellerario iiii s., et dictus Willelmus xii d. pro dimissione.

30 Hen. III (Michaelmas).

<sup>ii s.</sup> Gilbertus Schad, <sup>vi d.</sup> Ricardus de Smaleford, <sup>ii s.</sup> Petrus de Slape  
<sup>xii d.</sup> filius Hammyng, <sup>xii s.</sup> Iohannes de la Merse, <sup>xii d.</sup> Relicta Ricardi de  
<sup>ii s.</sup> Slape, <sup>ii s.</sup> Iohannes Wyking, <sup>xii d.</sup> Rogerus Wyking, virgata que fuit

<sup>xii d.</sup> Grom, <sup>vi d.</sup> Willelmus de la Rothe, <sup>vi d.</sup> Petrus de Halewyke, <sup>vi d.</sup> Petrus de Herpesfeld, <sup>vi d.</sup> Nigellus de Herpesfelde, Iohannes de Herpesfelde, in misericordia, pro defectu ii hominum ad fenum domini levandum.

Datus est dies amoris prece partium inter Ricardum Abel petentem et Galfridum de Eywode tenentem.

30 Hen. III (St. Luke).

Radulfus de Cudicote reddidit in manus Cellerarii unum mesuagium quod est apud Colne ad opus Lucie filie sue, et dat vi d. pro licencia habenda.

Lucia filia Radulfi de Codicote ponitur in seisina de eodem mesuagio, tenendo sibi et heredibus suis reddendo domino servicium debitum.

Willelmus Safar dat vi d. pro habenda licencia dimittendi Willelmo Bedello dimidiam acram prati.

Willelmus Bedellus dat vi d. pro habenda licencia accipiendi dimidiam acram prati de Willelmo Safar, que videlicet dimidia acra iacet propinquior la Halfhidemade excepta i acra, tenendam sibi et heredibus suis reddendo dicto Willelmo per annum iiii d. et domino Abbati i ob.<sup>1</sup>

31 Hen. III (Conversion of St. Paul) (at Tyttenhanger).

Ricardus Abel venit et petit versus Galfridus de Eywode unam ferlingatam terre ut ius suum. Galfridus respondit et ponit se super duas villatas scilicet Parcum et Tydenhangre de iure suo. Villate dicunt quod Robertus de Eywode quondam cepit terram illam in manu sua pro defectu servicii, et tenuit eam tota vita sua, et de eo descendit Radulfo filio suo, ut filio et heredi. Et idem Radulfus dedit terram illam Rogero Cnotte

<sup>1</sup> This is the whole entry under the date of St. Luke's Day; the years, 30 Henry III and 32, 33 Henry III, most exceptionally, notice *four* meetings of the halimote.

fratri suo. Idem Rogerus dedit terram illam Iohanni de Eywode nepoti suo qui tenuit tota vita sua. Et de eodem Iohanne descendit Galfrido filio suo ut filio et heredi, qui eam adhuc tenet ut de iure. Ideo consideratum est quod eam teneat et gaudeat ut de iure, et idem Ricardus in misericordia pro falso clamore, per plegium Willelmi Bedelli vi d.

31 Hen. III (St. George).

Alicia Relicta Ricardi Molendarii dimisit Roberto le Frankeleyn 1 rodam terre ad terminum vi annorum, et iter ad eandem terram lebere [*sic*] intrare et exire. Et eadem Alicia warantizabit et defendet predictam usque ad finem predicti termini, et idem Robertus dat domino pro conventionem affirmanda vi d.

32 Hen. III (St. Vincent).

Simon de la Strate reddidit sursum in manus Cellerarii terram suam, et ponit se in custodia Alexandri filii sui tota vita sua. Ita quod idem Alexander inveniet dicto Simoni patri suo ad cibum et in potu sicut sibi. Et dabit ei singulis annis unam tunicam de precio duorum solidorum et vi d. ad sotulares emendandos. Et si idem Simon noluerit esse cum Alexandro filio suo, idem Alexander dabit ei per annum quam diu vixerit dimidiam quarterii de Ivernagio, et 1 quarterium avene, et unam tunicam de precio duorum solidorum, et vi d. ad sotulares emendandos. Et idem Alexander dat domino iii s. in gersummam et pro herietto patris sui, et invenit plegios, Galfridum Fabrum et Walterum de la Forde.

33 Hen. III (St. Mathias).

Walterus de Burhom dat domino ii s. pro habenda inquisitione de iii<sup>or</sup> acras terre in sokna de Parco, utrum habeat maius ius sicut eas petit, an Ricardus de la Cumbe qui similiter eas petit, Plegius Willelmus Tobi etc'.

Electi ad inquisitionem faciendam de terra quam Walterus de Burhom petit versus Ricardum de la Cumbe, et de eadem terra quam idem Ricardus petit versus dictum Walterum, scilicet, Alexander de Burham, Willelmus Carbonere, Willelmus filius Margarie, Alexander de Grendelesgate, Thomas Shade, Willelmus Herewarde, Willelmus Thobi, Willelmus de Capella, Walterus de Capella, Rogerus Reysun, Osebertus de la Rugge, et Edwardus de la Rugge, qui dicunt quod neque dictus Walterus

neque dictus Ricardus habet ius quamdiu Radulfus le Carbonere eam tenet.

33 Hen. III (St. Gregory) (at Sopwell).

Iuliana Relicta Rogeri de Eywode reddidit sursum in manus Cellerarii totum ius et clamium quod habuit in terra que fuit Rogeri viri sui, et Iohannes filius et heres predicti Rogeri eodem modo reddidit sursum predictam terram pro se et heredibus suis, et inde fecit cartam suam quiete clamencie domino Abbati et Conventui de sancto Albano.

Terra que fuit Iuliane de Eywode in manu domini.

33 Hen. III (Invention of Holy Cross) (at Tyttenhanger).

Thomas de la Hulle dat domino ii s., ut habeat veredictum duarum villarum de quadam terra an teneat eam in feodo et hereditate, vel ad terminum qui preteriit—Villate dicunt quod Thomas predictus feofatus fuit per dominum Robertum Cellerarium sibi et heredibus suis, ideo habeat seisinam bene et in pace.

33 Hen. III (St. Peter the Apostle) (at Tyttenhanger).

Willelmus filius Iohannis de Herpesfeld [dat] domino unam marcam pro habenda inquisitione de una virgata terre in Herpesfeld an habeat maius ius sicut eam petit vel Cecilia filia Willelmi filii Mathei sicut eam tenet, plegius Magister Iohannes de la Lade, et datus est dies inquisitionis ad proximum halimotum apud Tydenhanger die lune proxima post festum sancti Michaelis.

Willelmus filius Iohannis attornavit loco suo Hugonem de Lichefeld in loquela que est inter ipsum petentem et Ceciliam filiam Willelmi filii Mathei tenentem, ad lucrandum vel perdendum.<sup>1</sup>

34 Hen. III (St. Peter in Cathedra) (at Tyttenhanger).

Simon filius Willelmi de Harpesfeld dat domino iii s. pro habenda inquisitione halimoti an sit rectus heres patris sui vel non, plegii Petrus de Herpesfeld, et Iohannes Wiking.

34 Hen. III (Ascension).

Petrus de Slape dat domino xii d. pro habenda inquisitione cuiusdam terre quam exegit versus alium Petrum de Slape, an habeat maius ius in illa terra sicut eam petit, vel predictus

<sup>1</sup> Complete entry for this court.

Petrus sicut eam tenet apud Wardhecth. Similiter predictus Petrus dat domino xii d. pro predicta inquisitione habenda. Inquisitio dicit quod Petrus qui modo tenet maius ius habet quam alius Petrus petens.

Henricus de Slape in misericordia ii s., quia Galfridus Norreis tenens eius non vult sequi molendinum domini, plegius etc'.

35 Hen. III (Whitsun).

Umfridus de Hanamestede dat domino iiiii s. pro viii acras terre quas cepit coram halimoto hereditarie de Amicia de Westminster, et soror eius quietum clamavit totum ius suum quod in terra illa habuit vel habere potuit.

35 Hen. III (All Souls) (at Tyttenhanger).

Memorandum quod datus est dies, dies dominicus in quindenam, scilicet ad stabulam ad ponendas duas terras in Parco.

35 Hen. III (St. Martin) (at Sopwell).

Memorandum quod tres acre terre de terra Iohannis Estmare in socona de Parco sunt in manu domini.

Thomas de Strode dat domino vi d. pro quadam terra que fuit Ricardi Aurifabri, et quum terra cum frumento fuerit seminata, dabit predicto R.A. ii bussellos frumenti, quum cum avena totidem, quum non fuerit seminata nichil.

36 Hen. III (Decollation of St. John Baptist) (at Tyttenhanger).  
Willelmus filius Roberti Amys dedit domino vi s. pro gersumma terre quam pater eius tenuit, et idem puer est in custodia fratrum hospitalis, et invenit plegios Iohannem de Alewelle et Reginaldum de Parco.

xii d.

Petrus de Herpesfeld in misericordia eo quod retinuerat homines suos quos debebat misisse ad precariam domini Abbatis de consuetudine.

37 Hen. III (St. Thomas of Canterbury) (at Tyttenhanger).

Villate de Parco et de Tydenhanger dicunt super sacramentum suum quod illa viridis placea<sup>1</sup> quam Ricardus de Herpesfeld clamat versus heredes Willelmi filii Mathei ad ipsum spectat de iure, et quod particeps vivarii est de iure, et quod dictus Ricardus habebit piscariam in vivario dicti Willelmi filii

<sup>1</sup> In the margin is written, in a modern hand, 'Hatfield Hall Green'.

Mathei, set dictus Ricardus certam non habebit seisinam donec verus heres ad etatem venerit, nisi sub emtek.<sup>1</sup>

*Cashio. 1238-50* (B.M. Add. MS. 40626).

EXTRACTA ROTULORUM DE HALIMOTIS TENTIS APUD MANERIUM DE KAYSHO, TEMPORE REGIS HENRICI, FILII REGIS IOHANNIS. HALIMOTUM APUD KAYSHO IN OCTAVIS APOSTOLORUM PETRI ET PAULI ANNO R.R.H. XXII.

Henricus filius Willelmi filii Petri gersummavit terram patris sui defuncti pro xxx s. Et habuit licenciam uxorem ducendi pro predictis denariis, plegius etc.

Simon filius Willelmi cepit de domino R. Cellerario vii acris terre in hereditate, de terra patris sui defuncti, per licenciam Henrici fratris sui senioris et dat de gersumma v s., plegius etc. Robertus filius Willelmi cepit x acras terre in hereditate de dono patris sui defuncti, et dat domino de gersumma dimidiam marcam, plegius.

Ricardus le Staryer de Rickemeresworthe cepit terram que fuit Simonis Honifod cum Alicia filia sua et herede et dat de gersumma ii s. plegius Galfredus King.

Iuetta de Kingsbury venit et petit dimidiam virgatam terre in Kaysho, quam tenuit Robertus de fraxino sicut ius suum et hereditatem suam ex parte patris sui et dat domino ii s. ad habendum considerationem halimoti de jure suo et sunt plegii de denariis Rogerus Dudde etc.

Iohannes Pupelina dimisit Rogero le Merchant unum messuagium in Watford in hereditate et dat domino pro licencia capiendi ii s., plegius Roger Merchant.

Willelmus Nigellus quietum clamavit i ferlingatam terre quam habuit in custodia ad iiiii annos Henrico de la Diche, qui terram illam cepit scilicet terram que fuit Philippi de Manfeld, et dat pro predicta terra accipienda et dimittenda ii s.

Iohannes le Hore dat de gersumma pro quadam acra quam pater suus tenuit iiiii s. in villa de Watford, plegius Petrus de Caysho. Alexander Wolthat in misericordia ii s. quia non venit ad aruram sicut debuit.

Willelmus de Grava in misericordia iiiii s. pro detentione reditus scilicet iii quadrantibus, plegius Robertus de la Dune.

<sup>1</sup> This word appears to be clearly written.

Simon le Celerarius dimisit Roberto de Strata 1 ferlingatam terre ad terminum iiii annorum et dant pro terra dimittenda et accipienda xx d., plegius idem Robertus.

De Thoma de Dune pro uxore ducenda xii d.

Radulfus filius Eustachii dat dimidiam marcam pro herietto patris sui et pro relevio cuiusdam particule terre quam pater suus non gersummavit, pertinet ad Saret. Iohannes de Sarett respondebit de dimidiam marcam.

Hugo filius Iuette gersummavit sicut heres Roberti de fraxino unam ferlingatam terre, pro xx s, plegius Rogerus Dudde.

Gilbertus filius Ricardi Clerici gersummavit terram que sibi cecidit ex parte matris sue pro x s. Ita quod idem Ricardus habebit dictum Gilbertum in custodia pro xii annos et invenit plegium hac die dominica.

Iulia relicta Roberti de fraxino dat v s. pro catallis Roberti viri sui defuncti, que non fuerunt legata, plegius etc.

Hugo filius Thome gersummavit terram patris sui pro iii s., plegius Galfridus filius Milescent.<sup>1</sup>

Nihil inveni de anno xxiii.

24 Hen. III (St. Luke).

Henricus de la Dyche lazarus venit et fecit attornatum suum Simonem de Horton, faciendum servitium pertinens ad terram quam idem Henricus tenuit. Et idem attornatus inde invenit plegium scilicet Robertum Blaket et Thomam de la lee.

28 Hen. III (Whitsun). xxx d.

Ricardus Snarry in misericordia quia emit quandam terram sine licencia domini, plegii Henricus filius Philippi et Daniel de Ruding.

Matildis relicta Aluredi in misericordia quia vendidit quandam terram sine licencia domini, plegius Ricardus Snarry.

Hugo filius Rogeri dat domino xii d. ut habeat veredictum de halimoto, utrum Isabella uxor eius an Osanna soror eius senior que maritata prius fuit extra mesuagium patris sui maius ius habeat in terra patris earum, plegius Robertus Wis' etc.<sup>2</sup>

<sup>1</sup> The entry for 22 Hen. III has been transcribed in full. The bottom of the page is cut off here. All subsequent extracts from this court book are merely a selection.

<sup>2</sup> Marginal entry in another hand: 'Nota consuetudinem inter sorores.'

29 Hen. III (St. Benedict).

Agnes relicta Thome de la Hulle dat xii d. pro custodia terre et heredis viri sui, habenda ad terminum xii. annorum, plegius etc. Datus est dies Agneti de la Hulle ut provideat se de viro accipiendo infra advinculam sancti Petri.

Iohannes filius Radulfi queritur quod Alexander Saman non custodit mesuagium suum et domos ut conventio prius fuit facta inter eos, et ideo preceptum est quod legales homines videant domos si deteriorantur vel emendantur vel in eodem statu sunt quo prius fuerunt.

Radulfus Eustachii in misericordia quia recessit de halimoto antequam vicini sui.

Willelmus filius Celestie in misericordia quia non venit ad halimotum ut vicini sui.

29 Hen. III (St. Luke).

Datus est dies Agneti de la Dune ad ducendum filium suum apud sanctum Albanum coram Cellerario die dominica in vigilia sancti Edmundi loquendum pro terra sua.

30 Hen. III (Whitsun).

Agnes de la Dune reddidit domino totam terram suam ad opus Willelmi Malet filii sui. Idem Willelmus dat domino in gersuma x s. pro terra illa et dicta Agnes pro herietto v s. Et sciendum est quod dictus Willelmus tradidit dicte Agneti totam terram tenendam omnibus diebus vite sue, et faciendo domino servicium debitum per attornacionem dicti Willelmi. Et post obitum dicte Agnetis matris sue, recipiet totam terram illam sine contradictione si supervixerit matrem suam. Et si ita contingat quod dictus Willelmus moriatur ante matrem suam nichilominus mater sua tenebit terram illam tota vita sua.

30 Hen. III (SS. Simon and Jude).

Concessum est Miliscent' relicte Petri de Caysho et heredi eiusdem Petri ut habeat terminum de terra costumabili que vocatur Goselonde et Blakelonde quam dictus Petrus cepit ad terminum xii annorum.

Robertus filius Petri de Caysho gersummavit terram patris sui quam habuit super le Braiche, et tres rodas que fuerunt Brunman', et dat in gersummam xlv d. et propter paupertatem condonatur ei xii d.



Villata dicit quod ad molam cariandam debet quelibet virgata dare unum denarium.

Item villata dicit quod ad meremium cariandum ad molendinum quelibet virgata debet invenire unam carectam.

31 Hen. III (St. Gregory).

Fabianus filius Henrici de la lee reddidit in manus domini quamdam seudam in villa de Watford pro se et heredibus suis. Et dominus Cellerarius seisivit Saerum seniore fratrem suum de predicta solda habenda et tenenda sibi et heredibus suis, reddendo inde per annum domino Abbati vi d. Et idem Saerus dat domino pro gersumma xii d., plegius etc.

Omnis villata dat domino xs. pro misericordia quia contraxerunt servicium de cariagio mole ad molendinum contra librum et rotulum sancti Albani et attinctum est per librum et rotulum quod debent acquietare cariagium mole—ideo in misericordia.

32 Hen. III (St. Luke).

Henricus le Dipere et Agnes que fuit uxor Ricardi fabri faciunt finem pro uno equo quem annuatim invenire debent ad summonitionem Cellerarii, per l leucas ad unam summonitionem et per xv leucas in eodem anno ad summonitionem eiusdem Cellerarii, dant xii d. reddendo ad festum sancti Michaelis. Ita quod si cellerario qui pro tempore fuerit placuerit habere equum, invenient equum et si non dabunt predictos xii d. ut predictum est.

Henricus le Dipere dimisit Philippo de la Diche dimidietatem totius terre sue ad seminandam ad medietatem ad terminum v annorum. Ita quod idem Philippus arabit et seminabit dictam terram proprio custu, et idem Henricus in autumpno recipiet medietatem totius bladi plenarie et acquietabit dictam terram de omnibus serviciis versus dominum Abbatem. Et idem Philippus dat domino vi d. pro conventionem sua affirmanda.

33 Hen. III (St. Barnabas).

Robertus de Strata dat domino ii marcas pro habenda terra que fuit Simonis Textoris cum tribus filiabus, a termino del hokeday, anno R. R. H. xxxiii<sup>o</sup> usque ad finem vi annorum et ad finem termini in eo statu quo eam recepit restituet, scilicet

bene vestitam, et post terminum dicti Roberti Willelmus de Caysho habebit dictam terram cum maritagio primogenite filie, ideo dat domino xx s.

34 Hen. III (St. Barnabas).

Willelmus de la Hulle et Adam Godeshouse et domina Maisent petunt versus Celestriam de Grava quondam viam et ponunt se super veredictum ville. Veredictum dicit super sacramentum suum, quod plenarie ius habent in predicta via, sicut et predicta Celestria, et semper habuerunt, et de iure predictam viam habere debuerunt, et debent communare super terram dicte Celestrie sicut solent.

34 Hen. III (1st Sunday in Lent).

Walterus King optulit domino xii d. ut habeat inquisitionem halimoti an rusticus possit legare catalla sua ab herede vel non.

*Kingsbury. 1240-9.* (Herts. County Repository. Gorhambury Deeds XDO.)

EXTRACTA ROTULORUM DE HALIMOTIS TENTIS APUD MANERIUM DE KINGESBERY TEMPORE REGIS HENRICI FILII REGIS IOHANNIS. HALIMOTUM APUD KINGESBERY DOMINICA PROXIMA ANTE FESTUM SANCTI ANDREE A<sup>o</sup> XXIII<sup>o</sup>.

Iohannes de Hertford dat xii d. pro veredicto terre in Myea. Willelmus Syward dat iii s. pro quodam mesuagio non edificando. Ricardus filius Ade dat iii s. pro gersumma sua

Nichil inveni de an<sup>o</sup> xxv<sup>o</sup>  
nec de xxvi<sup>o</sup>, nec de xxvii<sup>o</sup>.<sup>1</sup>

HALIMOTUM IBIDEM IN VIGILIA PURIFICATIONIS SANCTE MARIE ANNO XXVIII<sup>o</sup>.

Gaufridus filius Aylwardi dat domino ii s. pro gersumma terre que fuit patris sui.

Iohannes filius Willelmi dat xii d. ut habeat considerationem halimoti de quadam terra in vinea, plegius.

Margareta de Vinea dat xii d. pro consideratione illius terre utrum ipsa sit vera heres illius terre vel dictus Iohannes, plegius.

Margareta predicta dat domino ii s. pro gersumma dimidie acre terre in vinea, plegius Leonisius.

<sup>1</sup> In right margin. The rest of the page is left blank.

Iohannes filius Willelmi dat domino iiii s. pro gersumma terre patris sui in vinea, plegius Iohannes filius Ricardi etc.

Nigellus filius Thome gersummat terram patris sui pro ii s. et dimisit Iohanni Dendune illam terram per viii<sup>to</sup> annos et ille predictus Iohannes dat domino pro conventione xii d. et vi d. predicto Nigello ad festum sancti Michaelis per annum, plegius Ricardus Iuvenis.

Willelmus Golde dat ii s. ut habeat terminum suum in pace de terra que fuit I. de Neuham.

Terra que Iohannes le Vinet' tenet de Iohanne de Neuham in manu domini.

HALIMOTUM KINGESBERY DIE SANCTE KATERINE ANNO R. R. H. XXIX<sup>o</sup>.

Petrus de Hexstoneston in misericordia quia retinuit consuetudinem domini: plegius Adam filius Hereberti vi d.

Rogerus de la Slo in misericordia quia non venit ad consuetudinem domini: plegius Ricardus Iuvenis vi d.

Radulfus de la Hale in misericordia quia non venit ad consuetudinem domini.

Henricus filius Herberti dat ii s. in gersummam pro terra patris sui, plegius Adam filius Herberti, et dimisit eandem terram eidem Ade ad terminum vi annorum, faciendo domino servicia debita et idem Adam dat eidem H. xii d. pro conventione. Et idem Adam in fine termini restituet dicto Henrico domum et mesuagium in eodem statu ut recepit, plegius etc.

Terra quam Iohannes le Vinet' tenet de Iohanne de Neweham in manu domini et datus est dies heredi eiusdem Iohannis de Neweham, ut veniat facere pacem cum domino pro gersumma in vigilia Circumcisionis domini.

Adam filius Herberti. Golde <sup>xii d.</sup> in misericordia pro cervisio <sup>vi d.</sup> male pandoxata.

HALIMOTUM APUD KINGESBERY DIE VENERIS PROXIMA POST FESTUM SANCTI DIONYSII A<sup>o</sup> XXIX<sup>o</sup>.

Willelmus filius Ricardi dat domino in gersummam xii d. pro terra patris sui; plegius de servicio domini perficiendo Adam filius Herbert.

Willelmus de Mosehulle dat xii d. ut habeat licenciam unum

mesuagium de Henrici Coke tenendi et habendi dicto W. et heredibus suis, reddendo annuatim dicto Henrici et heredibus suis xii d. et domino Abbati ad Natale 1 ob.<sup>1</sup>

31 Hen. III (St. Mark).

Alicia relicta Leonisii dat Cellerario ii s. ut habeat custodiam Willelmi filii sui et heredis cum terra sua ad terminum x annorum et ad finem x annorum predictorum veniet dictus Willelmus locuturus cum Cellerario pro terra sua, per plegium etc.

31 Hen. III (St. Luke).

Simon Gulewastel, Alicia uxor eius. Robertus, Ricardus, et Adam filii eorum reddiderunt sursum in manus Cellerarii pro se et heredibus suis totum ius et clamium quod habuerunt vel habere potuerunt in xvi denariis annui redditus quos solebant annuatim percipere de sororibus Sancte Marie de pratis. Ita quod dicti Simon, Alicia, Robertus, Ricardus et Adam nunquam in posterum aliquod iuris vel clamii in predictis xvi denariis annui redditus cum pertinentibus exigere vel clamare poterunt. Et quia dicti Simon, Alicia, Robertus, Ricardus et Adam reddiderunt sursum pro se et heredibus suis in manus Cellerarii et renunciaverunt ius suum, dictus Cellerarius dedit eis ix s. et i bussellum frumenti.

32 Hen. III (St. Hilary).

Rogerus Dethe dimisit Ricardo Bisemere v. rodas terre ad terminum duorum annorum a Pentecost anno R. R. H. xxxi. Et quia prius dimisit eidem Ricardo terram suam ad terminum contra consuetudinem terre Sancti Albani, terra capiatur in manus domini.<sup>2</sup>

33 Hen. III (Whitsun).

Memorandum quod Willelmus Blithe et Margeria uxor eius dimiserunt per licenciam domini Cellerarii Waltero de Wymondeham et heredibus suis unum mesuagium et totam terram cum omnibus pertinentibus in la Wyneyherde que terra continet in longitudine xx<sup>ti</sup> et viii perticatas terre et iii<sup>or</sup> pedes et dimidiam et in latitudine ad unum caput unam perticatum terre videlicet que iacet inter terram dicti Walteri quam accepit de Iohanne filio Willelmi le Strayler ex parte una et terram Iohan-

<sup>1</sup> The entries for 24-29 Hen. III have been transcribed in full; all subsequent extracts from this court book are merely a selection.

<sup>2</sup> There are three similar entries at this court.

nis Swetyng ex altera, et extendit a regio vico versus veterem murum. Ideo dat dictus Walterus domino Cellerario xii d. pro licencia habenda.

33 Hen. III (St. Martin).

Emma que fuit uxor Henrici Bunne dat domino ii s. ut habeat terram que fuit Henrici Bunne viri sui ad terminum iii<sup>or</sup> annorum, tenendam et habendam predictam terram cum pertinentibus suis a Pascha anno R. R. H. xxxiii<sup>o</sup> usque ad finem iii<sup>or</sup> annorum subsequentium. Et si ita contingat quod Henricus filius suus primogenitus veniat de partibus transmarinis infra predictum terminum et velit terram illam habere, reddet matri sue custum suum.

34 Hen. III (Pentecost).

Datum fuit intellegi domino W. de Norton Cellerario quod Robertus Siward tenuit terram que fuit Aluredi in Westwike iniuste et non de iure hereditarie. Ideo terra illa capta fuit in manus Cellerarii. Dominus Cellerarius fecit inquisitionem de iure. Inquisitio dicit super sacramentum suum quod dictus Robertus de hereditate iuris sue dictam terram tenuit. Ideo consideratum est quod de cetero habeat et gaudeat predictam terram in pace et dedit domino pro gersumma xl s.

34 Hen. III (St. Clement).

Memorandum de Roberto Siward qui fecit finem cum domino Cellerario pro xls. pro terra que fuit Aluredi quam terram antecessores dicti Roberti fecerunt finem versus quemlibet Cellerarium et modo determinatum est. Ita quod de cetero a predicta terra occasione predicta nichil exigetur. Dies vero pacationis scilicet unam marcam ad Pentecosten solvet et unam marcam ad festum sancti Michaelis et terciam marcam ad festum sancti Martini.<sup>1</sup>

*Codicote. 1237-50 (B.M. MS. Stowe 849).*

[E]XTRACTA ROTULORUM DE HALIMOTIS TENTIS APUD MANERIUM DE CODICOTE, TEMPORE REGIS HENRICI FILII REGIS IOHANNIS. HALIMOTUM DE CODICOTE DIE VENERIS PROXIMO POST FESTUM SANCTE LUCE ANNO XXI.

<sup>1</sup> *Hoc habetur in alio rotulo* is written against this entry in the right margin.

Stephanus Molendinarius cepit molendina de Codicote ad terminum vii annorum, plegius Rogerus Walense, etc.

Willelmus Beleverge et Iohannes de Welwe sunt plegii Iohannis Gyle quod faciet quandam domum de precio v s.

Baldewinus filius Humfredi in defalta quia non venit ad halimotum.

HALIMOTUM APUD CODECOTE DIE MERCURII IN CRASTINO HOKE-DAY, ANNO XXII.

Alicia filia Gilberti ii s. ut habeat considerationem halimoti de quadam sepe et de una divisa male arata.

Alicia filia Thome de Abbotesham iiii s. pro gersumma terre patris sui, plegius Rogerus Wales.

Adam filius Astill' capit terram Astill' patris de Willelmo fratre suo seniore hereditario et pro ista hereditatione dat domino dimidiam marcam.

Hugo de Hulle capit terram que fuit Willelmi filii Henrici hereditario pro defectu heredis et pro ista hereditatione dat domino x s.<sup>1</sup>

24 Hen. III (SS. Simon and Jude).

Rogerus Waleys quia non spargebat fimum domini ad comodum domini, in misericordia.

Alicia filia Ernaldi pro Leyrwit dat ii s. et invenit plegem faciendi unam domum super feodum de precio i marce scilicet Rogerus Walens, Edmundus de Abboteshay et de servicio faciendi.

Willelmus filius Thureberum venit et dat i libram piperis ut possit manere extra libertatem sancti Albani reddendo ad curiam de Codicote ad Natale . . et inde invenit plegios Ricardum filium Umfredi et Rogerum Pottere, et dat in gersummam ii s.

De Rogero Pollard fugitivo ii s.

28 Hen. III (Easter).

Iohannes Drake dat domino ii s. ut habeat veredictum xii hominum de conventionem facta inter ipsum et Willelmum de la Hethe—plegius Willelmus de Wrobbeylehale et Alanus Albus.

<sup>1</sup> The bottom half of this folio is cut off. The entries for 21 and 22 Hen. III have been transcribed in full; all subsequent extracts from this court book are merely a selection.

30 Hen. III (Whitsun).

Leticia relicta Walteri dat domino xii d. ut habeat custodiam terre et Ricardi filii sui et heredis, scilicet de x acris que quondam fuerunt dicti Walteri viri sui ad terminum xvi annorum tenendum.

Preceptum est quod Thomas de Sisseverne distringatur pro secta.

Eadem Muriele et Alicia soror sua filie Umfredi Palmarii dant domino vi d. ut habeant licenciam dimittendi terras suas, quas terras tradiderunt domino et totum ius suum in pleno halimoto et dant pro herietto ii altiles.

Iuliana filia Mauricii dat domino iii s. in gersummam pro terra quam dicta Muriele et Alicia dimiserunt domino tenenda et habenda dicte Iuliane et heredibus suis de domino, et faciendo domino servicium debitum. Mauricius pater dicte Iuliane manucepit domos edificare in mesuagio ad dictam terram pertinente. Ita quod in primo anno incipiet edificare.

31 Hen. III (All Saints).

Thomas Heroldin in misericordia quia dedit pannagium porcorum suorum, et posuit se in considerationem villate utrum debeat dare pannagium vel non, villata dicit quod debet dare pannagium, ideo in misericordia xii d., plegius etc.

Thomas de Sisseverne, Ricardus le Knyght, Rogerus Halewarde distringantur pro secta.

31 Hen. III (SS. Philip and James).

Laurentius prepositus de Codicote dat domino ii s. in gersummam pro ix acris terre quas Iohannes le Koo tenuit unde Rogerus de Childemere tenet unam acram pro vi d. tenendam et habendam dicto Laurentio et heredibus suis reddendo domino annuatim servicium debitum. Et Cellerarius concessit eidem Laurentio habere et tenere dictam terram reddendo ad iii<sup>or</sup> terminos anni xxx d. pro operibus que prius operabantur pro eadem terra qualibet ebdomada i opus. Et sciendum est quod si Iohannes le Koo vel aliquis heredum suorum veniat ponere calumpniam in predicta terra reddet dicto Laurentio vel heredibus suis custum suum per visum legalium hominum. Et sciendum est quod Cellerarius posuit opera pro denariis ut

predictam est ad voluntatem Cellerarii qui pro tempore fuerit. Iohannes de Raveneshack dimisit Radulfo Capellano i rodam terre cum omnibus pertinenciis suis, tenendam et habendam dicto Radulfo et heredibus suis de dicto Iohanne et heredibus suis, reddendo annuatim dicto Iohanni et heredibus suis xii d. et domino Abbati ad manerium de Codicote i d. singulis annis ad festum sancti Michaelis. Et idem Iohannes dat domino xii d. ut habeat licenciam dimittendi dictam terram dicto Radulfo. Et idem Radulfus dat domino xii d. pro conventione sua affirmanda, et obligavit se quod non assignabit dictam terram neque ecclesie neque iudeis, nec aliquo modo alienabit iura domini Abbatis.

Willelmus Wlmar' et Alicia uxor eius dimiserunt Radulfo filio Aceline Fabro unam sepem et dimidietatem unius rode terre cum pertinenciis tenendam et habendam dicto Radulfo et heredibus suis de dictis Willelmo et Alicia et heredibus eorum reddendo annuatim dictis Willelmo et Alicie i obolum et domino Abbati ad Manerium de Codicote i obolum singulis annis ad festum sancti Michaelis. Et Willelmus dat Cellerario vi d. ut habeat licenciam dimittendi dictam terram et sepem dicto Radulfo per plegios Roberti Textoris etc. Et Radulfus dat Cellerario vi d. pro conventione sua affirmanda.

[Two similar entries follow.]

31 Hen. III (Michaelmas).

vi d.

Osebertus Ruffus de Abboteshey in misericordia, Osebertus

vi d.

filius Edmundi de Abboteshey in misericordia quia sequuntur alterius molendinum quam molendinum Abbatis.

Adam de Thikkenhey dimisit Hugoni Blostine v acras terre ad terminum ix annorum tenendas et habendas dicto Hugoni et heredibus suis de predicto Adam usque ad finem predicti termini. Ita quod dictus Hugo faciet servicium plenarie ad predictam terram pertinens, salvo tamen quod dictus Adam et heredes sui singulis annis facient i bederip, et metent dimidiam acram pro mesuagio quod sibi retinet. Et sciendum est quod dictus Adam habebit profectum de mesuagio in quantum potest fodere de bescha. Et dictus Hugo habebit totum aliud profectum. Et idem Hugo dat domino xii d. pro conventione sua affirmanda, plegius.

32 Hen. III (Wed. after mid-Lent).

Simon filius Ernaldi in misericordia xii d. pro theoloneo cervisie retento, per plegium Iohannis Thurkil.

Osebertus filius Mazeline concedit Agneti sorori sue totum ius et clamium quod habuit in tota terra quam pater suus tenuit, in villa de Codicote. Et eadem Agnes dat domino v s. pro conventionem sua affirmanda, et pro viro ducendo s. Rogerum de la Hethe. Et idem Rogerus dat domino v s. ut ducat ipsam Agnetem in uxorem et ad terram suam habendam que pre-nominata est. Preterea idem Osebertus dat eidem Agneti et Rogero iiii<sup>or</sup>d. annui redditus cum pertinenciis quos Iohannes serviens de Brantefeld ei reddere solebat pro uno mesuagio tenendos et habendos dictis Rogero et Agneti predictos iiii<sup>or</sup>d. annui redditus, cum tota terra predicta imperpetuum, et heredibus eorum, faciendo domino Abbati servicium debitum ad predictam terram pertinens. Et eodem die idem Osebertus renunciavit pro se et heredibus suis totum ius et clamium quod habuit vel unquam habere potuit in predicta terra, et in predicto redditu. Ita quod ipse nec heredes sui in posterum aliquod ius vel clamium exigere poterunt.

32 Hen. III (St. Faith).

Willelmus filius Willelmi Beleverge venit die Lune proxima post festum sancte Etheldrede coram senescallo, et Cellerario et domino Willelmo de Horton, et duabus villatis de Walden et de Codicote, et reddidit sursum in manus Cellerarii totum ius et clamium pro se et heredibus suis quod habuit in xxx acris terre cum pertinenciis quos pater suus tenuit in Codicote. Ita quod ipse nec heredes sui in predicta terra cum pertinenciis in posterum aliquod ius vel clamium exigere poterunt.

33 Hen. III (Whitsun).

HALIMOTUM APUD HOMELLE DE CODICOTE.<sup>1</sup>

Lucia relicta Mauricii dat domino iiii<sup>or</sup>s. ut habeat custodiam terre et heredis per undecim annos. Ista conventio facta fuit domino per Henricum postea virum suum et si Lucia obiit dictus Henricus habebit custodiam usque ad finem dicti termini.

Alicia filia Willelmi Bisshop dat domino xii d. ut habeat considerationem ville de quadam terra quam Matildis soror sua

<sup>1</sup> First occurrence of this heading.

tenet, an sit partibilis nec ne, plegii Stephanus de Thikkenhey et Rogerus Blauet, et consideratio ville dicit quod predicta terra partibilis est. Ideo dominus Cellerarius posuit dictam Aliciam in seisinam predicte medietatis.

Terra quam Robertus le Chamberleyn tenet debet per annum xis. et id. et v d. de auxilio vicecomitis et ad magnam precariam domini inveniet omnes messorum suos ad cibum domini, et istud attinctum est per villatam.

34 Hen. III (Whitsun).

Halimotum de Codicote apud Homelle.

Leticia Dod optulit domino xii d. pro habenda inquisitione unius acre terre, an habeat maius ius sicut eam petit vel Iohanna Dod sicut eam tenet. Inquisitio dicit quod predicta Leticia maius ius habet quam dicta Iohanna. Ideo recuperet seisinam, et dat domino pro gersumma ii s. Et idem Leticia reddidit sursum in manus domini predictam terram. Et dominus Cellerarius seisivit Beatricem filiam dicte Lucie de predicta terra. Ideo dat xii d. pro gersumma, plegii Adam Clericus etc.

34 Hen. III (St. Martin).

Halimotum de Codicote apud Walden.

Alicia filia Thome Utreve dat domino xii d. pro gersumma que fuit matris sue que vocatur Custumera et Molendinum. Et ipsa reddidit sursum tres acras terre in manus domini que vocantur Serlond et cumbelond. Et dominus Cellerarius seisivit Nicholaum Portarium, et idem dat xii d.

35 Hen. III (Ascension).

Halimotum de Codicote apud Homelle.

Memorandum quod dominus I. Capellanus de Aiete seisavit per licenciam Cellerarii Agnetem filiam suam coram halimoto.

35 Hen. III (St. Edmund).

Halimotum apud Walden de Codicote.

ii s.

Alicia de Abboteshey in misericordia quia maritavit filiam suam sine licencia domini.<sup>1</sup>

Item pro maritacione filie sue dat domino ii s. et dimisit unam

<sup>1</sup> 'Nat' in margin in a different hand.

acram terre in maritagio a Purificatione Beate Marie proxima ventura usque in finem *iiii<sup>or</sup>* annorum.<sup>1</sup>

Osbertus filius Edmundi dat domino dimidiam marcā pro relevio terre sue, plegius Thomas de Abboteshay.

*Barnet. 1246-50* (B.M. Add. MS. 40167).

[First part of first court missing.]

Willelmus Samwell cepit dimidiam acram de Roberto Blundo et dat domino vi d. et Roberto annuatim *iiii<sup>or</sup>* d.

Johannes Quyk cepit unam acram in antiqua falda et dat domino *xii* d.

Willelmus Gosselyn emit redditum *iiii* d. et dat domino vi d. Idem redditus veniet per manus Radulfi de la Bour.

Walterus Whytinge cepit terciam partem unius acre terre et dat domino *xii* d.

Robertus Longus cepit dimidiam acram terre de Rogero filio Reyn' et dat domino vi d.

Robertus de la Doune dat *ii* s. in gersumma pro terra patris sui. Toby dat *xii* d. quia duxit uxorem sine licencia.

HALIMOTUM IBIDEM DIE VENERIS PROXIMO POST FESTUM SANCTI MATHIE ANNO REGNI REGIS H. XXX.

Stephanus filius Roberti le Bray dat domino in gersumma *xii* s. pro terra patris sui et ut habeat licenciam ducendi uxorem.<sup>2</sup>

Matilda Toby dat domino *iiii* s. ut habeat licenciam maritare filiam suam.

Margareta filia Jacobi le sune dat domino in gersumma dimidiam marcā pro terra quam frater suus tenuit, plegii Iohannes Saward et Radulfus prepositus.

Avicia filia Brithiene dat domino *xviii* d. quia maritavit se sine licencia et ut Ricardus vir suus habeat libertatem introitus et exitus super terram domini abbatis, plegius Gilbertus Sali. Gilbertus Sali dat domino *xiiii* d. ut habeat licenciam accipiendi *iii* acras terre de Avicia filia Brithiene tenendas de domino sibi et heredibus suis reddendo domino annum redditum et dicte Brithiene et heredibus suis singulis annis *i* ob.

Item idem Gilebertus dat domino *x* d. ut habeat licenciam

<sup>1</sup> This is one of very many instances of merchet.

<sup>2</sup> 'T. fir' in margin in a different hand.

accipiendi *ii* acras terre de Herberto et Editha uxore eius tenendas de domino sibi et heredibus suis reddendo domino annum redditum et predicte Edithe et heredibus suis singulis annis *i* ob.

Robertus Mercator dat domino vi d. ut habeat seisinam de uno messuagio quod fuit quondam Symonis Rotarii.

HALIMOTUM APUD BARNET DIE MARTIS PROXIMO POST FESTUM SANCTI KATARINE ANNO REGNI REGIS H. XXXI.

Beatricia relicta Iacobi le Sone venit et petit versus Iordanem dotem suam de terra que fuit predicti Iacobi viri sui in la Barnet. Idem Iordanus venit et dicit quod non tenetur respondere ei quia non habuit sumonitionem et datus est dies ad proximum halimotum.

Symon de Molendino tenuit quandam particulam prati per *ix* annos et dicit quod per Umfridum de Dolowe et uxorem eius eam tenuit et vocat eos ad warantum et datus est ei dies ut habeat eos ad proximum halimotum.

Walterus pelliparius petit quandam terram que vocatur Bakonlond versus Philippum prepositum unde pater suus obiit seisitus ut ius suum et debuit descendere eidem Waltero ut proximo heredi. Philippus venit et respondit et dicit quod terra illa data fuit ei cum uxore sua et non potest eam perdere sine uxore sua, et preceptum est quod Alicia uxor eius summoneatur veniendi ad proximum halimotum.

Symon filius Ricardi de la Dene dat domino dimidiam marcā in gersumma pro terra patris sui et ut sit in custodia matris sue per *vi* annos. Mater sua invenit plegios ad custodiendos domos et gravas sine detrimento, scilicet Radulfum prepositum. Walterum de la Hacch, Ricardum filium capellani et Simonem de Molendino.

Cecilia filia Roberti Salede dat domino in gersumma *ii* s. pro terra matris sue per plegium Willelmi le Cuverur et Willelmi le Felowe.

Ailwardus filius Ricardi Bywesten invenit plegios manere super terram domini abbatis et ad trahenda catalla sua super terram abbatis si licenciatus possit recedere de Mimmes, scilicet Willelmum le Coverur, Willelmum Felowe, Robertum de la Hale et Iohannem le Bor.

Iohannes de la Suthgate dat *iiii* s. ut habeat veredictum villate

32 Hen. III (Exaltation of Holy Cross).

Thomas le Lhord dimisit Ricardo Pollard vi d. et ob. annui redditus cum omnibus pertinenciis suis quos Thomas le Thoke ei annuatim solebat reddere pro tenemento quod de eo tenuit tenendos et habendos dicto Ricardi et heredibus suis de predicto Thoma le Lhord et heredibus suis inperpetuum, reddendo inde annuatim dicto Thome et heredibus suis unum clavum Gyrofridi die pasche pro omnibus serviciis. Et idem Ricardus dat domino xii d. pro conventionem sua affirmanda.

Willelmus filius Willelmi le Cayser dat domino iii s. ut habeat inquisitionem halimoti de iure suo attingendo utrum habeat maius ius in terra quam Alexander le lovecote tenuit ut eam petit an Ricardus Pollard qui eam tenet ut eam tenet. Plegii Willelmus Albus et Thomas filius Ame. Inquisitio dicit quod dictus Willelmus nullum ius habet in dicta terra. Ideo consideratum est quod predictus Ricardus remaneat in seisinam.

32 Hen. III (St. Faith).

Ricardus Doget dat domino iii s. ut habeat iuramentum xii hominum de iure suo attingendo de terra quam Willelmus le Ailward de Hendon tenet ut eam tenet an ille Ricardus ut eam petit, per plegium Willelmi le Pritel et Johannis filii Presbyteri et Symonis le May. Duodecim dicunt quod dominus Celerarius voluit quod dictus Ricardus non habebit dictam terram quia habet aliam et dictus Willelmus remanet in seisinam.<sup>1</sup>

32 Hen. III (SS. Simon and Jude).

Duodecim iurati inter Adam pistorem et Agnetem le Lyere de rationabili parte faciendam inter eos de grava dicunt quod fecerunt rationabilem partem de eadem grava medietatem uni et alteram medietatem alteri et preceptum est quod amodo uterque teneat partem suam.

33 Hen. III (St. Michael).

xii d.

Robertus Longus in misericordia quia intravit quandam dimidiam acram terre contra preceptum domini Celerarii, plegius Adam pistor qui prius petebat versus Agnetem le Lyere dimidiam acram terre et positum fuit super villatam. Villata recognovit quod dictus Robertus non habuit ius in predicta dimidia

<sup>1</sup> Only entry for this court.

acra terre, et dicta Agnes recuperavit seisinam illius dimidie acre ideo dictus Robertus in misericordia.

Alwynus de la Broke obtulit domino xii d. pro habenda inquisitione de divisio inter ipsum et Iohannem de Aggegate scilicet octo proborum hominum.

33 Hen. III (St. Peter).

Nomina eorum qui sunt de natione villate de Barnet ex patre et matre et fecerunt finem pro licencia ducendi uxorem et maritandi filios et filias. Robertus le May, Ordgor deggel, Gerardus filius Alwine pater Simonis prepositi, Godwinus ate dene, Ricardus Sibold, Johannes Saward, Terry prepositus, Robertus clericus et Johannes filius eius, Simon Cateline contradicit ideo distringatur. Alfricus le May, Algorus le Brai, Bartholomeus carectarius contradicit quia natus apud sanctum Albanum. Memorandum de Alexander Grundelesgate, maritavit filias, nescivit si fecit finem necne. Bartholomeo Carectarius similiter. Robertus de la Hale similiter.

Ricardus Doget dat domino xii d. pro habendo recordo de xii. hominibus de quadam terra quam petit versus Willelmum Ailward.

Omnes homines de Barnetleye dant domino xv s. pro talliagio. Homines de Estbarnet dant domino xv s. pro talliagio.<sup>1</sup>

35 Hen. III (St. Hugh).

Robertus de la Hale dat Celerario x s. pro relevio terre sue. Willelmus Kateline dat Celerario xvi s. pro relevio terre sue.

35 Hen. III (St. Leonard).

Dicit villata super sacramentum suum quod Philippus filius Hoseberti maturiorem habet iusticiam tenendi terram ut tenet quam Iohannes Degge prout exigit.

Robertus marescallus dat domino xii d. pro travis habendis ante marescalleriam suam.

*Norton. 1244-1303* (MS. in the possession of Mr. Reginald Hine).

EXTRACTA ROTULORUM DE HALIMOTIS TENTIS APUD MANERIUM DE NORTON, TEMPORE REGIS HENRICI, FILII REGIS IOHANNIS.

<sup>1</sup> 'Nota' in margin in a different hand. This is the complete entry for this court.

HALIMOTUM APUD NORTON POST HOKEDAY ANNO REGNI REGIS  
HENRICI XXVIII<sup>o</sup>.

Walterus filius Willelmi prepositi dat domino pro licencia  
habenda ducendi uxorem ii s.

Iohannes filius Agnete de la Grene dat domino dimidiam  
marcam in gersummam pro terra patris sui et pro licencia  
habenda ducendi uxorem, plegius Iohannes Boveton et Ose-  
bertus de la Hale.

HALIMOTUM APUD NORTON DIE SABBATI IN CRASTINO APOSTO-  
LORUM SIMONIS ET IUDE ANNO XXIX.

Godefridus filius Ailrici dat domino i marcam in gersummam  
pro terra patris sui et ut habeat licenciam ducendi uxorem, ita  
quod sit in custodia matris sue per iiii annos, plegius Osebertus  
de la Hale.

Willelmus Bercarius dat domino in gersummam iii s. pro terra  
patris sui.

HALIMOTUM APUD NORTON DIE VENERIS PROXIMA ANTE FESTUM  
SANCTI BARNABE ANNO XXX<sup>o</sup>.

Iohannes filius Ricardi dat domino in gersummam i marcam  
pro terra matris sue et ut habeat licenciam ducendi uxorem.

Radulfus de la Grene dat pro uxore ducenda xii d.

Alexander filius Willelmi dat xii d. pro filia sua maritanda.

HALIMOTUM APUD NORTON DIE MARTIS PROXIMA ANTE FESTUM  
SANCTE LUCIE ANNO REGIS HENRICI XXX.

Iohannes Eve dat dimidiam marcam in gersummam ut habeat  
terram quam cepit de Cecilia filia Willelmi omnibus diebus  
vite sue.

Thomas filius Alsiene, Radulfus de la Grene, Bartholomaus  
de la Grene, Iohannes Reymund, Willelmus ad ecclesiam,  
Iacobus Albreda ii s. in misericordia, quia non araverunt  
terram domini, ut arare deberent.

Willelmus filius Stynh', Ricardus Reynold, Osebertus Burre  
in misericordia quia non venerunt ad magnam precariam, ut  
venire deberent.<sup>1</sup>

<sup>1</sup> The entries for 21 and 22 Hen. III have been transcribed in full; all  
subsequent extracts from this court book are merely a selection.

31 Hen. III (SS. Peter and Paul).

Stephanus de Angulo dat domino in gersummam pro terra  
patris sui viii s.

Iacobus de la Grene dat domino pro uxore ducenda iiii s.

Willelmus filius Willelmi dat domino pro uxore ducenda ii s.

Osebertus filius Iohannis dat domino pro sorore sua maritanda  
vi d.

31 Hen. III (St. Leonard).

Willelmus de Codicote optulit domino i marcam ut habeat vere-  
dictum duarum villarum de Norton et Newenham de iure suo  
attingendo utrum habeat maius ius in dimidia virgata terre quam  
Alicia de la Grene tenuit an Iacobus qui eam nunc tenet, per ple-  
gium Iohannis Eve etc. Datus est dies ad proximum halimotum.  
Cellerarius posuit Iacobum de la Grene in seisinam de dimidia  
virgata terre quam Alicia de la Grene tenuit, tenendam sibi et  
heredibus suis. Et dat in gersummam vii marcas, unde invenit  
plegium Iohannem filium Willelmi etc'.

Willelmus filius Thome in misericordia quia non duxit filium  
suum coram Cellerario ad ponendum eum in seisinam de  
quadam terra ut conventio facta fuit coram domino Abbate  
vi d. De Iacobo de la Grene unum herietum de precio vi s.  
quod dominus Abbas extremo cepit.

31 Hen. III (Pentecost).

Tota Villata de Norton et de Newenham exceptis Willelmo pre-  
posito, Alexandro filio Emme, et Stephano Boveton dicunt  
quod convenit inter Willelmum Thomam et Walterum filium  
Roberti sub fraxino in Curia sancti Albani quod idem Willelmus  
daret filiam suam cum illa ferthlingata terre que in contentione  
erat inter eos predicto Waltero ut eam maritaret, ita quod idem  
Walterus remaneret in custodia ipsius Willelmi et ei serviret  
et obediret et quod ei necessaria inveniret, et dicunt quod idem  
Willelmus cepit eum et eo pacta osculati sunt et quod remaneret  
cum eo usque ad etatem filie sue tempore maritandi. Et postea  
idem Willelmus reppulit ipsum Walterum et deficiebat ei in  
conventionem. Unde idem Walterus queritur. Cellerarius per  
considerationem halimoti posuit ipsum Walterum in seisinam  
de predicta ferthlingata terre cum predicta filia ipsius Willelmi.



Willelmus prepositus, Alexander filius Emme, Stephanus filius Iohannis in misericordia quia contradixerunt totam villatam de veredicto.

31 Hen. III (St. James).

Willelmus prepositus in misericordia quia fuit in consilio maritandi Aliciam Saere sine licencia Cellerarii.

Preceptum est Waltero filio Roberti quod respondeat filie Willelmi Thome de medietate cruppi de terra quam recuperavit, scilicet primi anni, quia non est plene etatis de duabus summis frumenti et de una summa ordei.

Stephanus filius Oseberti in misericordia, quia non perfecit matri sue dotem suam per plegium Reymundi filii Walteri.

In eodem Rotulo habetur aliud halimotum sed nichil in eo notabile.

33 Hen. III (St. Peter ad Vincula) (at Newnham).<sup>1</sup>

Adam Gerarde dat domino ii s. ut habeat licenciam moram facere apud Baldok quamdiu dominus Cellerarius voluerit, reddendo per annum domino vi ferros equinos ad Pascha, plegius Willelmus de Norton.

Willelmus Sprount reddidit sursum in manus domini totam terram suam, et dominus Cellerarius seisivit Alberedam sororem dicti Willelmi de predicta terra faciendo inde servicium debitum et consuetum et eidem Willelmo per annum quamdiu vixerit omnium sanctorum dimidiam quarterium frumenti. Ideo dicta Albereda dat domino iii s. pro gersumma. Et Robertus filius Iordani accepit predictam Alberedam in uxorem in eadem conventionem, plegius frater Iohannes etc<sup>2</sup>.

34 Hen. III (St. Martin) (at Newnham).

Radulfus de la Grene et socii sui inculpati pro prato de Pucsxethurne dant domino x s. pro pace habenda, ut terre eorum partite sint per divisas per visum servientis et legalium hominum.

Osebertus Burre dat domino iii s. Willelmus in the Hale dat

<sup>1</sup> First court mentioned as held at Newnham.

domino ii s., Alexander Ruffus, Iohannes filius Henrici, Walterus filius Alicie, ut sint quieti ab officio prepositi.

35 Hen. III (St. Dunstan).

Tota villata de Newenham in misericordia, eo quod dicebant quod non deberent triturare prebendam, nisi in adventu domini ibidem.

Undecim homines de Norton dant domino xii d. pro respectu de loquela que mota est inter eos super quadam loquela domini Abbatis.

35 Hen. III (St. Andrew) (at Newnham).

Tota villata de Norton in misericordia quia ibant ad hospicium de magna precaria domini ante horam debitam et sine licencia servientis, unde sunt atteinti (*sic*) per prepositum et per bedellum.

36 Hen. III (Holy Cross).

Item idem Galfridus dedit domino xii d. pro inquisitione habenda duarum acrarum terre in villa de Norton.

Memorandum quod due acre quas Willelmus de Norton habet quas Galfridus filius Galfridi clamat iure hereditario in villa de Norton sunt in manu domini, quia nunquam in halimoto fuerant gersummate, sed quia dictus Galfridus tenebatur dicto Willelmo in quadam summa pecunie, remisit dictus Galfridus dicto Willelmo dictas duas acras usque dicta pecunia fuerit quieta, set nunquam dicte due acre alio modo fuerunt dimisse, et istud dicunt due villate. Dicunt etiam quod dicte due acre nunquam dimisse fuerant dicto Willelmo nec heredibus suis a dicto Galfrido et heredibus suis super sacramentum suum.

37 Hen. III (St. James).

Willelmus prepositus dedit domino xii d. pro inquisitione habenda versus Stephanum de Bovedoun de quodam fossato inter ipsos.

39 Hen. III (Lammas).<sup>1</sup>

Walterus Foliot dedit domino x s. pro licencia capiendi in uxorem filiam Thome Friday, et dabit dicto Waltero unam

<sup>1</sup> In margin *cave pro Newenham*.

dimidiam acram in maritagium cum filia sua, et totam terram suam post mortem suam, et pro ista licencia dedit domino vi d. Ricardus filius Radulfi dedit domino ii s. pro seisina duarum acrarum terre quas cepit hereditarie de Galfrido Morebred et de Wymark uxore eius, que videlicet terra ex ea venit et unde eadem Wymark recognovit coram tota Curia quod ipsa de cetero nunquam in eadem terra nullum ius exigere posset in perpetuum et predictus Ricardus dedit predictis Galfredo et Wymark x s. et una dimidia acra iacet apud Pittelesand, et alia dimidia acra in Wanningedane in Middelforlonge, et una dimidia acra in Greweisslade, et una roda inter duo chemina et una roda in Hordulfesmere, reddendo annuatim iiii d. et unum bedripp et unam gallinam ad Natale domini.

42 Hen. III (St. Clement).

Ricardus de Herldon dat domino ii s. pro habendo veredicto duarum villarum utrum dicta Emma debeat dotem habere in tertia parte terre an non, et ponit se super Norton et Newenham. Qui iurati veniunt et dicunt super sacramentum suum quod dicta Emma nullum dotem versus dictum Ricardum potest recuperare, quia vir dicte Emme tempore vite sue non fuit seisitus et ideo dotem non potest recuperare.

53 Hen. III (St. Leonard).

Ita convenit inter Willelmum Sprount et Albredam sororem suam quod idem W. concessit dicte sorori sue totam terram quam sibi accidere poterit hereditarie, reddendo inde annuatim dicto W. ii. busellos frumenti ad festum sancti Michaelis quam diu predicta A. dictam terram habere et tenere voluerit.

54 Hen. III (St. Luke).

Mabilia Bosot seisita est de toto tenemento quod fuit Galfridi fratris sui quod habuit de dono eiusdem G. faciendo inde servicia debita et consueta, et dat pro seisina vi d. Et testatum fuit per dominum Reynardum Cellerarium quod dictus G. dictum tenementum dedit et concessit dicte Mabilie sorori sue apud sanctum Albanum per plegium Iohannis Bedelli.

55 Hen. III (St. Mark).

Inquisitio de servicio terre quam Willelmus Everard aliquando tenuit, et quis sit proximus heres predicti Willelmi per

Iohannem Bedellum, Iohannem filium Ricardi, Walterum le Neweman, Radulfus atte Grene, Willelmum filium Stephani, et Willelmum atte Chirche. Qui dicunt super sacramentum suum quod Willelmus Everard tenuit viii acras terre i roda minus quas Everardus pater suus perquisivit de dominico Abbatis, sed utrum habet cartam inde nec ne, hoc ignorant, et reddit inde per annum vi s. ii d. Item dicunt quod idem W. tenuit ex alia parte medietatem unius crofti continentis iii acras et medietatem unius messuagii pro xii d. annuis [sic] et una precaria ad cervisiam et aliam precariam ad aquam. Item idem debet i denarium per annum pro fronte cuiusdem domus que abuttat super regalem viam. Et sectam ad halimotum sicut alii de Manerio Abbatis et herietum debet.

56 Hen. III (St. Dunstan).

Iurati presentant quod Willelmus Stephani dimisit unam acram terre Thome le Spicer' sine licencia, ideo in misericordia.

Idem dicunt de Nicholo de Neweman, quia dimisit dimidiam acram

Idem dicunt quod Willelmus Godinshow quod dimisit v rodas, ideo etc'

Idem dicunt quod Willelmus de Hexstansone dimisit dimidiam acram, ideo etc'

Idem dicunt quod Thomas Hathewis dimisit i acram, ideo etc'

Idem dicunt quod Osebertus de la Hale dimisit i rodam, ideo etc'

Preceptum est ut eadem terra capiatur in manus domini et omnes predicti pro iniusta dimissione in misericordia.

De braciatoribus ad visum franciplegii vi d.

1 Ed. I (Invention of Holy Cross).

Radulfus le Ferun nativus domini Abbatis manet apud Baldok. Iohannes Bene nativus domini Abbatis manet ibidem et preceptum est quod distringerentur eo quod sunt inobedientes capitales plegii eorum.

2 Ed. I (St. Mark).

Ricardus filius Ade le Kynge (vel Longe) dat domino xii d. quia dimisit filias Iohannis de Caldecote exire de domo sua extra terram domini Abbatis sine licencia domini.

## 4 Ed. I (Low Sunday).

Walterus le Neweman cepit terram que fuit Stephani filii Stephani excepta dote dicte terre habendam a festo sancti Michaelis proxime venturo usque in finem vii annorum proxime subsequentium, set modo incipiet waretare, et sustinebit domos etc', et faciet inde interim servicia debita et consueta. Ita quod heres propinquior si dictam terram habere voluerit respondebit dicto Waltero vel heredibus suis in fine dicti termini de omnibus custis etc'.<sup>1</sup>

## 5 Ed. I (Michaelmas). Tallagium.

Margareta de Boveton	iii s.	Walterus Godinhou	vi d.
Walterus le Neuman	ii s.	Radulfus prepositus	v s.
Bartholomaus Reymund	xii d.	Iohannes Burre	vi d.
Willelmus filius Stephani	xii d.	Willelmus Bigge	vi d.
Nicholaus le Neuman	ii s.	Walteri	iiii s.
Iohannes Aubre	ii s.	Saherus	iiii s.
Iohannes Alexander	vi d.	Willelmus de Ecclesia	ii s.
Iohanna Saman	vi d.	Stephanus filius	
Stansibel	vi d.	Radulfi	vi s.
Stephanus Dame	vi d.	Godefridus	vi d.
Willelmus Reymund	vi d.	Henricus de Neuham	vi s.
Hugo Gatere	vi d.	Galfridus le Messere	xii d.
Iohannes Iseude	vi d.	Martinus Osebert	xviii d.
Iohannes in le Hale	vi d.	Adam in le Hale	iii s.
Willelmus in le Hale	xviii d.	Ricardus Reymund	vi d.
Stephanus Ass	iii s.	Iohannes Iacob	xviii d.
		Ricardus Bonde	vi d.

## 8 Ed. I (St. Edmund King).

Radulfus le Nadelere attachiatus fuit ad respondendum domino Abbati de una secta subtracta per duos annos ad le Alebedrepe, et Radulfus venit et dicit quod nunquam fecit illam sectam nec facere debet, nec se vult ponere super iuratos quia liber homo est. Set Cellerarius de officio suo cepit inquisitionem et iurati dicunt quod illud tenementum solebat facere sectam illam, ideo datus est ei dies apud sanctum Albanum ad proximam curiam.

<sup>1</sup> Five cases with similar conditions are noted in this court.

## 8 Ed. I (Whitsun).

Terra Iohannis Godynogh extitit in manu domini per tria halimota et consideratum est per curiam quod est escaeta domini, et quod dominus potest seisire quemcumque voluerit inde. Et feofavit inde Iohannem Sayer faciendo inde servicia et consueta [*sic*], et dat pro seisina xii d.

Duodecim iurati de Norton presentant quod Margareta de Norton utilior est ad tenendum terram patris sui, et eadem Margareta venit coram domino R. de Gravele tunc Cellerario, et fecit finem pro una libra cimini per annum solvenda ad cameram Abbatis, ita ut dicta Margareta sit quieta ab illa demanda de predicta terra, et quod possit manere quo voluerit et se maritare sine alicuius licencia et pro hac fine in posterum firmando dedit domino Abbate xx s.

## 17 Ed. I (Trinity).

Alicia que fuit uxor Ricardi le Bounde venit et petit contra servientem domini quod iniuste cepit herietum pro morte viri sui, eo quod hereditas descendit ab ipsa. Et quia inventum fuit quod per licenciam domini maritata fuit eidem viro suo consideratum fuit eo quod vir est caput mulieris quod dominus habeat dictum herietum et ipsa nichil inde capiat.

Iurati presentant quod Willelmus Gerard fecit quoddam escambium cum Nicholao de Neweman per licenciam domini salvo iure cuiuslibet de una dimidia acra terre que iacet inter ipsum Nicholaum et Walterum Albre contra voluntatem Agnete uxoris sue, de qua terra venit sicut de vero herede, et ipsam fecit sursum reddere lacrimentem in pleno halimoto, et dicunt quod predictus Nicholaus iniuste tenet illam, quia non habuit seisinam nisi contradicente dicta Agnete.

Habetur in anno xx tempore Luce Cellerarii.

Item super hoc venit Iohannes Prud tempore domini Luce Cellerarii anno R. R. E. xx<sup>o</sup> die sabbati proxima post festum sancti Matthae apostoli et petiit inquisitionem fieri super eadem dimidia acra, et habuit, et illa inquisitio ultima dixit illud idem quod prima inquisitio, unde dominus Cellerarius iussit eandem dimidiam acram dicto Iohanni restitui et ipsum in seisinam poni.

Iurati de Norton.

Ricardus Reymund	Willelmus in le Hale
Walterus Sayer	Alanus filius Willelmi
Iohannes Alexander	Radulfus filius Willelmi
Willelmus le Neueman	Iohannes in le Hale.

Iurati de Newenham.

Walterus filius Stephani	Iohannes Iacob	} Galfridus Broun
Adam in le Hale	Radulfus Wykyng	
Iohannes Robin	Iohannes Hawys	
Ricardus Sabryght	Iohannes Bird	

Iurati de Norton dicunt quod Walterus Albre potens est tenendi tenementum Willelmi Shayle et habet illud per traditionem Cellerarii ad terminum annorum, ita quod habebit custagia sua si aliquis illud vendicaverit et recuperavit et postea relaxatus fuit.

19 Ed. I (St. Margaret).

Eodem die tota villata representant Sayer' in prepositum promittentes se pro eo responsuros.

20 Ed. I (Ascension).

Cum convictum fuerit tempore domini Ricardi de Hakforde Cellerarii anno R. R. E. xvii<sup>o</sup> per unam inquisitionem, et iterum tempore domini Luce de Bovindon Cellerarii anno R. R. E. xix et xx, per duas inquisitiones quod Agnes uxor Willelmi Gerard invita ad halimotum venit et unam dimidiam acram terre compulsa sursum reddidit ad opus Nicholai de Hexston, que quidem dimidia acra tradita est per dominum Iohanni Prud, et dictus Nicholaus per annum debuit cuicumque dictam dimidiam acram tenuerit duos denarios annui redditus. Idem Nicholaus et Iohannes Prud concordati sunt per licenciam domini sub hac forma, quod dictus Nicholaus remisit dictam dimidiam acram quantum in ipso fuit dicto Iohanni Prud, et dictus Iohannes remisit dicto Nicholao dictos ii denarios annui redditus quos recipere consuevit de dicta terra in perpetuum per licenciam domini.

23 Ed. I (St. Barnabas).

Dominus Cellerarius concessit et tradidit Roberto Lass unam quarternam terre que fuit Cristine le Palmere, sibi et heredibus

suis tenendam, ita quod faciat seruicia debita et consueta, et erit domino in omnibus et pro omnia obediens quam diu dictam terram teneat sicut alii de eadem tenura tenentes, scilicet in lot et scot, mercheto, tallagio, et omnibus aliis serviciis que dicta terra expostulat. Et si contingat quod dictus Robertus contrarius vel contra aliquem subscriptorum contravenire inventus fuerit, liceat domino eundem Robertum a dicta terra expellere, et dona sua ubicumque fuerint inventa astringere et retinere quousque plenarie ei de contemptu fuerit satisfactum. Et ad ista omnia et singula seruicia observanda istos invenit manucaptors, Iohannem Burre, Iohannem Boveton', Iohannem Prudde, et dat domino pro ingressu xx s. per eosdem plegios.

29 Ed. I (St. Lucy).

Iohannes filius Stephani clerici tradidit vicario de Norton' totam terram suam ad seminandam pro tercia garba sine licencia domini, ideo dicta terra capiatur in manus domini.

## APPENDIX II

## REDDITUS ET CONSUECUDINES DE CODICOTE,

1332

*B.M. Add. MS. 40734, ff. 1-16.**(f. 1.)*

Extenta Manerii de Codicote facta Mense Iunii Anno Regni Regis Edwardi tercii a conquestu Sexto.<sup>1</sup>

Per Sacramentum Edwardi atte Hathe, Thome atte Pirye, Iohannis By Southe, Walteri Ernold, Simonis de Childemere, Willelmi Halewarde, Reginaldi Aleyne, Radulphi Thikeneye, Willelmi Thikeneye, Willelmi le Marchal, Iohanni [*sic*] Laurence, Roberti atte Strate, et Walteri atte Strate. Qui dicunt quod:

Situs Manerii cum gardino et curtilagio continet iiiii. acras. Et fructus in gardino valet per annum ii.s. Et herbagium in gardino valet per annum xii.d. Summa iii.s.

Terra arabilis.

Prima seisona.

In Cokrethefelde sunt lv. acre terre. Et valet acra per annum ii.d. ob.

In Eldeburyfelde sunt xxxi. acra, precio acre ut supra.

In Halywelldene sunt xxii. acre et dimidia, precio acre ut supra.

In Evorlonge sunt ix. acre, precio acre ut supra.

In le Westfelde sunt xviii. acre, precio acre ut supra.

Summa. Cxxxv. acre et dimidia. Et valent per annum xxviii.s. ii.d. ob.

Secunda seisona.

In Chirchefelde sunt, c. et xl. acre, et valet acra per annum ii.d. ob.

In Pollefordefelde sunt xxxv. acre, precio acre ut supra.

Summa clxxv. acre, que valent per annum xxxvi.s. v.d. ob.

Tercia seisona.

In Catesden' sunt xiiii. acre terre. Et valet acra per annum. ii.d. ob.

<sup>1</sup> In a different hand, *Anno Christi* 1331.

*(f. 1d.)*

In Brambelhulle sunt xl. acre. Et valet acra per annum ut prius.

In Wodefelde sunt xl. acre terre, et valet acra per annum ut prius.

In Heyhathefelde et Coksate sunt lviii. acre et dimidia terre, et valet acra ut prius.

Summa acrarum clii. acre et dimidia, que valent per annum, xxxi.s. ix.d. qu.

Pratum.

In Pademade est una acra prati, que valet per annum xii.d. et non plus quia dictum pratum in stagno Molendini.

Summa xii.d.

Pastura.

In Whiteheth, Westmade, Brodemade et Lytelmade, sunt iiiii<sup>or</sup>. acre pasture, et valet acra per annum vi.d.

Summa ii.s.

Boscus.

In bosco de Cokerethe sunt xiiii. acre bosci, unde subboscus valet per annum iii.s.

In le Homwode sunt xvi. acre, unde subboscus valet per annum xii.d.

In le Conyngger' est dimidia acra bosci, unde subboscus nullus.

Pannagium.

Pannagium in predictis bossis [*sic*] cum contigerit esse valet ii.s.

Perquisita Curie.

Fines et perquisita Curie valent per annum xiii.s. iiiii.d.

Molendina aquatica.

Sunt ibidem duo Molendina aquatica que dimittuntur pro vi.li. argenti.

Et valent ultra reprisam per annum cum proficuo piscarie iiiii.li. Summa summarum predictarum ix.li. xix.s. ix.d. qu.

Iohannes Salecok dictus be Southe tenet unum mesuagium edificatum, et dimidiam virgatam terre que fuerunt Matillidis Salecok. Et reddit inde per annum (*f. 2*) ad liberum redditum xvi.d. ad festa Natalis domini, Annunciationis beate Marie,

Nativitatis sancti Iohannis Baptiste et sancti Michaelis, equis porcionibus. Et ad firmam coquine per annum, viii.d. ad festa Natalis domini, et Annunciationis beate Marie, equis porcionibus. Et ad auxilium vicecomitis ii.d. ob. ad festa Annunciationis beate Marie et sancti Michaelis. Et pro averagio vii.d. per annum, videlicet ad festa Natalis domini ii.d. ad festum Annunciationis beate Marie ii.d. ad festum Nativitatis sancti Iohannis Baptiste ii.d. ad festum Exaltationis sancte Crucis i.d. Et pro scharselvere per annum ii.s. viii.d. videlicet ad festa Natalis domini, Annunciationis beate Marie, Nativitatis sancti Iohannis Baptisti, et sancti Michaelis equis porcionibus pro uno crofto terre quem tenet sub mesuagio suo. Et arabit duas acras et dimidiam ad saisonam hiemalem, et duas acras et dimidiam ad saisonam quadragesimalem, et duas acras et dimidiam ad warectam, vel dabit pro qualibet acra vi.d. Et herciabit per unum diem integrum cum uno equo si habeat equum. Et debet unum benerthe ad semen frumenti, et unum benerthe ad semen quadragesimalem, si habeat carucam ad cibum domini. Et debet unum gallum et unam gallinam ad Natalem domini, et xxx ova ad Pascha. Et debet xlii. opera a festo sancti Michaelis usque festum sancti Petri Advincula in certo, precio operis ob., et i. lovelove [*sic*] ad Natalem domini, precio operis ob. Et inveniet unum hominem ad fenum levandum per unum diem ad cibum proprium. Et erit in auxilium ad pratum domini falcandum quousque pratum domini fuerit falcatum. Et inveniet duos homines ad quamlibet precariam in autumpno dum dominus habet ad metendum ad cibum domini sine potu prout patebit, vel dabit pro quolibet homine per diem i.d. Et metet et ligabit tres acras bladi ad voluntatem domini vel dabit pro acra iii.d. Et cariabit blada domini per unum diem in autumpno ad cibum domini et potum sufficientem, si habeat carectam et equum. Et purgabit cursum aque ad molendinum domini per dimidiam diem cum uno homine si necesse fuerit.

Idem tenet unum croftum vocatum Gonnyldecrofte. Et reddit inde per annum vi. busellos de sprig' ad festum sancti Michaelis, et i.d. vocatum coumbepany ad dictum terminum.

Et idem tenet dimidiam rodam prati in Westmade in duabus parcellis, et unam rodam et dimidiam terre in Gonnyldecrofte,

quod quidem croftus et pratum Margareta Haukyn quondam tenuit, et reddit inde per annum ad liberum redditum v.d.

Walterus atte Hulle tenet unam ferlingatam terre apud Abboteshye, quam Ricardus le Webbe tenuit. Et reddit inde per annum ad liberum redditum ii.s. viii.d. Et ad firmam coquine ii.d. Et ad auxilium vicecomitis i.d. qu. Et pro averagio vii.d. Et (*f. 2d*) arabit vii. acras et dimidiam ad predictas seisonas. Et herciabit cum uno equo per unum diem si habeat equum ad semen quadragesimale. Et debet ii. benerthes si habeat carucam. Et unam gallinam ad Natale, et xv. ova ad Pascha. Et i. love ad Natale, precio ob. Et purgabit filum aque. Et inveniet unum hominem ad quamlibet precariam in autumpno. Et erit in auxilium pro prato domini falcando et levando quousque fuerit levatum. Et idem debet unum caponem ad Natale.

Robertus Hechele est tenens domini, et tenet dimidiam rodam terre edificatam, captam de illa ferlingata terre quam Iohannes atte Thorne tenuit, et nichil dat domino nisi sectam communem et heriettum cum acciderit.

Iohannes atte Thorne tenet unam ferlingatam terre quam Nicholaus atte Thorne tenuit, et reddit inde per annum firme coquine ii.d. Et ad auxilium vicecomitis i.d. qu. Et pro averagio vii.d. Et arabit et herciabit sicut predictus Walterus. Et debet xlii. opera parva per annum. Et i. love ad Natale. Et unam gallinam ad Natale domini, et xv. ova ad Pascha. Et debet i. busellum et dimidiam frumenti ad festum sancti Michaelis. Et erit in auxilium pro prato domini falcando et levando. Et inveniet unum hominem ad quamlibet precariam in autumpno. Et metet tres acras bladi et ligabit ad voluntatem domini, vel dabit pro acra iii.d. Et purgabit filum aque.

Robertus Ailward tenet unum toftum et unam acram terre, et reddit inde per annum ad liberum redditum vi.d. ob. Et metet et ligabit dimidiam acram bladi in autumpno. Et debet sectam et heriettum.<sup>1</sup>

Thomas de Bromeshale tenet unum toftum et v. acras terre. Et reddit inde per annum ad liberum redditum xx.d. Et debet heriettum et sectam.

Robertus le Swone et Willelmus filius eius tenent unum mesua-

<sup>1</sup> 'Buttok' is written in the margin against this entry in another hand.

gium, et unam acram terre que Robertus Cole tenuit. Et reddit inde per annum ad liberum redditum vi.d. ob. Et debet sectam et heriettum.

Et idem tenet unum mesuagium, et unam acram et dimidiam terre que Osbertus Admunde quondam tenuit. Et reddit inde per annum ad liberum redditum xii.d. Et debet heriettum et sectam.

(*f. 3.*)

Et idem Robertus tenet tres acras terre in Osebernescrofte, quas Sibilia de Cokrethe tenuit. Et reddit inde per annum ad liberum redditum ii.s. ii.d.

Et idem tenet unum mesuagium et vi. acras et tres rodas terre. Et reddit inde per annum ad sharselver' pro iii. vomeribus ii.s. viii.d. Et unum quarterium et unum busellum de sprig', et nullum coumbepany. Et debet sectam et heriettum.

Et idem tenet unam acram terre et prati in le Westfelde et Westmade iuxta Kymtonemulle. Et reddit inde per annum ad liberum redditum iii.d. Et unum hominem ad duas precarias in autumpno.

Et idem tenet unam acram terre in Brodefelde. Et reddit inde per annum ad averagium iii.d.ob.

Et idem tenet unum mesuagium et duas acras terre quas Iohannes Polle tenuit. Et reddit ad liberum redditum xx.d. Et metet dimidiam acram terre in autumpno.

Laurencius de Ayote debet per annum pro una grava que vocatur Brommeshale Wode xii.d. per annum.

Radulfus Mullewarde tenet unam acram terre edificatam quam Dulcia Raven quondam tenuit, et reddit inde per annum xiiii.d. liberi redditus. Et unam rodam prati, et unam acram et iii. rodas terre in Westmade et Brodefelde, quas Thomas Pirye tenuit. Et reddit inde per annum ad liberum redditum viii.d. Idem tenet unam parvam croftam iuxta portam Willelmi Lorde, et reddit inde per annum viii.d. ad liberum redditum, et unum caponem ad Natale domini.

Ricardus Grey et Alicia Grey tenent unum cotlonde, et reddunt ad liberum redditum iii.d. per annum, et ad auxilium vicecomitis ad tercium terminum ob. Et debet ii. vomeres, precio xvi.d. Et faciet per annum xlii. opera, precio operis ob. Et i. love ad Natale domini, precio ob. Et ad quamlibet

precariam unum hominem, et metet et ligabit tres acras ad cibum proprium. Et purgabit filum aque. Et erit in auxilium pro feno levando.

(*f. 3d.*)

Reginaldus Doget tenet unum mesuagium et vi. acras et dimidiam terre, et reddit inde per annum ad liberum redditum iii.s. et ii.s. viii.d. pro iii. vomeribus. Et idem tenet i. croftum terre quod Martinus Molendinarius tenuit, et reddit per annum vi.d.

Willelmus le Lord tenet unam ferthynglonde, et reddit inde ad firmam coquine ii.d. per annum. Et ad auxilium vicecomitis i.d.qu. Et pro averagio vii.d. Et arabit vii. acras et dimidiam. Et herciabit per unum diem si habeat equum cum uno equo. Et ad quamlibet precariam unum hominem. Et metet et ligabit tres acras sine cibo. Falcabit et cariaabit in autumpno si habeat carectam. Et faciet xlii. opera, et i. love, precio operis ob. Et dabit vi. busellos de sprig' et unam gallinam, et xv. ova.

Iohannes Molendinarius filius Osberti et Alicia uxor eius tenent unum mesuagium et duas acras terre, et reddunt ad liberum redditum xv.d. Debent heriettum et sectam. Et ipsi tenent unam peciam prati quam Iohannes atte Strate tenuit, et reddit ad liberum redditum iii.d. Et debent i.d. ad festum Nativitatis sancti Iohannis Baptisti pro dimidia roda prati, quam Ricardus le Webbe tenuit in le Westmade.

Iohannes Lorugh tenet unum cotlonde quam Molendinarius tenuit. Et reddit inde per annum ad liberum redditum ii.d. pro uno crofto terre vocato Frecroft. Ad auxilium vicecomitis ad tercium terminum ob. Et ad quamlibet precariam unum hominem, et metet tres acras ad cibum proprium. Et faciet xlii. opera, et i. love. Et levabit fenum, et purgabit filum aque.

Idem tenet unum cotlonde quod Rogerus le Lorugh' tenuit. Et reddit ad auxilium vicecomitis ad tercium terminum ob. Et ad quamlibet precariam unum hominem, et metet tres acras ad cibum proprium. Et faciet xlii. opera, et i. love. Et dabit vi. bussellos de sprig'.

Hugo Cokrethe tenet unum mesuagium et xviii. acras terre. Et reddit ad liberum redditum x.d. Ad firmam coquine ii.d. Ad auxilium vicecomitis i.d.qu. Ad averagium vii.d. Et arabit

vii. acras et dimidiam, herciabit cum uno equo si habeat per unum diem. Et ad quamlibet precariam unum hominem. Et metet tres acras ad cibum proprium. Falcabit et levabit fenum, et carciabit blada domini si habeat carectam per unum diem. Et faciet xlii. opera, et i. love. Et dabit i. quarterium et i. busellum de sprig', et ii.s. viii.d. pro iiiior. vomeribus, unam gallinam, et xv. ova.

(f. 4.)

Et idem tenet unam acram et dimidiam de Bedeleslonde in iiiior. parcellis in Haldenesfelde pro ii.d. ad liberum redditum. Iohannes Partyn tenet unam acram terre quam tenet in exchange pro una acra terre iacente inclusa in bosco Laurencii de Ayate de licencia domini Rogeri quondam Abbatis. Et reddit inde per annum iiiid.

Robertus atte Strate tenet dimidiam virgatam terre. Et reddit ad liberum redditum v.s. i.d. Et ad firmam coquine viii.d. Et ad auxilium vicecomitis ii.d. ob. Et ad averagium ix.d. ob.qu. Et debet i. love ad Natale domini. Et purgabit filum aque. Et dabit unum gallum et unam gallinam ad Natale, et xxx. ova ad Pascha. Et inveniet duos homines ad quamlibet precariam. Et erit in auxilium pro feno levando.

Idem tenet i. coumbelonde continentem v. acras, et reddit inde per annum vi. busellos de sprig', et i.d. pro coumbepany.

Idem tenet unam acram et unam rodam terre, captam de illa ferlyngata terre quam Ricardus le Webbe tenuit. Et reddit inde ad Natale unam gallinam, et xlii. opera, precio operis ob. Et dicta terra iacet in Aylrichesfelde in ii. parcellis.

Willelmus atte Felde tenet per Aliciam uxorem suam per libertatem Anglie, unum mesuagium et xv. acras terre in tribus croftis, et tres parcellas prati, et reddit inde per annum ad liberum redditum xxii.d. Et ad auxilium vicecomitis i.d.qu. Et pro una acra terre que fuit Reginaldi Fabri in Aylrichesfelde sub Wreboldescroft iiiid. Fatetur idem Willelmus coram Iohanne Poleyn dictos iiiid. detinuisse per xxx. annos per cartam suam. Et idem tenet v. acras terre que fuerunt Thome atte Wyke, unde una acra terre iacet in Cherchefelde, et due acre et dimidia in Archesfelde, et una acra et dimidia in Heydene. Et reddit inde per annum ad liberum redditum xvi.d. Et debet sectam.

Reginaldus Aleyn tenet dimidiam virgatam terre, exceptis iiiior. acris et i. roda. Et reddit inde per annum ad liberum redditum xv.d. Et ad firmam coquine viii.d. Et ad auxilium vicecomitis ii.d. ob. Et ad averagium iii.d. ob. Et i. gallum et i. gallinam (f. 4d) ad Natale, et xxx. ova ad Pascha. Et arabit vii. acras et dimidiam ad tres seisonas, et herciabit per unum diem si habeat equum. Et inveniet duos homines ad quamlibet precariam, et metet et ligabit unam acram et dimidiam sine cibo. Et erit in auxilium pro prato falcando et levando. Et carciabit blada domini si habeat carectam per unum diem ad cibum domini. Et debet xxxi. opera, et i. love, et purgare filum aque.

Et idem tenet unum croftum vocatum Laycrofte, et reddit inde per annum vi. busellos de sprig', et i. quaterium avenarum, et i.d. pro coumbepeny.

Et idem tenet unum croftum vocatum Coumbecrofte continentem iii. acras, et reddit inde per annum vi. busellos de sprig', et i.d. pro coumbepeny.

Et idem tenet unum croftum vocatum le Redelynche, et reddit inde per annum i. quarterium et dimidium de sprig', et ii.d. pro coumbepeny. Et debet ii. vomeres precio xvi.d. pro eodem crofto.

Idem Reginaldus tenet unum cotlonde vocatum Grenemerecrofte. Et reddit inde<sup>1</sup> ad auxilium vicecomitis ad tercium terminum ob. Et debet i. hominem ad quamlibet precariam. Et metet et ligabit tres acras sine cibo. Et faciet xlii. opera, et i. love, precio operis ob. Et purgabit filum aque.

Et idem tenet i. cotlonde vocatum Bissopeslonde. Et reddit inde per annum ad liberum redditum v.d. Ad auxilium vicecomitis ad tercium terminum ob. et i. hominem ad quamlibet precariam, et metet et ligabit tres acras sine cibo. Et faciet xlii. opera, et i. love.

Rogerus le Heldere tenet iiiior. acras et i. rodam terre de predicta dimidia virgata terre ut supra. Et reddit inde per annum ad liberum redditum xviii.d.

Stephanus Bray tenet i. croftum vocatum Thoroughberncroft quod dictus Reginaldus tenuit. Et reddit per annum ad liberum redditum xvi.d.

<sup>1</sup> per annum crossed out.



Iohannes atte Strate tenet dimidiam virgatam terre exceptis i. acra et i. roda terre, et dimidia acra prati, unde Rogerus le Heldere tenet dictam acram et rodam (*f. 5*) terre, et Iohannes Molendinarius et Alicia uxor eius tenent dictum pratam. Et dictus Iohannes reddit per annum ad liberum redditum iii.s. viii.d. Et ad firmam coquine xii.d. Ad auxilium vicecomitis iii.d. ob. qu. Et arabit ad tres seisonas xi. acras et unam rodam. Et ad quamlibet precariam iii. homines. Et sex busellos de sprig', et i.d. pro coumbepany et unum gallum, et duas gallinas, et xv. ova. Et debet i. love ad Natale. Et levabit fenum cum uno homine, et purgabit filum aque. Cariabit blada domini in autumpno si habeat carectam.

Et Walterus filius eiusdem tenet iv. rodas terre in Aylrichesfelde in ii. parcellis, quas adquisivit de Rogero Maye et Isabella uxore eius. Et reddit inde per annum ad firmam Coquine iiiid. et vii. opera, precio operis ob.

Thomas atte Pirye tenet dimidiam virgatam terre, exceptis tribus acris et dimidia quas Radulfus le Mullewarde, Rogerus Maye et Margareta Palmere tenent, pro quibus tribus acris et dimidiam ipsi solvunt xiiii.d. ut patet in tenura eorum alibi. Et dictus Thomas solvit x.d. pro residuo ad liberum redditum. Et ad firmam coquine viii.d. Et ad auxilium vicecomitis ii.d. ob. Et ad averagium vii.d. Et arabit vii. acras et dimidiam et herciabit per i. diem cum uno equo si habeat. Et debet ii. benerthes si habeat carucam ad cibum domini. Et unam gallum et unam gallinam et xxx. ova. Et debet xlii. opera, et i. love. Et ad quamlibet precariam ii. homines ad cibum domini. Et metet et ligabit tres acras bladi ad cibum proprium. Et cariabit blada domini per unum diem ad cibum domini si habeat carucam. Falcabit et levabit fenum, debet sectam et heriettum. Et purgabit filum aque.

Item idem Thomas tenet i. cotlonde et reddit inde ad auxilium vicecomitis ad tercium terminum ob. Et xlii. opera. et i. love, et unum hominem ad fenum levandum. Et ad quamlibet precariam unum hominem. Et metet tres acras ad cibum proprium. Et purgabit filum aque.

Idem tenet i. croftum vocatum Welcrofte. Et reddit inde per annum viii.d. ad liberum redditum.

Et idem tenet i. croftum vocatum Potterescrofte. Et reddit

inde per annum ad liberum redditum viii.d. Et vi. busellos de sprig', et i.d. pro coumbepany.

Et idem tenet dimidiam acram terre in Aylrichesfelde de terra Durant le Whyte (*f. 5d*) et reddit inde per annum ad liberum redditum ii.d. ad festum sancti Michaelis.

Et idem tenet unam ferlingatam terre quam Ricardus le Whyte tenuit, et reddit inde ad liberum redditum iii.d. Ad firmam coquine iiiid. et ad auxilium vicecomitis i.d. qu. Ad averagium iii.d. ob. Et arabit tres acras, tres rodas ad tres seisonas. Et herciabit cum uno equo si habeat per unum diem. Et debet inde xxi. opera, et i. love, et unam gallinam, et xv. ova. Et falcabit et levabit fenum cum uno homine. Et purgabit filum aque. Et ad quamlibet precariam unum hominem. Et metet unam acram et dimidiam ad cibum proprium. Et cariabit bladum domini per unum diem si habeat carectam, ad cibum domini.

Alienora Blostine tenet i. cotlonde quod fuit Mauricii Blostine. Et reddit ad auxilium vicecomitis ad tercium terminum ob. Et debet xlii. opera, et i. love. Et levabit fenum cum uno homine. Et purgabit filum aque. Et inveniet ad quamlibet precariam i. hominem. Et metet tres [*sic*] ad cibum proprium, et ligabit easdem.

Willelmus atte Newelonde tenet unam ferlingatam terre, excepta una acra in Brodefelde quam Willelmus le Swone tenet ut prius. Et reddit inde ad firmam coquine iiiid. Et ad auxilium vicecomitis i.d. qu. Et arabit tres acras et tres rodas. Et herciabit per unum diem si habeat equum ad cibum proprium. Et debet ii. benerthes si habeat carucam. Et debet xxi. opera, et i. love. Et falcabit et levabit fenum. Et ad quamlibet precariam i. hominem. Et metet et ligabit i. acram et dimidiam ad cibum proprium. Et cariabit blada domini per unum diem si habeat carectam ad cibum domini. Et debet unam gallinam et xv. ova.

Rogerus le Dryvere tenet dimidiam virgatam terre quam Thomas le Dryvere tenuit, exceptis xi. acris et dimidia terre, quas undecim tenentes tenent ut patet in cedula annexa.<sup>1</sup> Et dictus Rogerus solvit pro residuo ad liberum redditum iii.s. iii.d. Et ad firmam coquine viii.d. Ad auxilium vicecomitis ii.d. ob. Et faciet ii. benerthes si habeat carucam, ad cibum

<sup>1</sup> *Cedulam non vidi* written in left margin.

domini. Et debet i. gallum, et i. gallinam, et xxx. ova. Et debet i. love. Et levabit fenum. Et ad quamlibet precariam tres homines, unde unus homo debetur pro uno crofto vocato Crabbendenecrofte. Et purgabit filum aque.

Agnes le White tenet i. cotlonde quam Henricus atte Pyrye tenuit. Et (*f. 6*) reddit inde ad auxilium vicecomitis ad tercium terminum ob. Et debet xlii. opera, et unum love. Levabit fenum, et purgabit filum aque. Et ad quamlibet precarium i. hominem. Et metet tres acras ad cibum proprium.

Et dicta Agnes tenet duas croftas terre continentes duas acras et dimidiam. Et reddit inde per annum xvii.d. que crofte fuerunt Iohannis le Coliere. Et faciet ii. Bereppes [*sic*] in autumpno cum uno homine ad cibum domini.

Et eadem Agnes tenet dimidiam acram terre de dimidia virgata terre que fuit Thome le Dryvere in Heydenefelde in duabus parcellis pro ii.d.

Walterus le Coliere tenet i. coumbelonde, videlicet unam acram edificatam. Et reddit inde per annum vi. busellos de sprig', et i.d. pro coumbepeny.

Et idem tenet duas acras terre sub dicto edificio, et reddit inde per annum iii.d. pro Wykelond.

Walterus Blostine tenet i. cotlonde. Et reddit ad auxilium vicecomitis ad tertium terminum ob., et ad quamlibet precariam i. hominem. Et metet tres acras ad cibum proprium. Et faciet xlii. opera. et i. love. Et levabit fenum cum i. homine. Et purgabit filum aque.

Idem tenet i. coumbelonde videlicet i. croftum vocatum Potterescrofte. Et reddit inde per annum vi. busellos de sprig' et i.d. pro coumbepeny.

Et idem tenet quatuor acras vocatas le Newelonde. Et reddit inde per annum ad liberum redditum ii.s. Et ad quamlibet precariam i. hominem.

Et idem tenet tres acras terre iuxta portam mesuagii sui. Et reddit inde per annum ii.s. viii.d. pro quatuor vomeribus. Robertus le Smythe tenet unum cotagium quod fuit Durant le White, et reddit inde viii.d. pro vomere uno.

Ricardus le Smythe tenet unum cotagium et i. croftum. Et reddit inde per annum ad liberum redditum viii.d.

(*f. 6d.*)

Iohannes Laurence tenet unum mesuagium et xii. acras terre. Et reddit ad liberum redditum v.s. vi.d. Ad auxilium vicecomitis ad tercium terminum ob. Et faciet ii. bedereppes cum uno homine.

Et idem tenet unam ferlingatam terre que fuit Durant le White, et reddit inde ad liberum redditum xxi.d. Ad firmam coquine iii.d. Ad auxilium vicecomitis ob. qu. Et ad averagium iii.d. ob. Et arabit tres acras et iii. rodas, et herciabit cum uno equo si habeat per i. diem. Et debet xxi. opera, et i. love. Et debet i. gallinam et xv. ova. Falcabit pratum et levabit cum i. homine. Et metet unam acram et dimidiam. Et debet ii.s. pro tribus vomeribus. Et purgabit filum aque. Et cariabit blada domini, si habeat carectam. etc.

Et idem tenet i. croftum terre vocatum Dellecrofte, quam Reginaldus Aleyn tenuit. Et reddit inde per annum xii.d. Et idem tenet dimidiam acram terre in Aylichesfelde de dimidia virgata quondam Thome le Dryvere, et reddit inde per annum ii.d.

Ricardus atte Dene tenet unum mesuagium et tres croftas terre, quas Iohannes le Colyere et Elianora uxor eius tenuerunt, et reddit inde per annum ad liberum redditum vi.s. xi.d.

Et idem tenet duas acras terre de novo captas de terra in dominico, in campo de Thikkeney, tenendo sibi ad terminum annorum, et reddit inde per annum xii.d.

Margareta Palmere tenet tres rodas terre que fuerunt Roberti le Coliere in Aylichesfelde et Thikkeney, et reddit inde per annum iii.d. ad liberum redditum. Et Iohannes Poleyn tenet ibidem tantam terram ut patebit, quam terram Walterus atte Strate quondam tenuit. Eadem Margareta tenet medietatem iii. rodarum terre in Aylichesfelde de terra Durant quam dictus Walterus tenuit, et reddit inde per annum i.d. ob. Et medietatem iii. acrarum terre in Vireboldescrofte que quondam fuerunt Henrici Blostine quas dictus Walterus tenuit, et reddit inde per annum ix.d. qu. Et medietatem ii acrarum et iii rodarum in Longcroft. Et medietatem viii acrarum in Asshefeld. Et medietatem dimidie acre prati in Westmade et Goggepole, que fuerunt Thome le Dryvere, et reddit inde per annum vi.d. Et medietatem dimidie acre terre in Asshefeld que fuit

Iuliane atte Pyrye quam dictus Walterus (*f. 7*) tenuit, et reddit inde per annum i.d. Et pro medietate unius parcelle terre, que fuit Osberti Molendinarii, quam dictus Walterus tenuit pro ob. per annum. Et pro medietate iii. acrarum in Crouchecrofte, que fuerunt Iohannis filii prepositi, quam dictus Walterus tenuit pro xiii.d. per annum quam croftam Iohannes Poleyn tenet. Et pro medietate v. rodarum terre in Vireboldescrofte, que fuit Ricardi le Webbe, quam dictus Walterus tenuit pro i.d. ob. qu. per annum. Et pro medietate iii. rodarum terre in Heydene que fuerunt Iohannis de Raveneshacche, quas dictus Walterus tenuit pro i.d. ob. per annum. Et pro medietate unius crofte terre, et unius mesuagii que fuerunt Roberti le Rede, que dictus Walterus tenuit pro ix.d. per annum. Et pro medietate xvii. acrarum et dimidie et unius rode terre divisim iacentis. Unde ii. acre iacent apud Rowedelle, una acra et dimidia apud Stacheresdole, due acre in uno Pightello apud Wyklane, una acra in uno pightello apud Pollesgate, una acra in uno pightello apud Redelynche iuxta croftum Willelmi Cok, vii. acre in Heydene in tribus parcellis, v. rode terre apud Pirstoke et una roda iacet in Aylrichesfelde, iuxta terram que fuit Coliereslonde, et una acra et tres rode apud Huntewyneshale. Et reddit pro medietate dictarum xvii. acrarum et dimidie acre iii.s. iii.d. qu.

Et predicta Margareta tenet unum toftum et unam gravam et i. croftum vocatum Hallecrofte, et reddit inde per annum xxiii.d.

Et dicta Margareta tenet medietatem trium acrarum terre in crofta vocata le Wowecrofte, dictam le Shepecotecrofte, pro iii. busellos de sprig' per annum, et pro ob. ad coumbeselve. Et Iohannes Poleyn tenet aliam medietatem dicte crofte.

Iohannes Poleyn tenet unum mesuagium et cxx. acras terre per parcellas que fuerunt de hereditate sua, et reddit inde per annum xlii.s. ix.d. ad liberum redditum. Et ii.d. ob. ad auxilium vicecomitis. Et ad firmam coquine xvi.d.

Item tenet unum toftum apud Grenemere, quod fuit Ricardi Cisseverne, et reddit inde per annum iiij.d. ob. Et tenetur per virgam.

Et pro uno mesuagio quod fuit Thome Sutoris de Wellewe, situm in foro debet xii.d. per annum, et tenetur per virgam.

Et pro mesuagio quod Thomas le Porter tenet de Iohanne Poleyn quod fuit Reginaldi Kynne in foro de Codicote iii.d. Et pro ix. acris terre que fuerunt Thome atte Wyke, et postea Willelmi Shortegrave xvi.d. Et pro una acra terre nuper (*f. 7d*) edificata cum duobus cotagiis, que quondam fuit Petri le Yhonge dicti White, quondam capta de terra de dominicis, de Cokrethefelde. Et pro dimidia acra terre nuper edificata que fuit Elene le Carpentere, capta de Cokrethefelde predicta xii.d. annuatim. Et pro uno parvo tofto quod fuit Margarete Carpenter vi.d. per annum. Et pro uno cotagio quod fuit Sibille Cokrethe, quod nunc assartari fecit et annecti crofte sue que vocatur Brodecrofte, pro iii.d. per annum. Et pro una acra prati in Whitecokesmade quam Thomas Whitecoker quondam tenuit native xv.d. Et pro una acra terre que fuit dicti Thome in Polefordfelde iii.d.

Dictus Iohannes Poleyn tenet unum mesuagium et i. croftum terre in foro de Codicote, que fuerunt Gunnilde de Lydewelle, que Walterus atte Strate tenuit. Et reddit inde per annum ad liberum redditum vii.d. ob. qu. Et faciet ii. bedereppes in autumpno cum i. homine. Et pro i. mesuagio edificato quod fuit Reginaldi Fabri iuxta mesuagium Willelmi Mareschall' xiii.d. ob. per annum. Et pro medietate unius acre terre et dimidiam, que fuerunt Roberti le Coliere in Aylrichesfelde et Thikeney solvit iii.d. per annum. Et pro medietate trium rodarum terre in Aylrichesfelde quam Durant tenuit, et Walterus atte Strate postea i.d. ob. Et pro medietate iii. acrarum terre in Vireboldescrofte que quondam fuerunt Henrici Blostine, quas dictus Walterus tenuit pro ix.d. qu. Et pro medietate ii. acrarum terre et dimidie et i. rode in Longecrofte et pro medietate i. acre terre in Asshfelde et medietate dimidie acre prati in Westmede et Goggepole, que fuerunt Thome le Dryvere vi.d. per annum. Et pro medietate dimidie acre terre in Asshfelde que fuit Iuliane atte Pyrie quam dictus Walterus tenuit i.d. Et pro medietate unius parcelle terre que fuit Osberti Molendinarii, quam dictus Walterus tenuit ob. Et pro tribus acris terre in Crouchescrofte, que fuerunt Iohannis filii prepositi, quas dictus Walterus tenuit xiii.d. Et Margareta Palmere solvit xiii.d. pro dicta crofta per compositionem inter eos factam, pro alia terra quam ipsa tenet ut supra, quia terra et tenementum que dictus Walterus atte Strate quondam tenuit

inter dictos Iohannem Poleyn et Margareta Palmere dividuntur. Et predictus Iohannes pro predicta crofta vocata Crouches-crofte post iiii. primas precarias completas, ad quamlibet precariam postea inveniet i. hominem dum dominus habet ad metendum, ad cibum domini. Et pro medietate v. rodarum terre in Vireboldescrofte que fuerunt Ricardi le Webbe quas dictus Walterus tenuit i.d. ob. qu. Et pro medietate iii. rodarum terre in Heydene que fuerunt Iohannis de Raveneshacche quas dictus Walterus tenuit i.d. ob. Et pro medietate unius crofte et unius mesuagii que fuerunt Roberti le Rede que dictus Walterus tenuit ix.d. Et pro medietate xvii. acrarum et trium rodarum terre divisim iacentium iiii.s. (*f. 8*) iiii.d. qu. De quibus xvii. acris et tribus rodis terre, due acre iacent apud Rowedelle, una acra et dimidia apud Stachesdole, due acre in uno pightello apud Wykelane, una acra in uno pightello apud Pollesgate, una acra in uno pightello apud Redelynche, iuxta croftum Willelmi Cok, vii. acre in Heydene in tribus parcellis, v. rode apud Pyrestoke una roda in Aylrichesfelde iuxta terram que fuit Coliereslonde. Et una acra et tres rode apud Huntewyneshale.

Et idem tenet medietatem trium acrarum terre in crofta vocata le Wowecrofte dicta Shepecotecrofte, pro iii. busellos de spryg' per annum, et pro ob. ad coumbeselve, quam terram idem Iohannes dimisit Willelmo le Smythe.

Cotagium quod fuit Ricardi le Bray qui ultimo tenuit, quod quondam Roberti le Rede et postea Roberti Fabri debet ad auxilium vicecomitis ad tercium terminum ob. Et xlii. opera, et i. love. Et ad quamlibet precariam i. hominem. Et metet tres acras in autumpno. Et erit in auxilium pro feno levando. Et purgabit filum aque.

Stephanus le Bray tenet unum mesuagium et v. acras terre que fuerunt Alicie le Palmere pro iii.s. per annum. Et pro uno angulo unius curtilagii de terra Bysshope iuxta dictum mesuagium pro i.d. per annum.

Item idem tenet unam Molam manualementem in domo sua, pro qua solvit per annum i.d. de novo redditu.

Alicia Thoroughberne tenet unum mesuagium quod fuit Emme Thoroughberne pro ii.d. per annum, debet sectam et heriettum.

Radulfus de Thykeney tenet dimidiam virgatam terre, et reddit

inde per annum ad liberum redditum xiii.s. viii.d. Et ad auxilium vicecomitis ii.d.ob. Et arabit bis in anno, ad cibum domini, si habeat carucam, et debet i. love, et purgabit filum aque, et levabit fenum. Et ad quamlibet precariam duos homines ad cibum domini, et cariabit blada domini per unum diem si habeat carectam.

Idem Radulfus tenet i. cotlonde quod Leticia de Thykeney tenuit pro vi.d. per annum, ad liberum redditum. Et ad auxilium vicecomitis ad tercium terminum ob. Et xlii. opera, et i. love. Et ad quamlibet bedereppem in autumpno i. hominem. Et metet tres acras ad cibum proprium. Et debet viii.d. pro uno vomere.

(*f. 8d.*)

Idem Radulfus tenet unum croftum sub Parco de Knebworthe continentem quatuor acras pro xviii.d. per annum ad liberum redditum.

Idem Radulfus tenet vi. acras terre in duabus parcellis divisim iuxta Thikeneylane. Et reddit inde per annum xii.d.

Idem tenet duas acras et dimidiam que fuerunt Alicie le Bedel in Haldenefelde, et Radenho in sex parcellis pro v.d. per annum.

Willelmus de Thikeney tenet unum mesuagium et v. acras terre, et reddit inde per annum ii.s. x.d. Et ad auxilium vicecomitis ad tercium terminum ob. Et ad quamlibet precariam unum hominem ad cibum domini. Et debet i. love. Et levare fenum et purgare filum aque.

Et idem tenet quatuor acras terre in uno crofto. Et reddit inde per annum vi. busellos unde iii. buselli frumenti et iii. buselli ordeii.

Willelmus Halewarde tenet duas acras terre iuxta predictas iiii<sup>or</sup>. acras terre. Et reddit inde per annum xiiii.d. Et pro partem suam ad precariam quas Willelmus de Thikeney debet. Et idem tenet cotagium iuxta forum. Et reddit ob. pro warrantia.

Hugo de Thikeney tenet unum cotagium, et nullum redditum, sed sectam et heriettum.

Thomas Monewode tenet unam acram terre, de terra Rogeri Errolde. Et reddit inde per annum iiii.d.

Thomas Wexole tenet unum cotlonde et reddit ad auxilium vicecomitis ad tercium terminum ob. Et ad liberum redditum pro aisiamento unius fossati vocati Wexole, ob. Et xlii. opera et i. love. Et levabit fenum, et purgabit filum aque. Et ad quamlibet precariam unum hominem. Et metet tres acras ad cibum proprium.

Iohannes le Thecthere tenet unum cotagium. Et nullum dat redditum, sed sectam et heriettam.

(*f. 9.*)

Willelmus de Childemere tenet unum cotagium et unam acram terre que Isabella le Drake tenuit. Et reddit inde per annum iii.d. Et Reginaldus de Froberhale tenet tres acras de predicto tenemento pro vi.d. ut patebit.

Willelmus Halewarde et Rogerus le Heldere tenent unum cotlonde quod Reginaldus de Froberhale tenuit, et reddit ad auxilium vicecomitis ad tercium terminum ob. et alia servicia sicut dictus Thomas Wexole.

Et predictus Willelmus tenet unum croftum vocatum Wellecroft pro xv.d. per annum ad liberum redditum.

Reginaldus de Froberhale tenet i. ferlinglonde quod Thomas de Froberhale tenuit, pro ii.s. vi.d. ad liberum redditum per annum. Et ad firmam coquine viii.d. Et ad auxilium vicecomitis i.d. qu. Ad averagium iii.d. ob. Et unam gallinam et xv. ova, et i. love. Et purgare filum aque, et levare fenum. Et ad quamlibet precariam unum hominem.

Idem Reginaldus tenet unum cotlonde quod fuit predicti Thome pro xxii.d. ad liberum redditum per annum. Et ad auxilium vicecomitis ad tercium terminum ob. Et debet xlii. opera, et i. love. Et levabit fenum, et purgabit filum aque. Et ad quamlibet precariam i. hominem. Et metet tres acras ad cibum proprium. Et pro duabus acris terre quas Isabella le Drake tenuit vi.d. ad liberum redditum.

Et idem tenet unam acram et tres rodas terre de Marchaleslond pro v.d. ad liberum redditum.

Iohannes Martyn senior tenet quatuor acras terre quas Edwardus Polle tenuit, pro ii.s. iii.d. ad liberum redditum per annum.

Iohannes Martyn iunior tenet unum Cotagium captum de tenemento Reginaldi de Froberhale, pro ob. ad warantiam.

Adam le Bedellus tenet unum mesuagium et unam ferlingatam terre, et reddit idem per annum ad firmam coquine viii.d. Ad auxilium vicecomitis i.d. qu. Ad averagium iii.d. ob.

Et debet xxi. opera, et i. love, unam gallinam, et xv. ova. Falcabit et levabit fenum, et purgabit filum aque. Et ad quamlibet precariam unum hominem. Et metet (*f. 9d*) unam acram et dimidiam. Et cariabit blada domini si habeat caretam per unum diem.

Alicia le Bedelle tenet unum cotagium, et nullum dat redditum, debet sectam et heriettum.

Walterus Ernolde et Margareta Arnolde tenent unam ferlingatam terre pro xviii.d. ad liberum redditum per annum, de quibus dicta Margareta solvit iiiii.d. pro una acra terre. Et ad firmam Coquine viii.d. Et ad auxilium vicecomitis i.d. qu. Et ad averagium iii.d. ob. Et arabit vii. acras et dimidiam ad tres seisonas, et herciabit per unum diem si habeat equum. Et faciet xxi. opera, et i. love. Et debet unam gallinam et xv. ova. Falcabit et levabit fenum. Et ad quamlibet precariam unum hominem. Et metet unam acram et dimidiam. Et cariabit blada domini. Et purgabit filum aque.

Idem Walterus tenet ix. acras terre sub Parco de Knebworthe pro iii.s. per annum ad liberum redditum.

Idem tenet vii. acras terre de Marechaleslonde pro xviii.d. per annum ad liberum redditum. Et ii.d. pro averagio pro dicta terra.

Adam atte Hathe tenet vii. acras terre in Haldenefelde et Welwefelde de Marchaleslonde. Et reddit inde per annum ad firmam coquine xvi.d. Et ad auxilium vicecomitis i.d. Et ad averagium vi.d. Et ad liberum redditum iii.d. quos Radulfus atte Hathe quondam tenuit.

Willelmus Mareschal tenet unum mesuagium et xv. acras terre et unam rodam de illa dimidia virgata terre que fuit Alexandri le Mareschal. Et debet ad quamlibet precariam duos homines, levabit fenum et purgabit filum aque, debet unum gallum et xxx. ova.

Et idem tenet tres rodas de Bedeleslonde pro i.d. per annum ad liberum redditum.

Thomas Poncharde tenet duas acras edificatas de eadem

dimidia virgata terre pro vi.d. per annum ad liberum redditum, debet sectam et heriettum.

Royesia de Monewode tenet dimidiam acram terre edificatam iuxta terram ipsius Thome de predicta dimidia virgata terre, pro ii.d. per annum ad liberum redditum, debet sectam et heriettum.

(*f. 10.*)

Stephanus le Pottere tenet duas acras edificatas iuxta terram ipsius Roisie de predicta dimidia virgata terre pro xvi.d. ad liberum redditum per annum, debet sectam et heriettum.

Rogerus le Pottere tenet dimidiam acram in uno pightello iuxta terram ipsius Stephani pro i.d.ob. ad auxilium vicecomitis ad festum Annunciationis beate Marie, et sectam.

Edwardus atte Hathe tenet duas acras terre in Welwefelde et Bilgravefelde de predicta dimidia virgata terre pro v.d. ob. Et debet ad averagium ob. qu.

Rogerus le Heldere tenet unam rodam terre de eadem dimidia virgata terre pro i.d. ad averagium per annum.

Hugo de Cokrethe tenet dimidiam acram terre in Haldenesfelde de predicta dimidia virgata terre pro ii.d. per annum.

Henricus de Cokrethe tenet unam rodam terre in Cokeshullefelde de predicta dimidia virgata terre pro una gallina ad Natale.

Willelmus le Coweherde tenet unam peciam prati in Cokkeshulle de dicta dimidia virgata terre pro i.d.ob. ad liberum redditum.

Willelmus atte Grave tenet unum mesuagium et duas acras et dimidiam terre quas Lora le Bedele tenuit, et reddit inde per annum vi.d. ad liberum redditum.

Edwardus atte Hathe tenet dimidiam virgatam terre, et reddit inde per annum ad firmam coquine xvi.d. Ad auxilium vicecomitis ii.d. ob. Et ad averagium xiiii.d. Et arabit ad tres saisonas xv. acras. Et herciabit per unum diem cum duobus

<sup>xx</sup>  
equis si habeat equum. Et faciet iiiii.iii. opera, et i. love, unum gallum et unam gallinam ad Natale, et xxx. ova ad Pascha. Et falcabit et levabit fenum. Et ad quamlibet precariam duos homines. Et metet vi. acras ad cibum proprium.

Et cariabit blada domini si habeat carectam. Et purgabit filum aque.

Idem Edwardus tenet x. acras terre, et reddit inde per annum ad liberum redditum xv.d. qu. Et ad auxilium vicecomitis i.d. qu. Et ad averagium iii.d. ob. Et arabit ad tres seisonas (*f. 10 d*) tres acras et tres rodas. Et faciet xxi. opera. Et dabit unam gallinam ad Natale et xv. ova ad Pascha. Et ad quamlibet precariam unum hominem. Et metet unam acram et dimidiam, falcabit et levabit fenum.

Thomas le Portere tenet unum mesuagium et quatuor acras terre. Et reddit inde ad liberum vii.d. et unum caponem ad Natale domini, que tenementa Nicholaus atte Stile quondam tenuit.

Emma atte Stile tenet unum cotagium. Et nichil dat de redditu, sed sectam et heriettum.

Rogerus Laurence tenet unum cotagium, et nullum dat redditum, debet sectam et heriettum.

TENENTES IN FORO ET BURGAGIO DE CODICOTE, ET IUXTA FORUM ET BURGAGIUM

Robertus Cheval tenet unam carucatam terre apud Cissevernum, et reddit inde per annum ad auxilium vicecomitis xxii.d. ob. Et pro una virgata terre de Nodelonde unam libram cimini ad Pascha.

Iohannes atte Dene tenet unum mesuagium et tres acras terre pro xvii.d. per annum ad liberum redditum. Et dabit viii.d. pro uno vomere. Faciet sectam et heriettum.

Walterus le Swone tenet unum mesuagium pro ob. ad liberum redditum per annum.

Hugo de Cokrethe tenet unam ferlingatam terre. Et reddit inde per annum ad liberum redditum ii.d. Ad firmam coquine viii.d. Ad auxilium vicecomitis i.d. qu. Et ad averagium vii.d. Et arabit ad tres seisonas vii. acras et dimidiam. Et herciabit. Et debet xlii. opera, et i. love, unam gallinam, et xv. ova. Et ad quamlibet precariam unum hominem. Et metet et ligabit tres acras bladi, ad cibum proprium. (*f. 11*) Falcabit et levabit fenum. Et cariabit blada domini in autumpno si habeat carectam. Et purgabit filum aque.

Idem tenet sex acras terre in Fyncheshofelde iuxta Bilgrave-

mulle et dimidiam acram prati in Chevalesmede iuxta dictam terram, et quatuor acras terre Oxwikecroft, et reddit inde per annum ad liberum redditum pro dicta terra et pro una acra terre apud Meregrave iii.s. ix.d.

Idem tenet duas acras terre que fuerunt Thome Whitecoker unde una acra vocatur Pourtenacre in Cokkeshulle, et alia acra vocatur le Henedacre in Cokrethefelde pro xx.d. ad liberum redditum per annum.

Hugo Halewarde tenet unam ferlingatam terre, et reddit inde per annum ad liberum redditum xii.d. Ad auxilium vicecomitis i.d. qu. Ad firmam coquine viii.d. per annum. Ad averagium iii.d. ob. Et arabit tres acras et tres rodas, et herciabit si habeat equum per dimidiam diem. Et debet xxi. opus [*sic*] et i. love, dabit unam gallinam et xv. ova. Falcabit et levabit fenum. Et ad quamlibet bedereppem unum hominem. Et metet et ligabit unam acram et dimidiam ad cibum propriam. Et cariabit blada per dimidiam diem cum carecta si habeat. Et purgabit filum aque.

Idem Hugo tenet dimidiam ferlingatam terre, et reddit inde per annum ad liberum redditum ii.s. x.d. Et ad auxilium vicecomitis ad tercium terminum ob. Et ad quamlibet precariam unum hominem.

Willelmus le Cowherde tenet unum mesuagium et unam acram terre, et reddit inde per annum ad liberum redditum ix.d. ob. Et faciet duas primas precarias cum uno homine. Et Edwardus le Cowherde tenuit dicta mesuagium et acram terre.

Ricardus Evelot tenet unum cotagium iuxta mesuagium Iohannis de London' pro i.d. ad liberum redditum per annum. Iuliana Evelot et Iohannes atte Style tenent unum mesuagium quod fuit Ricardi Evelot, et reddunt inde per annum vi.d. ad liberum redditum.

Iohannes Hawkyn tenet unum cotlonde et reddit ad auxilium vicecomitis ad tercium terminum ob. et ad quamlibet bedereppem unum hominem. Et metet et ligabit tres acras. Et faciet xlii. opera (*f. 11d*) et i. love. Levabit fenum, et purgabit filum aque.

Idem tenet unam parcellam capitalis mesuagii quod fuit Ricardi le Webbe, unde Iohannes de London' tenet residuum, et septem acras terre de illa ferlyngata terre que fuit predicti

Ricardi, unde una acra et tres rode iacent in Aylichesfelde, una acra et dimidia in Heydenfelde, una acra una roda in Longecrofte, una acra et una roda in Asschefelde, una acra in Col-smythescrofte, et una rode prati in Gogpolemade. Et reddit per annum ad liberum redditum per parcelas mesuagii predicti ob. Et ad auxilium vicecomitis pro predicta terra. id. qu. Et ad averagium iii.d. ob. Et arabit tres acras et tres rodas. Et herciabit si habeat equum per unum diem. Et ad quamlibet precarium unum hominem. Et metet unam acram et dimidiam et ligabit. Et debet unum opus et unum love. Falcabit et levabit fenum. Et cariabit blada domini si habeat carectam per dimidiam diem ad cibum domini. Et debet xv. ova.

Walterus Kynne tenet unum cotagium quod fuit Rogeri atte Strate. Et inde per annum ad liberum redditum vi.d.

Thomas Morice tenet unum mesuagium quod fuit Reginaldi le Heldere, et reddit inde per annum xviii.d. ad liberum redditum.

Iohannes de Raveneshacche iunior tenet unum cotagium iuxta mesuagium Thome Morice, et debet ob. pro warantia. Iohannes Dolitel tenet unum cotagium captum de tenemento Iohannis de Raveneshacche, et nullum redditum dat domino. Debet sectam et herietum.

Et idem tenet de licencia domini unam molam manualet hoc anno, Regni Regis Edwardi tercii a conquestu sexto, captam et reddit inde per annum dum tenet ii.d.

Willelmus Terry tenet unam acram edificatam, et reddit inde per annum ad festum sancti Michaelis proximum futurum videlicet anno Regni Regis Edwardi iii. a conquestu sexto v.s. per annum ad liberum redditum.

Willelmus de Raveneshacche tenet per Celestriam uxorem suam unum mesuagium et dimidiam virgatam terre que fuerunt Iohannis de Raveneshacche. Et reddit inde per annum ad firmam coquine xii.d. Ad auxilium vicecomitis ii.d. ob. Et ad averagium vii.d. Et arabit (*f. 12*) vii. acras et dimidiam ad tres seisonas. Et herciabit per unum diem si habeat equum. Et faciet xlii. opera, et i. love, unum gallum et unam gallinam, et xxx. ova. Falcabit et levabit fenum. Et ad quamlibet precariam duos homines. Et metet tres acras ad cibum proprium. Cariabit blada per unum diem si habeat carectam. Et purgabit filum aque.

Et dictus Willelmus tenet unum cotagium iuxta le Stile, et reddit inde ob. pro warantia.

Et idem Willelmus tenet unam rodam terre in le Brodefelde, de dimidia virgata terre que fuit Iohannis de Raveneshacche.

Rogerus Maye tenet unum mesuagium et unam acram terre, et reddit inde per annum ad liberum redditum xii.d. et sectam.

Et idem tenet unam acram terre que fuit de terra Iuliane Pirye in Asshefelde pro iii.d. ad liberum redditum.

Idem tenet tres acras et dimidiam terre de terra que fuit Iohannis filii prepositi in duobus croftis apud le Hathe, et reddit inde per annum ad liberum redditum x.d. Et debet qu. ad auxilium vicecomitis.

Idem tenet unam acram et unam rodam terre de terra que fuit Thome le Dryvere in Aylrychesfelde et reddit inde per annum iii.d. ad liberum redditum.

Idem tenet unam parcellam terre in crofta sua iuxta mesuagium suum quondam captam de regia via, et reddit inde per annum vi.d.

Ricardus Lote tenet unam placiam vacuam iuxta forum, et reddit inde per annum vi.d. et solebat reddere xii.d.

Iohanna de London' tenet unum mesuagium, et reddit inde per annum ii.d. et sectam.

Iohannes de London' tenet unum mesuagium quod fuit Roberti de London'. Et reddit inde per annum ii.s. ad liberum redditum. Et unam parcellam cotagii quod fuit Iohannis Haukyne pro i.d. per annum ad liberum redditum.

(*f. 12 d.*)

Willelmus Osebern tenet unum cotagium et tres croftas terre que fuerunt Willelmi le Neweman, et reddit inde per annum ad liberum redditum ii.s. ii.d. Et ad auxilium vicecomitis ad tercium terminum ob. Et idem tenet unum fossatum iuxta croftam suam captum de terra domini pro i.d. per annum ad liberum redditum.

Iohannes Coldyngge tenet unum cotagium quod fuit Roberti le Rede pro ii.d. ad liberum redditum.

Rogerus le Heldere tenet unum mesuagium vocatum le Mases

plot, et reddit inde per annum ad liberum redditum iii.d. et sectam.

Idem tenet unum mesuagium quod fuit Margarete le Webbe pro ii. ad liberum redditum et sectam.<sup>1</sup>

Idem tenet unum mesuagium quod fuit Henrici de Raveneshacche pro ii.d. per annum ad liberum redditum. Et sectam.<sup>1</sup>

Idem tenet quatuor acras et dimidiam de illa ferlingata terre que fuit Iohannis filii prepositi in duabus croftis. Et reddit inde per annum ad liberum redditum v.d. Et ad firmam coquine iii.d. Et ad auxilium vicecomitis i.d.

Idem tenet unam acram terre in Redlynche de terra Thome atte Wyke pro iii.d. ad liberum redditum.

Idem tenet tres rodas terre in Longecrofte de terra Iohannis Haukyne pro iii.d. ad liberum redditum.

Idem Rogerus tenet unam acram et unam rodam terre in Asshefelde in duabus parcellis de terra Iohannis atte Strate pro iii.d. per annum.

Idem tenet unam rodam terre vocata Barlylonde de terra Alexandri Marchal, et reddit inde per annum i.d. ad averagium.

Idem tenet duas acras terre in Ayrichesfelde de terra Willelmi Coke pro iii.d. ad liberum redditum.

Idem tenet dimidiam acram terre in eodem campo de terra Rogeri le Dryvere debet i.d. quem solvet Rogero le Dryvere.

Idem tenet unam acram et dimidiam in le Longecroft de terra Willelmi Carpentere, nichil reddit (*f. 13*) domino, sed dicto Willelmo Carpentere.

Idem tenet duas acras et dimidiam de terra Whitecoke in Brodecrofte et unam acram et unam rodam terre in Hamstalecrofte de eadem terra, et unam acram terre in Polefordfelde iuxta Madehege. Et reddit inde per annum ad firmam coquine xvi.d. Et arabit unam acram de dimidiam. Et debet viii. opera. Et metet unam acram. Et ad precariam unum hominem dum dominus habet ad metendum.

Idem Rogerus tenet tres schopas sub uno tecto, et reddit inde per annum ad liberum redditum xviii.d.

<sup>1</sup> *Smythe* is written in the margin against this entry, in another hand.



Robertus filius Rogeri Poleyn tenet unum mesuagium quod fuit Thome Sutoris, et reddit inde per annum xii.d.

Willelmus le Smythe tenet medietatem unius mesuagii quod fuit Walteri filii Henrici de Cokrethe, et reddit inde per annum ad liberum redditum vi.d.<sup>1</sup>

Et idem tenet unam fabricam de novo captam et unum herbarium de communa, pro iiiii.d. per annum.

Willelmus le.Mareschal tenet medietatem dicti mesuagii, et reddit inde per annum ad liberum redditum vi.d.<sup>1</sup>

Idem tenet i. coumbelonde continentem tres acras terre, quod fuit Galfridi atte Hurne, et reddit inde per annum vi. busellos de sprig', et i.d. pro coumbepeny.

Idem tenet unam Gravettam de terra dicti Galfridi pro iii.d. ad liberum redditum per annum.

Matilda Synoth et Sibilla filia eius tenent unum mesuagium, et reddunt inde per annum ad liberum redditum vi.d.

Willelmus Synoth tenet unum mesuagium quod fuit Roisie le Prestes, et reddit inde per annum ad liberum redditum viii.d.

Cristina Cok tenet unum mesuagium quod fuit Hugonis Cok, et reddit i.d. ad (*f. 13 d*) liberum redditum. Et pro uno Palys i.d.

Iohannes de Brykendone tenet partem eiusdem mesuagii pro i.d. per annum.

Idem tenet unum mesuagium in foro, quod fuit Osberti le Neweman, et reddit inde per annum iiiii.s. et solebat reddere dimidiam marcam.

Idem tenet unam schopam in foro iuxta schopam Thome Cuppere, reddit inde per annum ad liberum redditum xii.d.

Iohannes Cuppere tenet unum toftum in foro, et reddit inde per annum ad liberum redditum vi.d.

Iohannes de Baughel tenet unum mesuagium quod fuit Hugonis Cok, pro iiiii.s. per annum. Et solebat reddere per annum vii.s. Et debet duos capones ad Manerium ad Natale.

Simon Childemere tenet unam ferlingatam terre, et reddit inde per annum ad liberum redditum viii.d. Et ad firmam coquine iiiii.d. Et ad auxilium vicecomitis i.d. qu. Et ad averagium vii.d. Et arabit vii. acras et dimidiam et herciabit si habeat equum per unum diem. Et debet xlii. opera, et i.

<sup>1</sup> These two entries are joined by a line in the left margin.

love, unam gallinam et xv. ova. Falcabit et levabit fenum. Et purgabit filum aque. Et ad quamlibet precariam i. hominem. Et metet tres acras ad cibum proprium. Et cariat blada domini si habeat carectam.

Idem Simon tenet unam acram terre in Vireboldescroft. et Asshfelde pro iii.d. ad liberum redditum. Et metet dimidiam acram ad cibum proprium.

Idem Simon tenet unam acram et unam rodam in Aylrichesfelde et Asshfelde de terra Thome le Dryvere pro v.d. per annum.

Idem tenet duas acras et unam rodam terre in Thorughbernescrofte, quas Emma Thorughberne tenuit, et unam placeam in curtulagio dicte Emme, pro xiiii.d. per annum.

Et idem tenet unum cotagium apud Lydewelle pro ii.d. per annum ad liberum redditum.

Et pro una placea terre hoc anno Regni Regis Edwardi iii. a conquestu sexto, capta de gardino domini i.d. ad festum sancti Michaelis solvendo. Et pro una placea terre capta de Lydewellane (*f. 14*) pro i.d. ad festum sancti Michaelis de novo capta per tres annos elapsos.

Hugo Cok tenet unum mesuagium et xxiiii. acras terre et dimidiam, quas Hugo Cok tenuit, unde predictum mesuagium et ix. acre terre tenentur per Rotulos Curie. De quibus xxiiii. acris et dimidia terre, tres acre iacent in Longecroft, due acre in Heydenefelde, una acra in Pollecrofte, et tres acre cum mesuagio. Summa ix. acre. Et remanent xv. acre et dimidia de terra libera, de quibus tres acre iacent in Heydenefelde, una acra in Cherchefelde, sex acre in Pollecrofte, et dimidia acra in Refelde, et v. acre in uno crofto vocato Crovellee. Et reddit pro predictis tenementis per annum ad liberum redditum xii.s. iii.d. Et xvi.d. pro duobus vomeribus, et duos capones ad Natale domini.

Ricardus Baughel tenet unum mesuagium quod fuit Iohannis Skole, et reddit inde per annum ad liberum redditum viii.d.

Idem Ricardus tenet unum mesuagium quod fuit Galfridi Arnolde, et reddit inde ad liberum redditum xii.d.

Idem tenet unam acram et unam rodam de terra Thome Dryvere. Ignoratur per quae servicia.

Idem tenet dimidiam acram terre quam adquisivit de Henrico de Raveneshacche.

Idem tenet quatuor acras de terra Iohannis filii prepositi. Et faciet ad quamlibet bedereppem in autumpno unum hominem ad cibum domini.

Ricardus filius Iohannis le Hoo iunioris tenet unum mesuagium pro xii.d. ad liberum redditum, et debet sectam.

Egidius atte Mere tenet unum mesuagium quod fuit Thome atte Mere et reddit per annum xii.d. ad liberum redditum.

Henricus le Carpentere tenet unum mesuagium quod fuit Rogeri le Carpentere, et reddit inde per annum ad liberum redditum xii.d.

Idem tenet duas acras terre in le Brache, et reddit inde per annum ad liberum redditum vi.d.

Et pro una acra et dimidia terre in Refelde que fuit Nicholai atte Thorne, reddit iii.d. ad liberum redditum.

Et pro una acra terre de Bedeleslonde iuxta Bilgravemulle iii. d.

Et pro duobus cotagiis que fuerunt Reginaldi le Heldere ix.d.

Et idem tenet unam acram terre et prati in Goggepol et iuxta Goggepol de terra Iohannis (*f. 14 d*) filii prepositi per servitium iii.d.

Willelmus le Carpentere tenet unum mesuagium et dimidiam virgatam terre que fuerunt Rogeri le Carpentere, et reddit ad liberum redditum ii.s, ad firmam coquine viii.d, ad auxilium vicecomitis ii.d. ob., et ad averagium vii.d. Et arabit vii. acras et dimidiam et herciabit si habeat equum per unum diem. Et faciet xlii. opera, et i. love. Et debet unum gallum et unam gallinam et xxx. ova. Falcabit et levabit fenum. Et ad quamlibet precariam duos homines. Et metet et ligabit tres acras. Et cariabit blada domini si habeat carectam. Et purgabit filum aque.

Sibilla le Reve tenet unum mesuagium et quatuor acras terre, videlicet in Hamstalecrofte tres acre et dimidia et in Hathecroft dimidia acra. Et dabit unam gallinam et xv. ova. Et ad quamlibet precariam unum hominem. Et levabit fenum. Et debet i. love. Et purgabit filum aque.

Iohannes Boveyer tenet unam ferlingatam terre que fuit Willelmi Boveyere, et reddit ad liberum redditum xii.d. Et ad firmam coquine viii.d. Et ad auxilium vicecomitis i.d. qu. Et

ad averagium iii.d. ob. Et arabit tres acras et tres rodas. Et herciabit per dimidiam diem si habeat equum. Unam gallinam, et xv. ova, xxi. opus [*sic*], et i. love. Falcabit et levabit fenum. Et ad quamlibet precariam i. hominem. Et metet unam acram dimidiam ad cibum proprium. Et purgabit filum aque. Et cariabit blada per dimidiam diem si habeat carectam.

Iohannes Whitecok tenet unum toftum, et xiiii. acras et unam rodam terre que remanserunt de dimidia virgata terre quam Thomas Whitecok tenuit. De quibus iii. acre et dimidia terre iacent in Brodecroft, una acra et una roda in Homcroft, tres acre in Hongyngcroft, et tres acre in Polfordefelde in le Malmes, una acra et dimidia in Stokkyng in eodem campo et una acra in Cokeshulle. Et reddit ad auxilium vicecomitis ii.d. ob., et ad averagium vii.d. Et arabit vi. acras. Et Rogerus le Heldere arabit pro terra quam tenet de dicta dimidia virgata terre unam acram et dimidiam. Et predictus Iohannes herciabit per unum diem si habeat equum, debet unum gallum, et unam gallinam, et xv. ova. Et debet xxi. opus, et i. love. Falcabit et levabit fenum. Et ad quamlibet precariam unum hominem. Et metet duas acras terre. Et cariabit blada per unum diem si habeat carectam. Purgabit filum aque.

Willelmus atte Hulle tenet duas dimidias virgatas terre quas Stephanus atte Hulle tenuit. Et reddit inde per annum ad liberum redditum v.s. iii.d. Ad firmam coquine ii.s. viii.d. Ad (*f. 15*) auxilium vicecomitis v.d. Ad averagium xiiii.d. Et arabit xv. acras terre. Et herciabit bis cum uno equo si habeat. Et faciet <sup>xx</sup>iiii. opera. et duo love. Et dabit duos gallos et duas gallinas et lx. ova. Falcabit et levabit fenum. Et inveniet ad quamlibet precariam iii<sup>er</sup>. homines. Et metet vi. acras ad cibum proprium.

Et idem tenet unam acram terre de Whitecokeslonde, in Polefordfelde iuxta Madehege, et reddit inde per annum ad liberum redditum v.d. et xii. parva opera. Et purgabit filum aque. Cariabit blada domini per unum diem si habeat carectam, pro predictis ii. dimidiis virgatis terre.

Simon de Childemere tenet unam ferlingatam terre ad terminum annorum que fuit E. atte Hurne. Et reddit inde ad firmam coquine viii.d. Et ad auxilium vicecomitis i.d. qu. Et

ad averagium vii.d. Et arabit vii. acras et dimidiam et herciabit per unum diem si habeat equum. Et faciet xlii. opera et i. love, unam gallinam. et xv. ova. Et ad quamlibet precariam i. hominem. Et metet tres acras ad cibum proprium. Et carciabit blada domini per unum diem si habeat carectam. Purgabit filum aque. Falcabit et levabit fenum.

Willelmus Synoth tenet unam schopam in medio fori pro vi.d. ad liberum redditum.

Est una placea vacua super quam edificata fuit una schopa in communi foro, que solebat reddere per annum ii.s. ad firmam. Item est alia placea vacua super quam edificata fuit una schopa in communi foro, quam Iohannes de Enefelde tenuit, et solebat reddere per annum vi.d. et nullum est edificium.

Willelmus le Fisshere tenuit unam schopam pro vi.d. per annum, unde nullum est edificium.

Willelmus Blakbery tenuit unam schopam pro iii.d. per annum, ubi nullum est edificium.

Ricardus Resoun tenuit unam schopam pro xii.d. per annum, ubi nullum est edificium.

Item sunt vii. schope sub uno tecto discooperte et ruinose, pro qua causa deficiunt tenentes.

(*f. 15 d.*)

Summa Liberi Redditus per annum.	xiii.li. iii.d.
Summa Firme Coquine per annum.	xxi.s. iii.d.
Summa Auxilii Vicecomitis per annum vii.s. ob. unde hundredum oneratur de xxii.d. ob. pro tenemento Roberti Chivale. <sup>1</sup>	
Summa auxilii vicecomitis ad quemlibet tercium terminum soluti ix.d. ob. qui debent bis solvi in tribus annis.	
Summa Redditus vocati <sup>2</sup> averagii per annum	xiiii.s. iii.d.
Summa Redditus vocati Sharselvere pro xxxii. vomeribus, precio vomeris viii.d.	xxi.s. iii.d.
Summa Redditus vocati Rypselvere percipiendi de omnibus Custumariis in autumpno	xiii.s. iii.d.
Summa Consuetudinum arure per annum ad cibum proprium clxxii. acrarum et dimidie, precio operis vi.d. unde summa	iiii.li. vi.s. iiid.

<sup>1</sup> cf. pp. 120, 358.

<sup>2</sup> 'is' expunged—*vocatiis*.

Consuetudines arure vocate Bienerthe ad saisonam frumenti et avenarum non extentantur quia opus illud est incertum, et parum valet ultra reprisam.

Consuetudines hersure non extentantur, quia opus incertum.

Summa parvorum operum, precio operis ob. m<sup>l</sup>.cccc.xxv. opera, minori centeno [*sic*], sine allocacione operum pro diebus festinis facienda unde summa lix.s. iii.d. ob.

Summa parvorum operum vocatorum Loves, ad festum Natalis domini xlv. opera, precio operis ob. Summa xxii.d. ob.

Omnes custumarii falcabunt et levabunt totum pratum domini. Et valet (*f. 16*) illa consuetudo singulis annis ii.s.

Item omnes custumarii sarculabunt per unum diem ad cibum domini et colligent avenas in autumpno per unum diem ad cibum domini, non extentantur, quia non valet ultra reprisam.

Summa hominum venientium ad duas primas precarias in autumpno lxiii. homines per diem, et ad quamlibet precariam postea lxix. homines ad cibum domini, et valet illa consuetudo singulis annis xxx.s. capiendo pro quolibet homine per diem i.d. si non veniat ad precariam domini. Summa xxx.s.

Summa Messionum acrarum bladi in autumpno ad cibum proprium cvi. acre, minori centeno [*sic*], precio operis iii.d. unde Summa xxxv.s. iii.d.

Omnes custumarii qui habent carectas et equos carciabunt blada domini per unum diem in autumpno ad cibum et potum domini, non extentantur, quia opus incertum.

Summa quarteriarum de Sprig' xiii. quarteria v. buselli et dimidium, precio quarterii iii.s. iii.d. per annum. Summa xlv.s. vii.d. ob.

Item i. quarteria avenarum precio ii.s. Summa ii.s.

Summa denariorum vocatorum Coumpanes solutorum cum dicto blado xii.d.

Summa caponum per annum vii. capones, precio cuiusque iii.d. Summa xxi.d.

Summa gallorum et gallinarum per annum xlv, unde xiii. gallina, precio cuiusque i.d.ob. Summa vs. vii.d. ob.

Summa ovorum minori centeno dcxlv. ova, precio centum iii.d. qu. Summa ii.s. iii.d. qu.

Summa summarum xxx.li. xiii.s. v.d. qu.

Summa Totius Extente xl.li. xii.s. x.d. ob. Item iiiii.d./verte folium/

(f. 16 d.)

In albo libro. Omnes custumarii qui habent carucas venient bis per annum ad arruram domini, et ad cibum domini.

Item omnes sarculabunt per unum diem, et colligent avenas per unum diem ad cibum domini.

Item omnes bondi mundabunt filum aque. Levabunt fenum, et Cristemasslove, sine cibo.

Et omnes dabunt merchettum, et garsheves.

Item omnes custumarii facienet [sic] duas bedereppes apud Bradewey vel alibi, vel dabunt domino abbati unam marcam.

Item omnes custumarii qui habent carectas et equos cariabunt blada domini in autumpno per unum diem ad cibum domini.

Et qui non habent carectas neque equos nichil cariabunt.

PUBLISHED WRITINGS OF  
PROFESSOR ADA ELIZABETH LEVETT

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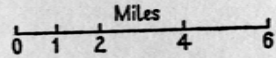
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# THE LIBERTY AND MANORS OF ST. ALBANS



LITTLE HOREWOOD  
WINSLOW  
GRANDBOROUGH  
with Boving (GRENBOROUGH)

BUCKINGHAMSHIRE

ASTON ABBOTS

BEDFORDSHIRE

DACORUM

HERTFORDSHIRE

CASHIO

MIDDLESEX

— Boundary of the Liberty of St. Albans  
 - - - County Boundaries  
 ..... Modern Parish Boundaries in the Liberty  
 - - - Hundred Boundaries in Hertfordshire

Note:- All the detached parts of the Liberty in Hertfordshire except Caldecote were in Cashio Hundred Caldecote was not acquired till 1321

Names of Principal Manors also Modern Parishes	<b>NORTON</b>
" " " " not Parishes	<b>PARK</b>
" " Modern Parishes " Anciently Manors	<b>ST. PETERS</b>
" " Subordinate Manors and Hamlets	Britwell

Note.1. It is not always possible to determine the exact status of a manor and some marked as "Principal Manors not Parishes" were probably subordinate at some periods

2. Cashio, Park, Tyttenhanger, Abbots Langley and Winslow are described as Sokes, but the division of their jurisdictions is not known

CALDECOTE  
NEWNHAM

NORTON

ODSEY

Monk's Manor

HEXTON

HITCHIN

BROADWATER

SHEPHALL

ST. PAUL'S WALDEN

with Bradway

Legatts

CODICOTE

Sisserfens

Dallow

Thebridgehills

BRAMFIELD

HERTFORD

REDBOURN

SANDRIDGE

CHILDWICK SAINT

PRESTON KINGSBURY

NEWLAND SAINT

Harpesfield

ST. ALBANS

NAPSBUURY PETERS

SOPWELL and Tauton

TYTTHENHANGER

[SHENLEY]

[No Dacorum Hundred]

NORTHAW

ABBOTS ST. STEPHENS

LANGLEY

Garston

NEWLAND

Murden

ALDENHAM

[No Dacorum Hundred]

TYTBERT

[No Dacorum Hundred]

SARRATT

with Rosshall and Goldington

Micklefield

CASSTO

WATFORD

[BUSHEY]

ELSTREE

Sorehamwood

CHIPPING BARNET

[No Broadwater Hundred]

OXHEY

with Whittham Hall

STANMORE

WATLING STREET