

Manor Village and Individual in Medieval England

by

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ABSTRACT

This thesis explores peasant life of the thirteenth and fourteenth centuries in England from information found in the manorial court rolls—the village court records—of Ramsey Hepmangrove and Bury. An attempt has been made to see the villagers as individuals by reviewing the incidents that required their presence in the village courts and establishing what positions of authority villagers held within their community. The court's treatment of the villagers and how this contributed to both accord and discord within the community has been examined, as well as the interaction of the villagers with the abbot of Ramsey, their overlord, and his agents. The primary and secondary sources relevant to this study have been explained in an attempt to reveal how they have been utilised in viewing the non-literate peasant within the context of his, or her, day.

TABLE OF CONTENTS

TABLE OF CONTENTS	iii
LIST OF ILLUSTRATIONS	iv
ACKNOWLEDGMENTS	v
DEDICATION	vi
GLOSSARY	vii
Chapter	
INTRODUCTION	1
1. SOURCES	22
2. RECORDS, AUTHORITY AND OBLIGATION	54
3. LAND AND PEOPLE	89
4. ASPECTS OF RURAL LIFE	106
CONCLUSION	125
Appendix	
1. BANLIEU COURTS	128
Bibliography	129

ILLUSTRATIONS

Figure

1.	Map of England showing the relative position of Ramsey and modern detail of Cambridge	3
2.	Table of records of court jurisdictions between 1268-1401	6

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This work is dedicated to those who have gone far into that dark night.
The light still burns.

GLOSSARY¹

Assart—To make land arable by clearing it of trees and bush.

Afffeoror—A court official, usually a villager, responsible for setting the amount of amercements where none was set by statute.

Ale taster—A man of the village entrusted with the responsibility of presenting violations of “nationally established pricing standards [and] also with determining the correctness of the measures used in selling ale and the quality of the ale being sold”.²

Amercement—The imposition of a discretionary fine; from law French that means to be at the mercy of another.

Ancient demesne—This was a jurisdictional variation where the king himself was overlord because he had assumed the ancient estates that had been the feudal, and not sovereign, responsibility of William I according to the registration in Domesday Book.

Assize—A session of a court.³

Attach—To take or seize under legal authority or to annex, bind, or fasten.⁴

Banlieu—Court where the abbot had royal powers, which he used through his bailiffs, stewards, coroners and justices. The banlieu was a circular territory measured with the high altar of the abbey church at its centre and extending a distance of three to six miles.

Capitage—Head-money paid by tithing men.

Capital Pledge—The chief man of a tithing group.

Charter—Written grant of rights by sovereign or overlord.

Court Baron—A manorial court which may have developed into two courts: the customary court baron for disputes involving copyholders, and the court baron proper (also known as the freeholders’ court baron), in which freeholders were allowed to hold court concerning minor disputes. Maitland says there is not any basis for believing there were two courts.⁵

¹ Excerpts as noted are based on information from References are based on information from *Black’s Law Dictionary*, ed. Bryan A. Garner, 7th ed., (St. Paul: West Group, 1999); J. H. Baker, *An Introduction to Legal History*, 3d. ed., (London: Butterworths, 1990); and Edwin Brezette DeWindt, *The Court Rolls of Ramsey Hepmangrove and Bury*, 1268-1600, (Toronto: Pontifical Institute of Mediaeval Studies, 1990.).

² DeWindt, *The Court Rolls*, 25-26.

³ *Black’s Law Dictionary*.

⁴ *Ibid.*

⁵ *Ibid.*

Court leet—Feudal court responsible for receiving frankpledges and notices of criminal accusations.

Distrain—To force a person to perform an obligation by the seizure and detention of property.

Enfeoffment (or **feoffment**)—The act or process of transferring possession and ownership of an estate in land.⁶

Eyre—The word derives from the Old French “eire”. The eyre courts were itinerant royal courts implemented by the Angevin government in the twelfth century. Their purpose was, according to Baker, “investigating crimes and unexplained deaths, misconduct and negligence by officials, irregularities and shortcomings of all kinds, the feudal and fiscal rights of the Crown, and private disputes. The general eyres were not merely law courts; they were a way of supervising local government through itinerant central government.”⁷

Fealty—A sworn allegiance between a lord and a vassal.

Frankpledge court or view of frankpledge—Review of the tithing system to ensure that all men over the age of 12 were in a tithing group.

Heriot—A fine, fee, or tribute of chattels or goods payable on the death of a tenant to his overlord. The necessity of paying heriot is thought to be one of the indicators of servile status.

Hide—Amount of land necessary to support one family—described by DeWindt as being about 90 acres—a figure based on information from 1252 extent of Holywell-cum-Needingworth.⁸

Hue and Cry—An outcry and pursuit that all were obliged to make on the discovery of a breaking of the peace.

Hundred—An area of a county, probably originally comprising 100 hides, which was thought to have been an area that supported one hundred families.

Hundred Court—The hundred court was similar to a court baron which it resembled in all respects except for its larger territorial jurisdiction. It was held for all inhabitants of a particular hundred rather than a manor.

Jury of Presentment—In the Ramsey court rolls between the late thirteenth century and the early fifteenth century this jury was invariably comprised of twelve men, most of

⁶ Ibid.

⁷ Baker, *An Introduction to English Legal History*, 19.

⁸ Edwin B. DeWindt, *Land and People in Holywell-cum-Needingworth: Structures of Tenure and Patterns of Social Organization in an East Midlands Village 1252-1457*, (Toronto: Pontifical Institute of Mediaeval Studies, 1972), 32.

whom were capital pledges (see above) who were sworn and who brought the presentments to court.

Leet court—A criminal court but limited to inquiry only when offences that were punishable by loss of a member, or death, were inquired. (see also ‘court leet’)

Letters patent—A document under the royal seal granting a right or privilege, which could be opened for inspection.⁹

Leyrwite—A fine on women for fornication.

Manor—A feudal estate. Black quotes Maitland: “To ask for a definition of a manor is to ask for what can not be given. We may however draw a picture of a typical manor, and, this done, we may discuss the deviations from this type.... We may regard the typical manor (1) as being, qua vill, a unit of public law, of police and fiscal law, (2) as being a unit in the system of agriculture, (3) as being a unit in the management of property, (4) as being a jurisdictional unit.... The most important is the connection between the manor and the vill....”¹⁰

Merchet—A fine payable for a woman’s marriage.

Mesne—occupying a middle position. A mesne person had priority over the third person but was subordinate to the first.¹¹

Perquisites—Privileges or benefits often abbreviated to “perks”.¹²

Presentment—The act of laying the matter to be dealt with before the court.

Seisin—Possession, usually of land but could also be of chattels.

Serf—One born into the servitude of an overlord; also ‘villein’.

Sheriff (shire-reeve)—The king’s official with supervisory control over shire (county) courts and hundred courts.

Socage—A generic term for all free service that was not military, serjeanty, or spiritual.

Sub-infeudation—The layering of feudal estates by tenants granting some of their land to others who granted smaller portions to others. This was damaging to the lord and was opposed by the Edward I statute quia emptores in 1290. Thereafter property could be passed to another, along with all the obligations to the overlord, through substitution.

⁹ *Black’s Law Dictionary*.

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

Substitution—The placement of another tenant in his place by a vendor of land. In this circumstance the vendor (lord) retained certain profitable aspects of his lordship over the land in question.

Tithing—Originally the subdivisions of a hundred into groups of ten families. Probably a thirteenth-century Ramsey tithing was a group of approximately ten men and their families.

View of Frankpledge—See ‘frankpledge’.

Villein—One born into servitude to an overlord with all chattels and land the property of that lord; also ‘serf’.

Village moot—Probably a folk assembly of the eighth century; an open-air meeting of the populace to discuss local affairs.

Virgate—A variable amount of arable land generally understood to have comprised some 30 acres.

INTRODUCTION

The medieval peasant, as an individual, is an elusive entity. J. A. Raftis offers as explanation of our lack of knowledge of the medieval peasant something he calls the “natural distance” that separates the literate present from the non-literate past.¹² Because of the peasant’s illiteracy there are no direct traces of his voice. Access to this enigmatic individual must, therefore, be oblique; and yet it is possible. The medieval village court records—manorial rolls—can reveal a surprising amount of information about the individual men and women of the thirteenth and fourteenth centuries once an understanding of the nature and format of the documents themselves has been mastered.

The surviving records from the medieval manor courts for the villages of Ramsey, Hepmangrove and Bury in Huntingdonshire in the eastern midlands of England form the basis of this study. The original records are preserved on parchment rolls dated from 1268—1600 and may be found in the British Library and Public Record Office, London; the present study utilises part of the translated and edited microfiche presentation of Edwin Brezette DeWindt. It is intended that this study shall present information that the records reveal about individual villagers, the village community in which they lived and the courts that formed a controlling, unifying, and supporting part of their lives.

In her preface to *Autonomy and Community*—a book on Havering, a medieval town in Middlesex—Majorie McIntosh admits to having had a dream that in previous papers she had not represented the people of Havering as real people; she dreamed that a

¹² J. A. Raftis, introduction to *Pathways to Peasants*, ed. J A Raftis, (Toronto: Pontifical Institute of Medieval Studies, 1981), vii.

sixteenth-century yeoman told her that her papers “were boring—too quantitative and technical—and failed to give a picture of what life was actually like for residents of medieval Havering.¹³ With this in mind, the intention of this essay shall be to demonstrate that although the route is a tortuous one that brings the past of the three medieval Ramsey manors studied here into perspective,¹⁴ it is one which may be undertaken without the amount of technical and quantitative analyses that render the peasant himself, or herself, obscure. However, before the information in the manorial court rolls can be understood it must be seen within the context of its day and that has meant studying sources that have revealed—albeit tentatively in some instances—much of custom and developing law as it pertained to the private village courts—that is to say, not the royal courts—known as the manorial courts, as well as what obligation it was that brought the peasants to those courts. Before seeing what may be discovered of the individuals whose names appear in the rolls, it will be necessary to discuss the structures of authority that enabled the peasant to earn his or her living and even to understand what that living entailed and what such earning meant in terms of labour, investment and obligation. Finally, we have put our ears to the ground to discover the peasant’s own elusive voice because it was the land itself that nourished him, sheltered him and provoked him. While it is true that the mundane presentments of the court rolls reveal

¹³ Marjorie Kensiton McIntosh, *Autonomy and Community. The Royal Manor of Havering, 1200-1500*, (Cambridge: Cambridge University Press, 1968), xii.

¹⁴ The term ‘manor’ can be misleading because of certain ambiguities. Maitland, writing at the end of the nineteenth century, approaches it with some reserve commenting that understanding the term is “easier if we observe that ‘the manor’ is more prominent in modern theories than in medieval texts”. It was not a technical term in the thirteenth century, according to Maitland, and the term appears to have had much the same interpretation as the word ‘estate’ carries today. Sir Frederick Pollock and F. W. Maitland, *The History of English Law before the time of Edward I*, ed. S. F. C. Milsom, (Cambridge: Cambridge University Press, 1968), 594-598.

little of character or personality, it has still been possible to reconstruct something of what went on behind the bland presentation of the scribe's notes.

The guide and basis of this study is a translated edition of the court rolls without which the undertaking would have been impossible because taking that journey back in time is beset with major impediments. Not the least of these are the following: understanding what belonging to a non-literate society meant; attempting to comprehend that changes in language mean that words in use today which were also in use six hundred years ago do not necessarily have the same meaning; understanding that the court scribe translated from medieval spoken English, or its local equivalent, to Latin which may have been less than perfect, and then understanding that the Latin had to be transcribed by a modern scholar separated from the time and events by hundreds of years. Time is the enemy of preservation. Not only has the written word changed in form and appearance, materials too have changed and the old parchments and inks have deteriorated. These changes are ever-present factors in transcribing medieval documents. The skills are beyond the average student who must depend on the work of others and it is not only the great studies, such as those of the brilliant F. W. Maitland, that provide the impetus to understand, but also the small essential details contributed by little-known students doing transient studies. It is a paradox that when critics denigrate the contributions of one scholar, they contribute to the whole through discussion yet deny the necessity of growth. This paper shall examine such criticisms and put forward the belief that history itself is a mountain of facts and interpretations built one upon the other.

HISTORIOGRAPHY

The human dimensions of peasant life in the late Middle Ages remained largely unexplored until the latter part of the last century. Two reasons may be posited for this: first, the individual peasant has no direct voice that survives in documents; second, until the twentieth century historians showed little interest in studying the medieval peasant directly. Late in the nineteenth century and early in the twentieth research in the area of legal history pointed towards methods that would bring us closer to the individual peasant and something we could consider to be echoes of “the peasant voice.”¹⁵ One of the reasons for the apparent lack of voice, and therefore any comprehensive knowledge of the way the peasant thought and the personal motives for his or her actions, is the deficit of surviving documents written by peasants themselves during the thirteenth and fourteenth centuries. There are reasons to believe that those residents who enjoyed positions of responsibility in the village of Ramsey understood the growing importance of written documentation,¹⁶ but as E. B. DeWindt pointed out, no sources have been revealed such as those of village Margery Kemps, or collections of letters like those of the Paston Family, which would provide historians with more insight.¹⁷

Not only has the dearth of direct voice hindered our knowledge of the medieval peasant, but before the late-nineteenth and early-twentieth centuries historians were diffident about rural societies as foci of study. The most commanding reason for this was that the rural population was seen as being unimportant in the political, military, and cultural aspects of the overall hierarchy of the late Middle Ages. At the end of the

¹⁵ Edmund Brunette DeWindt, *Land and People in Holywell-cum-Needingworth*, (Toronto: Pontifical Institute of Mediaeval Studies, 1972), 1.

¹⁶ See *infra*, 85-86.

¹⁷ DeWindt, *Holywell-cum-Needingworth*, 3.

nineteenth century, the great legal historian F. W. Maitland revealed the potential of using manorial court records for the purpose of studying legal history rooted in local custom, but social historians of the twentieth century were slower to realise that manorial court records were also a source of information on medieval village institutions, individual villages and the villagers themselves. DeWindt has acknowledged the contributions of the work of Raftis, W. O. Ault and G. Duby in this respect, and has paid particular tribute to the pioneer work of G. C. Homans.¹⁸

Put simply, there was little will to study peasant society before Maitland's contributions to legal history. It took Maitland and other legal historians to reveal the use of the manorial court records as a potential source of information for social historians, genealogists, local historians and others; however, it is easy to agree with Raftis's claims that historians interested in the common law and manorial economy have imposed "a surprisingly durable 'paper curtain' between ourselves and the 'humanity' of the mediaeval peasant."¹⁹ He suggests that historians concentrated on men of legal status because the peasant, who was unfree, was "the chattel of his lord, an automaton governed by the demands of the manorial economy."²⁰ Only recently, according to Raftis, have social historians claimed that custom at least gave the peasant "stature, if not a legal status."²¹

In the thirteenth century Ramsey was a village community that was the property of the adjacent abbey of Ramsey and the villages of Hepmangrove and Bury were within a mile of Ramsey village. Ramsey remained the property of the abbey until the

¹⁸ Edmund Brezette DeWindt, *Holywell-cum-Needingworth*, 1-3.

¹⁹ J. A. Raftis, *Tenure and Mobility: Studies in the Social History of the Mediaeval English Village*, (Toronto: Pontifical Institute of Mediaeval Studies, 1964), 11.

²⁰ Ibid.

²¹ Ibid.

dissolution of the monasteries in the sixteenth century by which time it had become a small and active market town. It was, and is, located geographically in the marshlands known as the Fens of central eastern England and the modern county boundary places it within Cambridgeshire.

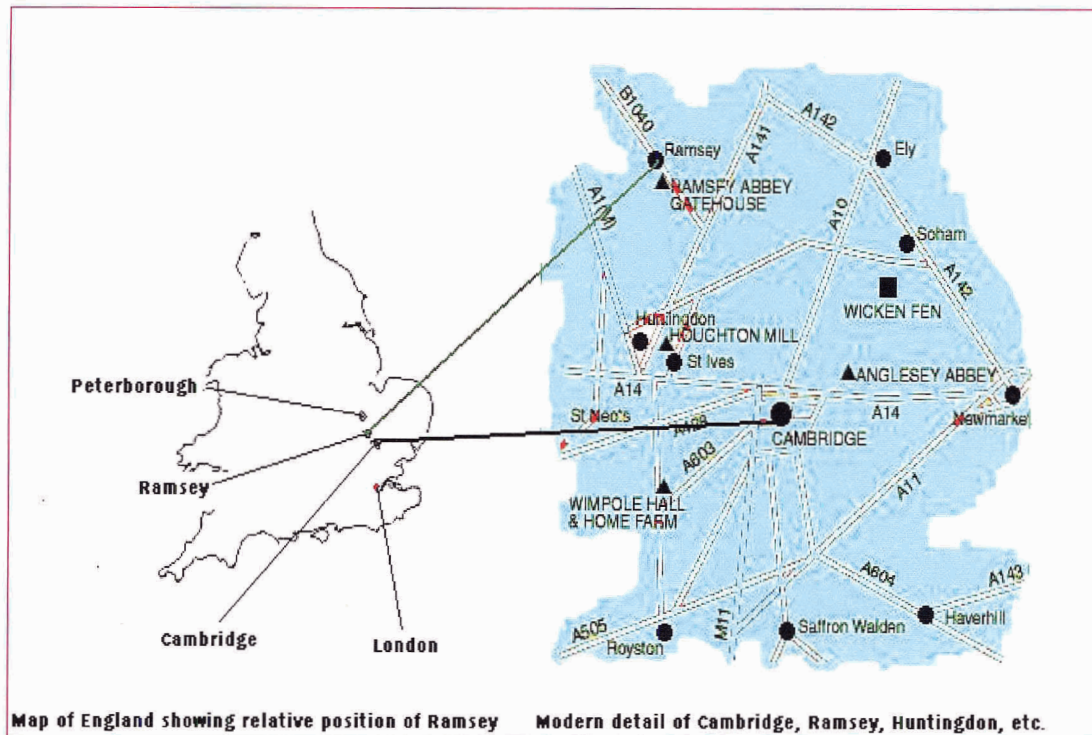


Figure 1.

The monastery was dedicated to St Benedict during Anglo-Saxon times, although the exact date is uncertain, but there is no mention of the town, or village, of Ramsey in extant documents until the twelfth century, when the abbot was granted permission by the king for a market on Wednesdays.²² According to a translation by Susan Edgington of

²² Edwin Brezette DeWindt, *The Court Rolls*, (1990) 1.

the monastic chronicle known as *Liber Benefactorum*²³, circa thirteenth century, the island in the fens or marshes on which Ramsey was situated was described thus:

In the eastern corner of the Huntingdon territory, which the channel of the River Ouse confines with boundaries of marshes, a notable island is situated, the most beautiful of the fen islands in proportion to its size...muddy rough ground stretching between divides that place on the western side from solid land by some two bow shots.... This island is garlanded beautifully roundabout as much with alder thickets as reed beds.... The same place besides is encircled by eel-filled marshes, by far reaching meres and by still pools sustaining a variety of fish and swimming birds.²⁴

Access to the island was by a causeway on one side only and the closest Roman road, Ermine Street, connecting Chichester in the south with York in the north, was seven miles to the west.

SOURCES

The manor of Ramsey is remarkable for its number of surviving local court records for not only the village of Ramsey itself but also for other villages of the manor. In addition to the records of the local courts, other medieval materials such as manorial administrative documents, private charters, and royal legal and fiscal materials also survive.²⁵ It is in the local court records that we may see presented many aspects of the daily lives of the villagers of Ramsey, Hepmangrove and Bury, and in the somewhat mundane and terse presentation of these court rolls it is still possible to form reasonable ideas about who these people were and how they lived. The court records indicate the medieval peasant was not a static individual limited by an oppressive overlord in conditions of strict bondage. He could travel to other villages, make presentments to

²³ *Ramsey Abbey's Book of Benefactors*, Part 1, trans. Susan Edgington and others, database online (Cambridge: MK Book Services, 1998, accessed 23 July 2003); available from <http://web.ukonline.co.uk/Members/ramsey.abbey.school/pages/history/archdig.htm#Concerning;Internet>.

²⁴ Ibid.

²⁵ DeWindt, *The Court Rolls*, 3.

other courts—although most such presentments were limited to the freeman—and marry and inherit outside his village.

As has already been stated, this study utilizes the version of the local manorial court rolls for Ramsey, Bury and Hepmangrove, edited and translated by E. B. DeWindt. Usually, within the time period studied for this essay, the presentments of the three villages were heard in the same location at the same time. The records encompass different jurisdictions: view of frankpledge²⁶ and the related leet court, and banlieu²⁷ courts.

Table One

Records of court jurisdictions between 1268-1401			
View of Frankpledge	Banlieu courts	Leet courts	Other
61	16	6	1

Figure 2

COURTS AND LAW

The number of frankpledge court records utilized in this study greatly exceeds the number of records of the banlieu and leet.²⁸ View of frankpledge was usually held twice a year, whereas the other courts appear in the records infrequently, and in total between 1268 and 1600 only 17 records of the banlieu court survive; it is difficult to know if this is a representative number or not. In general terms, frankpledge was a kind of policing

²⁶ See *infra*, 8-9.

²⁷ According to DeWindt, the banlieu was a circular territory measured with the high altar of the abbey church at its centre and extending a distance of one to three miles. The banlieu court jurisdiction was one in which the abbot had royal powers that he used through his bailiffs, stewards, coroners and justices. See also Appendix I.

²⁸ See Table one.

that required all males under the age of twelve to be in a tithing group,²⁹ with women, clergy and freemen exempt. The tithing group was responsible for all its members and stood surety for any who were amerced—that is, fined—by the court by providing pledges for them. The group was headed by a capital pledge³⁰ whose responsibilities included the assurance of members' good behaviour and that they appeared in court when required to do so. Any strangers to the village were put in tithing. Many of the head men from the groups formed the jury of presentment at the manor court. The jury might also have amongst its numbers the affeerors, who decided on the fines for amercements, and the ale tasters. The latter were responsible for addressing infringements against the assizes of ale and bread, and also sometimes held additional offices such as constable and bailiff. These offices were elected although it is certain that such election was not always sought and was not always popular;³¹ the process of election is not known.

The origin of the court of frankpledge was probably with the shire moot, an ancient village assembly which met to discuss local affairs, and it likely had administrative, judicial, and legislative functions, although definitively it could not be considered a court of law.³² According to J. H. Baker, such village assemblies may or may not have coincided with tithings and were more likely to have corresponded with ecclesiastical administrative units and clusters of dwellings; the village moot, which did not survive, was taken over by the manor.³³ W. A. Morris suggested that the question to pose is whether frankpledge appeared first in the Anglo-Saxon period—when it would have been

²⁹ The origin of the tithing is thought to have been a group of ten families, which groups were in turn a part of a hundred, itself a division of a shire. Baker, *An Introduction to English Legal History*, 8.

³⁰ See *infra*, 65.

³¹ See *infra*, 85-86.

³² Baker, 5.

³³ *Ibid.*, 9.

known as borh—or in the Norman period.³⁴ However he added, in the charming English of the early twentieth century, “In vain does one look for enlightenment in any known record prior to the twelfth century” for mention of the actual word ‘frankpledge’.³⁵

Frankpledge had become increasingly a jurisdiction of private courts as power devolved from the hundred³⁶ courts and the sheriff’s jurisdiction. It has been suggested by Phillipp Schofield that it was part of the administration of the hundred courts that had passed increasingly to private hands once various overlords realised the remuneration to be gained.³⁷ This remuneration included the tax—shown in these Ramsey records as capitage—imposed on individuals in tithings, which went to the lord.

In Ramsey, for the view of frankpledge, the abbot exercised the jurisdiction of a sheriff on the tourn—the circuit of hundred courts.³⁸ This combined the overseeing of franchisal matters, tenorial matters and manorial matters. The first was associated with tithing supervision, the second with property transfers usually dealt with by the court baron,³⁹ and the third with other manorial business.⁴⁰ This Ramsey village court checked, amongst other things, that all men over the age of twelve were in tithing groups and pledged to good behaviour; it enforced the assizes of bread and ale, which set the retail

³⁴ W. A. Morris, *The Frankpledge System*, (New York : Longmans, Green, and Co., 1910), 4 – 5.

³⁵ Ibid., 6.

³⁶ See Glossary.

³⁷ Phillipp R. Schofield, “The Late Medieval View of Frankpledge and the Tithing System: an Essex Case Study”, *Medieval Society and the Manor Court*, ed. Zvi Razi and Richard Smith, (Oxford: Clarendon Press, 1996) 408. Schofield suggests the jurisdiction was “hijacked” from the hundred courts by lords recognising the monetary gain to be had.

³⁸ The sheriff’s tourn was the twice yearly visit of the sheriff to hundreds and vills to review frankpledge and process pleas of the Crown. (Baker, 29).

³⁹ According to DeWindt, the Court Baron was originally the only manorial court attended by both villein and free. Changes to status through the thirteenth and fourteenth centuries possibly caused this court to divide into two: the Court Baron and the Court Customary. However, there is no evidence in the court records of such a division in the Ramsey courts. (DeWindt, *The Court Rolls*, 11).

⁴⁰ DeWindt, *The Court Rolls*, 11.

prices of those items; it policed minor acts of trespass, petty violence and blood shedding through the hue and cry, a policing obligation that required a public outcry to be made on the discovery of a crime; it acted as a control over boundaries and common land and the maintenance of roads and waterways; and it dealt with private debt, licences to marry, of concord (agreement), to leave the manor, as well as local agricultural practices, and byelaws.⁴¹

A leet court was one with royal jurisdiction over criminal matters; it derived from the sheriff's tourn, which was hobbled after Magna Carta.⁴² Of the term 'leet', Morris says: "The word leet is used, after the reign of Edward I, to denote the complex of police jurisdictional powers which were associated with the sheriff's tourn and which embraced the view of frankpledge."⁴³ In courts with this designation criminal offences were limited to inquiry only when the offences were punishable by loss of life or member. Maitland explains, too, that the term 'leet' becomes interchangeable with view of frankpledge but that the latter is the older and more correct title, adding that the term "leet" appears with more frequency late in the thirteenth century.⁴⁴ The court leet, or view of frankpledge, is of great interest as a franchise, according to Maitland, "because it is very common, because it has great importance in the history of society, because its origin is extremely obscure: so obscure that we may be rash in speaking about it."⁴⁵ At the manorial level, the leet was presided over by the lord's steward and the business was transacted by the presentments and indictments proffered by a jury. Says Maitland: "In the thirteenth

⁴¹ Ibid.

⁴² My thanks to Professor Foster for clarifying this point.

⁴³ Morris, *The Frankpledge System*, 132.

⁴⁴ Pollock and Maitland, 580.

⁴⁵ F. W. Maitland, ed. *Select Pleas in Manorial and Other Seignorial Courts*, vol. I, Selden Society, (London: Professional Books Limited, 1974,) xxvii.

century to claim ‘view of frankpledge’ is to claim all that was afterwards known as the jurisdiction of a leet.”⁴⁶

The abbot of Ramsey exercised power under more than the view of frankpledge jurisdiction. Under the jurisdiction of the banlieu courts he had royal powers—jurisdiction over Common Pleas and Crown Pleas originating within the banlieu⁴⁷—which he exercised through his bailiffs, stewards, coroners and justices.⁴⁸ The banlieu was a circular territory measured with the high altar of the abbey church at its centre and extending a distance of one to three leagues, a distance which, DeWindt notes, varied over time.⁴⁹ It is from the records of the banlieu courts of Ramsey that we may note the tangle of problems affecting some of the men and women of Ramsey associated with property. As well, we shall see the growing recognition by local men of the authority of the centralized royal courts that was available to them. For example, a villager called John Gritford, a man who had served in several positions of authority for many years, was sufficiently dismayed by his election to the position of constable in 1382 to seek relief from the royal court at Northampton via a letter patent from the king that would excuse him from any further similar duty on the basis of his long service.⁵⁰ This demonstrates that Gritford knew how to go about getting the relief he desired from the formal obligation that bound him to the village and overlord, and certainly indicates that villagers understood the authority of the written word.

⁴⁶ Ibid., xxix.

⁴⁷ DeWindt, *The Court Rolls*, 8.

⁴⁸ “The banlieu courts in which the abbot of Ramsey exercised royal powers were the result of specific grants of immunities, the first surviving example of which is a charter of Henry I, dated 1130, declaring that the abbey. . . was quit of all pleas and complaints in shire and hundred courts and also free from all ecclesiastical and secular power”. (DeWindt, *The Court Rolls*, 8.)

⁴⁹ Ibid.

⁵⁰ See *infra*, 85.

FREE OR UNFREE?

Lying at the heart of the business of the manor court was the commitment to custom that governed the villagers' rights and obligations in the holding of customary land and tenements within the village community. In the records examined here it is difficult, if not impossible, to distinguish freeman from serf; however, freemen took their pleas to the royal courts and we shall see their names appearing in the banlieu courts, while the serf, or villein, was bound to his customary court and shall be seen within the frankpledge jurisdiction. For the purpose of this study the term "villeins" refers to the unfree, but this is not to imply slavery in the sense that we would consider bondage based on the Roman concept of the word. The condition of freedom, and how we might understand it from medieval terms, has been examined not only by legal historians but also by many others. Both freedom and the lack of it were manifest in the way the tenant paid for the tenure of the land that he worked, but the adage from Bracton's treatise on law, "*Omnes homines aut liberi sunt aut servi*,"⁵¹ is far from being exact. In societies of the Middle Ages there were as many degrees of unfreedom as there were of freedom. Some villagers were free, that is they were not born into an obligation to the overlord, and they held land of the lord in return for a pre-determined service, which could be one or more of several types.⁵² The villeins were born into serfdom—the specific term used in court records to describe this is 'naif'—and that meant that they owed the lord the obligation to work for him in ways that could be many and varied: their chattels belonged to the lord, they paid inheritance fines known as heriot and marriage fines known as merchet and had various other limitations on their freedom in the form of restrictions and payments they were

⁵¹ "All men are either free or slaves". (Pollock and Maitland, 412).

⁵² Baker points out that "socmen" eventually became a generic term for most free services, Baker, 260.

obliged to make. However, they were not slaves. Maitland notes the confusion arising between using the term ‘villeinage’ as legal status, and villeinage as tenure, and makes the point that free men could hold land in villeinage.⁵³

CUSTOM AND LAW

Our contemporary definition of custom is as a practice which, because of its long habit and general acceptance, has become law; local custom has weight in a specific locality only.⁵⁴ In the late Middle Ages customs varied throughout the land; so did the rules “governing the rights and obligation of villeins and customary land.”⁵⁵ But we must be cautious in applying modern structure in considering manorial custom to be akin to law, and avoid seeking to impose structure where none existed. There was a flexibility about custom that does not exist in a formal legal system.⁵⁶ There was no body of customary law in the twelfth and thirteenth centuries; custom was an application of *ad hoc* practices that worked rather than an organized framework for procedure.⁵⁷ It resided in the memory of the inhabitants of the village and came about largely from the use of common sense. Yet paradoxically the court rolls represent a flexibility which may not reflect custom directly because when the court is called upon to pronounce custom, it is often because the existing practice on the manor seems to have broken down; custom and customary practices are aptly described by DeWindt as “an on-going, evolutionary process.”⁵⁸

⁵³ Pollock and Maitland, 358.

⁵⁴ *Black's Law Dictionary*, 390.

⁵⁵ L. R. Poos and Lloyd Bonfield, eds, *Select Cases in Manorial Courts 1250-1550*, (London: Selden Society, 1998), xvii.

⁵⁶ DeWindt, *The Court Rolls*, 18.

⁵⁷ *Ibid.*, 16-18.

⁵⁸ *Ibid.*

Not only does the understanding of the medieval use of custom affect how we read the manorial court records, but other words and concepts must also be used and read with caution. Custom varied, so did jurisdiction, and there was no system in the way we understand the word today—as a regimented, organized structure bound within a set framework. Historians, such as Harold Berman, may use the term ‘system’ in speaking of the evolution of law generally, but Berman’s use reflects his concept of a body or system of law that “depended for its vitality on the belief in the ongoing character of law, its capacity for growth over generations and centuries.”⁵⁹ But manorial or village custom would in this view be in its early days a legal order rather than a legal system, although it was moving towards systematic qualities through increased contact with the common law, by which it would eventually be superseded.

An extreme example of the variations of jurisdiction that directly affected the villein in his court is ancient demesne. Of course, the king was the ultimate overlord, but with ancient demesne the manor was held by the Crown, the king having assumed the ancient estates that had been the feudal, and not sovereign, responsibility of William I according to the registration in Domesday Book.⁶⁰ An example of ancient demesne is the manor of Havering in Middlesex. Here, by 1265, ancient demesne conferred a status on the villein not enjoyed by others because it enabled him to appeal directly to the king as his overlord, because tenants of the crown’s ancient demesne enjoyed certain norms of legal protection and economic profit not normally available to villein tenants on other manors.⁶¹ Although this is not directly pertinent to the study of Ramsey’s village courts,

⁵⁹ Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition*, (Cambridge, Mass.: Harvard University Press, 1983) 9.

⁶⁰ Pollock and Maitland, 383.

⁶¹ McIntosh, *Autonomy and Community*, 16.

it does demonstrate the extremes of custom throughout the land that could affect the villein and either add to or detract from his expectation of what treatment he might expect from his village court. And this goes towards showing the lack of an overall system as we might understand it.

THE RECORDS

There are other considerations to be taken into account when reading the records, not just the cautious application of contemporary word usage in analyses of medieval documents used for studying custom. There are the variations in actual recording and of language. There is the mastery of the archaic terms which appear. The clerk of the court transposed the proceedings into Latin, the language of record, and this varied in style and accomplishment; and the control or indifference of the overlord towards the administration of his courts may have had effects on court business of which we are unaware. All these things add to the overall diversity in the records and the way that we might understand the custom of the manor. Maitland notes that some stewards of monastic houses that became large land owners in England, such as the Abbey of Bec in Normandy, had to travel extensively because of the scattered nature of the estates they managed and thus “such stewards going about from one corner of the land to another must have tended to produce a great uniformity in manorial customs.”⁶² Maitland’s extensive work with selected pleas enabled him to see a commonality between estates and it is likely that influenced his comment. Certainly administrative practices for such stewards would have become standard on the manors they visited.

⁶² Maitland, *Select Pleas*. 3.

Even in the administration of common law local custom became integrated into administrative practices, but these practices fell far short of systematisation until they began to be codified in the eleventh and twelfth centuries. Power lay in the land, and inheritance of land was through custom; although the complexities of feudal tenure lay above the peasantry, the tenure of land was important at all levels.

Many reasons have been suggested to explain the proliferation of record-keeping in England that began after the twelfth century. Undoubtedly, at the manor court level, in order to unravel the frequently complex web of custom that governed inheritance, the keeping of records was useful to that society, but Maitland believed the main reason behind the keeping of the manorial court records was economic. He considered the court rolls to be a record of the manor's economy and not, as might be expected, either the formulation of precedent or a record of various transactions that would make property transactions, or litigation involving them, available for verification. Of the court Maitland said, "...rather it seems intended to serve as a check on the manorial officers; it tells the steward and the lord of the occasional profits of the manor, the fines, amercements and perquisites which are to be collected by the bailiff or the reeve."⁶³ Z. Razi and R. Smith present points of view that contradict this suggestion; for instance they point out their agreement with Paul Harvey that the records hold too much irrelevant information to be for accounting purposes only and that the records were kept to ensure that justice would be done according to previous practice.⁶⁴ And yet Razi and Smith do

⁶³ Ibid., xiv

⁶⁴ Z. Razi and R. Smith, "The Origins of the Rolls as a Written Record" in *Medieval Society and the Manor Court*, ed. Razi and Smith, (Clarendon Press: Oxford, 1996) 36-68. Razi and Smith praise Harvey's work, *A Medieval Oxfordshire Village: Cuxham 1240-1400*, claiming that "he produced the most scholarly and complete edition of any set of manorial records currently in print with important introductions to the history of all classes of manorial documentation." (Razi and Smith, 21.)

not fully agree with this because they see no reason to suppose that precedent in these medieval courts could not be established through “oral testimony and collective memory” as it had been in the past.⁶⁵ More persuasive is M. T. Clanchy’s suggestion that the development of record-keeping in England generally had been strongly influenced by the Norman kings and that this was the beginning of a progression towards literacy and literate modes; the increase in Latin writing from the continent after the Norman Conquest “brought England into the mainstream of medieval literate communication,” he claims.⁶⁶ He suggests too, that the keeping of records was initially a result of distrust provoked by William I’s Domesday Book, which was such a penetrating survey that even the Anglo-Saxon Chronicler, writing at a time contemporary with the Domesday survey—circa 1086—commented on the humiliation it provoked among the people.⁶⁷ Clanchy insists that the proliferation of documents led to the growth of literacy, that literate modes spread from the use made of them by king—Clanchy refers to Edward I as a record-conscious king—and clergy down through the levels of society to the peasants. The latter, he says, were using sufficient charters for property conveyance that by the 1400s the number of charters for peasants was probably in the thousands, if not higher.⁶⁸ In this context, he is careful to acknowledge the difficulties surrounding the question of legal status, but says it cannot be doubted that most peasants holding charters were not “typical serfs”, but were more likely prosperous smallholders.⁶⁹ Finally, he points out the significance of the Quo Warranto proceedings of Edward I in 1278 and comments that it

⁶⁵ Ibid., 37.

⁶⁶ M. T. Clanchy, *From Memory to Written Record; England 1066-1307*, 2d. ed., (Oxford: Blackwell Publishers Ltd., 1993), 26.

⁶⁷ Ibid., 6.

⁶⁸ Ibid., 50.

⁶⁹ Ibid.

marks one of the most ambitious attempts in medieval England to reduce government and property-holding to writing.⁷⁰

INDIVIDUALS AND INTERACTIONS

We may be certain that while not all the villagers of Ramsey are individually represented through presentments in the manor courts, nevertheless we can still discover something of the lives of all of them based on the information obtained from the representative portion who are named in the records, and the ways in which they obtained shelter and food for themselves and their families, and protected what they had. Not only do the records of the village courts of Ramsey, Hepmangrove and Bury tell us something of the individual villagers, they also reveal information concerning the relationship between the villagers and their neighbours from other villages, with those who have been cast out from their community, with those from the abbey with whom they interact, and with the abbot of Ramsey, their lord.

In general terms, the court rolls from the manors enable us to look at not only the influences of custom on developing law, but also at the lower stratum of people ranked as sufficiently unimportant to receive attention by the historians of their day. DeWindt describes the details in the rolls as being “snapshots” in time, but the metaphor goes too far. It implies that reading the rolls reveals something complete, if static. It is safer to say, rather, that the court rolls reveal something more akin to an impressionistic painting than a photograph: some details are revealed, some are hidden and some implied, and it must always be born in mind that any picture impressing itself upon us from the court

⁷⁰ Ibid., 26.

rolls has been dictated by the presentation of the artist—the clerk who committed them to the roll—and his patron, the abbot of Ramsey.

THIS STUDY

The first chapter of this work concentrates on the sources that have provided the most assistance in understanding English rural life in the thirteenth and fourteenth centuries. Understanding the context in which village court records may be viewed is an essential part of understanding the records themselves, but no one text provides such a view. Maitland's work supplies a basis for approaching historical aspects of the common law; DeWindt's introduction to *The Court Rolls of Ramsey, Hepmangrove and Bury, 1268-1600* gives a skeletal account of the information that can be obtained from a close study of the rolls; the several studies of manorial courts in the eastern part of England that have been undertaken by Raftis have made informative examples of how the court rolls may be used to provide a look back at the village people of the late Middle Ages. Many other sources have elucidated different approaches and expanded understanding of such relevant areas to this study as literacy, demography, genealogy, geography, and early law.

The format and form of the primary sources—the actual court rolls of Ramsey, Hepmangrove and Bury—are discussed in chapter two in order to allow the reader to understand how and when the records were taken and some of the problems with their translation and editing. Attention has been given to explaining the roles of officials of the courts and of the villages and of the jurisdictions covered. Chapter three discusses what the records reveal about tenure and property. Chapter four focuses on issues raised through the presentments of the jurors and on details provided in the banlieu courts that

pertain to the attitudes of the villagers and also their reactions to the authority of the overlord and his agents. Throughout this study, the intention is to reveal the villagers themselves and to show how even the cryptic information in the sources is suitable for recreating something of the actual people who lived and worked and died in these villages. In most historical studies concerning rural life, time is compressed to enable the examination of change, demographical observations, name variations, diet, agriculture and more; the individual of the time becomes only incidental to the general discussion. This paper seeks to present at least some of the people of Ramsey, Hepmangrove and Bury as they appeared in the village courts of the thirteenth and fourteenth centuries.

CHAPTER 1

SOURCES THAT SHAPE THE PAST

LAW

It is not unrealistic to state that modern studies of medieval court records begin with the work of F. W. Maitland and so each point of study in this paper will be based initially on how Maitland considered the manor court, the village community, and the villagers. From the perspective of the student of medieval history, perhaps the most significant position that Maitland held was as the first president of the Selden Society; he certainly was “its chief lasting inspiration.”⁷¹ This society was dedicated to the publication of the history of law; it was founded in 1886 with substantial scholarly support and is, today, “the only learned society and publisher devoted entirely to English legal history. This includes the history of the law, the development of legal ideas, the legal profession, the courts and legal institutions.”⁷² It is to *The History of English Law before the Time of Edward I*⁷³ and *Select Pleas in Manorial and other Seignorial Courts*⁷⁴ to which this paper will refer. Maitland was one of two authors of the first and edited the second for the Selden Society.

As recently as 1968 S.F.C. Milsom paid tribute to Maitland, noting that although he had been dead for over sixty years his book, *The History of English Law before the Time of Edward I*, was not a “dead masterpiece but...a still living authority.”⁷⁵ In the Preface to the first edition of *The History of English Law* Maitland and his co-author, Sir

⁷¹ G.R.Elton, *F.W.Maitland*, (London: George Weidenfeld and Nicholson Ltd., 1885), 9.

⁷² Selden Society, <http://www.selden-society.qmw.ac.uk>, (2003-03-19)

⁷³ Pollock and Maitland, *The History of English Law*.

⁷⁴ *Select Pleas in Manorial and other Seignorial Courts*.

⁷⁵ Pollock and Maitland, *The History of English Law*, xxiii.

Frederick Pollock, noted that the work was but a “preliminary exploration” in their field.⁷⁶ However, it was a field that was really Maitland’s alone because Pollock contributed very little to the great study. In his biography of Maitland, G. R. Elton mentions that Maitland speeded up his writing after reading Pollock’s first chapter in order to obstruct the other man from writing anything more.⁷⁷ The preliminary exploration to which they refer lays open the records of the medieval manorial court, amongst other things, for consideration, while Maitland’s own observations on peasants, the manor court, and the jurisdictions of the overlord provide much of the necessary information for the groundwork of this paper.

Maitland was both lawyer and historian. In order to understand how the law had come into being, how it had been influenced by custom and how it worked, he knew it had to be seen in the context of its day. It was in the simplicity and directness of the presentation of the medieval manorial court records that he found the basis for that understanding. He also realised that although the terse presentation of these records offered an abundant harvest of information, it was one that would not be easily reaped, something he pointed out in the opening paragraphs of *Select Pleas*.⁷⁸ In this work, which was the first printed edition of manorial court rolls and was, as he himself confessed, something of an experiment,⁷⁹ he turned from the royal courts that were the main subject of *The History of English Law* to the private and to the manorial court rolls, editing and presenting “some early and typical rolls of several very different, kinds....”⁸⁰ With the presentation of this selection of pleas and their publication through the Selden

⁷⁶ Pollock and Maitland.

⁷⁷ Elton, 5.

⁷⁸ F.W.Maitland, *Select Pleas*, xi.

⁷⁹ Ibid., xii.

⁸⁰ Ibid.

Society, Maitland revealed the historical value of the records not only for the students of legal history, but for students from many disciplines of history; with *The History of English Law*, he supplied the basis for understanding the context in which the evolving common law could be understood.

As we have noted, Maitland understood the manor court's main function as primarily economic. This has a twofold implication: that the court's evolution had been heavily influenced to benefit the overlord, and that it should therefore be viewed in terms of its function for the overlord. It is a perspective which directs attention away from the lower strata of medieval people, the peasants. In Maitland's case this interest channelled his notice towards the royal courts and, as he was interested in the origins and development of the common law and because much of this came from feudal institutions where the ultimate authority was the king, this perspective is hardly surprising. However, because the manor court was the only forum which the inhabitants of the village could use to address their rights under custom, it was the manor court that was the court of the villager. The economic importance of the manorial court to the overlord, through fines and rents collected and services enforced, cannot be doubted, but in the organization of the unfree by obligation and of the free through self-interest, there rested at least one other attribute from which the peasants benefited: that of common purpose which assisted in binding them into a community.

The custom of the king's court was the custom of England and it became the common law.⁸¹ Maitland pointed out that there is plenty of evidence that the justices of the day respected custom and that they expected to be shown that not only had custom

⁸¹ Pollock and Maitland, 184

influenced an action but that it had been used previously and successfully in practice.⁸² For the unfree—the villeins of village societies who had no rights acknowledged by the royal courts and who were obligated to an overlord—Maitland emphasized, albeit dismissively, the importance of custom that gave rights to them in their relationships with their overlords: “Such rights as they have against their lords, save the bare right to life and limb, will be but customary and will not be acknowledged by the general law nor sanctioned by the king’s court.”⁸³ He also commented that, in spite of local variations, there was a surprising unity of custom throughout the country. He suggested this unity had come about from the linkage provided between widely dispersed great estates, a linkage provided by stewards attached to the private courts, and sheriffs, who were royal servants, travelling between them.⁸⁴ And yet there were local variations in custom that could be significant. For instance, the custom of inheritance was variable; in some areas of Kent it was known as *gavelkind* and inheritance was shared equally between surviving sons; in a custom known as *borough English*, also in Kent, the last born inherited.⁸⁵ In all cases, the memory of what had gone before rested with the older and wiser members of the community: continuity lay in the administration of the custom by the manorial courts, or by whatever court had jurisdiction over a matter where custom was to be followed. Both the county courts and the hundred courts—royal jurisdictions—had some customary matters brought before them, especially concerning issues of inheritance and property, and in these royal courts, too, villagers were summoned to provide the necessary information from memory. The remarkable thing is that custom was consistent at all; the

⁸² Ibid.

⁸³ Ibid., 185.

⁸⁴ Maitland, *Select Pleas*, 4.

⁸⁵ Baker, *An Introduction to English Legal History*, 303-304.

question that might well be asked is, when was it not? Yet this is difficult because in order to discover variations in custom it would be necessary, as Maitland suggested, to examine minutely the manorial court rolls from many different manors and areas.⁸⁶

Maitland's method was to work back from the known into the unknown asking how we arrived at some point in respect to this law and to that law.⁸⁷ He used Bracton's treatise of the thirteenth century, *De Legibus et Consuetudinibus Angliae*, as a definitive starting point for observing early law and was particular about using terms correctly, insisting upon using those that were current for the time under examination. For example, he said that in order to avoid anachronisms we ought to be satisfied that terms such as 'leet' and 'baron' and 'customary' were in use among those for whose benefit the document in question was originally written.⁸⁸ He thought the usefulness of the manorial court rolls for measuring change rested in both their large quantity and in the repetitive nature of their contents but, at the same time, he recognised that adequate time was both an important commodity and a scarce one for the analyst of such data.⁸⁹ Because manorial court records are repetitive and mundane, a collection of what Maitland calls the "curiosities"—that is, those that are outstanding for some reason—does not make a comprehensive record of procedure or of change. Although he advocated editing and printing "a few sets of rolls" between the thirteenth the sixteenth centuries,⁹⁰ Maitland produced *Select Pleas in Manorial Courts*, which is a selection from a variety of thirteenth-century rolls, and he demonstrated differences and similarities between them.

⁸⁶ Maitland, *Select Pleas*, xvi.

⁸⁷ John Hudson, "Maitland and Anglo-Norman Law" in *The History of English Law*, ed. John Hudson, (Oxford: Oxford University Press, 1996) 21.

⁸⁸ Maitland, *Select Pleas*, xvi

⁸⁹ *Ibid.*, xii

⁹⁰ *Ibid.*, xi

However, although *Select Pleas* contains a variety of fascinating and informative matter pertaining to peasants, village communities, and the manorial court itself, Maitland's confessed interest was in legal history and, therefore, this volume, which concentrated on customary tenure as it related to both the custom of the manor and the will of the lord,⁹¹ is of limited interest in aiding understanding of the mundane matters that were most commonly at issue in the Ramsey manorial courts.

These two works then, *The History of English Law* and *Select Pleas*, should be considered as providing a foundation for this present study: the first because it concentrates on the developing common law and its roots in custom: the second because of its focus on some early presentations in manorial courts other than those of Ramsey.

Praise for Maitland has been extravagant; one writer quoted by Elton referred to him as "the sainted Maitland".⁹² Few would dispute that Maitland is the giant among legal historians; however, he is, properly, not without his critics. A collection of essays published in 1996 to celebrate the centenary of Pollock and Maitland⁹³ reveals not only appreciation of Maitland's work and its enduring qualities, but also offers some challenges that enrich our understanding of his perceptions of both the manorial courts and the peasants of the thirteenth and fourteenth centuries. This is graciously encapsulated in Patrick Wormald's opening quotation from Maitland himself: "I try to cheer myself up by saying that I have given others a lot to contradict."⁹⁴ Yet Wormald is

⁹¹ Ibid., xi

⁹² Elton, 5. Elton is referring to J.P. Kenyon, *The Times Literary Supplement* of 2 March 1984, p.222.

⁹³ *The History of English Law: Centenary Essays on 'Pollock and Maitland'*, ed. John Hudson, (Oxford: Oxford University Press, 1996).

⁹⁴ Patrick Wormald, "Maitland and Anglo-Saxon Law: Beyond Domesday Book" in *The History of English Law*, ed. John Hudson, (Oxford: Oxford University Press, 1996) I.

critical of Maitland for underestimating the Anglo-Saxon contributions to law,⁹⁵ and for the stress he placed on the beginnings of English law resting with Henry II and the Angevins. In a more recent book, Wormald criticises not only Maitland for commenting on “the marvellous suddenness” of the appearance of the common law in England, but all the historians who subsequently shared this opinion, and ironically likens their perspective to a vision of the qualities of Athena springing from the head of the first Angevin king, Henry II.⁹⁶ Wormald claims that it was the power of government felt longer and more consistently over the area it claimed to rule that “distinguishes the history of England from that of neighbours and counterparts,”⁹⁷ and that English law since Alfred the Great (871-899) had been the expression of that power since it was exercised by him and his heirs. Henry II, according to Wormald, inherited this expression of governmental strength as a system already old, unique and active.⁹⁸ Having considered this we should, as Wormald suggests, see William I’s contribution as not only the importation of Norman law, but also his amenability towards retaining existing Anglo Saxon laws, thereby enabling a smooth transition of legal growth.⁹⁹ This modifies the importance of Henry II in the development of the law as suggested by Maitland.

Paul Hyams’s examination of the law of villeinage is undertaken from a legal perspective as he seeks to examine villein status based on Bracton’s treatise, *De Legibus*

⁹⁵ Ibid., 4.

⁹⁶ Patrick Wormald, *The Making of English Law. King Alfred to the Twelfth Century*, v. 1: *Legislation and its Limits*. (Oxford: Blackwell, 1999), x.

⁹⁷ Ibid, xi.

⁹⁸ Ibid, xi.

⁹⁹ Ibid., 19

et Consuetudinibus Angliae,¹⁰⁰ and yet Hyams' interest is certainly with those he terms 'the rest of us' in his contribution to *The History of English Law*.¹⁰¹ For Hyams, viewing Maitland from a contemporary perspective, the 'rest of us' excludes the 'insiders'—those of Maitland's own class who shared his own legal interests and for whom he wrote—and includes women, lunatics, Jews, heretics, the unfree, and aliens. But Maitland's lack of empathy for women, Jews "or the Lower Classes" was, according to Hyams, a reflection of his time. In a vivid metaphorical representation of Maitland's relationship to his world, Hyams places Maitland on the pinnacle of the capital city, while "the rest of us" were situated in the marcher areas and borderlands.

Another criticism directed at Maitland is that he was interested only in the royal courts and in customary law as it pertained to the common law. Lloyd Bonfield is not convinced by Maitland's insistence that the medieval manor courts borrowed not only procedure but substantive principles of law from the royal courts and suggests that, were the argument taken to its extreme, the manor courts would be considered as subordinate offshoots of the central royal court.¹⁰² Responding to criticisms of Maitland's approach to Anglo-Saxon and Anglo-Norman law appearing in the centenary volume, S.F.C. Milsom points out that Maitland clearly identified his central inquiry in the *History of English Law* as lying with the period between Henry II and Edward I—between 1154 and 1272.¹⁰³ Milsom agrees with Wormald that Maitland was opposed to anything which "left the taste of legal legend" and, under this rubric, recognises an antipathy towards the

¹⁰⁰ Paul Hyams, *King, Lords and Peasants in Medieval England: The Common Law of Villeinage in the Twelfth and Thirteenth Centuries*, (Clarendon Press: Oxford, 1980), viii.

¹⁰¹ Paul Hyams, "Maitland and the Rest of Us" in *The History of English Law*, ed. John Hudson, (Oxford: Blackwell, 1996) 215-241.

¹⁰² Lloyd Bonfield, "What did English Villagers mean by 'Customary Law'?", in *Medieval Society and the Manor Court*, ed. Eds, Razi and Smith, (Oxford: Clarendon Press, 1996), 104.

¹⁰³ S.F.C. Milsom, "'Pollock and Maitland': A Lawyers Retrospect", in *The History of English Law*, ed. John Hudson, (Oxford: Blackwell, 1996) 244

family as the original legal unit expressed through Maitland's "concern for individualism against communalism."¹⁰⁴ Milsom directs his own essay towards the dangers inherent in studying areas common to both legal and social historians: that of falling between two disciplines, of legal and social historians pursuing "different things in different ways".¹⁰⁵

Maitland's work may be timeless in some respects and the cause of debate and disagreement in others, but the most thorough introductory treatment of English law since his time is J. H. Baker's *An Introduction to English Legal History*. The third edition—while predating the centenary volume mentioned above—provides a useful perspective.¹⁰⁶

Unlike Maitland, Baker does not see any contribution from the Normans to the development of the common law as a body of rules, which he believes to have developed in the twelfth century, although with foundations in Anglo-Saxon institutions. He is careful to point out the differences between custom and customary law saying that "the Anglo-Saxon codes did not 'codify' existing customs, let alone make new law."¹⁰⁷ In early times, according to Baker, King Alfred was instrumental in promulgating a law code for the West Saxons in the late ninth century and was imitated by subsequent kings. But although these kings made an "attempt to impose uniformity in certain limited fields and as such set a constitutional precedent for legislation by the kings of England,"¹⁰⁸ there was no common law because there was no judicial machinery to require it.¹⁰⁹ In other words, there was no organisation to bring together unwritten and variable custom and compose it into something Baker calls "uniform law" with its rules and the means of

¹⁰⁴ Ibid., 245.

¹⁰⁵ Ibid., 243.

¹⁰⁶ *An Introduction to English Legal History* is now in its 4th edition.

¹⁰⁷ Baker, *An Introduction to English Legal History*, 3.

¹⁰⁸ Ibid., 4.

¹⁰⁹ Ibid.

applying them. Although such machinery was not in place early in the first millennium, it was at the end of it, and it is easy to agree with the idea that places it as developing from Anglo-Saxon times. In Wormald's words: "If the levers of power were in good enough order to work for William I and Henry I, the likelihood is that they worked quite smoothly for Cnut, Edward the Confessor and Harold II."¹¹⁰ Arguing from silence can be dangerous; however, although few records survive from Anglo-Saxon times, surely we may be forgiven for agreeing with Wormald and wondering if a thousand years of society's history should be summarily dismissed because of the silence of written record? It would seem that Wormald's speculation is carefully voiced to provide reasonable, if not conclusive, answers.

Baker claims that Maitland saw the Norman Conquest as a "catastrophe which determined the future of English law,"¹¹¹ and we have already seen that Patrick Wormald takes the view that English law was rooted further back in Anglo-Saxon times.¹¹² Yet, as Baker points out, changes to the law were slow and the Normans brought little with them to change the existing Anglo-Saxon law, although they did contribute to divisive practices between the English and the French: they added trial by battle; they separated ecclesiastical from shire and hundred courts, and added forest law to protect the hunt. Their initial changes to seigniorial jurisdiction were, in Baker's words, a brand of "military feudalism,"¹¹³ and that nicely describes the Norman approach to lordship.

¹¹⁰ Wormald, 19.

¹¹¹ Ibid., 14.

¹¹² See *supra.*, 28.

¹¹³ Baker, 14.

MANORIAL RECORDS AND HOW TO USE THEM

While Maitland's work demonstrated the usefulness of manorial court rolls in providing a variety of information for historians in different disciplines, the interest of the social historian in expanding knowledge of the individual medieval villager grew slowly as the twentieth century progressed. As DeWindt noted, there was some pioneering work on manorial court rolls done in studying village by-laws by Warren O. Ault in the 1940s,¹¹⁴ and thirteenth-century village custom was addressed by George C. Homans in 1942 with *English Villagers of the Thirteenth Century*.¹¹⁵ Extended and detailed close study was limited until scholars from the Centre for Medieval Studies and the Pontifical Institute of Mediaeval Studies at the University of Toronto began extensive examination of medieval court records. Of primary interest in this present study is the work of J. Ambrose Raftis, in particular his *Tenure and Mobility*. From the mid 1960s, Raftis studied community life from a perspective that began within the village itself. In this work he notes Maitland's unhappiness over the historians' lack of knowledge of the villein. He quotes Maitland: " 'If now we return to the *villanus* and deny that he is *liber homo* and deny also that he is holding freely, we shall be saying little and using the laxest of terms. There are half-a-dozen questions that we would fain ask about him....' "¹¹⁶

Raftis suggests that Maitland's approach to the individual villager was from a basis too firmly rooted in "formulations of the common law."¹¹⁷ He continues more generally, and comments that the peasant's "humanity" has been obscured by the "paper curtain" of

¹¹⁴ W. O. Ault, *Open-field Husbandry and the Village Community*, (Transactions of the American Philosophical society: Philadelphia, 1965). Referred to by DeWindt in *Holywell-cum-Needingworth*, 1.

¹¹⁵ G. C. Homans, *English Villagers of the Thirteenth Century*, (Boston, 1941). Referred to by DeWindt in *The Court Rolls*, ix.

¹¹⁶ F.W. Maitland, *Domesday Book and Beyond* (Cambridge, 1897), p.50., quoted by Raftis in *Tenure and Mobility*, 11.

¹¹⁷ *Ibid.*, 12.

technical terms of the common law and the mechanisms of manorial economy.¹¹⁸ While appreciating the worth of Maitland's approach to the villein through the examination of the common law, Raftis proposes that too many other questions have centred attention on the villein in relation to his overlord, and on his legal status as free or unfree. He directs his own studies towards revealing the villager as an individual, as well as part of a larger picture, as a man, woman, or child, acting upon and interacting with the forces affecting his or her life.

Raftis commends Homans for producing the pioneer work on medieval villagers, and acknowledges Homan's use of social-anthropological methods in his comprehensive study of medieval rural life in England in *English Villagers of the Thirteenth Century*,¹¹⁹ saying that it provides a complete picture of social organization of that time. While Raftis recognises that Homan's "extremely uneven quality and quantity of sources for different parts of the country" means that further studies are necessary for clarification, he is not an advocate of compiling what he calls a "representative notion" – an archetype – of the social life of the times, given the complexities.¹²⁰ It is the villagers themselves towards whom Raftis directs our attention as tenants holding land in relationship with the lord and with other villagers, and as natives of their village. His inquiry is directed towards both variety and change in the villager's life, as well as towards the structure and organization of village life. He explores questions of mobility, seeking to understand how much the villager moved from one village to another and what this might reveal in

¹¹⁸ Ibid., 11.

¹¹⁹ Homans, *English Villagers of the Thirteenth Century*. It is the village at which Homans looks in his attempt to describe, as a whole, a social order of the past. He examines husbandry, skills, life, work, and interaction in villages. He identifies the weakness of applying general assumptions based on few representative areas and draws heavily on manorial court rolls and customs, concentrating on "champion" land villages rather than on "woodland".

¹²⁰ Raftis, *Tenure and Mobility*, 13.

terms of personal freedom.¹²¹ Concerning the movement of women beyond their manors, Raftis notes the surprising number of women who married outside their home village, a mobility revealed through the documenting of payment of merchet, a fine paid on a woman's marriage. Although the court records studied in the preparation of this present paper do not refer directly to merchet, there are references to marriage without licence.¹²² When the merchet or fine was paid, the manorial jurisdiction was at an end, according to Raftis.¹²³ Because merchet is one of the criteria by which historians determine personal status, it is important to understand its ramifications. On the subject of status, Raftis points out that in "Pedigrees of Villeins and Freemen in the Thirteenth Century" Helen Cam in 1944 remarked that frequent intermarriage between freemen and villeins gave reason to believe that there was no such thing as class barrier on legal lines of freedom and serfdom.¹²⁴

As already noted, DeWindt's edition of the court rolls of Ramsey, Hepmangrove and Bury, 1268-1600 form the basis of this study, but echoes of the Raftian approach to the court records are clear not only in this work by DeWindt—Raftis's former student—but in other works of his, notably *Land and People in Holywell-cum-Needingworth*. Here DeWindt identifies his intention of searching for information leading to the identification of the medieval peasant as an individual rather than as a part of an economic picture or a legal problem. This study, as he identifies it, is one focused away from the peasant as part of the manor and towards the peasant as part of the village community.¹²⁵ In it, he

¹²¹ Ibid., 14.

¹²² See infra., 99.

¹²³ Raftis, *Tenure and Mobility*, 178-179.

¹²⁴ Helen Cam, "Pedigrees of Villeins and Freemen in the Thirteenth Century", in *Liberties and Communities in Medieval England* (Cambridge, 1944,) p.134; referenced by Raftis in *Tenure and Mobility*, 12, n.3.

¹²⁵ DeWindt, *Holywell-cum-Needingworth*, 24.

recognises two approaches to the study of medieval villagers: one studies manorial institutions and economy and the legal disabilities of servile peasants as a class within the restrictions of villeinage; the other, more recently developed after the basic suggestions of Homans,¹²⁶ looks at village and peasant institutions with the intent of increasing the awareness of human dimensions of village life in the Middle Ages. The latter approach to the villager reveals him in "relationship to his social community, to his family and to his neighbours."¹²⁷

DeWindt sees the manorial court rolls as a source revealing the peasant as tenant, parent, child, husband or wife, official, pledge, craftsman or transgressor, and this revealing approach uncovers the peasant's humanity in such a way that it has prompted the undertaking of this paper. In addition, from simple counting and reconstitutive analysis DeWindt has discovered that additional information may be induced about village structures, institutions, and networks of relationships. Families may be compared with one another, and relative degrees of involvement in such institutions as jury service can be calculated. There are not "suffocating" amounts of data available, says DeWindt with some disappointment, and he points out that manorial accounts and extents—records of local rules concerning peasants' customary services—in themselves, even when abundant, are not enough to establish the individual tenorial involvements of individual peasants "since they present a picture of land-holding that is both demesne-centred and static and frozen in time."¹²⁸ DeWindt further emphasizes the value of the records of

¹²⁶ DeWindt, *The Court Rolls*, 16-18.

¹²⁷ *Ibid.*, 2.

¹²⁸ *Ibid.*, 16.

view of frankpledge with their information on manorial discipline and obligation, and the "general peace-keeping and the regulation of national assizes as well."¹²⁹

For DeWindt, Raftis's work is a conclusive example of the value of the court rolls as a tool for demonstrating the use the peasant made of his court, and how this in turn contributes to our knowledge of the peasant economy as distinct from the manorial economy.¹³⁰ The latter relates to the manor and, thus, to the lord, while the peasant's individual identity is revealed "in relationship to his social community, to his family and to his neighbours" through the studies of Raftis.¹³¹ DeWindt looks at demographic trends and different "service roles" of local groups of peasants, largely because the information is available in the manorial court records and is profuse, orderly and extends over a protracted period of time. He points out the evidence showing cohesion and cooperation between peasants, and stresses the exploration of the role of interpersonal and inter-group relationships in contributing to a united and inter-dependent village community.

Despite—or perhaps because of—these advances in the study of rural society, Zvi Razi of Tel Aviv University has criticized Raftis and those whom he loosely terms "colleagues".¹³² Razi initially accused those adherents of what he calls "the Toronto School" of faulty methods,¹³³ beginning a discussion that raged in the pages of the historical journals. In his view, the Toronto School misinterpreted some information derived from the court rolls, was insufficiently critical of the information, and used faulty

¹²⁹ Ibid., 18.

¹³⁰ Ibid., 2.

¹³¹ Ibid.

¹³² Zvi Razi, "The Toronto School's Reconstitution of Medieval Peasant Society: A critical View", *Past and Present* 85, (1979) 141-157. According to Razi's paper, these others presumably included Edwin DeWindt and Anne Dewindt, as well as E. Britton, as they are mentioned by name later in this same paper.

¹³³ Ibid.

fundamental assumptions about the society of the medieval village.¹³⁴ Razi criticized Raftis and his colleagues for their demographical analysis and for their use of name-counting as a demographical method;¹³⁵ he states that the Ramsey rolls are “too fragmentary” for demographic use and asks if the number of names appearing in the court rolls are really representative of all the families of the village.¹³⁶ Of DeWindt’s inference that subsistence was not a problem among villagers after the plague of 1348 and its subsequent outbreaks based on peasant survival in the records, he is sceptical.¹³⁷ Overall, he says these errors lead to “substantive” demographical errors and “faulty inferences.” On the subject of trends in migration, he says these are measured by marginal notes in the records and only note some villeins and no free men. Razi argues against using prominence indicated by office-holding as a mark of village status, and is scornful of Raftis’s suggestion that there was indeed a village hierarchy, and that leadership qualities could even have been hereditary.¹³⁸ But Raftis, primarily a social historian, has been cautious to couch his work with warnings that it contains a speculative element, something which Razi, primarily a demographic historian, perhaps did not entirely heed. Nevertheless, when considering that the otherwise comprehensive 1996 volume of essays edited by Razi and Richard Smith—a Cambridge historical population geographer—contains no contribution from such a notable pioneer in working from manor court rolls as Raftis, it is difficult to accept that Razi has not thrown out the baby with the bath water.¹³⁹

¹³⁴ Ibid., 142.

¹³⁵ Ibid., 142. According to Razi this is because villagers “frequently appear in the records under more than one name and many under more than two.”

¹³⁶ Ibid., 145.

¹³⁷ Ibid., 145.

¹³⁸ Ibid., 149.

¹³⁹ *Medieval Society and the Manor Court*.

A more balanced criticism than that of Razi is offered by L. R. Poos and R. M. Smith who, although critical of work concluded before their 1984 paper¹⁴⁰—including that of Razi—feel that such work is of a pioneer quality and appreciate that only through risks being taken will a satisfactory historical demography of the English medieval period, incorporating the materials of the manorial court rolls, be developed. They are, however, critical of the use of such approaches as that taken by Homans for demographical purposes, which they see as too anecdotal. Homans, although he does give a detailed picture, offers the premise that through the microcosm of village life we get to see a whole social order.¹⁴¹ His is not, indeed, a demographic study at all. Likewise, Poos and Smith are dubious of concentrating on the “better-documented, higher-status individuals among customary tenants,”¹⁴² and their proposition is that “full cognizance be taken of the ‘unreconstitutable majority’.”¹⁴³

Rodney Hilton’s interesting and informative look at borough court records, again in the Razi and Smith volume, although containing many demographical points has overall a less structured approach in terms of number-counting and tabulation than that of either Raftis or DeWindt. As Hilton points out, these borough records are procedurally quite similar to the manorial rolls because of comparable processes, and therefore “give unusual insight into small town life.”¹⁴⁴ His examination of these records from a small market town, Thornbury, is directed towards “the more prominent burgesses, so as to get

¹⁴⁰ L. R. Poos and R. M. Smith, “‘Legal windows Onto Historical Populations’? Recent Research on Demography and the Manor Court in Medieval England,” *Law and History Review*, (Spring 1984,): 128-152. R.M. Smith was a co-editor with Zvi Razi for the volume of essays *Medieval Society and the Manor Court*.

¹⁴¹ George Caspar Homans, *English Villages of the Thirteenth Century*, (New York: Russell and Russell, 1960).

¹⁴² Poos and Smith, ‘Legal Windows’, 151.

¹⁴³ Ibid.

¹⁴⁴ Rodney Hilton, “Low-level Urbanization: The Seigniorial Borough of Thornbury in the Middle Ages” in *Medieval Society and the Manor Court*, 484.

some idea of their social status and economic activities.”¹⁴⁵ His success is dependent on documentation that includes not only the borough court records but manorial surveys and account rolls and tax returns, in order to reveal something of the characteristics of the small-town society. In directing his attention to a seigneurial borough, Hilton looks for economic details of cash revenues that go to an overlord other than the king because, he claims, this reveals the small market town as a source of revenue not only for the overlord but also for the peasants who “obtained their cash by selling their surplus on the market.”¹⁴⁶ Although Thornbury’s burgesses were freemen because of its status as a borough, the use that Hilton makes of the court records still demonstrates to us a way in which we may similarly recreate the way the peasants of Ramsey led their lives – through providing small dossiers on individuals and their economic activities based on information from the manorial court rolls.

Central to the study of manorial court records is in knowing where to find them. As Razi and Smith acknowledge in an editorial note, a bibliography of the use of the manor court records for social and local historians was one of the purposes of their work.¹⁴⁷ Perhaps the greatest contribution to their goal in this respect is the survey of medieval manorial court rolls in England contained in the Appendix.¹⁴⁸ This survey, presented by Judith Cripps, Rodney Hilton and Janet Williamson, shows which repositories of archived records were visited directly for their compilation; it concentrates on good coverage of the fourteenth century listing the county and manor, dates of the records, brief descriptions of the manor and other surviving manor records that the investigators

¹⁴⁵ Ibid., 514.

¹⁴⁶ Ibid., 482.

¹⁴⁷ Ibid, n.3, 104.

¹⁴⁸ Judith Cripps, Rodney Hilton, and Janet Williamson, “A Survey of Medieval Manorial Court Rolls in England” in *Medieval Society and the Manor Court*, 570-637.

encountered. Although not used in this study, this type of list is invaluable to the student of fourteenth-century agrarian life who would otherwise have depended on the scant material published, or devoted time and resources to hunting down and assessing court rolls. Such assessment is arduous, dependent as it is on the ability to read Latin and transcribe court hands that vary in style and legibility and which may be heavily abbreviated.

Maitland's main interest, as noted, was in the common law, in such of its roots as lay in custom, and in the royal courts. While the present essay is not directed towards a discussion of the several royal courts, the church courts, or, indeed, the different jurisdictional limitations of the private courts, it is important to be aware of the position of the manorial courts in the overall administration of law because there was interaction between different courts at various levels. From the Ramsey manorial court rolls, it is impossible to tell in most instances whether a man or woman was free or servile. What is apparent is that the villager, whether free or servile, knew how to use his court. On this topic, Lloyd Bonfield agrees with Paul Hyams: "It is unlikely that a peasant of almost any degree of wealth or influence would have not understood, and even found himself or herself enmeshed in other aspects of medieval English legal culture besides merely the 'custom' of the manor."¹⁴⁹ Bonfield attempts to resolve the question of what was actually meant by 'customary law', as it was understood by the villager,¹⁵⁰ and reveals that from a legal point of view it is not an easy question to resolve. He points out that the tendency of legal historians is to expand Maitland's suggestion that the manorial courts

¹⁴⁹ Lloyd Bonfield, "What did English Villagers mean by 'Customary Law' " in *Medieval Society and the Manor Court*, 110.

¹⁴³ Ibid., 103-116.

borrowed “procedural workings” from the central royal court to include substantive principles of law. He also points out the inherent difficulties of this premise and says that certain parameters should be met before legal historians exploit court records to seek the structural nature of the institution: “In short, what was the court really like that produced the record under examination?”¹⁵¹ Bonfield acknowledges the difficulties with the manor court records as the time needed to examine the large number of records and the variety of functions which the jurisdiction served, but more importantly he emphasizes that the difference between the manor court and other courts of the same period lies with the non-litigious functions of the former.¹⁵² Bonfield expresses discomfort with accepting that cultural norms may be extrapolated from “scattered pronouncements of custom,”¹⁵³ and says that there are too many indications in the manorial court rolls of changes in custom causing positions in litigation to be reversed, and that manor courts operated independently of each other making consistency and continuity unlikely.

Another point Bonfield makes in his endeavour to address the suggestion that the manor court absorbed royal law early, and one which has proved to be one of the continuing reminders for the work in hand, is that “no legal jurisdiction operates in a vacuum, hermetically sealed from other courts or providers and/or enforcers of law.”¹⁵⁴ According to Bonfield, although the villein might find himself or herself “emeshed” in other aspects of medieval English legal culture—such as the criminal courts or coroners’

¹⁵¹ Ibid., 105.

¹⁵² Ibid.

¹⁵³ Ibid., 108.

¹⁵⁴ Ibid., 109.

court—and had the ability to sue in the royal court,¹⁵⁵ that is no basis on which to argue that customary law was modified and changed to resemble common law.

Ralph Evans's essay, "Merton College's Control of its Tenants at Thorncroft 1270 - 1349", also in the Razi and Smith volume, is directed towards showing the importance and elusiveness of the nature of the relationship of the lord of the manor and his tenants. Evans comments that works dedicated to estate history or to the reconstruction of individual communities do not give enough attention to the mechanisms by which the lord of the manor made his instructions known to those at the lowest level of the manorial community. In focussing on Thorncroft in the parish of Leatherhead, Surrey, which was held by Merton College, Oxford, Evans utilizes manorial court records to show how the college controlled its tenants and how the manorial court records are "the principal source in which its policy towards them may be discerned."¹⁵⁶ Evans' use of the records is presented with direct quotations and is not merely a passive summary, an approach that provides a more direct pathway through language to hearing the voice of the individual peasant.

VILLEIN STATUS

Maitland's description of the serf, from a legal perspective, is apt. He saw him as not without rights, but rather without protection.¹⁵⁷ The serf, or villein, had no proprietary rights against his lord, but when it came to chattels or land that he acquired from another, who was not his master, he could be considered the owner of these until such time as his

¹⁵⁵ Bonfield gives thanks on this point to Paul R. Hyams for *Kings, Lords and Peasants*.

¹⁵⁶ Ralph Evans, "Merton College's Control of its Tenants at Thorncroft 1270—1349" in *Medieval Society and the Manor Court*, 205.

¹⁵⁷ Pollock and Maitland, 417.

lord might seize them; however, such action by the lord was not usual. Paul Hyams sums up the villein's position in regard to heritability with the practical observation: "Strict enforcement of a simple rule, that villeins could not inherit and villeinage holdings were not heritable, would have been impossible. . . ." On the matter of villein litigants in cases of violence and property rights, Hyams comments that the plea rolls convey the uncertainties that faced villein litigants. He mentions a case in which a prosperous villein on a Suffolk manor ignored the disapproval of his lord over the question of his daughter's marriage. The lord was enraged that the marriage took place and broke into the house in search of the young woman, accidentally setting the house on fire. Both the villein and his son-in-law appealed the lord of arson and breach of the king's peace in the county court, and their suit reached the Bench. It was ruled that as the house was held from the lord and that the villein was the lord's villein, there was no arson. As for the breach of the peace, both the villein and son-in-law withdrew their appeal and were subsequently gaoled.¹⁵⁸

Maitland also said that a villein was viewed as a free man with regards to other men with the exception of his lord.¹⁵⁹ It is from intricacies of peasant status such as these that Rodney Hilton considers the serf. Legal historians, such as Maitland, frequently view the serf in terms of the tenure with which he worked the land, while Hilton—a professed economic historian—views the serf not only by the terms of his tenure, but also as a significant part of the sub-strata of peasants, working the land, providing for a family and, through his service to an overlord, being a significant part of that overlord's

¹⁵⁸ Paul R. Hyams, *King, Lords and Peasants in Medieval England: The Common Law of Villeinage in the Twelfth and Thirteenth Centuries*, (Oxford: Clarendon Press, 1980), 139.

¹⁵⁹ *Ibid.*, 419.

economic existence.¹⁶⁰ Lynn White Jr. supports Hilton's view of the serf when he says: "Rulers and priests, craftsmen and merchants, scholars and artists were a tiny minority of mankind standing on the shoulders of the peasants."¹⁶¹ Although his primary interest in *Bond Men Made Free* centres on social tensions,¹⁶² Hilton focuses on the reasons for declining serfdom in the fourteenth and fifteenth centuries in *The Decline of Serfdom in Medieval England*. He considers the ubiquitous peasant by asking why and how the serf reached his position and, ultimately, what influenced, or forced, him to leave it. While examining the exploitation of serfs by the overlord, Hilton notes that wealthy villeins bought their freedom from their lords through manumission;¹⁶³ he points out that much free tenure developed probably as a result of assarting, making land arable by clearing it of trees and bush, as landowners sometimes wished to have new areas of land developed.¹⁶⁴ The increase in free tenure that Hilton perceives in the fourteenth century came about because many of the wealthier peasants who held land in villeinage converted both their customary holdings as well as their own personal status. He notes a change in villein status by the middle of the thirteenth century whereby both villein and customary tenure, which may have been free previously, came to suggest servile status that rendered the villein without action in the royal courts as far as rents and services to the overlord were concerned.¹⁶⁵ This, Hilton points out, indicates a necessity on the lord's part to obtain more money and was something he did through increased revenues from the villeins.

¹⁶⁰ R. H. Hilton, *The Decline of Serfdom in Medieval England*, second ed., (London: The Macmillan Press Ltd., 1983).

¹⁶¹ Lynn White, *Medieval Technology and Social Change*, (Clarendon Press: Oxford, 1962), 39.

¹⁶² R. H. Hilton, *Bond Men Made Free*, (London: Temple Smith, 1973).

¹⁶³ *Ibid.*, 51.

¹⁶⁴ *Ibid.*, 19.

¹⁶⁵ *Ibid.*, 18-19.

Paul Harvey, a medieval economic historian writing on the medieval land market in the Razi and Smith volume, recognizes that medieval man did not have the same preoccupation that our society has with numbers. However, according to Harvey, because the land was close to his heart he was accustomed to having an obsession with land, in obtaining it, and with assessing its value. Harvey uses the manor court records as a registry for land-holding on the manor, noting that we can use them for re-constructing peasant family histories related to land-holding as well as “their inter-relationships, the part they played in the village community, their rise or decline in wealth.”¹⁶⁶

Frankpledge was a public jurisdiction administered in the county courts or hundred courts until the thirteenth century when it largely became a private jurisdiction. Phillipp R. Schofield’s paper in the Razi and Smith volume examines the private frankpledge system through the records of one manor – Birdbrook in Essex – paying particular attention to analyzing the impact of changes on the individual tithingman as shown by the records after the Black Death, and claims that tenurial changes affected the overall administration of the manor.¹⁶⁷ Schofield’s contribution is useful to this paper because such tenurial changes may certainly be noted in the Ramsey manorial court records, although it cannot be argued with certainty that such changes are a result of population decimation due to the plague. Schofield concentrates on frankpledge development during the latter part of the fourteenth century and early fifteenth century, noting the administrative modifications necessary because of the depleted number of tithings due to the plague. The information thus revealed demonstrates, in his estimation, changes in the

¹⁶⁶ Paul Harvey, “The Peasant Land Market in Medieval England—and Beyond” in *Medieval Society and the Manor Court*, 395.

¹⁶⁷ Phillip Schofield, “The Late Medieval View of Frankpledge and the Tithing System; An Essex Case Study,” in *Medieval Society and the Manor Court*, 408-449.

tenure of customary land and an overall decline in population that continued well into the fifteenth century.¹⁶⁸

Helen Cam observed, as already noted, that there is little indication from the court rolls that the peasants themselves saw any status variations on the basis of free and unfree¹⁶⁹ and, for the most part, it is not possible to tell the one from the other in the manor court rolls. Indications of serfdom should be apparent from certain payments: merchet, heriot, chevage and others. We might reasonably expect all suitors to the manorial courts to be unfree, but their status was sometimes uncertain even to themselves as the following from the 1278 court rolls of Elton, another Ramsey manor, shows:

They also say that William of Barnwell wrongfully alleges himself free and therefore refuses to be one of the jurors, whereas in truth he ought to pay merchet at the lord's will when he wishes to give his daughter in marriage. . . .¹⁷⁰

Our knowledge of merchet, a fine paid for the lord's permission for a dependent peasant to give his daughter in marriage, comes from entries such as this, and others that are similar:

It is presented. . . that Reginald Benet's son wrongfully refuses to be one of the twelve jurors, alleging that he is a freeman, whereas in truth Alice his sister made fine with Stephen of Elton the then farmer [of the manor] for leave to marry, and Cristianan and Athelina his sisters likewise made fine with William of Wald the then farmer.¹⁷¹

Although merchet is undoubtedly a factor in assessing the economic value of serfdom to the overlord, the word does not appear in the Ramsey manorial court rolls that were studied for this paper; however, because of its significance in relation to legal status there are some points that still need to be mentioned. Eleanor Searle, writing in 1976 and

¹⁶⁸ Ibid., 410.

¹⁶⁹ See *supra*, 34.

¹⁷⁰ Maitland, *Select Pleas in Manorial Courts*. Maitland points out that on the Hundred Roll William of Barnwell appears as a free-holder.

¹⁷¹ Ibid.

dealing primarily with merchet in Anglo-Norman times, advanced a hypothesis other than that which links merchet so firmly to status. She was careful about the importance of merchet as a marker of villein status, but observed that post-medieval concepts of political liberty rendered it gradually meaningless as a social custom.¹⁷² In order to explore the inference of merchet in control of peasant inheritance of land, Searle utilized manorial court rolls from different areas of England, as well as from manors of different sizes, “and from the thirteenth to the late fourteenth century, when such a custom might best be found performing a function before hardening into a little-understood anachronism.”¹⁷³ Her interests relevant to this study include an insightful analysis of the function of merchet and the part it played in maintaining a balance between the will of the lord and the custom of the manor in inheritance.¹⁷⁴ Briefly examining the concept of lordship in relation to merchet, Searle says that it is extremely difficult for us to understand relationships between lord and peasant and that the terms “good lordship and bad lordship”—seemingly integral to understanding obligation and authority—have no definition in medieval documents probably because they were so well understood at the time. Searle points out that we are guilty of either overestimating the power of the lord, or of underestimating the significance of custom.¹⁷⁵

In more recent work, Peter Franklin approaches the subject of the tenant and overlord relationship from a political perspective.¹⁷⁶ Using fourteenth-century court rolls

¹⁷² Eleanor Searle, “Freedom and Marriage in Medieval England: An Alternative Hypothesis”, *Economic History Review*, XXIX.3, (1976): 482-486.

¹⁷³ *Ibid.*, 18.

¹⁷⁴ Eleanor Searle, “Seigniorial Control of Women’s Marriage: The Antecedents and Function of Merchet in England”, *Past and Present*, 82, (1979): 3-41.

¹⁷⁵ *Ibid.*, 3.

¹⁷⁶ Peter Franklin, “Politics in Manorial Court rolls: The Tactics, Social Composition, and Aims of a pre-1381 Peasant Movement” in *Medieval Society and the Manor Court*, 162-198. Originally written as a Ph.D. thesis (University of Birmingham, 1982).

from Thornbury in Gloucestershire, he observes the unrelenting pursuit of seigniorial rights by bailiffs and reeves in the collection of heriot, merchet and illegal subletting, and the subsequent protest from the peasants which took the form of refusing to do work-days and other labour services. Franklin attempts to link this period of peasant recalcitrance in the 1330s with that of something he terms “national discontent”¹⁷⁷—a misleading phrase given that there was no ‘nation’ at this time—and there can only be speculation that links other incidences of insurgence, as recorded from other manor courts including those of Ramsey, with those of Thornbury.¹⁷⁸ Along similar lines, Franklin argues for failure of more generalized rebellion, such as that of 1381, because of lack of cohesion between peasant groups. It needed, he says, a general grievance to bring the peasants, freemen and villeins, together. He is persuaded by Hilton’s argument that most villein unrest was rooted in the desire for personal freedom.¹⁷⁹

Barbara Hanawalt side-steps issues surrounding status in her 1979 book *Crime and Conflict in English Communities 1300-1348*, and views division in village communities not from the legal perspective as free or unfree, but under the comparatively simple headings of the “haves” and the “have nots”, where the “haves” had precedence because they were wealthy from holding most of the land and the positions of authority in the village.¹⁸⁰ Hanawalt comments that the legal status of the peasant based on land-holding is difficult to determine. The wealthy members of the village, those who held most land, were not necessarily free and could hold property from buying and selling and through inheritance. Within the same family land could be held for which services were

¹⁷⁷ Ibid., 164.

¹⁷⁸ See *infra*, 121.

¹⁷⁹ The pertinent work by Hilton to which Franklin refers, is generalized and is directed towards the European continent as a whole. See *Bond Men Made Free*, 72-73.

¹⁸⁰ Barbara Hanawalt, *Crime and Conflict in English Communities, 1300-1348*, Cambridge, Mass: Harvard University Press (1979), 23.

owed to the lord, while other land held by the same family could be free of such services. On the other hand, Hanawalt views cottars and villagers who held little, as having more personal freedom because they were not bound to property and were able to move from village to village in search of seasonal work.¹⁸¹ This group, too, accounted for the craftsmen who could practice lucrative trades. The control of the overlord is something Hanawalt views as being at its most insidious in the manor courts. Not only did the lord make a profit from the fines imposed, but the village hierarchy was controlled by him and could, in turn “impose restraints on their own group and those below them....”¹⁸² The lord’s household could enforce payment from the peasant by entering his house, taking his goods, or even imprisoning him.

And yet Hanawalt’s notion of a manor polarized into factions who were either for the lord or against him seems to be an extreme one and is not supported by the evidence of the Ramsay village courts. Certainly there were peasants who had their chattels taken because of a failure to answer the court, but the idea of unremitting challenge to the lord and members of his household is not substantiated through the incidence of detinue of chattels shown in the Ramsay rolls. Perhaps a more realistic approach to understanding the lord’s authority is to return to Searle’s less emotional evaluation and consider that the peasant’s relationship to the lord was governed by economic controls rather than by personal ones and that status, although not without importance to the individual, was part of this.

¹⁸¹ Ibid., 24.

¹⁸² Ibid., 31

LITERACY

In examining the social organization of the medieval village Raftis brought to our attention the significant disadvantages of studying a predominately oral society, such as the village, from the basis of our modern and literary-based historical methods. He points out that our literary minds struggle for uniformity and consistency when examining records such as those of the manor court, a society he calls, “very personal and often illogical, more flexible and varied than uniform.”¹⁸³ Indeed, this provokes a question this study finds difficult to avoid concerning the use of memory and the changes of certain perceptions during the formative years of literacy among rural societies. If, as we are to believe most villagers were illiterate, may we be forgiven for wondering how they were able to recall the many incidents that lay behind presentments to the manor court? The frankpledge court met but twice a year, and the village authorities, the bailiffs, reeves, capital pledges, ale tasters and constables were called upon to remember a plethora of detail that would be far beyond the capacity of a modern authority denied mechanical notation devices such as pencil and paper. This problem is not entirely solved by answering that elementary solutions, such as use of the tally, provided alternate methods of enumeration. More central to such an understanding is the recognition that in the thirteenth and fourteenth centuries the peasants of rural England were becoming increasingly aware of the value of the written record.

Michael Clanchy has played a large part in understanding implications of the written record in societies of the Middle Ages. He has recognised that literacy, or the lack of it, is an important consideration in studying any society, but is particularly important when considering the implications of law on non-literate societies, such as the

¹⁸³ Raftis, *Tenure and Mobility*, 13.

English peasants of the thirteenth and fourteenth centuries. In *From Memory to Written Record*, revised in 1993, Clanchy suggests that the need of the inhabitants of England for documentation after 1066 came from distrust, and his observation is not altogether ironic: “It is possible that Englishmen became exceptionally conscious of records as a direct consequence of the Norman Conquest. Making records is initially a product of distrust rather than social progress.”¹⁸⁴ He bases this observation on the reaction to the penetrating written survey, known as the Domesday Book, which was expressed by the Anglo-Saxon Chronicler:

There was no single hide nor virgate of land, nor indeed—it is a shame to relate but it seemed no shame to him [William I] to do—one ox or one cow nor one pig which was there left out and not put down in his record.¹⁸⁵

Clanchy also provides an apt example of the difficulties incurred in shifting from memory to the written record. He draws attention to the story of the earl of Warenne’s appearance in court during the quo warranto enquiries of Edward I that indicated the earl’s lack of familiarity and trust of the written record. When asked to show by what right he held his lands, Warenne reputedly brandished an old sword claiming that was his right.¹⁸⁶ This sword of his ancestor, who had been given the land as reward and payment for loyalty to William I, was a token of memory, a relic that the earl understood to substantiate his right to the land of his ancestors. Clanchy describes the gesture as “a desperate reassertion of the primacy of oral tradition over recorded history and of non-literate forms of proof over Edward I’s lawyers and their demands for charters.”¹⁸⁷ We

¹⁸⁴ Clanchy, *From Memory to Written Record*, 6.

¹⁸⁵ *The Anglo-Saxon Chronicle: A Revised Translation* ed. D. Whitlock et al. (1961), pp. 161-2, referenced in M.T. Clanchy, *From Memory to Written Record*, 2d. ed. (Oxford; Blackwell, 1993,) 32.

¹⁸⁶ Clanchy, 36.

¹⁸⁷ *Ibid.*

can produce no such vivid example from the Ramsey court records and yet there is a distinct indication in several entries that the villagers understood the value of the written record and were beginning to utilize it for themselves.

In acknowledging that in the thirteenth and fourteenth centuries the peasants were beginning to understand literary modes, it is reasonable to take another step and link such a progression to their slow but steady advancement and welfare that was the counterpoint to the gradual decline in the authority of the overlord.

This chapter has examined the various sources that have offered the most instruction in the formulation of this paper. The intent has been to explain the relevance of legal history in understanding the origin and function of the village courts, to emphasize the extraordinary contributions of F. W. Maitland in this respect and later criticisms of some aspects of his work, and to recognise the significance of custom in the developing common law. We have sought to emphasize the usefulness of the manorial court records, what their function might have been and also how they may be used in showing both the hum-drum activities of village life and how they may be used to reveal the singularity of certain peasants. In this respect the works of J. A. Raftis and of E. B. DeWindt have been lauded and, properly, their critics revealed because it is through discussion that knowledge is advanced and theories are tested. Through DeWindt in particular, we have noted significant points concerning discipline and obligation in the village courts. Because villein status is difficult to understand fully, an attempt has been made to explain how other historians have viewed it. The short section on literacy has been included because the work of M. T. Clanchy is a reminder that the development of

literary modes is an important part of understanding changes in authority and subjugation.

By drawing attention to the relevant work of others, it is possible to understand the scope of material necessary to read the manorial court records with understanding. The following chapter will examine the form and format of these records and then consider what the information revealed by them contributes to our understanding of certain individuals from the villages.

CHAPTER TWO

RECORDS, AUTHORITY AND OBLIGATION

It was not necessarily the making of records that began in the mid-thirteenth century—Maitland notes that the first of the manorial records still extant is from 1246—but the keeping of them in a depository that survived the devastation of time. The original rolls of Ramsey’s manorial court records are preserved in the British Library and in the Public Record Office, London,¹⁸⁸ and the first one extant is that of 1268. The use of rolls of parchment rather than books for the keeping of records is peculiar to England—the earliest of the royal government’s surviving rolls are from 1130—and the word ‘roll’ (*rotulus*) is thought to have come into general use late in the twelfth century when Richard Fitz Neal brought the internal language of the Exchequer, where his father had been a treasurer for Henry I, into the public domain when he wrote *The Dialogue of the Exchequer*.¹⁸⁹

FORM AND FORMAT

DeWindt describes the outward appearance of the Ramsey court rolls as parchment membranes approximately 20cm. wide by 50cm. long, written in a contemporary court hand in Latin which is heavily abbreviated. He comments that some of the rolls are badly damaged.¹⁹⁰ The writing of different scribes in these rolls is obvious on the original membranes due to variations in the hand, and other changes may still be observed even from the DeWindt translation, yet the format does not vary significantly over the one

¹⁸⁸ DeWindt, *The Court Rolls*, 60.

¹⁸⁹ Clanchy, 19.

¹⁹⁰ DeWindt, *The Court Rolls*, 60.

hundred and fifty years covered in this study, giving rise to the supposition that enrolment standards were already well-established by the date of the first extant roll. Variations in the use of language and in the amount of detail provided may be accounted for by changes in style, but because presentation and order remain remarkably consistent, it seems most likely that a scribe followed the style of his predecessor rather than that of any external exemplar.

Research for this study has been undertaken from the translated and edited text prepared by DeWindt on microfiche.¹⁹¹ The condition of the original surviving manorial court rolls, their appearance, the court hand in which they are written and level of competence shown with Latin must of necessity have affected not only the original transposition of proceedings to parchment, but any subsequent translation and editing. DeWindt describes his edition as a redaction and not a calendar or abstract; he follows the original closely and, in places, clarifies some of the scribes' original text because of its abbreviations, marginalia, corrections and interlineations.¹⁹²

The full span of records presented by DeWindt extends from 1268 to 1600 and he has chosen, in his introduction, to count different types of entry that appear in the records and present these numbers for analysis. For instance, he makes observations on the degree of compliance with the tithing obligation based on presentments of wrongful receiving of those outside of tithing; he also counts the number of hue and cries presented in the Ramsey frankpledge rolls, participants in trades and retailing in Ramsey, tithing non-compliance, and more. With the longer span of records from which he is working, it

¹⁹¹ In this study, direct references to the microfiche edition are rendered in the following format: an abbreviation of the court jurisdiction first, eg., FP for frankpledge; the year and number of the court (usually there were two a year) eg., 1307 (2); the number assigned by DeWindt to the entry and the page number of the microfiche.

¹⁹² DeWindt, *The Court Rolls*, 60.

is possible to make some cautious observations based on numbers; however, because of the shorter time span selected for this study and because of the incomplete nature of the information, the uncertainty of its accuracy of representation and because of the demographical work already undertaken by several historians mentioned already, no attempt has been made to pursue this line of study here. In addition, in this study we have chosen not to present data chronologically; close analysis of procedural change has been avoided as well as changes noted in such details as the amounts of amercements. And because of the silence, or near silence, of the records about some terms that would assist with formulating conclusions, attempting conclusive analyses on many aspects has been avoided. For instance, the revealing terms that indicate status, such as ‘naif’, ‘merchet’ and ‘heriot’, are used very infrequently in the Ramsey records, making it close to impossible to understand how the status of the villagers was viewed by their contemporaries, or how it might be understood by us. The work of others on this subject has aided the approach to this question. Another problem arises with the identification of villagers by name, as there are frequent variations of spelling in the record or else the name is so common that there can be no certainty as to exactly which of the many persons of that name is being referred to. There are also some annoying omissions. Although we might expect some completion in a given issue in subsequent records—always provided there is such a one and that it is not missing—it is not always there. In addition, as noted, some of the rolls have been damaged and the information obliterated.

The way the rolls are presented reveals something of the organization of the court, and the presentments made and the fines levied show something of the village society itself and its interaction with its lord. But gaining access to the individual is difficult,

laborious and fraught with speculation. Emotions of anger, greed, frustration and compassion from the villagers come to us as only occasional hints coloured by our own interpretation of recorded challenge and reaction. For this reason, many direct quotations from the rolls have been included here so that the reader may see directly the basis of the interpretation placed upon them.

We have noted that DeWindt has attempted to follow the format of the original court record. Each one begins with a heading that usually, but not always, notes the court jurisdiction and the place where the court was held; the date is given by the day of the week on or closest to the feast days of certain saints, or other days of significance to the Church, as well as by the regnal year and the abbatial year. The presiding court officers from the abbey are sometimes identified. Thus the record for 19 May 1326 appears as, “View of frankpledge held at Ramsey on Monday the feast of St Dunstan the Bishop, in the nineteenth year of the reign of King Edward, son of King Edward, and the tenth year of the Lord Abbot Simon, before Brother R. de Staunford and John de Chetyngdon.”¹⁹³ Not all the headings display the names of those presiding, but where this information is displayed the presiding officials are usually brothers of the abbey; sometimes the steward is identified too. This amount of detail is given only occasionally in frankpledge records, dependent perhaps on the inclination of the scribe or on the survival condition of the membranes, but for other courts such as leets,¹⁹⁴ coroner’s inquests,¹⁹⁵ courts held before the Keepers of the Peace, and eyres¹⁹⁶ the presiding authority is always given. For instance, “Inquest taken at Smithscroft before William de Wassynge senior and John de

¹⁹³ FP, 1326, p.241.

¹⁹⁴ See *supra.*, 8.

¹⁹⁵ The coroner was a royal official who could be ordered to perform several administrative or inquisitorial duties; however, he was obliged to investigate deaths and to hold inquests and report criminal activity to the king’s justices in eyre. (*Black’s Law Dictionary.*)

¹⁹⁶ See *infra.*, 59-60.

Clervaus and Simon de Elesworth, coroners of the banlieu of Ramsey, on Saturday after the feast of saints Perpetua and Felicity, in the thirty-fifth year of the reign of King Edward, son of King Henry, by the writ of the lord king.”¹⁹⁷

The microfiches of the records prepared and translated by DeWindt show sequential numbers for each entry in the rolls with a new sequence for each session; the pages committed to microfiche are numbered. In this paper references to the records appear in the footnotes as FP for Frankpledge, or other court designation if appropriate, followed by the year and DeWindt’s sequential number for the presentment of the particular session. Some years have more than one frankpledge court where the records have survived and DeWindt has placed them in temporal order with the square bracket after the date showing his emendation of 1 or 2. Where there are references to DeWindt’s introduction to the edition the shortened form of the title has been used and the page number of the book provided in the usual way.¹⁹⁸

BANLIEU AND EYRE COURTS

We have already noted that the number of frankpledge courts of Ramsey, Bury and Hepmangrove in the period studied number 53, those of the banlieu 16, and others 7. On the low numbers of banlieu records DeWindt, considering information from account rolls for Ramsey,¹⁹⁹ speculates that the banlieu court met only when it had business to transact, but acknowledges that, in the absence of documentation, this cannot be

¹⁹⁷ Banlieu, 1307 (2), p.144.

¹⁹⁸ See *supra*, n. 191.

¹⁹⁹ There is a considerable amount of documentation surviving from the abbey’s central administration that begins in the mid-fourteenth century, which includes accounts, property transfers and obedientiary rolls. (DeWindt, *The Court Rolls*, 3).

substantiated.²⁰⁰ He bases this assumption on the existing banlieu court records that frequently deal with presentments of events which took place many years earlier.²⁰¹ In 1287 the banlieu was also an eyre session,²⁰² but as DeWindt points out it is the least representative of the banlieu courts.²⁰³

More detail about the villager who appeared in a banlieu court is sometimes provided in the rolls and this supplements the scant information that appears in the manorial view of frankpledge; however, the 16 meetings of the banlieu court in this period only pertain to eleven separate years. Now, it should be noted here that other surviving records could be used to supplement the knowledge gained about individual villagers. DeWindt acknowledges the availability of other Ramsey village records—manorial administrative documents such as the Ramsey Abbey cartulary; private charters of which 850 have survived; royal legal and fiscal materials such as the lay subsidies of 1294, 1327, and 1333—to supplement and complement information found in the court rolls.²⁰⁴ Two other Ramsey courts existed but the records have not survived. These were the court held in conjunction with the annual fair in July which dealt with market pleas, and the court referred to in the frankpledge rolls as “the court of the Cellarer”.²⁰⁵

There is considerable information of interest concerning individuals of Ramsey in the Ramsey banlieu session of the eyre in 1287. The eyre was an itinerant royal court; it had almost unlimited jurisdiction within a county and did much to reinforce the king's

²⁰⁰ Ibid., 9.

²⁰¹ Ibid.

²⁰² For further discussion on the banlieu and eyre of 1287, and possible relationships between them, see *infra*. 59-60. See also appendix 1.

²⁰³ See *infra*., 59-61.

²⁰⁴ DeWindt, *The Court Rolls*, 3.

²⁰⁵ Ibid., 15.

control over matters pertaining to law and order. According to Chief Justice Geoffrey Scrope, who presided over the eyre of Northamptonshire in 1329, the eyre was an effort "to help re-establish good order in the land."²⁰⁶ Not only were itinerant royal justices there on the king's behalf to redress the wrongs and oppression of which many parts of the country had complained, but the eyre had other levels of significance too. It sought to demonstrate that there was retribution for wrong-doers and it demanded accountability from those who conducted the judicial business of the county. Although the manorial courts were further down the scale of this establishment of order, justice, revenue and accountability, they were not isolated from it and it seems reasonable to suppose that these concerns were understood by villeins outside the feudal hierarchy.

Whereas the manorial courts of Ramsey met regularly twice a year for view of frankpledge, the eyre—which was becoming infrequent by the beginning of the fourteenth century—appears only once in the banlieu records and prompts some jurisdictional questions concerning the link between the Ramsey banlieu court and the eyre court to which the answers are difficult. Concerning Battle Abbey's banlieu, Eleanor Searle has asked over what cases the abbot's court was normally competent and what the relation of the franchise was to the eyre?²⁰⁷ It may be speculated that the abbot of Ramsey's courts had full competence over all matters within the banlieu, including the eyre, for two reasons: first, the itinerant justices of the eyre were the abbot's men, as is clear from the heading which identifies William de Bereford and his associates as

²⁰⁶ Sutherland, Donald W, ed., *The Eyre of Northamptonshire, 3-4 Edward III A.D. 1320-1330*, (London: Selden Society, 1983), xxii.

²⁰⁷ Eleanor Searle, *Lordship and Community: Battle Abbey and its Banlieu 1066-1538*, (Toronto: Pontifical Institute of Mediaeval Studies, 1974), 219

“Justices itinerant in the said banlieu”, and Bereford was the abbot’s chief steward,²⁰⁸ secondly, a tentative comparison may be made with the banlieu of Battle Abbey where that abbot had jurisdictional competence that included the eyre.²⁰⁹ Because of the abbot of Ramsey’s jurisdiction in respect to banlieu courts, he also had the right to appoint justices; as has been acknowledged, the justices of the banlieu of 1287, which also encompassed the eyre,²¹⁰ are clearly identified.²¹¹

One of the features of the eyre of the Ramsey banlieu of 1287 is that many of the cases heard pertained to happenings several years earlier with the result that witnesses and others necessary to certain cases were frequently dead by the time of the eyre. This was one of many inefficiencies of the eyre generally and one of the reasons for its unpopularity and final demise in the fourteenth century.²¹² The eyre of 1287 was held between 3 June and 12 June and from its headings in the rolls it can be seen that it encompassed pleas and assizes, pleas of complaints, presentments of the twelve jurors from the banlieu, and pleas of the Crown. The entries for 1287 contain more detail than do the entries for the regular frankpledge courts and because of this, and because they frequently mention villagers of Ramsey whose names also appear in the frankpledge records, they serve this paper by making it possible to glean more information about individuals.

²⁰⁸ Banlieu, 1287, p.18. DeWindt identifies Bereford as the abbot’s chief steward at the time of the eyre and the same man who had been serjeant of law representing the abbot in the court of Common Pleas in 1293; in the same note Bereford is also identified as being Chief Justice of Common Pleas from 1309 to 1326. (DeWindt, *The Court Rolls*, Introduction, n., 50)

²⁰⁹ Searle, *Battle Abbey*, 219-234.

²¹⁰ DeWindt says of the banlieu: “Within this area, the abbot of Ramsey exercised royal powers in his own special court, held at a place called Smithscroft, through his own bailiffs and stewards of the Banlieu who, in turn, gave way to the stewards exclusively by the first quarter of the fourteenth century.” (*The Court Rolls*, 9.)

²¹¹ See appendix 1.

²¹² Baker, 23.

FRANKPLEDGE²¹³ AND THE SUBSTANCE OF JURY PRESENTMENTS

Those of the community whose names appear in the Ramsey view of frankpledge records with any frequency are men in positions of authority in the village and men and women who are miscreants, as well as repeat petty offenders in matters of bread and ale assizes, property repair, boundary upkeep and the hue and cry. Sadly, the villager who never appears in court records, or whose appearances are limited to one or two—for brewing fines, for failing to clean a gutter, or for minor trespass—is not one whom we may get to know. It is always to the view of frankpledge that we must return to discover one whom we shall call, with some trepidation, the average villager.

In the frankpledge court jury presentments covered most business of the court other than that of the assizes of ale and bread. These presentments represent the community concern with all aspects of living on the manor, whether it involved the villagers themselves, or the abbot and those in holy orders at the abbey. The occasional juror may have been a free man, or have aspired to be free, as did William of Barnwell,²¹⁴ but the majority were bound to the community and to the manor through mutual obligations. For the villager, these obligations were owed to the overlord through custom, and to each other for reasons of support and unity; as Raftis points out “the individual pledge was tied [through the frankpledge system] into a complicated system of mutual responsibility.”²¹⁵ Obligation was one of the most binding factors in uniting the community. Although some of the approaches of W. A. Morris to frankpledge may now be considered outdated, in one respect he is unchallenged; he considered that the “system” of frankpledge was

²¹³ See *supra*, 8.

²¹⁴ See *supra*, 46.

²¹⁵ Raftis, *Tenure and Mobility*, 93.

both remarkably efficient and unrivalled as a policing scheme,²¹⁶ but he does certainly not encourage the idea that view of frankpledge assisted the community towards an attitude of public spirit.²¹⁷ Instead he says: “The whole system was based on human selfishness. The tithing pursued its associate to avoid paying a fine; the capital pledge presented in court the offences of his neighbours for the same motive; and the whole community quickly reported the person who received a stranger on the manor, lest the newcomer commit an offence and the vill be amerced for receiving him out of tithing.”²¹⁸ Certainly Morris was speaking of frankpledge as it was when it was mainly a part of the sheriff’s tourn; the lord’s view of frankpledge, as it was when held at the manorial level in the late thirteenth and early fourteenth century, had devolved somewhat to the form in which we see it in the Ramsey rolls, but still indicates something that might be termed the autonomy of the village. The presentments in the Ramsey courts may form a monotonous litany of the hue and cry raised, of nuisance with unpurged weirs, poorly placed dung-heaps and boundary encroachments, but they provide unexpected detail and reveal the village community as recognising a communal identity through the need for policing, for maintaining the environment and well-being of the individual, and for behaving with reason towards others, all issues not apparently directly associated with the overlord and the payment of fines to his court. The presentments also bring us closer to the individual who was not in a position of authority, to the craftsmen and farmers, to the women, the outcasts, to the poor; occasionally even to the children.

²¹⁶ Morris, *The Frankpledge System*, 1.

²¹⁷ Ibid., 164.

²¹⁸ Ibid., 164-165.

Jurors

The words *inquisitio* and *jurati* appear in the margin of the rolls regularly and have prompted DeWindt's translation as "Inquest/Jurors".²¹⁹ There were twelve jurors for Ramsey's views of frankpledge and they are usually named in the court rolls. Their duty was to act as witnesses and they made presentments concerning a wide range of community activities before the lord or his representative. DeWindt is tentative about offering suggestions as to the role of the jurors: "They were apparently intended to represent the population in some way, although in what way is far from obvious."²²⁰ Others feel that some if not all of the jurors in similar village courts were capital pledges. In the records of these particular Ramsey village courts, the names of some jury members appear many times over a span of years indicating that it could be a repetitive responsibility; to ignore it was to invite a fine for contempt: "6d. from John Cocus, frequently called to be one of the jurors, for not coming."²²¹ The view of frankpledge of 1268 provides a little more detail: William le Mesager was fined 6d. for contempt for not coming "after being elected as one of the jurors."²²² Of the process of election, we have no details. In spite of William's absence the number of jurors was still twelve, so it seems reasonable to assume that William's place was filled by someone else. Because there is a break of twelve years in the records at this point, it is not possible to know if William accepted his jury duty at a subsequent frankpledge court. Sometimes a missing juror was excused a fine because he came later on the same day: "Amercement excused

²¹⁹ DeWindt, *The Court Rolls*, 60. DeWindt retains the order and form of the original and presents the Latin translation as a redaction. He uses modern translations of first names and reproduces last names as they appear in the original; place names he has modernized, where they are still in existence.

²²⁰ *Ibid.*, 13.

²²¹ FP, , 1325, no. 3, p.232.

²²² FP, , 1268, no. 3, p.1.

from William Gerveis for not coming because he came afterwards.”²²³ Appearance was important to the holding of the court; without the jury there was no business. No jury at all was present in the court of September 1363 and it had to be postponed.²²⁴ The jury was also elected to the banlieu courts for common pleas where their role frequently had a witnessing function in substantiating claims on the land through living memory. The records of November 1278 for Hemingford—another Ramsey manor in Huntingdonshire—show language for an entry there that demonstrates this nicely: “...6d. that he may have the [judgment] of the court as to two roods of land which Henry Roger’s son and Agatha the widow hold. And the jurors come and say that they never saw any ancestor of the said Henry holding those two roods these fifty years past....”²²⁵

Capital Pledges, Pledging, Affeerors and Capitage

A capital pledge was the chief man of a tithing group, and a tithing group was originally a group of ten men, although it seems likely that this number may have varied. Capital pledges were elected²²⁶ and sworn into office, and paid permission was required to step down from the position: “Payment of 3d. by John Lavender to the lord for licence to be removed from the position of capital pledge. Appointment and swearing-in of John son of Nicholas in his place.”²²⁷ Ironically, John son of Nicholas was fined the following year for being called as one of the jurors and, presumably, for not coming. Morris commented that the capital pledge was likely to serve until formally removed by the court and added that it was a position that men “were loath to assume” because of the

²²³ FP, , 1329, no.3, p.260.

²²⁴ Banlieu, 1363[3], no.1, p.453.

²²⁵ Maitland, *Select Pleas*, 88.

²²⁶ Morris suggests that there is reason to suppose that other members of the tithing elected the capital pledge from their numbers. (Morris, *The Frankpledge System*, 103-104.)

²²⁷ F.P. 1333, no.37, p.269.

responsibility, basing this on a complaint from the time of Edward I that stated bailiffs took money from certain men in order that they would be replaced by others.²²⁸ The capital pledge was expected to exercise control over his tithing and those who were disobedient to him were fined. An order of 1294 from the Ramsey courts is to attach three men “who were in the tithing of Robert Walum and are now disobedient to their Capital Pledge, Robert de Beumys.”²²⁹

Pledging took several forms and any of the village authorities could pledge; for example, when the position of constable became prominent later in the fourteenth century, the constable often pledged in hue and cry presentments. Sometimes the phrase *alter altarius* is seen meaning literally ‘one for the other’, something imposed by the court probably as a means of speeding up procedure: fathers often pledged sons and, occasionally, daughters; husbands pledged wives. There is one incidence of a woman pledging: “Order that henceforth no one receive William Bassesson, a leper. Pledge: Christina Bassessdene.”²³⁰ Those who pledged—called the pledges—were fined if they did not produce the individual so pledged, and in the court of 1381, there are two orders for better, that is more reliable, pledges.²³¹ If a simple pledge was insufficient to ensure an infringement was penalized, it was sometimes necessary to distrain an individual by seizing and detaining chattels until the obligation was performed. It was also possible to distrain by the body. Stephen Matheu did not answer to a charge of being a forestaller of fish in 1311 and his pledge was fined and the order was “to distrain Stephen [to answer]

²²⁸ Morris, *The Frankpledge System*, 104.

²²⁹ FP, , 1294, no.60. p.68.

²³⁰ FP, , 1337, no.45, p.298.

²³¹ FP, , 1381, nos. 31 and 32, p.498.

[sic]”;²³² in the next view of frankpledge the record reads: “12d. from Stephen Matheu, forestallor of fish, as presented in the penultimate view. Pledge: his body”.²³³ From a modern perspective, some of the court-language provokes amusing mental images: Peter, a servant of Nicholas Ladelere, was attached by two cows because he refused to stand trial and fled after drawing blood.²³⁴ In other words, Peter’s cows were confiscated and held until he reappeared and agreed to stand trial.

Affeerors were the villagers elected to set the amounts of the amercements for fines not set by statute. They frequently held other positions as well and DeWindt has suggested that certain families dominated positions of authority in the villages of middle-eastern England in the fourteenth and fifteenth centuries.²³⁵ It appears from the Ramsey court rolls that this village was no different: village authorities frequently had more than one responsibility to the community and the court. It could be argued that many of the positions of authority in Ramsey enjoyed certain advantages. In the record of 1335/39 there is an entry stating that amercement was excused from the ale-tasters because they were also the affeerors.²³⁶

After the heading of the record the second entry for frankpledge courts is capitage, or chevage. It was a fine paid so that not all tithing members had to attend the court. Capitage for Ramsey’s view of frankpledge court is shown regularly as 6s 8d. and came from “the whole homage as common fine, that all not be called individually.”²³⁷ Maitland’s footnote to an entry for the frankpledge court of another Ramsey manor,

²³² FP, , 1311, no.5, p.164.

²³³ FP, , 1312[1], no.3, p.174.

²³⁴ FP, 1354[2], no. 66, p.365.

²³⁵ DeWindt, *Holywell-cum-Needingworth*, 221-224.

²³⁶ FP, 1335/39, no.71, p.287. DeWindt notes that this roll was badly faded and without a date and that the British Library provided the date 1335/1339.

²³⁷ FP, , 1383[1], no.2, p.506.

Hemingford, concerning chevage reads: “In consideration of this head-money, the chief pledges are allowed to represent their tithings.”²³⁸

At first sight, “the whole homage” suggests everyone in the community, but women and children were not included in tithing and so it probably refers to the chief members of the individual tithing groups only. Indeed, that is what Maitland indicates: “The strict theory of the law seems to have required that all the frankpledges should attend the view; but as a matter of fact it was usual for none but the chief pledges to attend; . . . the duty of producing one’s fellow-pledges to answer accusations seems to have been enlarged into a duty of reporting their offences and making presentments of all that went wrong in the tithing.”²³⁹ It could be argued that the regularity of the capitage amount of 6s.8d for Ramsey, mentioned above, implies that the number of tithing groups remained constant, at least throughout the last half of the thirteenth century and throughout the fourteenth century. The tithing group was originally a group of ten men, but it is possible that the number of members in each tithing varied. This argument is based on a certain ambiguity about the Latin *capitagium*, which could indicate either a head-tax on all male members of the community or, more directly, a fine on each capital pledge, as head of his group. In addition, the constancy of the amount indicates stability; the question is what remains stable, the number of capital pledges, or the number of members within the group? It is an important question because it relates to population numbers. According to Marjorie McIntosh, writing about the ancient demesne²⁴⁰ of Havering, Essex, the number of capital pledges listed varied, with the minimum medieval number for that manor being twenty-

²³⁸ Maitland, *Select Pleas in Manorial Courts*, 88

²³⁹ Maitland, *History of English Law*, 570-571.

²⁴⁰ See *supra*, 15.

four during the fourteenth century;²⁴¹ she claims that capital pledges comprised Havering's presentment jury at that manorial court. The number of capital pledges, according to McIntosh, was not a direct indication of the size of the population, but only a reflection of fluctuations in size of the population during the fourteenth century.²⁴² There are no figures to indicate whether the number of members in a tithing group remained constant in either Ramsey or Havering. Given the consistent amount of the capitage in Ramsey, it seems reasonable to suppose the number of members in the group could have varied, whereas in Havering, perhaps it was the number of groups themselves that varied. In exclusively identifying capital pledges with jurors, DeWindt points out that in the village of Holywell-cum-Needlingworth, on which he based an extensive study, there would have needed to be more capital pledges to represent the number of jurors who served over a certain period of time and, quite simply, based on information derived from numbers, this was unlikely.²⁴³

Although villagers were elected to office as affeerors, ale tasters, capital pledges, constables, and bailiffs and jurors, they were often guilty of the same misdemeanours as other villagers, who held no particular office. Refusal to serve required fulfilling special circumstances in order to avoid charges of contempt.²⁴⁴ Upon what basis they were selected as suitable for office is not easy to say, but McIntosh, addressing the position of capital pledges at Havering, suggests that their number was drawn from well-established local families of "middle rank", who worked at least fifteen acres, or who were

²⁴¹ McKintosh, *Autonomy and Community*. 222.

²⁴² *Ibid.*, 128.

²⁴³ DeWindt, *Holywell-cum-Needlingworth*, 215.

²⁴⁴ See *infra*, 84-86.

craftsmen.²⁴⁵ Likewise, it is not easy to decide if, after election, they took their responsibilities seriously and if there had been any coercion involved in the actual election to these various offices; certainly such election was not necessarily sought.²⁴⁶ In Hanawalt's view too, as we have already seen, the prominence of these families was likely based on wealth which was, in turn, based on the amount of land they held.²⁴⁷ But Zvi Razi is not convinced as to what extent the holding of office should be used as a "sole variable in determining social stratification," or to what extent this classification accurately reflects the economic differences which undoubtedly existed with the village.²⁴⁸ The capital pledges certainly held other positions of importance in the village lending credence to the supposition that positions of authority, although elected, were mostly shared between the capital pledges. For example, in addition to being an ale-taster, Reginald Sweyn was a capital pledge and appeared on the jury in 1325 and 1326 before being replaced as an ale-taster by Roger Ace, also a capital pledge. And in the view of frankpledge 1326 the same Roger was fined 12d. "for failing to come, after frequently called to be one of the jurors."²⁴⁹ Reginald continued to be a capital pledge and pledges by him are seen as late as 1339, when he pledged Joan Grubbe, a woman involved in a hue and cry, and was penalized when she did not come.²⁵⁰ In 1341 Reginald was a pledge during the *oyer et terminer* session in April,²⁵¹ and sworn as a juror for pleas of the crown in July of the same year.²⁵²

²⁴⁵ McIntosh, 203.

²⁴⁶ See *infra.*, 84-86.

²⁴⁷ Hanawalt, *Crime and Conflict*, 23-24.

²⁴⁸ Zvi Razi, "The use of manorial court rolls in demographic analysis: a reconsideration." *Law and History Review* 3.1, (1985) : 147.

²⁴⁹ FP, 1326, no. 2, p.241.

²⁵⁰ FP, 1339, no. 71.

²⁵¹ Oyer and Terminer, 1341(1), no. 2.

²⁵² Pleas held at Ramsey, 1341(4), no 2.

Double presentment

Maitland suggested that there were indications of double presentment—when the presentments made at court had already been decided upon, or presented, before the actual date of the court—as part of the process of the sheriff’s tourn during the thirteenth century where final presentments were made by twelve freeholders from material originally provided by the tithings, chief pledges or townships.²⁵³ It seems important that we should be aware of this in order to understand how the presentments of the jurors in the Ramsey courts were prepared in the first place. Surely some sort of preliminary discussion between the jurors and certain villagers at the manorial court level about what presentments would be made was unavoidable. As an added interest, there are indications that the lord’s steward was involved in this process too. One ordinance apparently compels jurors not to discuss certain aspects of the court authority: “By the assent of the lord and the whole community,... no one who is sworn into the jury on the day of the leet shall reveal the King’s counsel or that of his associates to anyone, under penalty of 10s.”²⁵⁴ This rather enigmatic order may be explained by McIntosh’s reference to double presentment. She claims that at Havering the steward presented the jurors with what they were charged to do and the items on which they had to report. If the jury needed more time for contemplation, they were permitted to return their assessments at the next court;²⁵⁵ presumably this approach to confidentiality ensured that the matter in hand was not discussed with those who were appearing before the court. McIntosh says too, “To protect the exclusive position of presentment juries, the tenants

²⁵³ Maitland, *Select Pleas*, xxix.

²⁵⁴ FP, 1394, no. 45, p.585.

²⁵⁵ McIntosh, 201.

tried to see that information did not reach the ears of the steward through private conversation.”²⁵⁶ There are also indications in McIntosh’s work that she considers that the presentment juries in the Havering frankpledge courts—capital pledges—were informed by “principal tenants [who] formed juries which reported upon and determined the penalties for public offences. They also elected officials to carry out the court’s business between sessions.”²⁵⁷ The Ramsey court records studied here do not reveal the duties of the steward and contain no indication that the steward was thus informed or that, as in Havering, the tenants had any interest in protecting the jury’s “exclusive position”. However, that a degree of complicity between the jurors and the indicted ale-tasters is supported in a case of 1312 is shown as the ale-tasters were amerced for false presentments:

They stated that each brewer from the said villis sold each gallon of ale 1d. [and this was] its proper value, whenever they sold, whereas it was determined by the jurors of this year that the ale was not worth 1d., as the tasters said. Further, because...jurors of the last view, agreed word for word with the said tasters and it was later determined by the jurors of the present view that they spoke falsely, they are amerced 12d.²⁵⁸

Certainly, additional special meetings sometimes took place and did not necessarily involve the tithing groups, but they do indicate a higher level of communication between the overlord and the villagers than might be expected. One such meeting with the lord for ploughing services that were not rendered took place in 1297. The entry is not classified as a complaint but may be read as an order: the men in question are required to attend a meeting with the lord and his stewards with a penalty of half a mark if they refused. There is no mention that any jury member or capital pledge was to be present at the meeting, and it could be significant that this frankpledge court was held at Bury four

²⁵⁶ McIntosh, 202.

²⁵⁷ Ibid., 201.

²⁵⁸ FP, 1312[2], no.68, p. 189.

days before that of the larger frankpledge at Ramsey and does not follow the usual pattern of presentments that appear in the Ramsey frankpledge courts.²⁵⁹ The required meeting was to discuss custom because the presentment states that the customaries of Bury had not rendered a ploughing service to the lord for some time and had said they were not obligated to do so. On Wednesdays and Fridays they did plough their own land and that of others taking money for the latter, and expressly stated that they had no obligation to plough for the lord after they had finished their own ploughing.²⁶⁰ It is unfortunate that the manorial court records do not indicate the outcome; as it is, the nature of the meeting can only be guessed at. It seems likely that it was to censure and remind them of the overlord's authority over any challenges from the villeins either in the area of services to be rendered, or in garnering extra benefits. Another indication that outside discussions had taken place occurs in the record for 1335 when the leet jurors of one session were fined by the jurors of the next leet for not having corrected a purpresture.²⁶¹ And in 1289 there is an entry that states: "Discussion to be held with the Lord Abbot concerning the fact that the King's road is deteriorated, to the nuisance of passers-by, by the absence of one bridge which the abbot was supposed to construct at Biggin Way and has not done."²⁶²

ALE

In each entry of the rolls, the presentments of the ale-tasters are usually among the first presentments listed. The ale tasters themselves are named and there are usually two for

²⁵⁹ A frankpledge court held at Bury in 1297 is shown as having six jurors attending and a 2s. capitage indicative of the smaller size of this village community.

²⁶⁰ FP, 1297(1), no.24, p.90.

²⁶¹ FP, 1335/1339, no.29.

²⁶² FP, 1289, no. 71, p.57.

Ramsey. It may be seen from many entries that they frequently served on the jury of presentment and had other duties and obligations too.²⁶³ Presentments by the ale-tasters were not limited to brewing violations but also encompassed infringements against the assize of bread and sometimes even seem to overlap the presentments by the jury, as in the frankpledge court of May 1326. In this court presentments were made by the ale-tasters of Hepmangrove, followed by those of Ramsey and then by the presentments of the jurors. However, of the entries that DeWindt has numbered 11-69, 11-61 are ale infringements, while 62 is obliterated, 63 is ambiguous because it refers to 62, and 64-69 concern two orders from the last view, two tithing infringements, and three trespasses. Because the presentments of the jurors cover similar matters, it seems reasonable to speculate that the scribe was having a bad day in arranging the order of entries.

Ale-tasters were elected and sworn to the office: "Election and swearing-in of Roger Ace as ale-taster for Ramsey, in place of Reginald Sweyn, and Nicholas Freman, in place of Robert Wodeward for Hepmangrove."²⁶⁴ The frankpledge court in which this was recorded had first listened to the presentments by the ale-tasters holding office currently, "Presentments under oath by John de Temesford and Reginald Sweyn, ale-tasters for Ramsey."²⁶⁵

Brewing penalties were for infringements against the ale assize and sometimes, but not always, the assize of bread, the fines having been based on the assize itself which Maitland describes as general ordinances which fixed the prices at which beer, and sometimes bread, could be sold.²⁶⁶ In a frankpledge court of 1316 it is noted that "The

²⁶³ See *supra.*, 69.

²⁶⁴ FP, 1329, no. 39, p.263.

²⁶⁵ FP, 1329, no. 5, p.260.

²⁶⁶ Pollock and Maitland, 581-582.

assize of ale established that two gallons of ale are to be sold for 1d.”²⁶⁷ The price of ale reflected the cost of grain. The brewers, who were mostly women in Ramsey,²⁶⁸ were required to brew well—that meant not letting the ale deteriorate—to sell at the correct price and to present their measures for checking. The measures were a gallon, pottle and quart, and sometimes a measure called a chopin is mentioned; it was a half-pint measure.²⁶⁹ We see such entries as: “12d. from the wife of Alan Molendinarius for regularly selling ale for 1d. and for letting the ale deteriorate after the tasting. Pledge: her husband. She did not come because she was ill, but she sent her gallon, pottle and quart,”²⁷⁰ and “3s. from Alice le Barker for regularly selling ale for 1½d. and by the chopin.”²⁷¹ One entry indicates that not all women were complacent about the brewing controls. Alice Clerk had her ale, worth 5s, confiscated “for her rebellion and for selling contrary to the assize,”²⁷² but we are not told the nature of her rebellion. The ale tasters themselves were regularly fined for not doing their job properly and this, as the brewing fines which occur with monotonous regularity, seem to amount to little more than a fee for either brewing or tasting, as DeWindt suggests.²⁷³ Maitland dryly noted that the assize was broken “with as much regularity as the most orthodox of political economists could possibly demand,” and pointed out that the law required that after the fourth conviction the brewer was supposed to be sent to the tumbrel, but this was disregarded.²⁷⁴ In the records for 1287 a list of all the brewers of Ramsey is given. There are fifty

²⁶⁷ FP, 1316, no. 102

²⁶⁸ Peter Clark, *The English Alehouse: A social history 1200-1830*, (Longman: London and New York, 1983), 21.

²⁶⁹ DeWindt has noted that the manuscript says “per chopinum” and that this is a half-pint. FP, 1316, p.200.

²⁷⁰ FP, 1309(1), no.14

²⁷¹ FP, 1316, no. 33, p.199.

²⁷² FP, 1378, no. 12

²⁷³ DeWindt, Introduction, *The Court Rolls*, 25.

²⁷⁴ Pollock and Maitland, p.xxxviii

names, but the numbers of brewers varied from year to year. Two years later in the view of frankpledge, fifty women of Ramsey—the ale-tasters of Hepmangrove presented separately in this view—were fined for brewing infringements while three brewers had their names listed but were excused because they kept the assize. The listing of the names with amercement excused because the assize was kept happens consistently throughout the period studied. It would seem that the names of those who brewed were read out at each frankpledge court, the excused amercement noted when the assize had been kept, and the measures checked too. In some views the penalties for unsealed measures are noted: “6d. from [Beatrice Bernard] for unsealed measures, and for not having a gallon measure.”²⁷⁵

Why were connections to ale such a feature of village court records? Ale was an important part of the diet and an important commodity. It was a thick and heavy drink brewed from malt with the addition of spices to make it more palatable—hops were not used until late in the fourteenth century²⁷⁶—and it seems to have been preferred over water, although ale deteriorated quickly. The low amounts of alcohol produced during the fermentation process may have acted as a purifying agent on the water making it a better choice for those who could afford it and who drank it in moderation. It was a nutritional drink providing a high number of calories, and brewing equipment was simple, thus it was an easy means of supplementing income. Because Ramsey was a market town it is likely that, in keeping with other market towns, ale was sold at stalls on market days. According to DeWindt, there was also a court held for the fair at Ramsey.

²⁷⁵ FP, 1326, no.26, p.242.

²⁷⁶ Judith Bennett, “Women and men in the Brewers’ Gild of London C.A. 1420”, *The Salt of Common Life*, ed., Edwin Brezette Dewindt, Medieval Institute Publications, Western Michigan University: Kalamazoo, 1995, 181-232.

Unfortunately no records survive, but comparing records from other places indicates ale was probably sold at the fair too.²⁷⁷ Ale was not only a drink of choice for the villagers and brewing a practice that provided an income, it was also an intrinsic part of the peasant diet and a means towards a meagre living for women living in poverty.²⁷⁸ The occasional entry excuses a woman-brewer a fine on the grounds of poverty:

“Amercement excused from Alice, wife of William de Rypton . . . because she is a pauper.”²⁷⁹ That the abbey itself had a brew-house we know through the records of the pleas of the crown in the banlieu of Ramsey in 1287, where there is recorded a death by misadventure of a fourteen-year-old boy who had fallen into a lead cauldron eleven years earlier “in the brew house of the lord abbot of Ramsey.”²⁸⁰ But there is only one misdemeanour due to drunkenness recorded and that is an order “to attach William Gaunt by his body because he frequently raises the hue and cry and cries out at night because of drunkenness, to the terror of the vill.”²⁸¹ Amercement was excused for William because he, too, was a pauper.

HUE AND CRY AND THE CONSTABLE.

The hue and cry figures prominently in the Ramsey records and was the principle means of detaining or fining those who had disturbed the peace, broken curfew, or been involved in trespass or petty violence. Members of the community had an obligation to raise the hue and were amerced if they did not do so; there are even occasions when the

²⁷⁷ Clark, 23.

²⁷⁸ Clark, 21.

²⁷⁹ FP, 1326, no.55, p.245.

²⁸⁰ Banlieu, 1287, no.91, p.41.

²⁸¹ FP, 1289, no.95, p.60.

entire village was penalised for such a failure.²⁸² Incidents that generated the hue are predominately minor squabbles between villagers and range from knocking someone into a cess pit,²⁸³ to badly beating and drawing blood from a woman in her house,²⁸⁴ of making rescue of a dog “against the prohibition”,²⁸⁵ to housebreaking, to more serious confrontations with force and arms. Closely involved in the hue and cry was the constable, an officer charged generally with keeping local order. As that office attained greater standing later in the course of the fourteenth century, it is possible that the constable became closely involved with the jury findings in hue and cry cases.

Ensuring that the watch was kept was certainly one of the constable’s main tasks, although he did not always receive compliance from those he ordered: “6d. each [of six men] for putting fences and trees in front of their doorways at night when summoned by the constable to keep the watch on Saturday, the vigil of Pentecost, in accordance with the Statute of Winchester, thereby doing injury to diverse men of the vill.”²⁸⁶ In one instance, both the vill of Ramsey and Hepmangrove were fined for not keeping the watch.²⁸⁷

In 1297 the position of constable is mentioned as having been held by Geoffrey Sampson, who is named in connection with a prohibition; no mention of the constable is made again until the 1333 frankpledge when 40d. was required from the constable and the tithing men for failing to attach a man in a justly-raised hue and cry. After 1350 the position is mentioned on a more frequent basis. Late in the fourteenth century there is a

²⁸² FP, 1306[1], no.86, p.126.

²⁸³ See *infra*, 111.

²⁸⁴ *Ibid*.

²⁸⁵ Leet, 1335/1339, no. 113, p.293. It was prohibited to take back property confiscated by the constable.

²⁸⁶ FP, 1389, no.66, p.551.

²⁸⁷ FP, , 1312[2], no.108, p.195.

special heading in the records for presentments made by the constable himself. He presents issues from the hue and cry, trespass, debt and, in one case, of “being rebellious to the constable and refusing to keep the watch at night.”²⁸⁸

THE CAREERS OF OFFICE-HOLDERS

Thomas Whitemilne and Laurence Miltecombe.

Not all village members who held positions of office could have been considered by other villagers as desirable candidates for these positions, but we know nothing of the election of these men, or indeed, of any others. With two men in positions of authority, Thomas Whitemilne as constable and Laurence Miltecombe as bailiff of Ramsey, there could be a question as to the possibility of oppressive partnerships and conspiracy.

Thomas Whitemilne was a man of violence before he was elected as constable of Ramsey from 22 June 1377 until 21 June 1378. But he was not a stranger to office; the first time his name appears in the records is as a juror in 1370, and he was an ale-taster as well as juror earlier in the same year he was elected constable. Now, the man serving as bailiff of Ramsey at this same time was Laurence Miltecombe, and the names of both these men appear on the records for 4 March 1379 at the indictments made at Ramsey before the keepers of the king’s peace. Thomas was indicted on several counts that had transpired over a period of years beginning in 1375 and continuing to the time that he was elected constable in June 1377: he was indicted “for not performing his office regarding bakers keeping the assize of bread, to the greatest oppression of the people and vill of Ramsey.”²⁸⁹ Laurence’s name had appeared previously in the frankpledge of 1377, when

²⁸⁸ FP, 1390, no.21, p.555.

²⁸⁹ Banlieu, 1379, no.3, p.483.

he was excused amercement in a hue and cry justly raised against him by a certain Emma Sampson and at that time he was pledged by the constable, who was, presumably, Thomas Whitemilne. Now, one of the indictments in 1379 against Thomas was also for assault against Emma Sampson in 1376, “in that on or about the feast of All Saints, in the fiftieth year of King Edward III, he, at Bury and against the King’s peace, broke the arm of Emma Sampson of Bury and beat her.”²⁹⁰ Of Emma, there is little recorded except three amercements over eleven years for digging peat with others in the marsh of Ramsey where she did not have common. While it could be coincidental that Thomas and Laurence were both involved in assaults against Emma Sampson, it must still be considered surprising that Lawrence attempted to protect Thomas: “Indictment of Laurence Miltecombe for preventing the Constables of Ramsey from performing their office in seizing Thomas Whitmyll [sic] of Ramsey when commanded by the King’s steward . . . by forewarning him [of his impending arrest].”²⁹¹

There is little more recorded about Laurence Miltcombe, but on Thomas the list of indictments makes interesting reading. Before he was elected constable, Thomas was fined half a mark in 1377, “for taking beasts in the marsh with big dogs, against the prohibition.”²⁹² He was even indicted in 1379 for being a common disturber of the peace when he was constable.²⁹³ On the same date, he was indicted and denied that “in that on or about the feast of St Peter in Chains...he went about armed in the fields and marsh of Ramsey, contrary to the King’s Peace.”²⁹⁴ In successive entries, it is shown that he was

²⁹⁰ Ibid., no.11, p.485.

²⁹¹ Ibid., no.4. p.483.

²⁹² FP, 1377, no.42, p.480.

²⁹³ Banlieu, 1379, no.5, pp. 483-484.

²⁹⁴ Banlieu, 1379, no.6, p.483.

indicted and denied beating Nicholas Hirst,²⁹⁵ and also was indicted and denied striking the servant of Agnes Clerk “with a cudgel and breaking his arm and badly beating him.”²⁹⁶ He was indicted for assault for beating and wounding two men so badly that their lives were endangered, and he justified beating and wounding William Taillor of Hepmangrove; he denied beating and breaking the arm of Emma Samson of Bury, and beating Geoffrey Tilneye of Ramsey; he justified an assault on Geoffrey Grubbe and his wife, and denied beating Lettice Preest; he was acquitted of theft for stealing one white calf worth 3s from Richard Monstrel, and finally, he was indicted for wandering “about at night and listening to conversations in the house of Phillip Wiayl.”²⁹⁷ Nor do Thomas’s unhappy habits stop there, because the last entries we see for his name show Nicholas Ladeler fined 3d. for not prosecuting Thomas in a plea of trespass.²⁹⁸ The record for 1386 tells us that he had been involved in a fracas between William and John Taillor and William’s wife Margery, during which John had drawn blood from Margery and had been pledged by Thomas in the hue and cry. Thomas also drew blood from Margery, who promptly raised the hue and cry on him.²⁹⁹ Given this long list of violent acts for which Thomas was rendered accountable and the lack of any other individual who incurred similar indictments, whether in a position of responsibility or not, it is reasonable to conclude that Thomas Whitemilne was viewed with some fear within the community and that his extreme behaviour was unusual.

The process of election to these important positions, especially to those of peace-keeping authorities, provokes much speculation. Were recommendations made to the

²⁹⁵ Ibid., no. 7, p. 484.

²⁹⁶ Ibid., no. 8, p. 484.

²⁹⁷ Ibid., no. 15, p. 486.

²⁹⁸ FP, 1380[1], no. 8, p. 488.

²⁹⁹ FP, 1386[1], nos 43-46, pp. 510-511.

overlord and, if so, did he act on them, or was his steward in charge of such matters? It is not only ironic that Thomas Whitemilne was brought to account before the justices of the peace, but also an example of the accountability required of officials in positions of trust with the expectation of reasonable behaviour towards the people, towards the overlord and ultimately towards the king. It can be argued that these were positions of advantage to the holders and were viewed and used as such with regard to rank, status and gain, but the expectation of accountability, perhaps from the villagers themselves and certainly from the overlord who could suffer economically from any disruptions, balanced this out.

The bailiff collected fines and rents, inspected buildings and took care of misdemeanours in the lord's forests and lands.³⁰⁰ Both the bailiff and the constable had the authority to distrain miscreants by seizing their chattels, but whereas the constable was involved with peace-keeping issues and violence, the bailiff's authority was extended over wider issues and had a close connection with the abbot through several jurisdictions via the courts and their stewards. There were overlapping responsibilities between the constable and the bailiff in the area of making rescue. Making rescue was apparently taking back belongings that had been confiscated and held in lieu of a monetary amount, or pledge. DeWindt views rescue as a sub category of violence and notes that the bailiff and the sub-bailiff were sometimes themselves victims when villagers sought to take back their belongings.³⁰¹

Occasionally the bailiff's name appears in the rolls. In 1295, Elias the Bailiff pledged in the hue and cry³⁰² and Nicholas the Bailiff pledged Phillipa Norman for 2s. for

³⁰⁰ *Blacks Law Dictionary*.

³⁰¹ DeWindt, *The Court Rolls*, 45.

³⁰² FP, 1295, no.117, p.83.

an infringement against the assize of ale in 1312,³⁰³ while John the Bailiff pledged in the presentments by the ale tasters and in the presentments of the jurors in 1320.³⁰⁴ Hugh de London is mentioned as bailiff by name in 1356,³⁰⁵ and in the same view Alan Carite is also named as bailiff. The bailiff of Biggin is consistently identified by territory, Biggin being an area south-west of Ramsey and bordering Bury, and it seems likely that the position of bailiff was a territorial one.

Hugh de London

Hugh de London was an individual who seems to have gained authority in the village over a period of years. Hugh was a juror in the mid-1330s³⁰⁶ and, in addition, was an affeelor in 1339;³⁰⁷ he was both mainperned and sworn as a juror in the pleas of the Crown of 1341,³⁰⁸ he was an ale-taster in 1350 and also constable;³⁰⁹ he is mentioned as a pledge in the hue and cry and as a pledge for the plaintiff in a plea of trespass; finally, he was mentioned in this same view as being replaced as constable and ale-taster.³¹⁰ His name comes up repeatedly in 1352 as a pledge, and for being party to a licence of concord granted in a plea of trespass.³¹¹ It is likely that he was already bailiff by 1353, as he appears having justly raised the hue and cry against John Hobbisson, who had made rescue from him, although we do not know of what.³¹² Hugh probably lived in, or at least owned, the property “once belonging to John Montabon” because he is fined for not

³⁰³ FP, 1312[1], no.68, p.179.

³⁰⁴ FP, 1320[2], nos. 26,48, pp. 222 and 224.

³⁰⁵ FP, 1356, no.85, p.376.

³⁰⁶ FP, 1339, no.1, p.306.

³⁰⁷ FP, 1339, no.129, p.312.

³⁰⁸ Pleas at Ramsey, 1341[4], no.1, p.319.

³⁰⁹ Leet, 1350, no.3, p.325.

³¹⁰ FP, 1350, nos. 110 and 119, p.333.

³¹¹ Leet with Court, 1352, no.89, p.342.

³¹² FP, 1353, nos. 57 and 58, p.348.

cleaning his gutter there in 1357.³¹³ John Montabon had been a baker and the Montabons were a family that may have succumbed to the plague, as their name, which occurs frequently before 1341, does not occur afterwards. Although Joan Smalwode was fined sixpence for housebreaking against Hugh in 1358, Hugh did not escape the encounter without damage because he was fined 6d. for a hue and cry justly raised on him by Joan;³¹⁴ it is not possible to reconstruct what happened between them. He was still bailiff in 1361, when he was again mentioned by name in a fine against John Wattele for making rescue, and at the end of this view his name appears again in an order: “To distrain Robert Rideman to answer to Hugh de London, bailiff of the liberty of Ramsey, before the next court of the Cellarer in a plea of debt, for which he was summoned and did not come.”³¹⁵

Hugh’s name appears for the last time with that of John, his son, as a defendant in a plea of novel disseisin by John de Crouland and Joan, his wife, in 1363.³¹⁶ The details of the plea, which was postponed, are unfortunately not known because the records have not survived and it is not possible from this source to reconstruct any reliable information on property owned by either Hugh or John and Joan that might have been the source of the disseisin.

John Gritford.

Another man who held many offices in the village of Ramsey was John Gritford. He was a juror over many years but does not provoke our particular interest until 1382

³¹³ FP, 1357, no. 71, p.384.

³¹⁴ FP, 1358, no. 115 and 119, p.399.

³¹⁵ FP, 1361, no. 107, p.430.

³¹⁶ Banlieu, 1363[4], no. 1, p.454.

when he disregarded incurring the considerable penalty of 20s. for contempt by withdrawing from the proceedings on being elected Constable.³¹⁷ The record shows him as elected anyway.³¹⁸ The following year in May at the view of frankpledge, he was a juror and was also fined 2s. for not doing his job as ale-taster.³¹⁹ Perhaps John was disgruntled by all his responsibilities, or perhaps he simply had had enough, because in August 1383 he obtained a letter patent from the king granting him exemption from jury, or similar duty, on account of his long service of fifty years.³²⁰ The letter was presented at the pleas at Ramsey in 1384: “When he was produced by the Bailiff of the banlieu to one of the 24 jurors to hear assizes affecting the King . . . [in addition there was] a writ close, directed to the Justices from the King, ordering them not to molest John’s liberty.”³²¹ Two weeks later, at the view of frankpledge in September, John is mentioned as pledging his servant in a hue and cry,³²² and later in the same view he is fined for not cleaning his gutter.³²³ After that, his name appears occasionally for similar minor transgressions over the next twenty years.

Tracing mentions of John’s name reveals that it first appears in 1350, when he had the hue and cry unjustly raised against him.³²⁴ In 1356 he was a juror,³²⁵ his name is not on the jury list for 1357, but it does appear in connection with an unpurged weir and in the hue and cry lists for drawing blood from Henry Stafford.³²⁶ He is a juror repeatedly

³¹⁷ FP, 1382, no. 52, p. 504.

³¹⁸ FP, 1382, no.63, p.505.

³¹⁹ FP, 1383, nos. 1 and 12, ps.506, 507.

³²⁰ Pleas, 1384, no.1, “Johanni Grytford qui etatem quinquaginta annorum excedit ut accepimus quod ipse ad totam vitam suam hanc habeat libertatem, videlicet quod non ponatur in assisis juratis seu inquisitionibus aliquibus . . .” p.520.

³²¹ Ibid.

³²² FP, 1384[2], nos. 7 and 9, p.522.

³²³ FP, 1384[2], no.55, p.526.

³²⁴ Leet, 1350, no.95, p.331.

³²⁵ FP, 1356, no.1, p.370.

³²⁶ FP, 1357, no.140, p.389.

over the next twenty years. His wife was Emma named in the records of 1361³²⁷ and appeared in the court before and after that for infringements against the assize of bread and of ale. The last time we see her name is in 1378. As with affeerors, there must have been certain advantages to being a juror because amercements were excused both Emma and John, apparently while he was a juror. Some interesting questions are posed by John's exemption from official duties. Was he literate? He certainly knew both how to get exemption from duties he did not want and that he needed written authority so the indications are that he certainly understood the force of written record. Was he a free man? Probably he was not. Not only is there some evidence to suggest that the Sculles, whose property John had, were not free but the last entry for a man named John Gritford is a sad one. He is fined "... for breaking the arrest of the Steward and the Bailiff and fleeing to Upwood, without licence."³²⁸ Such a licence would unlikely be required for a free man. If this is the same man—and there is no reason to suppose that it is not—he was probably in his late sixties or even seventies by this time. John's name appeared many times over a period of fifty years and because of this it is possible to reconstruct something of his life. In 1363 he was fined for making a common road with his wagon at Skulles Place,³²⁹ and for narrowing the common road at Biggin by digging there,³³⁰ in 1392 he was amerced 3d. "... for not cleaning the gutter opposite the tenement once belonging to Sculles"³³¹ and, possibly, in 1398 it was the same man who was fined 3d. as "John Gritteforde of Bury for not cleaning his gutter at Pilcham next to the land of Adam Ramseye," although this cannot be confirmed. Plotting the whereabouts of John's land,

³²⁷ Leet, 1361, no. 114, p.430.

³²⁸ FP, 1408, no. 21, p.662.

³²⁹ FP, 1363[2], no. 37, p.444.

³³⁰ Ibid., no. 36.

³³¹ FP, 1392, no.33, p.570.

or dwelling, by noting the position of Biggin and Bury on a seventeenth century map, reveals that he lived south-east of Ramsey on the outskirts of the main village.

With regard to the Sculles, there are various mentions until 1335/1339 but by 1352 there seems to be only two remaining, Henry and Emma; however, the name of their land or dwelling persists as Scullescroft and Skulles Place³³² respectively until 1402.³³³ It does not seem unreasonable to suppose that this family suffered during the decade that has no surviving records and which was also the decade during which the Black Death decimated the population. The catastrophe made purchase of land by those surviving, or moving into the area, possible. It is also likely that the Sculles were villeins; one entry in the rolls of 1280 specifically identifies William as a naif of Warboys.³³⁴ Pursuing Gritford's name in other surviving Ramsey documents might add more information.

The form and format of these manorial court records and the jurisdictions they cover have been discussed with attention given to the holding of the eyre in connection with the banlieu court in the late thirteenth-century. Because they lie at the heart of this study, view of frankpledge and the substance of the jury presentments have been given special attention. The jurors themselves and their obligations to the court, the roles of capital pledges and significant positions held by villagers have all been examined; suggestions have been offered as to the roles of certain villagers outside their actual court appearances and it has been conjectured to what extent discussions of presentments outside court sessions occurred. The importance of activities such as ale-making both to the community as a whole and to the individual has been stressed. The hue and cry has

³³² See *supra*, 86.

³³³ The 1402 reference is not available because it has not been reproduced from the microfiche.

³³⁴ FP, 1280, no.61, p.10.

been given attention as the major policing control and, finally, thumb-nail sketches of villagers whose names appear repeatedly in the records have been constructed. In this progression through the records the presentation order of the records themselves has been adhered to. Chapter three will make what may at first seem a digression from the matters of the frankpledge courts; it deals with land and tenure. However, although such matters were beyond the competence of the frankpledge courts, they were still close to all the villagers because it was from the land that their living came. Advancement and prosperity could be a result of inheritance; failure to understand the significance of a disseisin could lead to a court appearance, fine and financial disaster. In these matters the free interacted with the unfree to an extent that is not fully comprehensible to generations of the twentieth and twenty-first centuries. We can only look at the records and try to understand.

CHAPTER 3

LAND AND PEOPLE

There is little in the way of land-transfer—conveyancing—that appears in the earlier court rolls of Ramsey, Hepmangrove and Bury and so it could be asked why it is necessary to focus attention on it in this study at all. The answer is that something as fundamentally important to all the inhabitants of these villages as the land itself and how they came to acquire it, work it and look to it for sustenance, prosperity and even social-standing cannot be ignored. Beyond these points lies another question to which the answer is elusive. How much was legal status and personal freedom, or the perception of it, crucial to the villagers? One aspect of authority that was important to those seeking higher social status was certainly the perception of it. Small—and to us strange—tokens of this acknowledgment were regularly given and received and the omission of this seemingly trivial service could bring an individual before the courts.³³⁵

COPYHOLD AND CHARTERS

The dearth of conveyancing in the manorial court rolls has been explained by DeWindt's suggestion that many of the transfers concerning land and tenure were dealt with by the Cellarer's Court, the records of which are missing.³³⁶ But whether the records are missing or not, the holding of land through villein tenure became an anachronism before

³³⁵ See *infra.*, 102-104.

³³⁶ DeWindt, *The Court Rolls*, 56. Of the Cellarer's court, DeWindt says that it was apparently a customary court that may have met as frequently as every three weeks based on the number of times that it is mentioned in other documents, and that it "seems to have been especially a forum for transfers of customary property".

1400.³³⁷ Baker suggests that this came about for a variety of reasons, one of which was the several outbreaks of plague in the middle and late 1300s. Through most of England during those times plague decimated the population.³³⁸ Overall, it may have accounted for a lack of peasants to work the land because their numbers were depleted and those who survived could take advantage of an increased mobility as a result of less control from the fragmented numbers of those in authority. In addition, the change from a requirement of services to fixed payments for tenure may have also been a factor; the increased acquisition of tenements that carried servile obligations by men of substance in the post-plague period should be considered.³³⁹ The fifteenth century saw the term ‘copyhold’ adopted,³⁴⁰ based on the practice of giving the tenant a copy of the court record to substantiate the transfer of the land title.³⁴¹ DeWindt points out the innumerable entries relating to copyhold that appear in the Ramsey, Hepmangrove and Bury court records in the sixteenth century, after the Cellarer’s court had been abandoned.³⁴²

While most matters pertaining to conveyancing appear in the comparatively few banlieu court records,³⁴³ the leet courts were also involved with land acquisition and, more frequently, with simple appropriation. The local court rolls reveal that many of the villagers held tenements and worked land that was not necessarily either demesne or common land, but was appropriated by them through sale, inheritance, grant and even through various boundary encroachments of either accident or design. The latter were

³³⁷ Baker, 348.

³³⁸ The Ramsey court records are missing between 1342 and 1350, but it seems unlikely that the village and its surrounds escaped the outbreak of the disease in the middle of the fourteenth century.

³³⁹ Baker, 348.

³⁴⁰ Copyhold tenure was different from villein tenure. *Black’s Law Dictionary* describes it as having descended from pure villeinage, pointing out that “over time, the customs of the manor, as reflected on the manor’s rolls, dictated what services a lord could demand from a copyholder.”

³⁴¹ Baker, 348.

³⁴² DeWindt, *The Court Rolls*, 56.

³⁴³ See *supra*, 6.

usually minor appropriations, judging by the small amercements, as the following: “[No amercement] from Philip de Elesworth for appropriating to himself a certain alder grove next to the bridge of Bury,”³⁴⁴ and “6d. from Ivo Barun for appropriating a great quantity of land at the common lade by erecting a hedge outside his house.”³⁴⁵

In the frankpledge court of 1317 several men were ordered to show charters for land or tenements they had acquired, and several others had already produced the pledges necessary to confirm their charters. In each case the charters had come from others who themselves had acquired the land or tenements. For instance: “Order to distrain Adam le Lavender to show his charters for the acquisition of one acre of land from Isolda ad Petram and one acre of land from Robert Beaufreere,”³⁴⁶ and “John le Messenger is the pledge of William le Mayster for showing his charters for one messuage and three acres of land acquired from Isolda ad Petram, two selions acquired from Muriel de Ellesworth, and one selion acquired from the daughters of Geoffrey Sampson.”³⁴⁷

VILLEIN TENURE AND SOCAGE

The villagers not only often held land and tenements but could also acquire more through inheritance, by the substitution of themselves in the place of another tenant, or by subinfeudation. These tenures should be considered as unfree. Maitland reminds us that to identify villein tenure it is necessary to look at the services which the tenant performs: if the tenant performs villein services then he holds in villeinage.³⁴⁸ In the following entry the swearing of fealty to the lord was not an indication of free status but rather of

³⁴⁴ FP., 1280, no.109, p.17.

³⁴⁵ FP., 1317, no. 73, p.212.

³⁴⁶ FP, 1317, no.89, p.214.

³⁴⁷ FP, 1317, no.98, p.215.

³⁴⁸ Pollock and Maitland, 362.

the substitution of one tenant by another; the lord still held the land: “John Clerevaus³⁴⁹ showed his charter for one toft and a croft which he bought from Robert Fesaunt.

Determination that he shall hold [the property] from the lord. Fealty performed.”³⁵⁰

Baker, concentrating on property law, says that villeinage had two meanings in medieval law; one was villein tenure of land and the other villein status and that “by 1250 legal thinking had brought about a significant transformation of both aspects of villeinage.”³⁵¹

On the same subject, Maitland remarks on the complexity of the interrelationship between the “law of tenure, the law of status, the law which regulates the communal life of vills.”³⁵² Baker does not deny feudal rights to someone whom we shall call the villein tenant, but in discussing feudal structures of land-holding he does mention that the poorest of land-owners had only enough land to work for themselves and were doomed always to be tenants and never lords because they were the men at the end of the feudal chain.³⁵³

It is apparent that some of the villagers of Ramsey fell into this latter category of land-holding at the beginning of the fourteenth century and were indeed at the end of the feudal chain. These men were not necessarily born into serfdom but they owed the lord services for the type of tenure that they had. This was tenure in socage. Maitland claims that socage spread from originally being a form of free tenure to one that held an obligation of services and rent.³⁵⁴ Socage consisted of many types, ranging from tenure which was nominal and required the tenant to give a small token each year “just by way

³⁴⁹ John Clerevaus appears in the records several times, as a pledge, with uncleaned gutters, and the hue and cry. As a villager who appears in the court records, he is not unremarkable.

³⁵⁰ FP., 1309[2], no. 5, p.156.

³⁵¹ Baker, p.532.

³⁵² Pollock and Maitland, 359.

³⁵³ Baker, 258.

³⁵⁴ Pollock and Maitland, 292.

of showing that the tenure exists,”³⁵⁵ to the tenure that concerns us here, a type of socage described by Baker: such services that were owed to the lord “were fixed—for instance, helping the lord with sowing or reaping at specified times.”³⁵⁶ If the holding went to another, the services went with it and not with the departing tenant. If we follow Baker’s suggestions, we must agree with his conclusion that the man who fell into this category, that of holding in villeinage, did not hold in his own name, but in that of the lord.³⁵⁷

Consider this entry for the frankpledge court of 1289: “The Lord Abbot, out of his special grace, conceded to William Pope three houses once belonging to Henry de Grafham, goldsmith, who was recently hanged, and which were the object of a certain agreement between William and Henry, and William shall maintain those houses in the same condition or better. Further, he shall hold them at the will of the lord.”³⁵⁸ Hence, if the tenant was dispossessed, the property reverted to the lord. The reverse applied too: the tenant could not be disseized if he held of the lord; rather it was the lord who was disseized. The implication of this is that the tenant who held in villeinage had no rights of his own but only through his lord. If the lord was disseized, he could pursue his rights under the common law in the royal courts.

SEISIN AND DISSEISIN

The rights of seisin as it pertained to the lower hierarchy of feudal structure—to which the majority of the land holders of Ramsey may be consigned—were determined by custom, which dwelt in the living memory of the local inhabitants. But, as already

³⁵⁵ Pollock and Maitland, 291. See also the case of John le Carpenter and Amice, *infra*, 102.

³⁵⁶ Baker, 260.

³⁵⁷ Baker, 348.

³⁵⁸ FP., 1289, no.96. p.60.

shown, fealty could still be sworn.³⁵⁹ Although this majority of land-holders do not appear frequently in the Ramsey village court records, they are to be found occasionally. Seisin, the act of being seized of land and tenements—originally through fealty and homage to the lord—was a simple concept and one which was noted in two incidents in 1309, one of which has already been quoted,³⁶⁰ and the other which reads, “Robert, servant of the Prior, came and showed his charter for a certain part of one messuage [he received] by grant and [enfeoffment.] Determination that he shall hold [the property] from the lord. Fealty performed.”³⁶¹ Equally complex was the determination of disseisin, the process by which one lost seisin. The writ of novel disseisin was used to bring some actions of disseisin before the banlieu court of Ramsey, as the following entries show.³⁶² Actions of novel disseisin are mentioned in the banlieu courts of 1341[1],³⁶³ 1363[4],³⁶⁴ 1383[2],³⁶⁵ 1387[1]³⁶⁶ and in the banlieu of 1287,³⁶⁷ and demonstrate just how complex the whole thing could become.

Before the itinerant judges of Ramsey’s banlieu court of 1287 there is an order to the bailiffs on an action of novel disseisin against William le Moyne Senior, John de Ravele and Alan le Ku who are accused by William le Moyne, son of William, whom we shall call William Junior, of unjustly disseising him of “his free tenement with appurtenances in Raveley.”³⁶⁸ The court rolls indicate that William Senior responded for the three with the information that William Junior could not have been disseized as he

³⁵⁹ See *supra*, 92.

³⁶⁰ See *supra*, 92.

³⁶¹ *Ibid.*, no.6.

³⁶² Writs were, by this time, solely for the royal courts.

³⁶³ Banlieu, 1341[1], no.2, p.313.

³⁶⁴ Banlieu, 1363[4], nos.1 and 2, p.454.

³⁶⁵ Banlieu, 1383[2], nos.,1 and 2, p.516.

³⁶⁶ Banlieu, 1387[1], no.2, p.534.

³⁶⁷ Banlieu, 1287, no.1, p.18.

³⁶⁸ Banlieu, 1287, no.1, p.18.

was never seized in the first place. However, William Junior replied that his father enfeoffed him with the manor and put him in seisin, and that he remained in seisin until disseized and this had been attested “by a certain fine made between them before the King’s justices at Westminster” and, at that time, William Senior had attested that the manor was the right of William Junior and that the latter was in seisin before, during and after the making of the fine. Both parties sought the determination of the assize. The verdict of jurors, elected by consent of both parties, was that William le Moyne Senior enfeoffed William Junior with the said manor and appurtenances and so delivered seisin to him which William Junior maintained for more than two years under the guardianship of John de Lovetot, until William Senior disseised him. This view of the recognitors returned seisin to William Junior and put the three others in mercy and liable for damages of twenty pounds. Now the latter was surely a large sum of money and meant not only to deliver a sharp rap on the knuckles for ignoring William’s enfeoffment and conveniently forgetting the fine made before the king’s justices at Westminster, but also to discourage others from having similar lapses of memory that encumbered the court. We cannot suppose what had been in the mind of William Senior or why his original decision to give his son the land had changed, however, William Junior had been aware of his rights under the law, had known how to vindicate them, and had been willing to place confidence in a local jury to support him.

In the same banlieu court of 1287 Christina Gernuy challenged none other than the abbot himself and Brother William of Godmanchester, complaining that she had been unjustly disseised of her common of pasture pertaining to her free tenement in Wistow.³⁶⁹ But the abbot responded that his church was seized of the property and he was not and

³⁶⁹ Ibid., no.2, p.19.

therefore Christiana was not injured by him in the matter but more likely by his predecessor, if by anyone. In view of this information, Christiana agreed with this before the justices and was subsequently amerced for a false claim. The following observations may be made: not only did the abbot's position as overlord not intimidate Christiana, or prevent her from challenging him for what she perceived as her right, but neither did any subjugation based on gender apparently have any bearing upon the case and her venture in bringing the action.

Surely the many complexities arising from land and tenement transfers were, in part at least, a result of the lack of both written documentation and the institutionalizing of law. There are certainly indications that men and women in the late-thirteenth century were beginning to recognise these deficiencies and acknowledge the benefit of having the royal courts witness transactions and provide written charters. However, they also still looked to the old customary practice of referring to local memory because they required this to endorse their transactions locally. Those who held leading positions in the villages of Ramsey, Hepmangrove and Bury and others of the inhabitants were certainly among those called as jurors to the Ramsey banlieu courts. This may be confirmed by checking the names of the banlieu jurors against those jurors who appeared in the frankpledge courts.

In spite of the authority conveyed by written documentation, at the end of the thirteenth century this kind of proof was still frequently insufficient, or perhaps not thoroughly understood, in itself to convey land and clarify inheritance, and a jury was required to substantiate the evidence. Again, in the banlieu court of 1287, William Pope and Alice, his wife, Alan le Mouner and his wife, Mabel, brought an action of entry ad

terminum qui preteriit against Ranulph le Clerevaus claiming that he had no right to their property which was inherited through their wives who were the daughters of John, son of Ivo.³⁷⁰ They claimed that any right of entry by Ranulph was based on a time during which John, their father, had allowed the land to Philip of Clerevaus for a period, and that time had passed. However, Ranulph said he was not enfeoffed through Philip but through the grant and enfeoffment of Hugh de Sulgrave, former abbot of Ramsey, and that he had a charter of that abbot and convent. Both parties sought the verdict of the jury who found in favour of Ranulph and amerced the others for a false claim.³⁷¹ Again the jury had substantiated what had already been conveyed by the charter; their role had been to judge the weight of the evidence and it appears that the written evidence was clearly enough.

NAIFS, MOBILITY AND MARRIAGE

Another aspect of village life that does not get much consideration in the court rolls, but which like conveyancing should not be ignored, is the villeins' obligations to the overlord. Attention has been drawn repeatedly to the difficulty of determining, from manorial court roll entries, the individual status of villagers, as free or serf, and yet legal status remains a question that fascinates us, perhaps because it is so difficult to recognize what it actually meant to the medieval villager. Without embarking on a journey through the many possible aspects of freedom, authority and the differences between villein and free suggested by historians, let it be said here medieval obligation shall be considered

³⁷⁰ Ibid., no.3, p.19.

³⁷¹ Ibid., no.5, pp.19-20.

not in strictly legal terms, but rather as restrictive authority over the villein by the overlord that could be enforced in the manorial courts.

At least three terms are definitive in acknowledging serfdom: naif, merchet, heriot. The latter—payment to the overlord due at a villein’s death—is not encountered in the court rolls examined here and need not be discussed; merchet—the payment required to the overlord for permission for a woman to marry—is not mentioned directly, but there are references to marriage without licence, which we shall examine below. Naif is a medieval term for those born serfs and derives from the Latin meaning a native. Any villein termed ‘naif’ was unfree in the legal sense and yet, as we shall see, the use of the word is puzzlingly limited in these Ramsey rolls. This paucity of usage could be explained by suggesting that the unfree who asked permission to move, or who otherwise drew the court’s attention to their status, were very few and that direct challenges to freedom from specific obligation to the lord’s authority were either limited, or did not come under that purview of the Ramsey courts examined in this study. Another explanation may be that some court clerks were not sufficiently familiar with the term to use it. Perhaps the question should be posed as to whether they used the term in the definitive sense that we understand or in the general sense of ‘native’? We should also be cognisant of Maitland’s observation that the serf was only unfree in terms of his relationship to his overlord,³⁷² thus in the eyes of others this status—viewed in the modern sense—was either unknown or unimportant.

Thomas, son of William Freman, is named as a naif of the lord in 1395. He applied and received a licence to live in St Ives and practice the tanner’s art, at the will of the

³⁷² Pollock and Maitland, 415.

lord.³⁷³ In spite of his paradoxical name, Thomas was committed to render 12d. annually and suit to the leet: “12d. from Thomas, son of William Freman, naif of the lord, for licence to live at St Ives, at the will of the lord, practicing the tanner’s art and rendering annually 12d. and suit to the leet. Pledge: William Freman.”³⁷⁴ His name appears again in successive years—1397, 1398, 1399 and 1400—when he renders his 12d. Then, in 1401 there is an additional note that: “Thomas Freman’s fine will be paid and enrolled in the court of Warboys, for Thomas is a naif of that manor.”³⁷⁵ Thomas’s fine is carefully recorded and there are no others that are similar, so it would appear that it is initially enrolled for the licence to live in St Ives and that the 12d per year is either to a tithing group of Ramsey, Hepmangrove or Bury to be presented at that court, or an annual licence to be a tanner. Given the long period of time studied and the lack of any other similar entries, the question is raised once more as to whether there were degrees of freedom. It also underscores Maitland’s suggestion that the principle function of the manorial courts, from the abbot’s perspective, was an economic one. It would seem unlikely that missing rolls and damage account for the lack of numerous other entries concerning naifs. It is more likely that the term was unimportant except in direct connection with conditions that contravened the obligation of a naif to the overlord.

There are only two other direct references to naifty and these appear in entries just over one hundred years earlier than Thomas Freman’s case. One concerns a naif of Warboys, William Sculle, “who married a certain woman at Ramsey without licence,”³⁷⁶

³⁷³ FP., 1396. no.4, p.594.

³⁷⁴ FP, 1395, no. 3, p.586.

³⁷⁵ FP, 1401, no. 56, p.643.

³⁷⁶ FP, 1280, no.61, p.10. Warboys was also a Ramsey manor.

while the other concerns nine men who were naifs “and make themselves free”³⁷⁷ of whom one, Richard le Lavender, has the messuage he bought seized into the lord’s hands.³⁷⁸ In the latter entry in particular, we see the restriction of serfdom in that the villein was not free to buy land.

Maitland said: “Any service which stamps the tenant as an unfree man, stamps his tenure as unfree; and in common opinion such services there are, notably the *merchetum*.”³⁷⁹ *Merchet*, a fine for marriage, is not specifically mentioned in these rolls, but we have already seen that William Sculle, a naif, was fined for marrying without licence.³⁸⁰ In addition, in 1294 Richard Nel of Warboys was ordered to be distrained for marrying without licence, the distraint occurring because the presentment had been made in a previous view.³⁸¹ With these entries in mind, we know that fines were indeed made for marriage in Ramsey, Hepmangrove and Bury.

The actual details of what *merchet* implied are speculative and it has received an unfair share of attention because of its implication of the lord’s right to possess sexually peasant maidens—something Searle calls “the repellent *droit du seigneur*.”³⁸² Although Eleanor Searle’s discussion of *merchet* centres on the Anglo-Saxon period, she manages to link it to inheritance in such a way that it seems relevant to mention it here. First she disputes that *merchet* was improvement over an earlier tax known as *leyrwite*,³⁸³ and continues with the suggestion that *merchet* progressed from being a control on land tenure through inheritance in the Anglo-Norman period, to being a tax paid on the

³⁷⁷ The usage of the term is very clear in this instance.

³⁷⁸ FP, 1280, no. 102, p.16.

³⁷⁹ Pollock and Maitland, 372.

³⁸⁰ See *infra*, 98.

³⁸¹ FP., 1284, no.71, p.69.

³⁸² Searle, “Seignorial Control of Women’s Marriage”, 3.

³⁸³ Searle, “Freedom and Marriage in Medieval England”, 482.

dowries—chattels—of peasant girls, something “less alarming to the lord, easy for him to tax.”³⁸⁴ Merchet had changed from being “a powerful means of controlling the peasant’s rights over his land, a means of denying the right to inherit, and a means of access to the surplus productivity of peasant-worked land,” and had little to do with human liberty.³⁸⁵ It is important here because of its significance in the late thirteenth-century as a marker of unfree tenure. Yet this significance is not clear in the Ramsey village rolls and we should wonder if it is an implication imposed on it by historians. Ironically, although merchet is not mentioned by name in the Ramsey court rolls, leyrwite—a far older term—is: “Order to distraint Agnes le Coupere, convicted of fornication, to pay the fine for leyrwite.”³⁸⁶ This underlines the weakness of judging the use of such terms in the records as chronologically useful in determining change and is a reminder that some terms could be borrowed from other times and other jurisdictions.³⁸⁷

Baker claims that aspects of lordship placed power in the hands of the individual and were important: “The roots of such authority were not in political theory, for there was none, but in the fact of power and personal leadership.”³⁸⁸ The following action brought to the banlieu court of 1287, which was an eyre session, goes towards making Baker’s point: both authority and the acknowledgment of it mattered. Power and leadership were underlying claims to social status, but they also enforced the commonplace understanding of the individual’s rights. The following case came to the court apparently because a certain woman considered she had the right to certain tokens and yet, because it came before the powerful eyre court which was closely tied to common

³⁸⁴ Ibid., 483.

³⁸⁵ Ibid., 486.

³⁸⁶ FP., 1297, no.22, p.89.

³⁸⁷ My thanks to Dr T. Haskett for pointing out this significant point.

³⁸⁸ Baker, 9.

law practice, undoubtedly there was more at stake than a token. In 1287 Amice was a widow who had two free tenements. One tenement was held by John Tixtor and his wife from a middle person known as a mesne lord, John le Carpenter, and the other was held by another couple, William Hauteyn and his wife Joan, also from John le Carpenter. Now tenements and land could be held of a lord through subinfeudation or substitution, but before the statute of quia emptores in 1290 lords were not readily protected by the law from the loss of their feudal incidents, which could be economically significant, if they allowed the control of their property to pass from their hands through subinfeudation. Some of the services owed to a lord who subinfeuded could, by our modern standards, seem quite trivial and odd; they were not necessarily a part of financial welfare in themselves, but were rather a token that acknowledged the authority of the lord and his or her continuing rights in the property—feudal incidents—that were lucrative. Amice considered that the tokens of a half-penny a year from one tenement held by John Tixtor and his wife, and a pair of gloves a year from the other couple, were owed to her and she was apparently sufficiently concerned by the neglect of these payments that she distrained each couple “in their messuage by its door”.³⁸⁹ That seems to mean that she kept them in their houses forcibly. The case came to the court through a mesne action brought against John le Carpenter by the couples because they held the tenements from him; because he had failed to acquit them of these services owed, they claimed they were distrained, injured and had damages.³⁹⁰ The outcome was that he should acquit them of these services and he was amerced because he had not done this. This case shows that the token for service, however trivial, was an important acknowledgement of a lord’s

³⁸⁹ Banlieu, 1287, no.13 and 14, pp.24-25.

³⁹⁰ Ibid.

interest in his or her property. It certainly was to Amice, whereas it is difficult to accept that even by medieval standards either a half-penny a year or a pair of gloves a year could have been of any material importance. Now Amice could have been concerned with the perception of her social status, but there is another point to consider here that goes further in both explaining Amice's concern and the appearance of this case in the eyre courts. Amice ignored Carpenter, the middle-man, and went directly to the couples, indicating that she considered they should be holding the tenements by substitution and not from Carpenter by subinfeudation. Subinfeudation would have meant that not only was she cheated of the acknowledgment of her position and status as lord, she was also apparently being denied her lordship over the tenement. This is a significant legal point because if John le Carpenter died seized of the properties, she would be denied her feudal incidents afterwards and that could amount to a major financial loss, whereas, if Carpenter were holding from her through substitution, her interest in the tenements would be retained. When this case came to court, the statute *quia emptores* was only three years away from being enacted. *Quia emptores* provided that "it shall be lawful for any free man at his own pleasure to sell his lands or tenements or any [part] of them; provided however that the feoffee shall hold those lands or tenements of the same chief lord and by the same services and customary dues as his feoffor previously held them."³⁹¹ This statute was enacted to protect lords from losing benefits from their property through subinfeudation, and would subsequently protect those such as Amice. It is likely that Amice took the action she did realizing her interest in the tenement to be threatened. Although the record does not provide the details, it seems likely that John le Carpenter attempted to secure his

³⁹¹ *Sources of English Legal History. Private Law to 1750*, ed. J.H. Baker and S. F. C. Milsom, (London, 1986), 10.

interest in the tenements through subinfeudation, which Amice either initially denied or misunderstood. Finally, the last words on this case are a reminder of Clanchy's use of the Earl of Warenne's token of his ancestor's rusty sword to endorse his hereditary right to his estates in the absence of written documentation.³⁹² Might not Amice have viewed her tokens as a substantiation of her rights to her property in much the same way that the non-literate Earl of Warenne viewed the rusty sword that his ancestor had used at the side of William the Conqueror? If that was so, then again the absence of written record was significant.

We cannot dispute that freedom from the restrictive authority that kept them on the manor, that prevented or hindered them from buying property, which dictated to them that they could not marry without permission and that forbade them to act as if they were free, was important to the villeins of Ramsey. Likewise, it cannot be argued that any lack of literacy among them was a handicap that could not be overcome without the complete development of literary modes that would facilitate their understanding of the written record. These records have shown that many villagers—men and women—held land or tenements that had been bought and sold among themselves. The men and women of the vill may have considered taxation and fines as restrictive nuisance in much the same way as their modern counterparts, but most accepted their obligations to their overlord without complaint or challenge. Yet there is the occasional challenge that appears in the court records indicating that the villagers were not all complacent about their rights to the freedom to move, freedom to marry whomever they wished, freedom from impositions of others who did not exactly share their status. Not all challenges were just about land and

³⁹² See *supra*, 51.

wealth, some of them were also over small acknowledgements of authority—about social status, about perceptions and interactions—the very point, indeed, that Maitland has identified as of no consequence in law; he viewed tenure as legally more important than whether one was free or unfree.³⁹³ In the case of John le Carpenter and Amice the question of tenure was doubtlessly more important as it came to the eyre court, but it is possible that social status, too, played a part at a personal level.

This brings us to the next and final chapter where we shall consider other interactions, among them those between the villagers and the abbot, between the villagers themselves and between the villagers and strangers.

³⁹³ Pollock and Maitland, vol. 1, 407.

CHAPTER 4

ASPECTS OF RURAL LIFE

Presentments by the jurors in the court rolls studied here cover a variety of matters and it is these and unexpected extraneous detail that adds to our meagre store of information about the villagers themselves and the environs in which they lived. All the presentments cannot be discussed here because of the limitations of space and time, but some of the interactions of the villagers with their environment of the local marsh-lands, with their neighbours, with those of authority in the community and with the abbot and his agents shall certainly be examined with as much attention as is possible given to the individual.

THE LAND

Understanding the surrounding topography of medieval Ramsey is important to this study because the lives of the villagers reflect so completely the qualities of the land on which they lived. Many details of the land are revealed in the court records and tell much about how it looked during the thirteenth and fourteenth centuries. They show that the marshes provided the villagers with fish, eels and certain birds and that some of the marsh supported the growing of grain and was able to be used for pastoral activities; indeed, “it was as common grazing that the marshlands were most used and most valuable,” as Michael Williams points out in his discussion on the reclamation of waste-land.³⁹⁴

³⁹⁴ Michael Williams, “Marshland and Waste,” *The English Medieval Landscape*, ed. Leonard Cantor (London: Croom Helm 1982) 96.

Some of the marsh supported the growth of trees because alder, willow and ash are all mentioned in the rolls in various contexts. In addition to providing essential food for the local people and their animals the marshland also provided them with materials for shelter and fuel in the form of rushes, peat, clay and trees. Access via the many waterways linked Ramsey and its immediate environs to other villages and towns for trading purposes and for other reasons of communication.

Several entries mention birds and fish, underscoring the importance of these to both the lord and the community. In the banlieu court of 1287 fish are mentioned in the jury presentments because of the contravention of the prohibition for receiving certain persons. Ralph Arnold received “Alan Smaltheff,³⁹⁵ who dragged in the nets of his neighbours and carried off the fish found in them.”³⁹⁶ In other jury presentments, Alan Wythegere was fined 6d in 1308 for taking bitterns,³⁹⁷ and in the following year “for taking heron and bitterns with snares.”³⁹⁸ Ivo Russel was ordered to correct two ditches which he made by digging and setting out fish traps;³⁹⁹ William Gerveys was amerced “for claiming common of fishery where he ought not to have it”;⁴⁰⁰ William le Barker and Stephen Matheu were amerced for a debt of 6s. owed to William de Smalwode for eels bought off him;⁴⁰¹ and on a more enterprising note, John Osegod and Thomas Wakyr

³⁹⁵ In addition to the above information on Smaltheff, there is a clue provided as to how he got his name because he “afterwards took axes, augers and other small tools.” The rolls give us other interesting names that manage to reflect occupational aspects of their bearers. For instance, Margery Nothing was a pauper (1280, no.90), and we wonder if Philip Noseless lost his nose through poking it in where it was not wanted, because he was attached by his body for listening to conversations of men of the vill and running away when he was accosted (1289, no.94).

³⁹⁶ Banlieu, 1287, no. 67, p.35.

³⁹⁷ FP, 1308, no.9, p.146.

³⁹⁸ FP, 1309, no.53, p.152.

³⁹⁹ FP, 1309, no.67, p.154.

⁴⁰⁰ FP, 1321 no.71, p.231.

⁴⁰¹ FP, 1312[2], no.6, p.184.

were fined 20d and 5s respectively “...for granting out the lord’s private fishpond at Ugmere to farm to men of Holm, without the lord’s licence.”⁴⁰²

A great number of entries concern the obstruction of the waterways through various means: through unpurged ditches; by having “an immovable bridge that blocks boats;”⁴⁰³ because of “willows overhanging the common lade impeding boats.”⁴⁰⁴ The list is very extensive. Hedges and walls were constructed with locally-found materials and were used to separate, enclose and protect dwellings and animals from wind and weather; fences are mentioned for the first time in 1350 when there were three consecutive entries.⁴⁰⁵ The rolls mention various animals: sheep, pigs, horses, dogs and the rather more general term ‘beasts’, as well as hens and geese, ducks and capons. They mention crafts and craftsmen and occupations: tailors, bakers, brewers, cooks, butchers, cobblers, skimmers, threshers, mowers, millers, shepherds, cowherds and gleaners. They mention geographical and manmade features: woods, meadows, marshes, ditches, lades, hedges and fences. In short, they present a diversity of information on the fen-land, how it looked in the thirteenth and fourteenth centuries, what it supported in the way of vegetation and livestock, and how it was utilized by the local people to provide food and shelter, to generate a livelihood and to provide access to other villages and towns when required.

CUSTOMARY PRACTICE

Customary practice gave the villeins certain rights for use of the lord’s land and they protected these rights through the courts. The few that encroached on such rights—the

⁴⁰² FP, 1384[2], no.44, p.525.

⁴⁰³ FP, 13335/9, no.57, p.286.

⁴⁰⁴ FP, 1335/39, no.65, p.287.

⁴⁰⁵ Leet, 1350, 72-74, p.329.

agents of the abbot, even the abbot himself, recalcitrant villagers and strangers—were brought to the attention of the court through presentments of the jurors and fined, although the amercements were frequently excused for men of the abbey, or those from the village who held positions of authority. Usually, the fines were small and were imposed rather as a warning than as punishment. For amounts not set by an assize, such as for offences concerning ale and bread, the affeerors set the amounts of the amercements;⁴⁰⁶ in all things the money went to the lord. In matters where amercements were excused the records are silent as to the reason, except where poverty was a factor.

The peasants worked the common-land to provide for themselves as well as for the lord, and through the manor court they used their customary rights to safe-guard this usage. These customary rights were protected through the courts by fines. Common-land could not be appropriated to the advantage of one villager over another—strangers could not be given access to the common land for their use—and under custom the lord's agents or the lord himself were not to assart or enclose land that the villagers used as common.⁴⁰⁷ Although it is difficult to understand how the villeins could have overcome encroachments made by the lord or his agents, it should be remembered that obstructions and restrictions to the peasants' work ultimately reflected on the manor's economic welfare. In protection of common-land thirteen men were fined sixpence each "for pasturing their beasts and pigs in Stocking Fen, where they do not have common,"⁴⁰⁸ one man from another village was fined 6d. "for digging peat in the Ramsey common, where he is not supposed to have common,"⁴⁰⁹ and amercement was excused from the Warden

⁴⁰⁶ See *supra*, 69.

⁴⁰⁷ See *infra*., 121.

⁴⁰⁸ FP, 1372, no. 52, p. 468.

⁴⁰⁹ FP, 1356, no. 62, p. 375.

of the Chapel of Blessed Mary for erecting one porch in the common at his house . . . to nuisance.”⁴¹⁰ Other examples include that of Nicholas Schepherd of Broughton who was fined three pence for pasturing his sheep in le Vyl where he did not have common,⁴¹¹ and a fine of 12d. was approved and an order to correct made on Reginald Faber for digging mounds in le Byl and taking away clay from there to his house, so that his neighbours’ animals could not be kept there, as was the custom.⁴¹² Giving a stranger latitude to take advantage of the common right of a villager was penalized: two men sold peat to strangers contrary to custom and were amerced 6d. each;⁴¹³ another went one step further by “leading the wagons of strangers into the marsh of Ramsey for [the purpose of] carrying away peat to other villis, against the custom.”⁴¹⁴ In 1377 Robert Pulter was fined 3d for overburdening the common of Ramsey with strangers’ beasts.⁴¹⁵ ; in 1384 William Scheperd overburdened the common “by pasturing outsiders’ sheep in Stocking Fen, to the nuisance of the community.”⁴¹⁶

STRANGERS

Strangers were viewed with suspicion; perhaps this was because they were not in tithing and there was always the question as to whether they could be rendered accountable for any transgressions they might make.⁴¹⁷ The only deterrent that could be enforced was fining any villager who was complicit in housing a stranger or dealing with him, yet sometimes housing a stranger could exact its own punishment: “[No amercement

⁴¹⁰ FP, 1337, no.61, p.301.

⁴¹¹ FP, 1378, no.39, p.480.

⁴¹² FP, 1317, no. 74, p.212.

⁴¹³ Leet, 1335/9, no.32.

⁴¹⁴ Leet, 1335/9, no.53.

⁴¹⁵ FP, 1377, no.83, p.476.

⁴¹⁶ FP, 1384[2], no.43, p.525.

⁴¹⁷ Morris, *The Frankpledge System*, 40.

recorded] from Walter le Ferur for receiving a certain Walter Faber, a stranger, outside the assize, who carried off his utensils.”⁴¹⁸

Receiving was an offence that included taking in strangers, those who had been cast out from the village and anyone not in tithing. In general terms, receiving should be considered as a tithing offence because it interfered with the tithing control exercised by the capital pledges; these infractions were presented by the jurors and incurred fines. Not surprisingly, some problems originated within the village itself. A bad reputation—a regular description in the rolls is ‘malefactor’—was not tolerated and any escalating bad habits that contravened acceptable levels of behaviour were penalized and the offender forbidden to stay in the village. In 1316, Joan Byrd, because she was of bad reputation, was judged to be unworthy of residing in the village and Alexander de Longe was amerced for receiving her.⁴¹⁹ To enforce the ban, a further penalty of 40s was ordered from anyone who received her in the future. From a 1325 frankpledge court there is an entry concerning “John, son of Nicholas Pampe who was a common malefactor with regard to his neighbours’ peat, rushes and fish, to the great damage of the vill,” and it was forbidden to receive him.⁴²⁰ But John had been living in the vill before this because early in the same view of frankpledge his name appears under the hue and cry for assault and for raising the hue unjustly on someone else.⁴²¹

However, there is clear evidence that there was support within families for erring members and even from within the community itself and that a bad reputation could be forgiven:

⁴¹⁸ Eyre, 1287, no.79, p.36.

⁴¹⁹ FP, 1316, no. 99, p.205.

⁴²⁰ FP, 1325, no.69, p.239.

⁴²¹ FP, 1325, no.57, p.238.

Amercement excused from Godfrey Andreu for receiving Andrew Villayn and his wife, malefactors in the marsh, whom it was forbidden to receive in the last view, because it was attested in court that Andrew and his wife have conducted themselves honestly.⁴²²

Several entries concern Joan Grubbe, who was cast out from the vill in 1311 for being a thief of hens and geese,⁴²³ and from them it can be seen that she received some help from her family in later years when they risked penalty in giving her shelter. Ranulph Grubbe, Joan's father, was fined 2s. in 1311 for not having her to answer for stealing geese and hens and dregs from her neighbours and "for being nothing more than a common whore."⁴²⁴ But in the following year Ranulph was penalized for receiving her.⁴²⁵ In 1316, Joan was back in the vill again and two men pledged her "that henceforth she shall conduct herself well in all things under penalty of half a mark."⁴²⁶ In 1325 Alexander Chaumberleyn was fined for receiving "Joan Grobbe,[sic] malefactor in the march, of whom it was prohibited that anyone receive her."⁴²⁷ Then, in 1326 Mariot, Joan's mother, was penalized for receiving her once more. Finally, there is a Joan Grubbe who appears in a hue and cry raised against her in 1339 who is likely the same woman. As she is residing in the vill at this time, it seems that Joan did eventually receive sufficient surety to continue living within the community.

HUE AND CRY AND OTHER POLICING ISSUES

The hue and cry—the closest thing to formal policing within medieval communities—has already been touched upon in relation to the constable;⁴²⁸ now it needs to be mentioned

⁴²² FP, 1325, no.7, p.232.

⁴²³ FP, 1311, no.22, p.165.

⁴²⁴ Ibid.

⁴²⁵ FP, 1312[1], no.8, p.174.

⁴²⁶ FP, 1316, no.16, p.198.

⁴²⁷ FP, 1325 no.6, p.232.

⁴²⁸ See *supra.*, 78.

in connection with situations in which the villagers either raised the hue and cry against someone else, or had it raised against themselves. There are other policing issues concerning the watch and the control of nocturnal activities, as well as controlling those not in tithings—strangers—who came into town, and these shall be mentioned, too.

Petty violence following a squabble was frequently the reason the hue and cry was raised: 6d. was the fine required from John del Bernes for knocking John Frore into a cess pit after the latter justly raised the hue and cry;⁴²⁹ 6d. was the fine from Agnes de Coleby for taking a certain letter from Catherine de Comecestr' against her will, for which she justly raised the hue and cry";⁴³⁰ Joan, wife of John son of Robert, was fined 3d. for unjustly raising the hue and cry on Roger Cok,⁴³¹ and 6d. was the fine from Cecilia Webistere for drawing blood from Emma Littestere for which she raised the hue and cry.⁴³² The jury had the responsibility of deciding whether the hue and cry was justly or unjustly raised—something that was possibly pre-determined by the jury and the capital pledges—and in 1363 there is an order for the jurors to come to the next leet court under penalty of a fine "to show whether a certain hue and cry raised on William Launcelyn by Aleda Lavender was raised justly or not, because they do not yet have a judgment on the matter."⁴³³ In order to discourage false or vindictive accusations unjustly raising the hue and cry incurred an amercement.

The apocryphal "Articles of Enquiry by the Frankpledge"⁴³⁴ which, if not authentic in law at least provides some insight into the treatment of strangers—and even links it to

⁴²⁹ FP, 1312[2], no. 92, p.193

⁴³⁰ FP, 1321, no. 9, p.227.

⁴³¹ FP, 1354[2], no. 43, p.363.

⁴³² FP, 1359, no.34, p.403.

⁴³³ Leet, 1363, no.101, p.449.

⁴³⁴ Maitland notes that the 'apocryphal' Articles of Frankpledge is so-called because it was put with other articles believed to be statutes of the last year of Edward II. In turn, this was due to their being found

the undesirable practice of any activity after dark—including that “it be enquired about those who gave hospitality to strangers without permission unless they came in broad daylight on one day and left in broad daylight the next day,”⁴³⁵ and also “about those who overburden the common pasture of the village with animals of strangers, without permission.” Forty pence was required from Thomas Neuman who managed to run awry of both principles, “for nocturnally and secretly driving the animals of diverse strangers by the roads, to the greatest prejudice and damage to the lord.”⁴³⁶ The same penalty was required from “John Austyn for being a common harbourer of strangers, contrary to the assize,”⁴³⁷ while no amercement was recorded from William de Wenyton “for receiving, contrary to custom, prostitutes and strangers who frequently raised the hue and cry, to the terror of the vill.”⁴³⁸ Although the following entry appears in the records of the banlieu court during the eyre and concerns homicide, which was beyond the jurisdiction of the usual village courts, it does show that strangers had little expectation of fair treatment however tentative suspicions were, especially if a felony was committed after sundown:

Albin Wymark, Peter de Coveney and Richard Pylche were found killed on the day of the feast of the Translation of St Benedict, in the ninth year of King Edward, after sundown. The jurors have no suspect, but a certain John Capellanus, from the north, was found there and taken as suspect and led to prison, where he died...⁴³⁹

inserted with manuscripts some of which that end with Edward II and others which begin in the reign of Edward III. Maitland notes too that the statutory character of the articles in question has been denied by some authorities. (Maitland, *Select Pleas*, xxviii, n.1).

⁴³⁵ Titow, J.Z, from *Historia et Cartularium Monasterii Sancti Petri Gloucestrie*, (William Hart ed., London 1867, III, 221-222) in *English Rural Society 1200-1350*, (London: George Allen & Unwin Ltd., 1969).

⁴³⁶ FP, 1390, no.45, p.557.

⁴³⁷ FP, 1333, no. 47, p.270.

⁴³⁸ FP, 1280, no.87, p.13.

⁴³⁹ Banlieu, 1287, no. 110, p.47.

NUISANCE

Threats to person and property came from many sources. The most mundane of those that regularly affected the villagers are demonstrated through presentments of the jury that concerned nuisance. This term is a little confusing because in some usage in the rolls it seems to have had a legal significance that is similar to today's understanding of the term but, in other places it seems to have been used casually—that is, without legal implications. The term does, however, occur frequently. Most nuisance entries concern blocking roads, obstructing waterways and having buildings in the wrong places. John Clere made “a ditch laterally across the common drove in the marsh, to nuisance,”⁴⁴⁰ and William Sparhawk put “a pig-sty in the King's road, to nuisance,”⁴⁴¹ while Andrew Clerk befouled “the common lade with his privy.”⁴⁴²

Forestalling is sometimes presented as nuisance. It involved selling away from the accepted venue in the village or the market, and was a frequent source of nuisance both to the abbot, who could be deprived of a tax known as stallage, and to the community who could be cheated by having certain commodities undersold or over-priced. Some entries reveal that side of human nature that seeks an advantage through tricks and swindles. For instance, one man met merchants coming to the vill by land and water and bought their victuals and sold them “at a price higher than they would have, had they come.”⁴⁴³ In other examples we can see that Richard de Marham was amerced 12d. for being a forestaller “in that he meets merchants coming into the vill with their victuals and sells

⁴⁴⁰ Leet, 1335/9, no.35, p.284.

⁴⁴¹ FP, 1335, no. 49, p.276.

⁴⁴² FP, 1352, no. 43, p. 338.

⁴⁴³ FP, 1294, no. 100, p.72.

them to the detriment of the whole vill,”⁴⁴⁴ and that 6d. was the amercement “from Laurance le Revere for being a forestaller of salt.”⁴⁴⁵ In 1326/7 three men were fined 12d. each as forestallers of pigs and other animals through what amounted to an enterprising conspiracy:

In that they conspired that one of them should offer 4s. for one beast, another 30d. and thus each of them [offers] less than the other, and thereby they do not permit anyone else to buy beasts [unless they are a part of their conspiracy] which impedes the sale of animals, to the damage of diverse people.⁴⁴⁶

Concerning actual references to stallage—the toll due to the lord—from the frankpledge records of 1312 there is an order “to distrain two men to answer for mooring their boats filled with fish and other merchandise at the head of the vill, refusing to pass beyond the bridge and thereby depriving the lord of his stallage.”⁴⁴⁷ The matter was not addressed, because in the next view, the order to distrain is repeated.

Other presentments of the jurors concerning nuisance involved the good of the community in regard to matters of health and safety, and the court dealt with such dangers as contaminating the water supplies with privies placed in the wrong position and with certain craftsmen and retailers who were sometimes careless about dangers inherent in their occupations: one butcher put entrails into the water course so that no one could brew,⁴⁴⁸ seven men were amerced for selling badly salted meats,⁴⁴⁹ and Emma Flote was “a befowler of bread.”⁴⁵⁰ Several cobblers were amerced over the years for using hemp oil in the curing and polishing of leather as was “William de Burgo, cobbler, for curing

⁴⁴⁴ FP, 1289, no.87 p.59.

⁴⁴⁵ FP, 1289, no.91, p.60.

⁴⁴⁶ FP, 1326/7, no.13, pp.254 -255.

⁴⁴⁷ FP, 1312[1], no.98, p.183.

⁴⁴⁸ FP, 1268, no.76, p.6.

⁴⁴⁹ Leet, 1335/1339, no.66, p.287.

⁴⁵⁰ FP, 1335/9, no. 70, p.287.

his leather with hemp oil, to nuisance.”⁴⁵¹ Emma Powell was in trouble more than once for making “unclean puddings” until, finally, the court took action against her and she was “Convicted of using the entrails of pigs and other animals without sufficiently cleaning them of excrement, wherefore this occupation was prohibited to her,”⁴⁵² and Adam Skynnere was fined 12d. for bleaching wild animal skins in the common lade, to nuisance.”⁴⁵³ Danger to person and property took nuisance one step further: poverty excused Elias le Tanur from amercement “for keeping fire in a small cottage, to danger,”⁴⁵⁴ and fire again received a sinister mention in an amercement for receiving a stranger and his wife who were “accustomed to carry off small things and by whose malice the vill of St Ives was burned.”⁴⁵⁵

Another threat to the health of the community was leprosy, although the term ‘nuisance’ is never used in reference to those afflicted with the disease. Lepers were cast out and there were penalties for receiving them. In 1308 there was an order to one man that he provide a place for himself away from others with the additional instruction that he was not to return before Easter.⁴⁵⁶ However, according to the records of the next view held the following year in January, the man was still in the village and the order was repeated. This apparently limited time of withdrawal makes us wonder if the term leprosy was not specific to the disease as we understand it today, but encompassed other skin disorders that were not readily diagnosed by either the villagers or those who had medicinal knowledge. This would account for the limited time of the patient’s isolation when his condition could be reassessed.

⁴⁵¹ FP, 1337, no.97, p.305.

⁴⁵² Banlieu, 1287, no.84, p.37.

⁴⁵³ FP, 1358, no.81, p.396.

⁴⁵⁴ FP, 1280, no.98, p.16.

⁴⁵⁵ Banlieu, 1287, no.62, p.35.

⁴⁵⁶ FP, 1308, no. 12.

FELONY

Any study of violence at the village level has to rely largely on coroners' records and is beyond the jurisdiction of frankpledge. Under the higher jurisdiction of the banlieu⁴⁵⁷ court, however, the coroners⁴⁵⁸ kept records and were obligated to investigate deaths and report to the king or his representative. This provides an unusual and important window onto village life in this respect.⁴⁵⁹

Those who were the first-finders of the body—usually neighbours—were called as witnesses and, if an object was the cause of death, it—or its value—was given into the coroner's hand for the abbot as *deodand*, literally, gift to God, as in this entry concerning death by misadventure:

A certain William son of Elias of King's Ripton, a carter of the Abbot of Ramsey . . . was found in the woods of Lord John de Den, killed by a certain block of wood which he carried in his cart . . . No suspects. First finder: Richard son of John De Hyrst, who comes. Close neighbors from one side: Geoffrey le Ko and John le Buk, who come . . . Price of the wood 18d. in the hands of the Coroners.⁴⁶⁰

There are several entries concerning death by misadventure recorded in the records of pleas of the Crown in the 1287 banlieu court. This was within the purview of the coroner and some of these entries, though sparse, provide us with a glimpse of the very young at risk in and about the home and with a limited look at children in the community generally. One entry concerns a three year old child who died as a result of falling into a

⁴⁵⁷ See *supra*, 11, 59.

⁴⁵⁸ There were two coroners elected to the banlieu of Ramsey. During the inquest taken at Smithscroft in 1307 there is a memorandum that reads: "Note that on this day John de Clervaus was elected to the office of coroner by the whole banlieu and took the oath." (Inquest, 1307(2), no.5, p.144) The other coroner at this time is named in the heading as Simon de Elesworth.

⁴⁵⁹ My thanks to Dr T. Haskett for providing this clarification.

⁴⁶⁰ Banlieu, 1287, no.101, p.44.

pot of cooked peas;⁴⁶¹ another child fell into a neighbour's well and drowned.⁴⁶² A neighbour of the latter came to the inquest herself, as required, to confirm the details that she knew of the death: the court required an explanation of the coroner's verdict, perhaps for fiscal reasons, even long after the event had happened. There is very little information available about children that can be gained from the court rolls because, of course, they were outside of tithing. Meanwhile, we are left wondering if then, as now, the guarding of toddlers was not always as stringent as it should have been and even how it was facilitated at all if, as we suspect, women as well as men were heavily involved in daily work. In these entries there is a hint of the value placed on every life and the need for accountability required from everyone towards the welfare of the community as a whole. There was, too, the expectation that a job should be done with the proper consideration of detail—again perhaps for fiscal reasons—because, in this case, the coroner was amerced for not knowing the name of the deceased, while the jurors did.⁴⁶³

Those who committed crimes of violence in excess of the kind of petty violence reported through the hue and cry, and felony theft, answered to the banlieu pleas of the Crown. Only two cases involving rape appear in the period studied and both of these appear in the 1287 banlieu court. We cannot know if this was representative of the numbers of this particular crime: "Ida Powell raised the hue and cry on Richard Bugge because he carried her off and raped her of her virginity, with force and against the peace . . ."⁴⁶⁴ Some entries are frustrating in their brevity and lack of resolution of the crime cited: "A certain Hugh, son of Ralph Carpenter, raped the wife of Edmund Martin and

⁴⁶¹ Banlieu, 1287, no.104, p.45.

⁴⁶² Banlieu, 1287, no.114, p.48.

⁴⁶³ Banlieu, 1287, no. 114, p.48.

⁴⁶⁴ Banlieu, 1287, no. 107, p.47.

carried her off outside the vill of Ramsey and still holds her.”⁴⁶⁵ However, records from other courts might offer more information on these points.

Although the following was a serious enough indictment to render it a felony, it is not a violent crime certainly, but rather a swindle that provides some entertainment in the recounting. This case of creative theft appeared before the Keepers of the Peace in 1379: “Indictment of John Shelford of Ramsey, tailor, (for theft), in that, at various times...he, at Ramsey, feloniously stole diverse parcels of linen cloth from various men of Ramsey and Warboys worth 12d. and dyed them different colours so that they could not be identified.”⁴⁶⁶

In the aftermath of a felony and the resulting hanging, a theft case appears in the more detailed entries in the rolls for 1287 and provides a list of chattels which have been taken and valued. It opens another of those revealing windows onto village life, but this one looks inside the houses and gives a glimpse of some possible belongings that villagers might hold:

Robert Wrau, who was hanged for theft at Oundle by suit of Robert Gerveys and Adam Atte Grene, had 9s. in old coins and 3s. in new coins in chattels at the house of Beatrice Gerveys which were wrongfully acquired in the storehouse, and two cheeses worth 12d. and two linen cloths worth 2s. at the house of Stephen Bers, and one chest, two carpets and two linen cloths worth 2s.6d. at the house of William Tredegeld. Amercement of his capital pledge, Robert Nytingale, and his whole tithing group. Further the said Beatrice, arrested for receiving the said Robert and his stolen goods, puts herself, for good or ill, on God and the 12 jurors who say on their oath that she never knew about Robert's theft nor about any money wrongfully acquired. Therefore, she may go, acquitted.⁴⁶⁷

⁴⁶⁵ Banlieu, 1287, no. 126, p.52.

⁴⁶⁶ Banlieu, 1379, no.17, p.486.

⁴⁶⁷ 1289, no. 96, p.60.

THE AUTHORITY OF THE ABBOT

The abbot was overlord and so, we might argue, he was entitled to assert his authority and utilise his land in any way that he saw fit. Despite the presence of the manorial court where they could pursue their rights under custom, the villagers seldom obtained what they wanted when they pitted themselves against the lord. Direct challenges to the abbot's control, judging by the lack of entries in the court rolls, were predictable and took the forms of poaching, of boundary transgressions, of failing to offer services and of unfair market practices through forestalling that cost the lord his stallage tax.⁴⁶⁸ Most of these transgressions impinged on the abbot's economic privileges

Every once in a while, the rolls note that a discreet reminder has been made to the overlord that he, too, has obligations to the vill: "Note that the Lord Abbot is supposed to build one bridge at Biggin Way and has not done it."⁴⁶⁹ According to the rolls, this was the same bridge that the abbot had been obliged to repair a year earlier, in 1353. In 1372 he was amerced for enclosing the portcullis at Biggin;⁴⁷⁰ earlier, in 1280, he enclosed a ditch and blocked the right of way,⁴⁷¹ and in the same year there is a presentment by the jurors that states: "The lord abbot assarted a certain alder grove called Bury Fen and made there a separate park where the men of the vill, at all times of the year, ought to have common for their animals."⁴⁷² As many of the villagers relied on common pasture for their animals, the implications of losing the right to use it or to have access to it were grave. Judging by its frequent occurrence in the court rolls, the enclosure by the almoner of the woods at Arnale during the second half of the fourteenth century was particularly

⁴⁶⁸ See *supra*, 116.

⁴⁶⁹ FP, 1354, no.41, p.356.

⁴⁷⁰ FP, 1372, no.33, p.466.

⁴⁷¹ FP, 1280, no.105, p.16.

⁴⁷² FP, 1280, no. 110, p.17.

frustrating for the villagers over a period of several years and it seems to have been an issue that remained unresolved in spite of several presentments in court. It first shows up in the leet of 1350 as a note that the wood of Arnale, where the villagers were accustomed to have common, had been enclosed for the last four years.⁴⁷³ In the view of frankpledge of 1353 there is a note “that the Cellarer of Ramsey has enclosed the woods of Arnale for three years, where the tenants of Ramsey should have common. Order to correct.”⁴⁷⁴ In 1354, amercement is excused from the Cellarer “for making a fence around Arnale, to the nuisance of the community.”⁴⁷⁵ Then, in 1370, there are two amercements for enclosures required of the abbot, one of which is for enclosing the common at Arnale; however, the amercement is excused.⁴⁷⁶

Customary rights could become contentious between lord and villein and violence was sometimes a resort in such disputes, something we may illustrate nicely through a 1312 frankpledge court entry where trespass with force and arms was committed by fourteen men “together with many others” whose identity was unknown, in that they “unjustly knocked down a dike that the Lord Abbot of Ramsey justly made in the marsh, as is permitted to him as capital lord, for his advantage, in his own property.”⁴⁷⁷ Violence of this sort does not appear in the records with any frequency, although it should be noted that disturbances of the king’s peace involving force and arms were usually presentments made to royal jurisdictions and, for the most part, beyond the scope of the frankpledge court. In this instance, from the insistence of the language it appears that the frankpledge court saw fit to emphasize the abbot’s inherent authority over any

⁴⁷³ Leet, 1350, no.76, p.329.

⁴⁷⁴ FP, 1353, no.108, p.352.

⁴⁷⁵ FP, 1354, no. 99, p.509.

⁴⁷⁶ FP, 1370, no. 24, p.457.

⁴⁷⁷ FP, 1312[2], no.110, p.195.

challenge to his rights. Apparently only one man was in court, but he was amerced 2s, a considerable sum. While it was ordered that the other offenders should be distrained to answer for their trespass, it is not clear how this would be undertaken. The villagers of Ramsey paid the price because it fell to the jurors and the bailiff to ensure that the dike was restored to its former condition.

Although there are no obvious references to peasant unrest on the Ramsey manors in the years immediately before and after 1381—the year of the Peasants’ Revolt—there are two entries that are worthy of mention. In the view of frankpledge of 1383 [1], there was an ordinance passed “That henceforth no common cowherd, shepherd or swineherd in the marsh engage in trade with his neighbours or with any other people in secret or in a suspicious place, but rather out in the open and in view of other people, under penalty of 20s.”⁴⁷⁸ In 1380 [1], seventeen villagers, both men and women, were fined for leaving town in Autumn to earn excessive wages,⁴⁷⁹ and three others were fined for the same during the summer. Both these entries suggest at the very least, willingness on the part of some to ignore the lord’s control and, on the part of the lord, the necessity of exerting it.

It may be said that the villagers have an identity revealed through the village court records, but the same thing cannot be said of the abbot of Ramsey, the overlord. He appears only as an authority and never as an individual. In no instance is it possible to remark on political unease that may or may not have influenced either the villagers or the abbot and his men in their work about the manor. The court records carry no hint of such activity or of revolt against authority except those minor incidents mentioned above. The interactions of the villagers with the authority of the manor and with each other are what

⁴⁷⁸ FP, 1383 [1], no.32, p.509.

⁴⁷⁹ FP, 1380[1], no.73, p.493.

took them to court over infractions that became the material of the court records. It is the records that are the vehicle which brings them and their lives to us.

Through the presentments of the jurors much knowledge can be gained by students and scholars of rural village life. The fact remains that the details have been utilised for demographics and legal histories, for examinations of the practices of land use, for marking changes over decades and centuries, for attempts to understand what the bonds that comprised medieval bondage really were. Little has been said of the peasants themselves and passive recounting of the passage of some of them through the parchment membranes of the court records has contributed little to what we know of the individual. The presentments of the jurors, banal though they are, reveal much of the individual peasant and what was expected of him within the community in which he lived, and his interactions with those around him.

CONCLUSION

The theme of this paper has been to show that the medieval peasant may be seen in the context of his day through careful study of village court records such as those of Ramsey, Hepmangrove and Bury. The intent has been to provide a view of the villager that reveals more about him as an individual. Broader studies, such as those with their main focus on demography, social issues, early law or geneology, do not approach the individual villager with a view to discovering more about him personally. It is an approach that is difficult because the pathways to discovering the peasant's humanity are very few and are taken tentatively because of the lack of surviving written words coming from him directly. Without such sources we must agree with the generally accepted statement that the villager of the late Middle Ages was non-literate, although he or she was beginning to understand the advantages of "literate modes".

Studying the village court records has meant understanding something of the courts themselves and of early law and of custom; it has also meant close consideration of the authority and obligations that took the villager to his courts. Through detail in the records we have discovered much of the villages and their surroundings and how the land itself was the essential part of the community's existence. We have also discovered how the community policed itself, provided for itself and shared its obligations to the abbot of Ramsey, the overlord. It has been shown that the complexities of tenure brought many of the villagers to the courts, and although the court scribe has been terse with detail in the actions themselves, there is sufficient information to enable some speculative reconstruction of an occasional presentment that came before the jury. Other reconstructions have been made from entries which provided us with enough information

to enhance thumbnail sketches of certain individuals. The scribe did not convey in so many words that John Gritford stormed out of the court in disgust when he was given one too many onerous duties, but the letter he sought from the king was sufficiently enlightening to make it a minuscule leap of imagination.⁴⁸⁰ Neither were we told that Amice, the widow of Gilbert de Aylyngtone, was a haughty lady who not only knew that her status as lord over two tenements put her at a social level above her tenants and should be acknowledged appropriately with tokens, but also understood that the omission of this detail had legal and economic significance.⁴⁸¹ Certainly we have been guilty of reading between the lines, but fortunately those lines are still there to read and provide the necessary stimulus for interpretation. It is little or no different from making many interpretations that relate to situations in modern life where we use experience as a guide. In this instance, the guide has been a translated edition of manorial court rolls without which the undertaking would have been impossible. It has been stressed more than once in this paper that one of the major impediments in attempting to understand the medieval peasant and his life is the difficulty of comprehending what belonging to a non-literate society meant. The modern student is forced into the realisation that the medieval English spoken in the village courts had to be translated into Latin by a scribe and then had to be transcribed by a modern scholar many lifetimes distant from the time and the event—and from the facile use of the Latin language. It is hardly surprising that medieval studies presents such a major undertaking!

⁴⁸⁰ See *supra.*, 85-86.

⁴⁸¹ See *supra.*, 102-103.

Helen Cam pointed out one justification in defence of the study of local history as being a close association not only to major historical issues but also to major political ones.⁴⁸² If there are such issues buried in the manorial court rolls of Ramsey and adjacent villages, they surely represent a microcosm of the ebb and flow of authority and challenge through the runnels of power, of rights gained and lost, of ground conquered and surrendered.

The interests that fuelled the work and study of many historians and scholars of rural life during the Late Middle Ages have driven this work; the sources that have been used for referral have enabled something which, if not enlightenment, is at least closer to comprehension of how the medieval past may be understood. Much has not been ventured and yet there should still remain a sense of what some entries can reveal about the men, women and children of the medieval countryside in this part of England, of the practices, restrictions, obligations and behaviour that formed the intrinsic parts of their lives. It is to be hoped that here on these pages there are resonances that may be struck whereby those of this twenty-first century can imagine that they hear the distant voices of the everyday people of medieval Ramsey, Hepmangrove and Bury.

⁴⁸² Helen Cam, *Liberties & Communities in Medieval England*, (London: Merlin Press, 1963), ix.

APPENDIX 1

BACKGROUND INFORMATION ON THE BANLIEU COURT OF RAMSEY

(DeWindt, *The Court Rolls*, Introduction, 8.) The banlieu courts in which the abbot of Ramsey exercised royal powers were the result of specific grants of immunities, the first surviving example of which is a charter of Henry I, dated 1130, declaring that the abbey, in addition to being granted “sake and soke,” “toll and team” and *infangenetheof* and being free from all Danegeld, was quit of all pleas and complaints in shire and hundred courts and also free from all ecclesiastical and secular power.⁴³ These privileges were confirmed and expanded in the reign of Henry II,⁴⁴ and, in 1240, the county court of Huntingdon could succinctly state that the abbey had the right to all writs and royal pleas involving itself or its tenants within the banlieu, including the right to appoint justices.⁴⁵ In short, by the middle of the thirteenth century, the abbey enjoyed exclusive jurisdiction over all Common Pleas and Crown Pleas cases originating or occurring within the boundaries of the banlieu.⁴⁶

⁴³ Carts., 1:242-243. See also Warren Ortman Ault, *Private Jurisdiction in England* (New Haven, 1923). For earlier charters indicating the existence of some privileges, see Carts., 1: 81(nos. 18, 19), and pp. 238-239. For a general discussion of the various privileges enjoyed by the abbot, see Sir Frederick Pollock and Frederic William Maitland, *A History of English Law before the time of Edward I* (Cambridge, 1898; rev. by S.F.C. Milsom and repr. 1968), 1: 576-579.

⁴⁴ Carts., 2:84: “Sciatis me concessisse. . . sacham etr socham, et thol et theam, et infangenetheof, et forstal, et blodwit, et murdrum et inventionem thesaurii, et omnes alias libertates coronae meae pertinentes, in terra sua, quam habent infra unam leugatem circa ecclesiam Sancti Benedicti, et omnia alia placita coronae meae pertinentia, sicut ego ipse melius et plenius habeo in regno meo, et sicut Rex Henricus, avus meus, ecclesiae praefatae concessit. . . sitque illa leugata imperpetuum queta de visionibus forestariorum, et essartis, et omnibus aliis querelis.”

⁴⁵ Carts., 1:225. “Totus comitatus. . . recordat, quod abbas de Rameseia debet placitare omnia brevia, et omnia placita, de tenentibussuis, quae sunt infra banleucam suam. Ita quod nec justiciarii domini regis, nec vice comites, nec aliquis ex parte domini regis, ibi debet intrare ad praedicta placita. Et quod idem abbas debet constituere justiciarios pro voluntate sua ad predicta placita placitanda.”

⁴⁶ Carts., 1:225. “. . . testatum est per totum comitatum, quod. . . [abbas]. . . habet. . . placitare omnia placita, tam de corona, quam de aliis, infra banleucam suam.”

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