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Manorial courts in England before 1250

Katharine Jane Stocks

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Submitted for the degree of Doctor of Philosophy

University of Durham

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1998

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## Abstract

Katharine Jane Stocks, 'Manorial courts in England before 1250' (Ph.D. thesis, University of Durham, 1998)

The thesis looks at the development of the early manorial court, outlining the research into thirteenth century courts and the sources available for study before the middle of the century. The date is significant because the earliest surviving court rolls for the courts of the lord of the manor date from 1246. Extensive use is made of evidence from account rolls, especially the Pipe Rolls of the bishopric of Winchester's estate, from the early thirteenth century. Four chapters cover the main questions discussed. Chapter II deals with when and where the courts were held and offers possible explanations for the seeming absence of courts in certain manors. Chapter III discusses what types of business were dealt with in the early thirteenth century courts and, using statistical analysis, how much business was conducted. Chapter IV covers the question of who attended court, both in terms of status and gender, and chapter V deals with the financial aspects of the court. These include studies of who made payments to court and how much they paid for different reasons.

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## Declaration

This thesis is submitted for the award of Doctor of Philosophy. No part of this thesis has been submitted previously for any other degree in this or in any other university.

## Statement of copyright

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## Acknowledgements

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My thanks also goes to the staff of the University of Durham library and of the libraries and record offices who helped me with my studies, particularly the staff of the Hampshire Record Office.

## ABBREVIATIONS

- Ault, Private Jurisdiction* Ault, W.O., *Private Jurisdiction in England* (New Haven, Yale University Press, 1923)
- Bracton* *Bracton on the Laws and Customs of England*, trans. S.E. Thorne (Cambridge, Massachusetts, Harvard University Press, 4 vols, 1968-1977)
- Battle Abbey Chronicle* *The Chronicle of Battle Abbey*, ed. and trans. E. Searle (London, Oxford University Press, 1980)
- Beckerman, 'Innovation' Beckerman, J.S., 'Procedural Innovation and Institutional Change in Medieval English Manorial Courts', *Law and History Review*, vol. x, 1992, pp.197-252
- Bennett, *English Manor* Bennett, H.S., *Life on the English Manor* (Cambridge, Cambridge University Press, 1937)
- Beveridge, 'Dating' Beveridge, W.H., 'The Winchester Rolls and Their Dating', *Economic History Review*, vol. ii, 1929, pp.93-113
- BL British Library
- Carte Nativorum* *Carte Nativorum: A Peterborough Abbey Cartulary of the Fourteenth Century*, eds C.N.L. Brooke and M.M. Postan (Northamptonshire Record Society, vol. xx, 1960)
- Cartularium Monasterii Glouc.* *Historia et Cartularium Monasterii Sancti Petri Gloucestriae*, ed. W.H. Hart (Rolls Series, 3 vols, 1863-7)
- Cartularium Monasterii Rames.* *Cartularium Monasterii de Rameseia*, eds W.H. Hart and P.A. Lyons (Rolls Series, 3 vols, 1884-93)
- Close Rolls, 1231-4* *Close Rolls of the Reign of Henry III preserved in the Public Record Office, 1227-1272* (London, H.M.S.O., 14 vols, 1908-38)
- Court Baron* *The Court Baron*, eds F.W. Maitland and W.M. Paley (Selden Society, vol. iv, 1891)

- Court Rolls, Adam de Stratton* *Court Rolls of the Wiltshire Manors of Adam de Stratton*, ed. R.B. Pugh (Wiltshire Records Society, vol. xxiv, 1970)
- Curia Regis Rolls* *Curia Regis Rolls of the Reign of Henry III* (London, H.M.S.O., 17 vols, 1922-91)
- Domesday Book* *Domesday Book: Seu Liber Censualis Wilhelmi Primi Regis Angliae*, eds A. Farley and H. Ellis (London, 4 vols, 1783-1816)
- Drew, 'Portland' Drew, J.S., 'Early Account Rolls of Portland, Wyke and Elwell', *Dorset Natural History and Archaeology Society Proceedings*, vol. lxvii, 1946, pp.34-54
- Drew, 'Wyke' Drew, J.S., 'Early Account Rolls of Portland, Wyke and Elwell', *Dorset Natural History and Archaeology Society Proceedings*, vol. lxvi, 1945, pp.31-45
- Du Cange, *Glossarium* Du Cange, C. du F., ed., *Glossarium ad Scriptores Mediae et Infimae Latinitatis* (Niort, L. Favre, 10 vols, 1883-7)
- Early Yorkshire Charters* *Early Yorkshire Charters*, eds W. Farrer and C.T. Clay (Edinburgh, Ballantyne, Hanson and Co., 12 vols, 1914-65)
- Elton Manorial Records* *Elton Manorial Records, 1279-1351*, ed. and transcribed S.C. Ratcliffe, translated D.M. Gregory (The Roxburghe Club, 1946)
- Faith, *English Peasantry* Faith, R., *The English Peasantry and the Growth of Lordship* (London, Leicester University Press, 1997)
- Fryde, *British Chronology* Fryde, E.B., et al., eds, *Handbook of British Chronology* (3rd edn, Royal Historical Society, 1986)
- Harvey, *Cuxham* Harvey, P.D.A., *A Medieval Oxfordshire Village: Cuxham 1240-1400* (London, Oxford University Press, 1965)

- Harvey, 'Treatises' Harvey, P.D.A., 'Agricultural Treatises and Manorial Accounting in Medieval England' *Agricultural History Review*, vol. xx, 1972, pp.170-82
- Harvey, 'Inflation' Harvey, P.D.A., 'The English Inflation of 1180-1220', *Past and Present*, no. lxi, 1973, pp.3-30
- Harvey, *Manorial Records* Harvey, P.D.A., *Manorial Records* (Archives and the User, no.5; London, British Records Association, 1984)
- Hatcher, 'Serfdom' Hatcher, J., 'English Serfdom and Villeinage: Towards a Reassessment', *Past and Present*, no. xc, 1981, pp.3-39
- Hilton, 'Freedom' Hilton, R.H., 'Freedom and Villeinage in England', *Past and Present*, no. xxxi, 1965, pp.3-19
- Homans, *English Villagers* Homans, G.C., *English Villagers of the Thirteenth Century* (Cambridge, Massachusetts, Harvard University Press, 1942)
- HRO Hampshire Record Office
- Jocelin of Brakelond* *The Chronicle of Jocelin of Brakelond concerning the Acts of Samson Abbot of the Monastery of St. Edmund*, ed. and trans. H.E. Butler (London, Thomas Nelson and Sons, 1949)
- Kosminsky, *Studies* Kosminsky, E.A., *Studies in the Agrarian History of England in the Thirteenth Century* (Oxford, Basil Blackwell, 1956)
- Leges Henrici Primi* *Leges Henrici Primi*, ed. and trans. L.J. Downer (London, Oxford University Press, 1972)
- Levett, *Manorial History* Levett, A.E., *Studies in Manorial History* (London, Oxford University Press, 1938)
- Maitland, *Domesday Book* Maitland, F.W., *Domesday Book and Beyond* (Cambridge, Cambridge University Press, 1897)
- May, 'Franchise' May, A.N., 'The Franchise in Thirteenth Century England, with special reference to the Estates of the Bishopric of Winchester' (unpublished Ph.D. thesis, University of Cambridge, 1960)

- May, 'Impoverishment' May, A.N., 'An Index of Thirteenth Century Peasant Impoverishment? Manor Court Fines', *Economic History Review*, 2nd ser., vol. xxvi, 1973, pp.389-402
- Oschinsky, *Walter of Henley* Oschinsky, D., *Walter of Henley and other Treatises on Estate Management and Accounting* (London, Oxford University Press, 1971)
- Pollock and Maitland, *History* Pollock, F., and F.W. Maitland, *A History of English Law* (2nd edn, Cambridge, Cambridge University Press, 2 vols, 1898)
- Post, 'Amercements' Post, J.B., 'Manorial Amercements and Peasant Poverty', *Economic History Review*, 2nd ser., vol. xxviii, 1975, pp.304-11
- PRO Public Record Office
- Razi and Smith, 'Historiography' Razi, Z., and R. Smith, 'The Historiography of Manorial Court Rolls', in *Medieval Society and the Manor Court*, eds Z. Razi and R. Smith (London, Oxford University Press, 1996)
- Razi and Smith, 'Origins' Razi, Z., and R. Smith, 'The Origins of the English Manorial Court Rolls as a Written Record: A Puzzle', in *Medieval Society and the Manor Court*, eds Z. Razi and R. Smith (London, Oxford University Press, 1996)
- Select Pleas* *Select Pleas in Manorial and other Seignorial Courts*, ed. F.W. Maitland (Selden Society, vol. ii, 1889)
- Statutes of the Realm* *The Statutes of the Realm* (London, 10 vols, 1810-28)
- Stenton, *Anglo-Saxon England* Stenton, F.M., *Anglo-Saxon England* (3rd edn, London, Oxford University Press, 1971)
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- Titow, *Rural Society* Titow, J.Z., *English Rural Society, 1200-1350* (London, George, Allen and Unwin, 1969)
- Van Caenegem, *Royal Writs* Van Caenegem, R.C., *Royal Writs in England from the Conquest to Glanville. Studies in the Early History of the Common Law* (Selden Society, vol. lxxvii, 1958-59)
- VCH *The Victoria History of the Counties of England* (in progress, 1900- )
- Vincent, 'Winch. Pipe Rolls' Vincent, N., 'The Origins of the Winchester Pipe Rolls', *Archives*, vol. xxi, 1994, pp.25-42
- Winchester Pipe Roll, 1208-9* *The Pipe Roll of the Bishopric of Winchester 1208-9*, ed. H. Hall (London, London School of Economics and Political Science, 1903)
- Winchester Pipe Roll, 1210-11* *The Pipe Roll of the Bishopric of Winchester 1210-1211*, ed. N.R. Holt (Manchester, Manchester University Press, 1964)

## I Background and sources

The aim of this thesis is to study the development of the early manorial court before 1250. The simple but fundamental questions of ‘who, what, when, where and why’ will be addressed in later chapters, but the main purpose of chapter I is to detail what we currently know about the early development of the manorial court and to introduce the sources used in subsequent chapters. It will become apparent that relatively few studies have been conducted on the early development of the manorial court and that most of the work has focused on the late thirteenth century because this is the earliest time from which we have rolls of court. Evidence from before 1250, the main bulk of which is from the first half of the thirteenth century, takes various forms and its sources are described in section three.

### The origins of the manor and its court

Before one can embark on a history of the manorial court, one must look first at the history of the manor itself. Many historians argued that the form of estate structure which became known as the manor came to prominence around the time of the Norman Conquest. P. Vinogradoff, for example, placed the formation of the manor firmly after the Norman Conquest, whereas F.W. Maitland and F.M. Stenton allowed for some Norman influenced development prior to 1066.<sup>1</sup> It was thought that, for much of the Anglo-Saxon period, society was based on the free ceorl who owned his hide of land and who had no lord but the king. These men formed free, lordless communities, with the smallest community unit being known as the mark. J.M. Kemble described the mark as a voluntary association of free men who were basically self-sufficient: each mark organised its own system of cultivation and were, in effect, a union which could deal with the administration of justice and the security of their own community.<sup>2</sup>

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<sup>1</sup> P. Vinogradoff, *The Growth of the Manor* (3rd edn, London, George Allen and Unwin, 1920), esp. p.365. Maitland, *Domesday Book*, esp. pp.140-163 and pp.374-97. Stenton, *Anglo-Saxon England*, esp. pp. 470-502.

<sup>2</sup> J.M. Kemble, *The Saxons in England* (London, Longman, Brown, Green and Longmans, 2 vols, 1849), i, pp.35-71.

F. Seebohm, writing in 1883, was one of the first to challenge Kemble's theory.<sup>3</sup> The 'classical' manor, as described by J.Z. Titow, consisted of four elements: the demesne; land in the hands of tenants; dependent peasantry; the owner's rights of lordship over the manor's inhabitants.<sup>4</sup> Seebohm suggested that land had been divided into land held in demesne and land held in villeinage long before the Norman Conquest and that there was evidence to suggest that 'hams' and 'tuns' of the sixth century may also have been, in effect, manors. His argument was supported by evidence from the tenth century, the *Rectitudines Singularum Personarum* and two documents dated 900 and 956 A.D., from the seventh century, the Laws of Ine, and from the sixth century, the laws of Ethelbert.<sup>5</sup> His views were not popular, however, until T.H. Aston and H.P.R. Finberg challenged the then accepted view of Anglo-Saxon society in the late 1950s and early 1960s.<sup>6</sup>

T.H. Aston, writing in 1957, argued that Anglo-Saxon society was not a free, equal, peasant society, but a hierarchical society where the king granted actual land which in turn gave the recipient landlord rights over the peasants on the land. He reinforced Seebohm's point that, although there was no reference to a manor, a distinction was made between demesne land and peasant land as early as the Laws of Ine, 688-726.<sup>7</sup> The distinction rested on the interpretation of 'gesett land', the phrase used in the Laws of Ine. Some historians, such as F. Liebermann, had interpreted the term as 'sown land' or 'cultivated land' whereas Seebohm and Aston viewed the term to mean 'land settled by tenants'.<sup>8</sup> If the land was 'settled by tenants', this would imply ownership of the land by a lord who rented part of his land to others thereby fulfilling at

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<sup>3</sup> F. Seebohm, *The English Village Community* (London, Longmans, Green and Co., 1883), pp.126-80.

<sup>4</sup> Titow, *Rural Society*, p.18. Titow did note that there were exceptions to this 'classical' interpretation. E.A. Kosminsky detailed six variations on the classical manor found in the Hundred Rolls (1279), but noted that over half of the manors were of the 'classical' type and that probably not less than 80 per cent of the manors recorded either consisted of the demesne, villein and freehold lands (type a) or demesne and freehold lands only (type b), where figures could be ascertained. Kosminsky, *Studies*, pp.84-6.

<sup>5</sup> F. Seebohm, *The English Village Community* (London, Longmans, Green and Co., 1890), pp.126-80 and p.457.

<sup>6</sup> T.H. Aston, 'The Origins of the Manor in England', *Transactions of the Royal Historical Society* (5th ser., vol. viii, 1958), pp.59-83. H.P.R. Finberg, *Lucerna: Studies of Some Problems in the Early History of England* (London, Macmillan and Co. Ltd, 1964), pp.131-43.

<sup>7</sup> T.H. Aston, 'The Origins of the Manor in England', *Transactions of the Royal Historical Society* (5th ser., vol. viii, 1958), pp.59-83.

<sup>8</sup> *Die Gesetze der Angelsachsen*, ed. F. Liebermann (Halle, Max Niemeyer, 3 vols, 1898-1916), i, pp.88-123.

least two of Titow's four general characteristics: demesne land and land in the hands of tenants. The land, according to Aston, was usually colonised to a certain extent and the grant of land also gave landlord rights, thus fulfilling a further element of Titow's 'classical' manor.

H.P.R. Finberg re-examined the two documents used by Seebohm and severely criticised F.W. Maitland's dismissal of their authenticity. Finberg argued that, as Seebohm had suggested, the charters provided substantial evidence to illustrate the existence of a manorial arrangement during the tenth century.<sup>9</sup> The form of estate structure which later became known as the manor was not, therefore, an eleventh century creation but seems to have been in use in the tenth century, with its origins being placed at least as early as the late seventh century.

A significant contribution to the debate on the growth of a hierarchical society in the Anglo-Saxon period has recently been made by R. Faith. Drawing together work conducted on the late Anglo-Saxon development of field systems and the emergence of the nucleated settlement, the village, Faith has challenged the traditional interpretation of the composition of the manor. The phrase *in dominio* in the thirteenth century means lands worked directly by the lord, his home farm, not let to tenants. The core of Faith's argument was that land held *in dominio* in earlier periods, the lord's *inland*, should be viewed not simply as the discrete home farm area but as including the lands of the tenants who worked it. It was only the new emphasis on seignorial space under the Anglo-Normans and the creation of the separate home farm which led to a narrowing in the use of the term.<sup>10</sup> The full implications of this argument have yet to be appreciated, but this will obviously affect the view of the early development of the manorial court.

Few historians have discussed the early manorial court in any great length. C.M. Andrews, writing in 1892, did stress the importance of manorial jurisdiction in the development of the manor and suggested that the court could be traced back to the

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<sup>9</sup> H.P.R. Finberg, *Lucerna: Studies of Some Problems in the Early History of England* (London, Macmillan and Co. Ltd, 1964), pp.131-43.

<sup>10</sup> Faith, *English Peasantry*, esp. pp. 201-2 and 221-3.

beginning, at least, of the tenth century.<sup>11</sup> He noted that he was reluctant to discuss the matter further, however, as, rather poetically, the ‘question of pre-Norman manorial jurisdiction is involved in obscurity and as yet the clouds have not sufficiently cleared for us to introduce any satisfactory discussion here’.<sup>12</sup> F.W. Maitland, writing in 1897, noted that the origins and antiquity of seignorial justice had been treated with some hesitancy, the texts leaving much room for differences of opinion.<sup>13</sup> The texts are limited in number and often ambiguous, but the alteration of the interpretation of Anglo-Saxon society necessitates a re-examination of the early development of seignorial justice.

The term most commonly used to describe a manorial court after 1066 up to about the late twelfth century was *halimotum*, the Latinized English form of the Anglo-Saxon hallmoot. The first documented use of the word *halimotum* appears in the *Leges Henrici Primi*, which was a compilation of older laws and other material written in about 1118.<sup>14</sup> The adaptation of the word from the Anglo-Saxon and the use of what were mainly Anglo-Saxon laws suggest that a type of local private court was most likely to have been in place well before 1066. F.M. Stenton noted that the use of the Old English *heall gemot* did suggest that such courts were in use before the Conquest, but his interpretation of Anglo-Saxon society led him to suggest that such courts were in use under Edward the Confessor and no comment was made on the possible origins of the court.<sup>15</sup> J.M. Kemble wrote about the court of the markmen, *mearcmót*, by which each mark dealt with the affairs of the community in isolation from all other marks: each mark had its own customs.<sup>16</sup> Interestingly, he commented that these different customs seemed anomalous in a different order of social existence, by which he meant the relationship between lord and tenant. In the attached footnote he specifically mentioned manors and the territorial jurisdiction of a lord which continued to use the individual

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<sup>11</sup> C.M. Andrews, *The Old English Manor* (Baltimore, John Hopkins Press, 1892), pp.66 and 79-81. For a critique of Kemble’s work, see pp.1-81.

<sup>12</sup> *ibid.*, p.137.

<sup>13</sup> Maitland, *Domesday Book*, p.307.

<sup>14</sup> Du Cange, *Glossarium*, iv, p.159. *Leges Henrici Primi*, pp.3-4.

<sup>15</sup> Stenton, *Anglo-Saxon England*, p.502.

<sup>16</sup> The word *mearcmót* was found in *Codex Diplomaticus Aevi Saxonici*, ed. J.M. Kemble (English Historical Society, 6 vols, 1839-48), iii, p.71. The document, from the reign of Edgar, was dated 971.

customs of the mark. The later courts of the great landowners, he continued, were adaptations of the mark courts, with the lord himself having been the first markman, entrusted to be the so-called defender of the free man.<sup>17</sup> The development of the manorial court from the Anglo-Saxon courts was, therefore, recognised, but the generally held view of Anglo-Saxon society ensured the development was given a date no earlier than the eleventh century.

With the change in the general interpretation of Anglo-Saxon society, it would be easy to assume that, as elements of the manorial structure can be traced back to the seventh century, elements of the manorial court could also be identified. It is at this point that we must look at the terminology used and define exactly what is meant by a court. The word hallmoot itself was derived from *hall* and *gemot*, meaning a meeting or assembly in the hall of the lord.<sup>18</sup> These terms do not immediately suggest that the Anglo-Saxon lord held a court as such for his tenants but, if the peace of the community was to be maintained, incidents of damage to property and so forth would have had to have been dealt with in a meeting of some kind. The difference between a general meeting in which a lord punished a peasant for damaging crops and a specific court where a peasant was amerced for the same type of incident is, in effect, minimal. Ultimately it is the difference between a general meeting in which matters of local custom were dealt with and a meeting specifically for matters of local custom. The question which arises naturally, therefore, is at what point did this change of emphasis occur? At what point did the meeting become a recognisable manorial court? The records of payments to court in the first half of the thirteenth century show that the earliest court rolls of the mid-thirteenth century do not represent the origins of the manorial court. As we shall see, no fundamental changes occurred in the recording of payments to court in the records we have of manorial courts in the early thirteenth century, suggesting that the courts, by then, were well established.<sup>19</sup> A confirmation charter of a grant of land by the prioress of Nuneaton, c.1155, witnessed by the

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<sup>17</sup> J.M. Kemble, *The Saxons in England* (London, Longman, Brown, Green and Longmans, 2 vols, 1849), i, pp.54-5 and 54n.

<sup>18</sup> H. Kurath *et al.*, eds, *Middle English Dictionary* (University of Michigan, Ann Arbor, in progress, 1952-), iv, p.450-1 and vi, p.720.

<sup>19</sup> See p.46.

hallmoot, suggests that the hallmoot did have a specific identity in real terms as well as in royal documentation in the mid-twelfth century, but the witnessing of actions confirmed by charter may have occurred equally in a general meeting or in a court.<sup>20</sup> The distinction between administration and judgement seems to have been emerging in the early thirteenth century and gradually the hallmoot became associated with the legal rather than the administrative aspects of manorial life. Exceptions to the strict separation of administration and judgement, however, can still be found in the thirteenth century records. The accounts of Froyle (Hants.), a manor of St Mary's Abbey, Winchester, provide a mid-thirteenth century example where an administrative matter seems to have been recorded in the section of accounts which dealt with payments to court, presumably because the administrative business was conducted in the court itself. The first entry in the court payment section of the account rolls, which recorded all payments to court, was often a payment for pasture sold followed by a payment for or in lieu of carriage (by pack animals). Only an amount of payment was noted in such cases, not those liable for the payment, which distinguishes them from the rest of the payments in that section of the accounts. The distinction may only be one of recording procedure, however, as selling pasture without the permission of the lord would have been seen, no doubt, as a punishable act. The court roll of the manor of Urchfont (Wilts.), also a manor of St Mary's Abbey, for December 1259 shows that business other than strictly court business was recorded in the early court rolls. The roll began with an estimate of unthreshed corn and a list of livestock in the demesne which were presumably made in court.<sup>21</sup> The development of the manorial court, therefore, seems to be from a general meeting dealing with all matters including infractions of custom to a specific court which dealt mainly with judicial matters but could also be used, on occasion, at least until the mid-thirteenth century, as a forum for more general purposes. The timing of this development will be discussed further in the conclusion to the thesis.<sup>22</sup>

The manor was the basic unit of private estate management and was managed in one of two ways: direct control or leasing. By far the most common form of

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<sup>20</sup> See p.100.

<sup>21</sup> Harvey, *Cuxham*, p.80.

<sup>22</sup> See pp.174-6.

management in the twelfth century was leasing of some form, the renting out of manors for a predetermined return in kind or money. The Chronicle of Battle Abbey noted that, throughout the estate, the best land was kept in hand for the church's demesne and the rest was rented out.<sup>23</sup> However, the economic situation in the late twelfth and throughout much of the thirteenth century persuaded many great landlords to take direct control of their manors and to elect a representative from each manor who would be financially accountable to the lord for all income and expenditure as well as the stock of the manor. This situation was arguably brought about by the rise in prices for agricultural produce from about 1160 onwards, especially between 1180 and 1220 which was a period of high inflation.<sup>24</sup> Population was also increasing at this time, pushing prices still higher. The lords would have benefited from these economic factors whether they continued to lease their lands or took them into direct control, but controlling the manors directly was more flexible and they could benefit immediately from further increases in prices. Jocelin of Brakelond noted that Abbot Samson had received £25 and £20 from land in successive years where a knight had offered him only £4 in rent. 'This happening and the like made him hold everything in his own hands', saving only one manor.<sup>25</sup> The adoption of the direct control of the manors, or demesne farming as it has become known, was not universal, however: the bishop of Winchester, for example, seems to have kept certain manors under lease throughout the early thirteenth century.<sup>26</sup>

A large proportion of the revenue of a manor was from the sale of agricultural produce, but it was by no means the only source of revenue. Labour services, required for profitable agricultural production, were demanded by the lord from many of his tenants and failure to carry out these services properly incurred a payment in the lord's court. The court of the lord of the manor not only dealt with amercements paid for failure to perform services due to the lord but certain lords could also hear a great variety of cases, ranging from incidents of pigs being let loose in the lord's corn field to

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<sup>23</sup> *Battle Abbey Chronicle*, p.77.

<sup>24</sup> Harvey, 'Inflation', pp.3-30.

<sup>25</sup> *Jocelin of Brakelond*, p.33. Abbot Samson was elected in 1182 and died in 1211.

<sup>26</sup> The manors usually noted as being 'at farm' are Fawley and Ower (both Hants.). Orgarswick (Kent), a Christchurch Cathedral Priory manor, was also at farm in 1207-8.

incidents of obstructing the king's highway. The jurisdictional right to hear these two case examples, however, was not the same and not all lords could necessarily hear cases of obstructing the king's highway. It needs to be established, therefore, by what right the lord of the manor held a court and, consequently, what cases could be heard.

### Early development of the manorial court

Few historians have concerned themselves with the early development of manorial courts. F.W. Maitland's seminal work *Select Pleas in Manorial and other Seignorial Courts* looked to the early development of private courts, but even this work described them 'as they were at the end of the thirteenth century'.<sup>27</sup> There has, however, been a recent revival of interest of work on the early courts, begun in 1980 by P. Hyams. His work on the common law in the twelfth and thirteenth centuries dealt with the difficult topic of a villein's legal status.<sup>28</sup> J.S. Beckerman, in 1992, looked more towards the court itself in discussing changes in the procedure of court between 1250 and 1350.<sup>29</sup> More recently, in 1996, Z. Razi and R. Smith edited a work entitled *Medieval Society and the Manor Court*. As the title suggests, this was not solely a work on the manorial court, but its place in medieval society. The collection of essays were all based on the use of the court roll and a survey of the extant court rolls forms an appendix to the volume.<sup>30</sup>

The late thirteenth century provides a benchmark for manorial court development not because of any particular development in court procedure, necessarily, but because of developments in recording practice. The 1270s was the first decade from which court rolls for manorial courts survive in significant numbers. Many detailed court rolls, however, survive from the fourteenth century and, as a result, the description

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<sup>27</sup> *Select Pleas*, p.xvi.

<sup>28</sup> P.R. Hyams, *King, Lords and Peasants in Medieval England; The Common Law of Villeinage in the Twelfth and Thirteenth Centuries* (London, Oxford University Press, 1980).

<sup>29</sup> Beckerman, 'Innovation', pp.197-252. This article was based on Beckerman's Ph.D. thesis; J.S. Beckerman, 'Customary Law in English Manorial Courts in the Thirteenth and Fourteenth Centuries' (unpublished Ph.D. thesis, University of London, 1972).

<sup>30</sup> Z. Razi and R. Smith, eds, *Medieval Society and the Manor Court* (London, Oxford University Press, 1996).

of manorial courts at the end of the thirteenth century is often retrospective in nature: the court is most frequently described by historians as a combination of later courts recorded in the manorial court rolls, the court baron and the court leet. It is necessary, therefore, to understand what is meant by these terms.

The court baron was a private court with its jurisdiction based not on the granting of royal rights by the king but on the right of every lord to hold a court for his tenants. Judgements were made according to the custom of the manor, which varied considerably between manors and was attested to by the lord's tenants. Suit, the requirement to attend court, was owed by every tenant of the lord and the court dealt with the everyday life of the manor and its tenants. The court heard cases about tenure of land, customary services due, customary payments due and the settling of disputes, and was the only court which could deal with matters of villein tenure and conditions of service.<sup>31</sup> The court also heard many cases dealing with such things as agrarian offences, administrative failures and also matters of court procedure. The cases dealt with in this court were not generally criminal affairs but matters affecting the running and profitability of the manor, and it was in that role that the court was also used for the election of manorial officials, such as the reeve.<sup>32</sup>

The jurisdiction of the court leet was royal in nature, exercised by a lord by grant of the king, and was, in effect, the sheriff's tourn in private hands. The sheriff's tourn was a special session of the hundred court, held twice a year, to deal with minor criminal matters, such as bloodshed, and with major criminal matters which were then presented to the justices.<sup>33</sup> In addition to these, the sheriff also took the view of frankpledge, whereby the tithings were checked to see whether they were full and that every boy over the age of twelve was in a tithing. The tourns came to be known simply

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<sup>31</sup> Harvey, *Manorial Records*, pp.45-6, and *Winchester Pipe Roll, 1210-11*, p.xxvii. See below pp.24-9 on legal freedom and villeinage status.

<sup>32</sup> Occasional references are also made by historians to customary courts, although F.W. Maitland did state that he had not come across such a term in the original documents. *Select Pleas*, pp.xvi-xvii.. The customary court was a much later development, noted by Coke in the seventeenth century, held for the unfree tenants of the lord, as opposed to the court baron which then became a court specifically for the free tenants. See W.S. Holdsworth, *A History of English Law* (London, Methuen and Co. Ltd, 16 vols. and index, 1922-72), i, 1922, pp.181-2, for more detail.

<sup>33</sup> For further discussion of the articles of enquiry for the sheriffs' tourns, see below, pp.90-1.

as views of frankpledge, despite the view being only one element of the tourn's business, and, by the beginning of the fourteenth century, the tourns in private hands became known as courts leet.<sup>34</sup> The sheriff's tourn, by the 1217 reissue of Magna Carta, was to be held at Michaelmas and Easter. In practice, however, the tourns and the view of frankpledge may well have been held more frequently by the sheriffs, or at different times: the clause was included in the numerous reissues of Magna Carta up to 1297 and complaints against sheriffs holding tourns more frequently than twice a year were heard as late as 1357.<sup>35</sup> It may well be the case, therefore, that private tourns, the courts leet, were also held more frequently.

To view the thirteenth century court as a body containing these later developments within it has certain merits, but the court of the lord of the manor was, ultimately, their predecessor: the distinct courts developed from the general court of the lord of the manor, not vice versa. It seems far more accurate to treat the single court of the lord not as a combination of courts but as a court dealing with two types of jurisdiction: private and royal. After all, the *quo warranto* proceedings of the late thirteenth century did not ask which courts were held by a lord but what powers did his court exercise?<sup>36</sup> The demarcation of private and royal justice only began to emerge as a result of the Angevin legal reforms which were crystallised towards the end of the thirteenth century by Edward I. The rights exercised by many of the lords in the late thirteenth century had gradually been claimed as royal rights by the crown from the reign of Henry I onwards: F.W. Maitland described the main developments in the extension of royal jurisdiction, mainly under Henry II, which encroached severely on private jurisdiction.<sup>37</sup> Great efforts to reserve royal rights for the crown or, at least, have royal rights recognised as such were made by Edward I and from the Statute of Quo

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<sup>34</sup> W.A. Morris, *The Frankpledge System* (London, Longmans, Green and Co., 1910), pp.1-41, 112-150, especially pp.118-19 and 132. See *Select Pleas*, pp.lxxiii-lxxvi for the origins of the term 'leet'.

<sup>35</sup> *Statutes of the Realm*, i, p.19 of Charter of Liberties section. W.A. Morris, *The Frankpledge System* (London, Longmans, Green and Co., 1910), pp.118-20.

<sup>36</sup> *Select Pleas*, pp.xvii-xviii.

<sup>37</sup> *ibid.*, pp.liii-lx.

Warranto in 1290 the right to exercise royal jurisdiction, to hold a franchise, was to be issued by royal charter.<sup>38</sup>

Edward I, however, had to recognise existing claims to franchisal (royal) jurisdiction based on grants of Anglo-Saxon soc, sac, toll, team and infangthief held before the coronation of Richard I. Soke was the right to hold a court dealing with certain offences deemed to be under royal jurisdiction: the lord who held soke could hear cases such as bloodshed which, by that time, would normally have been heard in the hundred or county court. F.W. Maitland believed that soke was the right to hold a court for one's tenants, a grant by the king to enable a lord to hold his own court.<sup>39</sup> This interpretation of soke, however, was significantly affected by Maitland's view of Anglo-Saxon society. If Anglo-Saxon society was a society of equals, bar the king, only the king could hold a court for his subjects. The granting of soke, therefore, was seen as a special award by the king for a lord to hold a court for one's tenants. F.M. Stenton, holding a similar opinion, noted that it could be generally assumed that soke was awarded with a land grant by 1066.<sup>40</sup> With the reinterpretation of Anglo-Saxon social structure, however, the right to hold a court to deal with the infractions of custom by one's tenants would seem to have been an inherent part of lordship rather than a specific right awarded by the king: ultimately in a hierarchical society some form of custom or law enforcement would be necessary. The awarding of soke, therefore, seems to have granted additional royal rights of jurisdiction in addition to the basic laws stipulated by the custom of each individual manor.

The *Leges Henrici Primi*, c.1118, stated that the right of soke was usually but not automatically awarded when land was granted or confirmed by the king. High ranking men, such as archbishops, bishops and earls, had the rights of soke, sake, toll, team and infangthief over the lands which they held by virtue of their office and also had the rights of soke and sake over the less serious cases on lands which they held

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<sup>38</sup> See, for example, T.F.T. Plucknett, *Legislation of Edward I* (London, Oxford University Press, 1949), esp. pp.35-48 for further details.

<sup>39</sup> *Select Pleas*, pp.xxii-xxiii.

<sup>40</sup> Presumably this notion was taken from the *Leges Henrici Primi*, ch. 20, 2, p.123, see below.

privately.<sup>41</sup> The awarding of soke was usually accompanied by sac, toll, team and infangthief, all of which conveyed complimentary rights. Sac was the right to the amercements received from the court held by right of soke: soc and sac, therefore, were usually granted together.<sup>42</sup> The earliest extant use of the phrase soc and sac is found in a charter from King Eadwig to the Archbishop of York in 956, the earliest extant grant of the right of royal jurisdiction.<sup>43</sup> Toll has been interpreted as the right to tallage one's villeins, but the term may have originally been interpreted as the right to take tolls or be quit of tolls, a royal rather than a general right of lordship. This would have enabled a lord to demand a payment whenever cattle or goods were sold within his lands. Similarly team has been interpreted as the right to the possessions of one's villeins including their children, but may originally have been the right to hold a court which could hear cases where men were accused of wrongful possession of cattle, for which the usual proof of innocence was the guarantee by witnesses to the original payment of toll.<sup>44</sup> Infangthief was the right to hang one's own thieves caught on one's own land, with the more unusual utfangthief being the right to hang one's own thieves wherever they were caught.<sup>45</sup> These grants, therefore, enabled the lord to deal with matters of royal jurisdiction as well as matters concerning the running of the manor.

Occasionally, it seems that a lord could be awarded specific rights, rather than the standard soc, sac, toll team and infangthief. One charter, dated between 1158 and 1162 details the franchise granted by King Henry II to Meaux Abbey. The monks received courts in their demesne lands with the forfeitures of fugitives and felons, infangthief, the assize of bread and ale and the free appointment of bailiffs, constables and all officers, with the authority to judge and carry out judgements, amercements and

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<sup>41</sup> 'The soke of the king does not pass with the granting of the manor; this will depend on personal arrangements.' *ibid.*, ch. 19, 3, p.123. Harvey, *Manorial Records*, p.45. As late as the early thirteenth century, however, it may have been the case that a lord who held a manor not directly of the Crown would require the permission of his overlord to hold a court for his tenants. The example quoted was that of Gilbert de Gant who specifically granted Bridlington Priory (Yorks.) the right to hold a court for the priory's tenants in Edenham (Lincs.).

<sup>42</sup> *Select Pleas*, pp.xxii-xxiii.

<sup>43</sup> Stenton, *Anglo-Saxon England*, pp. 494-5.

<sup>44</sup> *Select Pleas*, pp.xxii-xxiii. Stenton, *Anglo-Saxon England*, p.498.

<sup>45</sup> W.S. Holdsworth, *A History of English Law* (London, Methuen and Co. Ltd, 16 vols. and index, 1922-72), i, 1922, p.20.

forfeitures anywhere in their lands.<sup>46</sup> Another charter, dated between 1150 and 1165, granted soke for the view of forest pleas to the Priory of Cranborne (Dor.).<sup>47</sup>

The granting of soke, therefore, transferred rights to hear cases which were deemed to be under royal jurisdiction. The lord of the manor who held soke could hear cases dealing with both private and royal jurisdiction, with his authority in each case coming from the relationship between lord and tenant and a royal grant respectively. A mid-thirteenth century court could, for example, deal with marriage licences and then infringements concerning the assize of ale. Bishops Fonthill (Wilts.), which was a manor in the bishopric of Winchester's estate, provides one such example. In 1247-8, John Snelgar paid 2s. for his daughter Alice to be married and then paid 6d. for breaking the assize of ale.<sup>48</sup> The first payment is a strictly 'domanial' one, being a payment to obtain the lord's licence for the daughter of an unfree tenant to marry, while the second payment concerns specifically royal jurisdiction. Presumably the detailing of the type of jurisdiction by which a case was heard was not generally considered to be of sufficient importance to be noted in the court records. The interspersal of domanial and assize entries in the records of these court proceedings in the mid-thirteenth century clearly shows that no real distinction was made between jurisdictions in this single court of the lord.

By the late twelfth century, in addition to the jurisdictional rights described above, a large number of lords controlled the jurisdiction of an entire hundred, thus having royal jurisdictional rights over their own men in the hundred and over the men of other lords, as the manor and the hundred were rarely, if ever, geographically coterminous.<sup>49</sup> The *Leges Henrici Primi* mentions 'a soke which some have on their own land over their own men, and which some have over their own men and over strangers', which may refer to such a situation.<sup>50</sup> A dispute over conflicting royal rights granted for a lord's own tenants and for those which encompassed an entire hundred

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<sup>46</sup> *Early Yorkshire Charters*, iii, p.101.

<sup>47</sup> *Earldom of Gloucester Charters*, ed. R.B. Patterson (London, Oxford University Press, 1973), pp.64-5.

<sup>48</sup> HRO 11M59/B1/21

<sup>49</sup> *Select Pleas*, p.xxvi.

<sup>50</sup> *Leges Henrici Primi*, ch. 9, 4a, p.107.

arose between the archbishop of Canterbury and the abbot of St Edmund's in 1186, when a man was murdered in a manor belonging to the archbishopric but which was in the abbot's hundred. The quarrel over jurisdictional rights was brought before the king who, on inspecting the charters of both parties, declared that the charters contradicted each other and that he knew 'not what to say', and the suit remained 'unjudged'.<sup>51</sup> H.M. Cam elaborated on this close association between seignorial control of royal rights in the manor and the hundred, drawing attention to the distinction in terminology between *hundredum intrinsecum* in which royal rights of jurisdiction and suit of court were granted over the lord's own lands, and *hundredum forinsecum*, where the same rights were granted over land which was not held in demesne.<sup>52</sup> The bishopric of Winchester's manor of Taunton (Som.) provides an excellent example of this as the estate accounts record court payments from a *hundredum forinsecum*.<sup>53</sup>

Thus, courts held by the lord of the manor as late as the mid-thirteenth century dealt with a wide variety of matters under different jurisdictions. Not only did the court deal with 'domanial' or customary matters about the social and economic business of the manor but they also dealt with minor and, on occasion, major criminal cases as a result of the interpretation of soke. Nor were the courts necessarily restricted to the territorial boundaries of the manor but could encompass an 'external hundred'. They were not the distinct courts of the courts leet and the courts baron of the fourteenth century, but a combination of all jurisdictions held by the particular lord.<sup>54</sup> It is this combination of jurisdictions, which must be seen as a whole rather than a sum of its parts, which was known as the hallmoot or manorial court.

The courts were held by the lord of the manor or his steward or other officials and every direct tenant who participated in the life of the manor had obligations to the

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<sup>51</sup> *Jocelin of Brakelond*, pp.50-2 and p.51n. The charters referred to are those outlining the liberties awarded to each religious establishment.

<sup>52</sup> H.M. Cam, '*Manerium cum Hundredo: the Hundred and the Hundredal Manor*' in *Liberties and Communities in Medieval England*, ed. H.M. Cam (London, Merlin Press, 1963), pp.64-89.

<sup>53</sup> The entries in the perquisite section for Taunton in the Winchester Pipe Rolls are sub-divided into various manors, such as Holway and Staplegrave, with the final division being that of 'hundredum forinsecum'.

<sup>54</sup> *Select Pleas*, pp.xvi-xvii.

court. The suitors at the lord's court, therefore, consisted of what royal jurisdiction considered to be both free and unfree tenants. Freedom, or privilege, is a matter of type and degree and is, thus, often difficult to gauge.<sup>55</sup> It is a complicated notion which can not be used in an abstract form: ultimately, any discussion of freedom begs the question 'freedom to do what?'. A man may be free, for example, to work the land in his tenancy as he sees fit but may not be free to leave his tenancy: his freedom is dependent upon the specific question asked. R.H. Hilton pointed out that, like notions of freedom today, twelfth and thirteenth century writers used freedom to mean different things in different contexts: the legal treatises ascribed to Glanville and Bracton refer to the free as peasants, in effect, whereas Magna Carta seems to refer to the free as members of the aristocracy.<sup>56</sup>

In this thesis, freedom is taken to be legal freedom: if a person was deemed unfree, they were unable to seek justice in a royal court over matters of land and conditions of tenure. Such matters for the unfree were considered to be the lord's concern and were to be dealt with in his private court. Pleas about all other matters, however, such as bloodshed or breaking the assize of ale, could be heard in the royal courts regardless of the status of the participants.<sup>57</sup> Those deemed free could take any case to the royal courts but were still required to attend the manorial court. The distinction between legally free and unfree is important to any study of manorial history as certain cases heard within the court were, by the very definition of legal freedom, limited to those considered to be legally unfree. Payments for daughters to marry, for example, were made only by those deemed legally unfree. The manorial court was the only court which could recognise land conveyances of the legally unfree, which meant that all unfree conveyances were conducted in the manorial courts. It did not mean, however, that all land conveyances were, necessarily, performed by the unfree, as the free could also use the manor court to record such transactions. It is likely, however, that most of the land conveyances recorded in the rolls were those of unfree tenants.

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<sup>55</sup> For a discussion on the meaning of 'freedom' see Maitland, *Domesday Book*, pp.62-94.

<sup>56</sup> Hilton, 'Freedom', pp.4-5.

<sup>57</sup> Titow, *Rural Society*, p.57.

It has generally been accepted that the villeins of Domesday Book were classed as free men and that by the late thirteenth century a considerable proportion of the villein population, the customary freeholders, had lost their free legal status. This loss was viewed to have been a gradual development, but R.H. Hilton has suggested that the alteration in legal status was far more rapid than assumed by P. Vinogradoff.<sup>58</sup> Hilton argued that from evidence provided by contrasting twelfth and thirteenth century surveys and the subsequent proliferation of villeinage court cases in the *Curia Regis* Rolls, that great changes occurred in the legal status of the vast majority of villeins during the last two decades of the twelfth century.<sup>59</sup> The timing of these changes would then correspond to the adoption of demesne farming by many of the great landlords and the direct enforcement of labour services and customary payments by the lords. In the words of J. Hatcher, it was at this point that estate management and the common law came together.<sup>60</sup>

A lack of legal freedom had both obligations and restrictions. The unfree were required to work on the lord's demesne and serve as manorial officials. They were also restricted in their ability to leave the lord's land, marry, receive education, join religious orders, buy and sell property, and brew, mill and bake.<sup>61</sup> Many of these requirements had been defined by the mid-twelfth century, but in the late twelfth and thirteenth centuries performance of these obligations and adherence to these restrictions became tests of legal unfreedom: the performance or payment of week-work, merchet, heriot, tallage, toll and leyrwite, for example, were considered to be proofs of unfreedom.<sup>62</sup>

Legal freedom rested on two criteria: personal freedom and tenurial freedom. Personal freedom was, as the phrase suggests, the state into which one was born. The lack of personal freedom manifested itself in the inability to do certain things without the permission of the lord: an unfree man would be subject to the restrictions stated above concerning his freedom of movement, freedom to marry, freedom to receive

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<sup>58</sup> P. Vinogradoff, *Villeinage in England* (London, Oxford University Press, 1892), pp.218-20.

<sup>59</sup> Hilton, 'Freedom', pp.6-19.

<sup>60</sup> Hatcher, 'Serfdom', p.34.

<sup>61</sup> Hilton, 'Freedom', pp.10-11.

<sup>62</sup> Hatcher, 'Serfdom', pp.10 and 28-30.

education and so forth. Freedom, in the tenurial sense, was a freedom from the obligation to perform certain labour services for holding a certain piece of land. If a tenant held a free tenure he would only be required to perform boon-works. These consisted of works such as ploughing, reaping and haymaking, whilst week-work services, owed from unfree tenements, comprised more menial tasks such as weeding, ditching and muck-spreading. Bracton noted, in a slightly tautological manner, that bondsmen or villeins who held villeinages by villein and uncertain services did villein and uncertain customs and whatever they were bid: the holder of a tenement held in villeinage was liable for uncertain services and that he need not know at night what he must do the following day.<sup>63</sup> The performance of services in general, therefore, did not necessarily denote a lack of legal freedom: it was the uncertain nature of particular services which became the key factor.<sup>64</sup>

Confusion seems to have arisen, however, between personal freedom and tenurial freedom. The legal treatise attributed to Glanvill, dated c.1180, noted that if a free man married a villein and lived on a villein tenement, he would lose his legal rights as long as he remained bound by the villein tenure.<sup>65</sup> Bracton also noted the existence of a lack of freedom as a result of tenure. There were free men, at the time of the Conquest, he noted, who, after they had been ejected from the land and then returned, had taken up the same tenements to hold in villeinage, by doing certain, specified, servile works. They were still considered free men because they completed their servile works by reason of their tenements, not their person. The lord was not allowed to remove them from their tenement as long as they made the necessary payments nor did the free tenant have to remain in the tenement if they no longer wished to, this being in direct contrast to the personally unfree tenant's restriction of movement. The free tenant holding an unfree tenure did have altered legal rights, however, as they could not claim mort d'ancestor or novel disseisin.<sup>66</sup>

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<sup>63</sup> *Bracton*, ii, p.37 and iii, p.131.

<sup>64</sup> For examples of cases where performance of boon-works was considered to be a sign of freedom, see Faith, *English Peasantry*, pp.259-60.

<sup>65</sup> *The treatise on the laws and customs of the realm of England commonly called Glanvill*, ed. and trans. G.D.G. Hall (London, Nelson and Sons, 1965), p.58.

<sup>66</sup> *Bracton*, ii, p.37. Mort d'ancestor and novel disseisin did not apply to a free man in an unfree tenure because an unfree tenure obviously has no rights of 'ownership' or 'heredity' for the tenant.

The Chronicle of Battle Abbey may make a reference to what would later become tenurial unfreedom as early as 1102. It was noted that a great many settlers were persuaded to come from neighbouring counties and overseas to settle on lands owned by the abbey. They built houses on the sites and 'along with rent due from the land, these men from then on have habitually performed various services for the church by custom, though they are free in other respects'. No detail about the services performed were noted so it is not known whether these tenants performed week-work, a sign of unfreedom in the thirteenth century, or simply boon-work, which did not denote unfreedom.<sup>67</sup> The manor of Elton (Hunts.), however, provides a definite early fourteenth century example where a payment of two capons was made yearly at Easter for a bondman to dwell on a free tenement. The bondman was also specifically required to attend the view of frankpledge each year and detailed his two pledges.<sup>68</sup>

The holding of unfree tenures by free men created a problem in using the performance of week-work as a distinction between legally free and unfree tenants from the late twelfth century onwards. As referred to above, Bracton noted that the free did perform servile works 'but certain and specified' as opposed to the unspecified demands of week-work.<sup>69</sup> The phraseology suggests that the free performed only specified tasks, but unspecified works also seem to have been carried out by free tenants as a result of their unfree tenure. Bracton noted later that uncertain services were demanded of personally free and unfree tenants if they held by unfree tenure, thus both free and unfree tenants would perform week-work by virtue of their tenancy. The free tenant, Bracton continued, would not, however, be required to pay merchet because that payment was only required from personally unfree tenants. Week-work was, therefore, considered to be a sign of unfree tenure but, with the increasing confusion over free tenants holding unfree tenements, it became easier to determine legal status by signs of personal obligations, such as the payment of merchet. It is payments for these personally

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<sup>67</sup> *Battle Abbey Chronicle*, p.77. Reference is also made to customary rent and services, p.51. It is suggested that these rentals were made c.1102x7, p.53n..

<sup>68</sup> The example, from a court roll, is dated 1312. *Elton Manorial Records*, pp.lxvi and 193.

<sup>69</sup> The phrase was 'sed certa et nominata', *Bracton*, ii, p.37.

unfree obligations, rather than the tenurial unfree obligations, which were regularly recorded as matters of precedent.

Tenurial freedom and personal freedom, therefore, did not necessarily coincide: an unfree man may hold a free tenure or a free man may hold an unfree tenure.<sup>70</sup> E.A. Kosminsky detailed an instance in the Hundred Rolls of 1279 in the manor of Podington (Beds.) where John de Pavenham held one virgate of freehold land from Nicholas le Cruse. In turn, two villeins held the virgate from John: the land was free but the tenants were unfree.<sup>71</sup> Such instances, however, were seen as exceptions to the rule: records and government surveys tend to portray the standard situation as free men holding free lands and unfree men holding unfree lands.<sup>72</sup>

The lord or his representative, whether he be a steward or another official, presided over the court but did not act as judge in cases brought before the court. The tenants had obligations to the lord and, by the late thirteenth century, these may have included the requirement to attend court, declare the customary law of the manor and serve on a jury if called to do so.<sup>73</sup> J.S. Beckerman noted that between about 1250 and 1350 the manorial court adopted an increasing number of royal court procedures, the three major developments being the adoption of trial by jury, presentment by jury and an increasing reliance on documentary proof. Before the introduction of these methods, however, there were a number of forms of trial, some of which continued, perhaps in modified form, until the fifteenth century or even later.<sup>74</sup> Trial by the ordeal of fire or water was probably used, argued Beckerman, only in manors with franchisal jurisdiction and not frequently after the Fourth Lateran Council of 1215 which ruled that clergy could not be involved in this form of trial. Trial by battle was also limited in use, according to Beckerman, as, because of its military nature, it was not a common form of trial amongst most peasants.<sup>75</sup> A charter, dated 1147 or 1148, specifically mentioning

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<sup>70</sup> Titow, *Rural Society*, pp.56-7.

<sup>71</sup> Kosminsky, *Studies*, p.81.

<sup>72</sup> *ibid.*, p.202.

<sup>73</sup> Ault, *Private Jurisdiction*, p.138 and p.135.

<sup>74</sup> Beckerman, 'Innovation', p.209.

<sup>75</sup> *ibid.*, p.203. Jocelin of Brakelond mentioned a trial by battle, but this was between Henry of Essex and Robert de Montfort for treason, rather than any case heard in a manorial court. *Jocelin of Brakelond*, p.70.

the restoration of certain lands including all the tithings of the manor of Sherborne (Gloucs.) and rights to all liberties, customs and jurisdictions by battle as well as by water or fire and all pleas pertaining to the same manor saving the rights of the king, does suggest that such methods could, theoretically, have been used.<sup>76</sup>

The main form of proof used in the manorial court before these developments was, therefore, compurgation. Compurgation, or oath-swearing, was a method by which the accused swore their innocence and 'waged their law'. The 'waging of law', often three-handed, six-handed or even twelve-handed, meant that the accused would get two, five or eleven oath-helpers respectively, to swear to their good character. It was not, as with the ordeals by fire, water and battle, a test of fact, but a test based on the conscience of the accused and the oath-helpers: if perjury were committed, true justice, it was thought, would be carried out by divine judgement. Failure to accurately wage one's law was also seen as a sign of divine intervention and, ultimately, guilt. The developments from about 1250 onwards, therefore, were seen as a move away from proof by divine judgement to proof by attestation of fact.<sup>77</sup> The trial by jury, Beckerman commented, was introduced to decide factual issues of a case. Previously it had been the responsibility of the whole court to make a judgement, but judgement by a jury became more feasible with the generally growing population and the increasing number of cases.<sup>78</sup> The jury of presentment was introduced as a method of collective accusation, a jury would be formed and would be bound to answer specific questions asked by the lord's steward or bailiff. This was adopted, according to Beckerman, to relieve the individual suitors and the manorial officials of the task of prosecuting petty offences. Initially the stewards and bailiffs seem to have used the lists of articles prepared for the

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<sup>76</sup> The grant, from the widowed Countess Mabel of Gloucester and her son, Earl William, to Jocelin, Bishop of Salisbury, restored various hundreds, markets, tolls and all the tithings of the manor and all the liberties and so forth. *Earldom of Gloucester Charters*, ed. R.B. Patterson (London, Oxford University Press, 1973), pp.155-6.

<sup>77</sup> It should be noted that compurgation may well have included some element of attestation to fact by the end of the thirteenth century as the oath-helpers may have had personal knowledge of the events, not just of the defendant. Beckerman, 'Innovation', pp.210-11.

<sup>78</sup> The Chronicle of Battle Abbey gives an example from the abbot's court (held in the name of the king) whereby Robert de Chilton was declared guilty by the general judgement. *Battle Abbey Chronicle*, p.113.

sheriffs' view of frankpledge, but gradually, from about 1250, the lists were extended to incorporate matters of seignorial jurisdiction.<sup>79</sup>

J.S. Beckerman described the developments in manorial courts between about 1250 and 1350 but noted that the lords' interest in the courts and the subsequent changes in court procedure were a reflection of the great interest shown by the lords in the exploitation of their estate as a whole.<sup>80</sup> Demesne farming, however, was at its most intense between approximately 1200 and 1350.<sup>81</sup> It seems strange that the lords who took advantage of the favourable economic situation by adopting demesne farming in the late twelfth or early thirteenth century failed to recognise the financial benefits of adopting royal court procedures in manorial courts until fifty years later. The Bec court rolls of the late 1240s are the earliest extant original court rolls, but interest in the recording of court payments in the early thirteenth century suggests that there was already an increasing importance placed on written documentation. The evidence provided by the court rolls, therefore, may not signify the beginnings of the adoption of royal court procedure but merely the beginnings of it being fully recorded. The impression that all these developments occurred from 1250, therefore, may simply be a result of the adoption of one, the compiling of the court roll. Other developments may have occurred before 1250 but, without the written evidence, this is difficult to determine. Ultimately, however, it may simply be the survival of the rolls which provided Beckerman with his 1250 date.

One other function of the manorial court was the election of the manorial officials. The reeve, the hayward and other officials were elected each year, usually at Michaelmas, from the villeins of the manor.<sup>82</sup> The estate management treatise *Seneschaucy*, written about 1260, noted that the reeve should be elected and presented

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<sup>79</sup> See pp.90-1.

<sup>80</sup> Beckerman, 'Innovation', pp.199-200.

<sup>81</sup> Titow, *Rural Society*, p.54. Beckerman also gives these dates in his own article, Beckerman, 'Innovation', p.199.

<sup>82</sup> Other methods of selection were used, the lord could chose a villein arbitrarily or could make the final choice from a selection suggested by the tenants, but the usual method was by election. Bennett, *English Manor*, pp.169-72 and 178-82.

by common assent and that he should only hold the post for one year unless he proved capable, just and able to further the lord's interests.<sup>83</sup>

It should be remembered that the manorial courts were not necessarily the only private courts held within the estate: lords of large estates may well have held an honour court for their free tenants in addition to the manorial courts.<sup>84</sup> Manorial documentation represents only one level of administration within the estate and, with the sometimes complicated system of manorial holdings, other private courts may well have taken place. Merton College, for example, held a manorial court for the manor of Cuxham (Oxon.). The manor, however, was part of the honour of Wallingford and the rights to the view of frankpledge were reserved by the honour. The view for the manor, therefore, was taken through the honour's manor of Chalgrove and, hence, recorded in the Chalgrove court rolls.<sup>85</sup> The bishop of Winchester, whose accounts form the basis of this thesis, does not, however, seem to have held a central court which would have heard appeals of cases from the individual manorial courts.<sup>86</sup>

### Court records before 1300

Most of the evidence for the manorial court in the last quarter of the thirteenth century is provided by the manorial court rolls, which survive in increasing numbers from the 1270s onwards. The late thirteenth century rolls usually noted the name of the manor and the date of the court, followed by the names of those essoined (excused). The amount of amercement, with the name of the person liable and the reason for payment, were then listed and a sum total of payments was usually recorded.<sup>87</sup>

The use of court rolls in this study, however, is limited by their date of compilation. The 1260s seem to have produced considerably fewer rolls than the 1270s

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<sup>83</sup> Oschinsky, *Walter of Henley*, pp.275 and 279. See Harvey, 'Treatises', p.173, for the dating of the *Seneschaucy*.

<sup>84</sup> See Pollock and Maitland, *History*, i, p.586 for examples.

<sup>85</sup> Harvey, *Manorial Records*, p.48. For an example of a manor which was held of several lords, see p.2.

<sup>86</sup> Swift, 'Administration', p.24.

<sup>87</sup> Harvey, *Manorial Records*, pp.51-3. See, for example, *Court Rolls, Adam de Stratton*.

and the two preceding decades have revealed fewer still. The earliest extant original court roll, edited and translated by F.W. Maitland, dates from 1246 and pertains to the English estates of the Abbey of Bec.<sup>88</sup> The earliest court was for the Hockday term, beginning with the manor of Bledlow (Bucks.) on 12 May 1246. Three other manors were accounted for in that term, Swincombe (Oxon.) on 13 May, Tooting (Surr.) on 20 May and Ruislip (Middlesex) on 22 May. F.W. Maitland also included select pleas from other Bec courts for the period 1247-9.<sup>89</sup> These are the earliest and only surviving original court rolls from before 1250.

Details of a limited number of cases in other courts may be found elsewhere. Cases from manorial courts may be found in the court books of St Albans Abbey. There are seven court books containing pre-1250 data, from the Hertfordshire manors of Codicote (1237), Park (1237), Cashio (1238), Kingsbury with Westwick and Childwick (1240), Abbot's Langley (1244), Norton (1244) and Barnet (1246).<sup>90</sup> A.E. Levett has transcribed the pre-1250 entries of six of the seven manors in an appendix to her *Studies in Manorial History*, the earliest entry being in the court book of the manor of Park, 13 July 1237.<sup>91</sup> The court books contain details of court cases, focusing on those which may have been used as precedents. The three main types of cases were administrative activities, such as succession to and surrenders or exchanges of land, judicial decisions incurring payment, such as transfer of land, marrying without licence or failure to carry out services, and inter-tenant disputes, such as disputes over land or dower. The date of compilation of these court books is uncertain, but the earliest sections were probably compiled between 1355 and 1377. The late date of compilation suggests that some form

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<sup>88</sup> *Select Pleas*.

<sup>89</sup> The courts noted were Ogbourne (Wilts.) on 16 Sept. 1247 and 27 May 1249, Wantage (Berks.) on 18 Sept. 1247, Weedon Beck (Northants.) on 29 Sept. 1247, 19 June and 18 Aug. 1248 and 8 Nov. 1249, Wretham (Norf.) on 4 Oct. 1247, Blakenham (Suff.) on 8 Oct. 1247, Tooting (Surr.) on 15 Oct. 1247, Deverill (Wilts.) on 9 Nov. 1247, Povington (Dor.) on 16 Dec. 1247, Ruislip (Middlesex) 4 and 8 Feb. 1248, Bledlow (Bucks.) on 6 Aug. 1249, Cottisford (Oxon.) on 11 Nov. 1249. For additional information on these lands and court rolls, see M. Morgan, *The English Lands of the Abbey of Bec* (London, Oxford University Press, 1968).

<sup>90</sup> Levett, *Manorial History*, pp.79-96. Court books for the manors of Rickmansworth and Hexton are referred to in other manuscripts but are no longer extant. The court roll or book for the manor of Tyttenhanger (1238-?) has also been lost, pp.76n. and 82.

<sup>91</sup> *ibid.*, pp.300-337. The manor not included in the appendix is Abbot's Langley.

of detailed records was kept of these transactions in the 1230s, which were then copied, in whole or in part, into the court books.

A limited number of court entries survive, in extract, from the late 1230s. A fourteenth century Ramsey Abbey cartulary contains extracts from five courts held in 1239-40.<sup>92</sup> The courts were held in the court of Brancaster and Ringstead (both Norf.) and the dates of the entries were given as 22 February 1239, 25 February and 3 March 1240 for Brancaster and 23 February and 4 March 1240 for Ringstead.<sup>93</sup> The selected entries deal with matters of precedent, detailing cases about land, services, marriages and aids. Unlike the St Alban's court books, it may not be the case that an original detailed record of court was kept. Would there have been any need to record these matters of precedent in a cartulary if a contemporary fair copy court roll had been compiled? It may be the case, therefore, that the recording of these matters of precedent in Ramsey Abbey were a different rather than an additional record of important court business.

The *Curia Regis* Rolls provide a number of cases in the early thirteenth century which may suggest that specific court rolls were not necessarily kept in the majority of private courts before the middle of the thirteenth century. W.O. Ault detailed four cases in the rolls where the lack of records in what he assumed to be manorial courts was noted.<sup>94</sup> In 1204, a case about the ownership of certain lands in Silksworth (County Durham) was recorded where Geoffrey, son of Geoffrey, made a complaint against the court of the bishop of Durham, presumably the manor court of Silksworth, that his suit should not be heard there because the court had no record nor ever had one.<sup>95</sup> In 1206, a case was recorded where a charter about half a carucate of land was supposed to have been made in the court of Bury St Edmunds. The carucate was in Welnetham (Suff.), and Ault suggested that the court was the manor court of Welnetham. The defendant,

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<sup>92</sup> *Cartularium Monasterii Rames.*, i, pp.402-29.

<sup>93</sup> The date of the Brancaster court of 25 February 1240 is given in the Rolls Series publication as 26 February, which was actually a Monday, not the Sunday after the feast of St Matthew the Apostle (24 Feb.) as given in the dating clause.

<sup>94</sup> W.O. Ault, 'The Earliest Rolls of Manor Courts in England', *Studia Gratiana*, vol. xv, 1972, pp.511-18.

<sup>95</sup> *Curia Regis Rolls*, iii, pp. 108-10. The Latin is 'que recordum non habet nec nunquam habuit'.

one Alexander, son of Robert, denied that the charter had been made and placed himself upon the nine named witnesses to the supposed charter. If a record of the court had been made, there would have been recourse to written documentation rather than relying on the testimony of the witnesses.<sup>96</sup> In the same year, in a case about three virgates of land in Preston in the parish of Banstead (Surr.) and one hide in Berges, also within the parish, the court of the archbishop of Canterbury, which Ault understood to be the manor court of Preston, was summoned to make a record. Four knights came and recorded for the court that John de Berges brought a writ of right in the court of John de Santo Claro and sought one hide of land and its appurtenances in Berges against Gilbert de Preston.<sup>97</sup> The specific summoning of the court to make a record, Ault argued, would suggest that it was not normal procedure to do so. The word Ault translated as 'to make a record', however, was *recordari* which may also mean 'to report'.<sup>98</sup> It is possible, therefore, that the manor court was summoned to report and that four knights reported what had occurred, rather than recording it: the testimony would have been oral rather than written.

Another explanation is also possible. The private courts of the lord, like the hundred and wapentake courts, were not deemed to be courts of record. Any roll produced from these courts did not have force in a royal court and it seems that the entries in the *Curia Regis* Rolls may simply have been references to oral witness being heard, possibly by the sheriff or perhaps by the four knights in the above case, which then enabled the actions taken in the court to be used as evidence in a royal court.<sup>99</sup> Ault also noted a case in 1214, in which the earl of Chester was ordered to make a record or report in his court of Grantham and that the record or report should be known by four knights and by his letters.<sup>100</sup> Again, the use of four knights to hear the report may

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<sup>96</sup> *ibid.*, iv, p.317. The Latin is 'quod curia archiepiscopi summonita fuit ad ferendum inde recordum; et quatuor milites, scilicet Willemus de Ciriton, Hugo de Daditon', Willemus Poinant, Anfridus de Dene, venereunt et recordati fuerunt pro curia ...'.

<sup>97</sup> *ibid.*, iv, pp.264-5. The Latin is 'et inde ponit se super predictos testes'.

<sup>98</sup> R.E. Latham, ed., *Revised Medieval Latin Word-List* (London, British Academy, 1965), p.395.

<sup>99</sup> H.M. Cam, *The Hundred and the Hundred Rolls: An Outline of Local Government in Medieval England* (London, Methuen and Co., 1930), p.178.

<sup>100</sup> *Curia Regis Rolls*, vii, p.243. The Latin is 'et preceptum est vicecomiti quod ipse recordari faciat coram eo in curia comitis de Graham loquelam illam et recordum illud scire faciat etc. per quatuor milites et literas suas etc.'.

represent the transformation of manorial court business into recognisable legal evidence. The fact that the records of the manorial court could not be used as proof in a royal court does not necessarily mean that they were not compiled, but it does seem unlikely that full records were kept of court business in private courts in the early thirteenth century.

Just why full records of manorial court proceedings, in the form of manorial court rolls, started to appear in the mid-thirteenth century is an interesting question. The motives behind the compilation of specific court records were seen by F.W. Maitland as primarily financial in nature: the records enabled the lord to make sure his local official accounted for the correct amount of payment.<sup>101</sup> This view, however, has been dismissed in favour of judicial motives. R.B. Pugh suggested that the detail recorded in the rolls, while not necessary for a financial document, was necessary to have written record of manorial precedents, precedents which had previously been orally attested to by so-called 'collective memory'.<sup>102</sup> Z. Razi and R. Smith modified this theory in an attempt to explain the timing of the introduction of specific court records: they suggested that the production of a written record was undertaken to make the manorial court more attractive to a lord's free tenants. The popularity of the royal courts had increased following the Angevin legal reforms and the court rolls may well have been instituted to tempt the free tenants back to manorial justice.<sup>103</sup> The 1270s and 1280s witnessed considerable measures to limit seignorial jurisdiction which resulted in the introduction of royal court procedures in a far larger number of manors. They suggested that the attempt to limit seignorial jurisdiction had begun in the 1260s with the baronial reform movement and the civil war, particularly the Provisions of Westminster (1259) and the Statutes of Marlborough (1267) which took steps to prevent the lords forcing their free tenants to plead their case in private courts.<sup>104</sup> The lords, thenceforth, had to attract their free tenants to the private courts rather than force them and the so-called 'modernising' of the courts, they commented, may also have helped to placate the

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<sup>101</sup> *Select Pleas*, p.xiv.

<sup>102</sup> *Court Rolls, Adam de Stratton*, p.21.

<sup>103</sup> Razi and Smith 'Origins', pp.45-8.

<sup>104</sup> See *Documents of the Baronial Movement of Reform and Rebellion, 1258-67*, eds R.F. Treharne and I.J. Saunders (London, Oxford University Press, 1973), pp.137-57 for the Provisions of Westminster and *Statutes of the Realm*, i, pp.19-25 of 'The Statutes' section for the Statute of Marlborough.

unfree tenants. The adoption of royal procedure and documentation, it was hoped, would attract the lord's tenants to his own court. The limited number of court rolls from the 1240s and 1250s, it was suggested, was due to the 'slack administration of justice' under Henry III which enabled the lords to use various forms of coercion to keep the free tenants within their own courts.<sup>105</sup>

The desire for documentary proof, in particular proof of land tenure and conveyances, and the increasing influence of royal jurisdiction, therefore, resulted in the proliferation of manorial court rolls from 1270 onwards.<sup>106</sup> There may well have been a financial motive in bringing more of the lord's tenants to his own manorial court, but it seems that providing justice and being seen to provide justice for all his tenants was a more prominent motive. Whatever the motive, however, the court rolls provide a wealth of information which has been utilised by researchers in many fields of medieval history. The earliest published rolls are those edited by F.W. Maitland from the English lands of the Abbey of Bec from 1246. He also edited the rolls of the Bishopric of Ely's manor of Littleport for 1285-1327.<sup>107</sup> Other thirteenth century rolls have been published, such as the court rolls of Adam de Stratton (Wilts.), 1275-87 and the court rolls of the Priory of Durham, 1296-1384, including a number in translation, such as the court rolls of the manor of Elton (Hunts.), 1279-1351, and the rolls of Ramsey, Hepmangrove and Bury, the earliest roll dating from 1268.<sup>108</sup> The rolls obviously provide information for the study of legal developments in private jurisdiction, developments in royal jurisdiction in private hands and in the relationship between royal and private jurisdiction. The rolls also provide information on social and economic aspects of medieval life, ranging from studies on demography and the role of women to agriculture

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<sup>105</sup> Razi and Smith 'Origins', pp.48-9.

<sup>106</sup> *ibid.*, pp.48-9. Razi and Smith do comment that this argument is based on the assumption that the extant rolls provide a representative sample of the chronological development of the rolls.

<sup>107</sup> *Select Pleas and Court Baron.*

<sup>108</sup> *Court Rolls, Adam de Stratton. Halmota Prioratus Dunelmensis, A.D.1296 - A.D.1384*, ed. J. Booth and W.H.D. Longstaffe (Surtees Society, vol. lxxxii, 1889). The roll dated c.1300 has been redated to c.1295. See original documents, housed at 5 The College, Durham. *Elton Manorial Records. The Court Rolls of Ramsey, Hepmangrove and Bury, 1268-1600*, ed. and trans. E.B. DeWindt (Toronto, Pontifical Institute of Mediaeval Studies, 1990).

and the land market. Statistical analysis of the data is also possible, with William Page's study of labour services being the earliest attempt.<sup>109</sup>

With the lack of original court records from before 1246, however, we must look elsewhere for evidence of early manorial courts. Manorial accounts, mainly from the 1240s, do provide details of many aspects of the manorial court and have been the major source of information for this thesis. These accounts were all of 'phase one' type, enrolled post-audit accounts which reflect the state of account between the lord and his official as agreed by the lord.<sup>110</sup> Accounts for manors from fourteen different estates survive from before 1250, but one of these, the accounts for the honour of St Clare, Gloucester, provides no information concerning manorial courts at all.<sup>111</sup> The information about manorial courts recorded for the other thirteen estates was in the form of payments made to court: the collective term for such payments in the rolls being *perquisita*. These *perquisita* sections or, in a slightly earlier form, *purchacia* sections, varied in composition.<sup>112</sup> The single piece of parchment 18 month 'vacancy' account roll of the bishopric of Winchester's estate for 1240-1 gave no more than a total amount for the account for the entire estate, whereas the 1246-7 accounts for Tredington and Fladbury, two manors belonging to the bishopric of Worcester, gave a total amount for the year for each manor.<sup>113</sup> Some accounts, such as those from Winchester, whether from the bishopric or from monastic establishments, gave detailed information of the individual amounts paid, the person concerned and the reason for the payment.<sup>114</sup> Occasionally, the perquisite sections for certain manors were divided into two or more parts and a sum total is given for each part and then a total perquisite payment was usually given below.<sup>115</sup> The detail provided by the entries which noted the individual amounts paid, the person liable for payment and the reason for the payment was not

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<sup>109</sup> Razi and Smith, 'Historiography', pp.2-33.

<sup>110</sup> Harvey, *Manorial Records*, pp.29-31. They are not profit and loss accounts, but the information provided could be used to make such calculations. Titow, *Rural Society*, p.25.

<sup>111</sup> See p.62.

<sup>112</sup> The word 'perquisite' will be used to refer to both *purchacia* and *perquisita* sections. In later chapters, where noted, the word will refer to all payments within these sections bar payments for recognition.

<sup>113</sup> PRO SC 6/1143/1, Bodleian Library Worcestershire Roll 4

<sup>114</sup> For example, Muniments of the Dean and Chapter, Winchester, L38/2/1, W53/10/1.

<sup>115</sup> For example, Bitterne in the Winchester Pipe Roll for 1246-7 gives a sum of 41s. for the first section and 41s. 4d. for the second. The total sum is then given at £4 2s. 4d. The foreign hundred for Taunton in the Winchester Pipe Roll for 1218-19 is just one example of a perquisite section being split into three.

necessary for an account roll, as a sum total would provide the same financial information required. Indeed, on many occasions, the sum total of the individual payments recorded did not equal the sum total written at the end of the section. This may well be a result of inaccurate copying of individual payments, which is apparent throughout the various rolls.<sup>116</sup>

By far the most valuable collection of manorial accounts is from the bishopric of Winchester's estate, comprising twenty-two extant annual rolls dating from before 1250, the earliest of which is for the year 1208-9. Not only do the bishopric accounts provide the largest collection of early rolls, but the information for the payments made to court is also one of the most detailed: for each payment an amount, a name and a reason is given. The only other two estates or manors for which such detail was given also belonged to religious establishments in Winchester: St. Mary's Abbey and the Cathedral Priory. St Mary's Abbey provides the only other series of accounts, thirteen annual accounts before 1250, the earliest dating from 1233-4. The accounts were for one manor only, Froyle (Hants.), but provide a similar amount of detail to the bishopric accounts. It may be the case that these were original draft-type documents which were then to be used to compile enrolled accounts for the entire estate, similar to the fair copies of the Winchester Pipe Rolls.<sup>117</sup> The Cathedral Priory provides two documents, the first an account for the manor of Wyke-next-Portland (Dor.) for 1242-3, the second an account for twenty-two manors each manors account covering one of two years, either 1247-8 or 1248-9. This may have been intended for use as an example of account compilation, hence the combination of two accounting years.<sup>118</sup> Two other estates provide details of possible payments made to court: Southwick Priory (Hants.) and the Count of Aumale's account for the manor of Burstwick (East Riding).<sup>119</sup> These accounts do not record the payments specifically as perquisite payments, but the form and placing of the payments within the rolls suggest that they could indeed be payments made to court. It should be noted, however, that the detail in all of these account rolls was not as

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<sup>116</sup> For further detail on the types of errors in the rolls, see pp.151-2.

<sup>117</sup> Harvey, *Cuxham*, p.28. P.D.A. Harvey also suggested that this might be the case with the Cathedral Priory accounts.

<sup>118</sup> Drew, 'Wyke', p.31.

<sup>119</sup> Winchester College, 14484, 15376, PRO SC 6/1078/6.

great as that found in the court rolls. The names given in the bishopric accounts are often limited to a forename and the reason given in all accounts is generally stylised, comprising one or two words. An entry in a court roll detailing a payment for a compromise to be reached by two named persons over a specifically named case, for example, may be recorded in the account rolls as an amount by one named person for a compromise.<sup>120</sup>

All other manorial accounts record only a sum total of perquisite payments. The perquisite total was often referred to as pleas and perquisites and may or may not have included payments of relief and heriots. The phrase used sometimes denoted the inclusion of heriots, for example, for pleas, perquisites and heriots, but it is possible that a financial sum described as perquisites could contain payments for heriots without specific note being made: the individual payments in the Winchester Pipe Rolls, for example, detail heriot payments, while the section is merely titled *perquisita*. The use of the accounts which record only a sum total is limited as with only one or, on occasion, two accounts surviving from most manors, it is impossible to compare these payments in any meaningful way. It is also impossible to determine whether these accounts detail a representative year for each particular estate. Certain manors, however, do provide a number of sum totals of court payments which enables comparisons to be made.

All the extant manorial accounts date from the first half of the thirteenth century. The accounts, further details of which can be found in section three, are by far the most valuable source for the study of early manorial courts, but other earlier, more varied sources are also useful. We might expect to find numerous references to manorial courts in early compilations of laws and legal treatises, but remarkably few documents give details of private jurisdiction. One of the earliest compilations of laws and other material was the *Rectitudines Singularum Personarum* and the *Gerefa*, copied from earlier texts in the late eleventh or early twelfth century. The two tracts were linked together at that time but it has recently been argued that they were fundamentally

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<sup>120</sup> For example, *Select Pleas*, p.14, manorial court of Ruislip (Middlesex), 4 Feb. 1248, 'Richard Malville gives 2s. for licence to compromise with William of Pinner in a plea of trespass. Pledges Robert Maureward and William Field.' In Bitterne (Hants.: bishopric of Winchester) in 1247-8, 'For 2s. from Brian de Fallel' for a licence to compromise'.

different in original purpose. The *Rectitudines Singularum Personarum* was a functional document on the rights and obligations of workers and tenants, probably written in the mid-tenth century, an alternative version of which was included in the legal treatise *Quadripartitus*. The *Gerefa*, by contrast, was a literary work on the duties of the reeve, probably written in the late tenth or early eleventh century. Neither tract, however, make specific references to courts of the lord.<sup>121</sup> The legal treatise attributed to Ranulph de Glanville, dated between 1187 and 1189, is an important source for royal jurisdiction but, unfortunately, the treatise was mainly concerned with ‘civil litigation by writ before the king’s justices’. Reference was made to criminal cases and to the procedure in the county court, but ‘litigation in feudal courts’ was expressly excluded.<sup>122</sup> Similarly in Walter Map’s *Courtiers’ Trifles*, despite his position as royal justice in 1173, his subject was ‘the theatre and the arena that I haunt’ not the suits of the law courts.<sup>123</sup> Again, the *Dialogus de Scaccario*, the *Course of the Exchequer*, written c.1176, makes no reference to private courts.<sup>124</sup>

Private courts are mentioned occasionally in legal works, however. The word *halimotum* first appears in the *Leges Henrici Primi*, compiled in about 1118, where ‘Every case shall be determined in the hundred court or county court or the hallmoot of those who have soke or in the courts of feudal lords or in the boundary courts of feudal equals or as it pertains to established places for court proceedings...’.<sup>125</sup> Private courts are also mentioned elsewhere in the text, but always in association with royal hundred and wapentake courts.<sup>126</sup> One legal treatise also mentioned private jurisdiction: the early thirteenth century treatise *De Legibus et Consuetudinibus Angliæ* focused on royal jurisdiction, but did refer to manorial courts. This treatise, the earliest extant copy of which was written in the first five years of Edward I’s reign, has long been attributed to

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<sup>121</sup> P.D.A. Harvey, ‘*Rectitudines Singularum Personarum* and *Gerefa*’, *English Historical Review*, vol. cviii, 1993, pp.1-22.

<sup>122</sup> *The Treatise on the Laws and Customs of the Realm of England commonly called Glanvill*, ed. and trans. G.D.G. Hall (London, Nelson and Sons, 1965), p.xi.

<sup>123</sup> *Walter Map, De Nugis Curialium, Courtiers’ Trifles*, ed. and trans. M.R. James, revised C.N.L. Brooke and R.A.B. Mynors (London, Oxford University Press, 1983), p.211.

<sup>124</sup> *Dialogus de Scaccario, The Course of the Exchequer by Richard, Fitz Nigel and Constitutio Domus Regis, The Establishment of the Royal Household*, ed. and trans. C. Johnson (London, Oxford University Press, 1983).

<sup>125</sup> Du Cange, *Glossarium*, iv, p.159. *Leges Henrici Primi*, pp.3-4.

<sup>126</sup> Courts of the lord are mentioned in chapters 9.4, 20.1a, 20.2, 34.1, 34.1a, 56.1, 56.4, 57.8 and 78.2.

Henry de Bracton, king's clerk 1240, justice in eyre 1245, judge *coram rege* 1247. S.E. Thorne has suggested that Bracton was not the only original contributor to the work but that a number of clerks, working independently, had noted examples of cases and that the sometimes confused and contradictory information provided by *De Legibus* was a result of developments in the law over a considerable period of time rather than confusion on the part of Bracton. Corrections to entries were being made as early as 1220 and 1230, Thorne argued, which would suggest that the gathering of material for *De Legibus* was conducted over decades rather than in the 1250s alone. Thorne suggested that *De Legibus* was in the hands of Bracton by 1234 at the latest and that Henry then altered and added to the original material with examples from his own experience.<sup>127</sup> The laws detailed in *De Legibus*, therefore, seem to relate to the situation during most of the first half of the thirteenth century, not just the situation in the 1250s.

The *Curia Regis* Rolls, although a record only of cases heard in the king's court, occasionally provide details of cases of appeal against decisions made in private courts. Four cases have already been noted suggesting the lack of court records, but other cases also provide small details of court business and procedure. The published rolls, 17 volumes, date from the reign of Richard I through to 26-27 Henry III, 1242-3.<sup>128</sup> There are also two volumes printed by the Record Commission, for the years 6 Richard I to 2 John.<sup>129</sup> The indices of the published *Curia Regis* Rolls provide references to private courts, but they are, in the main, honorial or borough courts. A number of cases specifically refer to hallmoots, however, and one specific case refers to judgements made within the pale of the manor of Basing.<sup>130</sup> Occasional references to private courts have also been found in the close rolls, specifically for the year 1234. The courts of the lords, as with most other documentation, were mentioned in association with matters of the hundred and wapentake courts.<sup>131</sup>

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<sup>127</sup> *Bracton*, i, p.xl, and iii, pp.xxviii, xxx-xxxii, xxxv-xxxvi and xliii.

<sup>128</sup> *Curia Regis Rolls*.

<sup>129</sup> *Rotuli Curiae Regis*, ed. F. Palgrave (London, Record Commission, 2 vols, 1835).

<sup>130</sup> *Curia Regis Rolls*, iv, p.16, vi, pp.128 and 290, xiv, no. 1162, and xvi, no. 132, 'in palis'. The early volumes do not number each entry individually, hence page numbers are given rather than entry numbers. The references to hallmoots are found in the hundred and local court sections rather than the private court sections in the indices.

<sup>131</sup> *Close Rolls, 1231-4*.

References to courts were also made in private charters, but a brief survey of the published charters relating to Salisbury, Bristol, Yorkshire, Northamptonshire, the Danelaw, the earls of Hereford, the earls of Chester, the earls of Gloucester, the Redvers family, the honour of Mowbray, Rufford Abbey and others, has revealed only a small number of references to manorial courts.<sup>132</sup> The majority of the estates, both lay and ecclesiastical, for which such material survives generally held soke (at the very least) as well as the basic domanial rights over their direct tenants, so the likelihood of finding a large amount of material with specific references to manor courts seems slight.<sup>133</sup> References to the jurisdiction of manorial courts do appear occasionally in cartularies compiled in the late twelfth and early thirteenth centuries, but are often in the form of a gift of soke and sake, toll, team and infangthief.<sup>134</sup> Occasional references to private courts were made in chronicles, but the private courts referred to were not necessarily manorial courts: Jocelin of Brakelond's acts of Samson, Abbot of Bury St Edmund's, for example, referred to a private court but it was a portmoot, a borough court, not a hallmoot.<sup>135</sup>

One other obvious possible source remains: Domesday Book. Domesday Book is, of course, an important source for any study of medieval history. It is also one of the few official royal documents to use the manor as the standard unit rather than the vill. Unfortunately, there are few references to courts and none specifically to manorial courts. There are references to *curia*, but often the word refers to a courtyard rather than

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<sup>132</sup> For a list of charters consulted see bibliography, pp.197-207.

<sup>133</sup> The Redvers family seemed to have enjoyed extended privileges over their Isle of Wight lands, with Pagan Trenchard, his son Robert and William Alwin all acting as private sheriffs for those lands between c.1140 and c.1200. From 1200, the title of such a position seems to have been 'bailiff of the Island', as held by Walter de Insula. *Charters of the Redvers Family and the Earldom of Devon, 1090-1217*, ed. R. Bearman (Devon and Cornwall Record Society, new ser., vol. xxxvii, 1994), pp.26-37 and 120. See pp.109 and 170-1 for charters containing references freedom of the boroughs of Newport and Lymington from hundred and shire courts.

<sup>134</sup> For a printed example see *Leiston Abbey Cartulary and Butley Priory Charters*, ed. R. Mortimer (Suffolk Records Society, vol. i, 1979), p.78. This is a charter (Oct. 1189 x Mar. 1190) from John, Count of Mortain confirming the original donation of Leiston manor by Ranulf de Glanville to the Abbey. The grant included soke and sake, toll, team and infangthief pertaining to the manor just as King Henry his father and King Richard his brother conceded.

<sup>135</sup> *Jocelin of Brakelond*, p.99. The word used was 'portmanemot'. Abbot Samson was elected in 1182, with Jocelin becoming his chaplain four months later.

a legal court.<sup>136</sup> References are made to manors without halls, however, the possible significance of which will be discussed in chapter II.

There is, therefore, a considerable amount of evidence for the study of the early manorial court, but it should be noted that the vast majority of evidence is for the early thirteenth century. It should also be noted that the majority of evidence relates to southern England, the Winchester area in particular, which may limit the geographical scope of the findings detailed in this thesis. In addition, the vast majority of information which provided the basis for the statistical analysis, comes from account rolls and, of these, from the bishopric of Winchester's estate. Z. Razi and R. Smith, amongst others, have warned of the biases, both known and unknown, which may arise from the use of one class of record.<sup>137</sup> However, it is hoped that the use of the more detailed accounts, although limited in geographical area covered and type of information, will, in combination with the legal treatises and occasional references elsewhere to manorial courts, provide this study with a breadth which the accounts alone do not provide.<sup>138</sup>

### Early manorial accounts

There are three, or possibly five, estates which provide detail of individual payments made to the manorial court before 1250. The three main estates which provide accounts centre on Winchester and are the bishopric, the Cathedral Priory and St Mary's Abbey, Winchester. Further accounts, those for Southwick Priory and the Burstwick manor of the Count of Aumale, contain lists of payments which may also be payments to court. Of these accounts, the bishopric of Winchester accounts, also known as the Winchester Pipe Rolls, provide by far the greatest amount of information: the bishopric accounts detail cases in 1258 of the 1294 perquisites sections compared to 20 from St Mary's Abbey, 13 from the Cathedral Priory, 3 from Southwick Priory and 1 from the Count of Aumale's manor of Burstwick.

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<sup>136</sup> *Domesday Book*, i, 35b, 175b, ii, 206.

<sup>137</sup> Razi and Smith, 'Historiography', p.23.

<sup>138</sup> Razi and Smith commented that manorial court rolls, despite their local character, were put to great use by Seebohm, Vinogradoff and Maitland in their studies of medieval English rural society as a whole. *ibid.*, p.7.

The bishopric of Winchester's accounts are recorded on large pieces of parchment sewn together in Exchequer style, with each rotulet comprising one membrane. The accounts detailed in the rolls are for the temporal revenue of the estate and do not contain any revenue received from the spiritualities of the bishopric. The rolls were not used in the auditing process but were compiled after the audit, presumably to be used as a point of reference for the following year's audit or to settle land disputes. The origin of these rolls is uncertain. H. Hall suggested that the rolls had been compiled before 1172 because of the distinctive terms used in the Pipe Roll of the Exchequer for the bishopric's estate for that year and references to rolls of Bishop Richard of Ilchester (1173-1188) and Bishop Godfrey de Lucy (1189-1204).<sup>140</sup> E. Swift noted an internal reference to accounts having been made in 1187, but N. Vincent has argued that references made to the rolls of the previous bishops were to 'one-off' surveys.<sup>141</sup> Vincent suggested that the Winchester Pipe Rolls were initiated by Peter des Roches, bishop of Winchester from 1205 to 1238 and baron of the king's exchequer from 1205.<sup>142</sup> Vincent argued that the enrolment of the post-audit accounts may have begun in either c.1205-6 or even in 1208-9. Besides the character of Peter des Roches himself, the impetus behind compiling a 1205-6 account may have been des Roches' election to the see and his wish to rebuild the economy of the estate after the vacancy. Vincent argued that he may have had to account to the king for his expenditure between June 1205, when the episcopacy was confirmed by the Pope, and 24 March 1206, when des Roches received his temporalities, during which time the king took no profit from the see.<sup>143</sup> H. Hall has suggested that des Roches was awarded the profits of the see during the year prior to his consecration, from the death of Godfrey on 11 or 12

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<sup>139</sup> HRO 11M59/B1/1 to 11M59/B1/23. Available on microfiche. PRO SC 6/1143/1. PRO E 407/5/6.

<sup>140</sup> *Winchester Pipe Roll, 1208-9*, pp.xi-xii. Fryde, *British Chronology*, p. 276. It seems that the majority of the bishopric's manors were at farm in 1172, which would suggest a development from leasing to direct farming occurred at some point between 1172 and 1187. P.D.A. Harvey, 'The Pipe Rolls and the Adoption of Demesne Farming in England', *Economic History Review*, 2nd ser., vol. xxvii, 1974, pp.345-59.

<sup>141</sup> Swift, 'Administration', p.18. The reference is to an entry in the account for Winchester Minster 1236-7, 'in rotuli R. episcopi'. Vincent, 'Winch. Pipe Rolls', pp.27-8.

<sup>142</sup> *ibid.*, pp.25-42.

<sup>143</sup> *ibid.*, pp.40-1.

September 1204 to Peter's consecration on 25 September 1205, citing letters to that effect dated 21 September 1204 and 19 August 1205.<sup>144</sup> Hall did note, however, that the profits of the see were detailed in the Exchequer Pipe Rolls of Michaelmas 1205.<sup>145</sup> The profits of the see, therefore, seem to have been in the king's hands until at least June 1205. Vincent also suggested that the 1208-9 roll may indeed have been the first roll compiled as a reaction to the Interdict and the king's subsequent confiscation of all church lands.<sup>146</sup> Ultimately, however, Vincent found it impossible to specify an exact date.

There survive 23 annual Winchester Pipe Rolls down to 1252 for the years 1208-9, 1210-12, 1213-14, 1215-16, 1217-21, 1223-7, 1231-3, 1235-7, 1244-9 and 1251-2. Two rolls, one summary account for Easter 1240 to Michaelmas 1241 and a more detailed account for Easter to Michaelmas 1240, survive from the vacancy which lasted from the death of Peter des Roches, 9 June 1238, to the consecration of William Raleigh on 13 September 1243.<sup>147</sup>

The information regarding courts or, more specifically, court payments was recorded in a section entitled *perquisita* which was usually at the end of the cash charge account and which appears to have been one of the first divisions which occurred in the recording of manorial accounts. From the earliest extant account roll for the bishopric of Winchester's estate, the account is divided into separate paragraphs for different elements of the account: the various items of stock, for example, are given separate paragraphs according to type. The only marginal headings or subheadings, however, are usually for the payments in court, the cash delivery, the cash expenses, the corn account and the stock account.<sup>148</sup> In the early Winchester Pipe Rolls the *perquisite* sections are

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<sup>144</sup> Peter des Roches was not elected to the see until 5 February 1205. Fryde, *British Chronology*, p. 276. *Winchester Pipe Roll, 1208-9*, p.ix.

<sup>145</sup> *Winchester Pipe Roll, 1208-9*, pp.xi-xii.

<sup>146</sup> Vincent, 'Winch. Pipe Rolls', pp.40-1.

<sup>147</sup> The 1240-1 'vacancy' roll consists of only one piece of parchment written on one side only. The *perquisite* entry for the whole estate for the whole year is given as the sum total of 373li. 7s 5½d.. (PRO SC 6/1143/1). The account also contains a section for heriots and stray property. The 'half-year' roll of Michaelmas 1240 to Easter 1241 is similar in form to the other Winchester Pipe Rolls apart from the fact that the membranes are sewn together in Chancery style. (PRO E 407/5/6). For a summary of the contested appointment of William Raleigh, see *Bracton*, iii, pp.xl-xliii.

<sup>148</sup> *Winchester Pipe Roll, 1208-9*, pp.vii-viii.

entitled *Purch* or *De purch* which Hall, in his edition of the 1208-9 roll, extended to *Purchasia* or *De purchasiis*. N.R. Holt followed the convention in his edition of the 1210-11 roll despite one entry, for Winchester Minster, being abbreviated in the original to *De p'chac*. It is the only entry in the series of rolls to 1252 which gives letters after the 'h' and would seem to imply that the extension of *purch* and *de purch* should be *purchacia* and *de purchaciis* which is Franco-Latin rather than the Anglo-Latin *purchasia*.<sup>149</sup>

Unfortunately, certain rolls in the series are damaged, with only two years, those of 1223-4 and 1247-8, containing all perquisite sections completely intact. The damage usually takes the form of lost entries either at the beginning or end of each line due to the edges of the parchment being torn or missing entirely. This damage varies from merely losing the title of the section to cases such as those in 1217-18 where damage to the main body of the text is considerable. The entries for Wargrave (Berks.) and Fareham (Hants.) in that year are severely damaged, with about half of the original entries remaining. Damage also occurs to the bottom edge of the pieces of parchment resulting in the loss of entries within a section and possibly, on occasion, entire sections. This is shown in the manor of Brightwell (Wilts.) in 1226-7 where the end of the parchment is missing and only the title of the perquisite section remains.

The sheer volume of information provided by each roll is a merit of these particular accounts. The Winchester rolls consist of up to 34 large pieces of parchment written on both sides, recording detailed information for the large estate.<sup>150</sup> The bishopric held lands in seven different counties, Hampshire (including the Isle of Wight), Oxfordshire, Berkshire, Buckinghamshire, Surrey, Somerset and Wiltshire and there are perquisite entries for between 38 and 66 manors in each year from 1208 to 1252.<sup>151</sup> There are 14 manors which appear in every year before 1252 for which the roll

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<sup>149</sup> Du Cange, *Glossarium*, vi, p.573, H. Kurath *et al.*, eds, *Middle English Dictionary* (University of Michigan, Ann Arbor, in progress, 1952- ), vii, p.1463 and W. Rothwell *et al.*, eds, *Anglo-Norman Dictionary* (London, Modern Humanities Research Association, 1992), pp.568-9.

<sup>150</sup> This occurs in 1248-9.

<sup>151</sup> Separate accounts containing perquisite sections were recorded for 38 manors in 1210-11 and 66 accounts containing perquisite sections were recorded in 1248-9. The average number of manors for which perquisite sections were recorded between 1208 and 1252 is 56. The accounting units of Alresford

survives and have separate perquisite entries in each of those 23 years. Some manors are not recorded in the accounts in every year, but when the accounts are recorded they do contain perquisite payments.<sup>152</sup> The manor of Taunton is always recorded in the rolls, but the perquisite section, like many other sections for that manor, is sub-divided. These sub-divisions represent different Somerset manors around Taunton: Rimpleton is the only Somerset manor which is not included within the Taunton account. Manors such as Bishops Hull, Staplegrove and Trull, therefore, appear as sub-headings within the perquisite section. In this case, only when perquisite payments were received from these manors did their name appear as a sub-heading. There are, however, in every year bar 1245-6, accounts of manors recorded which do not contain perquisite sections. Some manors seem to have never recorded perquisite payments. Plevett (Hants.), for example, has an account entry in 1208 and 1211 but does not record any perquisite payments and Tisted (Hants.) has entries in 1232 and 1235 but, again, records no payments of court. These manors are unusual, however. Plevett seems to have originally been part of the manor of West Meon, a manor held by Winchester Cathedral Priory, which suggests that the manor was contested.<sup>153</sup> Control of the manor of Tisted was also contested in the early thirteenth century but seisin of the manor was regained by the bishopric between 1217 and 1228.<sup>154</sup>

It has generally been assumed that the bishopric of Winchester's accounts ran from Michaelmas to Michaelmas, but no specific dates are recorded at the head of the rolls: the 1208-9 roll, for example, is dated only by the phrase 'the fourth year' of Peter des Roches' episcopacy.<sup>155</sup> The assumption seems to have been made because of the close links with the royal Exchequer and because most manorial accounts by the late thirteenth century had adopted this dating system.<sup>156</sup> Peter des Roches was consecrated on 25 September 1205, and it is just possible that until his death in 1238 the accounts

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Borough, 1210-11, Rimpleton, 1232-3 and Buttermere, 1248-9 appear to have recorded two accounts within the rolls in these years.

<sup>152</sup> For example, the manor of Calbourne on the Isle of Wight does not record an account in 1208-9, but records an account, with a perquisite section, for every other extant year.

<sup>153</sup> *VCH Hants*, iii, p.336 and pp.342-5. West Meon had belonged to the Bishopric before 1205 and full control was only relinquished in 1284.

<sup>154</sup> *ibid.*, iii, pp.58-62.

<sup>155</sup> *Winchester Pipe Roll, 1208-9*, pp.ix-x, *Winchester Pipe Roll, 1210-11*, p.xviii.

<sup>156</sup> *Winchester Pipe Roll, 1208-9*, pp.ix-x, Harvey, *Cuxham*, pp.22-3.

ran from 25 September to 25 September the following year, thus being dated precisely by his episcopal years.<sup>157</sup> It does seem more likely, however, that the accounts ran from Michaelmas to Michaelmas.

Certain rolls contain dates which were usually entered either in the margin or close to the manor heading. The dates seem to be dates of audit and the chronology of the entries suggests that the manors were generally entered into the fair copy roughly in order of audit. The order in which the manors are recorded in the account, however, is not consistent from year to year which, in turn, may suggest that the order in which the audit was conducted was not necessarily consistent either. It may, however, simply be a result of the scribe of the fair copy recording the information as it came to hand. The Oxfordshire, Berkshire and Buckinghamshire manors, for example, are usually grouped together but the order within the group and the dates of audit vary considerably from year to year.<sup>158</sup> The years for which the audit dates are recorded for most manors are 1220-1, 1223-4, 1225-6, 1226-7, 1231-2, 1232-3, 1235-6, 1236-7 and 1244-5. One date and six dates respectively are recorded for 1245-6 and 1246-7. The saints days referred to range in date from St Fides (6 Oct.) to the feast of St Fabian and St Sebastian (20 Jan.), but the most regularly used dates occur in November. These dates did not detail the end of the account, nor even the compilation of the account, but the date of the audit of the account. No reference has been found for Michaelmas (29 September) but Martinmas (11 November) was used regularly.

William Raleigh was elected bishop of Winchester in 1240, consecrated on 13 September 1243 and received his temporalities on 10 September 1244. The first roll for his episcopacy was dated as the second year of his appointment which, using the date of his consecration, would be 13 September 1244-5. In this roll, however, the perquisite entry for Taunton (Som.) contains cases totalling 74s. 6d. which relate to the previous year. The accounts of the see up to 11 September 1244 were kept in the Exchequer

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<sup>157</sup> Beveridge, 'Dating', p.108.

<sup>158</sup> In 1244-5, for example, the manors were audited between Monday 16 October 1245 (Adderbury, Oxon.) and Tuesday 24 October 1245 (Wargrave, Berks.). In 1220-1, they were audited between Monday 22 November 1221 (Brightwell, Berks.) and Tuesday 30 November 1221 (Wargrave, Berks.). In 1223-4 the audit for these manors was taken in early December.

which suggests that the previous year referred to in the Taunton entry actually meant the time between the receiving of temporalities (10 Sept.) and the end of the accounting year presumably at Michaelmas (29 Sept.).<sup>159</sup> The entries for Witney and Witney borough (Oxon.) in 1244-5 are also unusual. Both manors have two receipts sections each, the second section being recorded as the second year. The first section, like the Taunton entry, seems to refer to the period between 10 September 1244 and Michaelmas. Both manors record the date of audit as 18 October 1245 which, presumably, was part of the annual 'Michaelmas' audit.<sup>160</sup>

The detailed individual case entries generally consist of an amount followed by a name followed by a reason for payment: 'Et de vjd. de Roberto Snelgar pro mellea', 'And for 6d. from Robert Snelgar for affray'. The 'standard form' of 'amount, name, reason', however, is not always consistent. In 14 years the number of cases which record no reason is below 14 per cent of the total number of cases. In the remaining 9 years, however, over 41 per cent of all cases record no reason, with the highest percentage, 74 per cent, being for 1219-20.<sup>161</sup> In addition, the use of bynames is inconsistent, thus making comparison between people very difficult. In ten of the rolls the use of bynames is infrequent: 1215-16, 1218-21, 1223-4, 1225-7, 1231-2 and 1235-7. Occasionally a distinction between people of the same first name is made: For 5s Eudo Palm' for the same (the marriage of his daughter) For 12d from the same to have land .... For 18d for Eudo from the same (wood). For 6d from Eudo Palm' for the same (wood).<sup>162</sup> The distinction between Eudo and Eudo Palm' in the second pairing would seem to imply that they were different men. Bynames, in years when few are recorded, tend to be used only when the entries are consecutive, but they are by no means always used. In East Meon (Hants.) in 1218, a certain William made a payment of 6d. which was followed by a payment made by a William de Mara, again for 6d.. It seems that the byname was used to distinguish between the two Williams, but later case entries in the same manor in the

<sup>159</sup> Fryde, *British Chronology*, p.276 and Beveridge, 'Dating', p.108.

<sup>160</sup> The dates are given as 'Die mercur' sancti luce' and 'anno ij'. The feast of St Luke is 18 October, which was a Wednesday in 1245. These instances clearly show that these were not audit to audit accounts.

<sup>161</sup> 1 to 13 per cent: 1209-12; 1217-18; 1224-5; 1233-52. 42 per cent: 1214-16; 1225-6. 53 per cent: 1231-2. 64 to 68 per cent: 1218-19; 1220-1; 1226-7. 71 to 74 per cent: 1219-20; 1223-4.

<sup>162</sup> The payments were 'De v s. Eudone palm' pro simili {filia maritanda}. De xii d. eodem pro terra habenda. .... De xviii d. Eudone pro simili {bosco}. De vi d. de Eudone palm' pro simili {bosco}'.

same year record William paying 3s. followed by William paying 6d. followed by another case where William paid 6d.. In Fareham (Hants.) in 1236, three Richards were recorded consecutively, each payment being six pence and only the first recording a reason. It is impossible to tell in such cases where no byname is given whether the payments were made by the same man.

The Winchester Pipe Rolls contain 35 instances where the perquisite sections gives only a sum total of court payments for the manor rather than the usual detailed individual case entries. This is particularly noticeable in 1215-16 where 8 of the 40 manors which record payments of court record a sum only. The 1215-16 entries are not unique, however; Cheriton (Hants.) in 1217-18, for example, records a sum total of 28s 4d.<sup>163</sup> The Downton (Wilts.) and Harwell (Berks.) entries for 1217-18 consist of 5 and 13 cases respectively, but a number of the 'individual' entries are, in fact, sum totals in themselves. The entries for Winchester Minster in 1236-7 and Bishops Fonthill in 1244-5 also contain sum totals.<sup>164</sup>

The perquisite sections in the early Pipe Rolls contain a wide variety of cases including marriage payments and land transactions which were later recorded in separate sections in the account. The separation of these does not occur until 1259, but indications of the grouping do become apparent. In the manor of Witney (Oxon.) in 1245-6 the perquisite section was divided into three sub-sections, each with a sum total, the first noted perquisite payments and the other two sub-sections noted land transactions only. The perquisite payments for the manor of Downton were also divided, but into four sub-sections. The payments appear to be grouped, notably the 29 payments for mowing the lord's meadow poorly in the second sub-section, and 13 payments for default of carrying timber, 14 payments for default of carrying wood and 47 payments for not carrying the prosecution of thieves through to the gallows in the fourth sub-

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<sup>163</sup> 'De perquisitis xxviiij sol' iij d'.

<sup>164</sup> The payments were 'perquisitis cum fine de Thethinges', case 4 of 5, 'placit' et purch'' cases 1 of 13, 'perquis' tempore R. Wastehus'', case 74 of 75 and 'placit' et perquisit' post hundredum de hockdai', case 28 of 28, respectively.

section. Groups of similar cases of ten and above payments also occur in the first and third sub-sections.<sup>165</sup>

The recording of manorial court payments made in kind can be found in various sections of the accounts. Payments made in wax, cumin and ploughshares are sometimes included in the perquisite section but, gradually, these were given separate sub-headings within the account: by the 1240s it was fairly unusual to have non-cash payments within the perquisite section. Heriots paid in cash were recorded in the perquisite section whereas, it seems, if they were paid in kind they were entered in the livestock account. This method seems the most sensible for the compilation of accounts as, regardless of the source, the livestock account remained separate from the cash account. It does, however, mean that not all manorial court business which resulted in a payment in kind was necessarily recorded within the perquisite section.

The Winchester Pipe Rolls are a valuable source for many elements of early thirteenth century history due to the detail and sheer volume of evidence. As a result, many historians have based their research on these enrolled accounts. The two earliest surviving rolls, those for the accounting years 1208-9 and 1210-11 have been edited by H. Hall and N.R. Holt respectively.<sup>166</sup> One other Pipe Roll has been published, 1301-2, with the 1409-10 roll due to be published in the near future.<sup>167</sup> W.H. Beveridge wrote an important article dating the Pipe Rolls and used the rolls in his study of corn yields, prices and wages.<sup>168</sup> The work by N. Vincent on the origins of the Winchester Pipe Rolls has already been noted.<sup>169</sup> J.Z. Titow has made wide use of the rolls to study yields, weather, the condition of the peasantry and population increase.<sup>170</sup> In association

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<sup>165</sup> The payments were 'pro defalta ad meremium cariendam', 'pro defectu ad boscham cariendam' and 'quia non secuti sunt latrones ad furcas'. The first sub-section has groups of cases totalling 10 and 14 and the third sub-section has cases totalling 10 and 11. The second sub-section forms Appendix A, p.177.

<sup>166</sup> *Winchester Pipe Roll, 1208-9*, and *Winchester Pipe Roll, 1210-11*.

<sup>167</sup> *The Pipe Roll of the Bishopric of Winchester, 1301-2*, ed. M. Page, (Winchester, Hampshire County Council, vol. xiv, 1996). The 1410-11 roll is also edited by Mark Page.

<sup>168</sup> W.H. Beveridge, 'Yield and Price of Corn in the Middle Ages', *Economic History*, a supplement to the *Economic Journal*, vol. ii, 1927, pp.155-67. Beveridge, 'Dating'. W.H. Beveridge, 'Wages in the Winchester Manors', *Economic History Review*, vol. vii, 1936, pp.22-43.

<sup>169</sup> Vincent, 'Winch. Pipe Rolls'.

<sup>170</sup> J.Z. Titow, 'Evidence of Weather in the Account Rolls of the Bishopric of Winchester, 1209-1350', *Economic History Review*, 2nd ser., vol. xii, 1959, pp.360-407. Titow, 'Population'. J.Z. Titow, 'Some Differences between manors and their Effects on the Condition of the Peasant in the Thirteenth Century',

with M.M. Postan, Titow also looked at heriots and prices in the Winchester rolls.<sup>171</sup> D.L. Farmer, like Beveridge and Titow, also used the rolls for the study of yields, prices and wages.<sup>172</sup> M. Beresford used the records to study the development of new towns, whilst A.E. Levett and A. Ballard used them to study the effects of the Black Death.<sup>173</sup> E. Swift's thesis on manorial administration was based largely on the Winchester rolls.<sup>174</sup> Other works have used the rolls for the study of particular manors: C. C. Thornton's study of the manor of Rimpton, for example, made specific use of the rolls as did a supplementary chapter to the Black Death Study by A. Ballard, for Witney Brightwell and Downton.<sup>175</sup> N.S.B. and E.C. Gras also used the Pipe Rolls in their study of the manor of Crawley (Hants.).<sup>176</sup>

Only one study has used the details of court payments provided by the Winchester Pipe Rolls: A.N. May's doctoral thesis studied the manorial courts of the estates of the bishopric of Winchester throughout the thirteenth century, but his work is of limited use to the present study. He studied only three particular manors, those of Bishops Waltham (Hants.), Farnham (Surr.) and Downton (Wilts.), in a restricted number of years which, although considered to be representative, may not present the full picture. The manors are all of a considerable size and there are great year by year variations, both of which may distort his results. He also studied only the franchisal

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*Agricultural History Review*, vol. x, 1962, pp.1-13. Titow, 'Land and Population'. J.Z. Titow, *Winchester Yields, A Study in Medieval Agricultural Productivity* (Cambridge, Cambridge University Press, 1972).

<sup>171</sup> M.M. Postan and J.Z. Titow, 'Heriots and Prices on Winchester manors', *Economic History Review*, 2nd ser., vol. xi, 1959, pp.392-411.

<sup>172</sup> D.L. Farmer, 'Grain Yields on the Winchester Manors in the Later Middle Ages', *Economic History Review*, 2nd ser., vol. xxx, 1977, pp.555-66. D.L. Farmer, 'Crop Yields, Prices and Wages in Medieval England', *Studies in Medieval and Renaissance History*, vol. vi, 1983, pp.117-55.

<sup>173</sup> M. Beresford, 'The Six New Towns of the Bishops of Winchester, 1200-1255', *Medieval Archaeology*, vol. iii, 1959, pp.187-215. A.E. Levett and A. Ballard, 'The Black Death' in *Oxford Studies in Social and Legal History*, ed. P. Vinogradoff (London, Oxford University Press, vol. v, 1916), pp.1-217.

<sup>174</sup> Swift, 'Administration'.

<sup>175</sup> C.C. Thornton, 'The Demesne of Rimpton, 938 to 1412: A Study in Economic Development' (unpublished Ph.D. thesis, Leicester University, 1988). A. Ballard, 'The Manors of Witney, Brightwell and Downton' in., *Oxford Studies in Social and Legal History*, ed. P. Vinogradoff (London, Oxford University Press, vol. v, 1916), pp.181-217.

<sup>176</sup> N.S.B. and E.C. Gras, *The Economic and Social History of an English Village, Crawley, Hampshire, AD 909-1928* (Cambridge, Massachusetts, Harvard University Press, 1930).

business, such as breaches of the assize of ale, rather than the entire business of the courts.<sup>177</sup>

### *Other accounts with detailed court payments*

Thirteen accounts for this period survive for the manor of Froyle which belonged to the Abbey of St. Mary's, Winchester.<sup>178</sup> The accounts comprise of between one and five pieces of parchment sewn together in chancery style, with writing often on one side only. Twelve of the thirteen rolls are dated by the abacial year of 'Abbess A.', Agnes, with the first year being for Michaelmas 1235-6. These annual rolls provide accounts for 1235-8, 1239-45, 1246-7 and 1248-50. The earliest roll, dated '*De xvij Anno Domine*', relates to the seventeenth year of the previous abbess and seems to account for the year 1233-4.<sup>179</sup> The rolls contain perquisite sections which are similar in form to the Winchester Pipe Rolls, having a section title, a standard form of 'amount, name, reason' type entry and a sum total for the section. The rolls also record heriot payments within the stock account and in 1249-50 begin to record the recognition payments in a separate section.

The earliest roll surviving in the Winchester Cathedral Priory archive is the account roll for the manor of Wyke next Portland (Dor.).<sup>180</sup> The account is made up of two pieces of parchment sewn in Chancery style, with the account written on one side only. A brief summary of the account is written towards the end of the parchment on the dorse side. The account is for the period Michaelmas 1242 to Michaelmas 1243. The information relating to court business is divided into a number of headings in this roll: Warranty of the court; Perquisites; Marriage fines; Heriots. The warranty of court and the perquisites section each have separate sum totals, of 36s. 8d. and 39s. respectively, whereas the marriage fines and heriots have a combined total of 10s.. Detail is given in each of the four sections and the standard pattern for the individual entry is followed:

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<sup>177</sup> May, 'Franchise'. May also published an article based on this work. May, 'Impoverishment'.

<sup>178</sup> BL Additional Charter 17457 to 17468. HRO 123M88W/1.

<sup>179</sup> Details about the dating of the rolls can be found in Harvey, *Cuxham*, p.22n. BL Additional Charter 17468.

<sup>180</sup> Muniments of the Dean and Chapter, Winchester, W53/10/1.

6d. from Robert Budda for infringement of pasture, for example. Payment was made in money except in the case of the first five payments for the warranty of court. These were paid in pepper, cumin and wax.

An account roll also survives from the late 1240s for twenty-two manors in Hampshire, Wiltshire and Dorset. The roll originally consisted of eight membranes, but the seventh membrane has been cut, leaving only the manor name of Wyke extant.<sup>181</sup> The accounts, although all sewn together in Exchequer style, seem to come from different years. The manor entries are dated using reference to the Prior, John de Cauz, who was Prior of St. Swithun's from 1247 to 1249. A year is given only for those manors recorded at the beginning of each membrane, with Michelmersh, Overton, Easton, Long Sutton, Barton Priors (all Hants.) and Stockton (Wilts.) all accounting for the second year of John de Cauz's period of office.<sup>182</sup> Portland (Dor.), however, which is the first manor entry on the fourth membrane, accounts for the third year of the Prior's office. Presumably, the account for the manor of Elwell was also for the third year as the manor was also recorded on the reverse of the membrane.<sup>183</sup>

Three of the twenty-two manors do not record perquisite payments: Worthy (Hants.), Littleton (Hants.) and Wyke (Dor.). The perquisite section of the nineteen remaining manors were recorded at the end of the receipt account and detail individual payments in the style of the Winchester Pipe Rolls: the standard entry noted the amount of payment, the person liable and the reason for the payment, and a sum total of perquisite payments was recorded at the end of the section.

The perquisite entry for Portland is unusual in that it has been organised by case type. Contained within the text are three paragraph marks indicating a change in type of case from the general perquisite payments to heriot payments, then marriage payments

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<sup>181</sup> Muniments of the Dean and Chapter, Winchester, L38/2/1. The actual accounts for this manor, therefore, are missing.

<sup>182</sup> The manor of Littleton, recorded on the reverse of the final piece of parchment, also records that the year of the account was the second of John's period of office.

<sup>183</sup> Drew dates both the Portland and Elwell accounts to the third year, Michaelmas 1248 to 1249. Drew, 'Wyke', p.31.

and, finally, land transactions. This division, although subtle in the text, foreshadows the division of payments made in the bishopric of Winchester's Pipe Rolls where land transactions and marriage payments became a separate section from 1259 onwards.

An edition and translation of accounts from the Winchester Cathedral Priory's estate has been published by J.S. Drew in the Dorset Natural History and Archaeology Society Proceedings. The manors selected were Wyke, 1242-3 and Portland and Elwell, 1248-9.<sup>184</sup>

Four accounts survive from the Southwick Priory estate for the late 1240s.<sup>185</sup> The earliest account, for the manor of Stubbington on Portsea Island (Hants.) for 1246-7, contains no perquisite section, but the accounts for 1248-9 and 1249-50 do contain possible perquisite entries. The 1248-9 account is written on two membranes sewn together chancery style, with writing on both sides. The last six entries may be perquisite entries as they record specific names and amounts of payment. They do not, however, usually record a reason for payment. The 1249-50 account for Stubbington also comprises two membranes sewn in chancery style, but a third small piece of parchment has been sewn to the head of the second piece. The final three entries in this receipts section record names of individuals and an amount of payment, which may also be perquisite payments. Accounts also survive for the manors of Moundsmere (Hants.) and Preston Candover (Hants.), which consist of three pieces of parchment sewn chancery style. These date from 1248-9. The account for Moundsmere has no perquisite section, but the account for Preston Candover lists eleven names who paid an amercement.

The manor of Burstwick in the East Riding of Yorkshire belonged to the Count of Aumale.<sup>186</sup> The record consists of one membrane written on one side only and the roll is badly damaged and stained. The roll is not a full account as it records a list of

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<sup>184</sup> *ibid.*.

<sup>185</sup> Winchester College, 14484, 15376.

<sup>186</sup> PRO SC 6/1078/6.

receipts only and is dated to the early or mid-thirteenth century.<sup>187</sup> The introductory dating passage which is badly damaged and stained is followed by a record of items sold. There is then a record of names and amounts of payment entered in list form and a sum total of receipts. It seems that the majority of the names and payments recorded do, in fact, represent perquisite payments. The positioning of the section at the end of the receipts account follows the pattern of the Winchester Pipe Rolls and one entry records a reason for the payment: Walter made a payment to have the mercy of the court.<sup>188</sup> The first thirty-four entries in the list, apart from the above entry, note only a name, such as Alan, son of Andrew, and an amount, 5d..<sup>189</sup> Five of the remaining eight entries in the list, however, seem to have more information regarding the person or persons liable for the payment: there are five references to a date, Pentecost, Martinmas or Michaelmas and considerable sums of money are involved.<sup>190</sup> The condition of the membrane makes it impossible to read the full entries for these final eight records, but it may be the case that at least five of these later entries were for tithings or hundreds for certain periods throughout the year.

#### *Accounts for other estates*

The accounts for the estate of Ramsey Abbey (Hunts.) provide a link between the accounts detailing the individual perquisite payments and the accounts giving only a sum total of payments to court. Three accounts before 1250 survive from the estate of Ramsey Abbey, one of which was for Broughton with Kings Ripton (Hunts.).<sup>191</sup> The account consists of one piece of parchment and was for the year Michaelmas 1243 to Michaelmas 1244. The perquisite entry was the final entry in the receipts section and consisted of two sum totals, one for Broughton and one for Kings Ripton. The previous entry, however, was for *gersuma*, an entry payment. In the other account, a single

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<sup>187</sup> P.D.A. Harvey, 'Mid-Thirteenth Century Accounts from Bury St Edmunds Abbey', *Transactions of the British Archaeological Association*, for 1994, in the press.

<sup>188</sup> The payment was 'Waltero pro misericordia, ij m''.

<sup>189</sup> Four of the entries are so stained that no name is legible.

<sup>190</sup> Of the final eight entries three entries are so badly stained that only the amount of payment is legible. From the position of the recorded amounts for those entries and the value of the payments it seems more likely that these entries were for individuals rather than tithings or hundreds.

<sup>191</sup> PRO SC 6/875/6 and BL Additional Charter 34903.

membrane for the same year for the manors of Elsworth, Knapwell and Graveley (all Cambs.), the perquisite payment recorded in the account for Graveley was also preceded by an entry payment. The combined accounts for Elsworth and Knapwell listed three entry payments, one payment for merchet (for permission to marry), the total perquisite payments and, finally, a payment for permission to rent land.<sup>192</sup> This shows the division of those payments usually grouped under the title of perquisites in the bishopric of Winchester's accounts. It also emphasises the difficulties in comparing the sum total perquisite entries as one can never be sure whether one is comparing like with like.

One later account also survives for Broughton with Kings Ripton and for the manor of Warboys (Hunts.). The account consisted of one piece of parchment, with one account written on each side. The date of the account was Michaelmas 1249 to Michaelmas 1250. For the manor of Broughton with Kings Ripton, once again, the perquisite entry was the final entry in the receipts section, but the entry records only a combined sum total in this year. The receipts section included payments for the view of frankpledge and one entry fine, with the two entries immediately before the perquisite payment being for a heriot paid in cash and to have licence, which was presumably a payment for permission to marry. The perquisite payment for Warboys was also the final payment recorded in the receipts section of the account. There were 7 payments for land and 6 payments for licence or permission, again presumably to marry, recorded immediately before the perquisite entry. All surviving Ramsey Abbey accounts, therefore, seem to treat land and marriage payments as distinct categories for the purpose of the accounts. J.A. Raftis conducted work on the Ramsey Abbey estate but W.O. Ault, in his more general work on private jurisdiction, devoted an entire chapter to the manor courts of Ramsey Abbey.<sup>193</sup>

The Archbishop of Canterbury's estate provides one series of enrolled accounts for the year 1236-7. The accounts probably covered the entire estate but accounts for only 9 manors survive and only 7 accounts contain extant perquisite payments. The

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<sup>192</sup> The phrase used was 'pro licencia conducendi terras'.

<sup>193</sup> J.A. Raftis, *The Estates of Ramsey Abbey* (Toronto, Pontifical Institute of Medieval Studies, 1957). Ault, *Private Jurisdiction*.

manuscript comprises 3 membranes, sewn Chancery style, the third membrane being severely damaged with much of the original information now lost or illegible. There is writing on both sides of the document but, in places, it is very faint. Of the 7 manors for which payments to court remain extant, 2 record perquisite payments alone and 5 record various combinations of perquisites, fines, amercements and reliefs. The totals are recorded for each type of payments, however, so the entry for Croydon (Surr.), for example, gives a sum total of perquisite payments, a sum total of amercements and a sum total of fines.<sup>194</sup> The account for Harrow on the Hill (Middlesex) contains sum totals for reliefs, perquisites and amercements but also contains individual payments by which particular people were fined for having land: these payments are presumably details of payments recorded as sum total 'fines' in the other accounts. Again, this highlights the difficulty in ascertaining whether one is comparing like with like when dealing with these somewhat imprecise terms.

Fourteen manors are recorded in one series of accounts for the Abbey of St Benet Hulme.<sup>195</sup> The rolls comprise 15 membranes, with each manor having one membrane bar Ludham which had 2 and Swanton Abbot and Estone, in Scottow, which seem to have recorded a joint account on one membrane and individual accounts on the final membrane.<sup>196</sup> All information for this joint account has been lost, however, as the membrane has been cut and only part of the title remains. In total, 13 of the membranes were cut in a similar fashion, with 6 of these also being cut further down the parchment. Of these 6, 4 appear to have lost the end piece of parchment. Only five of the manors contain perquisite entries, providing ten separate sections in total, but these are sum totals of amounts rather than individual cases. The date of the accounts are 1239-41, but the actual dates of account vary from manor to manor. Four of the manors record periods of account of approximately one year, but the manor of Hovetune records four

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<sup>194</sup> The manuscript is worn and only the 'pro f...' of 'pro finibus' survives. It has been assumed that the payment is 'pro finibus' from the length of the worn passage and comparison with other accounts.

<sup>195</sup> Norfolk Record Office MF/RO 382/18 Est/1, Est/2/1/1, Est/2/1/2, 101426/3/13.

<sup>196</sup> The exact location of Estone is uncertain, but seems to be associated with Scottow village (Norf.). *St Benet of Holme 1020-1210*, trans. J.R. West (Norfolk Record Society, vols ii and iii, 1932), ii, p.287.

irregular periods between 29 September 1239 and an unknown date in November 1240. The shortest period of account in Hovetune is just under one month.<sup>197</sup>

Later accounts for the abbey recorded 10 manors, 7 of which recorded perquisite payments either as a single manor or in combination and, again, the period which the accounts cover varied for each manor. All seven periods of account, however, fell within the Michaelmas 1244-5 accounting year. The accounts total 14 membranes, with 9 membranes forming Est/2/1/2 and 4 membranes forming Est/2/1/1. A single membrane, 101426/3/13, also seems to be a membrane from the account. These may well have been part of one document and it seems that the accounts contained in Est/2/1/1 were recorded at the end of the account. The perquisite payments were sum totals and all occur as the final entry in the receipts section.

Eight accounts for Woodstock and seven other manors or neighbours (all Oxon.) survive from before 1250.<sup>198</sup> Each year of accounts is written on two pieces of parchment sewn chancery style, with all eight years being sewn together in Exchequer style. The accounts are often written on one side of the parchment only. The dates of the accounts are in regnal years, from 27 Henry III to 34 Henry III, 1242 to 1250. All manors for all years record a perquisite payment except Wootton (Oxon.) in 1245-6. The payment is a sum total, sometimes including payments for frankpledge as well as for perquisites. Payments of heriots in cash are also recorded within the receipts section.

An account roll survives for the bishopric of Worcester's manors of Fladbury (Worcs.) and Tredington (Warks.).<sup>199</sup> The single membrane is large in size, comparable to the Winchester Pipe Rolls, and the account is written on both sides. It seems that this account was once included in a larger collection of accounts, probably for the entire estate. The entry for the manor of Tredington is divided into two, with separate accounts for Michaelmas 1246 to 13 April 1247 and 13 April 1247 to the following Michaelmas.

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<sup>197</sup> Two manors record one period of payment and two manors record two periods of payment, all approximately one year in length. The manor of Hovetune records payments for the following dates: 29 Sept. to 23 Oct. 1239; 23 Oct. to 7 Dec. 1239; 7 Dec. 1239 to 29 Sept. 1240; 29 Sept. to ? Nov. 1240.

<sup>198</sup> PRO SC 6/962/4

<sup>199</sup> Bodleian Library Worcestershire Roll 4.

Each account contains a sum total of perquisite payments recorded within but not at the end of the receipts section of the account.<sup>200</sup> The second account also records two heriot payments in the stock account. The Fladbury entry is written on the reverse of the parchment and the account is for the year 1246-7. The perquisite entry is, again, a sum total and forms the penultimate entry in the receipts section. No heriot payments are recorded.<sup>201</sup> These early accounts are mentioned in C. Dyer's work on the estates of the bishopric of Worcester, 680-1540.<sup>202</sup>

Accounts containing perquisite sections for 13 manors, either individually or as a combination, survive from the estates of Bury St. Edmunds (Suff.).<sup>203</sup> The accounts are found in a register from the Abbey which contains copies of a variety of documents and which was probably a late fourteenth century combination of earlier books. The perquisite sections are found in the copies of the cellarer's, chamberlain's and sacrist's department accounts, which were all written in a mid-thirteenth century hand. These entries, like those in the Ramsey Abbey cartulary, were copies and were not used in the estate accounting process.<sup>204</sup> The dates of the accounts vary for each manor or combination of manors, between the dates 20 July 1248 and 28 July 1250.<sup>205</sup> The main focus of the accounts, however, seems to be on the year July 1248-9. There are twelve detailed periods of account, with each manor or combination of two manors having one period of account bar the manor of Warkton (Northants.). This manor has three separate periods of account covering two accounting years: 29 Sept. 1247-8, 29 Sept. 1249 to 5 May 1250 and 5 May to 28 July 1250.

A single membrane account for Little Dunmow Priory (Ess.) survives for the year 1239-40.<sup>206</sup> The account gives details of seven manors but only one manor,

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<sup>200</sup> The entries were 'Et de 14s. et 8d. de finibus et perquisitis Curie', and 'Et de 2s. et 5d. de perquisitis Curie'.

<sup>201</sup> The entry was 'Et de 41s. de finibus et perquisitis Curie'.

<sup>202</sup> C. Dyer, *Lords and Peasants in a Changing Society* (London, Past and Present Society, 1980).

<sup>203</sup> BL Harley MS. 645. ff.193-8, 252, 260-1.

<sup>204</sup> All this information is taken from an as yet unpublished article. P.D.A. Harvey, 'Mid-Thirteenth Century Accounts from Bury St Edmunds Abbey', *Transactions of the British Archaeological Association*, for 1994, in the press.

<sup>205</sup> Six of the manors are recorded in combinations of two, thus producing three accounts.

<sup>206</sup> Essex Record Office D/DM Q2.

Henham (Ess.), records a perquisite payment. It seems that the payment was not actually made in that year, however, as the payment was recorded as being owed.

P.M. Barnes' chapter in the *Interdict Documents* provides an introduction to and a transcription of three documents relating to the lands of Christ Church Cathedral priory between 1207 and 1213.<sup>207</sup> The 'Issues 1207-8' document provides the earliest record of perquisite payments in a roll of accounts. The roll was compiled to support the claim by Christ Church Cathedral Priory to compensation from King John during the Interdict. The roll seems to have been drawn up at Canterbury, presumably from manorial rolls of some kind, at some point between the exiled monks' return in July 1213 and the end of the Interdict.<sup>208</sup> The document, which P.M. Barnes entitled 'Issues', suffered damage to the head of the first membrane but the 3 legible manor names on that membrane noted the period of account as in the time of Fulk de Cantelu. The second of the 5 membranes specified the exact period of account as 20 July 1207 to 2 February 1208.<sup>209</sup> Of the 21 manors which recorded accounts, 9 manors recorded perquisite payments.<sup>210</sup> The perquisite entries consisted of perquisite payments or a combination of fines and perquisites, reliefs and perquisites or reliefs, heriots and perquisites. Canterbury Cathedral Priory also produced six *assisa scaccarii* rolls which detailed payments to court for the years 1224-5, 1229-30, 1230-1, 1235-6, 1236-7 and 1242-4. The entries were, again, sum totals only, accounting for about 30 manors.<sup>211</sup>

Two other groups of accounts for before 1250 have been identified, those for the honours of Clare and Gloucester and the Burgh and other estates.<sup>212</sup> The former accounts, as has been mentioned above, do not contain any payments to court. The latter, for the Burgh and various other estates, were a collection of accounts compiled by

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<sup>207</sup> Library of the Dean and Chapter of Canterbury Rental 38, Roll 1.

<sup>208</sup> Notification of the relaxation of the Interdict reached King John on 11 February 1214.

<sup>209</sup> The feast of St Margaret to the Purification.

<sup>210</sup> Orgarwick (Kent), 1 of the 21 manors, was at farm and may not, therefore, be expected to record perquisite payments.

<sup>211</sup> These accounts have not been looked at in person. The information was provided by P.D.A. Harvey. *Assisa Scaccarii* rolls, 1-6.

<sup>212</sup> Honour of Clare and Gloucester, PRO SC 6/1109/8 - SC 6/1109/11.

men put in charge of escheats by the crown. They were not internal accounts of the manor.<sup>213</sup>

The tables below, figures 1 and 2, provide a summary of the material available, detailing the estates, the dates for which information is available, the number of manors and the counties for which perquisite sections are recorded, the total number of perquisite sections for each estate and the type of payment recorded, whether it be individual payments or a sum total.

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<sup>213</sup> Again, the Burgh estate accounts have not been looked at in person. The information was, once again, provided by P.D.A. Harvey.

Figure 1

Estates which record individual perquisite payments

Estate	Dates	Number of manors each year which record perquisite payments	Counties	Number of perquisite sections	Number which contain individual payments	Number which give sum totals only
Bishopric of Winchester (Hants.)	1208-52	38 to 70	Hants. Wilts. Berks. Oxon. Bucks. Surr. Som. Isle of Wight	1294	1258*	35
The '18 month vacancy' roll 15 Apr.1240 - 29 Sept.1241 (PRO SC 6/1143/1)	1240-1	Estate amalgamated	Presumably as above	1	0	1
The '6 month vacancy' roll 15 Apr.1240 - 29 Sept.1240 (PRO E407/5/6)	1240-1	43	Hants. Wilts. Berks. Oxon. Bucks. Surr. Isle of Wight	43	43	0
St Mary's Abbey, Winchester (Hants.)	1233-50	1	Hants.	13	13	0
Winchester Cathedral Priory, (Hants.)	1242-3, 1247-9	1 to 19	Hants. Wilts. Dor.	20	20	0
Southwick Priory (Hants.)	1248-50	1 to 2	Hants.	3	3	0
Count of Aumale (East Riding)	early or mid-thirteenth century	1	East Riding	1	1	0

\* Four of the 'individual' payments are totals in themselves. Brightwell in 1226-7 would have recorded individual payments, but damage to the roll has resulted in the loss of all information bar the perquisite sub-heading.

Figure 2

Estates which record sum total perquisite payments

Estate	Dates	Number of manors each year which record perquisite payments	Counties	Number of perquisite sections	Number which contain individual payments	Number which give sum totals only
Ramsey Abbey, (Hunts.)	1243-4, 1249-50	3 to 5	Hunts. Cambs.	6	0	6**
Archbishopric of Canterbury (Kent)	1236-7	7	Surr. Kent Middlesex	7	0	7
St Benet Hulme (Norf.)	1239-41, 1244-5	5 to 7	Norf.	17	0	17
Royal estates: Woodstock and members (Oxon.)	1242-50	7 to 8	Oxon.	63	0	63
Bishopric of Worcester (Worcs.)	1246-7	2	Worcs. Warks.	3	0	3
Bury St Edmunds Abbey, (Suff.)	1247-50	13	Suff. Norf. Northants.	12	0	12
Little Dunmow Priory (Ess.)	1239-40	1	Ess.	1	0	1
Canterbury Cathedral Priory (Kent)	1207-8, 1224-44***	9	Kent	9	0	9
Honours of Clare and Gloucester (Gloucs.)	1234-7	0		0	0	0

\*\* These six sections give a sum total for perquisite payments, but list individual payments for land and marriage.

\*\*\* See footnote 211 above.

## II Where and when were the courts held?

### Where were manorial courts held?

Domesday Book makes no specific reference to the holding of manorial courts, mentioning *curia* mainly as a courtyard rather than a particular court. Domesday Book does refer, however, to a number of manors without halls, *manerium sine halla*.<sup>1</sup> This seems to have been of some significance and may indicate that no court was held in this manor because there was no meeting at the hall, no hallmoot. Bracton mentions a similar situation in discussing the transferral of cases from the lord's court to the county court. A case could go to the county court if the lord was considered incapable of doing justice, one reason given for this being if the lord had no court. If the lord did not have a court, the officer was to go to the lord's residence provided it was in the same fee as the land claimed. If there was no court and no residence then the demandant had proved default. It seems that Bracton was describing a situation where a manor had no hall and, therefore, no court. This is not certain, however, as the lord could hold a court wherever he wished on his fee, not necessarily in a hall.<sup>2</sup> A.E. Levett's work on the courts of St Albans Abbey showed that the hallmoots of the abbey were to a great extent migratory: the court under the ash-tree was simply a hallmoot not held in a hall, conducting the same business and even dealing with the same cases as heard in the hallmoot.<sup>3</sup> It does not seem unusual that courts were held outside, with courts being held under the Court Oak and on Court Hill in the Essex manors of Moulsham Hall and Little Leigh respectively.<sup>4</sup> As late as 1530-1, the Almoner's accounts of Norwich Cathedral noted that the court met under the oak.<sup>5</sup> The description of the manor court of Knyttington (Berks.), however, was by far the most detailed, with the court being held 'in a certain green place over against the house of Hugh de Gardin when it was fine, and in wet

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<sup>1</sup> *Domesday Book*, i, 35b, 175b, ii, 206 for 'curia' references, and i, 12, 307b, 308 for 'manerium sine halla' references.

<sup>2</sup> *Bracton*, iv, pp.49-54.

<sup>3</sup> Levett, *Studies*, pp.134-42.

<sup>4</sup> Bennett, *English Manor*, p.203.

<sup>5</sup> N.J. Hone, *The Manor and Manorial Records* (London, Methuen and Co., 1906), p.131n.

weather, by leave of the bailiff in the manor house or in that of one of the tenants'.<sup>6</sup> The meeting place of the court seems, therefore, to have been weather dependent: if the weather was clement then the court would be held outside at a place established by custom; if the weather was inclement, the court would generally be held in the hall of the manor.

If the manorial court was not customarily held in a hall, then the phrase 'manor without hall' used in the Domesday Book may not necessarily indicate that because there was no physical hall there was no manorial court: there would be no need to have a hall specifically for a court if the court was usually held under the oak tree, for example. The phrase, however, does seem to be of importance. There are over 60 references to halls in Domesday Book, with entries recording that two men had two halls or that lands which previously had two halls now only had one.<sup>7</sup> R. Faith suggested that a 'manor without hall' was a settlement of peasant farmers rather than a settlement owned by one particular lord: the hall, therefore, signified lordship.<sup>8</sup> This, does not, however, necessarily mean that a 'manor without hall' could not be interpreted as a manor without a court because, if the manor had no lord, the manor could not have a lord's court. The very basis of the jurisdiction of the court, the relationship between the lord and tenant, would not apply if there was no lord. The exercise of sac and soc were often noted in Domesday Book but, in a number of entries, sac and soc were associated with the hall, suggesting a jurisdictional link of some kind. In the wapentake of Oswaldbeck in Nottinghamshire, it was noted that land in Sturton le Steeple and West Burton was held by Sperauc who, in addition, held land in Fenton.<sup>9</sup> The land in Fenton was described as two bovates of land and two parts of one bovate at geld, and one carucate with sac and soc without a hall. It was obviously possible to exercise the rights of sac and soc without a hall, but the holding of land elsewhere may suggest that the

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<sup>6</sup> Bennett, *English Manor*, p.203.

<sup>7</sup> For instances of two men having two courts see *Domesday Book*, i, 62b, 63b, 41b, 41 (three men, three halls), 284b (ten men with a hall each). For instances of two halls being replaced by one see *ibid.*, i, 27, 62, 309b. For a combined instance where two men held two halls which then became one hall, see *ibid.*, i, 45.

<sup>8</sup> Faith, *English Peasantry*, p.151.

<sup>9</sup> The wapentake of Oswaldbeck became a part of the Bassetlaw wapentake, J.E.B. Glover *et al.*, *The Place-Names of Nottinghamshire* (English Place-Name Society, vol. xvii, 1940), p.24-5.

jurisdiction was exercised in a hall which presumably Sperauc had on his other lands.<sup>10</sup> In Langton (Yorks.), the holding of sac and soc was again associated with a hall: a man called Tor relinquished land with soc and sac but no hall.<sup>11</sup> It may be possible that the jurisdiction over certain manors was simply combined with another manor: in Sussex, an entry was made stating that two lands were held but only one hall.<sup>12</sup> Presumably all cases for the hallmoot were taken to the one hall. The most significant link between sac, soc and halls, however, is an entry which reads 'the wapentake says that Earl Alan ought to have soc over the hall of Grimchel whose land the bishop of Durham holds in *Neutone*'.<sup>13</sup> For the earl to have soc over the lands of Grimchel would not necessarily be particularly unusual, but the phrase 'to have soc over the hall' suggests that soc would normally have been exercised in the hall itself: the earl's right to exercise soc would seem to overrule decisions which would normally have been taken in Grimchel's hall.

Not all administrative units were detailed in manorial account rolls necessarily held manorial courts. Certain units of the bishopric of Winchester's estate recorded in the Winchester Pipe Rolls, for example, did not enter perquisite payments as they had no tenants. The mill at Winchester was given a distinct entry in 1208-9, 1213-14, 1215-16 and 1218-19, and a separate entry was made for a mill in 1223-4, 1225-6, 1226-7, 1231-2, 1232-3, 1235-6, and 1236-7.<sup>14</sup> Churches also occasionally had separate entries: Calbourne (Isle of Wight), Hambledon (Hants.), Newchurch and Alresford (Hants.) all had separate accounts for churches in certain rolls.<sup>15</sup> East Meon Church (Hants.) is the main exception, having separate accounts from East Meon for all 23 accounting years between 1208 and 1252.<sup>16</sup> Not all accounting units with no perquisite section had no

<sup>10</sup> No mention of a hall is made, however, for Sperauc's other lands in the wapentake. 'terra j carucate cum saca et soca sine aula', *Domesday Book*, i, p.286b.

<sup>11</sup> 'Ibi Torsin et Finegal ij haulas, Tosin cum saca et soca et tercius nomine Tor relinq' terram cum saca et soca sed non haulam', *ibid.*, i, p.309.

<sup>12</sup> *ibid.*, i, p.26b.

<sup>13</sup> 'Dicit wapentaca quod Comes Alanus debet habere socam super aulam Grimchel cuius terram habet episcopus dunelmensis in Neutone'. *ibid.*, i, p.376. Neutone seems to be associated with Tealby, Lincs., *ibid.*, index, p.324.

<sup>14</sup> The mill at Southwark (Surr.) is given a separate entry in 1210-11 and the mill at *Durngat*' is given a separate entry in 1213-14.

<sup>15</sup> Calbourne church 1231-2 and 1232-3, Hambledon church 1246-7 and 1247-8, Newchurch church 1232-3, Alresford church 1248-9.

<sup>16</sup> For another example of a church becoming a separate manor in its own right, see Faith, *English Peasantry*, pp.165-7. The example used was Lambourn Church (Berks.). See p.70.

tenants, however. There were 38 occasions when manors which recorded perquisite sections in six or more rolls had an account which did not contain a perquisite section. Southwark (Surr.), for example, recorded perquisite payments in nine separate rolls, but accounts for the manor were actually recorded in twenty rolls, thus eleven accounts for the manor did not contain perquisite payments.

The bishopric accounts were not alone in this phenomenon. Some of the manors on the Canterbury Cathedral Priory estate in 1207-8 did not record perquisite payments.<sup>17</sup> It is possible that receipts from court were accidentally excluded from the list of receipts but, considering the financial purpose of these rolls, this seems an unlikely explanation for all instances. The purpose of the rolls, however, does suggest another possible reason for a manor recording no perquisite payments. The accounts were records of expenditure and receipt and only those cases which incurred payment were actually recorded in the accounts. It is impossible to tell how many other cases were heard which did not incur a monetary payment. The recording of heriot payments in kind within the stock account shows that not all court payments were necessarily recorded within the perquisite section itself but, equally, stock was also accounted for in the rolls, so it seems most unlikely that receipts of stock made as payments to court would not be duly noted as such. One is left with the obvious conclusion that no perquisite payments were recorded because no perquisite payments were made: it seems that, for some reason, no courts were held in these manors in particular years.

Below is a table detailing the seventeen manors which enter perquisite payments in six or more of the Winchester Pipe Rolls but, for one or more years, do not enter perquisite payments within the accounts.

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<sup>17</sup> Documents concerning Christ Church Cathedral Priory, Canterbury, 1207-1213, in *Interdict Documents*, eds. P.M. Barnes and W.R. Powell (Pipe Roll Society, vol. lxxii, 1960), pp.33-85.

Figure 1

Occurrence of perquisite payments

	Accounting year ending																						
	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
	0	1	1	1	1	1	1	2	2	2	2	2	2	3	3	3	3	4	4	4	4		
	9	1	2	4	6	8	9	0	1	4	5	6	7	2	3	6	7	5	6	7	8	9	2
<b>Alresford Borough</b>		✓	✓	✓			✓	✓	×	✓	×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Bishops Fonthill</b>	×			×		✓	✓			×	×	✓	✓	×		✓	✓	✓	✓	✓	✓	✓	✓
<b>Bishopstone</b>			✓	✓	✓	×	✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Downton Borough</b>					×	×	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>East Meon Church</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	×
<b>Ivinghoe</b>			✓	✓	×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Morton</b>				✓	×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Newtown</b>								×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>North Waltham</b>		✓	✓	✓	×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Overton</b>	✓	✓	✓	✓	×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Rimpton</b>	✓	✓	×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Southwark</b>	×	×	×	×		✓	✓			×	×	×	×	×	×	✓	✓		×	✓	✓	✓	✓
<b>Warren</b>										✓		×	✓						✓	✓	✓	✓	✓
<b>Winchester Minster</b>	✓	✓	✓	✓	✓	×	✓	×	✓	×	✓		✓	✓		✓	✓						
<b>Witney</b>	✓	✓	✓	✓	×		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Witney Borough</b>				✓			✓	✓	×	✓		×		×	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Woodhay Tornes</b>						✓	✓	✓	✓	×	✓	✓	×										

✓ denotes years in which accounts were recorded and perquisite sections included  
 × denoted years in which accounts were recorded but no perquisite section was included  
 Spaces have been left where no account for the manor was entered for the particular year

From the table it is easy to see that most of the irregularities in the recording or failure to record the perquisite payments for a manor occurred before 1240, with only Southwark (Surr.) and East Meon Church (Hants.) not recording payments after that date. The explanation for the East Meon Church omission, however, was given in the margin of the 1251-2 Pipe Roll: it seems to have been simply a scribal error. The marginal note, in a different but contemporary hand, commented that the perquisite payments had been left out.<sup>18</sup> It seems, therefore, that payments were made to the court of East Meon Church in 1251-2 but that the section was simply missed out during the compilation of the post-audit account. This could be the reason for other manors not recording perquisite payments, but the marginal explanation does not occur in any other

<sup>18</sup> The phrase was 'deficit capitulum de perquisitis'.

roll. The perquisite payments were recorded in a separate section within the receipts account from the earliest extant bishopric roll: it seems unlikely that one of the few early identifiable titled sections would be omitted as frequently as the above table shows, although it may explain the 'one-off' omissions in manors such as Bishopstone (Wilts.) and Rimpton (Som.).

If the lack of perquisite payments was not attributable to scribal error in the majority of these cases, the obvious explanation for the omission is that no payments to court were made. The bishop of Winchester acted as the king's representative and would, therefore, have been responsible to the king for breaches of royal law within the bishopric's estate. It is just possible that no breaches of royal law took place in a particular manor in a particular year, but a large proportion of regular manorial court business was customary in nature and it would be remarkable if for one manor in one specific year no breaches of manorial custom took place when, in previous and subsequent years, a considerable number of such breaches had been recorded. Although, therefore, a lack of payments to court may not necessarily suggest that no court was held, it does seem that the possibility of holding a court which demanded no payments was slight. The bishop of Winchester, as the king's representative, should have held the view of frankpledge twice a year in each manor: the omission of payments from these courts, therefore, does seem to suggest that no court was actually held. The entries in the half-year vacancy roll seem to support this as in the manors of Wield and East Meon Church (both Hants.) only one payment is made in each of the perquisite sections, these being tithing payments for Hockday. This may, therefore, represent a single view of frankpledge payment, with any other matters being postponed.<sup>19</sup>

If no courts were held in these manors in these years, however, how were breaches of the law, whether customary or royal, dealt with? There seems to be no obvious pattern in the occurrence of the accounts where no perquisite payments were recorded, but the bishopric of Winchester's 1215-16 accounts seem to require special consideration. Where accounts were recorded for Ivinghoe (Bucks.), Morton (Bucks.),

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<sup>19</sup> PRO E 407/5/6. Esher (Surr.), however, did not record any perquisite payments.

North Waltham (Hants.), Overton (Hants.) and Witney (Oxon.) between 1208 and 1252, only the 1215-16 accounts missed out the perquisite payments. This roll is unusual in that accounts for a number of manors seem to be missing and the information which was provided was brief: the roll really seems to be incomplete, with the account for Ivinghoe consisting of the manor name alone. It may be the case that the political disturbances of that year disrupted the running of the estate in some way. If the steward or other official of the lord did not go to the manor, for whatever reason, then cases could not be heard: it was the role of the officer to preside over the court and, without him, no such court could be held. Had there been geographical pattern to the manors which did not contain perquisite payments within their accounts, this may have suggested that the official had been unable to visit a specific area or county. No such pattern can be found, however, as the 17 manors in figure 1 represent 6 of the 7 counties in which the bishopric held lands. Of the 5 manors mentioned above, Ivinghoe and Morton were both Buckinghamshire manors, but West Wycombe, another Buckinghamshire manor, did record perquisite payments in that year. A similar situation arises for the other manors, with the Oxfordshire manor of Adderbury and numerous Hampshire manors recording perquisite payments within the 1215-16 account.<sup>20</sup>

It is unfortunate that the account for the following year, 1216-17, presuming that such an account was made, is no longer extant: this may have shed some light on the events of the previous year. It may be the case that the breaches of royal and customary law in 1215-16 were actually dealt with in 1216-17: the cases being merely postponed. The postponement of individual cases seems to have been a fairly regular occurrence with the use of essoins. Each person was entitled to essoin, that is excuse himself from court, up to three times. The Abbey of Bec court rolls list those who have essoined themselves at the beginning of each court: the court for Bledlow (Bucks.) on 12 May 1246 noted nine essoins, either for particular cases or for the general summons. In three of these entries it was noted how often the right to essoin had been claimed.<sup>21</sup> G.C. Homans noted that it was 'usual custom' to be allowed summonses to three different

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<sup>20</sup> Hampshire manors which recorded perquisite payments include Ashmansworth, Bishops Sutton, Bishops Waltham, Bitterne, Cheriton and Crawley amongst others.

<sup>21</sup> It was noted in separate cases that essoins had been made for the first, second and third time. *Select Pleas*, p.6.

courts, to have orders issued to be distrained for failure to attend a further three different courts and to then have the option of three essoins.<sup>22</sup> It was possible, therefore, to only come to trial in the tenth meeting of the court. This process does not account for the complete absence of payment to court, but it does show that cases could be postponed for a long time.

It is possible, therefore, that cases were accumulated. The boroughs, in general, produced a small number of cases, as did the smaller manors. The records of the manor of Cuxham (Oxon.), a manor belonging to Merton College, Oxford, showed that the manorial court was held infrequently and at irregular intervals, with a period as long as four years between two sessions of court in the late thirteenth and early fourteenth centuries.<sup>23</sup> This may have been the reason for the irregular recording of perquisite payments in the manor of Southwark (Surr.). This manor was unusual in that the bishopric's manor was one of five manors in Southwark, the other four being owned by the crown, the archbishop of Canterbury, the prior of Bermondsey and the order of the Templars.<sup>24</sup> Postponement of cases in this geographically isolated manor of the bishopric's estate would seem to be the most plausible explanation of the omissions. Accumulation of cases may also have been the reason behind the three omissions for Winchester Minster: the accounts for 1218-19, 1220-1 and 1224-5 may well have been accounted for in the rolls of the following years.

One other possible explanation would be the combination of courts. Courts of three separate manors seem to have been combined in the estates of Crowland Abbey in the mid-thirteenth century: the Cambridgeshire manors of Dry Drayton, Oakington and Cottenham were accounted for as independent units, but shared a single manorial court. The sharing of a court is apparent from the court rolls, surviving from 1290, which

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<sup>22</sup> Homans, *English Villagers*, p.315.

<sup>23</sup> Harvey, *Cuxham*, p.82. The manorial court of Cuxham did not exercise the view of frankpledge, which may have made it easier to accumulate cases. This was held by the honour of Wallingford and taken at the manor of Chalgrove, p.72. Other cases seem to have been settled out of court during the years when no courts were held.

<sup>24</sup> Southwark was in Surrey until the creation of the London County Council in 1888. M. Carlin, *Medieval Southwark* (London, Hambledon Press, 1996), pp.xxii, 19n. The book does contain a section on manor courts, pp.112-14, but the information given is for the sixteenth century.

detailed from which manor each payment came. In the account rolls, however, each manor recorded separate profits of court, including a quota of the court expenditure. From the accounts, therefore, there is nothing to indicate that the three manors had only one court.<sup>25</sup> This may be the most likely explanation for the boroughs within the Winchester estate. The boroughs of Alresford (Hants.), Downton (Wilts.), Farnham (Surr.) and Witney (Oxon.) all have accounts in certain years which do not record perquisite payments, but it seems quite possible that these were included within the accounts for the larger manors of the same name. This may also be the case with the manors of Woodhay and Woodhay Tornes (Hants.). The boroughs of Newtown (Hants.) and Downton (Wilts.) have accounts with no perquisite sections for one and two years respectively, these being the first accounts for these particular manors. This gives the appearance of a 'slow start' to the recording of perquisite payments, which may be a result of a combination or a postponement of cases for that time.

Combination of courts may also have occurred in manors which were at farm. The leasing of manors had been a usual form of estate management since the eighth century and, although many estates took manors under direct control towards the end of the twelfth and beginning of the thirteenth centuries, some manors seem to have remained at farm: the examples of the bishopric of Winchester's manors of Fawley and Ower (both Hants.) have already been noted.<sup>26</sup> The leasing of manors limited the amount of information recorded in the account rolls considerably. Often a brief reference was made noting that the said manors were at farm.<sup>27</sup> Rights to hold a court, however, were not included in the fixed payment for the manor as the lord remained lord regardless of his management policy. This is shown by the two Buckinghamshire manors of Ivinghoe and Morton which both recorded perquisite payments in two years when the manors were at farm.<sup>28</sup> The occasion of manors being at farm and the

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<sup>25</sup> F.M. Page, *The Estates of Crowland Abbey: A Study in Manorial Organisation* (Cambridge, Cambridge University Press, 1934), pp.13, 38 and 331ff.

<sup>26</sup> Faith, *English Peasantry*, pp.180-1. See p.17n.

<sup>27</sup> For example, in 1236-7 the men of Ower were recorded as rendering the account for 36s. 8d. for the farm of Ower and, similarly, 46s. for the farm of Fawley by the men of Fawley manor. This was then followed by the account for Bitterne.

<sup>28</sup> Ivinghoe (Hants.) was at farm 1208-16. Morton (Bucks.) was at farm 1208-11 and 1231-3. Titow, 'Land and Population', p.7.

omission of perquisite payments from accounts, however, do seem to coincide in a number of instances, and in the manor of Bishops Fonthill (Hants.) in particular. The manor was at farm for the accounts for 1208-16, 1219-25 and for 1231-3. These dates cover all the 'missing' accounts and those where the perquisite payments were excluded. This may also explain the 1215-16 omission of perquisite sections in Ivinghoe, and possibly at North Waltham (Hants.) and Overton (Hants.), both of which may have been at farm during that year.<sup>29</sup> It may be the case that the court of a manor at farm was merely incorporated into the court of a nearby manor or that the profits of the court were recorded in the accounts of such a manor. The receipt of farm for the manors of Fawley and Ower (both Hants.) was often noted in the account for Bitterne (Hants.): the payments of the courts of Fawley and Ower were, likewise, incorporated into the perquisite section of the Bitterne account. A combined account for court payments for the two manors was made in the 1208-9 roll, and each manor accounted for a separate court in 1211-12. After that, although the manors were accounted for separately in a number of rolls, 1236-7 for example, the court payments were recorded with the Bitterne payments to court. In that year, in the Bitterne perquisite section, 2 payments were made by the tithing of Fawley and Ower, 1 by the men of Ower and 1 by Odo of Ower. The tithing payments of Fawley and Ower at Martinmas and Hockday suggest that the view was combined and a payment by twelve men of Fawley and Ower for default at the hundred court of Bitterne supports this.<sup>30</sup> The inclusion of payments other than tithing payments, such as entry fines, may suggest that the courts were indeed combined, or may simply show that the view for Fawley and Ower was taken at the Bitterne view and that cases for the manors at farm were postponed until the view.<sup>31</sup>

It is interesting to note that royal manors were also farmed out in the early thirteenth century. Basingstoke (Hants.), for example, was at farm between 1207 and 1256. R. S. Hoyt commented that no manorial court rolls survive for the royal manors

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<sup>29</sup> All dates for which manors were at farm can be found in *ibid.*, p.7.

<sup>30</sup> The payment was 'de hominibus xij de falele et ore quia fecerunt default' ad hundr' de biterne', 1248-9, case 31.

<sup>31</sup> For example, entry payments were made in 1226-7, case 10; 1235-6, cases 7 and 10; 1244-5, case 17; 1248-9, case 28.

farmed out to their tenants, which itself may be a consequence of a combination of these courts or of court payments with other royal manors not at farm.<sup>32</sup>

It seems, therefore, that in the early thirteenth century courts were not necessarily held in a hall but in a customary place, whether that be in a hall, on a hill or under a specific tree. Nor were the courts held in every manor for every year. The combination of cases meant that it was not necessary to hold courts in all manors and the accumulation of cases meant that they did not necessarily take place every year. Payments to court were recorded every year for a considerable number of manors, however, which begs the question, how frequently were the courts held?

### When were manorial courts held?

Private courts were mentioned rarely in royal documentation as they were of little interest to the crown: only when the court dealt with free men or with areas of royal jurisdiction were they of concern to the king. As a result, private courts tended to be mentioned only in association with royal courts. One such instance is found in a close roll entry of a letter of 11 October 1234 addressed to the sheriff of Lincoln but, as it referred to both hundreds and wapentakes, it seems likely that it was sent to all sheriffs.<sup>33</sup> The letter seems to have been sent to clarify how often local royal courts were to be held as confusion had obviously arisen from earlier letters.<sup>34</sup> An August close roll entry of the same year had stated that hundred courts were to be held twice a year, but the October entry, referring to the 1225 reissue of Magna Carta, reaffirmed that the hundred courts were to be held every three weeks.<sup>35</sup> In detailing the frequency of hundred and wapentake courts, however, the October entry also mentioned another type of court, that of *curie magnatum*. The phrase *curie magnatum* was used only twice in the entry, but the context is important: 'tam hundreda et wapentacia quam curie

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<sup>32</sup> R.S. Hoyt, *The Royal Demesne in English Constitutional History: 1066-1272* (New York, American Historical Association, 1950), pp.137-8.

<sup>33</sup> *Close Rolls, 1231-4*, pp.588-9.

<sup>34</sup> *ibid.*, pp.592-3.

<sup>35</sup> *Statutes of the Realm*, i, pp.19 and 24-5 of 'The Charters of Liberties' section for the 1217 and 1225 reissues of Magna Carta which both contain the relevant clause.

magnatum Anglie' and 'hundreda et wapentakya et etiam curie magnatum'. The use of 'as well as' and 'and also' suggests that the *curie magnatum* were a distinct type of court, not merely hundred courts in private hands. It seems most likely that these *curie magnatum* were honorial courts, as the October 1234 entry referred to the free status of the men concerned. It is possible, however, that the *curie magnatum* included manorial courts, as free men might also be required to attend the court of the manor. The October entry had stated that the hundred and wapentake courts and the *curie magnatum* were to be held every three weeks, rather than every two weeks as had occurred under Henry II.<sup>36</sup> The phraseology suggests that the *curie magnatum* may not necessarily have met every two weeks in Henry II's reign but from 1234 they were to meet every three weeks.

There are a number of references from the late thirteenth and fourteenth century to manorial courts taking place every three weeks: a free tenant was required to do suit of court every three weeks in 1267-8 in the manor of Randwick (Gloucs.) and a villein in the manor of Barnhorne (Suss.) also owed suit to the manorial court at a three weekly interval in 1361-2.<sup>37</sup> The court rolls of the manor of Wakefield, 1297-1309, show that the courts took place in this manor approximately every three weeks, depending on feast days.<sup>38</sup> Other court rolls, however, show that courts in the late thirteenth century were not always held as often as this. The court rolls of the manor of Halesowen (Worcs.) record, on average, 11 courts each year between 1270 and 1282 and did not hold a court every three weeks until the fourteenth century.<sup>39</sup> Records of the manorial court of Sevenhampton (Wilts.) and the associated hundred court of Highworth (Wilts.) show

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<sup>36</sup> The Latin is 'quod inter predictos duos turnos teneantur hundreda et wapentakya et etiam curie magnatum de tribus septimanis in tres septimanas, ubi prius teneri solent de quindena in quindenam'. A tenth century royal ordinance required the hundred court to meet every four weeks. *Die Gesetze der Angelsachsen*, ed. F. Liebermann (Halle, Max Niemeyer, 3 vols, 1898-1916), i, p.192-3. In contrast, an 1188 charter from John, Count of Moreton, to the burgesses of Bristol noted that the hundred court should be held only once in the week, 'Et quod Hundredum tantum semel teneatur in septimana'. *Bristol Charters 1155-1373*, ed. N.D. Harding (Bristol Record Society, vol. i, 1930), pp.8-13.

<sup>37</sup> *Cartularium Monasterii Glouc.*, iii, p.46, 'et debet sectam ad curiam de Ryndewike de tribus septimanis in tres septimanas'. *Custumals of Battle Abbey in the Reigns of Edward I and Edward II, 1283-1312*, ed. S.R. Scargill-Bird (Camden Society, 2nd ser., 1887), vol. 41, p.19, 'et sectam curiae in Manerio de tribus septimanis in tres septimanas, relevium et herietum'.

<sup>38</sup> *Court Rolls of the Manor of Wakefield*, vol. ii, 1297-1309, ed. W.P. Baildon (Yorkshire Archaeological Society Record Series, vol. xxxvi, 1906), p.vii.

<sup>39</sup> Z. Razi, *Life Marriage and Death in a Medieval Parish: Economy, Society and Demography in Halesowen 1270-1400* (Cambridge, Cambridge University Press, 1980), p.37 and p.48. Seventeen court sessions were held in 1301. No roll survives from 1273.

that between 1275 and 1287 the hundred court met from fourteen to sixteen times a year whilst the manor court met from seven to ten times a year.<sup>40</sup> The manorial courts, therefore, did not necessarily take place as often as every three weeks in the late thirteenth century.

The early thirteenth century account rolls do not give dates for court sessions. Information about the frequency of courts gleaned from indirect references to visits by officials to the manor, the duration of account and dates and divisions within the perquisite sections themselves suggest that the manorial courts of the early thirteenth century, like those of the late thirteenth century, did not take place as frequently as allowed. The significance of visits to the manor by officials was that a manorial official was required to preside over the session of court: the expenses recorded for visits by the steward, for example, sometimes gave details of the frequency of visits and, thus, suggest the possible frequency of sessions of court. In the bishopric of Winchester's 1208-9 account roll, for example, the food allowance for the steward in the manor of Overton (Hants.) was noted as being for five occasions, whilst in 1210-11 in Farnham (Dor.) the expenses were for two occasions. The Winchester Cathedral Priory account for Wyke next Portland (Dor.), in 1242-3, refers to the expenses of O. the steward at two visits, and the account for Heigham (Norf.), a St Benet Hulme manor, notes that the steward incurred expenses on six occasions in the accounting year 1239-40.<sup>41</sup> There are many difficulties in using this information, however. The rolls often refer to tallies in respect of the steward's expenses, but the number of visits may not necessarily be the same as the number of tallies.<sup>42</sup> Other records also note that the expenses were incurred on various occasions and sometimes the expenses of a number of visitors to the manor were included in one entry.<sup>43</sup> Even when the exact number of visits of the steward alone was recorded, as in the examples above, this may not necessarily correspond exactly to

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<sup>40</sup> *Court Rolls, Adam de Stratton*, p.2. *The Rolls of the Highworth Hundred, 1275-1287*, ed. B. Farr (Wiltshire Archaeological and Natural History Society Records Branch, 2 vols, vols xxi and xxii, 1966-8), xxi, p.9.

<sup>41</sup> Drew, 'Wyke', p.41. Norfolk Record Office MF/RO 382/18, Est 1, 'In e... senescalli per vj vices iiijs. iij ob'.

<sup>42</sup> The Cuxham records provide an example of this in 1317-18 when one tally covered the expenses of Walter de Burton' for threshing corn on many visits. Harvey, *Cuxham*, p.320 and p.45n..

<sup>43</sup> For example, 'In expensis domini Abbatis, Senescalli, et Barth' servientis per varia tempora v.' (cheese) Norfolk Record Office MF/RO 382/18, Est 1.

the number of court sessions held. The steward was not the only manorial official who could preside over court proceedings: the account for Woodhay (Hants.) noted that one case in 1251-2 was heard in the court before the bailiff.<sup>44</sup> The author of *Seneschaucy* also implies that by this time the bailiff may be holding the courts as he was required to be just in all he did. It was also implied, by a list of things the bailiff must not do without the steward, that the more simple and probably less profitable cases could be heard by the bailiff alone: payments concerning free land or the lord's jurisdiction, for example, would need to be heard by the steward.<sup>45</sup> Courts could, therefore, be held without the presence of the steward and, equally, his presence in a manor did not necessarily mean that a session of court was held. In addition, a visit by the steward may not necessarily incur expenses and, thus, his visit would not be recorded in the account roll. Despite these considerable difficulties, if courts were held on all occasions incurring the steward's expenses in Heigham, for example, only six courts would have been held during the year.

Indications of the frequency of courts were also given by the duration of account. The accounts of the Royal Exchequer ran from Michaelmas (29 Sept.) to Michaelmas, but this practice was not necessarily followed in manorial accounts at this time.<sup>46</sup> The accounts of Bury St Edmunds provide a number of examples of different dates used for the accounting year: Warkton (Northants.), ran from the feast of Michaelmas to the same feast in the following year while the manor of Barton (Suff.) used the feast of St Margaret (20 July) for the accounting year.<sup>47</sup> Southwold (Suff.), also belonging to the Bury St Edmunds estate, recorded accounts which did not run to a full year: the dates used were those of St Giles (1 Sept.) and St Margaret.<sup>48</sup> Other manors also record accounts for 'incomplete' years, for example, the accounts for Bastwick (Norf.), a St Benet Hulme manor, used the dates of Michaelmas and St Matthew (21 Sept.).<sup>49</sup> Some manors did not even record the dates for the account: the bishopric of Winchester's

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<sup>44</sup> The phrase used is 'in curiam coram bailivo', Woodhay (Hants.), 1251-2, case 20.

<sup>45</sup> Oschinsky, *Walter of Henley*, p.271.

<sup>46</sup> Harvey, *Cuxham*, pp.22-3.

<sup>47</sup> BL Harley MS. 645, f.198r. and f.195r.

<sup>48</sup> BL Harley MS. 645, f.195r.

<sup>49</sup> Norfolk Record Office MF/RO 382/18, Est/1.

accounts do not give covering dates, only the episcopal year.<sup>50</sup> The presence of a perquisite section in these varied accounts, however, shows that one or more courts were held during the period of the account but, as the rolls usually accounted for about one year, these dates reveal little about the frequency with which the courts were held. The accounts for the St Benet Hulme manor of Hoveton (Norf.), however, recorded perquisite payments for three distinct periods within the year: sum totals for perquisite sections were made for the period 29 September 1239 to 23 October, 23 October 1239 to 7 December, 7 December 1239 to 29 September 1240.<sup>51</sup> These entries would seem to indicate that three or more courts were held in this manor in the accounting year 1239-40.

Certain accounts do mention specific dates within the perquisite section: the earliest date-related court entry in the bishopric of Winchester's accounts occurs in 1211-12 when two hundreds and four tithings made a payment at Hock Day in Hambledon (Hants.).<sup>52</sup> In 1218-19 in the manor of Bishops Fonthill (Wilts.) a payment was recorded by the tithings at Martinmas and Hock Day (the second Tuesday after Easter). This is the earliest reference to a court at Martinmas (11 Nov.) and the first link between the two dates used for the view of frankpledge in the mid-thirteenth century accounts compiled in the Winchester area. In the 1244-5 bishopric accounts, for example, the first entry in the manor of Crawley (Hants.) is a payment from the tithing at Martinmas and a later entry records a payment from the tithing at Hock Day. The account for the Winchester Cathedral Priory manor of Enford (Wilts.) for 1248-9 also mentioned a payment made by the hundred for the term of Hock Day and both Martinmas and Hock Day were also mentioned in tithing entries in the manors of Long Sutton, Crondall and Barton Priors (all Hants.).<sup>53</sup> In nine of the manors in the Priory's estate, however, reference was made to *laedies*, namely Michelmersh, Houghton,

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<sup>50</sup> See p.48.

<sup>51</sup> The manor also records perquisite payments for the period 29 September to about 30 November 1240. The parchment has been damaged where the dating occurs. The date is noted by reference to Saint Andrew (30 November) but includes reference to a Wednesday, hence either refers to 28 November or 5 December.

<sup>52</sup> Hock Day was the second Tuesday after Easter.

<sup>53</sup> Muniments of the Dean and Chapter, Winchester, L38/2/1, f.3r. 'Et de 12d. de hundredo de termino de la hokedai.' Muniments of the Dean and Chapter, Winchester, L38/2/1, ff.5r, 6v and 7r.

Chilbolton, Wonston, Overton, Alton, Easton, (all Hants.), Wroughton and Little Hinton (both Wilts.).<sup>54</sup> There are a number of variations in the spelling of *laedies*, but it seems that they are all law days.<sup>55</sup> Payments were always made for two law days which suggests that the *laedies* and the tithing entries at Martinmas and Hock Day were the same thing.

Payments made at Martinmas (11 Nov.) and Hockday (the second Tuesday after Easter) indicate that at least two courts were held in these manors, but divisions within the perquisite sections of some manors suggest that three or more courts may have been held. The perquisite entry for the 'foreign hundred' of the bishopric of Winchester's manor of Taunton (Som.) was divided into three sections in each of the years 1218-19 to 1225-6. The roll for 1219-20 actually referred to three dates within the year, using 'At Michaelmas', 'After Christmas' and 'After Easter' as sub-headings.<sup>56</sup> The 1218-19 roll had no reference to dates but the other four years contained references to at least one of the three dates noted in the 1219-20 roll; the 1224-5 roll only mentioned Easter, but as it described the third of the three sub-sections it may be assumed that the pattern of the 1219-20 roll was maintained.<sup>57</sup> The terminology of the remaining three years varied slightly from the 1219-20 pattern. The 1220-1 roll used Hock Day instead of 'After Easter', suggesting that the phrases were interchangeable.<sup>58</sup> The other two rolls used Michaelmas, Christmas and Easter, but included the phrase *ad fiftedededai*, meaning 'in the fortnight'.<sup>59</sup> The phrase was used in 1217-18 when a payment was made by the hundred for concealment in the fortnight after Christmas and the fortnight after Easter.<sup>60</sup> The ordering of the cases suggests that three courts were also held in this accounting year. The payments made by the tithings were recorded near the beginning of the

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<sup>54</sup> The tithing entry for Easton, for example, is 'Et de 13s.4d. de thedinga de duabus laedies.' Muniments of the Dean and Chapter, Winchester, L38/2/1, f.6r.

<sup>55</sup> Variations include 'laedaes' (f.1v.), 'laedaes' (f.2r.) and 'laedayes' (f.3v.).

<sup>56</sup> The Latin is 'Hundredum forinsecum ad festum sancti Michaeli', 'Item post Natal', and '... post pasch'.

<sup>57</sup> The Latin is 'Ad fiftededai post pascha.'

<sup>58</sup> The Latin is 'Post festum sancti Michaelis', 'Item post pascham', and 'hokedai.'

<sup>59</sup> The use of the phrase 'in the fortnight' does not seem to be precise. The phrase is used in 1224-5, 'Ad fiftededai post Pascha', 1225-6, 'ad fiftededai post festum sancti Michaelis' and 1223-4, 'ad fiftededai post festum sancti Michaelis', 'Item ad fiftededai post natalem' and 'Item hundredum ad fiftededai post pascha'.

<sup>60</sup> The entries are 'De 68s. de toto hundredo pro concealamento ad fiftededai post Natalem' and 'De 71s. de hundredo pro concealamento ad fiftededai post pascham'.

perquisite section, with the hundred payment mentioning Christmas being towards the middle of the section and the hundred payment mentioning Easter being nearer to the end. Following the chronological ordering of the 1219-20 roll, it seems probable that the fifteen tithing payments noted near the beginning of the section were made at the Michaelmas court.

It seems, therefore, that at least two courts were held in most manors on the bishopric of Winchester's estate and that, in the foreign hundred of Taunton (Som.) and the St Benet Hulme manor of Hoveton (Norf.), at least three courts were held. It also seems that the cases were recorded chronologically within the sections as the entries for Martinmas always precede those for Hock Day and the Michaelmas, Christmas and Easter entries are recorded in that order. The requisite section for Bishops Fonthill (Wilts.), 1244-5, provides further indication that the cases were recorded chronologically. The section contains 28 cases, case 1 for the tithing at the hundred court of Martinmas and case 25 for the tithing at the hundred court of Hock Day. The following two cases, 26 and 27, relate to the tithing and a certain Galfridus Snelgar respectively, and the final entry, 28, records a payment for pleas and perquisites after the Hock Day hundred court.<sup>61</sup> It seems clear that cases were entered chronologically, as those before Hock Day are distinguished from those after. This chronological method would, no doubt, have been the natural way to record payments from the court and it seems unlikely that the ordering would be altered significantly between the original recording and the making of a fair copy.

The position of cases related to the seasonal activities of mowing (in May and June) and harvest (in August and September) also suggest that the cases were recorded chronologically. Where the requisite section of a bishopric of Winchester's manor was sub-divided, the harvest entries always fell in the final sub-division: in 1232-3, Fareham (Hants.) was divided into two sections, with the eleven harvest entries falling between cases 46 and 64 of the 69 cases in the second of two sub-divisions; in 1247-8 in the manor of Calbourne (Isle of Wight), the two harvest entries were cases 57 and 58 of the

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<sup>61</sup> The Latin is 'pro placitis et perquisitis post hundredum de hockdai'.

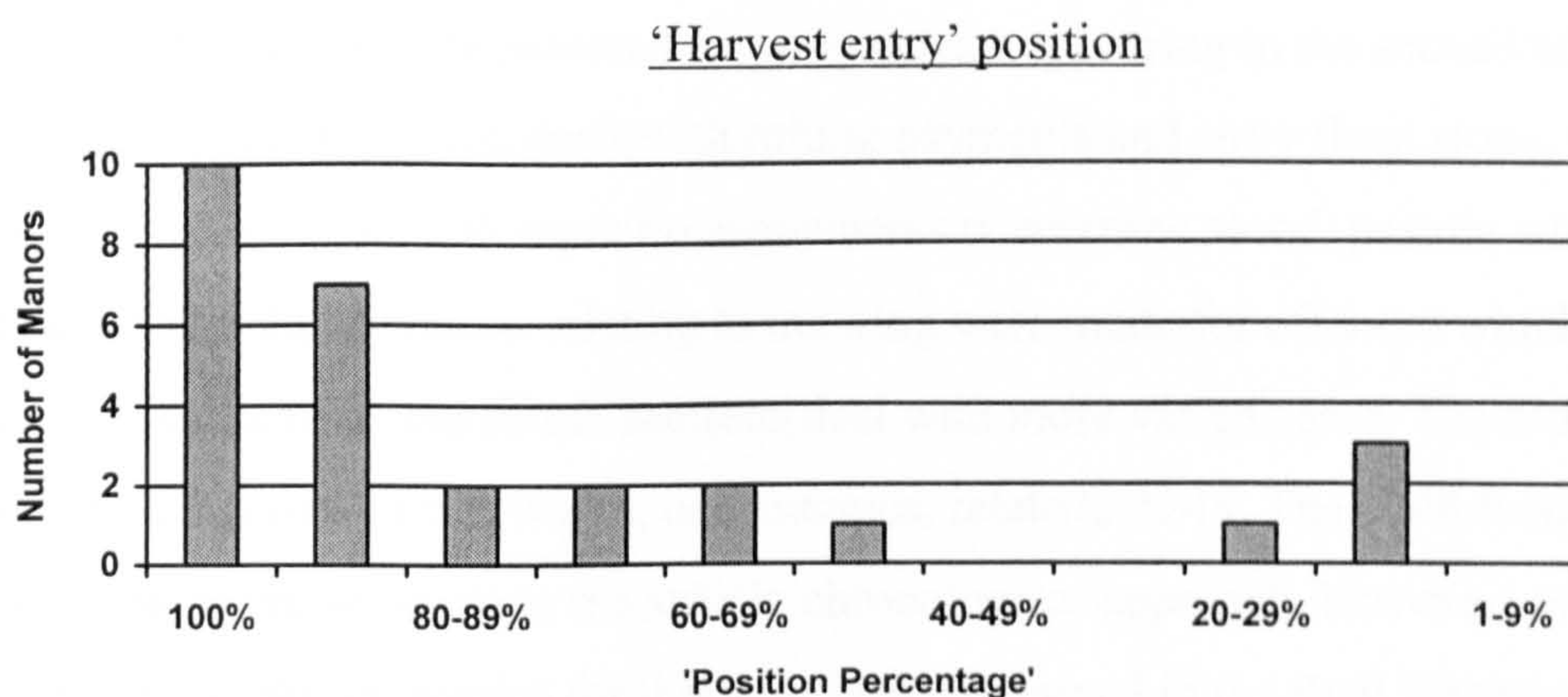
68 cases in the second of two sub-divisions; in Downton (Hants.) in the same year, cases 98, 99, 106 and 107 of the 109 cases in the fourth of four sub-divisions were also harvest entries. For the bishopric of Winchester's estate between 1208 and 1252, 67 perquisite sections contained an entry mentioning harvest. In 41 of these instances all the entries which mentioned harvest were recorded over two-thirds of the way through their respective perquisite sections. For example, in Ashmansworth (Hants.) in 1245-6, the three entries mentioning harvest were recorded as cases 28, 29 and 30 of the 35 cases in the perquisite section. All three of these entries, therefore, occurred after the two-thirds point of 23 cases. Regards mowing entries, 16 perquisite sections contained such entries, with 10 of those manors recording all mowing entries within the last third of the section.

Some manors did have harvest and mowing entries near the beginning of the section and, therefore, may have recorded payments made for infringements actually made in the previous accounting year. Mardon (Hants.) in 1225-6, for example, had harvest entries as cases 4 and 5, with the first tithing entry, presumably at Martinmas, being case 8 of the 84 case section. The perquisite section for Overton (Hants.) in 1236-7 had a harvest entry as case 14 of the 85 cases in total, but this may have been heard in the first court of the accounting year as the first eight cases were for tithings. Downton Borough (Hants.) in 1251-2 had mowing entries as cases 3 and 4 of the 31 cases in the perquisite section. It would seem, therefore, that the cases probably refer to mowing in 1251, rather than 1252. In certain manors the harvest entries were split, so that Farnham (Dor.) in 1236-7, for example, had harvest entries as cases 8, 9 and 131 of the 145 cases. It seems likely that the first two entries related to the harvest in 1236 whereas entry 131 related to the harvest of 1237. Another example is provided by Bishops Waltham (Hants.) in 1245-6, where the two harvest cases were cases 42 and 204 of the 223 case section. Bishops Waltham was a large manor which may account for the seemingly late positioning of the first harvest entry.

On 28 occasions, only 1 harvest entry is contained within a manor's perquisite section. Figure 2 represents the position of those 28 entries within their respective

manors. The position of each entry has been calculated as a percentage, with 1 per cent being the first case and 100 per cent being the final case. For example, a manor which had 50 cases and had its only entry mentioning harvest as case number 40 would produce a 'position percentage' of 80 per cent. This entry would then be placed in the '80-89%' section in figure 2. These particular prerequisite sections have been used to save confusion over the percentages involved when dealing with multiple entries and when dealing with those manors where the harvest entries are split. The recording of only one harvest entry in these prerequisite sections does not seem to be unusual in any respect, thus the selection has been considered to be a fair sample.

Figure 2



The chart shows that 10 of the 28 manors had the entry mentioning harvest as the final entry in the prerequisite section, and that over half of the manors recorded the entry within the final 10 per cent of cases. The recording of entries related to the harvest of the previous year also seems to be shown in the occurrence of four entries within the first 30 per cent of cases.

In some manors the harvest and mowing cases seem to have been in an unusual position if strict chronological ordering is to be assumed. In Overton (Hants.) in 1235-6, for example, the 5 harvest entries are cases 38-43 in the 98 case section. The entries, therefore, are neither near the end of the section, indicating payment relating to 1236, nor near the beginning of the section, indicating payment relating to the 1235 harvest.

The payments do not seem to be linked to the tithings either, as the tithing entries are cases 1 and 82. There are a number of possible reasons for the unusual positioning of the seasonal entries, such as, delays in the discovery of the infringement, delays in the notifying the court, delays in payment due to essoin or to simple clerical error.

The organisation of entries within certain perquisite sections also calls the chronological ordering into question. There seems to be little thematic division of cases in the Winchester Pipe Rolls before 1250, but it does occur in two instances.<sup>62</sup> In Witney (Oxon.) in 1245-6 the first of three sub-sections recorded normal perquisite payments whereas the two other sub-sections recorded payments for land transactions. The perquisite section for Downton (Hants.) in 1247-8 was also sub-divided, seemingly by type of case, with the seasonal mowing entries appearing in the second of four sub-sections. The first section dealt with tithing payments and entry fines alone, whereas the second section dealt with repetitious payments concerning wood, pasture and meadow.<sup>63</sup> It seems that the payments relating to mowing were made for offences which occurred in 1247 as the third and fourth sections deal with more varied cases. The fourth section contained harvest entries which, one assumes, relate to 1248. The 1248-9 entry for Downton seems to return to the strictly chronological approach, however, as all of the mowing and harvest entries for that year were contained in the final fifteen cases.<sup>64</sup> The account for the Winchester Cathedral Priory manor of Wyke next Portland (Dor.) in 1242-3 has separate sections for warranty of the court, perquisites, marriage payments and heriots and the thematic division of the perquisite section is also apparent in the manor of Portland.<sup>65</sup> The 1248-9 priory account for Portland groups all the heriots, the marriage payments and the land transactions into separate sub-sections which, although not separated from the main body of the perquisite section, are noted by a paragraph mark within the text and recorded after the other court payments.<sup>66</sup>

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<sup>62</sup> See pp.51-2.

<sup>63</sup> The second sub-section forms Appendix A, p.177.

<sup>64</sup> The 1248-9 Downton mowing entries are cases 133 and 134, with the harvest entries being cases 137 and 146 of the 146 entries.

<sup>65</sup> Drew, 'Portland', pp.35-7 and 45-47.

<sup>66</sup> Muniments of the Dean and Chapter, Winchester, L38/2/1.

There are, obviously, exceptions to the strictly chronological approach, but it does seem that the vast majority of perquisite sections in the pre-1250 account rolls are recorded in chronological order. For the manors which sub-divide the section by case type, it may still be the case that entries were recorded chronologically within the sub-sections.

If chronological ordering can be assumed, then the position of the 'Martinmas entry' is of great importance. The Winchester Pipe Rolls provide two examples of subdivided perquisite sections where the second sub-section began with a tithing entry. The manor of Bishops Waltham (Hants.) in 1244-5 contained 5 sub-divisions, the second and fourth of which contained references to tithings. More importantly, the fourth sub-section contained a reference to Hock Day. It may be the case, therefore, that in the large manor of Bishops Waltham the first sub-section represented cases heard before Martinmas, with the second sub-section representing cases heard between Martinmas and possibly Christmas, the third representing cases between Christmas and Hock Day, the fourth representing cases between Hock Day and some date possibly in July and the fifth section representing cases between then and the end of the accounting year. Difficulties arise with this particular year, however, as it is just possible that the first sub-section refers to cases heard during the vacancy rather than strictly within the 1244-5 accounting year.<sup>67</sup>

The vacancy does not affect the other Winchester Pipe Roll example of the first tithing entry appearing in the second sub-section. The manor of East Meon (Hants.) in 1247-8 recorded no tithing payments in the first of three sub-sections, but a hundred payment mentioning Martinmas was the first entry in the second sub-section and the equivalent Hock Day payment was the first entry in the third sub-section. It seems, therefore, that the first sub-section does represent cases heard in a manorial court session which was held before the court at Martinmas. Such instances are unusual, however: in a large number of manors, the first entry in the perquisite section makes reference to Martinmas. This positioning would seem, therefore, to suggest that in those

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<sup>67</sup> See p.124 and 124n. for examples of payments recorded in the 1244-5 perquisite sections which noted that the offence was made during the vacancy.

manors no payments to court were made between the beginning of the account and Martinmas.

The manor of South Walsham (Norf.), which was part of the St Benet Hulme estate, provides a dated example where no payments were received during a two month period.<sup>68</sup> The account for 29 September to 25 November recorded no perquisite payments, but the manor did hold a court as a payment of 5s. was recorded for perquisites between 25 November and 29 September in the following year.

The royal documentation in Henry III's reign may suggest that manorial courts were held initially every two weeks and then, after 1234, every three weeks, but it seems more likely that the manorial courts were held much less frequently than this. The cartulary entries of the late thirteenth century do suggest that that courts took place every three weeks, but the evidence for the late thirteenth century provided by actual court records does not readily support this as the session dates given are usually more than three weeks apart. Common sense suggests that for the majority of manors in the early thirteenth century there was no need to hold a court every three weeks: 64 per cent of manors on the bishopric of Winchester's estate had seventeen or more cases within one accounting year, which equates to one (or more) cases every three weeks; 30 per cent of manors had fifty-one cases, which equates to three (or more) cases every three weeks. In the bishopric's estate, therefore, over one-third of manors, 36 per cent, did not have enough cases which produced a monetary payment to actually hold a court every three weeks. Unfortunately, the early thirteenth century evidence can do little more than show that in most manors at least two or, in limited cases, three or four courts took place within the accounting period of each roll. It may also show, if one assumes that the entries were recorded chronologically, that in certain manors on the bishopric of Winchester's estate no court payments were made for an approximate six week period between the feast days of Michaelmas and Martinmas.

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<sup>68</sup> Norfolk Record Office MF/RO 382/18 Est/1.

### III What did the courts do?

#### Court procedure and variety of business

Before any business could be conducted in the manorial court, a court had to be assembled. How, therefore, was the court summoned? It seems that most manors had a regular place in which the court was held, whether it be in a hall or under a particular tree. The date of the court, however, may not have been so regular as the courts do not seem to have been held every three weeks as was permitted.<sup>1</sup> It may have been the case that the courts were held on particular stipulated days but, if not, notification would be required as to when the next court was to be held. This may have been achieved by detailing the date of the next court whilst the current court was still in session.<sup>2</sup> The use of the court as a general forum for disseminating information was not unusual and it would seem sensible to set a date for the next court for the suitors, for specific people involved in cases and essoins. It may have been possible to issue a general summons each time the court was to be held, or this method may have been used if the date of a pre-determined court was to be altered. H.S. Bennett suggested that the method of summoning people to court varied considerably between manors. A general announcement may have been made, at church for example, or specific people may have been required to give notice of the court.<sup>3</sup> These people may have been the reeve or bailiff, presumably if the court was to be held by the steward: a certain William de Widd' made a payment in 1244-5 to the court of West Wycombe (Bucks.: bishopric of Winchester) for failing to come to the summons of the bailiff.<sup>4</sup> It is unknown whether the session to which William was summoned was a 'court leet' held by the steward, however, as the first payment in the perquisite section for that year is a combined payment for both Martinmas and Hockday. William's payment was case 26 of the 66 cases recorded so there is no indication to which court the summons was made. There were 39 cases recorded in the Winchester Pipe Rolls for incorrect summoning of the

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<sup>1</sup> See pp.66-87.

<sup>2</sup> Bennett, *English Manor*, p.201.

<sup>3</sup> *ibid.*, pp.181 and 202.

<sup>4</sup> The payment was 'quia non venit ad summonitionem ballivi', case 26.

court.<sup>5</sup> Of these cases, 14 mentioned the manorial occupation of the person liable for the payment. In 4 cases the payment was made by a beadle and in 5 cases a hayward made the payment. In 2 further cases the person was described as a messor, which seems to have been a term synonymous with both the beadle and the hayward.<sup>6</sup> The remaining three cases were paid by millers (2 cases) and a smith. In a late thirteenth century court roll of the Ramsey Abbey manor of Kings Ripton (Hunts.), it was noted that it was the role of the beadle to summon the Abbot of Ramsey to the next court to answer a plea.<sup>7</sup>

The manorial court was presided over by the lord of the manor or his steward or other officials. The *Leges Henrici Primi*, of about 1118, noted that the right of soke was, in the case of hallmoots, exercised chiefly by reeves of manors.<sup>8</sup> One payment in Woodhay (Hants.) in 1251-2, however, would suggest that this was not necessarily the case by the mid-thirteenth century: a payment was made for false pleading in the court before the bailiff.<sup>9</sup> Other payments were made because actions were not conducted in the presence of the bailiff, suggesting that his presence was usually required for such cases: in Ivinghoe (Hants.) in 1246-7, payments were made respectively for making an accord and making a boundary without the bailiff.<sup>10</sup> It also seems that in Bitterne (Hants.) in 1247-8, payments were made because money was taken when a man was received into a tithing without the bailiff.<sup>11</sup> The cartulary of St Peter's Abbey, Gloucester, noted in the section about the management of manors that the hallmoot should be heard before the bailiff.<sup>12</sup> The author of *Seneschaucy*, written c. 1260, noted that it was the role of the reeve and the beadle or hayward to receive complaints, make

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<sup>5</sup> The reasons were recorded as not making the summons, for defective summoning and for poor, false or unjust summoning.

<sup>6</sup> Bennett, *English Manor*, pp.178-9. Homans also noted that it would be a mistake to assume that men bearing two different titles necessarily performed different duties, G.C. Homans, *English Villagers of the Thirteenth Century* (Cambridge, Massachusetts, Harvard University Press, 1942), p.290.

<sup>7</sup> *Select Pleas*, p.112. The example is from 1294.

<sup>8</sup> *Leges Henrici Primi*, p.123.

<sup>9</sup> The payment was 'pro stultiloquio in curie coram ballivo', case 20.

<sup>10</sup> The payments were: 'pro concordia facta absque ballivo', case 112; 'divisa facta sine ballivo', cases 36 and 37. It is just possible that 'divisa' may be translated as a court or court day, but the two men making that payment were John and Richard de la Dune, suggesting that it was indeed a boundary or some land division between members of the same household. R.E. Latham, ed., *Revised Latin Word-List* (London, British Academy, 1965), p.154.

<sup>11</sup> The payment was 'pro denario recepto de Willelmo qui recept' in decima sine ballivo', cases 4 and 5.

<sup>12</sup> The payment was 'coram loci ballivo' *Cartularium Monasterii Glouc.*, iii, p.221. The cartulary has been dated to the latter half of the thirteenth century, i, p.x.

attachments and then to deliver them to the bailiff.<sup>13</sup> It was the bailiff, therefore, who seems to have presided over the manorial court by this date.

How were cases brought to court? Individuals could bring pleas to court about particular infringements of law or custom. Usually the individual was personally involved and land boundary disputes were often brought to court in this way. Numerous cases, however, seem to have been brought to the court's attention by means other than personal pleas. It was considered the court's responsibility to bring infringements of law to the attention of the lord in court and to assist in this process, specific questions were asked of the court about infractions of laws, for example, whether any blood had been shed or any watercourse had been diverted. Originally, these lists seem to have been intended for the sheriff's use at the bi-annual tours or views of frankpledge and a number of lists do survive. A formulary entitled *The Manner of Holding Courts*, dated approximately 1342, detailed 38 articles which were to be presented at the view of frankpledge. These articles detailed matters which were against the crown, including determining whether all who owed suit to court were in attendance and all who were twelve or over were in a tithing. Once these inquiries had been made, the essoins would then be listed and the cases heard.<sup>14</sup> It seems, however, that these lists were adapted for use in other courts. One such adapted list, dated to the latter half of the thirteenth century, was noted in the cartulary of St Peter's Abbey, Gloucester. The list contained 40 articles, 29 of which referred to royal jurisdiction, similar to those listed in the formulary. The remaining 11 articles referred to the private jurisdiction of the hallmoot, enquiring into such matters as tenants marrying without licence and the custody of meadow, fields and woods.<sup>15</sup> The 1340s formulary also details such articles, but in a separate court: 10 articles were listed in this court 'as to how the lord's franchise is maintained'. These articles, focusing on the lord's customary rights, were then followed

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<sup>13</sup> Oschinsky, *Walter of Henley*, p.279. See Harvey, 'Treatises', p.173, for the dating of the *Seneschaucy*.

<sup>14</sup> The phrase was 'encontre le coroune'. *Court Baron*, pp.15-18 and 93-101. Another fourteenth century example of articles of the view of frankpledge can be found in the leger book of Stoneleigh Abbey, written about 1392, *The Stoneleigh Leger Book*, ed. R.H. Hilton (London, Dugdale Society, 1960), pp.98-100.

<sup>15</sup> *Cartularium Monasterii Glouc.*, iii, pp.221-2. The list of articles has been published in translation in Titow, *Rural Society*, pp.189-90.

by the individual cases heard.<sup>16</sup> The St Peter's Abbey cartulary, therefore, shows the adaptation of what were originally lists made for royal courts into lists which included questions of customary law. The order of entry of cases in the account rolls, however, show little identifiable pattern: only the rolls noted above begin to distinguish between different types of cases and then only between payments for land and marriage as opposed to all other payments from court.<sup>17</sup>

J.S. Beckerman detailed the development of the manorial court between 1250 and 1350 from a court of presentment, whereby it was the entire court's responsibility to bring infringements of royal law to justice, to a system where presentments were made by juries when infringements of custom as well as royal law had occurred.<sup>18</sup> The court rolls for the English lands of the Abbey of Bec show that, in support of Beckerman's argument, presentments were made by the whole court in the late 1240s: the first case detailed in the earliest extant manor court roll, 12 May 1246, for Bledlow (Bucks.), noted that the court presented a case, a certain Simon Combe had set up a fence on the lord's land.<sup>19</sup> Of the 7 cases presented to the Bec courts before 1250, the court presented 4, the township presented 1 and the remaining 2 entries merely stated that 'it was presented'. It is just possible that the two ambiguous entries were presentments made by juries, but from the evidence provided by these early court rolls, it is impossible to dispute Beckerman's post-1250 time-line for the development from cases presented by the whole court to cases presented by juries. It is possible, however, to dispute his choice of 1250 for the beginning of the use of presentments of matters of a customary nature, as opposed to its use for the infringements of royal law. The case noted above dealt with a matter of customary rights, the building of a fence on the lord's land, rather than royal law. The use of presentment for customary cases before 1250 should not be over emphasised, however, as the remaining 6 presented cases dealt with breaches of royal law. The other cases dealt with failure to be in a tithing, bribery of a jury of the

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<sup>16</sup> The phrase was 'coment le fraunchise le seignur est garde'. *Court Baron*, pp.15-18 and 93-106.

<sup>17</sup> See p.85 for examples.

<sup>18</sup> Beckerman, 'Innovation', pp.197-252 esp. pp.198 and 231.

<sup>19</sup> *Select Pleas*, p.6.

king's eyre, a bondsman being a fugitive and living outside of the lord's manor, the stealing of geese, grievous wounding and the throwing of stones.<sup>20</sup>

It was also the role of individual manorial officials to present cases to court. The hayward was appointed to guard the lord's corn and present to the court anyone who trespassed or damaged the corn in any way.<sup>21</sup> Other officials also presented cases related to their post: the ale-tasters, for example, presented breaches of the assize of ale.<sup>22</sup>

Unfortunately, it is impossible to determine from the earlier records of courts or account rolls just how a case was brought to court as only the financial result of a case was recorded. The cases of presentment in the court rolls clearly show the limitations of the account rolls as the action taken by the court in 5 of the 7 cases detailed in the Bec rolls did not involve a financial settlement: these cases would not, therefore, have been mentioned in the accounts. The presentments resulted in the removal of the fence in the case noted above, the return of a fugitive bondsman, distraint and imprisonment. Only the two cases of imprisonment eventually resulted in a financial transaction, with each prisoner paying 2s., presumably to be released.<sup>23</sup> It is, therefore, impossible to tell from the account rolls whether the case was presented, never mind by whom.

Once a case was presented, the court was required to decide on an appropriate course of action. The court itself was not charged with determining the facts of such a case but with presenting the initial information of the infringement of the lord's rights or royal law. A case presented by the court, by its very nature, required no 'proof' as such because it was, in itself, a statement of fact. William, for example, may have been presented by the court for failing to plough the lord's field satisfactorily: the court, by presenting the case, had already established that William was at fault. The court merely had to decide on a punishment for the infringement, financial or otherwise. In this way

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<sup>20</sup> *ibid.*, pp.6-19.

<sup>21</sup> Harvey, *Manorial Records*, p.46.

<sup>22</sup> Homans, *English Villagers*, p.312.

<sup>23</sup> Cases of presentment can be found in the rolls of the court of: Bledlow (Bucks.) 12 May 1246; Ruislip (Middlesex) 22 May 1246; Weedon Beck (Northants.) 29 Sept. 1247 and 19 June 1248; Ogbourne (Wilts.) 27 May 1249.

cases which were presented by the court differed from cases brought to the court by individuals: cases which were not 'presented' required proof.

Proof of innocence before 1250, Beckerman suggested, was made by compurgation, the swearing on oath of a certain number of men to the good character of the defendant.<sup>24</sup> The earliest extant court rolls, supporting Beckerman's argument, suggest that compurgation, the waging of one's law, was in use in the late 1240s. One early example of defence by compurgation was from a court held on 12 May 1246 in Bledlow (Bucks.): a certain Richard of Newmere was to go to the law six-handed.<sup>25</sup> The Bec rolls only mention the number of men required for waging one's law on three occasions: each time the defendant was required to wage his or her law six-handed, that is produce five others who would also attest to his or her good character. The other cases which involved compurgation merely stated that the defendant was 'at law'.<sup>26</sup> The Winchester Pipe Rolls detailed many payments *pro lege*, 'for law'. The exact meaning of *pro lege* is uncertain however: it may mean 'for the waging of one's law' or, equally, it may be a more general phrase used for payments made for a case to be heard by the court. The vast majority of *pro lege* cases occurred before 1240: all but 7 of the 381 cases date from before the vacancy. If the former interpretation of the phrase is correct, this distribution may represent a dramatic decline in the use of waging one's law, or may be attributable, at least in part, to the increase in detail recorded in the later rolls: 267 payments were recorded for relaxing one's law, *pro lege relaxanda*, which may or may not describe similar cases to the shorter *pro lege*. Combining these payments gives 551 payments for the seventeen rolls before 1240 and 97 payments for the six rolls after 1240, averaging 32 and 16 cases per year. This is a very crude comparison, but it does

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<sup>24</sup> Beckerman, 'Innovation', pp.203-11.

<sup>25</sup> *Select Pleas*, p.7.

<sup>26</sup> *ibid.*, pp.6-22. Examples of compurgation can be found in the rolls of the court of: Bledlow (Bucks.), 12 May 1246 (six-handed); Ruislip (Middlesex), 22 May 1246 and 4 Feb. 1248 (six-handed); Ogbourne (Wilts.), 16 Sept. 1247; Wantage (Berks.), 18 Sept. 1247; Tooting (Surr.), 15 Oct. 1247 (where a default was made in the waging of law which resulted in the defendant being placed in mercy); Deverill (Wilts.), 9 Nov. 1247; Povington (Dor.), 16 Dec. 1247; Weedon Beck (Northants.), 18 Aug. 1248 (six-handed).

suggest there may have been a decline of some degree in the use of waging one's law in the 1240s, ten years before Beckerman's time-line.<sup>27</sup>

Figure 1

Number of *pro lege* and *pro lege relaxanda* payments

	1208-37 (seventeen years)	1244-52 (six years)
<i>pro lege</i> payments	374	7
<i>pro lege relaxanda</i> payments	177	90
Total number of payments	551	97

If the number of payments for waging one's law was declining in the 1240s, how else were cases resolved in the manorial court? Compromise seems to have been used as a way to resolve disputes: payment for permission to compromise, or for failure to obtain permission, occurred 54 times within the Winchester Pipe Rolls, with the earliest instance being found in the earliest extant roll. One entry, in 1246-7 in Ivinghoe (Bucks.), noted that the payment was made because the compromise was made without the bailiff. The records for the Abbey of Bec's manor of Weedon Beck (Northants.) on 8 November 1249 noted that arbitrators were used in a dispute over land.<sup>28</sup>

Inquests were another way of resolving a dispute. The Winchester Pipe Rolls recorded 562 cases where payment was made for an inquest, the vast majority of which, in contrast to the *pro lege* payments, were recorded after 1240: only 17 payments were made before the vacancy. Again, this may be the result of a dramatic rise in the number of cases calling for an inquest, presumably by the whole court, or may be because of developments in recording practice. The inquests seem to be used for cases concerning land, with numerous entries for inquests being followed by payments for entry fines. A number of entries in Calbourne (Isle of Wight) recorded that the inquisition of the court was requested to decide who held the greater right to certain lands. One case, where a

<sup>27</sup> Examples of the waging of one's law can be found as late as the fifteenth century. F.M. Page, *The Estates of Crowland Abbey: A Study In Manorial Organisation* (Cambridge, Cambridge University Press, 1934), p.41.

<sup>28</sup> *Select Pleas*, p.21.

payment was made by Roger Nigro for an inquest by the court into who held the greater right over half a furlong of land then held by his sister Matilda seems to have been won by Roger as he is later recorded as making an entry payment for half a furlong of land.<sup>29</sup> It is unclear whether the inquest was used for other types of case at this time but, as all additional information provided by the account rolls gives details of land as opposed to any other type of case, it may be that inquests were used exclusively for cases involving land.

Again, the difficulties in terminology may present a highly distorted view of court procedure. This difficulty is highlighted by the phrase *pro consideratione*. The phrase *pro consideratione xij hominum* from the Mardon (Hants.) account in 1232-3 suggests that *pro consideratione* should, perhaps, be interpreted as a specific request for judgement, with *pro consideratione curie* being seen as a payment for the ruling of the entire court. If this is the case, the question arises: Is the difference between the phrases *pro inquisitione curie habenda* and *pro consideratione curie habenda* a real difference or simply a matter of terminology?<sup>30</sup> It may be that the phrases were used to describe different types of cases, but the small amount of additional information given for cases requesting the consideration of the court, like that for the inquests, refers only to land.<sup>31</sup> Not only were the cases for the consideration of the court often followed by entry payments, as with the inquest payments, but East Meon (Hants.) in 1244-5 provides one example where the cases were actually recorded as one: Adam de Ifeld' made one payment for the consideration of the court over land which he sought against John de Ifeld' and for an entry fine for the same land.<sup>32</sup> It seems, therefore, that the distinction

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<sup>29</sup> The payments were 'pro inquisitione curie habenda de dimidio furling' terre quam matilda nigra soror ipsius tenet utrum ipse maius Jus habeat' and 'pro fine dimidio ferling' terre'. Calbourne (Isle of Wight), 1247-8, cases 20 and 23. Other examples of inquisition payments which were then followed by entry payments can be found in the same manor, cases 35 and 37, 45 and 46, and in other manors, for example, the Taunton manor of Staplegrove (Som.), cases 43 and 44 and Burghclere (Hants.), 1251-2, cases 16 and 17.

<sup>30</sup> For example, these phrases may be found in 1244-5 in Overton (Hants.), case 82, and Ivinghoe (Bucks.), case 19, respectively.

<sup>31</sup> One case in Ashmansworth (Hants.) in 1235-6 noted that payment was made by John for consideration against Thomas. It seems, however, that this case was also over land as the next payment made by the same John was for disseisin of land: presumably he lost his case. Ashmansworth 1235-6, cases 12 and 13.

<sup>32</sup> East Meon (Hants.), 1244-5, case 118. 'pro consideratione curie de terra quam petit de Johanne de Ifeld' et pro fine eiusdem terre'. A further example of a combined payment can be found in Bishops Waltham (Hants.) in 1231-2, case 79.

was one of terminology rather than practice: *pro consideratione curie habenda* and *pro inquisitione curie habenda* seem to have been interchangeable. The two phrases were used within the same perquisite section in Farnham in 1245-6, but this seems to be the only instance where this occurs.<sup>33</sup> Matters involving land tenure, therefore, could be described as payments for an inquest or for the consideration of the court. It is also possible that payments for the verdict of the court, *pro veredicto curie*, described similar cases. There were 26 payments for verdicts to be made in the Winchester Pipe Rolls, with only one containing additional information as to the nature of the original case: the additional information once again referred to land.<sup>34</sup> As with the consideration and inquest of the court, therefore, the verdict of the court is also associated with land cases by the case of Robert Babeflod, who made a payment for the verdict of the court and subsequently for having land.<sup>35</sup> Below, figure 2, is a table detailing the number of cases for inquisition, consideration and verdict payments.

Figure 2

Payments for the inquisition, consideration and verdict of the court

	1208-37 (seventeen years)	1244-52 (six years)
<i>pro inquisitione</i> payments	17	545
<i>pro consideratione</i> payments	106	97
<i>pro veredicto</i> payments	20	6
total number of payments	143	648

If these phrases do describe similar cases, 143 were recorded in the seventeen rolls before 1240 and 648 were recorded in the six rolls after 1240. Requests for the decision of the court, therefore, seem to have become a more popular way to resolve disputes from the 1240s onwards.

It must always be remembered that the accounts are fair copies and, as such, may disguise the work of numerous different scribes who may have had their own

<sup>33</sup> Farnham (Surr.), 1245-6, cases 9 and 65.

<sup>34</sup> Bentley (Hants.), 1224-5, case 5.

<sup>35</sup> Twyford (Hants.), 1244-5, cases 4 and 5.

terminology. In addition to this, the Winchester Pipe Rolls cover over forty years and span the episcopacies of three bishops during which time it would seem natural for terminology to change.<sup>36</sup> Ultimately, the scribes may not have been as consistent as we would have hoped: if the simple phrase *pro simili* can be abbreviated to five different forms within one perquisite section, it is not incomprehensible that words, such as consideration, inquest and verdict, may be substituted for each other within the rolls.<sup>37</sup>

Beckerman suggested that land lawsuits were tried by an inquest of the entire court but that gradually, from 1250, these verdicts were given by juries because of an increase in the volume of litigation, an increase in population and a resulting decline in the intimate knowledge of the entire village. This jury, initially used for disputes over land, was then used to decide other cases, with the same jury usually deciding all cases in one session of court.<sup>38</sup> The manor court of Bledlow (Bucks.) provides a detailed example of Beckerman's pre-1250 procedure: a judgement by the whole court was made on 6 August 1249 over who held the greater right to a certain piece of land. It is most interesting to note, however, the scribal error made in this entry. The roll noted that the jury of the whole court was to inquire as to who held the greater right to the land, but originally the roll read 'a jury of twelve lawful men'.<sup>39</sup> Juries were certainly in use for cases involving disputes over land in the 1240s, with the Abbey of Bec rolls noting the use of juries in such cases in all extant years before 1250.<sup>40</sup> Could this scribal error indicate that the use of juries had become so common-place in inquests over land rights that the scribe assumed the decision would have been made by a jury? The Winchester Pipe Rolls recorded many payments for the inquest, the consideration and the verdict of the whole court, but the rolls also detailed seventeen cases involving a jury of twelve men, the earliest recorded in 1226-7 in East Meon (Hants.). In over half of the cases, 11, the payment was simply to have a jury of twelve men or to have the consideration or

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<sup>36</sup> Bishops of Winchester: Peter des Roches, 1205-38; William Raleigh, 1240-50; Aymer de Valence, 1250-60. Fryde, *British Chronology*, p.276.

<sup>37</sup> Bishops Waltham and Bishopstoke in the year 1245-6 both record five different abbreviations of 'simili'.

<sup>38</sup> Beckerman, 'Innovation', pp.212-15.

<sup>39</sup> *Select Pleas*, p.20 and 20n..

<sup>40</sup> Juries were mentioned in the court rolls for: Ruislip (Middlesex) 22 May 1246, 4 and 8 Feb. 1248; Tooting (Surr.) 15 Oct. 1247; Weedon Beck (Northants.) 19 June and 18 Aug. 1248; Bledlow (Bucks.) 6 Aug. 1249.

verdict of twelve men. In the remaining 6 cases additional information was given as to the nature of the original case for which a jury was requested: in all instances the original case was over land or specific property. Juries do not seem to have been used for all cases before 1250, therefore, but it does seem that from at least 1226-7, juries were used, on occasion, to decide matters of disputed land rights.

Three entries in the Pipe Rolls did use a different number of men for the jury. In Bishops Waltham (Hants.) in 1215-16 and in Farnham (Surr.) in 1231-2, a jury of twenty-four men was used, perhaps in appeal hearings, whereas in Burghclere (Hants.) in 1236-7 a jury of six men was used.<sup>41</sup> There were 111 other cases which recorded a payment being made to have a jury or for false judgement, but the number of men on the jury was not noted. The only indication of the number of men on each jury was given by the grouping of 'false oath' or 'false judgement' payments.<sup>42</sup> Payments usually appeared in groups within the records: in Twyford (Hants.) in 1213-14, 11 names were recorded successively; in Woodhay (Hants.) in 1218-19, the list comprised 7 names; in Crawley (Hants.) in 1236-7, 5 men were listed; in Farnham (Surr.) in 1247-8, 10 names were recorded; a payment for false judgement was made by the whole hundred in Bishopstoke (Hants.) in 1247-8.

The use of a jury did not necessarily mean that the jury was one of trial. It is unclear from the Abbey of Bec court rolls as to whether these juries already knew the facts of the case or were appointed to determine those facts. The use of the term 'inquest', in association with the jury in Ruislip (Middlesex) on 22 May 1246, and the term 'inquire', in association with the juries in Tooting (Surr.) on 15 Oct. 1247, Weedon Beck (Northants.) on 18 Aug. 1248 and Bledlow (Bucks.) on 6 Aug. 1249, may suggest that the twelve were indeed unaware of the facts of the case initially and that their purpose was to determine those facts.<sup>43</sup> The manorial court of Ruislip also noted a case where payment was made to have a jury of twelve determine the ownership of a certain

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<sup>41</sup> William Cunne, who made the payment to have a jury of 24 men, was not recorded in the accounts under that name before his 1231-2 payment. It may be the case, however, that he was one of the many Williams recorded by their first name alone in the accounts for Farnham prior to that date.

<sup>42</sup> The payment was 'pro falso juramento'.

<sup>43</sup> The words were 'inquisicione' and 'inquirendum'.

croft. It is again unclear whether the case was resolved by twelve men who knew the position of the boundaries or whether they made a judgement without previous knowledge, but it seems that they may not have been aware of the original boundaries as the same jury was used to determine another boundary case. Two years later, on 4 February 1248, a named jury of twelve was used in the court of the same manor to determine the ownership of a messuage. Again, it is unclear whether the jurors knew the facts of the case but the same jury was used in another case in the same court, which would again suggest that no previous knowledge was required. A similar situation arose in the manor of Weedon Beck (Northants.) in the court of 18 August 1248, where twelve named jurors were to determine who held the greater right to certain lands in two separate cases.<sup>44</sup>

Do these early court rolls suggest, therefore, that the jury trial was in place before Beckerman's 1250 to 1350 time-line? P. Hyams expressed his hesitancy in accepting Beckerman's time-line for the adoption of royal court procedure by the manor courts as the major developments of 1260 to 1280 coincided with the survival of the bulk of early manorial documentation.<sup>45</sup> The payments made for juries in the Winchester Pipe Rolls do suggest that juries who had no previous knowledge of a specific case were in use, at least in land disputes, over twenty years earlier than previously assumed. It seems that Beckerman's date of 1250 may also, perhaps, be a little late for the use of a single jury in all cases of disputed land in one session of court but, as it is impossible to determine from the account rolls how many sessions were held within the year and who made up each jury, we cannot be certain that this development occurred much before 1246.

The conveyance of land, as opposed to disputes over land, formed a considerable part of manorial business. Land grants were matters of precedent and, as such, were usually conducted in front of numerous witnesses to avoid later disputes. References to land grants being agreed upon in the presence of or attested to by the hallmoot occur in

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<sup>44</sup> *Select Pleas*, p.17, Interestingly, although the text stated 'twelve jurors', fifteen names were actually recorded.

<sup>45</sup> P. Hyams, 'What did Edwardian Villagers Understand by Law?' in *Medieval Society and the Manor Court*, eds Z. Razi and R. Smith (London, Oxford University Press, 1996), pp.80-1.

certain private charters. One charter made in the presence of the hallmoot, dated between 1181 and 1190, recorded the quitclaim of two bovates in Eakring by Robert Starrlett and his wife to Rufford Abbey (Notts.). The quitclaim was made before the lord of Eakring, his wife and the hallmoot of Eakring.<sup>46</sup> Reference was also made in that charter to a previous agreement made before the hallmoot, in which the two bovates were given to Ougrim the forester, presumably Robert's father.<sup>47</sup> In an earlier example, dated c. 1155, the hallmoot was recorded as attesting to a confirmation charter. The charter was a confirmation of a land grant made by the prioress, prior and convent of Nuneaton to a certain Brian of land in Swinford and was attested to by sixteen named attestees and the whole hallmoot.<sup>48</sup>

By witnessing conveyances recorded in charters, the hallmoot seems to have maintained a 'general meeting' air to some extent and it is this versatility which ultimately creates the problem of an accurate distinction between a general meeting and a specific court. It should be noted, however, that charters were also witnessed, on occasion, by the hundred court: an early thirteenth century charter about land release in the full hundred court of Wrangdyke (Rutland) was witnessed by the full hundred and many others not in the hundred.<sup>49</sup> One charter, dated between 1166 and 1194, details an agreement which was made in the wapentake court of Strafford (Yorks.), and which seems to have been witnessed by those attending court. The charter details a gift of two bovates and other lands as set out by the wapentake court, thus emphasising the use of these courts in transactions of land.<sup>50</sup> Charters were also witnessed in honour courts: in a convoluted charter from the honour of Mowbray, dated between 1163 and 1169, a sworn testament was made by a certain Samson and his wife in the presence of the

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<sup>46</sup> The phrase was 'coram Alimot de Aicring'.

<sup>47</sup> *Rufford Charters*, ed. C.J. Holdsworth (Thoroton Society Record Series, 4 vols, 1970-81), ii, p.424.

<sup>48</sup> The phrase was 'totum halimotum'. *Documents Illustrative of the Social and Economic History of the Danelaw*, ed. F.M. Stenton (British Academy, Records of the Social and Economic History of England and Wales, vol. v, 1920), pp.248-9.

<sup>49</sup> *Facsimiles of Early Charters from Northamptonshire Collections*, ed. F.M. Stenton (Northamptonshire Record Society, vol. iv, 1930), p.30-1.

<sup>50</sup> *Early Yorkshire Charters*, vi, p.240-1. The phrase was 'sicuti divisum fuit in wapentac'. Other examples may be found in iii, p.403 and iv, p. 249-51.

whole court.<sup>51</sup> It would seem from these examples that witnessing charters was considered to be court business, as opposed to 'general meeting' business, and thus the witnessing of charters by the hallmoot should not be seen as a deviation from, but an integral part of, hallmoot business.

Charters were not the only means of securing land transfers. The transfer of land by charter implied the holding of land freely: Robert Starrlett and his wife held freely the land which they granted to Rufford Abbey; the prioress, prior and convent of Nuneaton held freely the land which they granted to Brian.<sup>52</sup> Villeins, however, theoretically had no control over the lands they occupied and could not, therefore, legally alienate or exchange it without the permission of the lord.<sup>53</sup> Transfers, whether they be sales or sub-lettings, involving villeins and villein land should have occurred by the process of 'surrender and admittance'. The procedure of surrender and admittance recognised that villein land was owned by the lord which made it necessary for the villein to surrender the land to the lord and for the lord to admit a new tenant. The processing of villein land transfers through the manorial court ensured entry payments were made and, if the tenancy was conveyed to a family member, a heriot payment. It also ensured full recognition of the villein status of the land.<sup>54</sup>

Transfer of land by villein charter, however, seems to have taken place throughout the thirteenth century.<sup>55</sup> The *Carte Nativorum*, contained within a mid-fourteenth century cartulary of Peterborough Abbey, detailed 481 charters where some of the sellers of land and most of the buyers were, as the title suggests, villeins. The dates of these charters, the majority of which came from the second half of the thirteenth century, suggest a considerable transfer of property amongst villeins at that time. Some

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<sup>51</sup> *Charters of the Honour of Mowbray, 1107-1191*, ed. D.E. Greenway (Records of Social and Economic History, new ser., vol. i, 1972), p. 168. Another example of grants being made in an honorial court may be found in *Early Yorkshire Charters*, ii, pp.498-9.

<sup>52</sup> See above.

<sup>53</sup> For an explanation of the status of the villein as chattel, see P. Hyams, *King, Lords and Peasants in Medieval England: The Common Law of Villeinage in the Twelfth and Thirteenth Centuries* (London, Oxford University Press, 1980), p.2.

<sup>54</sup> J.A. Raftis, *Tenure and Mobility: Studies in the Social History of the Medieval English Village* (Toronto, Pontifical Institute of Medieval Studies, 1964), pp.65-68.

<sup>55</sup> For an introduction to the work on the peasant land market see P.D.A. Harvey, ed., *The Peasant Land Market in Medieval England* (London, Oxford University Press, 1984), esp. pp.1-28.



of the charters, 58 in total, have been dated to the mid or early thirteenth century, which again suggests an active peasant land market was operating among the villein tenants of the Peterborough Abbey estate before 1250. These charters not only refer to purchases of land made at the time of the charter but often referred to transactions made many years before. M.M. Postan noted that one inquest held in 1292 referred to a transaction which probably took place at the turn of the twelfth and thirteenth centuries.<sup>56</sup> The details of court cases in the cartulary of Ramsey Abbey noted a number of instances where a villein tenant paid an amercement for having bought land by charter. The earliest example noted that a certain Gilbert Hardwyn, after having recognised his villein status in court, admitted to having bought 20 acres and a fold by charter. Gilbert then delivered the lands, fold and charter into the hands of the abbot who, in turn, granted the land and fold to Gilbert in return for one mark. Gilbert also admitted to having bought a further two acres of land by charter from Alan, son of Robert: for this transgression Alan paid one mark to have his land returned and Gilbert paid half a mark.<sup>57</sup> The Abbot of Ramsey was obviously keen to determine which lands had been transferred by charter as this was not the only example recorded in the cartulary, but the practice seems to have continued in many estates. Indeed, Postan suggests that it may not have been the lord's intention to put a stop to the peasant land market but to gain more control over it.<sup>58</sup>

The *Carte Nativorum*, although dealing with mainly unfree tenants, dealt with land which was considered to be held by both free and unfree tenure. The purchase of free land by villeins may not have caused a great deal of concern for the lord, Postan argued, as the services required of the tenant, by virtue of his personal status, remained the same. Indeed, it may have had slight benefits for the lord, as the theoretical owner of the villein was also, theoretically, the owner of the villein's property. Nor was the purchase considered illegal: villeins could legally purchase land from another lord and would even be entitled to claim novel disseisin if the need arose.<sup>59</sup> The alienation of the lord's own land to tenants of another lord, however, must have been a concern. An early

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<sup>56</sup> *Carte Nativorum*, pp.xvi-xix and xxvii-lx, esp. p.xxxviii.

<sup>57</sup> *Cartularium Monasterii Rames.*, i, pp.423-4.

<sup>58</sup> *Carte Nativorum*, pp.xlviii.

<sup>59</sup> *ibid.*, p.xliv.

fourteenth century case in Elton (Hunts.), a Ramsey Abbey manor, noted that two men were pledges for a certain Nicholas the smith to guarantee that Nicholas would not alienate a specific half an acre of free land, nor any other free land if he held it, without special licence of the lord.<sup>60</sup>

The bulk of the land detailed in the *Carte Nativorum* was free land purchased by unfree tenants, but some of the conveyances involved unfree land. R.H. Hilton showed that the majority of the leases for life recorded in the documents of Gloucester Abbey, dated to the second half of the thirteenth century, were of villein land and that, in most cases, villein customs were still to be performed by the new tenant.<sup>61</sup> The chirographs show that the abbot was fully aware of certain villein land transactions other than by surrender and admittance, but transactions of villein land do seem to have occurred without his approval: one chirograph detailing a life lease of villein land to a certain Stanbald, noted that Stanbald had already bought the land.<sup>62</sup> This chirograph, therefore, may simply have legalised the existing situation. Although these leases often involved the performance of services, the distinction between free and villein land was often blurred and seems to have become increasingly so with the rise in the amount of villein land held for money rent during the thirteenth century.<sup>63</sup> The possibility for confusion led L.A. Slota to argue that the use of surrender and admittance for villein lands was adopted to provide a clear distinction between the transferral of villein and free land.<sup>64</sup> R.M. Smith had suggested that the standardisation of the use of surrender and admittance in the latter half of the thirteenth century for villein tenure was linked to the introduction of presentment juries, which needed to identify standard procedures in order to present breaches of such procedure to court.<sup>65</sup> Slota, although recognising the importance of Smith's argument, noted that in the St Albans estates the standardisation

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<sup>60</sup> *Elton Manorial Records*, p.201.

<sup>61</sup> Hilton noted that 12 of the 49 chirographs can be dated before 1263. R.H. Hilton, *The English Peasantry in the Later Middle Ages* (London, Oxford University Press, 1975), p.148.

<sup>62</sup> *ibid.*, pp.149-50.

<sup>63</sup> *ibid.*, p.147.

<sup>64</sup> In the late thirteenth century phrases specifying the villein nature of the tenancy were used to avoid confusion between substitution, used for transferral of free hold land, and surrender and admittance. L.A. Slota, 'Law, Land Transfer and Lordship on the Estates of St Albans Abbey in the Thirteenth and Fourteenth Centuries', *Law and History Review*, vol. vi, 1988, p.129.

<sup>65</sup> R.M. Smith, 'Some Thoughts on "Hereditary" and "Proprietary" Rights in Land under Customary Law in Thirteenth and Fourteenth Century England', *Law and History Review*, vol. i, 1983, p.106.

of land transfer occurred before the regular use of presentment juries. M.M. Postan suggested that the Ramsey Abbey collection of land transfers by villein charter represented an early crackdown on this type of transaction, and that subsequent transactions should, therefore, have been conducted by surrender and admittance. The reason behind this crackdown was, in his view, financial: timely transfers of land, he argued, could cost the lord dearly but, more importantly, Postan suggested that the opportunity to raise rents and increase entry payments provided by conveyances of land, especially in a time of increasing population and shortage of land, could render significant financial benefits for the lord.<sup>66</sup> The increasing use of the practice of surrender and admittance did not completely stop unfree land transfers being recognised by charter, however: Slota noted that in the estate of St Alban's Abbey, a presentment was made in 1272 bringing to the court's attention a transferral of villein land made by charter.<sup>67</sup>

Cases mentioning charters were noted in the Winchester Pipe Rolls, with three instances of payments being made to have a charter from the bishop and a further three payments being made to have charters for specific lands or confirmations of lands held, the earliest entry being in 1210-11. An entry in the Bishops Waltham account for 1247-8 noted that the payment was made to have a charter of the lord bishop for 13 acres of land and for a confirmation of a further 10 acres.<sup>68</sup> Payments were also made in the Winchester Pipe Rolls for permission to sub-let land. Sub-letting of land seems to have been a reasonably frequent procedure: the Ramsey Abbey manor of Elton (Hunts.), for example, recorded two fourteenth century cases where two men made payments for sub-letting half an acre of bondland to free men without licence.<sup>69</sup> The payments to court for sub-letting, therefore, show that the bishop of Winchester was allowing the alienation of small sections of land within his estate. The standard phrase seems to have been *pro terra dimittenda*, for land to be demised, and Postan suggested that, because of the

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<sup>66</sup> *Carte Nativorum*, pp.xlvi-xlvii.

<sup>67</sup> L.A. Slota, 'Law, Land Transfer and Lordship on the Estates of St Albans Abbey in the Thirteenth and Fourteenth Centuries', *Law and History Review*, vol. vi, 1988, p.128.

<sup>68</sup> Payments for charters: Witney (Oxon.), 1210-11, cases 36 to 38; Cheriton (Hants.), 1247-8, case 27. Payments for charters mentioning specific lands or persons: Hambledon (Hants.), 1246-7, case 47; Bishops Waltham (Hants.), 1247-8, case 244; Twyford (Hants.), 1251-2, case 6.

<sup>69</sup> *Elton Manorial Records*, p.313. The date was 1342.

formulaic reason given, this type of payment was well established by 1208-9.<sup>70</sup> The numbers of these payments, however, dropped significantly after 1225-6: only 20 of the 112 payments for demise of land between 1208 and 1252 were recorded after 1226. Payment of services due from the land ensured that unlicensed sub-letting did not go unchecked for long: the decline in the number of payments for permission to sub-let, therefore, seems to represent a change of policy by the bishop of Winchester in which alienation of land was not permitted on the scale previously allowed.<sup>71</sup>

The wish by tenants of all kinds to have conveyances of land recorded in a charter shows the increasing emphasis placed on written proof. The increasing importance of written evidence was shown by the considerable number of spurious charters found in published sources and, indirectly, a phrase used in the Chronicle of Battle Abbey. Abbot William of Marmoutier was asked to produce written evidence of his claim that Battle Abbey had, since its foundation, been subject to Marmoutier to which the Abbot reportedly replied that the gift of such a great man as the king did not need documentary proof or an eyewitness. The grant, it was then contested, was so great that it could not be authentic if not confirmed by charter or at least by oral testimony of witnesses. The use of *certe* in the description emphasises the view that written evidence was considered to be much stronger proof of claim than oral testimony.<sup>72</sup> The procedure of surrender and admittance conducted in court did reinforce the lord's rights over his land and his unfree tenants and provide financial reward, but it did also provided the tenant with a written record of the transfer. It is virtually impossible to determine the main motive behind surrender and admittance cases but the charters of the unfree tenants suggest that the wish for written evidence of tenure by the tenant themselves may have been a major factor.<sup>73</sup>

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<sup>70</sup> *Carte Nativorum*, pp.xxxvii-xxxviii.

<sup>71</sup> J.A. Raftis, *Tenure and Mobility: Studies in the Social History of the Medieval English Village* (Toronto, Pontifical Institute of Medieval Studies, 1964), pp.77.

<sup>72</sup> *Battle Abbey Chronicle*, p.115. One of the Bury St Edmunds chronicles also emphasises the importance of documentary proof, stating that if the Abbey could prove its right to free election, by charter, then King John would concede. *The Chronicle of the Election of Hugh Abbot of Bury St Edmunds and later Bishop of Ely*, ed. and trans. R.M. Thomson (London, Oxford University Press, 1974), p.113.

<sup>73</sup> Postan did note that the villein charters may not necessarily be taken as ultimate proof by a private or royal court but that in informal disputes, and possibly in court, the charter could be used as evidence. *Carte Nativorum*, p.xliii. Tenants of the bishopric of Winchester's estate made five payments to have 'pro record' but, as note above, pp.34-5, 'recordari' may be translated as a written record or an oral report.

One other function of the courts in the bishopric of Winchester's estate seems to have been the election of the manorial officials. One case from the manor of Burghclere (Hants.), 1218-19, noted that a payment was made for the poor choice of the reeve. An entry for Bishops Fonthill in 1246-7 recorded a payment 'for the election of the reeve and for many transgressions': presumably the election was conducted incorrectly or the choice of reeve was considered to be poor. Other entries detailed the election or poor choice of grangers, shepherds, haywards and beadles.<sup>74</sup> Payments were also made in court in order not to be the reeve: in 1211-12 in Bishopstone (Wilts.), for example, a payment was made not to be a reeve.<sup>75</sup> Elections seem to have been held every year, but one person may have been re-elected from year to year.<sup>76</sup> The cases detailing the failure to summon the court correctly gave the same names for two manors in two different years. In Calbourne (Isle of Wight) in 1244-5 and 1245-6, Roger de Lostede made poor summons and in Fareham (Hants.) in 1244-5 and 1247-8, Galfridus Spiring made defective summons to court. Unfortunately it is not known which manorial post these men held.

A free person involved in a case in a manorial court was, theoretically, able to have an attorney. A close rolls entry, dated 21 February 1234, noted that a man may have an attorney act for him, in both prosecution and defence, in a court whether the court be of the county, the hundred, the wapentake or any of the king's court, or of the court of the king's lords, without specific letters from the king. These rights applied to any free man who owed suit, which may suggest that those deemed legally unfree may not necessarily have held this right.<sup>77</sup> The Statute of Merton, dated 1235-6, noted that every free man who owed suit to the county, hundred, wapentake or to the court of his

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<sup>74</sup> 'Berebrettus' or granger (in charge of the granges), Twyford (Hants.), 1247-8, cases 37 and 59; 'bercarius' or shepherd, Burghclere (Hants.), 1246-7, case 2, Itchingswell (Hants.), 1246-7, case 4, 1247-8, case 26, and 1251-2, case 31; 'haywardus' or hayward, Itchingswell (Hants.), 1246-7, case 4. A payment was made in the half-year vacancy roll (PRO E 407/5/6) to be a beadle, 'budellus', in Farnham (Hants.), f.20.

<sup>75</sup> The payment was 'ne sit prepositus'. Other examples of similar payments can be found in the Hampshire manors of Overton and North Waltham in 1217-18 and Bishopstoke, Crawley and Hambledon in 1247-8.

<sup>76</sup> Bennett, *English Manor*, p.167.

<sup>77</sup> *Close Rolls, 1231-4*, p.551. The phrases used were 'curias domini sui' and 'quilibet liber homo qui sectas debet nostri'.

lord could appoint an attorney to do suit for him.<sup>78</sup> An attorney could be appointed, therefore, to perform both the service of suit and in a specific case of a free man heard in the lord's court. The Winchester Pipe Rolls detail fourteen cases detailing payments made for attorneys, the earliest dated 1217-18, with one or two cases in a year at most.<sup>79</sup> All, interestingly, were from the foreign hundred of the manor of Taunton. This was not a manorial court, but a hundred court, and thus, although the practice was obviously known and used within the bishopric's estate, no payment was made for an attorney in a manorial court in the Winchester estate. This may be a reflection of the unfree status of many of the participants in the cases heard in court or may be that the practice was simply not used in manorial courts in the early thirteenth century. Attorneys were used later in the thirteenth century, however, for both suit of court and to represent a person in a particular case: the court rolls of Ramsey Abbey recorded a number of instances of attorneys acting in these capacities on behalf of tenants and, in one prolonged case, the Abbot himself.<sup>80</sup>

Punishment for breaches of customary or royal law and court procedure were varied. The manorial court for Tooting (Surr.: Abbey of Bec) on 20 May 1246 noted that lands were seized by the lord until the defendant produced a warrantor. Distrainment of property was also used in a case where a man was not in a tithing.<sup>81</sup> Terms of imprisonment were deemed necessary for the punishment of two offenders in Ogbourne (Wilts.: Abbey of Bec) on 27 May 1249.<sup>82</sup> G.C. Homans noted that offenders were occasionally put in the stocks and that payments were sometimes levied in work rather than cash, but financial amercements were, by far, the most common punishment.<sup>83</sup> Unfortunately, the limitations of the account rolls are again highlighted, as only cases which resulted in a financial outcome were recorded. It is, therefore, impossible to

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<sup>78</sup> *Statutes of the Realm*, p.4 of 'The Statutes' section. 'Provisum quod quilibet libere homo qui sectam debet ad Com' Trithing, Hundr' et Wapentach', vel ad curiam domini sui libere possit facere attornatum suum ad sectas illas pro eo faciend'.'

<sup>79</sup> Payments for attorneys occurred once in 1217-18, 1236-7, 1245-6 and 1251-2. Two payments were recorded in 1219-20, 1220-1, 1223-4, 1232-3 and 1247-8.

<sup>80</sup> *Select Pleas*, pp.52, 79, 112-21 and 142.

<sup>81</sup> *ibid.*, p.8. This occurred in Ruislip (Middlesex), 22 May 1246.

<sup>82</sup> *ibid.*, p.19.

<sup>83</sup> Homans, *English Villagers*, p.310.

determine which punishments, other than financial, were used before 1246 and to what extent they were used.

In conclusion, cases were brought to the manorial court before 1250 by presentment by the whole court, possibly in response to a direct question by the lord's official, by a manorial official, or by specific request from an individual for his or her case to be decided in court. Once brought to the court's attention, a case could be resolved in a number of ways: by the defendant waging his or her law; by an investigation by the court or jury; by compromise. Payments seem to have been incurred at every step of the process, in bringing a case to court, in waging one's law, in requesting an investigation, in compromising, in failing to do any of the above correctly and as a general punishment. The court also performed a more administrative role in providing a forum for the conveyancing of land, either in the form of a charter or the surrender and admittance of villein tenants, and electing manorial officials.

#### How much business was done in court?

A fundamental question which needs to be addressed is how much business was actually conducted in these manorial courts. It has been shown that in the early thirteenth century these courts do not seem to have been held as frequently as allowed by royal command. It has also been suggested that the introduction of royal procedure and recording practice was to encourage free tenants to attend the courts which, in turn, may suggest that the court had limited appeal.<sup>84</sup> In trying to assess the volume of business, it is essential that we have a comparative value: herein lies the difficulty. It is impossible to determine the exact number of courts held in the bishopric of Winchester's manors, which makes it impossible to determine whether the amount of business conducted at each court changed significantly. It is also impossible to determine with any satisfactory level of accuracy, the population of each manor, thus making it impossible to compare the overall population with the number of people making payments to court. The only valid analysis possible is to compare the volume of

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<sup>84</sup> See pp.76-87 and 36-7 respectively.

business within each manor, bearing in mind that population is rarely, if ever, static. This provides us with an insight into the development of the volume of business in the bishopric of Winchester's estate from a base level provided by the 1208-9 account. It is, therefore, possible to detect changes in the volume of business in the entire bishopric estate and within individual manors during the first half of the thirteenth century. It is also possible to look more closely at the types of payment being made and analyse changes in the relative importance of particular types of cases heard within the manorial court.

### *The overall volume of business*

The following results, unless otherwise stated, are based on all manors for all 23 years and for all perquisite payments.<sup>85</sup> The figures used for the number of cases are actually the number of names recorded in the accounts. This is not necessarily the number of entries recorded in the rolls, as certain entries record payments by more than one person, for example, an 18d. payment from Robert, William and John for breaking the assize of ale. The Winchester Pipe Rolls are a fair copy of the original accounts and, as such, may not be exact copies of the originals: the scribe of the fair copy of accounts for the estates of Adam de Stratton in the late thirteenth century rearranged or condensed the information from the original draft-type document when compiling the enrolled accounts for that estate.<sup>86</sup> It may be the case that the multiple name entries represent a single event in which all those liable for the payment were involved. It seems more likely, however, that the multiple name entries were a method by which the scribe of the fair copy reduced the amount of writing involved: separate payments by Robert, William and John may have been combined, thus maintaining the fundamental information provided by the original accounts but reducing the work of the scribe. The

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<sup>85</sup> These payments exclude annual recognitions which, in some manors, are noted in separate sections in the later rolls.

<sup>86</sup> *Accounts and Surveys of the Wiltshire Lands of Adam de Stratton*, ed. M.W. Farr (Wiltshire Archaeological and Natural History Society Records Branch, vol. xiv, 1958), p.ix-xi. Comparisons of the accounts and the reeve's draft accounts for 1275-9 show that information from the reeve's draft account was often different to the information in the full account: in 1276-7 for example, the reeve's account simply records an entry payment whereas the full account records the amount of land and the previous tenant.

entries for Downton in 1247-8 seem to support the latter possibility, as a number of the entries involve multiple names.<sup>87</sup> Nine payments were made for transgression/trespass of wood, which included one multiple name entry, paid by 'Radulfus aynulf' and his associates. Three individual payments were then recorded for transgression/trespass of pasture. Twelve payments for an unknown reason were recorded in the following manner: five single-name payments, one two-name payment, one single-name payment and five two-name payments.<sup>88</sup> Fourteen payments were made for mowing the meadow badly, with all payments made in two-name entries bar the final three-name entry. The monetary value of the payments suggest that the scribe did indeed combine these repetitious entries, as the 'standard' amount for an unknown reason and for mowing the meadow badly seems to have been 6d..<sup>89</sup> When the entry contained two names, the payment was doubled to 12d. and the final three-name entry recorded a payment of 18d.. To treat the multiple name entries as one infringement of the lord's rights, therefore, would potentially create a distorted view of the amount of business conducted by the court.

There are a number of multiple reason entries where payment is made for two reasons within a single entry. The most common entry of this type is for having land and taking a wife, which accounts for 365 of the 435 multiple reason entries.<sup>90</sup> Payments for land and for taking a wife are closely linked and may have been considered as one case within the original court. The remaining seventy combinations of reasons are not statistically significant and have been categorised as 'others' in the analysis of payments unless otherwise stated.

Below is a chart showing how the use of the number of names and the number of reasons affects the overall number of cases in each year. For example, in 1208-9, there were 970 cases recorded in the Pipe Roll, 18 of which contained multiple names and 8 of which contained multiple reasons. Therefore, by separating the multiple name entries,

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<sup>87</sup> See Appendix A for greater detail, p.177.

<sup>88</sup> The term 'unknown' simply refers to entries where no reason for the payment was recorded.

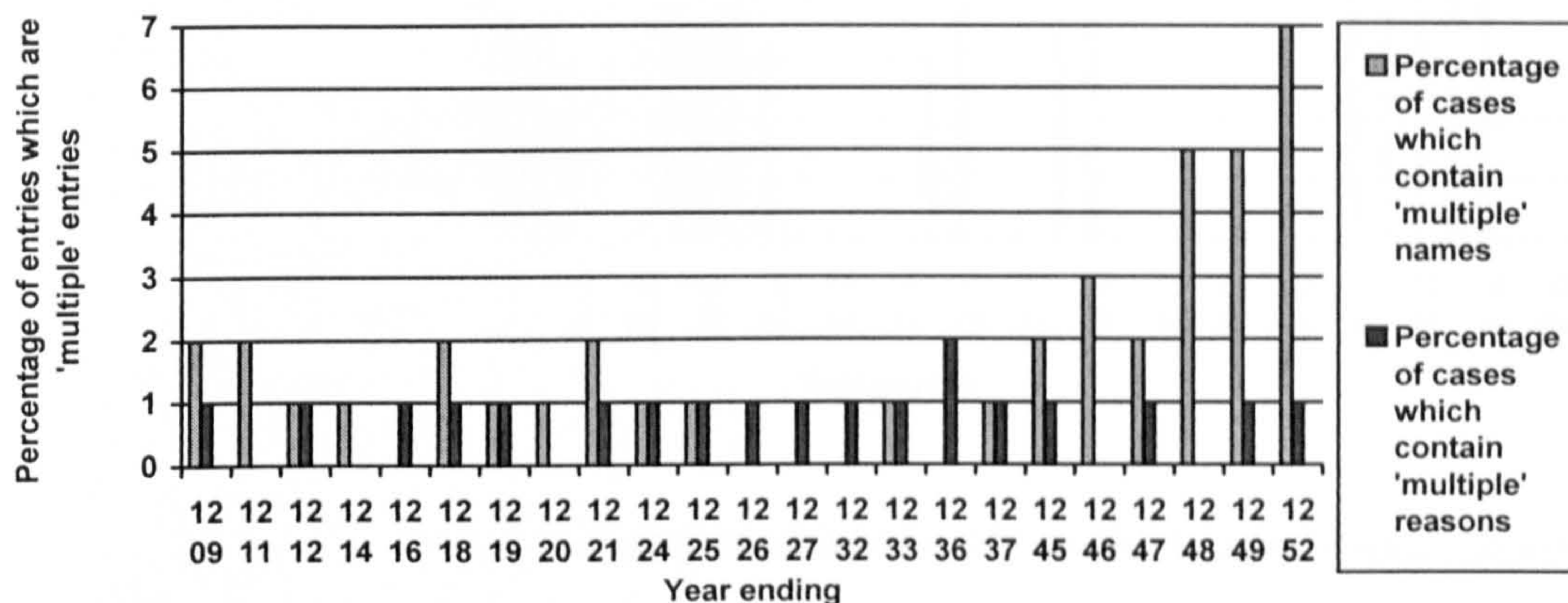
<sup>89</sup> Only one of the 'one-name' entries, William Sewy, records a payment which is not 6d. (12d.)

<sup>90</sup> The payment was 'pro terra et uxore habenda'.

a further 18 cases (equivalent to 2 per cent of cases) are added to the total, and by separating the multiple reason entries a further 8 cases (1 per cent) would be added.

Figure 1

Differences when using names and reasons for the number of cases



The graph clearly shows that the percentage of multiple reason entries varies between 0 and 1 per cent for all years bar 1235-6. There is greater fluctuation in the percentage of multiple name entries, especially after 1244. For the following results, the number of names has been used to signify the number of cases. Therefore in 1208-9, for example, the number of cases would be 988.

Figure 2 and the corresponding bar chart, figure 3, display the average number of cases (names) per manor in each year.

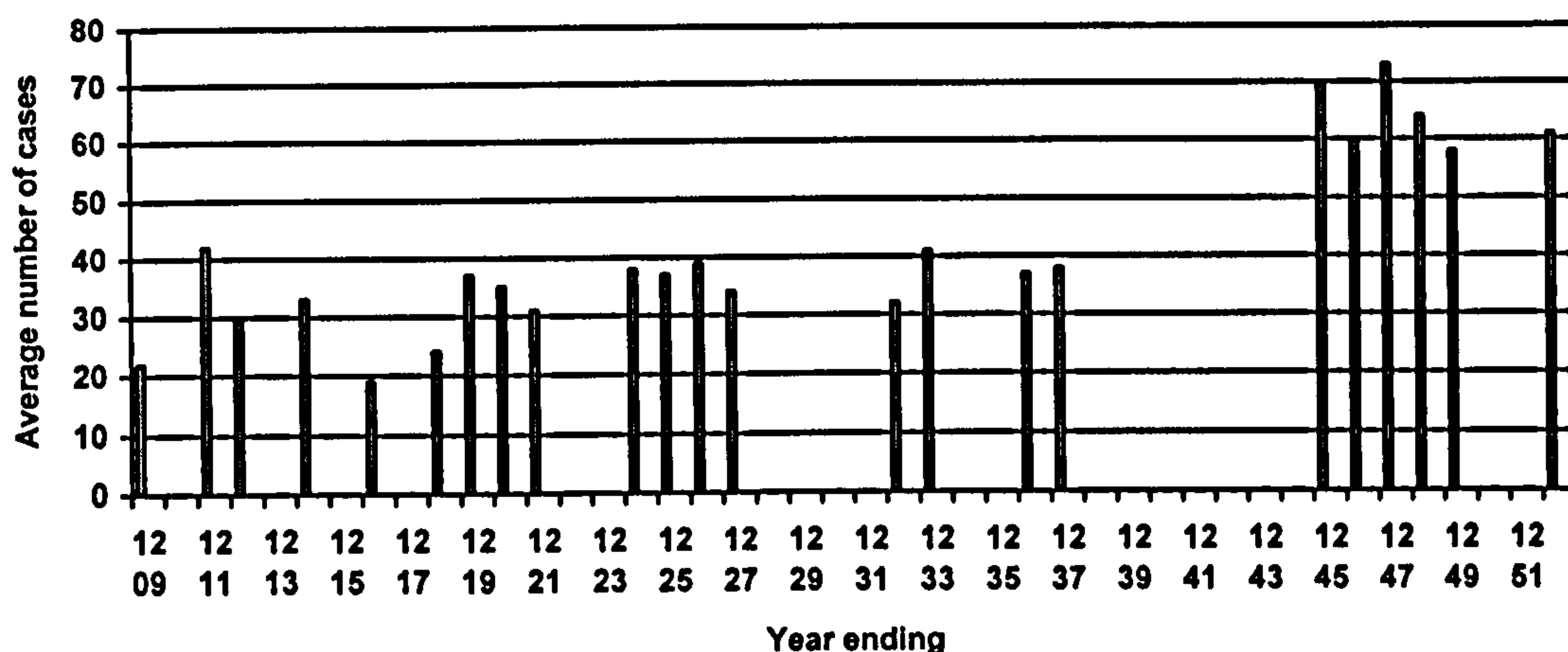
Figure 2

The average number of cases per manor for the years 1208-9 to 1251-2

Year	Average number of cases per manor	Year	Average number of cases per manor	Year	Average number of cases per manor
1208-9	22	1220-1	31	1236-7	38
1210-11	42	1223-4	38	1244-5	70
1211-12	30	1224-5	37	1245-6	60
1213-14	33	1225-6	39	1246-7	73
1215-16	19	1226-7	34	1247-8	64
1217-18	24	1231-2	32	1248-9	58
1218-19	37	1232-3	41	1251-2	61
1219-20	35	1235-6	37		

Figure 3

The average number of cases per manor, 1208-9 to 1251-2



The use of averages is a crude method of analysis which may conceal variations between manors: the number of manors recording perquisite payments in the Winchester Pipe Rolls between 1208 and 1252 was not consistent from year to year and, for any one year, manors for which the sections have been damaged or were missed out for any reason may represent the loss of a small number of perquisite payments or, by contrast, may represent the loss of literally hundreds of payments. An average number of cases which implies a steady increase in the volume of business for all manors may conceal a dramatic increase in business for a small number of manors and a slight but steady decrease in the volume of business for the remaining manors. Analysis of the whole estate also conceals variations between manors of different type and size. The rolls contain accounts for boroughs and churches which, one would assume, may produce different payments to a rural manor. The size of the manors also vary significantly: total receipts for each manor containing a perquisite section in 1208-9, for example, range from £9 14s. 4d. to £181 8s. 8½d. and in 1251-2 they range from £5 13s. 8½d. to £275 15s. ¼d..<sup>91</sup> The geographical location of the manors may also produce regional variations, with the bishopric's estate encompassing manors from seven counties. The difficulty in comparing 'like with like' is further complicated by non-static factors within each manor itself. Change in population in a manor during the 43 years covered by the rolls used in this study is an obvious factor. Damage to the rolls is

<sup>91</sup> The totals for Taunton are excluded as they are sum totals of all the Taunton manors.

also a factor as comparison throughout this thesis is, of necessity, made on the number of surviving entries rather than the number of entries originally recorded. The data provided by the rolls, therefore, will not support extremely detailed statistical analysis but the use of basic statistical methods may give some indication of a possible overall trend in the data.

Using the least squares method, it was possible to find a so-called 'line of best fit', which indicated whether there was a general trend in the average number of cases per manor. The line of best fit for the above data was  $y = 0.943x - 1117$ . This showed that the general trend, the slope of the line, was positive as the numerical value preceding the  $x$  in the equation was positive. The correlation coefficient indicates how well the line of best fit actually represents the data, which in this case, was valued at  $|r| = 0.848$ . As the value of  $r$ , the correlation coefficient, was greater than the critical value for a level of significance of 99.8 per cent (0.61), there was very strong evidence to suggest that the line of best fit provided a clear representation of the data.<sup>92</sup>

The average number of cases per manor, therefore, increased in a linear fashion as the years progressed: the size of the increase, however, is also important. It is possible that a line of regression may be significant, in that it provides a good statistical representation of the true data, but that the line itself has a gradient approaching zero. This means that the number of cases is not dependent upon the year, i.e. that the number of payments remains constant. In this case the line of regression would be significant but the size of the increase in the volume of business would not be significant. The  $t$ -test was used to assess the magnitude of the increase in the overall volume of business.<sup>93</sup> The value of  $t$  calculated for the above data produced a level of significance of 99.95 per cent. This shows that there is extremely strong evidence to suggest that the increase in the volume of business was statistically significant. It seems, therefore, that there was a

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<sup>92</sup> All statistical analysis was undertaken on the advice of Dr. R.P. Bennell. D.G. Rees, *Foundations of Statistics* (London, Chapman and Hall, 1987), pp.367-8 and 400-1. For a full explanation of the least squares method and correlation coefficient, see Appendix E, pp.188-92.

<sup>93</sup> For an explanation of the  $t$ -test in this context see Appendix F, pp.193-4. D.G. Rees, *Foundations of Statistics* (London, Chapman and Hall, 1987), pp.404-7.

definite quantifiable increase in the overall volume of business in the bishopric of Winchester's estate between 1208 and 1252.

Analysis of individual manors supported this conclusion.<sup>94</sup> Sixty-four manors which had entries in six or more of the possible twenty-three rolls were analysed. Of these, 32 manors, (50 per cent), showed a significant linear trend in the overall volume of business between 1208 and 1252 at the 99.8 per cent level of significance. This showed that there was very strong evidence to suggest that the trend in the volume of business was linear in form. Taking a level of significance of 90 per cent, 50 manors (78 per cent) produced significant linear approximations for the overall volume of business, 1208-52. Testing the significance of the magnitude of the increase showed that all 50 manors produced a significant increase in the volume of business at or above a 95 per cent level of significance. All manors which showed a linear trend, therefore, showed a significant increase in the volume of business between 1208 and 1252.

The increase in the volume of business on the bishopric of Winchester's estate may be attributable to a number of factors. The increase may be due purely to a rise in population. The population as a whole in England was increasing in the thirteenth century and one would assume that the population of the bishop of Winchester's estate would also have risen in the first half of the century. The only figures available for the population of the manors of the bishopric's estate, however, are from work carried out by J.Z. Titow on the custumals of the mid-thirteenth century and the Taunton hundredpenny payments.<sup>95</sup> Titow's work showed a rise in the total population of Taunton from approximately 1759 in 1208-9 to about 2845 people in 1248-9: this constitutes an annual percentage increase of 1.2 per cent.<sup>96</sup> The population of this manor did increase, therefore, and one might expect a proportional rise in the number of payments made to court.

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<sup>94</sup> See Appendix C Table 1 Column A for further details, pp.179-80.

<sup>95</sup> For all figures used below relating to population see Titow, 'Land and Population', p.96 and Titow, 'Population', pp.218-24.

<sup>96</sup> Titow, 'Population', pp.218-24. This figure was obtained using the compound interest law for the number of males over 12 in 1208-9 (612) and 1248-9 (990). C.J. Tranter, *Advanced Level Pure Mathematics* (4th edn, London, Hodder and Stoughton, 1975), p.41.

If the population increase was the sole reason for the increase in the volume of business in the manorial courts, one may expect that the proportion of the populace attending court would remain the same. In Taunton in 1208-9 there were 612 adult males which, using the 1851 census material, equated to 1759 people in total.<sup>97</sup> There were 133 payments made to court in that year, which represents payments by 8 per cent of the total population assuming each payment was made by a different person. In 1247-8, there were approximately 2845 people in Taunton and 546 payments were made to court. This represented payments being made by 19 per cent of the population. Using the cumulative annual increase figure gained from Taunton for other manors within the bishopric's estate produced some similar results. In Alresford (Hants.) the mid-thirteenth century custumal recorded 96 tenants which represented a total population of 413 people. The cumulative rate of 1.2 per cent was then applied to calculate an estimated total population for 1208-9, this being 259 people. In that year, 6 payments were made to court by these 259 people, which constituted 2 per cent of the population. In 1247-8 the corresponding figures were 91 payments from 413 people, constituting 22 per cent of people from the manor making payments to court.<sup>98</sup> These figures are, obviously, highly inaccurate as they assume that each payment was made by a different tenant and that the Taunton ratio of tenant to total population also holds for the manor of Alresford, but they do suggest that the increase in the volume of business may be attributable to an increase in the percentage of population making payments to court in certain manors in addition to a presumed population increase.

It is also possible that the number of cases increased in certain manors because the same tenants were making an increasing number of payments to the court, rather than a regular number of payments being made by a greater percentage of the population: William, for example, may have paid one amercement in 1231-2 but in 1244-5 was liable for three separate payments. Unfortunately, study of the number of tenants has been made difficult by the heavily abbreviated entries in certain rolls,

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<sup>97</sup> From the 1851 census Titow was able to calculate that the adult males over twelve constituted approximately 34.8 per cent of the total population. Titow, 'Population', pp.218-24.

<sup>98</sup> *ibid.*, pp.218-24.

making it virtually impossible to distinguish between the individuals.<sup>99</sup> It is also very difficult to compare names from one year to the next as the bynames and surnames do not seem to be consistent.

It seems most likely that the increase in the volume of business was attributable to a combination of these reasons, as they are by no means mutually exclusive. The number of cases may have increased because of the increase in the number of tenants making payments both in general terms, due to the population increase, and as a percentage of the lord's tenants. Equally, these individual tenants may be making a greater number of payments to the court. The remainder of this chapter attempts to explain the changes in the volume of business in greater detail, by analysing shorter time spans within the 43 years covered by the rolls and analysing what types of payment contributed to the overall change.

#### *The volume of different types of business*

An analysis of the volume of so-called 'franchisal' business of the courts of the bishopric of Winchester was conducted by A.N. May in his doctoral thesis of 1960. The term 'franchisal' was used to describe all perquisite payments which were not payments for land, marriage or tithingpenny. May's analysis, therefore, included 'true' franchisal payments, such as for cases of bloodshed, and basic domanical payments, such as for cases where services were not completed satisfactorily.<sup>100</sup> He concluded from his research that the volume of 'franchisal' business hardly changed during the years of Peter des Roches' episcopacy.<sup>101</sup> He also stated that for the years 1244 to 1258 there was a rise in the volume of 'franchisal' business of the order of between two times and four times the pre-1244 level.<sup>102</sup> May's results, however, have severe limitations. First, by concentrating on the 'franchisal' elements of court business, May excluded certain types of court business. The separation of land transactions and marriage payments from the rest of the perquisite payments occurred in the Winchester Pipe Rolls in 1259:

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<sup>99</sup> See p.50-1.

<sup>100</sup> For the remainder of the chapter, 'franchisal' should be understood as the term used by A.N. May.

<sup>101</sup> Peter des Roches was consecrated on 25 September 1205 and died 9 June 1238.

<sup>102</sup> May, 'Franchise', p.26. and pp.56-8.

enforcing such a division on a study of manorial courts before 1250 would seem to exclude what was an integral part of court business. The change in recording practice may well have been no more than an accounting device rather than a change in the court itself.<sup>103</sup> Second, May based his conclusions for the first half of the thirteenth century on only six years: 1210-11, 1220-1, 1223-4, 1232-3, 1245-6 and 1256-7. The year by year variations are considerable and not represented by May's data: the average volume of business for each manor in 1210-11 seems to be large in comparison to the other years in Peter des Roches' episcopacy. In addition to this, the number of franchisal payments in 1220-1 and 1223-4 were estimated because of the lack of reasons for payment recorded in the rolls: between 62 and 86 per cent of the entries used by May in those two years provide no reason for payment.<sup>104</sup> Third, May based his results on only three manors from the entire estate, Bishops Waltham (Hants.), Downton (Wilts.) and Farnham (Surr.).<sup>105</sup> He chose three large manors to make his studies 'statistically respectable' but the choice of large manors may indeed have presented a distorted picture.<sup>106</sup> In 1210-11, for example, Bishops Waltham recorded the largest number of cases (126), Downton recorded the second largest number (124) and Farnham recorded the sixth largest number of cases (79). In terms of percentages, the manors were all within the 'largest' 16 per cent of manors in that year, i.e. the manors all came in the top 16 per cent of manors when put in 'number of cases' order. In fact, taking into account all 23 years, the number of cases recorded in Bishops Waltham always falls within the 'largest' 13 per cent of manors, bar one, with Downton falling within the top 18 per cent, bar one, and Farnham falling within the top 32 per cent for each year, bar one. The 'exceptions to the rule' for each manor are years in which damage has occurred to the rolls and, hence, the original number of cases is unknown.<sup>107</sup> All three manors, therefore, recorded significantly high numbers of payments throughout the early thirteenth century. Indeed, Bishops Waltham in 1246-7 contains the greatest number of

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<sup>103</sup> See Post, 'Amercements', pp.304-11, for a full criticism of May's methodology.

<sup>104</sup> It is not known on what basis May estimated the number of franchisal cases.

<sup>105</sup> May did study all the available rolls for Bishops Waltham (Hants.) between 1244 and 1258, and he does comment that he looked at other rolls, May, 'Franchise', pp.19, 56-8.

<sup>106</sup> *ibid.*, pp.14-15.

<sup>107</sup> Damage occurred to the following perquisite sections: Bishops Waltham (Hants.) in 1219-20; Downton (Wilts.) in 1231-2; Farnham (Surr.) in 1219-20. The percentages, 42%, 36% and 50% respectively, represent the relative position of the manor based on the number of surviving entries. Downton records sum totals in two years, 1215-16 and 1217-18, hence the number of cases in these years are also unknown.

cases for any manor between 1208 and 1252. The very reasoning behind May's choice of manors, therefore, does not ensure statistical respectability as the sample is too small and is not truly representative of the entire estate.

The payments recorded in the Pipe Rolls were divided into ten types of payment. The categories used by May were the basis of the division, with three extra categories included. May's categories were: jurisdiction; process; services; property; inter-tenant disputes; assize; miscellaneous. The three additional categories used in this thesis are land, marriage and 'no reason given'.<sup>108</sup> These categories are unsatisfactory in many ways as payments made for such things as an inquest of the court about a virgate of land could be classed as an inter-tenant dispute because, presumably, the tenure of the virgate was in dispute, as a process payment, because the payment was for a particular process of the court, an inquest, to be carried out, or as a land payment because the dispute was over a virgate of land. The payments made in the rolls have been classified according to May's definitions in an attempt to produce a valid comparison.

The large number of entries for which no reasons were recorded have created difficulties for the analysis of the types of payment made in manorial courts. It may be the case that no reason was recorded when a particular payment was made, for example, for wood. It was not, however, used consistently for an entire type of payment, such as all property payments, as Bishops Waltham in 1210-11, for example, records entries for all ten categories of payment. It may also be the case that those entries recording no reason were actually for the same reason as the previous entry: it was, perhaps, an attempt to reduce the amount of writing by the scribe. Analysis of individual manors showed that of the 613 perquisite sections which recorded entries giving no specific reason for payment, 474 also recorded payments of 'the same'. If the 'no reason' payments were a heavily abbreviated form of 'the same', the percentage of the remaining 'known' payments would show a considerably lower incidence of payments entered as 'the same': there seems to be no correlation, however, between a high number of 'no reason' payments and a low percentage of the remaining payments which

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<sup>108</sup> Payments in the 'none' category give no reason for the payment.

are described as 'the same'. In Bishops Sutton (Hants.), for example, 41 per cent of the 'known' payments in 1226-7, 1231-2 and 1235-6 were for 'the same'. The number of 'no reason' cases, however, varied considerably: in 1226-7 there were 70 payments, 41 of which recorded no reason and 12 recorded 'the same'; in 1231-2, the corresponding figures were 56, 24 and 13; in 1235-6 the figures were 75, 4 and 29. Entering no reason for payment does not, therefore, seem to be a method of recording repetitious payments, but more of a simple exclusion of detail.

The large number of entries which record no reason for payment may also bias results if included in the analysis. A high number of 'no reason' payments results in an artificially low number of all other types of payment in comparison with other years. The nine years which produced the largest percentages of 'no reason' payments over the entire estate (43 per cent to 78 per cent) all relate to years before 1233; thus these years yield a relatively low number of all other payments. Comparison of the number of all other types of payment over a period of time, therefore, is greatly affected by the inclusion or exclusion of those years in which there is a high percentage of 'no reason' entries. The Taunton manor of Poundisford (Som.), for example, records a significant increase in the number of land and marriage payments between 1208 and 1252 but, by removing the data for the years in which the number of payments recording no reason is greater than 50 per cent of the total number of payments for that manor, the increase is no longer significant.<sup>109</sup> The results below have been based on those years for which the percentage of 'no reason' payments in each manor is less than 50 per cent. Data for particular manors containing sum total payments have also been removed.

Analysis of what may be termed as 'franchisal' payments and land and marriage payments showed that an increasing proportion of the payments made in the courts were 'franchisal' in nature: 51 manors recorded a 90 per cent or above level of significance for a linear trend in the volume of 'franchisal' business whilst only 18 manors recorded a level of significance of 90 per cent or above for a linear trend in land and marriage payments.<sup>110</sup> The overall trends in the volume of 'franchisal' business and land and

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<sup>109</sup> The value of 50 per cent was chosen arbitrarily.

<sup>110</sup> See Appendix C Table 1 Columns B and C for further details, pp.179-80.

marriage payments can be seen in the following table, figure 4. This shows the number of manors for which the linear approximation of the volume of business is or is not representative of the true data, indicated by the levels of significance.

Figure 4

Number of manors with significant lines of best fit

Level of significance of line of regression (Is the line of regression a good fit?)	Number of manors for which the 'franchisal' payments were significant (64 manors in total)	Number of manors for which the land and marriage payments were significant (64 manors in total)
99.8%	26	3
99%	12	2
98%	6	2
95%	4	4
90%	3	7
less than 90%	13	46

The *t*-test was used to assess the level of significance of the size of the increase in the volume of business. Analysis of the 51 manors which produced a significant linear approximation to the figures for the 'franchisal' payments showed that all 51 of those lines of regression produced an increase in the volume of business which was significant in magnitude. All 18 of the significant land and marriage payment regression lines were significant in the magnitude of the increase or, where appropriate, decrease: Southwark (Surr.) produced a significant decrease in the number of land and marriage payments. These results highlight the difficulties of linear regression analysis, namely that if the trend is not linear no further analysis of this type may take place. The results do show, however, that a large proportion of manors recorded a significant linear increase in the volume of 'franchisal' business. It seems, therefore, that the increase in the overall volume business was more attributable to the increase in 'franchisal' payments rather than to a rise in the number of land and marriage payments.

Analysis of the individual types of payment, such as property payments, confirms these findings.<sup>111</sup> The results showed that there was very strong evidence to accept the linear approximation for the overall number of payments in seven of the ten categories for the period 1208-52: the level of significance was 99.8 per cent. The exceptions were the land and marriage payments, where the linear trend was significant at 99 per cent and thus considered to be strong evidence, and the 'no reason' payments, where the distribution was similar to a normal distribution curve centred on 1224-5.<sup>112</sup> The magnitude of the increase in each category was extremely significant: payments for matters relating to the 'franchisal' payments of the assize of bread and ale, inter-tenant disputes, jurisdiction, process, property, services and miscellaneous payments all produced levels of significance of 99.95 per cent. The magnitude of the increase in payments for land and for marriage were significant at 99.5 per cent. Over the 43 years covered by this study, it seems that the increase in the overall volume of business was mainly due to the increase in 'franchisal' payments, all elements of which increased significantly. Land and marriage payments also increased significantly, but the level of significance was noticeably lower than the 'franchisal' business. It is most unfortunate, however, that, because of the definition of 'franchisal' in May's work, it is impossible to use these categories to ascertain whether the increase was a result of an increase in soke-related payments or an increase in domanial amercements. It is possible, however, to test May's conclusions on a much larger sample for the first half of the thirteenth century.

Analysis of the data for Peter des Roches' episcopacy was conducted to test May's theory that the volume of 'franchisal' business changed little during this period.<sup>113</sup> Study of the overall volume of business showed that 24 manors (40 per cent) produced significant trends between 1208 and 1237 (at or above a level of 90 per cent),

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<sup>111</sup> The analysis conducted on the types of cases was based on the entire estate as the small number of specific types of cases for each manor would not support this level of statistical analysis.

<sup>112</sup> The multiple reason entries of land and marriage were included in the land payments. Their total number of these particular multiple reason entries range from 2 to 45 cases in any one year.

<sup>113</sup> See Appendix C Table 2 for further details, pp.181-2.

all of which were significant in magnitude at a level of 95 per cent or above.<sup>114</sup>

Significant increases were produced by 22 manors and 2 showed significant decreases in the volume of business. Change was obviously occurring in the volume of business during Peter des Roches' episcopacy and analysis of the elements of court business showed that this change was attributable to an increase in both 'franchisal' and, less frequently, land and marriage payments. Of the 60 manors which provided data for the period 1208-37, 18 produced linear approximations valid at a level of significance of 90 per cent or above for 'franchisal' payments for that period, all of which were significant increases (at or above a level of 95 per cent). Significant linear trends (at or above 90 per cent) were produced by 9 manors for the land and marriage payments, all of which produced significant changes in the volume of this type of business: 8 manors showed significant increases and one, Overton Borough (Hants.), showed a significant decrease in the number of land and marriage payments. These results show, therefore, that 18 of the 60 manors, 30 per cent, produced a significant linear approximation to the data for 1208-37 which was also significant in the magnitude of increase in the volume of 'franchisal' business during Peter des Roches' episcopacy. The difficulties inherent in regression analysis are again apparent, but 30 per cent of manors showed a significant increase in the number of 'franchisal' payments: May's claim that little changed during Peter des Roches' episcopacy clearly failed to take into account considerable variations between manors.

Study of the individual manors produced no obvious differences between those manors which showed an increase in the volume of business and those which did not. Beauworth (Hants.), for example, which recorded significant increases in the overall volume of business and in 'franchisal' business in particular, was a relatively small manor with total receipts of £13 9s. 2½d. in 1208-9 and £35 14s. 8½d. in 1236-7. The figures from the Custumal shows the tenant population of the manor to be seventeen. Alresford (Hants.) also recorded significant increases in the overall volume of business and 'franchisal' business in particular, but, by contrast, was a considerably larger manor

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<sup>114</sup> The total number of manors which have values for 3 or more years before 1238 is 60. There are 4 of the original 64 manors which have only 2, 1 or 0 sets of records before 1238. This makes linear regression analysis impossible for these manors.

with the equivalent total receipts of £114 7s. 8d. and £126 12s. 1d.. The Custumal records a tenant population of ninety-six. Alresford was not only different in size to Beauworth, but also had a borough attached to it which recorded separate receipts. Alresford Borough (Hants.) did not produce any significant lines of regression for this data, but Downton Borough (Wilts.), again by contrast, did: a significant decrease in the overall volume of business. Geographical position does not seem to link the manors which show an increase in business. Harwell, with a tenant population of 61, and Mardon, with a population of 158, both produced significant increases in the overall volume of business, 'franchisal' payments and land and marriage payments, but are situated in Berkshire and Hampshire respectively.<sup>115</sup> The Taunton manor of Trull in Somerset also produced significant increases in all three categories. It seems, therefore, that the reasons for the increases or decreases in the volume of business between 1208 and 1237, like those for 1208 to 1252, were manor specific.

Similar analysis was conducted using the 1244-52 data.<sup>116</sup> The overall volume of business increased significantly in about half of the manors which produced a trend in data: of the 11 manors which produced significant trend lines (at or above a 90 per cent level of significance), 6 produced significant increases in the volume of business (at or above 95 per cent) and 5 produced significant decreases. Levels of significance of 90 per cent or above for a linear trend in the volume of 'franchisal' business were produced for 10 manors, 6 of which produced significant increases at or above 95 per cent and 4 of which produced a significant decrease in the volume of business. The land and marriage payments for the same period produced 6 manors with lines of regression significant at 90 per cent or above, with all manors, bar the Taunton manor of Staplegrove, producing significant decreases in the volume of business at or above the a 95 per cent level of significance. The sample for all these results was, statistically speaking, very small, the greatest number of data points for any one manor being six. As a result, a limited number of manors produced significant lines of regression, which makes any generalisation about the whole estate open to debate. It seems, however, that

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<sup>115</sup> All references to the population of manors are taken from Titow's work on the Custumals, Titow, 'Land and Population', p.96.

<sup>116</sup> For the period 1244-52, 3 of the 64 manors have no data: Winchester Minster (Hants.); Taunton Chipley (Som.); Woodhay Tornes (Hants.). See Appendix C Table 3 for further details, pp.183-4.

there is no general trend in the overall volume of business but that the volume of 'franchisal' business may have increased and, conversely, the number of land and marriage payments may have decreased between 1244 and 1252. Once again there seems to be little to connect those manors which show an increase in the volume of business between 1244 and 1252. Hindon Borough, a relatively small, Wiltshire manor, produced significant increases in the overall volume of business and in 'franchisal' payments. The Taunton manor of Poundisford, a small, rural, Somerset manor also produced significant increases in these categories. The only common factor apparent between these two manors is the size, but this factor is not common to all the manors as both Beauworth (Hants.), a relatively small manor, and Fareham (Hants.), a much larger manor, record significant decreases in the overall volume of business. The lack of any obvious trends in the data may be attributable to the arrival of new bishops: 1244-5 was the first full year in which William Raleigh held the temporalities of the see after an effective six year vacancy and 1251-2 was the first record of the episcopacy of Aymer de Valence. Cases may well have accumulated over the vacancy periods, with 13 cases noting *in tempore Regis* supporting this theory.<sup>117</sup>

Below, figure 5, is a summary of the results detailed in this chapter thus far. The figures represent the percentage of manors which produced significant linear approximations to the data which were significant in magnitude, either as increases or as decreases in the volume of business.

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<sup>117</sup> These payments were recorded in Crawley, East Meon, Overton, Overton borough (all Hants.) and Ivinghoe (Bucks.) in 1244-5. The payments were for daughters marrying (8), leaving the manor (1) and for various reasons associated with land or property (4).

Figure 5

Percentage of manors which produced significant lines of best fit

Years	1208-52		1208-37		1244-52	
	+ve	-ve	+ve	-ve	+ve	-ve
Increase or decrease, +ve or -ve						
Overall volume of business	78%	0%	37%	3%	10%	8%
Number of 'franchisal' payments	80%	0%	30%	2%	10%	6%
Number of land and marriage payments	27%	2%	13%	2%	2%	8%
Total number of manors	64	64	60	60	61	61

The percentage represents the percentage of manors which produced a linear trend in the data: 78%, therefore, represents the 78 % of manors which produced a linear increase (represented by the positive, +ve, gradient) for the years 1208-52.

It seems clear that the volume of business conducted in the manorial court increased in the first half of the thirteenth century in over three quarters of the manors in the estate. The increase seems to be attributable more to the 'franchisal' payments rather than the land and marriage payments, but the land and marriage payments should not be ignored. The results also show that the development of the court with the accompanying changes in the volume of business was not a process begun in the episcopacy of William Raleigh: Peter des Roches' episcopacy was not a period of manorial court stagnation but of expansion in the volume of business in over one third of the manors in the bishopric of Winchester's estate.

*The volume of business during the vacancy, 1238-44*

Verification of May's claims that the post-1240 volume of 'franchisal' business was double or even quadruple the pre-1238 level was also attempted. The methodology May used to produce these results was to average the data for 1210-33, presumably using data from 1210-11, 1220-1, 1223-4 and 1232-3 only, and compare it to the 1245-6 data. This is a very crude comparison which fails to take into account any trend in pre-1232 data. May's methodology also fails to take into account any increase which may

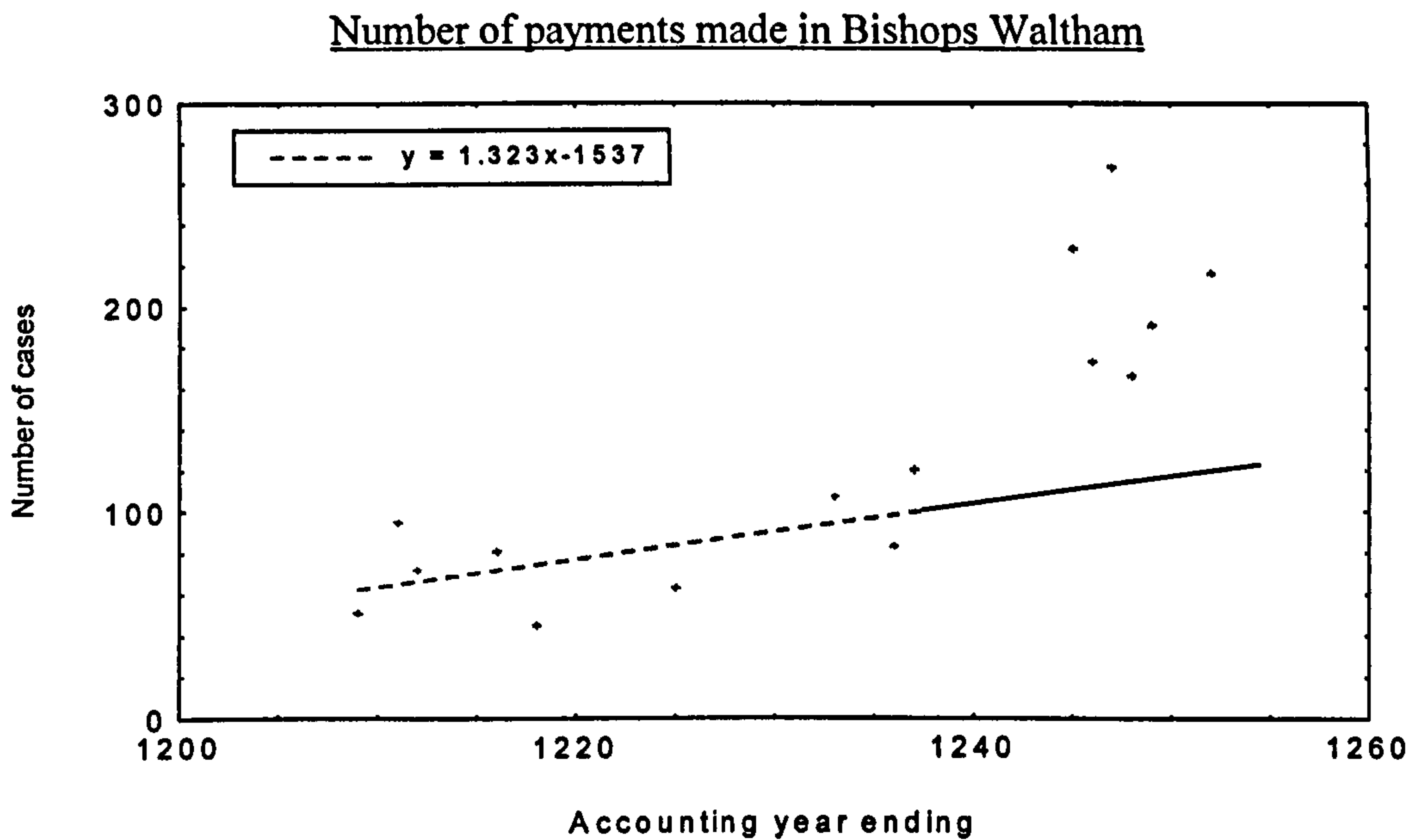
have occurred between 1233 and 1237 as well as during the seven years when estate was in the king's hands. There are, of course, many factors affecting the volume of business, not just the bishop, or lack thereof, as head of the estate, as has been discussed above. May assumed that there was no increase in the volume of business between 1233 and 1245, but it has been shown above that the volume of business did increase in certain manors during Peter des Roches' episcopacy and it is equally valid to assume that the volume of business during the vacancy increased at the same rate as during the thirty years prior to the vacancy. Any prediction about the volume of business during the vacancy must remain tentative, but one should not ignore the passing of seven years within the short time-span of this analysis. The following results have been based on the assumption that any trend in the data for 1208-37 continued during the vacancy.

Significant linear trends in the data between 1208 and 1237, inclusive, have been shown in a number of manors in the bishopric of Winchester's estate: if these trends were to continue during the vacancy, would the 'jump' in the data, described by May as occurring between 1233 and 1245, be so dramatic in appearance? The question, therefore, is whether the seeming 'jump' in data is merely due to the lack of records for seven years (twelve years in May's data) or whether there was a significant increase in the volume of 'franchisal' business over and above a possible 'expected' number of cases predicted by the trends in the 1208-37 data.<sup>118</sup>

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<sup>118</sup> The statistical method of analysis was adopted following discussions with Dr. R.P. Bennell.

Figure 6



The graph above shows the number of cases for Bishops Waltham (Hants.). The line of regression for the 1208-37 data has been extended to give a predicted value for 1244-5. This predicted value, therefore, is the number of cases which would be recorded for 1244-5 if the 1208-37 trend continued during the vacancy. The predicted value for Bishops Waltham was 110 cases, with the actual number of cases recorded in the 1244-5 roll being 228. By using the *t*-test, it was possible to obtain a quantitative comparison between the true value and the predicted value for 1244-5.<sup>119</sup> In the case of Bishops Waltham, the value of *t* was 3.570, which gave a level of significance of 99.5 per cent. This meant that there was strong evidence that there was a significant increase in the volume of business between 1237 and 1244. North Waltham (Hants.), in contrast, had a predicted value for 1244-5 of 15 and a 'true' value of just 10: there was obviously no significant increase in the volume of business in this manor during the vacancy.<sup>120</sup>

The comparison of data using this statistical method is, once again, limited by the use of regression analysis: comparison was only possible for manors where the 1208-37 data produced a significant trend. It may be the case, however, that this group

<sup>119</sup> See Appendix G for an explanation of the *t*-test, pp.195-6.

<sup>120</sup> The equation for the 1208-37 line of regression for North Waltham (Hants.) is  $y = 0.187x - 218$ .

of manors represents a statistically random sample as there are no obvious link between them. From these manors, it seems that just under half of the manors recorded a significant increase in the volume of business. Of the 24 manors which produced significant lines of regression for the overall volume of business from 1208 to 1237, 10 showed a significant increase in the volume of business between 1237 and 1244 (at or above a 90 per cent level of significance) and 14 did not. Analysis was also conducted on the 'franchisal' payments, with 10 manors showing significant increases between 1237 and 1244 and 8 showing no increase. Study of the land and marriage payments showed that 5 manors produced significant increases and 4 produced no increase in the volume of business for the period 1237-44.<sup>121</sup> May commented that the magnitude of the increase in volume in his three manors was of striking similarity: it seems that this is not the case for all manors.

May also studied the volume of 'franchisal' business excluding payments made for jurisdiction and process.<sup>122</sup> This was done to assess the number of so-called 'real' payments rather than so-called 'by-product' payments made as a result of the holding of court. May claimed that there was a large increase in the volume of 'real' payments but that the increase in different manors was not as regular as the increase in the total number of payments had been. The results from the *t*-test, however, showed that the number of manors with a significant increase in the volume of 'real' payments between 1238 and 1244 was, once again, just under half of the total number of manors which produced significant lines of regression for 1208-37: 6 manors produced significant values of *t* and 8 did not.

It seems, therefore, that the two-fold or four-fold increase in the volume of business described by May between 1233 and 1245 may have appeared to be so dramatic because of the twelve year gap between his points of reference. Averaging the data before 1233 may also have contributed to exaggerating the supposed increase. The use of lines of regression, although it has limitations, eradicates the difficulties caused by averaging sets of data and provides comparable values for specific years, hence

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<sup>121</sup> See Appendix C Table 4 for further details, pp.185-6.

<sup>122</sup> May 'Franchise', pp.56-7.

avoiding the difficulties produced by 'missing' data. The results of the *t*-tests show that just under half of the manors analysed produced a significant increase in the volume of business during the vacancy. The Taunton manor of Trull (Som.), for example, produced a complete set of *t*-test results, with significant increases in the overall volume of business, 'franchisal' business and 'real' business. Cheriton (Hants.), by contrast, did not produce significant increases in any of the three categories. Mardon (Hants.) produced a significant increase in the number of cases overall and in the number of 'franchisal' payments, but not in the number of franchisal payments when the jurisdiction and process payments were excluded. This result would indicate that it was the 'by-product' payments which increased significantly, not the 'real' payments.

The results provided by the *t*-tests suggest that there was not an increase in the volume of business during the vacancy in all manors in the bishop of Winchester's estate. It seems that about half of the manors did witness a 'jump' in the volume of business, but that half did not. The distribution of manors which showed significant increases in the volume of business does not seem to be geographically concentrated in any one county. The manors which record a dramatic increase in the overall volume of business, for example, are found in Hampshire, Wiltshire, Somerset and Surrey, whilst the manors which do not show a dramatic increase are found in Hampshire, Wiltshire, Somerset, Oxfordshire and Buckinghamshire. The size of the manor, again, seems irrelevant to the findings: Crawley (Hants.), with 54 tenants in the mid-thirteenth century, did not produce a dramatic increase whereas the manor of Harwell (Berks.), with a tenant population of 61 in the mid-thirteenth century, did produce a dramatic increase in the overall volume of business during the vacancy. The 'franchisal' payments produce similar results: both Bishops Waltham (Hants.) and Morton (Bucks.) produced dramatic increases in the volume of 'franchisal' business, with respective tenant populations of 376 in 1259-60 and 28 in the mid-thirteenth century. Rimpton (Som.), with a tenant population of 30, did not produce a dramatic increase in the volume of land and marriage payments, but nor did the large manor of Twyford (Hants.) which had a tenant population totalling 196. The size and geographical location of the manor, therefore, does not seem to explain the reason why certain manors display a

dramatic increase in the volume of business over the period. Nor does the type of manor seem to affect the results: Downton Borough (Wilts.) produced a dramatic increase in the overall volume of business but Hindon Borough (Wilts.) did not. Unsatisfactory though it is, it seems that there is no identifiable link between the manors which show a dramatic increase in the volume of business during the vacancy and those which do not.<sup>123</sup>

Although the Winchester Pipe Rolls record over 54 000 payments to court between 1208 and 1252, once these payments are analysed in manors and then in types of payment within each manor, the number of cases being dealt with is small. Statistical analysis of such a small amount of data must always be treated with caution: a single case may make a significant difference. One must also remember the loss of cases due to damage and rolls which are no longer extant: these may have made a considerable difference to the results obtained in this chapter. A.N. May's categories were, on re-examination, flawed in a number of ways but, by using his methodology, the results obtained may be compared with his findings. May had suggested that the volume of franchisal business remained static during Peter des Roches' episcopacy, but it has been shown that increases in the volume of franchisal business did occur in 30 per cent of manors. He also suggested that there was a dramatic increase in the volume of business following the vacancy at the end of Peter des Roches' episcopacy, but this too can be challenged. It seems that any generalisation about the manors within the bishopric of Winchester's estate must be treated with great caution. This is not surprising as the bishopric held lands in seven counties and recorded perquisite payments for up to 66 manors in any one year. The manors should, therefore, be viewed individually when considering changes in the volume of business of court.

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<sup>123</sup> All tenant population figures are taken from Titow, 'Land and Population', p.96. These values, in turn, were taken from mid-thirteenth century custumals.

## IV Who attended the court?

One question which arises from the study of manorial courts is who, precisely, attended these court sessions? It has been mentioned above that the lord of the manor had what came to be regarded, from the late twelfth and early thirteenth centuries, as legally free and unfree tenants.<sup>1</sup> Were all tenants required to attend court, or were the free required to attend only the view of frankpledge? Who dominated the court business? Did the role of women alter during the early thirteenth century? Z. Razi commented in his study of Halesowen between 1270 and 1400 that the range of activities of the manorial court was so wide that he could not imagine how anyone could have avoided appearing before the court from time to time. He did note, however, that there were variations in the proportional representation of different elements of society. He suggested that rich tenants appeared more frequently than poor tenants, servants, sub-tenants and freeholders and that women and the young were under-represented in comparison to the adult male. He also noted that migrant labourers and other non-residents were occasionally involved in court business.<sup>2</sup> With the inconsistency in the use of bynames and surnames and the lack of information about the individuals recorded in the perquisite sections of the account rolls, it would be impossible to create such a full picture for any of the manors before 1250, but some indication of the composition of the court may be achieved.

### The role of the free and the unfree tenant

W.O. Ault, in his work on private jurisdiction in England, stated that, theoretically, all direct tenants who participated in the life of the manor, whether free or unfree, owed suit to the manor court.<sup>3</sup> The Anglo-Saxon word hallmoot, as has been noted, described a meeting in a hall, a general meeting presumably discussing all

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<sup>1</sup> See pp.24-9.

<sup>2</sup> Z. Razi, *Life, Marriage and Death in a Medieval Parish. Economy, Society and Demography in Halesowen 1270-1400* (London, Cambridge University Press, 1980), pp.2-4. A debate on this topic can be found in Z. Razi and R. Smith, eds, *Medieval Society and the Manor Court* (London, Oxford University Press, 1996), pp.298-368.

<sup>3</sup> Ault, *Private Jurisdiction*, pp.7-8.

matters concerning the organisation of the manor, both administrative and judicial.<sup>4</sup> It seems sensible to assume that, as these matters applied to all tenants, all tenants were required to attend.

The service of suit of court was rarely mentioned in the twelfth century surveys. Ault argued that the suit of the villein was not mentioned because it was 'taken for granted'. He then suggested that not many of the freeholders owed suit of court but that the absence of references to suits owed was because jurisdictional items were rarely included in the surveys.<sup>5</sup> R.C. Van Caenegem suggested that suit of court was owed only by the unfree and the free tenants of unfree tenures, i.e. the tenurially unfree. The free tenant in the eleventh and twelfth centuries, in his opinion, did not, therefore, owe suit of court.<sup>6</sup> These views, however, were based on the pre-Hilton assumption of a gradual distinction between free and unfree tenants, as opposed to the rapid changes which are now thought to have occurred in legal status at the end of the twelfth century. Ultimately, it would have been impossible to determine who owed suit of court in the eleventh and twelfth centuries using the definitions of legal freedom and unfreedom which only began to emerge in the late twelfth century. The distinctions between free and unfree tenants as it was understood in the thirteenth and fourteenth centuries were not apparent in the two preceding centuries and, therefore, the obligation to perform suit of court defined by this particular criterion of legal status can not have preceded the definition of legal status itself. It seems, therefore, that suit of court was owed by all tenants and that the suit of all was 'taken for granted' in the eleventh and early twelfth centuries.

By the late thirteenth century, however, the obligation to perform suit of court by the free tenant did need to be specified. The mid-thirteenth century treatise attributed to Bracton noted that all services and customs due to the lord should be specifically detailed in charters 'acquiring dominion' and that any service or custom due to the lord not detailed in the charter was understood to be remitted. The services and customs

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<sup>4</sup> See pp.15-16.

<sup>5</sup> Ault, *Private Jurisdiction*, pp.127-39

<sup>6</sup> Van Caenegem, *Royal Writs*, p.24. Ault, *Private Jurisdiction*, p.135.

referred to were those due to the lord rather than those due to the king: services due to the king about matters of royal jurisdiction, such as dealing with cases of writ of right or preserving the king's peace by passing judgement on a thief for example, did not need to be specified. What did need to be specified, therefore, was any customary act required from the tenant by the lord: one example of such a customary act given by Bracton was doing suit of the lord's court from fortnight to fortnight or three weeks to three weeks.<sup>7</sup> Bracton's legal treatise only dealt with free men, as only free men were eligible to receive royal justice, the implication, therefore, being that the customary act of suit of court was carried out by free men but that, by the mid-thirteenth century, if the charters of these free men did not stipulate the performance of suit of court, the service was understood to be remitted.

The Statute of Marlborough in 1267 stated that no freeholder was bound to do suit at his lord's court unless the obligation was stipulated in his charter or had been carried out before 1230.<sup>8</sup> One such stipulation may be found in a confirmation charter, dated between 1208 and 1217, whereby Ranulf Earl of Chester confirmed to Peter the clerk and his heirs all lands and gifts and quittance of suit to the county and hundred court, portmoot, hallmoot, toll, passage, castlework and other customs and exactions.<sup>9</sup> The Statute, by including the clause about performance of suit of court before 1230, implies that suit was owed by free men before this date and would continue to be performed unless a charter determined otherwise. Examples of commuting suit of court may be still be found in the late thirteenth century: 40 shillings of silver was paid to quitclaim the suit of court owed every three weeks to the court of Gelham (Essex) in 1288. John Gauge of Old is described as being accustomed to perform his suit of court,

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<sup>7</sup> *Bracton*, ii, pp.112-14.

<sup>8</sup> *Statutes of the Realm*, i, p.21 of 'The Statutes' section.

<sup>9</sup> *The Charters of the Anglo-Norman Earls of Chester, c. 1071-1237*, ed. G. Barraclough (Record Society of Lancashire and Cheshire, vol. cxxvi, 1988), no. 286. There are numerous references to quittance from suit to various courts, such as the hundred and county courts and to courts in general (saving those held before the earl or his chief justice) but, in the brief survey of private charters conducted, this was the only specific reference to quittance from suit to manorial courts. For examples of quittances from suit of hundred and county courts see nos 245, 348, 353 (spurious), 379 and 402. For examples of quittances from suit of hundred courts, wapentake courts and portmoots see nos 400 or 458, 364, 281 or 372 respectively. One charter, no. 381, mentions a wichmoot, 'wychmot'. For examples of quittances from suit of court in general see nos 267 and 377. The volume also contains a writ addressed to the reeves and bailiffs of 'his soke', but the order is about tithes rather than court business, no. 166.

which may suggest that his original charter detailed such service or, perhaps more likely, that the family had performed such service before 1230.<sup>10</sup>

Thirteenth century surveys also contained references to free men owing suit. Ault noted that suit to the manorial court of only 22 of the 165 free men was stipulated in the Ramsey estate survey.<sup>11</sup> It should be noted, however, that the suit of court which was assumed to be owed by all villein tenants did, on occasion, merit a specific note in surveys: Ault noted that the thirteenth century Ramsey Abbey survey specified that a group of villeins was bound to attend all sessions of the manorial court. More interestingly, however, a previous entry had noted a collective agreement made between the Abbot and a different group of unfree tenants resulting in the commutation of suit of court.<sup>12</sup> Commutation of suit of court into a monetary payment, therefore, seems to have been conducted, if only on a very limited basis, by the unfree as well as the free tenants.

How and why did the development from an assumed element of service to a service requiring specification for the free tenant take place? Suit of court was a fairly onerous service. Although it seems likely that most thirteenth century manorial courts did not take place every three weeks as permitted, it does seem that the tenants were keen to avoid such services, possibly commuting the service to a monetary payment. Commutation of services of a variety of forms seems to have been a fairly regular occurrence: R. Faith detailed the commutation of a large number of services from the tenants of the warland.<sup>13</sup> The commutation of services in general, often to a token payment which took on the appearance of a rent, may, therefore, have become so common-place that the actual performance of the individual services would need to be specified. Faith did note, however, that kings were reluctant to relinquish services linked to the attendance of court: even when all the lands surrounding royal residences were granted out, services relating to the court and to household and hunting, were reserved.<sup>14</sup>

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<sup>10</sup> *Sir Christopher Hatton's Book of Seals*, ed. L.C. Loyd and D.M. Stenton (London, Oxford University Press, 1950), p.150, no. 209.

<sup>11</sup> Ault, *Private Jurisdiction*, p.130.

<sup>12</sup> *ibid.*, p.127.

<sup>13</sup> Faith, *English Peasantry*, pp.99-114.

<sup>14</sup> *ibid.*, p.102.

The lord of a manor, often with similar requirements to the king, may also have been reluctant to excuse or allow the commutation of these services, but the division of land into smaller and smaller holdings may have resulted in the division of services owed.<sup>15</sup> H.M. Cam detailed cases where suit to the hundred court was divided, a matter which was obviously contentious as the Provisions of Oxford in 1259 and later the Statute of Marlborough in 1267 stated that no additional suit of court should be owed if division of land was made.<sup>16</sup> Although, theoretically, all tenants should have owed suit to the manorial court, it may be the case that the service of suit in the manor was also divided. The development of the obligation to perform suit of court, therefore, seems to have been from an assumed service to a service incorporated into a general commutation payment or possibly divided and then, by 1267, to a service which required specification if it was to be conducted.

It is important to remember that there was a difference between suit of court and occasional attendance at court. The free tenant was still bound to attend court when he had committed a breach of customary law or, presumably, if he was named in a case. The 11 freeholders noted in the extent for the manor of Elton in the Hundred Rolls of 1279 did not owe suit to the manorial court, but 6 of them appeared in the court rolls of the previous year.<sup>17</sup> Ultimately, the free tenant was still a tenant of the lord and subject to the customary law of the manor: if pigs belonging to a free tenant damaged the lord's crops, for example, the lord would obviously insist upon compensation in the form of a payment made to the manorial court. One of the payments made to the court in Elton was for bad ploughing, a matter of customary rather than royal law.<sup>18</sup> Free tenants were also perfectly able to bring non-customary cases to the lord's court: just because they were permitted to use royal justice did not necessarily mean that they always did so. The *Curia Regis* Rolls detailed cases of appeal where the plaintiff sought redress for

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<sup>15</sup> *ibid.*, p.154.

<sup>16</sup> H.M. Cam, *The Hundred and the Hundred Rolls: An Outline of Local Government in Mediaeval England* (London, Methuen and Co., 1930), pp.174-5. *Statutes of the Realm*, i, pp.21-2 of 'The Statutes' section. 'Annales de Burton A.D. 1004-1263' in *Annales Monastici*, ed. H.R. Luard, (Rolls Series, 4 vols and index, 1864-9), i, pp.445-53. The *Annales* are mainly in a fourteenth century hand, with the first few leaves in a late thirteenth century hand, p.xxvii.

<sup>17</sup> *Rotuli Hundredorum* (London, Record Commission, 2 vols, 1812-18), ii, pp.656-8, *Select Pleas*, pp.90-5, cited in Ault, *Private Jurisdiction*, pp.134-5.

<sup>18</sup> *ibid.*, p.134.

injustice in a lord's court: the cases of free men, therefore, had been heard in private courts.<sup>19</sup> Indeed, it has been suggested that the adoption of royal procedure in the manorial court was done in an attempt to attract the free back to the lord's court.<sup>20</sup> The free still seem to have wanted to distance themselves from the unfree in legal matters, however, as complaints by two men who claimed to be free were heard as to the serving on juries with unfree men in the Ramsey Abbey estate in 1278.<sup>21</sup> Two of the freeholders were noted in the Elton court because they claimed, by their free status, that they did not have to serve on a jury, which would presumably have been with unfree tenants.<sup>22</sup> However, the 1342 formulary noted the use of a jury of 6 free men and 6 bondmen in a manorial court and the Custumals of Battle Abbey noted that the 1312 extent of the manor of Limpsfield (Surr.) was made by a jury of free and unfree men.<sup>23</sup>

It seems, therefore, that, before 1267, suit of court was owed by free and unfree alike, but that the free were increasingly reluctant to perform such a service, possibly commuting their service whenever possible or obtaining individual exemptions from their lord. This did not exclude them from the manorial courts, however, as they, like the unfree, were bound by customary law. In addition, in many estates, the lord was the king's representative, by grant of soke, which meant that royal justice was being conducted by the lord in his courts in addition to customary law. The freeholders of the Ramsey Abbey manor of Shillington owed suit to the manorial court when the case involved free men or when thieves had been captured and were to be tried there.<sup>24</sup> The free man was, therefore, bound to attend court when matters of royal justice were being considered.

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<sup>19</sup> For example, *Curia Regis Rolls*, ii, p.80. For an example of a judgement being upheld by the king's court see *ibid.*, iii, p.79. It must be remembered, however, that some of the lord's courts were probably honorial rather than manorial.

<sup>20</sup> Razi and Smith, 'Origins', pp.45-8. See pp.36-7 above.

<sup>21</sup> *Select Pleas*, p.94. The proof of obligation to or actual payment of merchet by themselves or family members were given as evidence of unfreedom in both cases.

<sup>22</sup> *Elton Manorial Records*, p.3. Ault, *Private Jurisdiction*, p.124.

<sup>23</sup> *Court Baron*, p.105. *Custumals of Battle Abbey*, ed. S.R. Scargill-Bird (Camden Society, 2nd ser., vol. xli, 1887), p.137.

<sup>24</sup> *Cartularium Monasterii Rames.*, i, p.458. 'et facit sectam ad curiam de Broughtone, et ad curiam manerii Schitlyngdone, cum placitum liberorum motum fuerit in eadem, et cum forte latrones ibidem capiantur, eorundem intererit iudicio'. A similar entry is also found on p.460. Ault, *Private Jurisdiction*, pp.133-5. Presumably this was as a result of the awarding of infangthief.

What light, therefore, can the pre-1250 accounts shed on the question of the status of those who attended court? The information given in the name element of any individual entry recorded in the accounts does not provide sufficient detail to determine whether the person liable for the payment was considered to be free or unfree in the eyes of the law, but certain reasons for the payments made to court do give some indication of the legal status of the named person. Some payments of a customary nature were only applicable to the unfree tenants of the lord: unfree tenants could not marry without the permission of the lord, hence, any payment made for a licence to marry, *merchet*, indicated unfree status. Payments were also made to the court when a woman was unchaste: *leyrwite* was literally a payment for lying down, but payment was a sign of unfree status.<sup>25</sup> Requiring the lord's permission to educate one's son was another sign of a lack of legal freedom. Such cases, unlike those for marriages of daughters, are rare in the account rolls, but the Froyle (Hants.: St Mary's Abbey) account for 1248-9 does give one example, where John de Kipping made a payment to the court for a licence so that his son could receive schooling.<sup>26</sup> The unfree also required the permission of the lord to join religious orders.<sup>27</sup>

Other payments made to court also indicate the unfree legal status of the person making the payment. The unfree were required to complete various services for the lord which, if not satisfactorily completed, incurred an amercement in court. Payments were made in the Winchester Pipe Rolls for defective works and defaults in services of the lord as well as more specific payments for failure to shear the lord's sheep, for example.<sup>28</sup> Heriots, the giving of the best live beast or chattel on the death of a tenant, was a sign of unfree status, but the number of heriots paid in cash in the accounts is limited. Heriots, by their very nature, were more frequently paid in kind in the first half

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<sup>25</sup> T. North, 'Legerwite in the Thirteenth and Fourteenth Centuries', *Past and Present*, no. cxi, 1986, p.4.

<sup>26</sup> The entry was 'Et De iiijs. De Johanne de Kipping' pro licencia habenda ut filius suus posset adire scolas'. HRO 123M88W/1.

<sup>27</sup> For details of services used to determine status see, for example, P. Vinogradoff, *Villeinage in England* (London, Oxford University Press, 1892), esp. pp.153-73 or P. Vinogradoff, 'Agricultural Services', *Economic Journal*, vol. 10, 1900, pp.308-22.

<sup>28</sup> See, for example, Wargrave (Berks.) 1208-9, Itchingswell (Hants.), 1248-9 and Ashmansworth (Hants.), 1251-2.

of the thirteenth century and were recorded in the stock account.<sup>29</sup> This again highlights the financial nature of the records: only the court business which produced monetary profit was recorded in the perquisite section of the accounts.

The reasons for the payments to court suggest considerable involvement in court business by the lord's unfree tenants, but manors seldom comprised unfree tenants alone. Various figures for the ratio between legally unfree and free tenants have been estimated, originating from E.A. Kosminsky's work on the Hundred Rolls. Kosminsky suggested an approximate ratio of villein households to free peasant households of 3:2, although noting great diversity between manors.<sup>30</sup> E. King, by contrast, suggested that the ratio was reversed: villein households to free households constituted a ratio of 2:3.<sup>31</sup> J. Hatcher suggested that if the landless and those living in towns were taken into consideration, unfree households would have accounted for just over one third of all households.<sup>32</sup> The percentage of unfree households, therefore, has been estimated at between 33 and 60 per cent. Even allowing for manorial variation, a considerable percentage of the households in most manors were legally free. J.Z. Titow, however, has suggested that in the bishopric of Winchester's estate a very small number of the tenants were free. Titow noted that on 25 of the bishopric's manors, well under 5 per cent of the population comprised free tenants, on 5 manors the free constituted approximately 5 per cent and only in the manors of Fareham, Hambledon, Woodhay (all Hants.), Morton (Bucks.) and East Knoyle (Wilts.) were their percentages much higher.<sup>33</sup> W.O. Ault's work on the Ramsey Abbey estate also showed a small number of free tenants on what were reasonably large manors: the average number of freeholders

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<sup>29</sup> A brief survey of the bishopric's accounts has revealed no names associated with the payment of heriots in kind. The name of the person liable for the heriot seems to be mentioned only when payment was made in cash.

<sup>30</sup> In a footnote, Kosminsky commented that a comparison of the villein and free populations, as opposed to households, would probably produce a proportionally higher number of villeins because of the assumed greater number of villeins in a household. His calculations were as follows: 40 per cent of the total arable land was held by villeins; 30 percent was held by freeholders, one-fifth of whom were not peasants (constituting 6 per cent of the total arable land), hence 24 percent of arable land was held by free peasants. The ratio of villein land to freehold land held by peasants was, therefore, 40:24, or 5:3. Of all land held by peasants, therefore, the ratio would be 62 per cent to 38 per cent, approximately 3:2. Kosminsky, *Studies*, pp.205-6 and 206n.

<sup>31</sup> E. King, *England, 1175-1425* (London, Routledge and Kegan Paul Ltd, 1979), p.50.

<sup>32</sup> Hatcher, 'Serfdom', pp.6-7.

<sup>33</sup> Titow, 'Land and Population', p.97. These figures were calculated from the custumals.

in the Ramsey manors was six.<sup>34</sup> The role of these free tenants, whatever their number, is difficult to assess because only one payment, that of relief, seems to be restricted to the legally free.

The Winchester Pipe Rolls recorded 53 payments between 1208 and 1252 which appear to be payments for relief.<sup>35</sup> Relief was a payment made by the heir of a tenant to take possession of land, a type of inheritance tax, in effect. Only the free had to pay relief specifically as only the free could legally have heirs: the unfree, as chattels of the lord, had no rights of inheritance. The inheritance rights of the free were dictated by royal law and inheritance of the free could, therefore, be recognised in royal courts. The unfree, who inherited land only through local custom rather than law, did not have such redress. The custom of passing tenure from father to son could be overruled by the lord of the manor, but it seems, in practice, that the majority of tenures were passed on to the nominated successor.

Most types of payment recorded in the accounts seem to have been applicable to both free and unfree tenants alike: both free and unfree would be equally liable for payments made, for example, for the destruction of the lord's property or for false complaint. When dealing with the distinction between free and unfree tenants, one must not lose sight of the fact that the relationship between the lord and his tenants, whether they were legally free or unfree, was far from equal. The majority of cases heard in the lord's court in the early thirteenth century were reinforcements of the lord's rights, not just the reinforcement of the lord's rights over his unfree tenants. The free tenants as well as the unfree were bound by the customary law of the manor as, in turn, was the lord himself: royal law had not removed the need to obey the customary law. The lord was obliged to adhere to local custom and there are cases where the lord himself made

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<sup>34</sup> Ault listed the number of villeins in each manor, with numbers ranging from 20 villeins in Gidding to over 100 in Weston and Shillington. The figures appear to have been calculated from the extents and the cartulary for Ramsey Abbey. Ault, *Private Jurisdiction*, p.127.

<sup>35</sup> The payments were recorded in 23 different manors in 5 different counties in 19 of the 23 extant years.

payments to the manorial court but, in theory, it was possible for the lord to overrule local custom.<sup>36</sup>

The five estates for which individual court payments are detailed belonged to four religious establishments and to the Count of Aumale. All five held the right of soke in many manors in addition to the rights inherent in the relationship between lord and tenant.<sup>37</sup> The early thirteenth century interpretation of soke granted royal jurisdiction to the holders and, as such, the lords of these estates could exercise royal jurisdiction over the lands held by virtue of their office. The lords were, therefore, the king's legal representatives and, as such, would hear cases from all men, both free and unfree, within their manors. Soke entitled the lord to hear cases about bloodshed, diversion of watercourses, blocking of the highway and so forth. These cases applied to both free and unfree men and can not, therefore, be used to determine legal status.<sup>38</sup> It seems, however, that at least one payment to the manor court of Wargrave (Berks.) in 1246-7 may have been made by a free man as two payments were made for entering into a plea in court and appearing in court before the king's bailiff without the lord's bailiff. Entering into a plea before the king's bailiff, as William de Upton had done, shows legal freedom, but there is doubt as to whether Roger Haward, the other person named, was free. The byname Haward suggests that Roger was unfree as haywards were appointed from the lord's unfree tenants and the phrasing of the entry, he 'appeared in court', suggests that he may not have initiated the plea.<sup>39</sup>

The research into the proportion of free to unfree tenants was not conducted as a total population of the manor, but as the number of households. F. Davenport in 1900 was the first historian to use the court rolls to trace the history of particular families.<sup>40</sup> It is possible to trace families or households within the account rolls but unfortunately, as

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<sup>36</sup> See, for example, Ault, *Private Jurisdiction*, p. 215. See N.J. Hone, *The Manor and Manorial Records* (London, Methuen and Co., 1906), p.16 for much later examples.

<sup>37</sup> *Leges Henrici Primi*, ch. 20, 2, p.123.

<sup>38</sup> Payments were 'pro sanguine effuso'.

<sup>39</sup> The payments were 'quia comparavit ballivis domini Regis absque ballivo suo' for Roger de Haward, case 33, and 'quia intravit in placito coram ballivis domini Regis absque ballivo suo' for William de Upton, case 59.

<sup>40</sup> Razi and Smith, 'Historiography', p.8.

has been mentioned above, the lack of consistent use of bynames and surnames in the bishopric accounts makes the study of individuals very difficult before about 1240. This leaves only six extant accounting years between the 1244-5 account and the final 1251-2 roll used in this study.<sup>41</sup> The St Mary's Abbey manor of Froyle (Hants.), however, has perquisite payments for thirteen years between 1233 and 1250. These records, although limited to one manor, tend to have considerable detail about each individual making a payment and are not interrupted by a six year vacancy in the late 1230s and early 1240s as with the bishopric accounts.

Using the Froyle accounts, it was possible to suggest certain family relationships. One family name which occurred in most years was that of *de Isenhurst*. Gunnilda de Isenhurst, first noted in 1233-4 as paying 4s. as an entry fine, was probably the mother of at least five children. William, described as her son in the separate sections for pledges in 1248-9 and recognitions in 1249-50, paid a relief of 27s., presumably on the death of his father, in 1241-2. He was also recorded in 1244-5 as making a payment to the court for leaving the lord's land. It seems that another son of Gunnilda also lived outside the manor as John, also described as son of Gunnilda de Isenhurst, was paired with William in the pledges and recognition sections of 1248-9 and 1249-50 respectively. Gunnilda may well have had another son, Robert, who was always described as son of Gunnilda with no mention of the surname, but as no other Gunnilda is mentioned in the Froyle accounts it seems reasonable to assume that Robert was a third son. He was recorded in the pledge section of the 1248-9 accounts with a certain Payn, and made payments in the perquisite sections in 1246-7 and 1248-9 for transgression/trespass of pasture and in 1249-50 again for pledge. Gunnilda also seems to have had two daughters as two of the five payments she made to court were for the marriage of a daughter.<sup>42</sup> Four other men with the *de Isenhurst* name appeared in the accounts: Gilbert made payments to court in 1237-8 and 1239-40; Hugh made a payment in 1239-40; Nicholas made a payment in 1243-4; Peter made a recognition

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<sup>41</sup> Individuals making non-monetary payments in up to nine different accounts can be traced successfully in the manor of Calbourne (Isle of Wight), but there is no evidence to suggest that those making the payments were related.

<sup>42</sup> The two marriage payments were in 1236-7 and 1244-5. Gunnilda is also recorded as making payments for an unspecified amercement in 1241-2 and for transgression/trespass of pasture in 1248-9.

payment, for living outside the manor, in 1244-5. Isinghurst, however, seems to have been a place as it was mentioned in a rental of 1539.<sup>43</sup> The byname *de Isenhurst*, therefore, does not necessarily imply a family relationship between the people who are recorded with the suffix.

The use of bynames in these early accounts severely limits the possibility of family studies. Two other bynames seem to have featured significantly in the proceedings of court, *de Suneburi* and *de Kipping*, but these too seem to be places rather than family names.<sup>44</sup> The *de Suneburi* suffix was used for 5 different forenames within the rolls, 4 men and 1 woman, whilst the *de Kipping* suffix was used for possibly 10 different family members, 8 men and 2 women.<sup>45</sup> These accounted for 23 and 20 cases respectively. It is impossible to determine, however, whether these people were related.

The value of family groupings in this context is in determining a person's legal status. Gunnilda de Isenhurst, for example, was unfree because she made payments for her daughters to marry. It follows, therefore, that the rest of her family were also unfree, a fact which could not necessarily be determined from their own individual payments. The legal status of Robert, Gunnilda's son, for example, could not be ascertained from his payments for pledge and transgression/trespass of pasture, but his unfreedom can be assumed because of his relation to Gunnilda. Unfortunately, William, son of Gunnilda, was recorded as paying relief, which, as has been noted above, was a payment made only by the free tenant. This highlights the difficulty in determining the legal status of those making payments to the manorial court and, once again, highlights the possibility of scribal error. The relief entry for William, recorded as 'the same' as the previous entry, may have more accurately been described as an entry fine, as the two entries

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<sup>43</sup> *VCH Hants*, ii, p.501.

<sup>44</sup> Sonnebury appears in a rental of 1415. Kipping seems to be associated with two places in Hampshire, Wyck, a hamlet in the parish of Binstead, and Church Oakley. Wyck is within the same hundred as Froyle and a certain John Cuppying and his wife Ela dealt with land there in 1228 and 1236. Nicholas Kipping held land in Church Oakley, which was in the Chuteley hundred, at the beginning of Henry III's reign and was recorded as still being there in 1241. *ibid.*, ii, pp.501, 487 and 226 respectively.

<sup>45</sup> The 'de Suneburi' names were Herbert, William, Alan, John and Isabell. The 'de Kipping' names were Randolf, Radulf, John, Nicholas, Sampson, Widon, Henry, Thomas, Matilda and the widow of William. Sampson, John, Widon, Henry and Matilda were all grouped in one payment in 1246-7. It is not known whether Randolf and Radulf were the same person, nor Matilda and William's widow.

immediately after William indeed were.<sup>46</sup> The uncertainty of the tenure, as described above, may also account, at least in part, for the confusion.<sup>47</sup> Status as determined by type of payment to court, therefore, should be treated with caution.

Studies of families and their role in the community have also been conducted by E.B. DeWindt and E. Britton, categorising families into four groups depending on the frequency with which local offices were held: group A contained families who regularly provided local office holders; group B families occasionally produced office holders; group C families never provided such men; group D was a miscellaneous category for individuals and known outsiders. These groups were then used in the study of pledges made in court.<sup>48</sup> Pledges, or sureties, were made in court to ensure that certain obligations were carried out. Pledges were made, for example, to ensure that people who essoined themselves, excused themselves from court, attended the following court session: Richard Miller, for example, was both essoiner and pledge for Gregory of Sydenham in 1246.<sup>49</sup> If the pledge was not kept, a financial penalty would be incurred: a certain Arnold Smith was recorded as being in mercy for failing to produce William Scut whose pledge he was.<sup>50</sup> Unfortunately, the accounts rolls, as financial documents, recorded only those pledges where a payment was incurred for failure to perform the required obligations. There were 862 payments from pledges in the 23 extant rolls for the bishopric and limited analysis could be conducted on those persons. It would not be possible to conduct analysis on the DeWindt and Britton model, however, as very few entries provide the name of the person for whom the pledge was made.<sup>51</sup>

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<sup>46</sup> The entries were, 'Et de lxs. de relevio Agn' fil' herberti. Et de xxvijs. de Willelmo de Isenhurst pro simili. Et de xxs. de Willelmo Sturm' pro fine terre. Et de xijd. de Nicholao de ripa pro simili'. BL Additional Charter 17462.

<sup>47</sup> See p.103.

<sup>48</sup> E.B. DeWindt, *Land and People in Holywell-cum-Needlingworth* (Toronto, Pontifical Institute of Mediaeval Studies, 1971), esp. pp.244-50. Britton also used the same methodology, E. Britton, *The Community of the Vill: A Study in the History of the Family and Village Life in Fourteenth-Century England* (Toronto, Macmillan Press, 1977).

<sup>49</sup> *Select Pleas*, p.6. The manor court of Bledlow (Bucks.: Abbey of Bec).

<sup>50</sup> Arnold Scut also seems to have claimed that William Miller was his pledge as William Miller is recorded as being at law to prove that he was not William Scut's pledge. William Miller then provided two pledges of his own. The court of Deverill (Wilts.), 9 Nov. 1247. *ibid.*, p.13.

<sup>51</sup> The most common forms recorded were simply 'for pledge', 'pro plegiagio' or 'pro plevina'. Longer explanations were given but provided little extra information, for example, 'because he did not have whom he had pledged, 'quia non habuit quem pleg''. An additional 48 payments were for failing to have the person whom he had made bail for, 'quia non habuit quem manucepit'.

The entries detailing payments for pledges were interspersed throughout the perquisite sections, but one roll for the St Mary's Abbey manor of Froyle did record a separate section which appears to consist of pledges. The 1248-9 roll contains entries of the form 'De vjd. de Stephano filio Alexandri. hugone boll' pl''. It seems that a 6d. payment was required from Stephen, son of Alexander, and that the payment was pledged or assured by Hugo Boll. The name Stephen, son of Alexander, does not appear in the perquisite section of the rolls for any year before 1250 in that form but Hugo Boll does: Hugo made a payment for an amercement in 1237-8. Of the 12 people for whom a pledge was made, such as Alexander's son Stephen, 9 names do not appear in any perquisite section before 1250. Of the surnames or bynames, 2 were used in perquisite sections but for different first names. Both surnames or bynames were occupational, a merchant and a furrier, which suggests that they were indeed bynames rather than names applied to a specific household. Only three names were from known families, John and William, sons of Gunnilda de Isenhurst, combined in one entry, and John, brother of Michael de Padekeden. By contrast, virtually all the household names detailed as pledges were recorded in perquisite sections before 1250, often more than once. Those recorded as acting as pledges included Gunnilda's son Robert de Isenhurst, and Herbert de Suneburi, who was recorded in the perquisite sections for three different years.<sup>52</sup> It is virtually impossible to carry out a detailed study in accordance with the A, B, C, D groupings of DeWindt and Britton, but the pledging of little known individuals by members of what seem to be major contributors to the payments to court, suggests that the leading men (type A) did pledge for the lower status men. The pledging of the two *de Isenhurst* men by Michael de Padekeden suggests that pledging 'between' the major players existed and the pledging of John de Padekeden, again by Michael, suggests the existence of intra-household pledging. DeWindt emphasised the pledging which occurred between status groups, suggesting that this showed co-operation between the groups.<sup>53</sup> Britton, by contrast, emphasised the pledging which occurred between the leading households, suggesting a type of class consciousness and a conflict between the

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<sup>52</sup> Herbert was recorded in 1236-7, 1243-4 and 1248-9.

<sup>53</sup> E.B. DeWindt, *Land and People in Holywell-cum-Needlingworth* (Toronto, Pontifical Institute of Mediaeval Studies, 1971).

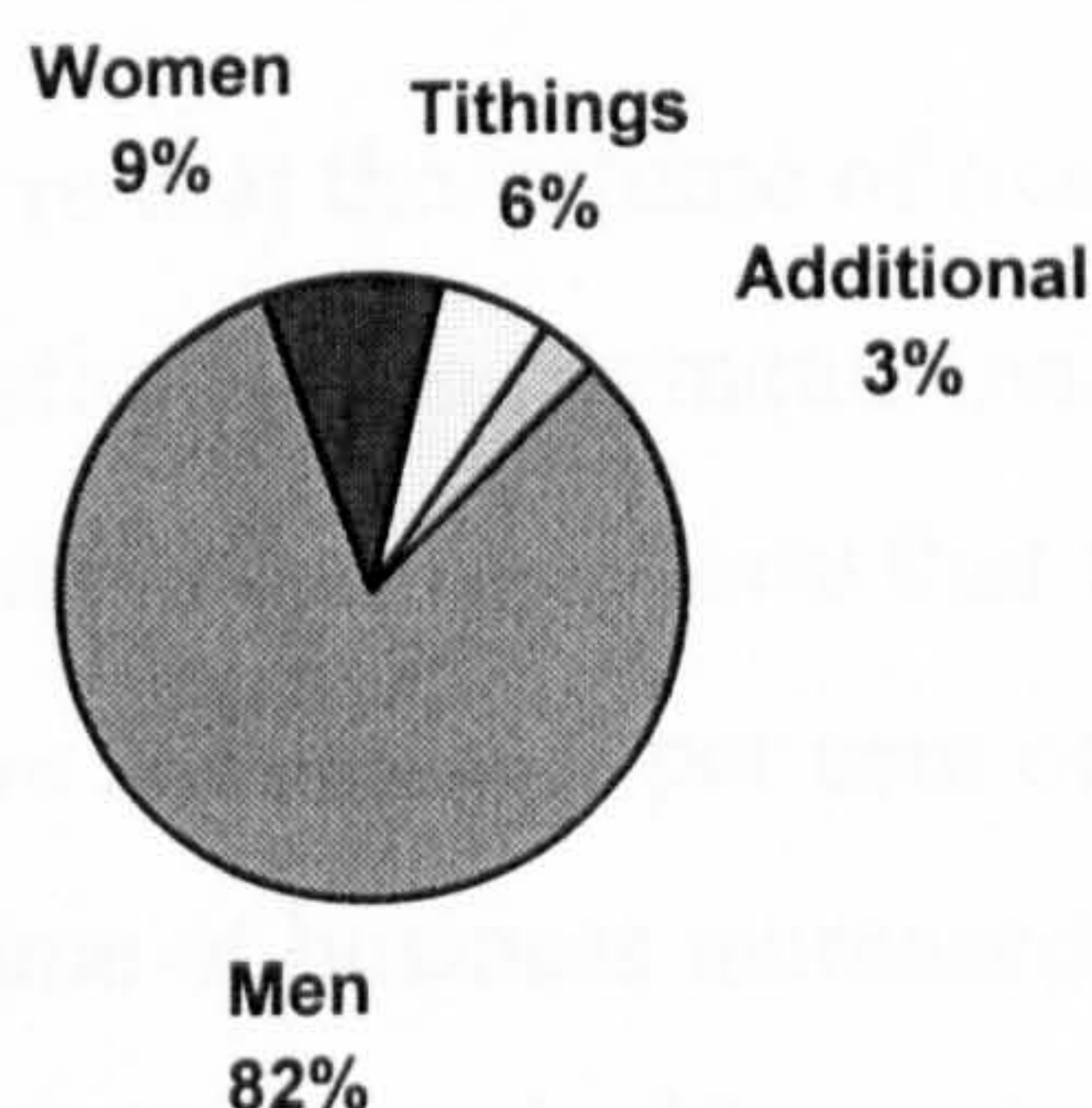
households of different groups.<sup>54</sup> Unfortunately, because of the lack of surviving material, it is impossible to determine which interpretation best describes the situation in the pre-1250 courts.

### The gender question

Who exactly made payments to court? One obvious distinction between those who made payments to court was whether they were male or female. The vast majority of payments were made by men, 82 per cent of the total, with women contributing 9 per cent of all payments to court.<sup>55</sup> Tithings accounted for 6 per cent of the total payments to court. The remaining 3 per cent of entries were of four main types: places (hundreds, boroughs, place names); occupations; groups, (male, female, occupational or unspecified); unclassifiable (damaged or ambiguous names). These are described as 'Additional' payments in figure 1 below.

Figure 1

#### The percentage of payments made by men, women and tithings



Averages do not necessarily present the full picture as they may hide considerable fluctuations within the rolls, but it seems that the proportion of payments made by men, women and tithings remained fairly constant throughout the early

<sup>54</sup> E. Britton, *The Community of the Vill: A Study in the History of the Family and Village Life in Fourteenth-Century England* (Toronto, Macmillan Press, 1977).

<sup>55</sup> The analysis for this chapter was based on 52387 entries recorded in the perquisite sections. Entries were excluded from analysis where no name was recorded, where the name was missing due to damage to the rolls and where the related payment was for recognition.

thirteenth century. Men accounted for 82 per cent of the payments made to court for the period 1208 to 1252: in each year, this figure ranged from 71 per cent in 1215-16 to 85 per cent in 1208-9. There seems to be no identifiable trend in the data but the majority of the years studied produced percentages of between 75 and 85 per cent: only the percentage for 1215-16 lay outside this range. The proportion of payments to court made by men, therefore, remained reasonably constant during this period with all but one roll producing over three-quarters of entries paid by men. The value of the contribution made by women to the overall volume of business in each year in proportional terms, as with the men, seems to have remained reasonably constant. Women accounted for 9 per cent on average of the total number of payments made to court for the period 1208-52. In each year, their contribution was between 5 per cent and 11 per cent of the overall volume of business: 5 per cent in 1219-20 and 11 per cent in 1215-16 and 1235-6. Tithings, on average, constituted 6 per cent of all payments made to court, with year by year analysis showing that between 4 and 8 per cent of all payments in any particular year were attributable to tithings. Once again, there seems to be no identifiable trend in the proportion of payments made by tithings, which seems to have remained reasonably constant between 1208 and 1252.

It has been shown above that the volume of overall business increased between 1208 and 1252.<sup>56</sup> If the proportion of the payments made by men, women and tithings remained approximately the same, then it follows that the number of payments made by each of these groups must have increased: 9 per cent of 100 payments would be 9 payments whereas, if the volume of business increased to 200 payments, 18 payments would have to be made to maintain a level of 9 per cent. The number of payments made to court by men increased significantly between 1208 and 1252: 436 payments were made by men in 1215-16, rising to 3596 payments in 1246-7. The linear approximation to the data was highly significant both in accuracy and magnitude, with levels of significance of 99.8 per cent and 99.95 per cent.<sup>57</sup> The amount of payments made to court by women also increased, with similar levels of significance, over this period: 65

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<sup>56</sup> See pp.113-14.

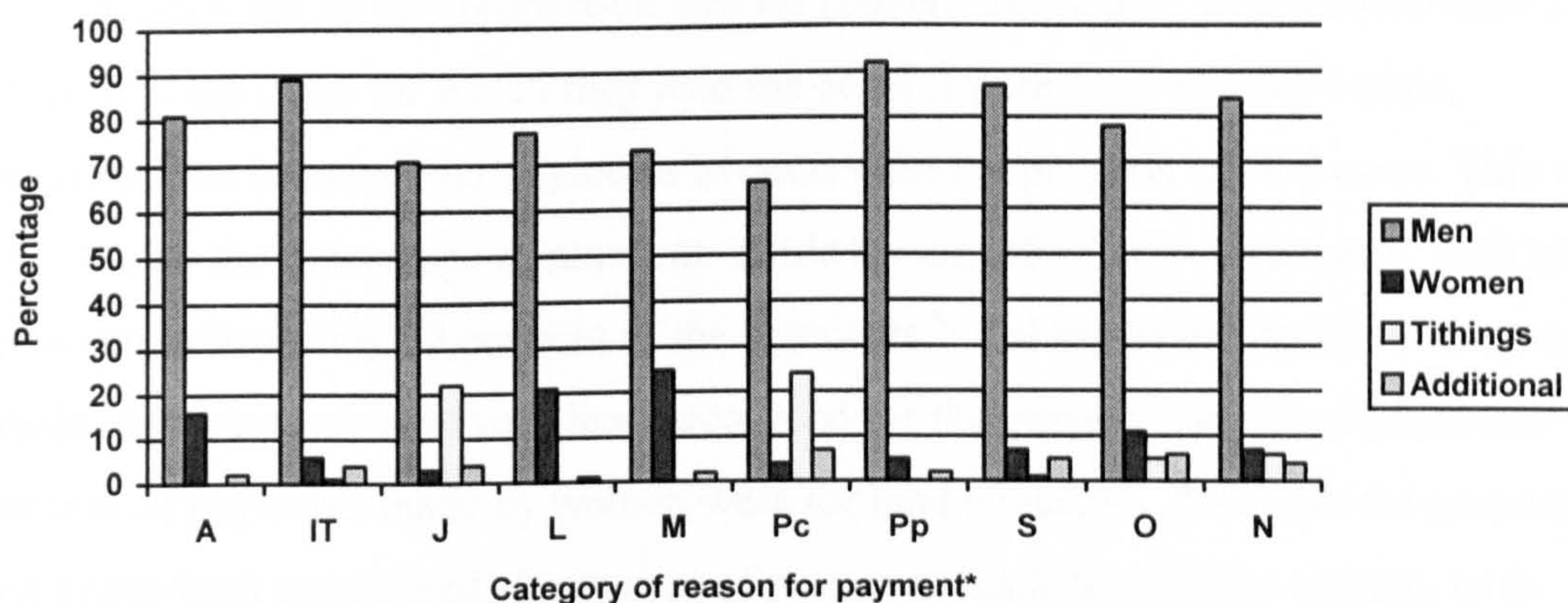
<sup>57</sup> The equation for the line was  $y = 58.728x - 70315$ .

payments were made by women in 1215-16, rising to 380 in 1248-9.<sup>58</sup> The number of times women made payments to court, therefore, increased dramatically between 1208 and 1252, constituting, approximately, a fivefold increase. Payments made by tithings also increased with the same levels of significance between 1208 and 1252, from a minimum of 29 in 1215-16 to a maximum of 228 in 1246-7.<sup>59</sup> Payments made by tithings, therefore, as with payments by men and women, increased in sheer number during this period.

These three groups, men, women and tithings, produced 97 per cent of all payments made to the court. They all produced significant increases in the overall volume of business between 1208 and 1252, but maintained a fairly constant proportion of payments. These payments, however, were for different types of offence.

Figure 2

Percentage of different types of person making payments for each category of reason



\* The letters correspond to the following types of payment: assize, inter-tenant disputes, jurisdiction, land, marriage, process, property, services, other/miscellaneous and no reason given.

It is clear from the above chart (figure 2) that men made the majority of payments in all categories of payment: payments by men constituted between 66 and 92 per cent of each type of case. Men, therefore, paid over four-fifths of all property, inter-tenant dispute, service and assize payments, whilst contributing approximately two-

<sup>58</sup> The equation for the line was  $y = 7.543x - 9066$ .

<sup>59</sup> The equation for the line was  $y = 3.829x - 4577$ .

thirds of process payments. Of the payments made by women, the greatest number of payments for reasons associated with land and marriage: approximately one fifth of all land payments (21 per cent) and one quarter of all marriage payments (25 per cent) were made by women. Women also made a considerable contribution to the assize payments with just under one sixth of assize payments (16 per cent) being made by women. The tithing payments, by contrast, were for what A.N. May described as 'by-product' payments, the jurisdiction and process payments which were made as a 'by-product' of the court proceedings.<sup>60</sup> Tithings paid over one-fifth of all jurisdiction payments and just under one-quarter of all process payments (22 and 24 per cent respectively). The men, therefore, made payments in all categories but the payments made by women and tithings seem to have greater concentration within specific categories.

Another way to analyse the data was to look at each group individually. This assisted answering questions such as 'If you were a man in the early thirteenth century, what was the most common reason for making a payment to court?'. Of all payments made by men, the largest proportion was for property payments, which constituted 25 per cent of the cases for which they paid the court (figure 3): if you were male, therefore, one in every four payments to court were for property related cases. This was over double the percentage of payments made for any other known category, with land payments constituting 12 per cent of the payments.<sup>61</sup> Taking payments by women as a whole, reasons associated with land accounted for the greatest number of payments: 29 per cent of payments made by women were for land (figure 4). Payments for property and assize both constituted 13 per cent of payments made to court by women, with marriage payments accounting for 10 per cent. Of the business attributable to women, therefore, just under one in every three dealt with land, one in eight dealt with property, one in eight dealt with assize and one in ten dealt with marriage.<sup>62</sup> Over half of the payments made by tithings were for process payments, 54 per cent: every other payment, therefore, was for process. Jurisdiction payments were the second largest

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<sup>60</sup> May, 'Franchise', pp.57-8.

<sup>61</sup> Payments where no reason was recorded constituted 22 per cent of all payments made by men.

<sup>62</sup> These figures represent just under two-thirds of all payments made by women.

'known' category of payments constituting just over one in six payments, 17 per cent, of all tithing payments.<sup>63</sup>

Figure 3

Percentage of total number of payments made by men

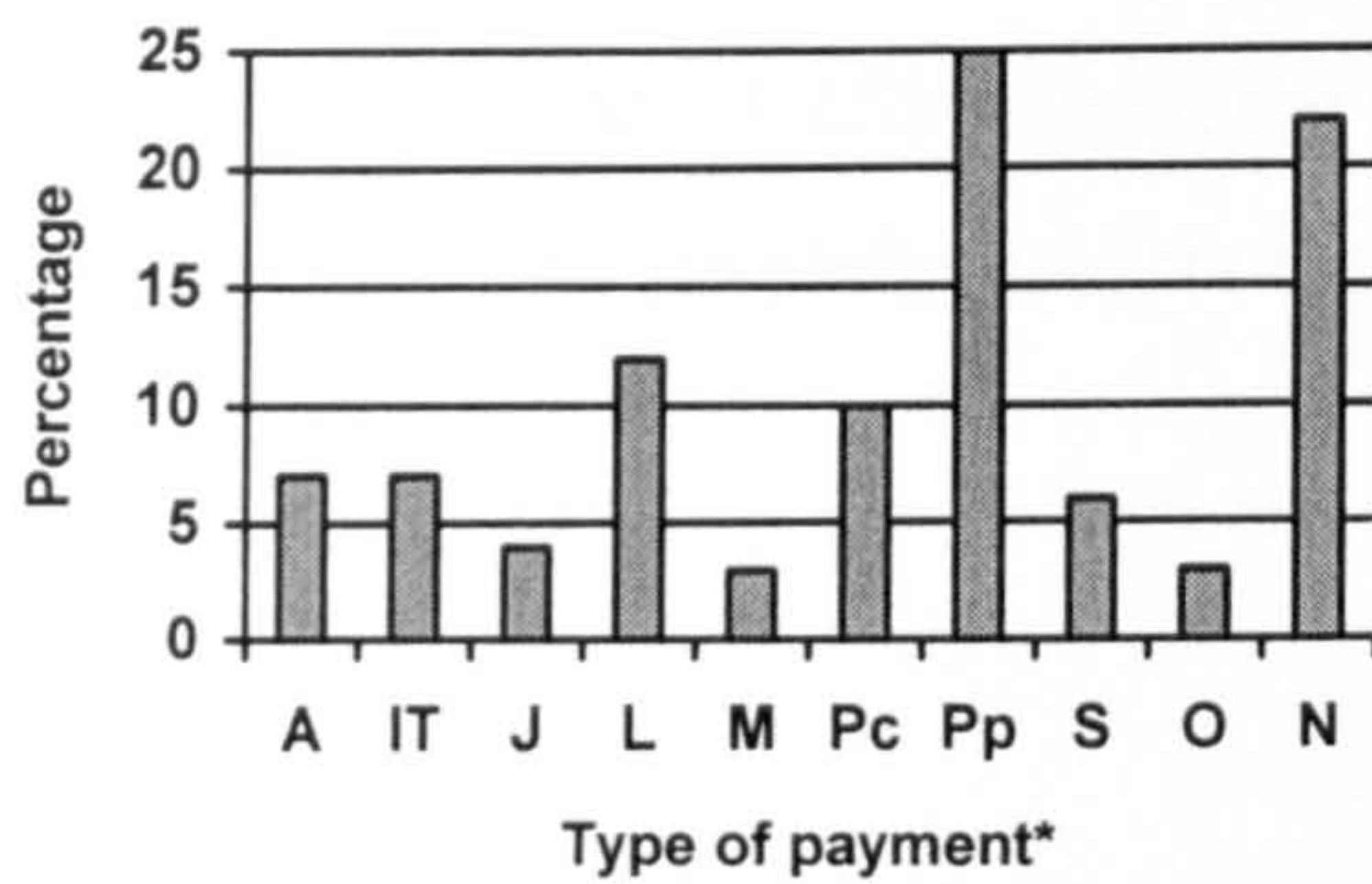


Figure 4

Percentage of total number of payments made by women

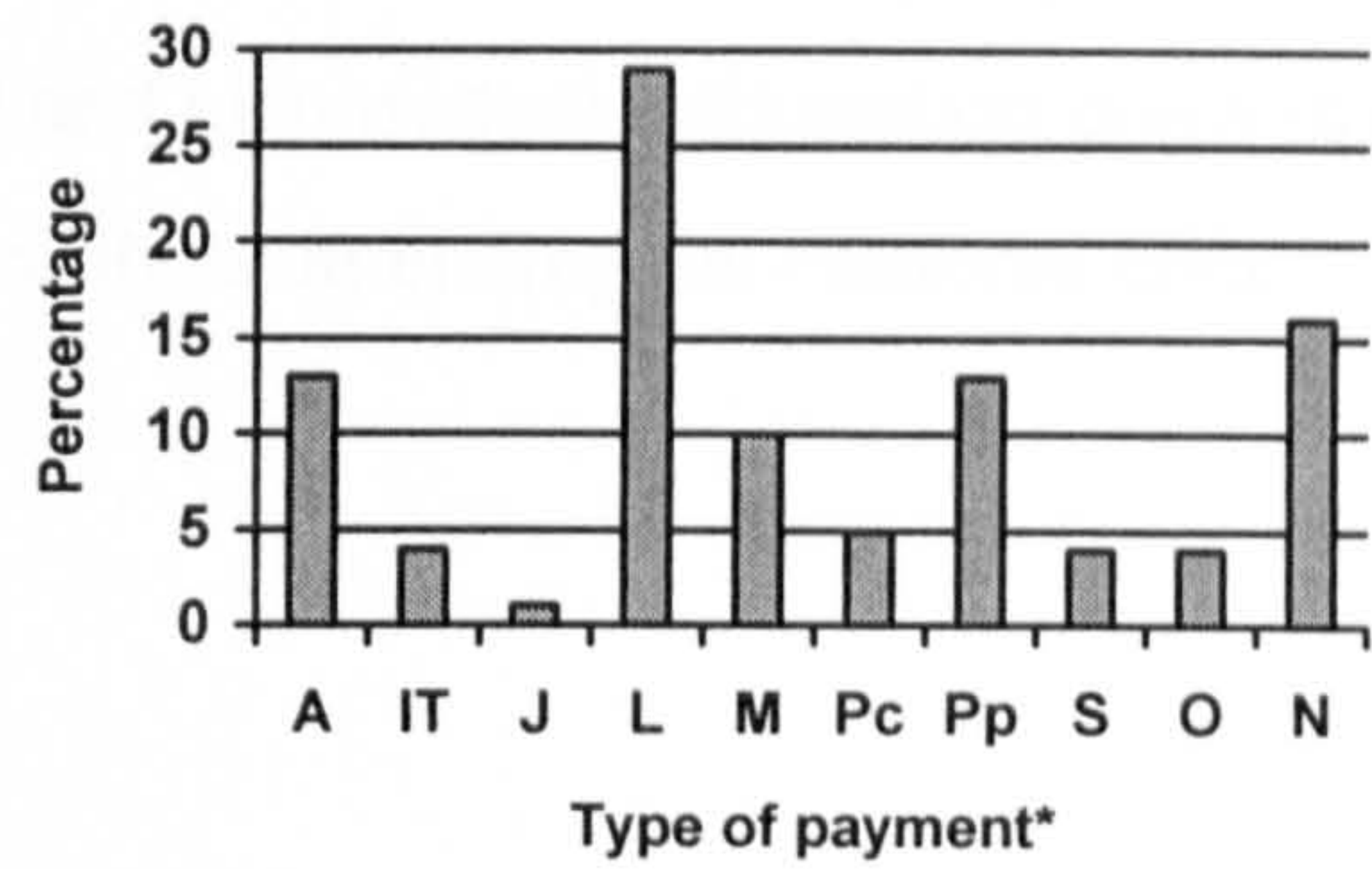
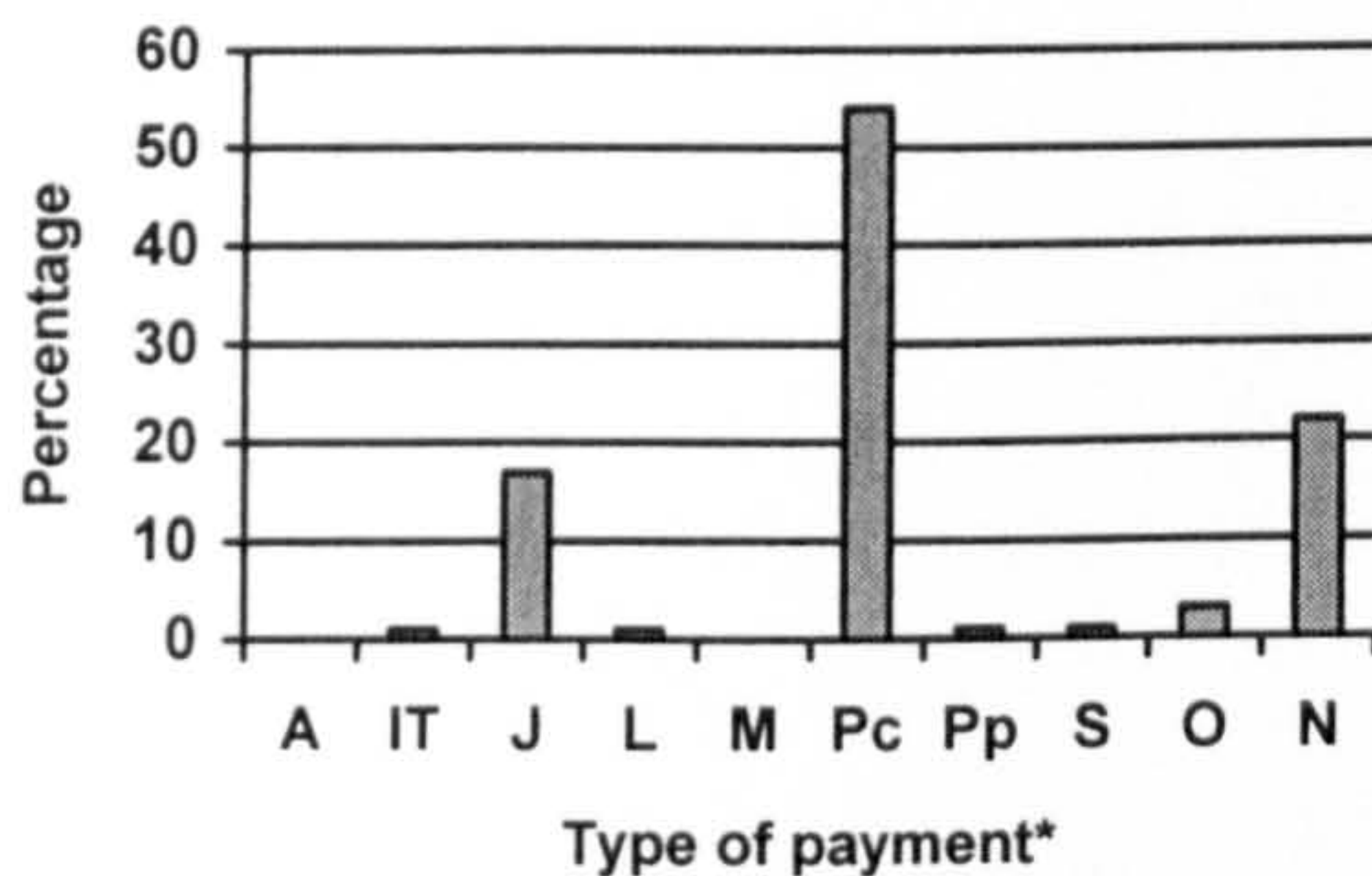


Figure 5

Percentage of total number of payments made by tithings



\* The letters correspond to the following types of payment: assize, inter-tenant disputes, jurisdiction, land, marriage, process, property, services, other/miscellaneous and no reason given.

In conclusion, it seems that by the mid-thirteenth century the free were not necessarily obliged to perform suit of court, but they were required to attend court when cases involving royal jurisdiction or cases involving themselves were heard. The unfree did owe suit of court, with the exception of the Ramsey unfree tenants' agreement not to perform suit seeming to prove the rule. Of those people recorded in the perquisite section of the accounts, the vast majority were men, with women making significant

<sup>63</sup> Payments where no reason was recorded constituted 22 per cent of all payments made by tithings.

contributions to payments involving land, marriage and the assize of bread and ale and tithings making significant contributions to cases arising from the holding of the court. Extensive detailed study of individuals was not possible, but occasionally the activities of one person or a number of members of a family could be determined. The records of the manor of Froyle suggest the presence of inter-familial and intra-familial pledging in the manorial court but, unfortunately, provides the only instance where pledges were recorded in such detail. Ultimately, the limited and inconsistent information given in the perquisite sections severely restricts the study of those attending the manorial court.

## V What payments were made to the court?

The vast majority of information about manorial courts before 1250 comes from account rolls, the main purpose of which was to record the temporal income, expenditure, corn and stock of a manor. The perquisite section within the receipts, as has been noted, either detailed the individual payments and then gave a total amount received from the court or simply recorded the total amount.<sup>1</sup> Where individual payments were given, the sum of the individual payments (the 'calculated' total) did not always equal the total given (the 'stated' total). There are three possible reasons for these inconsistencies: damage to the rolls may have caused the loss of certain individual entries; the calculation of the 'stated' total was incorrect; errors were made in the copying of the individual entries. In the event of damage to the rolls, it is obvious that the 'stated' total should be deemed more accurate (if extant) as it is impossible to determine the value of the missing entries.

In the numerous cases where all individual payments remain extant and the 'stated' total does not equal the 'calculated' total, the error must lie either with the 'stated' total or within the perquisite section itself. It is possible that a calculation error may have occurred in the 'stated' total, but the level of auditing which had taken place before the compilation of these fair copies would suggest that errors of such nature would be limited.<sup>2</sup> It is also possible that the figure given as the 'stated' total may be a transcription error rather than a calculation error: the scribe may have accidentally missed out an 'i' or an 'x', for example, in copying the 'stated' total. The occurrence of this, however, also seems to be extremely limited. This became apparent in the study of randomly selected manors which produced different 'calculated' and 'stated' totals for the perquisite payments. In Bitterne in 1210-11, for example, the sum of the individual perquisite payments was £2 15s. 8d. whereas the given total for the perquisite section was £2 16s. 2d.. If the 'stated' total for the perquisite section was merely a scribal error, the total given for the whole receipts section would not equal the sum of the 'stated'

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<sup>1</sup> See pp.44-65 for details on individual estates.

<sup>2</sup> These accounts were all of phase 1 type, hence all post-audit accounts. Harvey, *Manorial Records*, pp.29-31.

totals copied from the original documents. However, in all manors tested, the sum of all the 'stated' totals did equal the 'stated' total for the receipts section, suggesting that the 'stated' totals were indeed more accurate. In Bitterne, therefore, the sum of all the 'stated' totals within the receipts section was £15 17s. 10½d., the exact figure given as the sum of all receipts.<sup>3</sup>

It seems that transcription errors would be more likely to occur within the individual entries of the perquisite section: the mistakes made by the scribes of these fair copy accounts suggest that it was easy to repeat entries and, one would assume, miss out entire entries in what were often very repetitious lists of payments. With the use of reasonably 'standard' payments it would have been relatively easy to mistakenly record payments of 6d. rather than 12d. or 3s. rather than 2s.. The perquisite entries for Alresford in 1247-8 provide numerous examples of corrected scribal errors which are worthy of note. The errors are of two main forms, incorrect information and repetition: these include the deletion of a repeated amount of payment, 'et de vjd.', the deletion of an entire repeated entry, 'Et de vjd. de Roberto de Haywod' pro simili', and the intended deletion of a 6d. payment above which the supposed correct figure of 12d. had been noted.<sup>4</sup> It seems far more likely that minor transcription errors would occur in one of the up to 350 individual entries in the perquisite sections of rolls (which themselves consisted of up to 34 membranes), rather than in a total which contributed to the total of all receipts for the manor.<sup>5</sup> These documents were primarily financial in nature: the information provided by the individual payments was adequately summarised in the total perquisite payment. The detail, therefore, was not strictly necessary for the financial account and thus the accuracy of the total would, ultimately, have been more important.

By studying the perquisite payments in the first half of the thirteenth century it was possible to address one of the fundamental questions about manorial courts: was the

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<sup>3</sup> The other manors tested were East Knoyle (Wilts.), 1220-1; Wield, 1231-2; Bishops Sutton, 1236-7; Mardon, 1245-6; Itchingswell (all Hants.), 1251-2.

<sup>4</sup> The 'calculated' and 'stated' totals for Alresford (Hants.) in 1247-8 differ by 3s. 6d.: the 'calculated' total is £10 1s. 8d. and the 'stated' total is £10 5s. 2d..

<sup>5</sup> The roll for 1248-9 contains the largest number of membranes for the rolls before 1252.

lord's motive in holding these courts primarily financial in nature? A.N. May proposed that the financial aspect of the courts was not the main reason behind the holding of manorial courts because the value of the perquisite receipts did not keep up with the expansion of court business. He suggested that this failure to maintain a similar increase was due to a decrease in the 'rate of fine': that the so-called 'crimes' which had incurred a payment of 6d. at the beginning of the thirteenth century incurred a payment of only 3d. by the end of the century. He also suggested that there was an increase in the variety of rate of payment and that the emergence of the 3d. payment as a regular amount of payment was a thirteenth century phenomenon. His explanation of these events was peasant impoverishment, as opposed to a loss of interest by the lord.<sup>6</sup> Here we examine the validity of May's findings for the first half of the thirteenth century, agreeing in part with his conclusions but suggesting that the developments he proposed were not necessarily apparent by 1250.

The results below were based on the values given as the 'stated' total of the perquisite sections for each manor minus any payments for recognitions: where a total was not given or was missing due to damage, the sum total of the extant individual payments was used. The recognition payments were removed from the calculations as two accounts produced disproportionately large receipts from recognitions. The proceeds from recognitions were usually contained within the perquisite sections for all manors in the Winchester Pipe Rolls. The accounts for 1244-5, 1247-8, 1248-9 and 1251-2, however, recorded recognition payments for each manor either within the perquisite section or in a separate recognition section. This inconsistency seems to have resulted from the large amount of recognition payments received in 1244-5, the first account for William Raleigh's episcopacy. A total of £415 1s. 10d. was received from recognitions in that year, 18s. of which was recorded within the perquisite sections of eight manors.<sup>7</sup> The rolls for 1247-8 and 1248-9 record recognitions either within the perquisite section or under a separate recognition sub-heading, depending on the manor. Adderbury (Oxon.) in both years and Hindon Borough (Wilts.) in 1248-9 are the only

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<sup>6</sup> May, 'Impoverishment', esp. pp.390 and 397.

<sup>7</sup> These manors were Ivinghoe (Bucks.), Ashmansworth, Woodhay, Itchingswell, Bishops Waltham, Fareham, Burghclere (all Hants.) and Harwell (Berks.). The last two also recorded recognition payments in separate recognition sections.

manors to record the payments under a separate sub-heading and, as they are of limited financial value (3s., 3s. 6d. and 2s.), they seem to be the result of some confusion on the part of the scribe as to the usual place to record recognitions. The 1251-2 roll, the first full year of Aymer de Valence's episcopate, records large amounts received from recognition payments and, once again, the majority of the recognition payments are recorded in separate sections: the accounts produced recognition payments totalling £520 1s. 11d., £45 17s. 2d. of which was contained within the perquisite sections of 6 entirely different manors.<sup>8</sup> Had the value of recognitions contained within the perquisite sections in 1251-2 been less, it might have been possible to effectively ignore the recognition payments within the perquisite sections as they would have been statistically insignificant: all years before 1250 record recognition payments ranging from no money received to £1 3s. 10d.. The figure of over £45, however, can not be seen as statistically insignificant and thus all recognition payments must be removed from the calculations.<sup>9</sup>

It should be noted that the removal of all recognition payments does create difficulties: the lack of detail provided by certain rolls about the reason for the payments means that one can not be sure whether all recognition payments would be removed.<sup>10</sup> The entries for the manor of Calbourne on the Isle of Wight also suggest that exclusion of such payments may be more difficult than appears at first. Calbourne usually recorded four payments in kind (wax) which, before 1240 were recorded as *pro manutenemento* and after 1240 as *pro recognitione*. It may be that *pro manutenemento* was a scribal error, repeated year after year, or that the translation of *pro manutenemento* as maintenance or support may need to be modified. The subtraction of individual payments from the 'stated' total also reduces the known accuracy of the figures: one is assuming that any mistakes made in the transcription of the individual payments were not made in any recognition entries.

Despite these quite serious limitations, the removal of all recognition payments seems to be the most satisfactory solution to the problem created by the inconsistent

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<sup>8</sup> These manors were Rimpton (Som.), Esher (Surr.), Fareham Borough, Newtown, Mardon (all Hants.) and Downton (Wilts.). The last two also recorded recognition payments in separate recognition sections.

<sup>9</sup> See Appendix D for details, p.187.

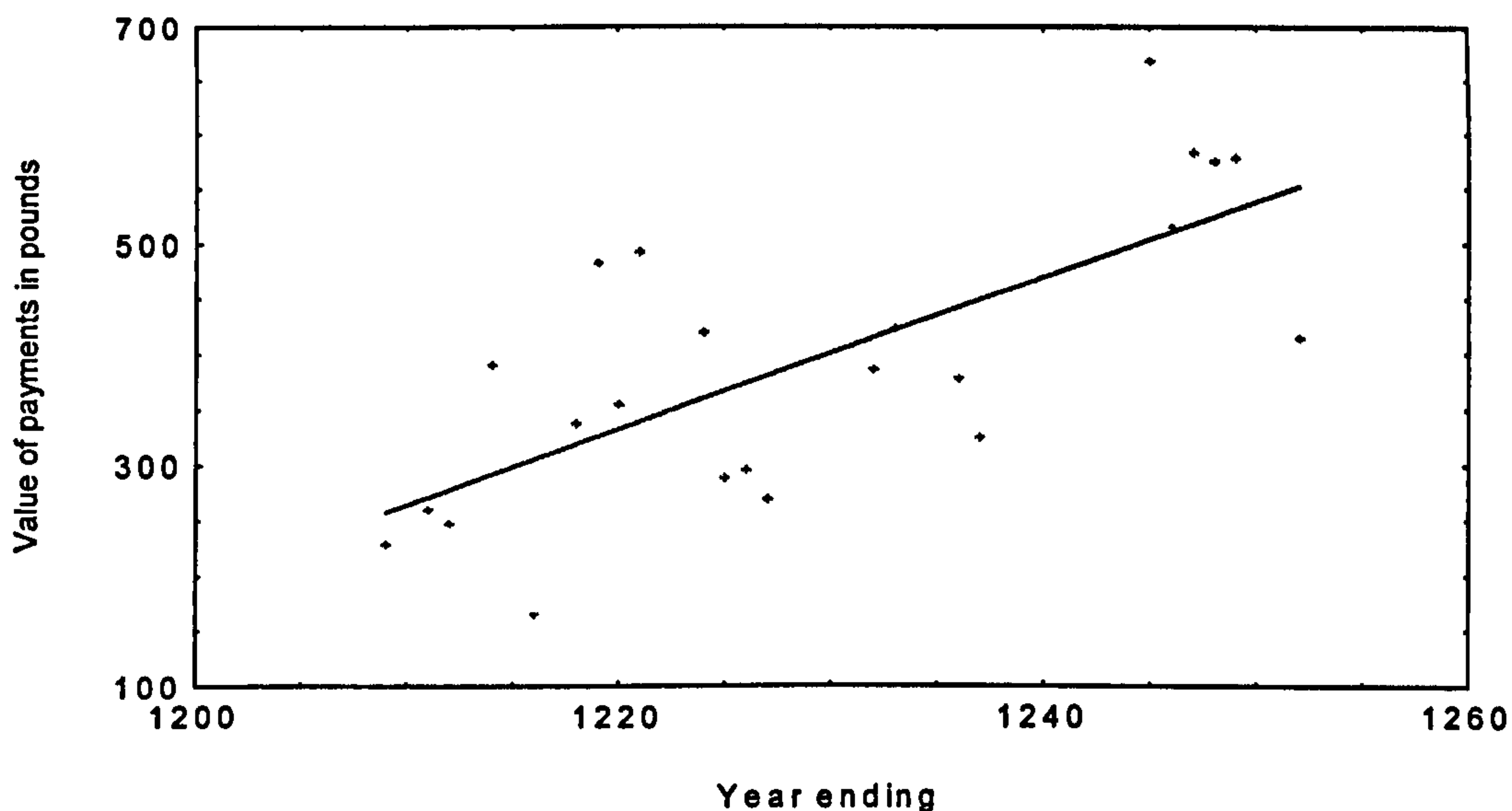
<sup>10</sup> See pp.118-19 for detail on which years provide limited detail as to the reason for payment.

recording of the recognition payments either within the perquisite sections or within a separate section and the disproportionately large financial value of recognition payments within the sections in 1251-2: ultimately, the distortion created by the removal of recognition payments within the perquisite section would be far less than that created by the inclusion of the recognition sections for the later rolls. In general, the figures given should be treated as a minimum value of perquisite payments to allow for any missing data.

Taking into account the difficulties inherent in the data, it was possible to address the fundamental question: was the purpose of the court in the first half of the thirteenth century mainly financial or were other purposes, such as enforcing the lord's rights, deemed more important? An obvious initial test for this theory was to see whether the overall financial gain from the perquisite payments increased between 1208 and 1252. The total amount of perquisite payments in each year for the entire estate varied from £165 5s. 6½d. for 40 manors in 1215-16 to £667 19s. 10d. for 60 manors in 1244-5, the totals for 1208-9 and 1251-2 being £228 5s. 3d. (46 manors) and £414 5s. 11¾d. (63 manors) respectively. The total value of perquisite payments for the entire estate was accurately represented by a straight line, with a level of significance of 99.8 per cent and produced a positive gradient which was also extremely significant (99.95 per cent). The total amount of money gained from the perquisite payments for the entire estate, therefore, increased significantly between 1208 and 1252.

Figure 1

Total monetary value of perquisite payments for the bishopric of Winchester's estate



How 'real' was this increase? There may have been many reasons not directly associated with the perquisite payments which would produce such an increase for the entire estate: an increase in the size of the estate by acquisition of new manors, for example, would probably increase the overall amount received from the courts.<sup>11</sup> Incomplete rolls or damaged rolls also affect the sum total of perquisite payments for certain years: in 1215-16 the entry for Ivinghoe (Bucks.) consists of the manor name alone; in 1226-7 damage to the account for Brightwell (Berks.) has left only the 'perquisite' sub-heading extant. Further study was conducted to determine whether the overall increase in monetary gain was shown in individual manors which also had the benefit of eliminating the variable associated with the fluctuating size of estate. Of the 64 manors analysed, 28 produced significant lines of regression for the value of perquisite payments between 1208 and 1252 at or above a 90 per cent level of significance. All lines were significant in magnitude at or above a level of 95 per cent and all showed significant increases in the value of perquisite payments. Significant linear increases in the total value of payments made to court were made, therefore, in 44 per cent of manors. This increase may have been due to external factors such as an increase in the number of tenants or may have been due to the increase in the number of

<sup>11</sup> Esher (Surr.), for example, was first accounted for in 1236-7. See Appendix B, p.178.

cases heard in court, which was shown above.<sup>12</sup> Comparing the manors which produced a linear increase in monetary gain with those manors where the number of cases increased showed that 27 manors produced significant increases in both volume of business and proceeds of court and that 23 produced a significant linear increase in the volume of business alone. These results suggest that an increase in the volume of business did not necessarily herald a proportional monetary gain: 46 per cent of manors which showed an increase in the volume of business did not produce a complementary rise in the proceeds of court. Logically, therefore, it seems that the average monetary value of each payment must have decreased. This would be achieved by introducing a greater number of small payments (less than or equal to 6d.) or reducing the number of large payments (greater than 12d.).<sup>13</sup>

Analysis to test this theory, originally expounded by A.N. May, was conducted using the perquisite payments of the 14 manors which produced perquisite sections for each of the 23 surviving accounts between 1208 and 1252.<sup>14</sup> The proportion of payments for these manors seems similar to the proportion of payments for the entire estate: the manors represent between 26 and 40 per cent of the total perquisite receipts.<sup>15</sup> It seems that these 14 manors may be used as a representative sample for the entire estate. Of the 14 manors, 9 were Hampshire manors, but this is merely a reflection of the distribution of the manors within the bishopric's estate. Of the 6 other counties in which the bishop held lands, 4 are represented by these manors: Downton and East Knoyle (Wilts.); Harwell (Berks.); West Wycombe (Bucks.); Taunton foreign hundred (Som.). None of the 14 manors is a borough, but the accounts of Alresford and Downton which are contained within the 14 detail separate perquisite sections for boroughs in the rolls before 1252. The manors appear to be representative as the survival of these particular rolls and of the perquisite sections of the individual manors within the rolls appears to be random. It should be noted, however, that the manors are not strictly a statistically random sample as all 14 manors were held by the bishop by 1208 and

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<sup>12</sup> See pp.113-14 and Appendix C Table 1 pp.179-80.

<sup>13</sup> The reduction of the 'average' payment was also noted by A.N. May in his study of 'franchisal' business for the whole of the thirteenth century. May, 'Impoverishment', p.305.

<sup>14</sup> *ibid.*, esp. pp.392-5.

<sup>15</sup> The actual value of the perquisite receipts for these manors is between £66 8s. 8d. and £215 6s. 1d..

remained within the bishopric's estate until 1252: the sample cannot, by definition, contain any manors acquired by the bishop from 1210 onwards nor manors which did not remain in the hands of the bishop until 1252.<sup>16</sup>

The perquisite payments (excluding recognitions) were divided into four categories: zero value payments (to cover damaged entries and anomalies such as payments in kind); payments of 6d. or less; payments greater than 6d. and less than or equal to 12d.; payments over 12d.. Of the 56 lines of regression, 20 proved to be significant both in the accuracy with which they represented the data and the magnitude of the increase or decrease produced.<sup>17</sup>

Figure 2

Increases and decreases in small, medium and large payments

Standard manor name	Was there a significant increase in the overall <u>volume of business</u> ?	Was there a significant increase in the overall <u>monetary gain</u> ?	Cases where payment (x) was greater than 0d. and less than or equal to 6d. $0 < x \leq 6$	Cases where payment (x) was greater than 6d. and less than or equal to 12d. $6 < x \leq 12$	Cases where payment (x) was greater than 12d. $x > 12$
Alresford	✓	✓	increase		decrease
Ashmansworth	✗	✓			
Bishops Sutton	✓	✓	increase	decrease	
Bishops Waltham	✓	✓			decrease
Cheriton	✓	✗	increase		decrease
Crawley	✓	✗	increase	decrease	decrease
Downton	✓	✓			decrease
East Knoyle	✓	✗	increase		decrease
East Meon	✓	✗			
Harwell	✓	✗			
Mardon	✓	✓	increase		decrease
Taunton foreign hundred	✓	✗	increase		decrease
West Wycombe	✓	✗	increase		decrease
Woodhay	✓	✓			increase

This table shows that 13 of the 14 manors produced an increase in the volume of business conducted by the courts between 1208 and 1252. It also shows that the overall monetary gain in half of the manors did not increase significantly, thus the increase in business did not necessarily produce a similar increase in monetary gain. The

<sup>16</sup> Manors which were put to farm are also excluded.

<sup>17</sup> The levels of significance were 90% and 95% respectively.

breakdown of the proportion of payments shows that 8 of the 14 manors produced a significant increase in the proportion of payments which were below 6d., 9 manors recorded a significant decrease in the proportion of large payments (over 12d.) and 2 manors produced significant decreases in intermediate payments. The one manor which bucked the seeming trend in the decrease in the proportion of large payments was Woodhay (Hants.), which produced a significant increase in the number of large payments up to 1250. This may be due to Woodhay having a 'very considerable' amount of tenant colonisation within the manor.<sup>18</sup> In 1244-5, 26 of the 32 large payments (over 12d.) were land or land and marriage payments.

The results in the table are based on a limited sample of manors and a small number of regression lines produced by those manors, but it is possible to make some suggestions as to the general trends within the bishopric of Winchester's estate. The manor of Cheriton (Hants.) provides a good working example. Cheriton produced a significant increase in the volume of business between 1208 and 1252, but did not produce an increase in the proceeds of court. This stemmed from the significant increase shown in the number of small payments and the significant decrease in the number of large payments, thus reducing the 'average' payment and allowing an increase in volume of business to occur without a complementary rise in the proceeds of court. Similar patterns may be found in East Knoyle (Wilts.), Taunton foreign hundred (Som.), West Wycombe (Hants.) and Crawley (Hants.), the last of which also produced a decrease in the intermediate payments. Alresford produced increases in both overall business and overall monetary gain whilst still producing an increase in the proportion of small payments and a decrease in the number of large payments. A similar pattern emerged for Mardon (Hants.) and in Bishops Sutton (Hants.) the decrease occurred in the intermediate rather than the large payments. There are, of course, many manor to manor variations, but the general trend which seems to have emerged by 1250 was an increase in the proportion of small payments accompanied by a decrease in the proportion of large payments. These increases and decreases were sometimes

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<sup>18</sup> Titow, 'Land and Population', p.83.

sufficiently great to reduce the 'average' payment so that the overall monetary gain from the proceeds of court did not increase with the increasing volume of business.

A similar pattern was found to have occurred in Froyle, a Hampshire manor of St Mary's Abbey, Winchester. The extant accounts run from c.1233 to beyond 1250, providing 13 accounts for this period. There was a significant increase in the number of cases recorded for the manor: the level of significance for the increase in the volume of business was 95 per cent for approximation to the data and 97.5 per cent for the magnitude of the increase, the number of cases ranging between 15 and 49. As with half of the bishopric's manors, however, there was no significant increase in the revenue received from these perquisite sections. The perquisite sections seemed to include money gained from the sale of pasture, the inclusion of which would have affected the value of payments considerably and made the findings incomparable with those from the bishopric. The value of payments, therefore, was attained by using the 'stated' total minus the payments made for pasture. No trend in the value of the perquisite payments was apparent when these payments were excluded from the totals. There was, however, a significant increase in the proportion of small payments and a complementary decrease in the proportion of large payments, with levels of significance of 90 per cent for approximation to the data and 95 per cent for the magnitude of the increase or decrease as appropriate.

There are many possible reasons for an increase in the number of small payments. A.N. May suggested that the increase was not due to loss of interest by the central administration because the work of the courts increased (shown by the increase in the volume of business) and the ability to collect payments was not limited (shown by the high rents and entry fines). He proposed that the reduction in the individual amount paid to court was due to peasant impoverishment. The social and economic pressures, more apparent in the latter half of the century, led to a greater number of offences being committed. If the main aim in demanding payments from offenders was not financial but a deterrent to challenging the lord's rights, 'small fines, and plenty of them, would

do the job'.<sup>19</sup> This argument has merit, but there are other possible reasons behind the increase in the number of small payments.

The reduction in the amount of individual payments may also be due to the introduction of different types of case. A.N. May, whilst stressing his belief that the reduction in the rate of payment was due to peasant impoverishment, did comment that the increase in the number of assize payments alone could cause a considerable drop in the rate of payment and that virtually all the so-called 'new business' incurred payments of 6d. or less.<sup>20</sup> The formulaic reasons noted in the accounts limit any in depth study into this possibility, but study of the assize of bread and ale payments for all years before 1252 suggests that the introduction of a large amount of this type of payment may have had a more dramatic effect on the number of small payments made to court than May suggested. The contribution of the assize cases to the number of cases heard in court was limited in the early thirteenth century but by the 1240s and early 1250s the contribution increased approximately eightfold. The assize payments represented 2 per cent of the total number of known reasons in 1208-9 and remained between 0 and 3 per cent until 1232-3 when they represented 7 per cent of the total.<sup>21</sup> The percentages for 1235-6 and 1236-7 were similar, at 5 per cent and 6 per cent respectively. In the 1240s, however, the percentage of assize payments rose to between 11 and 15 per cent, with the value for 1251-2 reaching 17 per cent. The dramatic rise in the number of these assize entries and their relative contribution to the overall number of entries distorts the related 'rate of fine' of the individual payment. The vast majority of these assize payments were for 6d.: in 1251-2, for example, there were 421 payments of 6d. or less, 49 payments of between 7d. and 12d. and just 9 payments over 12d..<sup>22</sup> A.N. May, in his argument for a decline in the rate of payment, failed to point out that the majority of assize payments had always been 6d. or less: there was no decline in the rate of fine for such payments between 1208 and 1252. The rise in the number of small payments, therefore, may not have been due to the reduction of payments for all types of cases (possibly due to

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<sup>19</sup> May, 'Impoverishment', pp.395-9.

<sup>20</sup> *ibid.*, pp.396-7.

<sup>21</sup> All percentages are rounded. The values used for the percentages are the number of assize cases and the total number of cases minus the cases where no reason was recorded for the payment.

<sup>22</sup> The term '6d. or less' excludes the entries where the monetary value was zero.

peasant impoverishment) but an increase in the proportion of individual cases which had, in the majority of instances, always rendered small financial reward. A.N. May did recognise that the assize payments may well increase the number of payments of 6d. or less, but argued that the increase in the number of cases of this type could not be the sole explanation as it would neither explain the drop in the number of large payments in absolute terms nor the drop from 6d. to 3d. within the small payments category. Unfortunately for his argument, the decline in absolute terms of the large payments did not happen in the first half of the thirteenth century nor, as will be explained below, was there a significant increase in the number of 3d. payments.<sup>23</sup>

It may also be possible, if the increase in the assize payments was a major contributory factor to the increase in the proportion of small payments, not that the payments were made by an increasingly impoverished entire society but that the new payments encompassed a greater percentage of the population. J.B. Post suggested that the inclusion of assize payments in calculations was unwise as the payments seem to be licensing fees rather than simple amercements for breach of the assize.<sup>24</sup> If this is correct, then the payments were presumably made not necessarily by the 'poorer sections of the community', but by different sections of the community. The analysis of who made payments for the assize of bread and ale showed that the number of women making these payments was considerable: it may be the case, therefore, that the payments for assize did introduce different, as opposed to lower, sections of society into the manorial court, namely women.<sup>25</sup>

The overall financial return from the manorial court did increase in the bishopric's estate during the first half of the thirteenth century. The financial benefits of the courts should not be underestimated, but it does seem that the force behind the manorial court was not primarily financial in nature. The small value of the majority of individual payments to court suggest that it was the enforcement of the lord's rights over his tenants which was the main focus of the court before 1250: Fleta described the

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<sup>23</sup> See pp.163-7.

<sup>24</sup> Post, 'Amercements', p.308.

<sup>25</sup> See pp.145-50.

steward, whose duty it was to hold the manorial court, as one eager to protect his lord's rights in all things.<sup>26</sup> Labour services were required by the lord to maintain the profitability of farming the demesne lands and these services increased in real value as the level of inflation rose. Labour services also came to be used to identify legal status, which also increased their inherent value. The long-term benefits of enforcing the lord's rights in the manorial court thus ensured an adequate number of labourers for the demesne lands and proof of the villein status of those obliged to perform such works.<sup>27</sup> The lord's rights, rather than financial gain, therefore, seems to have been the main motive for the majority of the payments to the manorial courts before 1250.

A.N. May also suggested that there was an increase in the variety of rates of payment: that in the beginning of the thirteenth century there were habitual payments of 6d. and 12d. but by the end of the century payments for 1d., 2d., 3d., 4d., 5d., 8d., 9d. and 10d. were being made. He suggested that multiple name entries were combinations of entries made by the scribe of the fair copy and that the payment recorded in the rolls should be divided between the people named in the entry. Where the value was not divisible by the number of names to give equal so-called 'rounded' amounts, May either divided by 'rounded' amounts and created a lower 'rounded' amount for one person or simply divided the value by the number of people and rounded up to the nearest penny.<sup>28</sup> This methodology was severely criticised by J.B. Post as the number of offences for which a person made a single payment is unknown in most entries, thus calling into question the validity of a 'basic rate' of amercement. In addition to this, Post argued that the grouping of people in one entry did not necessarily imply that each person committed the offence an equal number of times. Equal division of payment, therefore, would not be accurate, increasing the number of smaller payments and decreasing the number of larger payments, thus altering the data to favour May's views.<sup>29</sup> It has been shown, in Downton in 1247-8, how the scribe seems to have combined two payments for 6d. into one payment for 12d. by two people and three payments for 6d. into a single payment of 18d. by Robert Herl', William Trapel and

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<sup>26</sup> *Fleta*, eds and trans. H.G. Richardson and G.O. Sayles (Selden Society, vol. lxxii, 1955), p.241.

<sup>27</sup> Harvey, 'Inflation', pp.21-3

<sup>28</sup> May, 'Impoverishment', pp.389-402.

<sup>29</sup> Post, 'Amercements', pp.306-7.

William Akerman.<sup>30</sup> This would support A.N. May's equal division theory, but other entries, such as from Alresford in 1224-5 for 18d. from Clement and W. son of Roger for failing to do plough-service, tend to support Post's view whereby Clement may have committed the offence twice and hence owe twice as much as Roger's son. Taking into account Post's criticisms, the following results have been based on the number of entries in the rolls rather than the number of names, thus avoiding the difficulties of dividing entries. This methodology does, of course, have its own limitations: William Trapel and William Akerman in the above Downton example obviously did make some contribution to the 18d. payment but this methodology will assume that Robert Herl' was liable for the total payment.

Figure 3

Number of standard and 'non-standard' payments

Category of payments	Number of payments
Value of zero*	1593
'Non-standard' payments between 1d. and 5d. inclusive	114
Payments of 6d.	22802
'Non-standard' payments between 7d. and 11d. inclusive	137
Payments of 12d.	11572
'Non-standard' payments between 13d. and 17d. inclusive	70
Payments of 18d.	597
'Non-standard' payments between 19d. and 23d. inclusive	30
Whole number multiples of 1s. between 2s. and 19s. inclusive	11560
½ or 1 mark payments (6s. 8d., 13s. 4d.)	2831
'Non-standard' payments between 2s. and £1	350
Whole number multiples of £1	874
Whole number multiples of ½ mark (which are not whole pounds) over £1	500
'Non-standard' payments over £1	210
Total	53240

\* These figures include the non-principal names in multiple name entries, such as William Trapel and William Akerman, and entries where the amount of payment is damaged. They also include non-monetary payments, such as wax.

<sup>30</sup> See Appendix A, p.171 and pp.109-10.

Between 1208 and 1252 by far the largest number of payments were those of 6d.. Using the figures recorded by the scribes, 22702 payments of 6d. were made, compared to 11572 payments of 12d. and 5612 payments of 2s.. These are by far the most frequently recorded payments: all other payments record less than two thousand entries per value.

Taking the standard payments to be 6d., 12d., 18d., any whole number multiple of one shilling up to and including nineteen shillings, any whole number multiple of one pound and any whole number multiple of half a mark (6s. 8d.), the 'standard' payments account for 50736 of the 53240 payments. Removing the zero value payments left only 911 non-standard payments in the period 1208-52: 2 per cent. These non-standard payments seem to be distributed fairly evenly throughout the rolls, ranging from 15 occurrences of non-standard payments in 1208-9 to 61 occurrences in 1232-3.

Figure 4

Number of 'non-standard' payments per year

Year	Number of 'non-standard' payments	Year	Number of 'non-standard' payments
1208-9	15	1226-7	38
1210-11	30	1231-2	49
1211-12	42	1232-3	31
1213-14	58	1235-6	26
1215-16	24	1236-7	28
1217-18	44	1244-5	47
1218-19	39	1245-6	39
1219-20	35	1246-7	39
1220-1	38	1247-8	47
1223-4	38	1248-9	42
1224-5	46	1251-2	44
1225-6	42		

It seems, therefore, that the irregular payments do not increase significantly in the first half of the thirteenth century using this methodology, but it may be the case that May's division of payments created a number of non-standard payments. This possibility was tested using the non-standard 3d. payment.

A.N. May noted the rise in the use of the 3d. payment stating that payments of 3d. 'are found early in the century, and more frequently in the middle of the century, but by the end of the century they had become very common indeed'.<sup>31</sup> In total, by not using May's division of multiple name entries, the rolls from 1208 to 1252 record only 24 3d. payments. These occur in 1211-12, 1217-18, 1218-19, 1223-4, 1231-2, 1235-6, 1236-7, 1244-5, 1245-6, 1247-8, 1248-9 and 1251-2, totalling no more than 5 in any one year. The 'more frequent' use of the 3d. payment using this methodology does not seem to have occurred by the early 1250s. Indeed, the 2d. payment records 23 payments, equally well distributed throughout the rolls, reaching its highest frequency, 7 occurrences, in 1244-5. It does not seem obvious from these results that the 3d. payment should become so frequent by the end of the thirteenth century. Using May's division of payment, however, produces 94 additional payments of 3d., 72 of which were from the 1240s onwards. It seems, therefore, that it was May's methodology which produced most of the 3d. payments for the first half of the thirteenth century.

The 3d. payments are not common in the other available pre-1250 accounts. The accounts for Froyle (Hants.: St. Mary's Abbey, Winchester) produced only 3 payments of 3d. before 1250, in the years 1243-4, 1246-7 and 1248-9. The manor of Crondal (Hants.: Winchester Cathedral Priory) produced 2 payments of 3d. in the account for 1248-9, but no other priory manor produced such payments. Indeed, the perquisite payments from the priory show a remarkable level of standardisation: deviation from the standard multiples of 6d. and mark values generally occurred only in payments for land.<sup>32</sup> Only in the late thirteenth century do payments of 1d., 2d. and so forth become common in the court rolls: a session of the manor court of Sevenhampton in 1288, for example, although using the regular payments of 6d. and 12d. also used payments of 3d. and 10d..<sup>33</sup> R.M. Smith noted that in the Bury St Edmunds manors of Redgrave and Rickinghall (both Suff.), the emergence of the 3d. payments took place in the early

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<sup>31</sup> May, 'Impoverishment', p.395.

<sup>32</sup> For example, Hurstbourne (Hants.) produced payments of 7½d., 9d. and 15d. for land payments in 1248-9.

<sup>33</sup> *Court Rolls, Adam de Stratton*, p.109.

1280s.<sup>34</sup> Lower fines of 1d. and 2d. then emerged: the court of the Ramsey Abbey manor of Kings Ripton (Hunts) in 1294 recorded payments of 1d. and 2d. as well as the regular 6d. payments.<sup>35</sup>

It is impossible to determine which method is more accurate for payments made by more than one person. The 18d. payment in Downton in 1247-8 seems to support May's theory of simple division by the number of names, whereas the 18d. payment in Alresford in 1224-5, although accounted for by May as two 9d. payments, supports Post's view.<sup>36</sup> Ultimately, these multiple name payments make up the minority of cases recorded in the Winchester Pipe Rolls.

It seems, therefore, that the courts were held primarily not for financial reasons but for the assertion of the lord's rights and maintenance of order within the estate. Proportionally, the number of 6d. or less payments increased in 57 per cent of the manors studied and 64 per cent showed a decrease in the number of payments over 12d.. This proportional change, however, although possibly attributable in part to a reduction in the 'rate of fine', seems to have been mainly a result of the introduction of new types of payment, notably for the assize of bread and ale, which were always levied at 6d. or below. The 3d. payment, which to A.N. May suggested growing peasant impoverishment, was rare in the early thirteenth century: only 2 per cent of payments deviated from the standard amounts and a large number of these were payments for land.

One final question which needs to be addressed is what contribution did the payments to court make to the lord's overall receipts? J.Z. Titow noted that the payments in the bishopric of Winchester's estate during Peter des Roches' episcopacy basically ranged between £250 and £400 whilst between 1245 and 1302 the value ranged between £400 and £500, but what did this mean in real terms?<sup>37</sup> Detailed

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<sup>34</sup> R.M. Smith, 'Some Thoughts on "Hereditary" and "Proprietary" Rights in Land under Customary Law in Thirteenth and Fourteenth Century England', *Law and History Review*, vol. i, 1983, p.105.

<sup>35</sup> *Select Pleas*, p.112.

<sup>36</sup> See pp.163-4.

<sup>37</sup> Titow, 'Land and Population', p.62.

analysis of these figures would be unsatisfactory as the size of the estate varied considerably between accounts: it has already been noted that between 38 and 66 manors were accounted for in the Winchester Pipe Rolls between 1208 and 1252.<sup>38</sup> In addition, one factor which should always be borne in mind when considering financial gain is inflation: the rise in the total face value of the perquisite payments may have been partially or completely negated by a fall in the real value of money. The period 1180 to 1220 was one of high inflation, thus reducing the 'real' value of the entire income of the bishopric as well as the perquisite sections.<sup>39</sup> The exchequer accounts for the Winchester estate whilst in the hands of the king produced total receipts of, possibly, £1516 10s. 8d. in 1171-2 and £1507 9s. 9d. in 1188-9.<sup>40</sup> These compare to approximate totals of at least £2582 3d. for 1208-9 and £4407 8s. 4¼d. for 1220-1.<sup>41</sup> The rise in the total amount received may be a result of inflation and may not, therefore, have represented a rise in real income, but the size of the increase does suggest that there was a considerable rise in the income of the estate in real terms.

It has already been noted that the size of estate varied considerably, but it is important to gain a 'ball-park' figure to appreciate the financial value, or lack thereof, of the court payments within the bishopric's estate. The accounts for six years were chosen, one from every decade of the bishopric's accounts studied, to gain such an approximate figure. It was possible to compare the proportion of total receipts made up by the perquisite payments: using the total receipts figures, however, introduced many more variables to the calculations. The factors affecting the perquisite sections, such as damage, would be exaggerated when using the total receipts. Other variables would also be introduced: the price of corn and stock doubled or trebled between 1180 and 1220 and rose gradually until 1260; year by year variations in price would also affect the total

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<sup>38</sup> See p.47.

<sup>39</sup> Harvey, 'Inflation', pp.3-30.

<sup>40</sup> The figure for 1271-2 is calculated from the figure of £379 2s. 8d. given for a quarter of the year. *The Great Roll of the Pipe for the Eighteenth Year of the Reign of King Henry II, A.D. 1171-2* (Pipe Roll Society, vol. 18, 1894), pp.85-7. The figure for 1188-9 was taken from *The Great Roll of the Pipe for the First Year of the Reign of King Richard I, A.D. 1189-90*, ed. J. Hunter (London, Records Commission, 1844), pp.5-6. The year given by Hunter refers to the regnal year rather than the accounting year, see J.H. Round, 'The Dating of the Early Pipe Rolls', *English Historical Review*, vol. xxxvi, 1921, pp.321-333.

<sup>41</sup> These figures are approximate because they only include manors which contained perquisite sections.

receipts for any given year.<sup>42</sup> Using data from 1208-9, 1210-11, 1220-1, 1236-7, 1245-6 and 1251-2, perquisite payments as a percentage of the total receipts for the estate ranged between 4 per cent in 1236-7 and 16 per cent in 1251-2. There seems to be no trend in these percentage values which may be a result of the fluctuations in the price of corn, for example, rather than fluctuations in the value of perquisite payments.

Individual manor analysis showed that the contribution made to the overall receipts by the perquisite payments ranged between approximately 0 per cent and 57 per cent, with over one-third of manors falling between 0 and 5 per cent and just under half falling between 0 and 7 per cent.<sup>43</sup> In only 7 per cent of the manors studied in the 6 years did the contribution made by the perquisite payments exceed one quarter of the total receipts. In 93 per cent of manors, therefore, the value of the payments to court was less than 25 per cent of the total receipts, with the majority, 57 per cent, contributing 8 per cent or less to the total receipts. These 'ball-park' figures suggest that the court payments represented a varying proportion of the overall receipts for the manor, with a general figure of about 8 per cent, the 'half-way' point, seeming to be as accurate as the data will permit.

No other accounts give details of more than one year in this period of rapid inflation, but study of the St Mary's Abbey manor of Froyle (Hants.) showed similar fluctuations in the contribution made by the perquisite payments to the overall receipts between 1233 and 1250. The percentages ranged from 25 per cent in 1233-4 to a possible 3 per cent in 1249-50, again with no particular trend within this single manor.<sup>44</sup> For the Winchester Cathedral Priory estate (Hants., Wilts., Dor.) in 1242-3 and 1247-9, the percentages ranged from 2 to 36 per cent between manors and for the crown's eight manors centred around Woodstock (Oxon.) between 1242 and 1250, the percentage contribution ranged from 2 to 13 per cent. Some of the variation in the accounts for Woodstock and other manors may be attributable to the accounting procedure, however, as the perquisite payments were included in payments for any combination of pleas,

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<sup>42</sup> Harvey, 'Inflation', pp.3-4.

<sup>43</sup> 36 per cent of manors produced percentages between 0 and 5 per cent. 49 per cent of manors produced percentages between 0 and 7 per cent.

<sup>44</sup> No sum total was given for the perquisite section in 1249-50, so the figure used was the calculated total of all the individual payments combined.

view of frankpledge, fines, amercements and tolls. In the Ramsey Abbey estate (Hunts., Cambs.) for 1243-4 and 1249-50, the contribution ranged by only 3 per cent between manors, from 2 to 5 per cent. In the archbishopric of Canterbury's accounts (Kent, Middlesex, Surr.) for 1236-7, the contribution made by the courts varied between just 1 and 2 per cent.<sup>45</sup> The distribution of these estates may suggest that the more eastern estates produced proportionally lower contributions from the perquisite payments compared to the eastern estates. The bishopric of Winchester's manor of Esher (Surr.), however, records perquisite payments which accounted for 19 per cent of the overall receipts in 1236-7, 30 per cent in 1245-6 and 15 per cent in 1251-2. The figures from the various estates clearly show the great variety in the proportional contribution made by the perquisite payments to the overall receipts in any one year both between manors in the same estate and between estates as a whole.

It is important to remember that the early enrolled accounts detailed receipts, expenses and stock for the manors: they were not profit and loss accounts. The contribution to the receipts made by the payments to court may not have been large, but the contribution to the overall profit of the manor may have been considerably greater. The holding of court was not, in itself, a particularly expensive matter: expenses may have been incurred by a visiting steward if he presided over the court but, on the whole, the expenses were minimal in comparison to the expenses of growing corn, for example. Proportionally, therefore, the contribution made by the perquisite payments to the profits of the manor would have been much higher than the contribution made to the overall receipts.

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<sup>45</sup> See bibliography for references to the original documents, p.197.

## VI Conclusion

The findings in this thesis are, as always, limited by the sources available. Numerous authors have warned about relying on one source of evidence, but the heavy reliance on the manorial accounts and the bishopric of Winchester's Pipe Rolls in particular has, unfortunately, been unavoidable.<sup>1</sup> In the study of pre-1250 manorial courts, therefore, little can be said of essoins, for example: references to essoins were made but they were few in number and gave little detail.<sup>2</sup> As financial records, the accounts provide little information on punishments other than monetary payments. There are payments in kind, in wax, cumin and ploughshares, but the only reference to another form of punishment seems to be the 47 repeated references in the bishopric's accounts for Downton in 1247-8 to payments being made for not following court procedure through to the hanging of thieves on the gallows.<sup>3</sup> Attachments or arrests were made, but we only learn of them when they were conducted improperly and, thus, incurred an amercement.<sup>4</sup> There are no records of payments excused because of poverty but, as a record of receipts, this is to be expected: no payment was actually received, so no payment was recorded. As a financial document, the entries of individual amounts, the person liable and the reason for the payment are additional to requirement, as the simple sum totals of perquisite payments made in many of the accounts is sufficient for the purpose of the record. Despite the limitations of the account rolls for the study of the manorial court, we must appreciate that we are fortunate to have the information they do provide.

The manorial court, like many courts, was named not with reference to the type of jurisdiction but to the area and the people over whom the jurisdiction was exercised. The term 'manorial court' does not appear to have been common in the medieval texts and references were often made simply to the court of a particular place, Sevenhampton,

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<sup>1</sup> See p.44.

<sup>2</sup> Overton (Hants.), 1246-7 and 1251-2, 'quia non habuit quem esson'.

<sup>3</sup> See p.51.

<sup>4</sup> Overton (Hants.), 1246-7, case 8 and Woodhay (Hants.), 1246-7, case 32, 'quia non habuit quem attachiavit'.

for example.<sup>5</sup> The infrequent use of the term 'manorial court', however, may not have been unusual: as F. Pollock and F.W. Maitland noted, references to the manor in general also seem to have been limited.<sup>6</sup> The term 'hallmoot', as noted in chapter I, was used but royal documents, on the whole, seem to refer to 'courts of the lord' and fourteenth century records begin to detail courts leet, views of frankpledge and courts baron rather than manorial courts specifically.<sup>7</sup> The court books of St Albans Abbey noted that the extracts were taken from the hallmoot which was held 'at the manor of Park', for example, but these were introductory passages to the extracts rather than the titles for each particular court. The court books were compiled in the third quarter of the fourteenth century and these titles, therefore, may have used fourteenth century terms: the records of the individual hallmoots which were copied into the books were simply noted as, for example, the 'hallmoot of Park'.<sup>8</sup> The other early court roll extracts, detailed in the Ramsey Abbey Cartulary, gave titles of 'the court at Ringstead' or 'the court at Brancaster' and the court rolls of the English lands of the Abbey of Bec recorded the 'pleas of the manors' rather than naming a specific court, although the word 'court' was used in a number of entries.<sup>9</sup> It is possible that the use of the phrase 'manorial court' may have become more frequently used from the fifteenth century when the definition of the manor was given in terms of jurisdiction: the manor was described as the people over whom the lord exercised jurisdictional rights in private courts.<sup>10</sup> For the period of this study, however, the courts were referred to either as hallmoots or simply as courts of a particular place.

The manorial court in the thirteenth century could hear any case arising from the manor unless royal jurisdiction reserved the right to hear the case. Royal rights were

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<sup>5</sup> *Adam de Stratton, Court Rolls.*

<sup>6</sup> Pollock and Maitland, *History*, i, pp.594-5.

<sup>7</sup> The courts of the bishopric of Durham were recorded as 'Halmota tenta apud Hesilden', for example, *Halmota Prioratus Dunelmensis, A.D.1296 - A.D.1384*, eds J. Booth and W.H.D. Longstaffe (Surtees Society, vol. lxxxii, 1889), p.7. For details of the terms, such as courts leet and views of frankpledge, used for the estates of Crowland Abbey, see F.M. Page, *The Estates of Crowland Abbey: A Study in Manorial Organisation* (Cambridge, Cambridge University Press, 1934), p.35.

<sup>8</sup> Levett, *Manorial History*, pp.300, 309, 313, 316 and 327 for introductory passages for Park, Cashio, Kingsbury, Codicote and Norton. *Cartularium Monasterii Rames.*, i, pp.411 and 423.

<sup>9</sup> *Select Pleas*, pp.6, 9 and 19. The word 'court', 'curia', is used in entries such as 'the court presented...' or things to be postponed 'to the next court', pp.6 and 9.

<sup>10</sup> Maitland, *Domesday Book*, pp.153 and 163, Harvey, *Manorial Records*, p.2.

sometimes awarded, however, by way of soke to the lord of the manor, whereby he could pronounce judgement on certain royal matters arising from the manor. It may be that historians are creating their own problems in seeking an exact definition of the jurisdiction of the manor court. It does not seem, from the integrated use of different jurisdictions within a court, that in most instances a strict distinction was made between what was considered to be manorial and what was royal jurisdiction. Indeed, the *Quo Warranto* proceedings show that a distinction may have been quite vague even in the late thirteenth century. The defining of royal jurisdiction under the Normans and Angevins led to manorial jurisdiction being a somewhat negative concept: royal jurisdiction did not deal with land disputes of unfree men, basic domanial offences or customary services and dues. Manorial jurisdiction, therefore, dealt with all the cases royal jurisdiction excluded and may be considered to be 'domanial' jurisdiction. This was the basis, therefore, of manorial jurisdiction. In some manors, further jurisdictions were added by the awarding of soke, but this did not make the courts any less 'manorial': they were still considered to be manorial courts because jurisdiction was exercised over the tenants of the manor. The court of the manor was still the court of the manor whether it dealt with cases such as bloodshed or not. When referring to the manorial court, therefore, one must always bear in mind the variations of jurisdiction exercised within these courts.

Many of the results noted in this thesis have been obtained from statistical analysis of over 54 000 entries in the perquisite sections of the Winchester Pipe Rolls. The use of statistical analysis tends to imply a precision which can not be supported by the type of data. A gradient of 4.76333656644 tends to look impressive and is valuable in an explanation of the method used, but the calculation of a rise in the number of cases to 11 decimal places is not meaningful in a practical sense.<sup>11</sup> Statistics too can present a distorted picture as has been shown with A.N. May's use of averages. One only has to remember the quotation attributed to Benjamin Disraeli, 'There are three kinds of lies:

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<sup>11</sup> See Appendix E, pp.188-92.

lies, damned lies and statistics' to appreciate this.<sup>12</sup> It is hoped, however, that consultation with statisticians has resulted in the best form of analysis for the data.

The results for the volume of business and proceeds of court have shown that treating the estate as a whole may not reflect the events in any one particular manor. C.C. Thornton, in his work on Rimpton, noted that many of the published studies making use of the Winchester Pipe Rolls analysed topics across the whole estate and made few references to the contextual detail of the localities. He noted that the 'average picture' may not fully represent the range of individual experience and it seems that this is certainly the case with the perquisite payments.<sup>13</sup>

One fundamental question remains when considering manorial courts: at what date were manorial courts first held? The origin of the manorial court was touched upon in chapter I, but the precise date of the court's origin is uncertain. The jurisdiction and procedure of late thirteenth and early fourteenth century manorial courts are fairly well documented but the transitional phase, from a general meeting in the lord's hall to the cases noted in the court rolls, has far less documentation which describes the stage of development at any one point in time. It has been noted that the introduction of the court rolls did not represent an introduction of the court itself and that the form of the early account rolls suggest that the court was well established before 1208.<sup>14</sup> Before the thirteenth century, however, the evidence is scarce. With this lack of written evidence any conclusions must be conjectural, but the motives behind the holding of the court may provide some indication of the origins of the recognisable manorial court.

What were the motives behind holding a manorial court? The courts do not seem to have been held for financial reasons but to reinforce the authority of the lord, maintain order and, often, to ensure all labour services were conducted fully and properly. One question, therefore, is at what point did these elements become so

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<sup>12</sup> R.T. Brain *et al.*, eds., *Oxford Dictionary of Quotations* (3rd edn, London, Oxford University Press, 1981), p.187.

<sup>13</sup> C.C. Thornton, 'The Demesne of Rimpton, 938 to 1412: A Study in Economic Development' (unpublished Ph.D. thesis, Leicester University, 1988), p.16.

<sup>14</sup> See pp.15 and 46.

important as to require such enforcement? A further question is why did the lords choose to use a court as the method of enforcement? The services, for example, were owed and it was the lord's right to demand these services. Strictly speaking, there was no need for a court as such to demand the proper completion of services: all that was required was a general meeting and possibly the occasional use of punishments. In the laws of Edgar, IV Edgar 962-3, it was noted that a landlord might evict and kill his tenant for non-payment of rent: a somewhat extreme punishment.<sup>15</sup> The key to ascertaining when manorial courts developed into a recognisable thirteenth century form, therefore, is the question why did the manorial courts develop?

It seems that the development of the manorial court was, in some way, part and parcel of the exploitation of land. R. Faith has suggested that the Anglo-Saxon manor was divided into inland and warland. The inland was populated by tenants who owed considerable services to the lord and whose lands were intermingled with those of the lord. Only in the Norman period, Faith suggested, did the lord separate his lands from those of the inland tenants, creating an untenanted demesne land which needed to be cultivated by services from the lord's tenants.<sup>16</sup> The legally unfree were not allowed to leave the lord's land without his permission: the main element of a lord's labour force, therefore, was bound to the manor, thus ensuring an adequate number of people to work the land. The unfree also performed a greater variety of services, including the seemingly all-encompassing week-work, which provided the lord with considerable versatility. In the late twelfth century, lords of estates began to adopt the management system which has become known as demesne farming to manage their estates. This involved direct control of manors rather than leasing for a fixed payment and greater interest in the everyday workings of the estate. With the inflation which occurred between 1180 and 1220, the real value of labour services increased and great emphasis was placed on providing sufficient labour for the demesne lands. One aim of the lord, therefore, was to keep as many tenants on his lands as possible and secure the greatest amount of work from them. It was, therefore, in the interest of the lord to detail which

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<sup>15</sup> *Die Gesetze der Angelsachsen*, ed. F. Liebermann (Halle, Max Niemeyer, 3 vols, 1898-1916), i, 206-7, IV Edgar 1.2, noted in Faith, *English Peasantry*, p.121.

<sup>16</sup> *ibid.*, esp. pp.221-4.

tenants were unfree and punish any tenant who did not complete the services owed to the proper standard.

The free, too, owed services and these were also important to the lord. It seems, however, that with the reinvigoration of the royal courts, the lords recognised the potential value of a manorial court. Just as Henry II reformed the royal courts and introduced new elements into royal justice, so the lords followed suit in a reformation of the hallmoot. The reformation was gradual, but, increasingly, onto the basis of a general meeting of the hallmoot, a legal framework and legal procedures were placed, resulting in the formation of a specific court. Ultimately, the court was a way of providing justice and being seen to provide justice, an important element of that elusive concept, 'good lordship'. The king was being seen to provide justice and the adoption of royal court procedures in manorial courts may have been done for similar reasons. It has been suggested that the lords began compiling court rolls and used juries of presentment and trial in an attempt to attract the free tenants back to their private courts: surely it is equally possible that the Anglo-Saxon hallmoots developed into the manorial courts of the thirteenth century by a similar adoption of what were originally royal initiatives.

The origin of the manorial courts as recognised in the thirteenth century, therefore, seems to date only to the previous century. Faith suggested that justice in England was not sufficiently seignorialised to maintain private courts held specifically by lords for their tenants for domanial matters until the twelfth century.<sup>17</sup> Before the mid to late twelfth century there was little impetus for the lord to establish a specific court: the reinvigoration of royal justice, further encouraged by a combination of demographic and economic changes in the second half of the twelfth century, however, provided such impetus.

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<sup>17</sup> *ibid.*, p.121.

# Appendix A

## Downton (Wilts.) entries for 1247-8, second sub-section

Shillings	Pence	Name	Reason	Real Reason
0	6	thom[a] Elyot	del[i]c[t]o bosci	del[i]c[t]o bosci
0	6	hugon[e] b[er]car[io]	s[im]ili	del[i]c[t]o bosci
0	12	henr[ico] Grand	s[im]ili	del[i]c[t]o bosci
0	6	Elyot pilefiz	s[im]ili	del[i]c[t]o bosci
0	12	Joh[anne] mol[e]ndinar[io]	s[im]ili	del[i]c[t]o bosci
0	6	Walt[ero] ster	s[im]ili	del[i]c[t]o bosci
0	12	Rad[ulfo] aynulf'	{s[im]ili}	{del[i]c[t]o bosci}
0	{12}	cu[m] sociis suis	s[im]ili	del[i]c[t]o bosci
0	6	Rel[i]c[t]a pet[ri] Gyde	s[im]ili	del[i]c[t]o bosci
0	6	Ric[ardo] Wudefeld'	s[im]ili	del[i]c[t]o bosci
0	6	Will[elmo] comichha'	del[i]c[t]o pastur[e]	del[i]c[t]o pastur[e]
0	6	Jueta de fuckedene	s[im]ili	del[i]c[t]o pastur[e]
0	12	Rad[ulfo] may	s[im]ili	del[i]c[t]o pastur[e]
2	0	villata de nu[n]ton'	-	-
0	6	Joh[ann]e hykine	s[im]ili	-
0	6	Jueta	s[im]ili	-
0	12	Will[elmo] sewy	s[im]ili	-
0	6	Walt[ero] de hulle	s[im]ili	-
0	12	Richema[n],	{s[im]ili}	{-}
0	{12}	[et] Rel[i]c[t]a fukedene	s[im]ili	-
0	6	Joh[anne] norma[n]	s[im]ili	-
0	12	Will[elmo] scandell',	{s[im]ili}	{-}
0	{12}	Ada coco	s[im]ili	-
0	12	eodem Will[elmo],	{s[im]ili}	{-}
0	{12}	[et] [cris]tina	s[im]ili	-
0	12	henr[ico] le g[ra]nt,	{s[im]ili}	{-}
0	{12}	Walt[ero] Iggera[m]	s[im]ili	-
0	12	G. fulcon',	{s[im]ili}	{-}
0	{12}	Rel[i]c[t]a Wollop'	s[im]ili	-
0	12	hug[one] Rufo,	{s[im]ili}	{-}
0	{12}	Rob[erto] Recher	s[im]ili	-
0	12	Will[elmo] Sewy,	{p[ra]to d[omi]ni male falcat[o]}	{p[ra]to d[omi]ni male falcat[o]}
0	{12}	Will[elmo] dalle	p[ra]to d[omi]ni male falcat[o]	p[ra]to d[omi]ni male falcat[o]
0	12	Will[elmo] blundo,	{s[im]ili}	{p[ra]to d[omi]ni male falcat[o]}
0	{12}	[cris]tina cappel	s[im]ili	p[ra]to d[omi]ni male falcat[o]
0	12	Will[elmo] furner,	{s[im]ili}	{p[ra]to d[omi]ni male falcat[o]}
0	{12}	Ad' Scloper	s[im]ili	p[ra]to d[omi]ni male falcat[o]
0	12	Walt[ero] Sewy,	{s[im]ili}	{p[ra]to d[omi]ni male falcat[o]}
0	{12}	Rad[ulfo] Sweyt	s[im]ili	p[ra]to d[omi]ni male falcat[o]
0	12	Rad[ulfo] hauer,	{s[im]ili}	{p[ra]to d[omi]ni male falcat[o]}
0	{12}	Ric[ardo] norman	s[im]ili	p[ra]to d[omi]ni male falcat[o]
0	12	Will[elmo] ayllward',	{s[im]ili}	{p[ra]to d[omi]ni male falcat[o]}
0	{12}	Ada straytor	s[im]ili	p[ra]to d[omi]ni male falcat[o]
0	12	Rad[ulfo] alward,	{s[im]ili}	{p[ra]to d[omi]ni male falcat[o]}
0	{12}	osb[er]t[o] de botteha[m]	s[im]ili	p[ra]to d[omi]ni male falcat[o]
0	12	Walt[ero] setebat,	{s[im]ili}	{p[ra]to d[omi]ni male falcat[o]}
0	{12}	Rad[ulfo] b[er]nard'	s[im]ili	p[ra]to d[omi]ni male falcat[o]
0	12	Walt[ero] palm',	{s[im]ili}	{p[ra]to d[omi]ni male falcat[o]}
0	{12}	Will[elmo] Goseuile	s[im]ili	p[ra]to d[omi]ni male falcat[o]
0	12	Elyot de Wyk,	{s[im]ili}	{p[ra]to d[omi]ni male falcat[o]}
0	{12}	Rob[erto] paliz	s[im]ili	p[ra]to d[omi]ni male falcat[o]
0	12	Emys de botteham,	{s[im]ili}	{p[ra]to d[omi]ni male falcat[o]}
0	{12}	Rad[ulfo] pasch'	s[im]ili	p[ra]to d[omi]ni male falcat[o]
0	12	Will[elmo] bretfol',	{s[im]ili}	{p[ra]to d[omi]ni male falcat[o]}
0	{12}	Rob[erto] etemete	s[im]ili	p[ra]to d[omi]ni male falcat[o]
0	12	Rob[erto] c[ra]sset,	{s[im]ili}	{p[ra]to d[omi]ni male falcat[o]}
0	{12}	Ada piscator'	s[im]ili	p[ra]to d[omi]ni male falcat[o]
0	18	Rob[erto] herl',	{s[im]ili}	{p[ra]to d[omi]ni male falcat[o]}
0	{18}	Will[elmo] t[ra]pel,	{s[im]ili}	{p[ra]to d[omi]ni male falcat[o]}
0	{18}	Will[elmo] akerna[n]	s[im]ili	p[ra]to d[omi]ni male falcat[o]
3	0	-	Ward[a] pullor[um] arestat[orum]	Ward[a] pullor[um] arestat[orum]

[ ] denote extended abbreviations  
 - denotes no information given

{ } denote information in multiple name entries

## Appendix B

### Occurrence of perquisite sections in the bishopric of Winchester's account rolls

	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	T
	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	O
	0	1	1	1	1	1	1	2	2	2	2	2	2	3	3	3	3	4	4	4	4	T
	9	1	2	4	6	8	9	0	1	4	5	6	7	2	3	6	7	5	6	7	8	A
																						L
Adderbury	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	21
Alresford	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	23
Alresford Borough		✓	✓	✓			✓	✓	×	×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	18
Ashmansworth	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	23
Ashford														✓	✓		✓	✓	✓	✓	✓	6
Beauworth	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	21
Bentley		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	20
Bishops Fonthill	×			×		✓	✓			×	×	✓	✓	×		✓	✓	✓	✓	✓	✓	12
Bishops Sutton	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	23
Bishops Waltham	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	23
Bishopstoke	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	22
Bishopstone			✓	✓	✓	×	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	19
Bitterne	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	22
Brightwell	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	22
Burghclere	c	c	c	c	c	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	18
Calbourne / Isle of Wight		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	22
Cheriton	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	23
Crawley	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	23
Downton	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	23
Downton Borough					×	×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	17
East Knoyle	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	23
East Meon	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	23
East Meon Church	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	×	22
Esher																					✓	7
Fareham	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	22
Farnham	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	22
Hambleton	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	22
Harwell	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	23
Highclere	c	c	c	c	c	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	18
Hindon Borough																						10
Itchingswell	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	22
Ivinghoe			✓	✓	×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	20
Mardon	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	23
Morton				✓	×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	19
Newtown								×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	15
North Waltham		✓	✓	✓	×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	21
Overton	✓	✓	✓	✓	×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	22
Overton Borough																						16
Rimpton	✓	✓	×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	21
Soke of Winchester																						6
Southwark	×	×	×	×		✓	✓		×	×	×	×	×	×	×	✓		×	✓	✓	✓	9
Taunton Bishops Hull	✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	21
Taunton Chipley	✓		✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	6
Taunton Corfe	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	22
Taunton Foreign hundred	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	23
Taunton Fulford	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	19
Taunton Holway	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	22
Taunton Kingston St Mary	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	20
Taunton Millland	✓		✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	16
Taunton Nailsbourne	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	21
Taunton Otterford	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	20
Taunton Poundisford	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	20
Taunton Staplegrove	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	20
Taunton Trull	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	20
Twyford	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	22
Wargrave	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	23
Warren														×	✓							7
West Wycombe	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	23
Wield	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	22
Winchester Minster	✓	✓	✓	✓	✓	×	✓	×	✓	×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	12
Witney	✓	✓	✓	✓	×	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	20
Witney Borough				✓			✓	✓	×	✓		×		×	✓	✓	✓	✓	✓	✓	✓	12
Woodhay	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	23
Woodhay Tornes										×	✓	✓	×									6

✓ account contains a perquisite section  
 c the accounts are combined

× account does not contain a perquisite section  
 (blank) there is no account for the man

## Appendix C

### Results of linear regression analysis

Table 1: 1208-52

1208-52	A	B	C
Standard manor name	Significant increase in overall business 1208-52?	Significant increase in 'franchisal' payments 1208-52?	Significant change in land and marriage payments 1208-52?
Adderbury	✓	✓	✗
Alresford	✓	✓	✗
Alresford Borough	✓	✓	✗
Ashford	✗	✗	✗
Ashmansworth	✗	✗	✓
Beauworth	✓	✓	✗
Bentley	✓	✓	✗
Bishops Fonthill	✓	✓	✗
Bishops Sutton	✓	✓	✗
Bishops Waltham	✓	✓	✓
Bishopstoke	✗	✗	✗
Bishopstone	✓	✓	✗
Bitterne	✓	✓	✓
Brightwell	✓	✓	✗
Burghclere	✓	✓	✗
Calbourne	✓	✓	✓
Cheriton	✓	✓	✗
Crawley	✓	✓	✗
Downton	✓	✓	✗
Downton Borough	✗	✓	✗
East Knoyle	✓	✓	✗
East Meon	✓	✓	✗
East Meon Church	✓	✗	✓
Esher	✗	✗	✗
Fareham	✓	✓	✗
Farnham	✓	✓	✗
Hambledon	✓	✓	✗
Harwell	✓	✓	✗
Highclere	✓	✓	✓
Hindon Borough	✓	✓	✗
Itchingswell	✓	✓	✓
Ivinghoe	✓	✓	✗
Mardon	✓	✓	✓
Morton	✓	✓	✗
Newtown	✗	✓	✗
North Waltham	✗	✗	✗
Overton	✓	✓	✓
Overton Borough	✓	✓	✗
Rimpton	✓	✓	✗
Soke of Winchester	✗	✗	✗
Southwark	✗	✗	✓ -ve

Taunton Bishops Hull	✓	✓	✗
Taunton Chipley	✗	✗	✗
Taunton Corfe	✓	✓	✗
Taunton Foreign Hundred	✓	✓	✗
Taunton Fulford	✓	✓	✗
Taunton Holway	✓	✓	✓
Taunton Kingston St Mary	✓	✓	✓
Taunton Millland	✓	✓	✗
Taunton Nailsbourne	✓	✓	✓
Taunton Otterford	✓	✓	✗
Taunton Poundisford	✓	✓	✓
Taunton Staplegrove	✓	✓	✗
Taunton Trull	✓	✓	✓
Twyford	✗	✓	✗
Wargrave	✓	✓	✓
Warren	✓	✗	✗
West Wycombe	✓	✓	✓
Wield	✓	✓	✗
Winchester Minster	✗	✗	✗
Witney	✓	✓	✗
Witney Borough	✗	✗	✗
Woodhay	✓	✓	✓
Woodhay Tornes	✗	✗	✗
Total = 64 manors	50 ✓ 14 ✗	51 ✓ 13 ✗	18 ✓ 46 ✗

- ✓ the line of best fit was significant in magnitude and positive
- ✓-ve the line of best fit was significant in magnitude and negative
- ✗ the line of best fit was not significant in magnitude

## Appendix C

### Results of linear regression analysis

Table Two: 1208-37

1208-37	A	B	C
Standard manor name	Significant change in overall business 1208-37	Significant change in 'franchisal' payments 1208-37	Significant change in land and marriage payments 1208-37
Adderbury	✓	✗	✗
Alresford	✓	✓	✗
Alresford Borough	✓	✗	✗
Ashford	(n = 1)		
Ashmansworth	✗	✗	✓
Beauworth	✓	✓	✗
Bentley	✗	✗	✗
Bishops Fonthill	✗	✗	✗
Bishops Sutton	✗	✓	✗
Bishops Waltham	✓	✓	✗
Bishopstoke	✗	✗	✗
Bishopstone	✗	✗	✗
Bitterne	✓	✗	✓
Brightwell	✗	✗	✗
Burghclere	✗	✗	✗
Calbourne	✗	✗	✗
Cheriton	✓	✓	✗
Crawley	✓	✓	✗
Downton	✗	✗	✗
Downton Borough	✓ -ve	✗	✗
East Knoyle	✓	✓	✗
East Meon	✗	✗	✗
East Meon Church	✗	✗	✗
Esher	(n = 2)		
Fareham	✓	✓	✗
Farnham	✓	✓	✗
Hambledon	✗	✗	✗
Harwell	✗	✓	✓
Highclere	✗	✗	✓
Hindon Borough	✓	✗	✗
Itchingswell	✗	✗	✗
Ivinghoe	✗	✗	✗
Mardon	✓	✓	✓
Morton	✓	✓	✗
Newtown	✗	✗	✗
North Waltham	✓	✗	✗
Overton	✓	✓	✗
Overton Borough	✗	✗	✓ -ve
Rimpton	✓	✓	✗
Soke of Winchester	(n = 1)		
Southwark	✗	✗	✗

Taunton Bishops Hull	✓	×	×
Taunton Chipley	×	×	×
Taunton Corfe	✓ -ve	×	×
Taunton Foreign Hundred	×	×	×
Taunton Fulford	×	✓	×
Taunton Holway	×	×	×
Taunton Kingston St Mary	×	×	×
Taunton Millland	✓	✓	×
Taunton Nailsbourne	×	×	×
Taunton Otterford	×	×	×
Taunton Poundisford	×	×	×
Taunton Staplegrove	×	×	×
Taunton Trull	✓	✓	✓
Twyford	×	×	✓
Wargrave	×	×	×
Warren	×	×	×
West Wycombe	×	×	×
Wield	✓	×	×
Winchester Minster	×	×	×
Witney	×	×	×
Witney Borough	(sum totals)		
Woodhay	✓	✓	✓
Woodhay Tormes	×	×	×
Total = 60 manors	24 ✓ 36 ×	18 ✓ 32 ×	9 ✓ 51 ×

- ✓ the line of best fit was significant in magnitude and positive
- ✓-ve the line of best fit was significant in magnitude and negative
- × the line of best fit was not significant in magnitude
- (n=1)/(n=2) analysis not possible using this method as the number of years (n) for which data was available was insufficient
- (sum totals) analysis not possible using this method because the data was given as sum totals only

## Appendix C

### Results of linear regression analysis

Table 3: 1244-52

1244-52	A	B	C
Standard manor name	Significant change in overall business 1244-52	Significant change in 'franchisal' payments 1244-52	Significant change in land and marriage payments 1244-52
Adderbury	✓	✓	✗
Alresford	✗	✗	✗
Alresford Borough	✗	✗	✗
Ashford	✗	✗	✗
Ashmansworth	✗	✗	✓ -ve
Beauworth	✓ -ve	✗	✗
Bentley	✗	✗	✗
Bishops Fonthill	✗	✗	✗
Bishops Sutton	✗	✗	✗
Bishops Waltham	✗	✗	✗
Bishopstoke	✗	✗	✗
Bishopstone	✓ -ve	✗	✗
Bitterne	✗	✗	✗
Brightwell	✗	✗	✗
Burghclere	✗	✗	✗
Calbourne	✗	✗	✓ -ve
Cheriton	✗	✗	✗
Crawley	✓ -ve	✓ -ve	✗
Downton	✗	✗	✗
Downton Borough	✗	✗	✗
East Knoyle	✗	✗	✗
East Meon	✗	✗	✗
East Meon Church	✗	✓ -ve	✗
Esher	✗	✗	✗
Fareham	✓ -ve	✓ -ve	✓ -ve
Farnham	✗	✗	✗
Hambledon	✗	✗	✓ -ve
Harwell	✗	✗	✗
Highclere	✗	✗	✗
Hindon Borough	✓	✓	✗
Itchingswell	✗	✗	✗
Ivinghoe	✗	✗	✗
Mardon	✓ -ve	✗	✗
Morton	✗	✓ -ve	✗
Newtown	✗	✗	✗
North Waltham	✗	✗	✗
Overton	✗	✗	✗
Overton Borough	✗	✗	✗
Rimpton	✗	✓	✗
Soke of Winchester	✗	✗	✗
Southwark	✗	✗	✗

Taunton Bishops Hull	✗	✗	✓ -ve
Taunton Chipley	(n = 0)		✗
Taunton Corfe	✗	✗	✗
Taunton Foreign Hundred	✗	✗	✗
Taunton Fulford	✗	✗	✗
Taunton Holway	✗	✗	✗
Taunton Kingston St Mary	✗	✗	✗
Taunton Millland	✓	✓	✗
Taunton Nailsbourne	✗	✗	✗
Taunton Otterford	✓	✗	✗
Taunton Poundisford	✓	✓	✗
Taunton Staplegrove	✓	✓	✓
Taunton Trull	✗	✗	✗
Twyford	✗	✗	✗
Wargrave	✗	✗	✗
Warren	✗	✗	✗
West Wycombe	✗	✗	✗
Wield	✗	✗	✗
Winchester Minster	(n = 0)		
Witney	✗	✗	✗
Witney Borough	✗	✗	✗
Woodhay	✗	✗	✗
Woodhay Tornes	(n = 0)		
Total = 61 manors	11 ✓ 50 ✗	10 ✓ 51 ✗	6 ✓ 55 ✗

- ✓ the line of best fit was significant in magnitude and positive
- ✓-ve the line of best fit was significant in magnitude and negative
- ✗ the line of best fit was not significant in magnitude
- (n=0) there was no data for these manors

## Appendix C

### Results of linear regression analysis

Table 4: Is there a significant increase in business between 1237 and 1244?

'Jump' in data?	A	B	C	D
Standard manor name	Is there a significant increase in overall business?	Is there a significant increase in 'franchisal' payments?	Is there a significant increase in land and marriage payments?	Is there a significant increase in 'real' payments?
Adderbury	x			
Alresford	x	x		
Alresford Borough	✓			✓
Ashford				
Ashmansworth			✓	
Beauworth	x	x		x
Bentley				
Bishops Fonthill				
Bishops Sutton		✓		✓
Bishops Waltham	✓	✓		
Bishopstoke				
Bishopstone				
Bitterne	x		x	
Brightwell				
Burghclere				
Calbourne				
Cheriton	x	✓		x
Crawley	x	x		
Downton				
Downton Borough	✓			
East Knoyle	x	x		x
East Meon				
East Meon Church				
Esher				
Fareham	✓	✓		
Farnham	✓	✓		✓
Hambledon				
Harwell		x	✓	x
Highclere			x	x
Hindon Borough	x			
Itchingswell				
Ivinghoe				
Mardon	✓	✓	✓	✓
Morton	x	✓		
Newtown				
North Waltham	x			
Overton	x	x		x
Overton Borough			✓	
Rimpton	x	x		x
Soke of Winchester				
Southwark				

Taunton Bishops Hull	*			
Taunton Chipley				
Taunton Corfe	✓			
Taunton Foreign Hundred				
Taunton Fulford		✓		✓
Taunton Holway				
Taunton Kingston St Mary				
Taunton Millland	✓	✓		*
Taunton Nailsbourne				
Taunton Otterford				
Taunton Poundisford				
Taunton Staplegrove				
Taunton Trull	✓	✓	*	✓
Twyford			*	
Wargrave				
Warren				
West Wycombe				
Wield	✓			
Winchester Minster				
Witney				
Witney Borough				
Woodhay	*	*	✓	
Woodhay Tormes				
Total = Number of manors for which respective 1208-37 data is represented by a significant linear regression. See Table Two above.	10 ✓ 14 *	10 ✓ 8 *	5 ✓ 4 *	6 ✓ 8 *

- ✓ the line of best fit was significant in magnitude and positive  
 \* the line of best fit was not significant in magnitude

## Appendix D

### Perquisite payments per year

Year	Sum of 'stated' perquisite totals	Sum of additional 'calculated' perquisite totals	Sum of 'stated' recognition totals	Sum of additional 'calculated' recognition totals	Total amount of recognition payments within perquisite section	Sum of perquisite payments excluding recognition payments
1208-9	53515	1268	0	0	0	54783
1210-11	61970	532	0	0	0	62502
1211-12	59298	34	0	0	0	59332
1213-14	92042.5	1641	0	0	0	93683.5
1215-16	34275.5	5391	0	0	0	39666.5
1217-18	70471	10735	0	0	151	81055
1218-19	112777	3102	0	0	12	115867
1219-20	72271	12865	0	0	12	85124
1220-1	114861.5	3550	0	0	98	118313.5
1223-4	99505.5	1390	0	0	70	100825.5
1224-5	68744	538	0	0	72	69210
1225-6	70152	866	0	0	54	70964
1226-7	61371	3341	0	0	58	64654
1231-2	85512	7284	0	0	88	92704
1232-3	98606.5	2945	0	0	82	101469.5
1235-6	90036	841	0	0	226	90651
1236-7	70198	7890	0	0	160	77928
1244-5	160414	120	76666	22740	216	160318
1245-6	123231	624	0	0	164	123691
1246-7	120919.5	19144	0	0	134	139929.5
1247-8	137453.5	681	42	0	244	137890.5
1248-9	138717.5	152	72	0	196	138673.5
1251-2	106702.75	3735	98872.5	14944.5	11006	99431.75

All figures are given in pence (d.)

## Appendix E

### The Least Squares Method

Let  $y = ax + b$  be the straight line sought, with  $x$  and  $y$  being data points ( $x$  on the horizontal axis and  $y$  on the vertical axis) and  $a$  and  $b$  being constants. The value of  $a$  represents the gradient or slope of the straight line and  $b$  represents the value of  $y$  when the line crosses the vertical  $y$  axis, i.e. when  $x = 0$ .

So, if all the data lay on a straight line,

$$y - ax - b = 0$$

But, as the data does not lie exactly on a line, we have for any point:

$$y_i - ax_i - b = \lambda_i$$

where  $y_i$  and  $x_i$  are individual data points and  $\lambda_i$  is the corresponding error or distance from the line of best fit.

To avoid errors cancelling as a result of them occurring as both positive and negative values, (i.e. above and below the line of best fit) we square and add the data, giving

$$\sum_{i=1}^n (y_i - ax_i - b)^2 = \sum_{i=1}^n \lambda_i^2$$

where  $\sum_{i=1}^n$  is the symbol for summation from  $i = 1$  to  $i = n$ .

In words, the sum of the squares of the errors,  $(y_i - ax_i - b)^2$ , where  $y_1$  and  $x_1$  are the first pair of values of the given data and  $y_n$  and  $x_n$  are the final pair of values, equals the sum of the squares of the errors,  $(\lambda_i^2)$ . For the 23 pairs of values for the bishopric of Winchester's estate, for example,  $y_1$  and  $x_1$  would be the values for 1208-9 and  $y_n$  and  $x_n$  would be  $y_{23}$  and  $x_{23}$  for 1251-2.

We minimise the sum of the squares of the errors, thereby minimising the error between the line  $y = ax + b$  and the actual data, by partially differentiating with respect to  $a$  and  $b$  and setting the two expressions to zero.

Thus

$$\frac{\partial}{\partial a} \left[ \sum_{i=1}^n (\lambda_i^2) \right] = 0$$

and

$$\frac{\partial}{\partial b} \left[ \sum_{i=1}^n (\lambda_i^2) \right] = 0$$

i.e.

$$\frac{\partial}{\partial a} \left[ \sum_{i=1}^n (y_i - ax_i - b)^2 \right] = 0$$

and

$$\frac{\partial}{\partial b} \left[ \sum_{i=1}^n (y_i - ax_i - b)^2 \right] = 0$$

i.e.

$$\sum_{i=1}^n 2(y_i - ax_i - b)(-x_i) = 0$$

and

$$\sum_{i=1}^n 2(y_i - ax_i - b)(-1) = 0$$

i.e.

$$-\sum_{i=1}^n x_i y_i + a \sum_{i=1}^n x_i^2 + b \sum_{i=1}^n x_i = 0 \quad (1)$$

and

$$-\sum_{i=1}^n y_i + a \sum_{i=1}^n x_i + nb = 0 \quad (2)$$

These are two simultaneous equations for  $a$  and  $b$ . Hence, it is possible to calculate the value of  $a$  and  $b$ , the gradient of the line obtained and the point at which the line crosses the  $y$  axis.

Let  $\Sigma$  represent  $\sum_{i=1}^n$ , then the value of  $b$  in terms of  $a$  from Equation 2 is:

$$b = \frac{\Sigma y_i - a \Sigma x_i}{n} = \text{the value of } y \text{ when } x = 0.$$

Placing the expression for  $b$  into Equation 1 gives,

$$-\sum x_i y_i + a \sum x_i^2 + \frac{(\Sigma y_i - a \Sigma x_i)}{n} (\Sigma x_i) = 0$$

i.e.

$$-\sum x_i y_i + a \sum x_i^2 + \frac{(\Sigma y_i)(\Sigma x_i)}{n} - a \frac{(\Sigma x_i)(\Sigma x_i)}{n} = 0$$

i.e.

$$-\sum x_i y_i + a \left[ \sum x_i^2 - \frac{(\Sigma x_i)(\Sigma x_i)}{n} \right] + \frac{(\Sigma y_i)(\Sigma x_i)}{n} = 0$$

so that

$$a = \frac{\sum x_i y_i - \frac{(\Sigma y_i)(\Sigma x_i)}{n}}{\sum x_i^2 - \frac{(\Sigma x_i)(\Sigma x_i)}{n}} = \text{the gradient of the line.}$$

The line of best fit, therefore, can be found using these two equations by calculating  $a$  and then using the value obtained in the equation for  $b$ . A further test is required however to assess the level to which the assumed straight line actually represents the

data, i.e. whether the line is statistically a 'good fit'. This is done by calculating the value of  $r$ , the 'correlation coefficient'.

The correlation coefficient,  $r$

This number is defined to be:

$$r = \frac{\sum x_i y_i - \frac{(\sum y_i)(\sum x_i)}{n}}{\sqrt{\left[ \sum x_i^2 - \frac{(\sum x_i)(\sum x_i)}{n} \right]} \sqrt{\left[ \sum y_i^2 - \frac{(\sum y_i)(\sum y_i)}{n} \right]}}$$

The null hypothesis,  $H_0$ , is that there is no correlation between the values of  $x$  and  $y$  :  $\rho = 0$ . The alternative hypothesis,  $H_1$ , is that there is a correlation between the values of  $x$  and  $y$  :  $\rho \neq 0$ . ( $\rho$  is the true coefficient of correlation between  $x$  and  $y$  and  $r$  is the estimate of the correlation.)

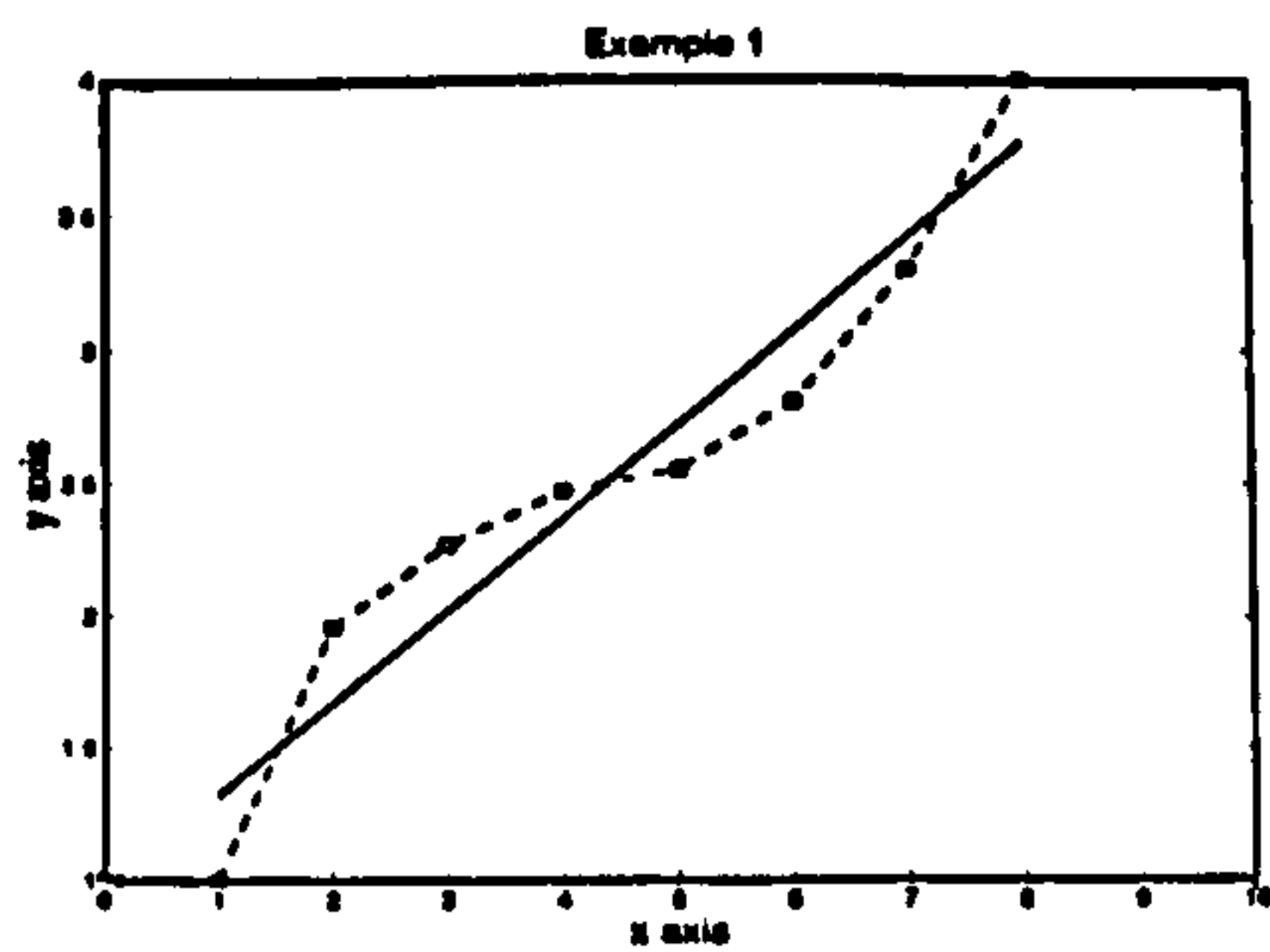
From tables consulted in H.R. Neave's *Statistics Tables*, for  $n = 23$ , the critical value of  $r$ , known as  $r_c$ , using the 0.2 percent level of significance is 0.610.<sup>1</sup> The test is known as a two-tailed test because the value of  $\rho$  may be positive or negative.

When the correlation coefficient gained from the above equation is greater than the critical value of  $r$ , i.e. when  $|r| > r_c$ , the null hypothesis may be rejected in favour of the alternative hypothesis.<sup>2</sup> In other words, there is a correlation between the data and the line of best fit. The strength of the correlation is shown by the magnitude of  $r$ , with  $r = \pm 1$  being the maximum and minimum values for  $r$ . Examples 1 and 2 overleaf have the same gradients ( $a = 0.350$ ) but the correlation coefficients are different as the data points in example 1 are generally nearer to the line than those in example 2. As a result, the correlation coefficient in example 1 is higher than that in example 2.

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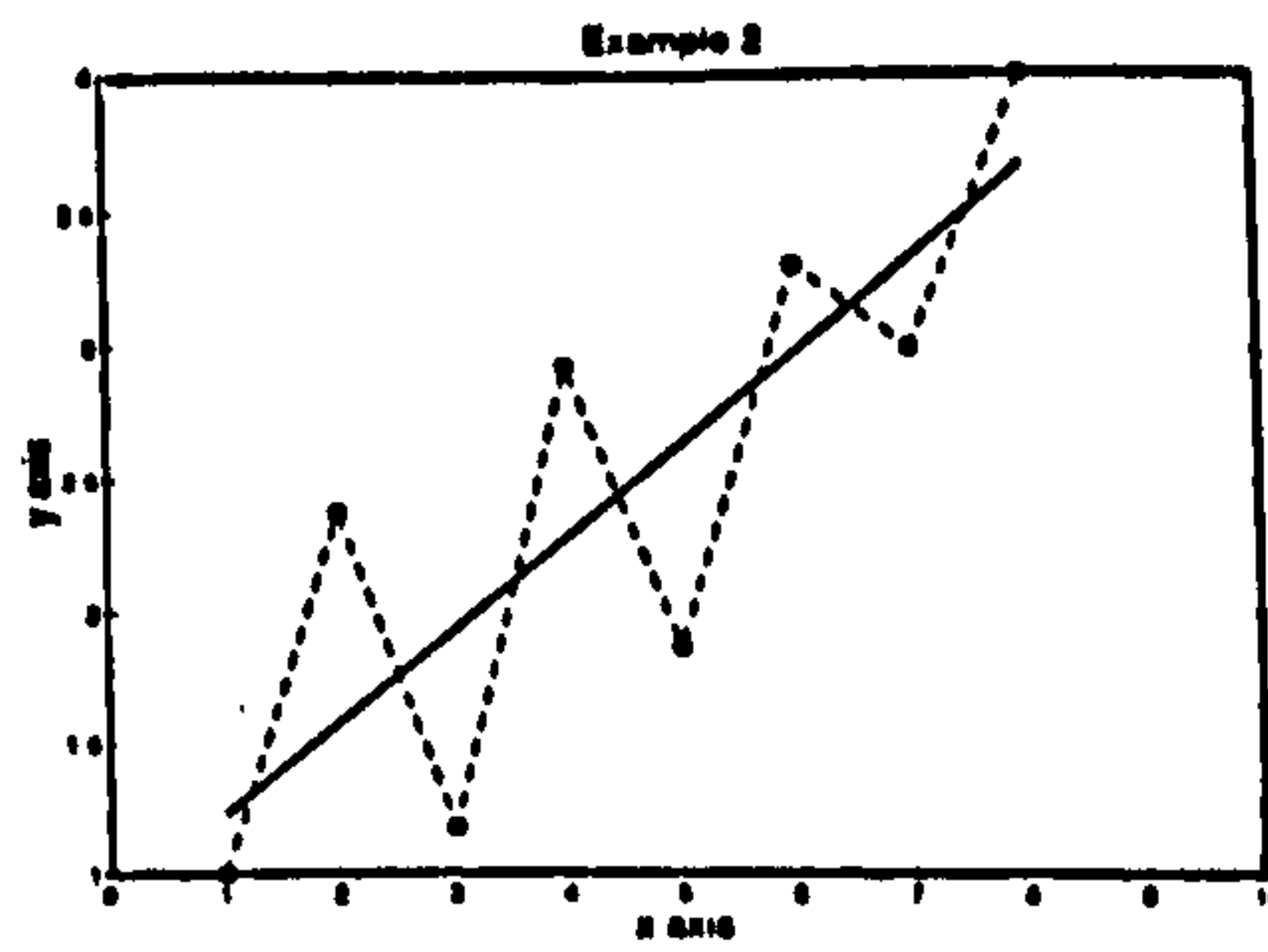
<sup>1</sup>H.R. Neave, *Statistics Tables* (London, George Allen and Unwin, 1978), p.58.

<sup>2</sup> $|r|$  is the absolute value of  $r$  regardless of whether it is positive or negative.



$$y = 0.350x + 0.969$$

$$r = 0.961$$



$$y = 0.350x + 0.878$$

$$r = 0.817$$

If the value of the coefficient is less than the critical value (0.610) then the null hypothesis must be accepted. This means that the data is not statistically well represented by a straight line. It could be the case that the data fits a curve or that the data is scattered. The closer the absolute value of the correlation coefficient,  $|r|$ , gets to zero, the more scattered the data is, so any straight line found would not truly represent any trends in the data.

### General Example

Using the data from Bishops Waltham as an example,

$n = 23$        $n$  is the number of different data points, i.e. the number of years for which we have data for a particular manor.

$\sum x_i = 667$        $\sum x_i$  is the sum of the values of  $x$  (i.e. the sum total of the last two digits of each year of account, 09, 11, 12, 14, 16, etc.)

$\sum y_i = 3482$        $\sum y_i$  is the sum of the values of  $y$  (i.e. the sum total of the number of cases for the manor.)

So,

$$\sum x_i y_i = 120622$$

$$\sum x_i^2 = 23467$$

$$\sum y_i^2 = 659028$$

Hence,

$$a = \frac{\sum x_i y_i - \frac{(\sum y_i)(\sum x_i)}{n}}{\sum x_i^2 - \frac{(\sum x_i)(\sum x_i)}{n}} = \frac{120622 - \frac{(3482)(667)}{23}}{23467 - \frac{(667)(667)}{23}}$$

$$a = 4.76333656644$$

and

$$b = \frac{\sum y_i + a \sum x_i}{n} = 3482 + \frac{(4.76333656644)(667)}{23}$$

$$b = 13.2545439211$$

Thus,

$$y = 4.76333656644x + 13.2545439211$$

Testing the correlation coefficient,

$$r = \frac{\sum x_i y_i - \frac{(\sum y_i)(\sum x_i)}{n}}{\sqrt{\left[ \sum x_i^2 - \frac{(\sum x_i)(\sum x_i)}{n} \right]} \sqrt{\left[ \sum y_i^2 - \frac{(\sum y_i)(\sum y_i)}{n} \right]}}$$

$$r = \frac{120622 - \frac{(3482)(667)}{23}}{\sqrt{\left[ 23467 - \frac{(667)(667)}{23} \right]} \sqrt{\left[ 659028 - \frac{(3482)(3482)}{23} \right]}}$$

$$r = \frac{19644}{\sqrt{4124} \sqrt{131883.478261}}$$

$$r = 0.8423166799$$

Hence, since  $|r| > r_c$ , ( $0.8423166799 > 0.610$ ), there is strong evidence to reject the null hypothesis in favour of the alternative hypothesis at the 0.2 per cent (two-tailed) level of significance.

For Bishops Waltham therefore there is strong evidence to suggest that the relationship between the year and the volume of business is linear in form and that the data is well represented by the line of best fit,  $y = 4.76333656644x + 13.2545439211$ .

## Appendix F

To test whether the gradient of the line of regression is significant

Let the line of regression be  $y_L = \alpha + \beta_L x$ .

The Null Hypothesis,  $H_0$ :

There was a constant number of cases per year  
(i.e. the gradient is not significant).

$$\beta_L = 0$$

The Alternative Hypothesis,  $H_1$ :

The number of cases altered significantly with  
time (i.e. the gradient is significant).

$$\beta_L \neq 0$$

It is assumed that  $\beta_L$ , the value of the gradient, has a normal distribution,

$$\beta_L \sim N(\text{mean, variance})$$

$$\beta_L \sim N(\beta, \{\sigma^2 / \sum(x_i - \bar{x})^2\})$$

$$\beta_L \sim N(\beta, \frac{\{\sum(y_i^2) - 1/n(\sum y_i)^2\} - \beta^2 \{\sum(x_i^2) - 1/n(\sum x_i)^2\}}{n-2} / \sum(x_i - \bar{x})^2)$$

where  $\beta$  = the gradient of the line of regression,

where  $n$  = the sample size (i.e. the number of data points),

where  $y$  = the number of cases,

where  $x$  = the year,

and where  $\bar{x}$  = the average value of  $x$ .

### Test statistic

The sample is considered to be statistically small if the number of data points is less than 30, ( $n < 30$ ), in which case the t-test must be used to analyse the data.

$$t = \frac{\text{gradient of the line of regression} - \text{the gradient of the null hypothesis line}}{\text{standard deviation of the gradient of the line of regression}}$$

where the standard deviation =  $\sqrt{\text{variance}}$ .

Thus

$$t = \frac{\beta - 0}{\frac{\sqrt{\left\{ \frac{\sum (y_i^2) - 1/n(\sum y_i)^2}{n-2} - \beta^2 \left\{ \frac{\sum (x_i^2) - 1/n(\sum x_i)^2 \right\}}{n-2} \right\}}{\sum (x_i - \bar{x})^2}}$$

i.e.

$$t = \frac{\beta - 0}{\frac{\sqrt{\left\{ \frac{\sum (y_i - \bar{y})^2}{n-2} - \beta^2 \left\{ \frac{\sum (x_i - \bar{x})^2 \right\}}{n-2} \right\}}{\sum (x_i - \bar{x})^2}}$$

( $n - 2$  degrees of freedom)

The value of  $t$  obtained is then compared to the critical values of  $t$  in the statistical tables.<sup>1</sup>

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<sup>1</sup>H.R. Neave, *Statistics Tables* (London, George Allen and Unwin, 1978), p.41.



and

$$\varepsilon \sim N \left( 0, \frac{\{\sum(y_i^2) - 1/n(\sum y_i)^2\} - \beta^2 \{\sum(x_i^2) - 1/n(\sum x_i)^2\}}{n-2} \right)$$

The distribution of  $y_0$  therefore is

$$y_0 \sim N \left( \alpha + \beta x, \left\{ 1 + 1/n + \frac{(x - \bar{x})^2}{\sum(x_i - \bar{x})^2} \right\} \frac{\{\sum(y_i^2) - 1/n(\sum y_i)^2\} - \beta^2 \{\sum(x_i^2) - 1/n(\sum x_i)^2\}}{n-2} \right)$$

The fundamental question is:

How many standard deviations does  $y_0$  (the 'true' data point) lie away from the mean of the distribution (the predicted value for 1245).

### Test statistic

As the value of  $n$  (the number of data points) is less than 30, the sample is considered to be small. The t-test must therefore be used.

$t$  = the number of standard deviations 'between' the 'true' and the predicted data

where the standard deviation =  $\sqrt{(\text{variance})}$ .

Thus

$$t = \frac{\text{observed value} - \text{predicted value}}{\sqrt{(\text{variance of } y_0)}}$$

$$t = \frac{y_0 - (\alpha + \beta x)}{\sqrt{\left[ \left\{ 1 + 1/n + \frac{(x - \bar{x})^2}{\sum(x_i - \bar{x})^2} \right\} \frac{\{\sum(y_i^2) - 1/n(\sum y_i)^2\} - \beta^2 \{\sum(x_i^2) - 1/n(\sum x_i)^2\}}{n-2} \right]}} \quad (x = 1245)$$

$$t = \frac{y_0 - (\alpha + \beta x)}{\sqrt{\left[ \left\{ 1 + 1/n + \frac{(x - \bar{x})^2}{\sum(x_i - \bar{x})^2} \right\} \frac{\{\sum(y_i - \bar{y})^2 - \beta^2 \sum(x_i - \bar{x})^2\}}{n-2} \right]}} \quad (n - 2 \text{ degrees of freedom})$$

The value of  $t$  is then compared to the critical values of  $t$  in the statistical tables.<sup>1</sup>

<sup>1</sup>H.R. Neave, *Statistics Tables* (London, George Allen and Unwin, 1978), p.41.

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