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## Lordship and Township in Durham, 1388-1406

Peter Lionel Larson

MA Thesis, University of Durham, Department of History, January 2000

The neglect of northern English estates has concealed unusual features that mark them as different from southern manorial regimes. This thesis reveals several of these by examining the local administration of the bishopric of Durham during the pontificate of Walter Skirlaw, in a time when ad-hoc adaptations to the effects of the Black Death crystallized into permanent machinery. Evidence for this comes from the bishopric halmote court books. These unique books were the primary court record but also documented the bishop's rights in the estate. Their nature and internal references to other records provide a convenient window onto the changes occurring in this period.

The township was the basic bishopric administrative unit in County Durham, and in many ways it had not changed since the eleventh century or before. The Durham township retained a communal identity, often functioning as a corporation. The bishop relied extensively on the township for the smooth running of the estate, while the townships looked to the bishop for justice and organization. Village officers, such as the reeve, continued to play important roles for both bishop and villagers without suffering from divided loyalties. The halmote was the focus of the estate administration, and in it we see adaptations to contemporary problems such as the decline of serfdom, vacant land and judicial stagnation. Tenants and officials were reprimanded, rules were enforced, private litigation was heard, and the bishop's rights were ruthlessly enforced. Although it was a villein court, free men appreciated the convenience of the halmote and used it to transact their business. In all of this, the Durham township was a prominent and willing partner with the bishop, and both gained immensely from this cooperation.

**Lordship and Township in Durham**

**1388-1406**

Peter Lionel Larson

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MA Thesis

University of Durham

Department of History

January 2000

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## List of Abbreviations Used

CCB	Church Commission Durham Bishopric Deposit
CCB-F	Church Commission Durham Bishopric Deposit, Financial Materials to 1649
<i>DNB</i>	<i>Dictionary of National Biography</i>
<i>EHR</i>	<i>English Historical Review</i>
<i>EcHR</i>	<i>Economic History Review</i>
<i>P&amp;P</i>	<i>Past and Present</i>
PRO DURH	Durham Bishopric Halmote Books, Public Record Office, London
<i>VCH Durham</i>	<i>The Victoria History of the County of Durham</i>

## A Note on Latin Usage

The orthography of Latin words, where they appear in the text or notes, have been simplified. I have used the most common form appearing in the halmote books where this is considered an acceptable variation, e.g. *senescallus* instead of *seneschallus*. The major exception is that I have replaced 'c' with 't' where it would be less confusing to the reader, hence *ratione* not *racione*. Surnames and place names have been left as is in the Latin but standardized as far as possible in the text. Modern punctuation and capitalization have been used but kept to a minimum. Usage of 'u' and 'v' and 'i' and 'j' corresponds to standard modern scholarly use, the former of each pair being vowels and the latter consonants. For Roman numerals I have followed the standard usage in the halmote books, with 'j' always substituted for a final 'i', and always using 'v' and not 'u'. All abbreviations have been silently expanded, except where there are possible different readings, in which case all letters that I supply are enclosed in square brackets. Interlineations, as they occur rarely, have been silently inserted into the text where the scribe has indicated. While generally quite legible, the manuscripts are not always so, and unreadable portions have been marked with square brackets [ ] with an indication of the number of letters or words. As always, [sic] indicates that the word(s) appear as they do in the original text.

## Introduction

This thesis is an attempt to describe one particular level of the estate administration of the bishopric of Durham during the pontificate of Walter Skirlaw (1388-1406). The limits of this thesis do not permit a full examination of the estate system, particularly its economic and agricultural aspects. Instead, I have focused on the framework of officers and institutions involved at the local level, in the vill or township. Whilst primarily a legal and institutional study, social historians will not be disappointed by its contents.

Geographically this study is concerned only with the bishopric estates within the historic county of Durham. I have omitted the 'shires' of Norhamshire, Islandshire and Bedlingtonshire, and other extra-county possessions because the records for their administration are generally not found with those for the rest of the bishopric. The Wapentake of Sadberge, although a part of the county and included with the other estate records, has also been excluded. The reason for this mainly is that the wapentake had a number of unusual administrative features that are hinted at in the records, as well as a slightly different history from the rest of the bishopric estates. Any attempt to include Sadberge in the discussion with the rest of the county would distort its own unique features. Because of size limitations, these features cannot be fully discussed herein, and they deserve a complete examination in their own right.<sup>1</sup>

As the reader will soon note, this examination of an estate is quite different from others now being produced, and the layout in some ways may seem eccentric. The reasons for this are set out below in the first two introductory sections; the third part of the Introduction is an historical overview to set the stage for the thesis proper. Chapter II is a close study of the major source for estate administration in this period, the bishopric halmote books. These books are the only extant records of the bishopric halmote court, the 'manorial' court for the bishopric estates. That this section has been included at all is testimony to the unique importance of this source, not only locally but also perhaps in relation to the whole of medieval England. It has been placed first

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<sup>1</sup> See C.M. Fraser and K. Emsley, 'Durham and the Wapentake of Sadberge,' *Transactions of the Architectural and Archaeological Society of Durham and Northumberland*, 2<sup>nd</sup> series 2 (1980), pp. 71-81, for the history of the Wapentake of Sadberge and some of its administrative and judicial



because a knowledge of the books themselves, their creation and uses, is vital to understanding the estates and how they were administered. A study of the halmote books also provides clues about other documentary sources that have since been lost, and thus further defines the administration of the estate.

Chapter III concerns the stewards and coroners and their roles in the estate, while Chapter IV covers the officers at the lowest level of the estate, the township. The reader will find these two sections quite similar in format and presentation to studies elsewhere. Chapter IV examines *vicinagium*, the complex of mutual obligations which tenants owed to one another. Vicinage went beyond the by-laws found in other manorial courts; it governed many aspects of village life which the by-laws, as we understand them, did not. Far more than a simple aspect of local administration and governance, vicinage provides unusual insights into the nature of the vill and village society in Durham.

Chapter V, on the halmote court, like the first section, at first may seem out of place. This is not so. The halmote court was the primary organ of the bishopric's administrative apparatus; as its secondary role, it entertained civil litigation between the tenants. Orders were given and regulations enforced. Tenure of lands was observed and controlled. Local officials were elected, and, when necessary, punished. The court facilitated direct contact between the local administrators and populace with the other levels and organs of administration in the palatinate, and most importantly with the steward, the man responsible for the running of the estate. As such the halmote court was the hub of the entire administration, and central to its correct functioning. Whilst on the surface similar to manorial and leet courts in southern England, there were deeper differences with important implications for northern English society in the Middle Ages.

#### *Manorial Studies*

The medieval estate, its constituent parts, and, most visibly, its courts, for many years have occupied an important place in the study of medieval England. More than a century has passed since F. W. Maitland published his famous edition of manorial court cases for the Selden Society,

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particularities. The authors did not examine the relation between Sadberge and Durham at the estate or local level.

followed closely by another volume on the workings of the baronial court.<sup>2</sup> 1997 saw the publication by the same society of another compilation of pleas from manorial courts.<sup>3</sup> Moreover, the year before that a major collection of essays on the manor court was published.<sup>4</sup> In all fields of late medieval English history, there are no signs of weakening in the importance of manorial courts.

This is not to say that they always have been put to the same use; as each generation reinvents the study of history, different groups use the manorial court and its records for different research agendas. Originally of greatest interest to local historians and genealogists during the first half of the nineteenth century, by the end of that century other historians were using manor court records for legal studies. Many of these concerned serfdom and baronial courts, and the development of the common law at the expense of custom.<sup>5</sup> Frederic Seebohm, Paul Vinogradoff and F.W. Maitland were prominent amongst the leaders of the group that used the court records not only for legal but for social and economic history as well.<sup>6</sup> The work they did with these materials has dominated the field ever since; often the modern historian finds himself merely a glossator, elucidating principles laid down by Maitland a century ago.

Studies of the manor and manorial system as a part of economic history have flourished throughout the twentieth century, and now form a large part of the medieval history corpus. The authors of these studies have used primarily manorial accounts to explore in depth the agricultural and economic side of the manorial regime, examining the use of land and other resources, wages and all forms of seigniorial income and expenditure. Whilst different in aim from legal or social works on the manor, these economic and agricultural studies nonetheless have helped illuminate other aspects of medieval life and have provided additional motives for social or legal change.<sup>7</sup>

In the second half of the twentieth century, there was an increased interest in the use of these records for demography and a sociological approach to questions of family and community, a

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<sup>2</sup> F.W. Maitland, ed., *Select Pleas in Manorial and Other Seigniorial Courts, Volume I: Reigns of Henry III and Edward I* (London, 1889); F.W. Maitland and W.P. Baildon, eds., *The Court Baron* (London, 1888).

<sup>3</sup> L.R. Poos and Lloyd Bonfield, eds., *Select Cases in Manorial Courts, 1250-1550: Property and Family Law* (London, 1997).

<sup>4</sup> Zvi Razi and Richard M. Smith, eds., *Medieval Society and the Manor Court* (Oxford 1996).

<sup>5</sup> Zvi Razi and Richard M. Smith, 'Introduction: The Historiography of Manorial Court Rolls,' in Razi and Smith, eds., *Medieval Society and the Manor Court*, pp. 1-7.

<sup>6</sup> *ibid.*, pp. 4-7.

<sup>7</sup> For example: F.G. Davenport, *The Economic Development of a Norfolk Manor, 1086-1565* (London, 1906, reprinted 1967); H.P.R. Finberg, *Tavistock Abbey: A Study in the Social and Economic History of Devon* (Cambridge, 1951); I. Kershaw, *Bolton Priory: The Economy of a*

use which seems prepared to continue into the next century. Part of this shift was the development or creation of a number of 'schools', such as that based at Toronto under J.A. Raftis, with a consequent proliferation of monographs and articles using court and other records from English manors.<sup>8</sup> These have ranged from the examination of large lay and ecclesiastical estates composed of many manors to the focused study of a single manor, as well as topical investigations of population change, diet, brewing, the land market, and the tensions present in English society.<sup>9</sup> One might think that with all these advanced studies that we have progressed beyond the need for basic institutional studies of the manorial system.

This is not so. Consider the most recent major publication of studies on the manor court, mentioned above, edited by two prominent historians, and containing articles and essays by many more. If one consults the map showing 'the principle places mentioned in the text', it is striking that not only is northern England incredibly under-represented, but it is very nearly not represented at all. The northern third of the country is entirely absent. Were it not for the inclusion of the manors of Wakefield (Yorks.) and Skegness (Lincs.), there would be nothing included north of a line from the Wash to the city of Chester.<sup>10</sup> Whilst many historians have utilized material from northern manorial courts for particular topics, the workings of these courts have not been studied to the same extent as the southern courts. This may be a grave oversight. For instance, southern manorial regimes generally held a separate court at each vill or manor, considering each manor to be a specific unit and often keeping records for each manor separate. The administration of the bishopric of Durham 'regarded [the vills of the estate] as forming part of a single great estate and

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*Northern Monastery* (Oxford, 1973); A.E. Levett, 'The Financial Organization of the Manor,' in H.M. Cam, M. Coate and L.S. Sutherland, eds., *Studies in Manorial History* (Oxford, 1938).

<sup>8</sup> One of the most recent of these publications was a *festschriften* for the founder himself, J.A. Raftis, by many former students and colleagues: E.B. DeWindt, ed., *The Salt of Common Life: Individuality and Choice in the Medieval Town, Countryside, and Church. Essays Presented to J. Ambrose Raftis* (Kalamazoo, 1995). While the essays are not restricted to the manor, or even to England, many of them do cover traditional topics in manorial history, or newer themes popularized by Raftis and his students.

<sup>9</sup> For example: J. Bennett, *Ale, Beer and Brewsters in England: Women's Work in a Changing World* (Oxford, 1996); C. Dyer, *Lords & Peasants in a Changing Society: The Estates of the Bishopric of Worcester 680-1549* (Cambridge, 1980) and *Standards of Living in the Later Middle Ages* (Cambridge, 1989); P.D.A. Harvey, ed., *The Peasant Land Market in Medieval England* (Oxford, 1984); C. Howell, *Land, Family and Inheritance in Transition: Kibworth Harcourt 1280-1700* (Cambridge, 1983); M. Mate, *Daughters, Wives and Widows after the Black Death: 1350-1535* (Woodbridge, 1998); E. Müller, *The Abbey and Bishopric of Ely: The Social History of an Ecclesiastical Estate from the Tenth Century to the Early Fourteenth Century* (Cambridge, 1951); L.R. Poos, *A Rural Society After the Black Death: Essex 1350-1525* (Cambridge, 1991); and Z. Razi, *Life, Marriage and Death in a Medieval Parish: Economy, Society and Demography in Halesowen, 1270-1400* (Cambridge, 1980).

subject to a single tribunal which, although presided over by a single officer and constituted under a single authority, was for convenience sake held in various places.<sup>11</sup> Differences such as these have largely been ignored or glossed over.

'It is a commonplace to say that the vill and the manor are not synonymous in England of the high Middle Ages.'<sup>12</sup> Generalizations such as this one to which Helen Cam referred have masked other distinctions between northern and southern England. Northern manors were unlike southern ones, no matter the definition used. Late in the nineteenth century, when debate over the origin of the manor was particularly hot, Maitland commented that the later development of the manor and vill followed one of two evolutionary paths. That which was most common in the south was a vill being split between several manors, or at the most a manor was equal to a vill. In the north, a manor was either coterminous with a vill, or else was comprised of several vills, if the term 'manor' was even used.<sup>13</sup> In southern England, institutions of the vill became disconnected with those of the unit of lordship,<sup>14</sup> whereas in northern England, the two often remained integrated or at least associated. Thus, we must allow that village society may have evolved differently in the two regions.

Generally, historians have used and continue to use 'manor' (*manerium*) to describe a discreet element of a lordship, comprised of demesne, communal fields and pastures, all buildings, tenants, mills, fisheries, etc., and almost by definition a court. In the bishopric of Durham, and in the estates of the Prior and Convent of Durham as well, *manerium* specifically referred to the

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<sup>10</sup> Razi and Smith, eds., *Medieval Society and the Manor Court*, p. xvi.

<sup>11</sup> G.T. Lapsley, 'Introduction to the Boldon Book,' in W. Page, ed., *The Victoria History of the County of Durham* (London, 1905-present), vol. 1, p. 263. Although referring to the bishopric estates, this statement is also a fairly accurate description for the estates of the Priory although their administration and manorial court system was somewhat more complex: R.A. Lomas, 'Durham Cathedral Priory as a Landowner and a Landlord, 1290-1540,' (Ph.D. thesis, University of Durham, 1973).

<sup>12</sup> H. Cam, 'The Community of the Vill,' in V. Ruffer and A.J. Taylor, eds., *Medieval Studies Presented to Rose Graham* (Oxford, 1950), p.1.

<sup>13</sup> Lapsley, 'Introduction,' p. 260, referring to F. Pollock and F.W. Maitland, *The History of English Law Before the Time of Edward I* (first edition, Cambridge, 1895), vol. 1 pp. 597-8. Lapsley discussed the lack of development of the manor in Durham in great theoretical detail in his 'Introduction'. Whilst fascinating, the scope of this present thesis is strained by examining the workings of the administration. Including a discourse on its origins, or on how the administration may or may not reflect such origins, is out of the question. It is a must be explored elsewhere, as Lapsley's brilliant hypothesis needs to be adequately explored and substantiated.

<sup>14</sup> E.B. DeWindt, *Land and People in Holywell-cum-Needlingworth: Structures of Tenure and Patterns of Social Organization in an East Midlands Village, 1252-1457* (Toronto, 1971) pp. 206-7.

central buildings of the lord (grange, hall, etc.).<sup>15</sup> This included their immediate surroundings, which often were enclosed by walls (*muri*) and a ditch (*fossa*).<sup>16</sup> It is unknown whether demesne lands were meant to be included under this rubric, but in some cases they were included. All other lands and buildings were excluded. By the late fourteenth century, northern England, including Durham, had been manorialized, but only to a very limited extent.<sup>17</sup> Aside from the vills, the other medieval unit of lordship was the 'shire'. The northern shire pre-dated the Danish invasions of the eighth and ninth centuries, and could possibly date back to the Roman or pre-Roman period. The shire was constituted by around twelve vills or townships, and was often coterminous with parish boundaries. Although the shire was essentially defunct by the fourteenth century, some aspects may have survived. This aspect of lordship or 'manorial' organization has not been explored to the extent it deserves.<sup>18</sup>

A difference in the survival rate of records also has led to the neglect of northern English estates in favor of those in southern England. In addition, the materials preserved for this region are not sufficient for the extensive demographic studies that have driven scholarship for the past several decades.<sup>19</sup> Furthermore, the various university 'schools' of socio-economic inquiry have each tended to focus on a particular region: Birmingham on the west midlands, Cambridge on the eastern counties, and Toronto on the Ramsey Estates in Huntingdonshire. Occasionally a work is published on a different area, such as John Hatcher's monograph on the Duchy of Cornwall, but this is the

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<sup>15</sup> For example, in the roll of the coroner of Stockton Ward for 1413/14, rent was collected for land in Stockton 'ex parte australe aque de Teese ex opposito manerii': CCB-F, Coroners' Rolls, Stockton Ward, I/D4/1 (1413/14), m. 1. The tenants of Houghton were amerced for failing to construct a house (*domum*) 'super situm manerii': PRO DURH 3/13 223v. R.A. Lomas helpfully pointed out to me the similarity of the bishopric estates to those of the priory in this respect.

<sup>16</sup> Were these walls defensive in nature, or merely an enclosure? The halmote records do not provide any clues in the few amercedments for failure to repair the walls. PRO DURH 3/13 117r, 117v, 197v, 198r.

<sup>17</sup> R.A. Lomas, *North-East England in the Middle Ages* (Edinburgh, 1992) pp. 22-23.

<sup>18</sup> *ibid.*

<sup>19</sup> See J. Cripps, R. Hilton and J. Williamson, 'Appendix: A Survey of Medieval Manorial Court Rolls in England,' in Razi and Smith, eds., *Medieval Society and the Manor Court*, pp. 569-637. The title of the appendix is misleading; 'suitable for demographic analysis' should be appended. Neither the bishopric nor the priory records qualify. However, there has been strong debate in recent years on the feasibility of demographic studies. The four articles which comprise the most prominent debate have been reprinted together as L.R. Poos, Zvi Razi, and Richard M. Smith, 'The Population History of Medieval English Villages: A Debate on the Use of Manor Court Records' in Razi and Smith, eds., *Medieval Society and the Manor Court*, pp. 298-368. While there is insufficient evidence for Durham and northern England for studies as conducted by Razi, Poos, Raftis, et al., there is enough material for a tentative study of demographics after the Black Death, especially for the fifteenth century and beyond. The margin of error would certainly be greater than further south, but any light that can be shed on this region would be of great use.

exception. Southwestern and southeastern England have been overlooked, though to a lesser degree than northern England.

Regionalism has played its part in other ways. The north has always been seen as separate from the rest of the country, from the eleventh century and possibly even earlier. The history of the northern counties, particularly the border counties (Westmoreland, Cumberland and Northumberland) but also counties further south (particularly Durham and York), has been intertwined inextricably with that of Scotland. While the effects of raids and chevauchees were generally limited to the three border counties, there was always the threat of a Scottish invasion such as the one defeated at Neville's Cross, just outside the city of Durham, in 1346.

A problem greater than the Scots themselves was the disorder and lawlessness that resulted directly or indirectly from their actions. Northern men often have been portrayed as being as ready to fight one another as to battle the Scots, and even more eager to fight the southern English. True, the north was often politically and economically unstable, and the English kings had problems maintaining law and order among their subjects in addition to maintaining a secure border; but there was at least as much peace as war. This presumed disorderly state has amplified the view of the North as backward, populated by hard men living primitive and violent lives. Rightly or wrongly, this has become stereotypical of the north in historical and popular works. However, the supposed instability makes the need for study even greater, to understand how it survived under these assumed conditions. But was the north so backward and warlike, and so poor? Was the region any more lawless than the rest of the country? Durham was one of the richest sees or secular lordships in the country, and the Archbishop of York was quite rich and powerful as well. Northern magnates fought the Scots for centuries, often without aid from the rest of the country. If there was so much disruption or if the region was so impoverished, how did the northern lords, great and small, keep their estates running to derive the income and materiel needed for their warlike pursuits? It stands to reason then that northern manorial administrations were as well organized as any in the South, and may have been more efficient if there indeed was such a greater burden. There is very little evidence of disruption caused by the Scots; while the plague seriously affected the economy, it did so throughout England. Perhaps it is time to re-examine these old conceptions of the north.

Substantial records do survive for Durham, especially with the aftermath of the plague of 1348, and getting better the nearer one comes to 1400. The records of the Prior and Convent of Durham have been studied previously but still have much left for the historian to discover.<sup>20</sup> Even more under-used than the priory records are those of the estates of the Bishop of Durham. While spotty in the first decades after the Black Death, beginning with the pontificate of Walter Skirlaw the bishopric halmote books survive in an almost continuous series into modern times. Beginning with the pontificate of his successor, Cardinal Thomas Langley (1406-1437), other records from the bishop's estates survive in quantity.

The volume of these essentially untapped materials from the bishopric estates readily invites the historian to undertake many of the investigations that have borne such fruit with Midland, East Anglian, and Home Counties records. A socio-economic history of the bishopric of Durham as an ecclesiastical estate, following the path blazed by Christopher Dyer, Barbara Harvey or Edward Miller is within the realm of possibility.<sup>21</sup> A regional study of northern England broadly interpreted to include Northumberland, Cumberland and Westmoreland, but also Durham, Yorkshire, Cheshire and Lancashire, would provide a useful comparison and counterpoint to the many studies on southern counties.

Before any such topical work can be done, the nature and mechanics of the estate and manorial administration and courts must be explored and documented. To presume that the north was the same as the rest of England is sheer folly. The work which has already been done using records from the estates of the bishop of Durham has shown that, while similar, there are some profound differences between the bishop's halmotes and manorial courts from the rest of the country. Whether this was truly a northern phenomenon, or simply a quirk arising from Durham's palatinate status, is something that must be investigated.

#### *Historiography of the Bishopric Estates*

For more than a century, scholars have known about the quantity and quality of the sources for the bishopric estates. The *Introduction to Boldon Book in the Victoria History of the County of Durham* remarks upon 'the very rich series of episcopal halmote rolls which begin in the year

<sup>20</sup> Lomas thesis, 'Durham Cathedral Priory,' p. 2.

<sup>21</sup> Dyer, *Lords and Peasants*; Barbara Harvey, *Westminster Abbey and Its Estates in the Middle Ages* (Oxford, 1977); Miller, *Abbey and Bishopric*.

1345.<sup>22</sup> A number of prominent historians in recent years mined these materials for other projects.<sup>23</sup> This is not the case of an old chest being discovered in a cellar. Yet despite this, there has been no study of the bishop's manors as there has been for other English manors and estates. It is very surprising that the bishopric estates and their courts have not received a more thorough institutional treatment. This is all the more so given the very large amount of attention Durham has received from scholars. However, many of its historians have been more concerned with the political or legal aspects of the county as a palatinate, while the biographers of the bishops have concentrated on their subjects as national political figures.<sup>24</sup> This is most clear in the major modern work on the county by G. T. Lapsley. Whilst many of the elements of the county received a thorough institutional analysis at his hands, Lapsley paid very little attention to the administration of the estates. In fact, he dismissed the halmote courts as 'present[ing] no peculiar features.'<sup>25</sup> Other authors have looked in depth at specific aspects of the estates, or used material to investigate historical trends, but none have examined the manorial system per se. And while the *Victoria County History* for Durham included material on the bishopric estates, the treatment there is unsystematic and has other problems, as will be discussed below.

On the other hand, the Surtees Society has printed a fair number of the records from the bishopric. Foremost amongst these are two of the three medieval surveys. These have been edited and include a minor amount of introductory matter. The earliest (called *Boldon Book* because the rents and services of that township are used as the standard throughout the rest of the survey), has in fact appeared in four different editions.<sup>26</sup> While of very great use, three of these editions were printed in the nineteenth century or shortly thereafter, rendering the introductory material of little

<sup>22</sup> Lapsley, 'Introduction,' p. 260. On the other hand, in a different *VCH Durham* essay F. Bradshaw said the 'materials for describing the social history of the Palatinate in the fifteenth century are very meagre': F. Bradshaw, 'Social and Economic History,' in Page, ed., *VCH Durham*, vol. 2, p. 228.

<sup>23</sup> Bennett, *Ale, Beer and Brewsters*; R.H. Britnell, 'Feudal Reaction After the Black Death in the Palatinate of Durham,' *P&P* 128 (1990), pp. 28-47; Poos and Bonfield, eds., *Select Cases*.

<sup>24</sup> G.T. Lapsley, *The County Palatine of Durham* (Harvard, 1900); J. Scammel, 'The Origin and Limitations of the Liberty of Durham,' *EHR* 81 (1966), pp. 226-50; C.M. Fraser, *A History of Antony Bek, Bishop of Durham 1283-1311* (Oxford, 1957); R.L. Storey, *Thomas Langley and the Bishopric of Durham, 1406-1437* (London, 1961). The last did not even use the halmotes as a source, despite discussing the administration of the bishopric and describing officers like the collector who functioned primarily at the local level.

<sup>25</sup> Lapsley, *County Palatine*, p. 196.

<sup>26</sup> D. Austin, ed. and trans., *Boldon Book* (Chichester, 1982); H. Ellis, *Libri Censualis vocati Domesday-Book Additamenta ex codic. antiquiss.* (London, 1816), pp. 565-87; W. Greenwell, *Boldon Buke, A Survey of the Possessions of the See of Durham ... in the year 1083*, (Durham,

use to historians about to enter the twenty-first century armed with very different outlooks and goals. While the most recent was published in 1982, its introduction is very brief and is more intent on the manuscript tradition.<sup>27</sup> Other materials from the bishopric that have been printed are largely confined to bishops' registers and other materials relating to the palatinate. While of value, these do not shed that great of a light on the ground-level administration of the bishopric estates. The bulk of the estate records remain unedited, unpublished and unexplored.

The culprits for this, as usual, are a lack of historians and a lack of financial resources; there are not enough resources to examine everything that is worthy of attention. The specific focus of historical inquiry in the past century has compounded this further. The survey of manorial rolls conducted under the supervision of Rodney Hilton cited above is one such example.<sup>28</sup> This project endeavored to produce a list of all extant manorial court records that would be suitable for demographic research, and as part of this project every major repository in England was contacted, and some were visited. Yet Durham, and all the other northern counties, failed to make the cut. The prerequisite for further investigation was that records for at least fifteen years must survive between 1330 and 1380, the years where great demographic changes took place in England. It is not until 1400 that large numbers of manorial records begin to survive in the north, but considerable amounts do survive from the targeted window. Aside from the rather misleading title, one can make little complaint about this survey; the organizers were very explicit about its limited objectives. Nonetheless, it is a great shame that other historians may miss such otherwise rich series as the Durham halmotes, just because they were not quite full enough or do not fall within the right period.

The other major landholder in the palatinate, the Prior and Convent of Durham, has received much more attention from historians and has been well served by them. The Surtees Society printed extracts from the records of the priory's halmote court, from the late thirteenth to

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1852); and G.T. Lapsley, ed. and trans., 'Text of the Boldon Book,' in Page, ed., *VCH Durham*, vol. 1, pp. 327-41.

<sup>27</sup> The best introduction to *Boldon Book* and its manuscript tradition which I have found is H.S. Offler, 'Re-reading Boldon Book,' in H.S. Offler, *North of the Tees*, ed. by A.J. Piper and A.I. Doyle (Aldershot, Hamps., 1996), pp. 1-38. In Offler's opinion, Greenwell made the best choice of manuscripts, and produced the most reliable version of *Boldon Book*: *ibid.*, p. 35.

<sup>28</sup> cf. n. 19.

the late fourteenth century, in 1886.<sup>29</sup> The brief introduction to this volume is very illuminating, but acquaintance with the bishopric material would prevent anyone from assuming that the conclusions on the priory halmotes can be simply transferred to those of the bishopric. Other records of the estates, especially surveys and accounting materials, have also been published, and as a consequence most studies on the priory estates have had more of an economic bent and have focused on agriculture or accounting. However, there has as yet been no examination of the legal or seigniorial aspect of these estates as I am attempting for those of the bishopric.

Although not concerned with the estates per se, K. Emsley and C.M. Fraser compiled a brief overview of the courts of the palatinate from the Middle Ages to 1971, when the last vestige of Durham's former palatinate status was revoked.<sup>30</sup> The halmotes were merely one of many courts that they examined, and they gave it a very minor treatment at that. It is unfortunate that they took the materials used for the description of the halmotes from before 1360 or after 1500, largely ignoring the materials for the period in between although implicitly covering it.<sup>31</sup> Consequently, the brief description of the halmotes is unnecessarily and misleadingly fragmented.<sup>32</sup> One part is the bishopric at the end of the 'long thirteenth century'; the other during the great changes of the early modern period that would completely reconfigure the bishopric and its tenantry. The decline and de facto end of serfdom and the full effects of the plague on Durham society and economy, all of which the halmote books recorded, were omitted.

In making this choice, they eschewed one of the fullest series of records for the late medieval period.<sup>33</sup> More importantly, these records contain information useful for examining more than the workings of the halmote itself. These records shed light on the meager sources for other courts in this period, sometimes in striking contrast to the authors' description. This choice of sources, coupled with their brevity on the medieval period in favor of the early modern, led the authors to indulge in gross generalizations for the years 1360-1500. Many are unsubstantiated by

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<sup>29</sup> W.H. Longstaffe and J. Booth, eds., *Halmota Prioratus Dunelmensis, Containing extracts from the Halmote Court or Manor Rolls of the Prior and Convent of Durham A.D. 1296-A.D. 1384* (Durham, 1886).

<sup>30</sup> K. Emsley and C.M. Fraser, *The Courts of the County Palatine of Durham* (Durham, 1984).

<sup>31</sup> Interestingly, F. Bradshaw, 'Social and Economic History', also relied heavily upon the Durham Halmote Books now classed as PRO DURH 3/12 (covering the years 1348-62) and 3/16 (1457-76) for the whole of the thirteenth through sixteenth centuries; references to PRO DURH 3/13 (1388-1405) and 14 (1405-25) are uncommon.

<sup>32</sup> cf. n. 136, regarding their discussion of the coroners of Durham, for a similar situation.

<sup>33</sup> Presumably part of the 'ample information' to which they referred in the section on the halmotes: Emsley and Fraser, *Courts of the County Palatine*, p. 4.

evidence from the period in question. Some of these are frankly incorrect, whilst elsewhere subtle differences or changes through time are lost.

The other major treatments of the bishopric estates can be found in the *Victoria County History* for Durham, alluded to above.<sup>34</sup> Two of the essays concern the bishopric estates, although only one is limited to them. However, the nature and intended audience of the VCH, and the era in which the essays were written, greatly reduces their usefulness to modern historians.<sup>35</sup> In one essay, manorial material was used to help elucidate the information contained in the twelfth century survey known as *Boldon Book*.<sup>36</sup> The conclusions about the court system were general, although the author noted a number of peculiarities.<sup>37</sup> As the goal of the essay was an elucidation of the tenurial arrangements, and not the administrative system, the results are pleasingly satisfactory. Still, there is plenty of room left for further elaboration on the estates and court.

The essay on the social and economic history of Durham is of very little use.<sup>38</sup> The author used material from both the bishopric and priory estates indiscriminately, as if they were completely complementary and conclusions from the one estate were fully applicable to the other estate.<sup>39</sup> Reference to sources is sparse, often with one reference given although the author alluded to many examples in the text, and he relied almost exclusively on printed sources. Furthermore, although the essay was divided up into chronological periods, the author unabashedly used material from other periods and quite often jumped from the thirteenth to the fifteenth century and back again while talking about the period before the Black Death. The author's main interest was on the theoretical free or unfree status of the tenants. He used estate surveys in conjunction with legal definitions and materials from other regions as a Procrustean bed for the peasants of Durham to determine whether they were free or servile. Errors and sweeping generalities abound, but what is probably the worst flaw is the author's point of view towards the period and the sources. The sources were viewed uncritically, and the result seems almost comical. The late medieval period

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<sup>34</sup> Lapsley, 'Introduction', and Bradshaw, 'Social and Economic History'.

<sup>35</sup> It could be worse; the essays 'Ecclesiastical History' and 'Political History' actually contradict each other. See H. Gee, 'Ecclesiastical History,' in Page, ed., *VCH Durham* vol. 2, p. 22, who described Skirlaw as 'steadfast to the new dynasty' of the Lancastrians, and K.C. Bayley, 'Political History,' in Page, ed., *VCH Durham*, vol. 2, p. 161, where Skirlaw 'is stated to have connived at the Percy Rising of 1403' and whose loyalty to Henry IV the author never mentioned.

<sup>36</sup> Or 'Boldon Buke,' in many older references.

<sup>37</sup> G. T. Lapsley, who had dismissed the halmotes in his earlier work; cf. n. 25.

<sup>38</sup> Bradshaw, 'Social and Economic History,' pp. 175-274.

was portrayed as completely backward and in complete disorder, as if the Black Death had ushered in a new Dark Age. One of the sadder examples was about the system of rents and labor after 1349: 'landlord and peasant blundered on for nearly two hundred years in mutual hatred and distrust.'<sup>40</sup> Were such sentiments about the middle ages not so common even today, such a statement would be highly risible.

Chronologically, this period in the history of the palatinate desperately needs to be researched further at all levels and not just the estates. Much of the recent work done on Durham, whether on the bishopric or on the estates of the Prior and Convent, has focused on the fifteenth century. This is primarily because of the availability of sources, which become fuller the further forward in time one goes. Intentionally or not, it has resulted in the neglect of an important period in English history. In the *Ecclesiastical History* and *Political History* sections of the VCH, the latter half of the fourteenth century was almost ignored. The pontificate of John de Fordham (Skirlaw's predecessor, bishop from 1382 to 1388) received the worst of it: 'Of the two bishops who fill in the interval between the episcopates of Hatfield and Cardinal Langley, Fordham ... is of little importance.'<sup>41</sup> The *Political History* was even more dismissive; Fordham was mentioned as succeeding Bishop Thomas Hatfield, and then the author launched into a digression on the Wars of the Roses in the palatinate.<sup>42</sup> Skirlaw fared little better in the *Ecclesiastical History*, mostly because his register failed to survive.<sup>43</sup> The brief paragraph devoted to his pontificate in the *Political History* is mostly concerned with the Percy rebellions.<sup>44</sup> Compared with the amount of information (albeit limited) that their biographers for the *Dictionary of National Biography* found, it seems a missed opportunity that Skirlaw and Fordham were so quickly passed over.<sup>45</sup>

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<sup>39</sup> Whilst there were undoubtedly many similarities between the two estates, there were also critical differences that militate against such blanket comparisons; a comparative study of the two estates is desperately needed.

<sup>40</sup> *ibid.*, p. 222. On the other hand, R.H. Britnell argued that most tenants of the bishopric actively co-operated with the bishop and his officers in the years after the Black Death, although there was resistance at times: 'the fourteenth-century villager showed no aversion to co-operating with the bishop' and 'by accepting the system, communities were constantly validating episcopal authority': Britnell, 'Feudal Reaction,' pp. 37, 38-9.

<sup>41</sup> Gee, 'Ecclesiastical History,' p. 22.

<sup>42</sup> Bayley, 'Political History,' p. 160.

<sup>43</sup> Gee, 'Ecclesiastical History,' p. 22.

<sup>44</sup> Bayley, 'Political History,' p. 161.

<sup>45</sup> R.G. Davies, 'John of Fordham,' in C.S. Nicholls, ed., *The Dictionary of National Biography: Missing Persons* (Oxford, 1993), pp. 356-7; J. Tait, 'Skirlaw, Walter,' in Leslie Stephen and Sidney Lee, eds., *DNB* (Oxford, 1973), vol. 18, pp. 357-8.

The resulting open field is a scholar's dream, but also a nightmare. The results are guaranteed to be exciting and new. Because of the problems with the earlier studies cited above, most obviously their generality and brevity plus the indiscriminate mixing of bishopric and priory estates, it would be a fruitless waste of effort and space to deconstruct the work of previous historians. Thus, this thesis begins from the ground up, largely disregarding the unstable foundations of works a century out of date and instead returns to the manuscript sources. Neither earlier work nor the need to find an unstudied subject has dictated the questions I investigated. On the other hand, the amount of work needed to bring the study of the bishopric estates up to par with those of, say, Ramsey Abbey, is daunting.

### *Historical Background*

This thesis is chronologically based in the pontificate of Walter Skirlaw,<sup>46</sup> bishop of Durham from 1388 to 1406. Skirlaw's pontificate followed a period that was not the quietest time in England's history. The Black Death had ravaged England beginning in 1348, killing up to half the population; periodic outbreaks of plague helped keep the population low thereafter in conjunction with other demographic shifts. Together this had a broad effect, permanently altering the social fabric of the country. Prices rose, as did wages.<sup>47</sup> With labor in short supply, those who had been unfree were placed in a better bargaining position vis à vis their lords, and the weakening of villeinage accelerated. But the lords did not give in easily, and in many areas they strove to preserve the status quo. The result was increased lord-tenant tension. To make matters worse, the newly renewed war with France was going poorly, with resources split between France and the Iberian peninsula. Increased taxation, coupled with social pressures, caused the Peasants' Revolt in 1381. The rising targeted royal and manorial administrators and officials, and the records they

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<sup>46</sup> Or Skirlawe.

<sup>47</sup> No specifically northern wage-rate or grain price series has been constructed, so conclusions about conditions in northern England must remain qualitative at this point. For County Durham a tiny scrap of parchment listing expenses and repairs for Darlington has survived, and it includes wages paid. While there is no date it belongs to the pontificate of Walter Skirlaw, and is classed as CCB-F, Miscellanea on Accounts (1394-5) I/A5/1/8. The wages paid vary between 2 ½d and 4 ½d per day, with 4d per day being the most common. The occupation of the men (always *homines*) is not stated, but as most of the work is repair work on buildings (*domus*), stables and mills it is most likely carpentry. 4d a day for carpenter work accords well with the average wage for such work between 1380 and 1410 at which Farmer arrived; D. Farmer, 'Prices and Wages, 1350-1500,' in E. Miller, ed, *The Agrarian History of England and Wales, Volume III: 1348-1500* (Cambridge, 1991), p. 471.

generated. The young king's intervention defused the situation, but not before royal officers had been lynched. Despite calls for mercy, the reprisals by local justices were often brutal.

Durham fared differently from the rest of England. Plague mortality on the manors of the Prior and Convent of Durham varied from manor to manor, but most had a death rate of over fifty percent.<sup>48</sup> Whilst the county did experience the subsequent social, economic and demographic changes occurring elsewhere in England, Durham was spared the worst. There was no rising concomitant with the Peasants' Revolt, although the bishop had been no less assiduous in maintaining his rights than his counterparts elsewhere.<sup>49</sup> On the other hand, Edward III's final weakness and his grandson's minority allowed conditions on the borders to deteriorate, both through lack of action as well as inability to control the northern lords. The ravages of the Scots did not affect the county to the same extent as they did Northumberland, although there was some damage and further indirect effects. However, both the bishop and priory held lands in the Borders and the Scots caused severe economic problems in the area and exacerbated older economic difficulties.<sup>50</sup> The situation had settled by the mid-1380s, but raid and counter-raid continued.<sup>51</sup>

Unfortunately, there has been no study of the agricultural, social, economic and demographic history of northern England (including Durham) in this period as there has been for the rest of the country. It would be highly surprising if the trend was different from that in southern England. We can safely assume that just as in the rest of the country, the economy began to slide into recession and population declined into the fifteenth century. Despite the effort and force the bishop and his officers put into their reactionary action, '[they were] incapable of arresting change on the bishop's estates'.<sup>52</sup> The golden age of the long thirteenth century was irrevocably gone.

Durham was closely involved with the rest of the north in the political troubles of King Richard II.<sup>53</sup> John de Fordham had been keeper of Richard's privy seal when the latter was prince

<sup>48</sup> R.A. Lomas, 'The Black Death in County Durham,' *Journal of Medieval History* 15 (1989), p. 129. The effects on the bishopric manors has not been studied.

<sup>49</sup> See Britnell, 'Feudal Reaction' for an examination of the response of the bishop of Durham.

<sup>50</sup> R.A. Lomas, 'The Impact of Border Warfare: The Scots and South Tweedside, c. 1290-c. 1520,' *Scottish History Review* 75 (1996), pp. 156-58.

<sup>51</sup> 'The years 1377 to 1399 witnessed a larger proportion of parliamentary petitions by the commons of Northumberland and Cumberland complaining piteously of wartime poverty and want than in any other period in the fourteenth century': Neville, *Violence, Custom and Law*, p. 65.

<sup>52</sup> Britnell, 'Feudal Reaction', p. 46.

<sup>53</sup> According to Jewell, in the late fourteenth century there was an increasing involvement of northern England in national politics, and perhaps even a growing regional awareness: H. Jewell, *The North-South Divide: The Origins of Northern Consciousness in England* (Manchester, 1994) p. 40.

and he continued in the office for a time after Richard became king. His had been one of the heads sought by the rebels during the Peasants' Revolt, though he survived and with little damage to his possessions. Before 1384, Richard had appointed him as Warden of the East March, in order to solve the vexing question of the Warden's jurisdiction in the palatinate.<sup>54</sup> After Fordham had served four years as bishop of Durham, Richard recalled him to become Treasurer of England. Fordham was forced to resign with other ministers in 1386, and was banned from court in 1387. He was one of very few of Richard's supporters who was not arrested or banished at the 'Merciless Parliament' in 1388. However, he was translated to Ely as part of the political realignment of the English episcopate; Richard's opponents and other northern lords deemed his presence in such a sensitive an area as Durham unsuitable.

Walter Skirlaw, a favorite of the pope, took Fordham's place. His exact birthdate is unknown, but he hailed from a few miles northeast of Hull (Yorks.). He had attended Oxford University, taking both a M.A. and LL.D. there. Skirlaw entered royal service as a king's clerk, beginning to acquire benefices in 1370. Little is known of his career due to the loss of his register, but he served as an important diplomat and may have had connections with John of Gaunt, as both his predecessor and successor at Durham most assuredly had.<sup>55</sup> During Richard II's minority, he was employed on several important overseas diplomatic missions; these included the negotiations with Pope Urban VI and for the marriage of Anne of Bohemia. He continued to be employed with other delicate missions for the rest of his life.<sup>56</sup> He was often one of the chief negotiators; in 1392, he shared the place of highest honor with Gaunt at a banquet given for them at Amiens by King Charles VI of France during peace negotiations.<sup>57</sup> In 1384, Richard made him keeper of the privy seal; and in 1385, he was provided to the see of Coventry and Lichfield by papal provision, although he was transferred to Bath and Wells shortly after his consecration.

Despite having spent years in royal service, Richard's opponents must have seen Skirlaw as a suitable replacement for Fordham; and he did not disappoint them. In his biography of Richard II, Anthony Steele commented that 'the now renegade Skirlaw' had been added without authority to

<sup>54</sup> Neville, *Violence, Custom and Law*, p. 76.

<sup>55</sup> A. Goodman, *John Of Gaunt: The Exercise of Princely Power in Fourteenth-Century Europe* (Harlow, Essex, 1992), pp. 106, 150, 154, 254-255. Regarding Gaunt's links with John de Fordham, see Goodman, *John of Gaunt*, pp. 254-5. Regarding Langley, see Goodman, *John of Gaunt*, pp. 167, 251, and Storey, *Thomas Langley*, pp. 3-20.

<sup>56</sup> N. Saul, *Richard II* (New Haven, Conn., 1997) pp. 87-88.

<sup>57</sup> Goodman, *John of Gaunt*, p. 150.

the Appellants' council.<sup>58</sup> However, Skirlaw must not have been so openly opposed to Richard's policies. He was not removed or translated when Richard regained his authority; or perhaps his popularity with the pope ensured the security of his position. Still, in the troubled last years of Richard's reign, Skirlaw wisely absented himself from Parliament, and sided with Henry Bolingbroke against Richard. Whether Skirlaw himself took any active role is unclear, but his steward Ralph de Eure may have assisted Bolingbroke's landing, and may have taken men of the bishopric with him.<sup>59</sup> Whatever his exact feelings on the usurpation, Skirlaw continued his diplomatic work under the new administration, being chief negotiator with France for two years. Henry IV's usurpation and his Scottish policy sparked a war with the Scots. The English victory at Homildon Hill did something to guarantee peace in the region, however. The capture of King James I of Scotland in 1406 strengthened the English position vis à vis Scotland even further.<sup>60</sup> Nonetheless, the bishop of Durham did not entirely escape loss in this period and shortly thereafter.<sup>61</sup> In 1403, the Percy Earl of Northumberland revolted along with his son, Harry Hotspur; again, Skirlaw's actions are not well known, but Ralph de Eure was involved in the arrest of Archbishop Scrope.<sup>62</sup> Politically the north was quiet after the Percy rebellion. Skirlaw died on 24 March 1406, and was buried in Durham Cathedral.

Very little can be known about Skirlaw's relations with his lesser tenants whom we encounter in the halmote books. Most contact with them would have been conducted through his steward, or through other officers; it is thus difficult to determine whether decisions or policies originated with him or with his officers. His register might have helped to disperse some of the darkness surrounding this issue, but it unfortunately has not survived. However, eight brief letters have survived from Skirlaw to various local officers.<sup>63</sup> These very brief letters, written in French and sealed with Skirlaw's signet, were for the most part directed towards collectors of villis.<sup>64</sup> They contain instructions to the officials that he granted to the petitioners extensions on paying sums

<sup>58</sup> A. Steele, *Richard II* (Cambridge, 1962), p. 140.

<sup>59</sup> C. Rawcliffe, 'Euer, Sir Ralph,' in J.S. Roskell, L. Clark and C. Rawcliffe, *The History of Parliament: The House of Commons 1386-1421* (Stroud, 1992), vol. 3, p. 41.

<sup>60</sup> Neville, *Violence, Custom and Law*, pp. 96-101, 103-4.

<sup>61</sup> *ibid.*, pp. 105-6.

<sup>62</sup> Rawcliffe, 'Euer, Sir Ralph,' p. 42.

<sup>63</sup> CCB-F, *Miscellanea on Accounts, 1394-5*, 1/A5/1/7, 10, 22, 26, 27, 34, 36, 66.

<sup>64</sup> Wax remains on the dorse of the letters, sometimes in the shape of a seal, but no design remains to be discerned; for the use of the signet cf. n. 65.

owed, or forgave them entirely. As these were given at Auckland,<sup>65</sup> one can easily imagine Skirlaw receiving his tenants at his palace, considering their petitions with the aid of what councilors might be present, and providing answers such as these on-the-spot.<sup>66</sup>

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<sup>65</sup> The standard closing formulae translate as either 'written at our manor of Auckland' or 'given under our signet at our manor of Auckland', followed by a dating clause.

<sup>66</sup> As there are only eight such letters surviving, no conclusions should be drawn about the normality of such events.

## II

### The Halmote Books

Whilst using a variety of primary sources, both in manuscript and in printed form, this study is based almost entirely on the halmote books from the bishop of Durham's estates. These books have not been a subject of study per se, having been used heretofore only as a general manorial source. Whereas they seem to be a nearly unique type of manorial record, and are the fullest source for the bishopric estates in this period, it is only fitting that a study of them begins the present thesis. For these reasons, then, I have included here a brief codicological description of the halmote books I have used.

#### *Codicology and Palaeography*

The halmote books were removed from the Bishop's possession in 1868 to the Public Record Office, whence they remain to this day. I have focused on two of the halmote books, PRO DURH 3/13 and 3/14. DURH 3/13 contains the first seventeen years of the pontificate of Walter Skirlaw, that is 1388-1405. The first 34 folios of DURH 3/14 contains the last year of his pontificate and the court records *sede vacante*; the rest of the book contains the records of Skirlaw's successor, Thomas Langley. The rest of DURH 3/14, as well as PRO DURH 3/12 (which contains the fragmentary remains of the records from the early years of the pontificate of Thomas Hatfield [1345-81]) have also been used to some extent. Although outside the period under consideration, I have briefly examined these for general confirmation of my findings, as well as to muster additional support for more tentative hypotheses.

The halmote records are in book form, roughly measuring between 23cm x 29cm and 26cm x 35cm.<sup>67</sup> This is unusual because most extant manorial records in the south are in rolls of membranes stitched together. The books are in quite good condition, although the first few entries in each book are nearly illegible, as the top of the front cover of each book has suffered. There are occasional tears, usually in the margin areas and thus affecting very little of the actual record. Most

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<sup>67</sup> The size of the individual folios varies as the records were originally bound in smaller groupings. These numbers are representative of the smaller and larger folio sizes, but are not necessarily the minimum and maximum size.

of the holes in the parchment seem to have been there before having been written upon, as there are very few, if any, missing words.

PRO DURH 3/13 contains 494 folio pages, PRO DURH 3/14 1,346 folio pages. 3/13 has two sets of folio numbers. The darker set in the upper right corner of the recto corresponds to the current state of the book. The second set, in the upper left corner of the recto, is fainter and smaller. This number, which must be from a previous binding, soon diverges from the newer number. There are at least twenty folios missing. While some of these folios were undoubtedly blank, some must have contained at least part of the missing record; for example, page 63r begins in the middle of a court, after a blank page 62v.

The books, with some exceptions, were written in a clear and simple Anglo-gothic court hand. The hands of some portions of the text have a greater cursive element, whilst others approach the quality of black-letter gothic for the court headings. With the exception of proper names, Latin was the language of the halmote books. The Latin used was good, although with the heavily abbreviated nature this means rather little. The scribes do seem to have been well educated, and they occasionally used a number of unusual abbreviations.<sup>68</sup> Other scribal practices reflect this erudition. Two of the scribes used dots underneath words to indicate deletion. This was common in literary works but less so in court records, where mistakes were usually crossed out.<sup>69</sup> Some of the scribes preferred to erase mistakes, either to write over them or simply to avoid unsightly strikeouts.<sup>70</sup>

Many scribes had a part in the composition of the records. Although in the same general hand, the script does vary by year or tourn, and on a very few occasions seems to vary within a tourn. Some scribes took the time to pen fancy capitals for the names of the vills in the margins, with flourishes and leaf-work that one almost expects to be illuminated; other scribes were more practical. The phraseology and terminology are generally the same, with some differences year by year. The greatest variations, which were minor, usually occurred in the court headings.

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<sup>68</sup> For example, *prepositus* (reeve) is usually abbreviated *p'p'it'*; in most of the halmote records it is rendered *p'pōī'*. Perhaps the scribe was thinking of the root *ponere*, which would not be surprising for a well educated clerk. It may be that the macron above the 'o' and 'i' merely indicates a missing 's'; this would still be an unusual abbreviation, as the macron above vowels normally indicates one or more missing 'm's or 'n's.

<sup>69</sup> PRO DURH 3/13 61v, 168v, 172r.

<sup>70</sup> Such as can be found in PRO DURH 3/13 208r.

Sometimes the regnal year was included in addition to the omnipresent pontifical year, or else the steward was referred to as 'sir' (*dominus*) or as the 'steward of Durham' (*senescallus Dunelmensis*).

There are however some striking differences in the writing for 1393/94. Most noticeable is that the word 'manor' (*manerium*) is found in several entries. Also appearing at this time is the phrase 'according to the custom of the manor' (*secundum consuetudinem manerii*) appended to the usual formula used in the Durham halmotes to describe land tenure. *Insultum factum* (an assault made), another phrase common elsewhere in England, also occurs sporadically; the usual phrase in the halmote books is *transgressio facta*. These phrases are quite common in southern courts, but are very rare in Durham. These peculiar words and phrases for the most part occur collected together, not spread out throughout the books. This would seem to indicate that these phrases were imported by a scribe (or scribes) either born in the south or trained there, who tried to categorize Durham customs and ideas according to those to which he was accustomed.

This southern scribe or scribes and the rest of those who composed the halmote books are all but unknown to us. Only one scribe identified himself. On the 'cover' of the book for 1394/95 is the following note: 'Gilbert de Huton', clerk, delivered this book to the steward on the 20<sup>th</sup> day of July in the seventh year of Bishop Walter's episcopate.<sup>71</sup> Some jurors and many participants in the courts are identified as clerks, and Clerkson and Clarkson are not uncommon as surnames. Neither of these is surprising given the overtly ecclesiastical nature of Durham. Unfortunately, there is no evidence that any of these men were connected with the halmote courts in any official capacity.

#### *Completeness of the Books*

The halmote books comprise the majority of surviving estate records for the bishopric during Skirlaw's pontificate, and thus we are truly fortunate that they survive in an almost complete series. There were three tourns per year, and for convenience, I refer to them as the fall, Lenten, and summer tourns.<sup>72</sup> Each tourn consisted of ten courts. Thus for the eighteen-year period under consideration 540 courts theoretically should have been held, out of which the records for 460 courts have survived.<sup>73</sup> I have given the breakdown of surviving records in Table 1.

<sup>71</sup> cf. n. 93.

<sup>72</sup> The timing of the courts is discussed in greater detail below, pp. 83-4.

<sup>73</sup> This assumes that the missing courts were held.

**Table 1: Survival of Bishopric Halmote Court Records**

Pontifical Year <sup>74</sup>	Legal Date	Fall Tourn	Lenten Tourn	Summer Tourn
1	1388/89	9	X	-
2	1389/90	-	-	-
3	1390/91	X	X	X
4	1391/92	8	X	9
5	1392/93	X	X	X
6	1393/94	X	X	X
7	1394/95	X	X	X
8	1395/96	X	9	9
9	1396/97	X	X	X
10	1397/98	X	9	9
11	1398/99	X	X	-
12	1399/1400	X	9	X*
13	1400/01	X	X	X
14	1401/02	X	X	X
15	1402/03	X	-	-
16	1403/04	7	X	9
17	1404/05	X	X	X
18	1405/06	X	X	X**

X = Complete Tourn, 10 courts

# = Number of courts in an incomplete tourn

- = Completely missing tourn

\* Second half of tourn completed in year 13

\*\* Sede vacante

Fourteen of the eighteen years are complete or nearly so. Only for 1402/03, which was bound out of order, do less than half of the year's courts survive. Only 1389/90 is missing completely, whose 30 lost courts account for almost half of the missing records. Another twenty missing courts are from the Lenten and summer tourns of 1402/03. The records for the summer tourn of 1388/89 are missing, as well as the summer tourn for 1398/99. How, or when, these records were lost is unknown, although as the courts for the latter year were disrupted their loss could be connected with national political events.

#### *Court Book or Court Roll?*

The information in the halmote books was taken from rolls containing the original court records. These rolls were probably quite similar in appearance to manor court rolls from the rest of

<sup>74</sup> The halmote books were dated by pontifical year, which of course varied by bishop and did not necessarily coincide with the calendar, liturgical, legal, or accounting years. As far as possible dates have been given in standard form (e.g. 1 January 1388). When whole pontifical years are being referred to, it will be in the form used to refer to legal or accounting years (e.g. 1388/89). Convenience will sometimes require reference by pontifical year, but in this case the dates will also be noted as previously.

the country, or the rolls that survive for the Prior and Convent of Durham. Normally a clerk would have recorded the court business; nonetheless, it is possible that the steward wrote the original record or parts thereof.<sup>75</sup> None of these rolls survives intact for the bishopric, but their existence and some of their use is certain. There are several references scattered throughout the halmote books, and the term 'court roll[s]' (*rotulus/-i curie*) occurs regularly in the collectors' accounts. For example, under the heading 'Perquisites of the halmote' in the account of the collector for Wardon for 1397/98: 'Nothing because no one fined there this year, as appears in the court roll.'<sup>76</sup>

Could these references to the court rolls be nothing more than a convention for referring to the books? In the halmote books themselves, there are few references to the rolls during Skirlaw's pontificate; the *rotuli curie* are mentioned in one case during the period under consideration, but referring to rolls from ten years earlier. The reeve and tenants of Norton were amerced in 1393 for not transporting the rolls to the halmote along with the steward's supplies. Here the term may have been used inclusively of rolls and books, or as a general synonym.<sup>77</sup> However, a reference from 1349 which reads, 'the jurors were not inserted here nor in the roll due to the negligence of the clerk,' indicates that *rotulus* and *librum* were not always synonyms but could refer to distinct items.<sup>78</sup> Further, a marginal note under the vill of West Thickey in 1395/96 reads, 'note that the [name of the] pledge of Robert Hunter is in the halmote roll'; there is no name of a pledge in the halmote book.<sup>79</sup> It is obvious that, despite occasional ambiguities, the court rolls were not the same as the halmote books but had separate functions and contained different data. The rolls for the present tourn or year were probably carried from court to court, depending on when the books were actually composed. However, we know their permanent whereabouts from a reference to them in the court held at Sadberge in 1349: 'A day is given for John of Blackwell and John Marshal to come to Durham [City] . . . to scrutinize the record of the rolls.'<sup>80</sup>

<sup>75</sup> There is one reference to a clerk in connection with the original court roll, 'the jurors were not inserted here nor in the roll due to the negligence of the clerk,' (*Jurati non inseruntur hic nec in rotulo per negligenciam clerici.*): PRO DURH 3/13 10r. But this is not explicit enough to say for certain that it was a clerk who took down the court proceedings.

<sup>76</sup> CCB-F, Collectors' Accounts, Easington Ward, I/E3/1 (1397/98), Wardon, Perquisites of the Halmote: '*Nihil quia nullus finivit ibidem hoc anno ut patet per rotulum curie.*'

<sup>77</sup> PRO DURH 3/13 96r: '*De Gilberto Spurnhare et tenentibus quia non cariaverunt victualias senescalli et rotulos halmote.*'

<sup>78</sup> cf. n. 75.

<sup>79</sup> PRO DURH 3/13 187r: '*memorandum quod plegius Roberti Hunter patet in rotul[o] halmote.*'

<sup>80</sup> PRO DURH 3/12 4v: '*Et dies datus est Johanni de Blakwell et Johanni Marshall essendi apud Dunelm . . . ad scrutendum recordum rotulorum.*'

The rolls may have been used as a backup record, as they contained material not in the original records. One case reads 'And it is written in the halmote roll of this tourn that the said William Bedall, chaplain, will give one mark as an increase [in rent].'<sup>81</sup> This backup record might have oft been needed; a court case will often refer to an earlier court, the records of which earlier case are not always in the court books. If common memory failed, the only recourse would have been to the rolls for the earlier court. The collectors' accounts, in the section on the perquisites and ameracements from the halmote court, often refer to the court roll stating the sum 'as is found in the court rolls' (*ut patet in rotulis curie*). However, in the account for Ryhope in 1397/98, the phrase is 'as is found in the estreats' (*ut patet per extracta*), so it is also quite possible that the requisite information was transcribed from the rolls for the specific use of the collectors.<sup>82</sup> These extracts were mentioned again later in the same roll for the township of Houghton.<sup>83</sup>

#### *Timing of Composition*

The halmote books may also have been carried on the tourns. The reeve of Norton was amerced 3s 4d in 1397 for not carrying the *libri senescalli* from Stockton (the court to which the residents of Norton reported) to Darlington.<sup>84</sup> All of the tenants of Sedgefield were fined half a mark for not carrying the *libri halimote* from Middleham to Stockton.<sup>85</sup> Since most of the rolls were left on deposit in Durham City, it would not at all be surprising that the books for several years were carried on the tourn. Not to do so would be to place an incredible amount of faith in the collective memories of the tenants, and even more in their willingness to use that memory truthfully. However, there is nothing to say that the *libri* were limited to the halmote books, but may have included other books as well, such as rentals or surveys.

The halmote books were compiled after the courts were held, probably after the completion of each tourn, although it could have taken place all at once at the end of the pontifical year. A clerk copied the records onto folds of parchment, possibly one fold per tourn. In 1405/06 for example, there is a note concerning the court held at Sadberge located between the court records

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<sup>81</sup> PRO DURH 3/12 16v: '*Et licet primatur in rotulo halimote istius turni quod predictus Willelmus Bedall capellanus dabit de incremento unam marcam*'. The idea of the court roll as a master record will be discussed further below.

<sup>82</sup> CCB-F, Collectors' Accounts, Easington Ward, I/E3/1 (1397/98), Ryhope, perquisites of the court.

<sup>83</sup> *ibid.*, Houghton, perquisites of the court, '*patet per extracta super comptum*'.

<sup>84</sup> PRO DURH 3/13 277v.

of Stockton and Darlington (where the court at Sadberge is normally found in the records): '[For the] pleas held at Sadberge, look in the second folio of this quire etc.'<sup>86</sup> The pages of the tourn are sometimes numbered consecutively (I, II, III etc.). Page 103v begins the fall tourn of 1393/94, and pages 103v-108v contain one full circuit of the tourn; the second circuit begins on 108v. Pages 103v, 104v, 105v, and 106v are numbered respectively in the bottom left corner I, II, III, and IIII; there is no number on 107v, but VI is found on 108v. Similar markings occur on 215r-219r. This is the beginning of the Lenten tourn of 1396/97, the whole of which takes up 10 folios. 225r-227r (II-III) and 229r (IIII), although numbered incorrectly, also make up the first half of the folios of another tourn. These markings can also be found on 186r -I, 187r - II, 188r - III, 189r - IIII; this time there are only eight folios for the tourn. They can be found also on the rectos of 205-208 (II-III), though there are an odd number of folios for the tourn. Usually only the southern circuit was numbered.

There are sometimes blank folios at the beginning of tourns, and occasionally at the end of the tourn, with the record of the tourn beginning on the recto of the next folio. More common is a blank recto at the beginning of a tourn, with the courts beginning on the verso. These blank folios and blank rectos probably functioned as covers for the folds before they were bound together. As we know that these books traveled, having a cover for some added protection makes good sense. There are examples of blank pages and folios between tourns,<sup>87</sup> and one instance of a blank folio at the beginning of a year.<sup>88</sup> Whilst not all of the tourns or years have covers at present, more seem to have had them during an earlier binding of the book. The discrepancy between the two sets of numbers seems due to some of the covers having been removed.<sup>89</sup> Still, there is not always a blank page or folio separating different tourns and years. One such instance is the fall tourn of 1394/95, which begins on the verso of the last court from 1393/94. But for the most part there is or was a cover page for each tourn.

<sup>85</sup> PRO DURH 3/13 289r.

<sup>86</sup> PRO DURH 3/14 10r: '*Placita tenta apud Sadberge - requiritis in secundo folio huius quaterni etc.*'

<sup>87</sup> PRO DURH 3/13 23r-24r, 40r, 115r, 126r, 150r, 161r, 406r.

<sup>88</sup> PRO DURH 3/13 138r.

<sup>89</sup> The first divergence is at PRO DURH 3/13 f. 32 of the current numbering, where the old numbering goes from 31 to 33. Folio 32 began a new tourn, and folio 31 was the end of another. Similar divergences occur at ff. 71 and 194. This does not account for all of the discrepancies, however.

There known are quite some

IIIIII  
f228r  
IIIIII  
IIIIII

or 31  
f 32  
IIIIII  
IIIIII  
IIIIII

Some of these otherwise blank cover pages and folios were labeled. There is a blank folio at the beginning of each tourn for 1392/93, with *primus*, *secundus*, or *tertius* written on the recto.<sup>90</sup> 138r is inscribed *primus*; the next folio begins the court records for 1394/95. Similarly, each tourn of 1405/06 had a note at the beginning on an otherwise blank recto: 'the first tourn of the halmote in [pontifical] year 17,' 'the second...' and 'the third...'.<sup>91</sup> Since this has not been done for every tourn and year, it would seem to be merely a scribal variant. As there are several known missing cover pages and others whose loss we may not be aware of, we cannot so easily dismiss it thus, and the practice may well have been a standard administrative practice.

While the system of one fold, one tourn would have wasted some space, it would have been nearly ideal for administrative purposes. It also makes it easier to lose whole tourns, then or later, which may explain some of our missing courts. Several courts and tourns, and once an entire year, were recorded or bound out of chronological order. The Lenten tourn of 1395/96 was bound after the summer tourn of that year; the same happened for 1397/98. The fall tourn of 1398/1399 is found after the Lenten tourn of that year. All the extant records for 1402/03, and the fall tourn of 1403/04, are bound after the records for 1404/05. If a single roll had been used, each court would follow the other chronologically.

Scribal evidence also indicates post-curial composition based on another source. As mentioned above the handwriting is usually quite clear and tidily written; whilst there are occasionally signs of being rushed, a submission deadline could have been the cause. There may have been some ruling, but for the most part, if the pages were ruled it is too faint to see. There are also strikingly few scribal errors, whether corrected by dots, or strikethroughs; and the clerks also had time to correct by erasure. Nor are interlineations, which are common in other court rolls, encountered often in the halmote books. The few interlineations and corrections in the halmote books may be updates or corrections from later tourns or years. There are some large later additions. In the Lenten tourn of 1394, a note stating that Peter de Midrige had found pledges that he would pay his farm was added at the end of the business for Middridge in an obviously different hand.<sup>92</sup>

<sup>90</sup> PRO DURH 3/13 71r: '*primus*'; 82ar: '*secundus*'; 93ar: '*tertius*'.

<sup>91</sup> PRO DURH 3/13 358r, 370r, 382r.

<sup>92</sup> PRO DURH 3/13 116r.

We are fortunate that one of the clerks tells us exactly when he finished his portion.<sup>93</sup> The note seems to suggest the completion of a work and its dedication or presentation, much as would be found in a work of literature. This idea, tenuous though it seems, is further reinforced by the very tight, neat hand in which the tourn has been written. The scribe must have thought highly of himself. This date was four days after the last court of the summer tourn of 1394/95. Given the amount of work which was required, four days (or three, if one includes travel) is not an unseemly amount of time for the work to be done. And there is no reason that the writing up could not have been done in the field, once the court session was complete; some years and tourns begin on the next page after the previous court was finished.<sup>94</sup> Perhaps most clerks had the work done before they returned Durham City, and this note marks the exception.

#### *Master Record and Portable Record*

Finally, perhaps other sources can shed some light on this question. In the introduction to his calendar of the *Liber Gersumarum* of Ramsey Abbey, E.B. DeWindt noted 'in those cases where court rolls survive for the places and dates recorded [in the *Liber Gersumarum*], the entries [again, in the *Liber Gersumarum*] are not to be found [in the court rolls].'<sup>95</sup> He noted further that '[a]n impression is left of the abbey scribes choosing entries from some original source – now lost'.<sup>96</sup> The situation he describes may be analogous to the one at Durham, with the now lost court rolls as the 'original source' from which the halmote books and other records were drawn. Other record 'classes' contained some but not all of the information in the court rolls, and if all survived they could be put together to reconstruct the court rolls like a jigsaw puzzle. Although few records

<sup>93</sup> PRO DURH 3/13 138v: 'Hunc librum liberavit Gilbertus de Huton' clericus Sen[escallo] xx die Julii anno pontificatus Walteri Episcopi septimo.' There is some ambiguity regarding the expansion of *senescallus*. It could be a possessive genitive (clerk of the steward/*clericus senescalli*) instead of the dative I have preferred. However, the alternate expansion seems grammatically weaker, as we would expect the receiver of the book to be specifically stated. Using the dative expansion also gives the effect of an official receipt or acknowledgment of the book's delivery. On the other hand, the clerk may have assumed that any reader would know of what he wrote. Plus, if the clerk was putting on airs and penning a literary inscription, he may well have wanted future users to know that he was the steward's clerk. Nonetheless, this other reading does not affect the overall interpretation I have imposed. As the books travelled with the steward on the tourn, it was to him or to his office that the books would have been delivered.

<sup>94</sup> For example, PRO DURH 3/13 103r contains the last court of 1392/93, and 1393/94 begins on 103v.

<sup>95</sup> E.B. DeWindt, ed., *The Liber Gersumarum of Ramsey Abbey* (Toronto, 1976), p. 6.

<sup>96</sup> *ibid.*, p. 7. On the other hand, three halmote books from the Priory of Durham survive, covering the period 1400-1528; these were essentially records of land transactions, extracted from the court

survive for the bishopric in this period besides the halmote books, there are some accounting records, and the halmote books themselves make mention of other types of records. Whilst all have different information, and doubtless contain information drawn from other sources, it seems likely that all drew upon the original court rolls with little if any overlap with other records, just as DeWindt implies for the Ramsey records. The estreats mentioned in the collectors' account, onto which the sums of court fines were copied from the original record, are the clearest examples other than the halmote books.<sup>97</sup> This 'master copy' may be an aspect of manorial administration hitherto unknown, with equally unknown implications.<sup>98</sup>

Another possibly similar source, also monastic in provenance, comes from Oxford. St. Alban's Abbey (Oxfords.) used both court rolls and books.<sup>99</sup> The rolls were quite chaotic, and it seems that a need for administrative organization led to the supplemental use of court books.<sup>100</sup> Comparison of surviving rolls and books has shown that the information in the books was a verbatim copy from the rolls, although the court books did not always include material found in the rolls.<sup>101</sup> Unfortunately, it is unknown whether the court books were compiled at the same time as the rolls, or whether they were extracted much later.<sup>102</sup> The general sorts of material copied into the books of St. Alban's are similar to that found in the Durham halmote books. The court book was, in A.E. Levett's opinion, to be used to record important precedents and information of long-term value, and to serve as a judicial record. She is unclear on the role of the rolls, though noting that the monks allowed the rolls to fall into rebel hands during the 1381 rising while they saved the court books.<sup>103</sup> While on the surface St. Alban's seems similar to Durham, it may not be so. Insufficient work has been done on the St. Alban's material to make accurate comparisons. However, it seems that the rolls remained the primary record, the books being supplementary only and perhaps not even contemporaneous with the rolls. What was copied into the books was done so verbatim, but Levett does not mention memoranda or references back to the rolls as being found in the books, nor

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rolls (which survive in quantity). While not explicit, Lomas implied that the priory books duplicated material in the rolls: Lomas thesis, 'Durham Cathedral Priory,' p. 4.

<sup>97</sup> CCB-F, Collectors' Rolls, Easington Ward, I/E3/1 (1397/98), Ryhope, perquisites of the Court.

<sup>98</sup> As far as I can tell, there has been no work done on this, and whether it is a unique phenomenon or one that is widespread would be very interesting to know.

<sup>99</sup> A.E. Levett, 'Studies in the Manorial Organization of St. Alban's Abbey,' in Cam, Coate, and Sutherland, eds., *Studies in Manorial History*, pp. 76-96.

<sup>100</sup> *ibid.*, pp. 76-9.

<sup>101</sup> *ibid.*, pp. 95-6.

<sup>102</sup> *ibid.*, p. 89.

<sup>103</sup> *ibid.*, pp. 76, 79-81, 94-6.

did she speak of any relationship between the books and other manorial records.<sup>104</sup> Nonetheless, the St. Alban's and Ramsey material do indicate that the Durham halmote books may fall into a wider pattern of manorial record keeping and administration, although each preserves unique features, quite probably regional in origin or function.

Returning to Durham, this 'master record,' the original court rolls, was not discarded, but was kept in the city of Durham. Its primary use seems to have been as a set of backup records, perhaps for every other record derived from them as described above. There is the example cited above of tenants travelling to Durham to scrutinize the rolls.<sup>105</sup> The rolls were also used to supplement or correct the collective memory of the suitors. There is a land plea where the rolls from ten years earlier are referred to in the present tense:

Thomas Mayre, at the halmote held here on 2 May 1384, ... made fine for a piece of land called 'le parcell,' which was in the tenure of William of Cokdale, containing five acres, as they believe for a long time waste in the bishop's hand, just as it appears in the court roll from the time of the said John [de Fordham] recently Bishop.<sup>106</sup>

There can be little doubt that the halmote books of the bishopric of Durham are not the original court record, but were composed from it at some later point. The clerk may have kept the rolls for the current year and carried them all with him on the tourns. It is more likely that he deposited them in Durham at the end of the tourn and so only carried the roll for the present tourn. If the clerk(s) wrote the books during or at the end of the tourn, this would then dispense with the need to carry the rolls on the next tourn; the more manageable book could be taken in their stead. Copying at the end of the tourn would also ease the burden at the end of the last tourn of the year. Only one book would have to be written then, with maybe some corrections or updates made to the previous books. The greatest rush to complete the books would have been at the end of the summer tourn. The steward would want to make sure everything was in order so the accounts could be audited and decisions be made for the coming year.

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<sup>104</sup> *ibid.*, pp. 75-101.

<sup>105</sup> *cf.* n. 80.

<sup>106</sup> PRO DURH 3/13 97v: '*Thomas Mayre, ad halimotam tentam hic die lune proximo post festum Apostolorum Philippi et Jacobi anno pontificatus Johannis nuper Episcopi tertio coram Radulfo de Eure tunc senescallo, finivit pro una pecia terre vocata le parcell' quondam in tenura Willelmi de Cokdale, continente v acras ut credunt diu vasta in manum domini sicut patet in rotulo curie de tempore ipsius Johannis nuper Episcopi.*'

*Purpose of the Halmote books*

Like all medieval manorial records, the halmote books were created for the bishop's purposes.<sup>107</sup> Estates with sophisticated administrative organizations had diverse records: accounts, court rolls, rentals, etc., each with a different purpose albeit some deliberate overlap. The bishopric estates were no different. Although few of these records actually survive, most are easily categorized as to their uses in the administration of the bishopric's estates. Ironically, the records that have survived in the greatest quantity for our period, the halmote books, cannot be so neatly pigeonholed. However, to determine their use requires the reconstruction of and speculation about estate records that are now lost to us physically but known through references in the halmote books.

First, the uses to which the books were not put will be discussed, so that the actual uses of the halmote books may be thrown into as great relief as is possible. They most definitely were not used for accounting purposes. Fines per case were recorded, but there is no sum of the fines, by vill, court, tourn or year, as there is in other manorial court records. Most likely, this information was copied from the original court record into records such as estreats that were used for accounting purposes. This is not to say that there is no evidence of accounting material in the halmote books. There are numerous memoranda, both in the body of text and in the margins, for allowances to collector's accounts, land *in manu domini*, and sale of confiscated and forfeited goods and chattels. More importantly however is the omission of an essential element from the halmote books: the sums collected in court, or to be collected later. Most southern court rolls included this information at the bottom of the court business, along with the names of the affeerors; and it would have been against administrative convention for it not to be the same for the halmote rolls. Instead, it must have been entered into the accounts directly from the court rolls.

The halmote books did not fulfil the function of a rental or *liber gersumarum* either.<sup>108</sup> Freehold property is almost completely missing from the books. When it was recorded, it was usually in conjunction with a license for a supposed neif of the bishop to hold the said land. Nor can it be strongly argued that there must be a missing register of such transfers alone, for the halmote books cannot function as such a register for non-free lands. Although it seems that every non-freehold land transfer, be it by sale, lease or inheritance, was recorded in the halmote books,

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<sup>107</sup> This is not to say that tenants did not learn to use them for their own purposes.

just as with accounting important information is missing. Entry fines are not always recorded, nor are rents; often there is a reference to the 'usual rent' which must have been recorded in the rental, to which there is a reference within the halmote books:

It was discovered by the jurors that John de Harlesay in the time of [Bishop Hatfield] made fine for one cottage and six acres of land in Thorp, which was accustomed to render 2s 8d and four chickens per annum, and that he held the aforesaid land after he made fine for it for seven years and thereafter paid the aforesaid farm. The aforesaid tenement with the aforesaid farm is not contained within the Rental, nor is it charged for the bishop's benefit, and the aforesaid farm was in arrears, unpaid for four years...<sup>109</sup>

This rental, which seems separate from the estate surveys, apparently contained the amount of lands and buildings, the rent per year in money and goods, as well as the services with which the tenement was burdened.<sup>110</sup> The collectors' rolls and coroner's rolls often made reference to lands and rents contained in the 'Rental,' and occasionally to *Boldon Book* as well.<sup>111</sup>

If not for this chance reference to a separate rental within the halmote books, one might be very tempted to consider the halmote books as being quite similar to the *Liber Gersumarum* of Ramsey abbey mentioned above.<sup>112</sup> The contents of the latter were confined mostly to land transfers (rarely freehold land), marriage cases, and exodus fines.<sup>113</sup> Like the halmote books, the *Liber Gersumarum* seems to have been based on a now lost source, but, rather surprisingly, does not repeat the information found in the extant court rolls for Ramsey Abbey.<sup>114</sup> This suggests that it too may have been based on this lost original, and perhaps a similar situation existed at Durham.

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<sup>108</sup> The halmote books of Durham Priory were such, but they were comprised solely of land-related entries more akin to the Ramsey *Liber Gersumarum* than the bishopric halmote books: Lomas thesis, 'Durham Cathedral Priory,' p. 4.

<sup>109</sup> PRO DURH 3/13 124v: '*Compertum est per juratores quod Johannes de Harlesay tempore domini Thome nuper Episcopi finivit pro j cotagio et vj acris terre in Thorp, que solebant reddere per annum ij s viijd et quattuor gallinas. Et quod tenuit terram predictam postquam finivit pro eodem per vij annos et firmam predictam inde solvit. Et predicta tenura cum firma predicta non sunt contente in Rentale neque onerata erga dominum et firma predicta aretro fuit non soluta per iij annos.*'

<sup>110</sup> John de Herlesay was listed in the Hatfield survey as holding 3 cottages and 10 acres in Easington, rendering 16d for 2 acres and 6s 4d for the rest with 4 chickens and 12 works (*opera*). W. Greenwell, ed., *Bishop Hatfield's Survey* (Durham, 1857, reprinted London, 1967), p. 130. It is unclear whether the cottage and 6 acres was contained within that amount, but since it could have been I have assumed tentatively that the survey as printed is not equivalent to the rental. Comparison with the manuscript would be required to know definitely.

<sup>111</sup> CCB-F, Coroners' Rolls, Stockton Ward, I/D4/1 (1413/14), Norton: '*sicut continetur in Rentali*'; CCB-F, Collectors' Accounts, Easington Ward, I/E3/2 (1402/03), Cassop, Farm of Cotland: '*sicut continetur in novo Rentali predicto*' (the referent entry merely has '*Rentali*'); *ibid.*, Houghton: '*in libro de Boldon*'.

<sup>112</sup> DeWindt, ed., *Liber Gersumarum*.

<sup>113</sup> *Ibid.*, pp. 5, 8.

<sup>114</sup> *Ibid.*, pp. 6-7.

Unlike this *Liber Gersumarum*, the halmote books contain much more court material relating to debts and leet business, which leads one to believe that they functioned as the official portable record of court business. Yet, it is difficult to believe that the halmote books functioned as the primary court record, which could be referred back to in later court sessions. Whilst the books seem to contain a record of all business before the court, there is information missing that renders them much less useful. The most noticeable of these is the lack of summarial notation in the margin besides individual cases, such as ‘mercy’ (*miseriordia*), ‘order to’ (*preceptum est*), ‘fine’ (*finis*), ‘respite’ (*respectus*), etc. These notations are common in court rolls in the rest of England, and would make checking and updating the records much simpler. Regarding updating, indications of this are rather scant in the halmote books. The copious *ponit se*’s (‘he placed himself [in mercy]’) found in other rolls are all but missing, and there is little evidence that anyone went back to the books and updated them based on later court activity.<sup>115</sup> Nonetheless, this likely was one of its main uses. Some of the implications of this are discussed further below.

It is possible that there was another set of books which had this missing information that were used as the court record, but are now lost. If that were so, then it would be clear that the halmote books would have been intended to be used as is discussed immediately below, and not as the primary court record. However, this is unlikely, as the extant books contain too much information that would be extraneous for this other use, information which is useful only if the halmote books were intended to be the main record of curial activities.

Scattered throughout the halmote books are memoranda, usually marginal but occasionally found within the body of text. Some of these memoranda refer to land in the bishop’s hand, whilst others refer to changes in the terms of lease or tenure. The greatest number of these refer to allocations made to various people, and often refer to the collector’s accounts (*compti*). These memoranda may have been notes in the halmote books that corresponded to information in the collectors’ estreats, with both referring back to the court rolls as well. None of these memoranda refer specifically to the pardons or respites granted to tenants by the bishop which I touched on above. These dispensations are not mentioned elsewhere in the court books; they must have been entered into the *compti* directly from the bishop’s letters.<sup>116</sup> It seems clear that financial matters

<sup>115</sup> Some updating would have been made before or during the copying of the books from the original rolls, but this would be limited to actions within a year or less.

<sup>116</sup> CCB-F, Miscellanea on Account, 1394-5, I/A5/1/7, 10, 22, 26, 27, 34, 36, 66.

were of indirect concern to the halmote books, and were only recorded when land tenures, or changes therein, are connected. As so few collectors' accounts survive for this period, however, it is unsafe to draw any firm conclusions about these memoranda. This question may only be answered after consulting the books and collector's accounts for Bishop Langley's time.

There is another possible use of the halmote books, one which uses most of the information contained within and does not require any of the missing information. This other use makes the books' use as a primary court record easier to understand. The halmote books served the function of recording the bishop's feudal or tenurial rights over his lands and tenants. Fines to marry (*merchet*) and for fornication (*layrwite*<sup>117</sup>), which medieval common lawyers considered the two clearest indicators of servile status, are very common in the halmote books. Agricultural duties, such as ploughing, winnowing or herding, while not explicitly recorded, are referred to in the land transfers, and could presumably be found in the rentals; there are occasional amercements for failure to perform these as well. Carriage duties, specific to the needs of the halmote courts, or of more general transport, are present as well. Enforcement of suit at the bishop's mills was recorded. Selection of manorial officers was recorded, as are the names of the jurors for the vills; non-free tenants customarily filled these positions. Finally, most of the land involved in cases in the halmotes was not freehold, being customary, chequerland (the rent for which was theoretically due at the bishop's exchequer), and, to a lesser extent, demesne. When freehold property did occur, it was usually connected with the giving to a customary tenant a license to hold it.

#### *Conclusions: Windows onto Administrative Change*

The halmote books, then, were far more than a simple court record. With this role of recording the bishop's rights over his lands and tenants, they offer an insight into the techniques used by the bishop in adjusting to these changing times. And this was the beginning of one of the most important transition periods in late medieval England, which would see serfdom and villeinage decline and the economy enter a severe recession. Other lords, secular and ecclesiastical, were re-organizing their manorial economies and administrations starting in the early 1370s, as it became clear that a return to the status quo ante would be a long time in coming. The halmote

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<sup>117</sup> Sometimes spelled in other regions as *legerwite*. I have chosen the most common spelling found in the halmotes, although *legerwite* and *leyrwite* do occur (the Latin forms being *layrwita*, *legerwita*, or *leyrwita*).

books, and other records from the period, bear witness to the attempts of the bishopric administration to adjust to changing times.<sup>118</sup>

The fluidity of the times cannot be overemphasized; and the manorial records illustrate well the attempts by the bishops' administrators to temper change with continuity. One such example is the omission of sums of the perquisites of the court in the halmote book for Skirlaw's pontificate. Sums had been included after each vill, and at the end of each court, in the surviving halmote books of Hatfield's episcopate. For the first three years of Langley's pontificate, the sums of the fines, amercements, and other court perquisites were given at the bottom of the entry for each township. This had been done in the extant books (covering the years 1348 to 1362) from Hatfield's pontificate. Yet these sums were abandoned after the third year of Langley's pontificate (1408/09). With these sums, the recording format of the court books look very much like that of a typical manorial court roll. Perhaps the books were used in conjunction with the collectors' duties. However, these sums are not to be found in Skirlaw's books, and do not appear again in Langley's after those first three years. The omission of the sums during Skirlaw's pontificate seems to have been an experiment. For a time after his death, the administration switched back to the old methods. But the steward and other administrators must have decided that the way they had done it in Skirlaw's pontificate was better. There was no apparent need for the curial sums to be included in both the halmote books and the court rolls. The precise reasons for this experiment are difficult to fathom, and they may or may not be due to the changes wrought by the Black Death and its aftermath. Perhaps the omission simplified recording procedures, or inclusion of the sums was thought unnecessary given the use of the books as a record of the bishop's rights over his lands and tenants. This is only speculation, however, and to answer the question properly would require an involved investigation of the administrative records both before and after the Black Death, and even into the early modern period.

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<sup>118</sup> One such example is the incompleteness of the estate survey launched by Thomas Langley, left so because the fluidity of tenure in the post-Black Death period rendered such surveys obsolete and of little use to the bishopric's administration. R.H. Britnell, 'The Langley Survey of Durham Bishopric Estates, 1418-21', *AA* 5<sup>th</sup> series 16 (1988), p. 220.

### III

#### Stewards and Coroners

The estate administration operated on three different levels: the palatinate (which included lands that lay outside the county proper); the wards; and the local level, which revolved around the vill or township. Whilst it is the last that played the greatest part, the other levels will be discussed as they occasionally impinged on the local administration. Some officers, such as the constable and chancellor of Durham, appeared rarely and quite often only when referred to indirectly in some other matter.<sup>119</sup> We can catch brief glimpses of other officers and employees of the bishop in the halmote courts, but very rarely can much information be gleaned from these instances. The master forester appeared once, when Thomas Harden and his *vicini* failed to pay the *Wedhire* to him, to the damage of William Johnson who had been distrained for the 3s owed.<sup>120</sup> The subforester was the victim of a rescue by Alan Bell in 1399.<sup>121</sup> The bishop's slater or roofer, John Kemper, was the subject of a trespass by John Brigman, reeve of Blackwell and his *vicini*.<sup>122</sup> The sheriff and many other officials appear not at all. The steward and the coroners, however, are frequently encountered, and it is to them that we turn.

##### *The Steward*

With regards to the bishopric, the most important man in the palatinate was the steward (*senescallus*).<sup>123</sup> Whilst the bishop occasionally had a hand in the running of the estates, he was too busy with other matters (often far away from Durham) to shoulder much of the burden. The steward took care of many of the more mundane administrative decisions. Aside from managing the estates, the steward oversaw much of the secular legal concerns of the palatinate, and according to

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<sup>119</sup> Foresters appeared only twice in the halmote books during Skirlaw's pontificate. It is possible that some business in the halmote, such as the leasing of forests or the taking of wood, occasionally may have required their presence in court, but this cannot be proven for this period. See J.L. Drury, 'Durham Palatinate Forest Law and Administration, Specially in Weardale up to 1440,' in *Archaeologia Aeliana* 5<sup>th</sup> series 6 (1978) p. 96, for a brief description of foresters and the halmote at other periods in the late fourteenth century.

<sup>120</sup> PRO DURH 3/13 243r: '*De Thome Harden et vicinis suis pro eo quod noluerunt solvere Wedhire [sic] magistro forestario ad dampnum Willelmi Johnson qui districtus fuit pro eodem iijs - vjd.*' Presumably this means 'woodhire', and is a payment for wood taken from the bishop's forests, either for construction or as firewood.

<sup>121</sup> PRO DURH 3/13 270v.

<sup>122</sup> PRO DURH 3/13 280v.

Lapsley, 'he represented the Bishop as head of the civil government of the palatinate.'<sup>124</sup> By the fourteenth century, the bishop usually chose his steward from the greater tenants-in-chief, although sometimes he selected clerics to fill the office. The post was not hereditary; the bishops generally preferred to install men dependent on them rather than create 'overmighty subjects'.<sup>125</sup> As we shall see below, two of the three stewards in this period were landholders of some stature in the other northern counties as well as in Durham, and well-connected to the local baronage great and small. They were also actors in the national political arena, though their sphere of operations was generally limited to northern England. Thus they helped to link the liberty of Durham with the wider English world, and we should not see them merely as local men with local concerns.

The primary duty of the steward with which we are presently concerned was the holding of the halmote courts. We do not know with how many men he traveled on the halmote tourn. Although the Peasants' Revolt did not touch Durham, it would not be surprising if northern stewards felt anxiety as they conducted their courts, fearing a lynching. Most likely, there was at least one clerk, whose job would have been to transcribe the record of the court, and later to copy the relevant parts into the halmote books. It is however quite possible that the steward himself kept a record of the court, and that the clerk did only the later copying. The steward was, as commented upon above, very involved with other legal matters. Often the bishop appointed the steward as one of the justices to hear various pleas. He was, *ex officio*, a member of the bishop's council.<sup>126</sup> Some stewards, such as Ralph de Eure, had legal experience outside the palatinate, but all were very familiar with the workings of the palatinate legal system. It is probably due to them, and their well-educated clerks, that the halmotes have the flavor of a court more sophisticated than the average manorial court.

There were three stewards during the period under consideration. Hugo de Westwyk was steward in the first year of Skirlaw's pontificate. He had also served as steward of Durham from 1376-1389, that is the last years of Thomas Hatfield's pontificate and the whole of the pontificate of John de Fordham.<sup>127</sup> Westwyk served as chancellor of the bishopric in 1382 in addition to his

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<sup>123</sup> On the priory estates, however, the steward (again, usually drawn from local gentry) held a much lower place in the hierarchy: Lomas thesis, 'Durham Cathedral Priory,' pp. 9, 11-12.

<sup>124</sup> Lapsley, *County Palatine*, p. 78.

<sup>125</sup> *ibid.*, pp. 77-80.

<sup>126</sup> *ibid.*, p. 79.

<sup>127</sup> Emsley and Fraser, *Courts of the County Palatine*, p. 96.

duties as steward.<sup>128</sup> Along with his eventual successor, Ralph de Eure, Westwyk was appointed as one of Fordham's justices to inquire into offences in the forest of Weardale and local parks.<sup>129</sup> He was deacon of Auckland from 1388 to 1395, although he appears in the halmote books in 1394 simply as 'clerk' (*clericus*).<sup>130</sup> He seems to have been a permanent member of the diocese who was carried over by the new bishops. As a reward for his years of service, he was provided with a diaconate. As there are some other persons with the surname Westwyk who appear regularly in the halmote books, he may have been from a local landholding family, which would be not at all surprising. There was a Thomas de Westwyk, cleric, who held land in Auckland; he sued William Gudenogh, chaplain, through an attorney concerning one messuage and twelve acres in Wodhous.<sup>131</sup> John de Westwyk was amerced for a false claim against John de Hexham concerning non-performance of duties as bailiff, and with William Cape he was amerced for detaining 60s from John Taillour de Moredon.<sup>132</sup>

Sir Thomas Gray (1359-1400) was steward for at least part of the second and all of the third year of Skirlaw's pontificate. We know he was steward for part of 1389/90 only through a later reference; whether he was steward for all of the year cannot be known for certain, as the book for year two is not extant.<sup>133</sup> His father and namesake wrote the *Scala Cronica*. He was quite well connected to the northern baronage, and was a landholder in Northumberland and Durham. He was made steward in 1389 (a position his grandfather had also held), and Richard II granted him an annuity of £50 for life. After his tenure as steward he often served as a negotiator with the Scots while nevertheless taking part in raids against them; he was made the Earl of Westmoreland's deputy warden for the East March, and received Wark Castle. Sir Thomas eagerly rushed to Bolingbroke's side when the latter invaded England, and supported him until his own death. His son Thomas joined the Earl of Cambridge in his treason and was executed by Henry V at Southampton, although his other son remained loyal to the Lancastrian regime.<sup>134</sup>

<sup>128</sup> *ibid.*, p. 96.

<sup>129</sup> *ibid.*, p. 62.

<sup>130</sup> *ibid.*, p. 96; PRO DURH 3/13 6v.

<sup>131</sup> PRO DURH 3/13 236r.

<sup>132</sup> PRO DURH 3/13 15r, 227r.

<sup>133</sup> PRO DURH 3/13 124v: 'in curia hic coram Thoma Gray tunc Senescalco ad halimotam tentam decimo die Januarii anno pontifatus domini Walteri Episcopi [four letters illegible] secundo.'

<sup>134</sup> C. Rawcliffe, 'Gray, Sir Thomas,' in Roskell, Clark, and Rawcliffe, *History of Parliament*, vol. 3, pp. 222-225.

There are no clear reasons for the replacement of Westwyk and Gray after such short tenures in office compared with Ralph de Eure. For Westwyk, we can discount age as a reason based on his later appearances in Durham courts, though perhaps he wished to retire and enjoy his deanery. The answer probably lies with Walter Skirlaw settling and perfecting his administration. Westwyk and Gray's short tenures suggest that Skirlaw took time to get his house in order. It was only with his third steward, Ralph de Eure, that Skirlaw seemed content to let be.

Sir Ralph de Eure (1350-1422) held the post of steward for the rest of Skirlaw's pontificate. Eure continued in the post during the brief vacancy between Skirlaw's death and Langley's reception of the temporalities, and served the latter until his own death. He was a most competent administrator, once being suggested to become the steward of Henry IV's household. In addition to his duties towards the bishopric as steward, auditor and councilor, Eure was a well-rewarded royal servant of both Richard II and Henry IV. He served as sheriff of York and Northumberland, was a MP and a Justice of the Peace, and was involved with the defense of the region against the Scots as well as in negotiations with them. He was very active on the local and regional levels, and interacted with many of the great northern lords, many of whom he was related to by marriage.<sup>135</sup>

### *Coroners*

Although the coroners were officers at the ward level, they and their bailiffs do appear enough in the halmote books to warrant at the least a cursory explanation. While Lapsley reports that there was a coroner for each of Durham's four wards, Emsley and Fraser say there were coroners only for three of the wards, plus one for Bedlingtonshire and one for Norhamshire.<sup>136</sup> Based on the remaining coroner's rolls, however, it is obvious that the latter are incorrect, and that there was one coroner for each ward. All agree that the wapentake of Sadberge, Bedlingtonshire and Norhamshire each had their own coroners. Unlike the rest of England, coroners in Durham

<sup>135</sup> For the more extensive biography on which this synopsis is based, see C. Rawcliffe, 'Euer, Sir Ralph,' in Roskell, Clark, and Rawcliffe, *History of Parliament*, pp. 38-43.

<sup>136</sup> Lapsley, *County Palatine*, p. 86. Emsley and Fraser, *Courts of the County Palatine*, pp. 14-15. 'According to the *quo warranto* proceedings of 1293 in Northumberland there were coroners for the three Durham wards, the wapentake of Sadberge, and the enclaves of Bedlingtonshire and Norhamshire. Normally County Durham was regarded as subdivided into the four wards of Stockton, Easington, Darlington and Chester-le-Street, each "ward" containing a major estate of the bishop.' Emsley and Fraser, *Courts of the County Palatine*, p. 14. Again, they imply that this situation was the same throughout the medieval period.

were not elected, but instead were appointed by the bishop, except for Sadberge where the office was hereditary.<sup>137</sup>

Like their counterparts elsewhere, the coroners of Durham held inquests for sudden deaths, heard abjurations of the realm and approvers, and investigated treasure-trove. They also served as bailiffs in the county court and halmote. They seem to have had responsibility in empanelling juries for the county court. But they had other duties as well, perhaps evolved from hereditary bailiffships. They had custody of vacant lands and sometimes were the officers who resealed the land for the bishop; they purchased provisions for the bishop, and took a hand in the arraying of fencible men.<sup>138</sup> They also collected the rent from most of the free holdings in the bishopric, as well as some of the exchequerland rents, and it is with these rents that the coroners' rolls are concerned.<sup>139</sup> Their familiarity with the land and tenures may have been why the coroners were entrusted with the survey work for Bishop Langley's survey in the late 1410s.<sup>140</sup>

How do the coroners appear in the halmote books? Responsibility for land in the bishop's hand was one of their primary duties in the halmote court. William of Chester was required to answer for the profits of one acre in the bishop's hand.<sup>141</sup> The coroner of Darlington Ward reported in the vill of Cockerton that Agnes the widow of Geoffrey de Kellowe had entered and occupied her deceased husband's land without license, and that the said land had been seized.<sup>142</sup> In the vill of Whessoe the coroner was ordered to seize the land of Robert de Cornforth, deceased, because John his son and heir was in his minority.<sup>143</sup> Similarly, the coroner was ordered at Urpeth to seize

<sup>137</sup> Storey, *Thomas Langley*, p. 62.

<sup>138</sup> Lapsley, *County Palatine*, pp. 87-88; Emsley and Fraser, *Courts of the County Palatine*, pp. 14-15.

<sup>139</sup> CCB-F, Coroners' Rolls, Stockton Ward, I/D4/1 (1413/14), Stockton; collectors also collected exchequerland rents, presumably from lands held by unfree tenants.

<sup>140</sup> Britnell, 'Langley Survey', p. 218.

<sup>141</sup> PRO DURH 3/13 231r: '*De Willelmo de Chestr' coronatore de exitibus et profituis unius acre . . . in manu domini.*'

<sup>142</sup> PRO DURH 3/13 185r: '*Compertum est per responsum coronatoris j messuagum j bovatom terre que fuerunt Galfridi de Kellowe defuncti, et in quas Agnes que fuit uxor predicti Galfridi ingressa est et occupavit sine licencia, captus est et seisitus in manu domini. Et sic remanet ideo respondendum domino de exitu inde.*'

<sup>143</sup> PRO DURH 3/13 257v: '*Preceptum est coronatori seisire in manu domini j toftum et dimidiam acre in Wessow et j acram in le Dryngfeld, que fuerunt Roberti de Corneforth defuncti et descenderunt jure hereditatis Johanni filio predicti Roberti, qui infra etatem est ut dicunt. Et valent per annum . . . Et Willelmus de Neuhaus tenet ut dicunt. Et predictus Robertus obiit . . . Et predictus Willelmus cepit inde profitum medio tempore.*'

twelve acres held in chief, which Adam de Qwalton alienated to John Botreel without license.<sup>144</sup>

On another occasion, the coroner was ordered to seize goods and chattels to force a tenant to repair his buildings.<sup>145</sup>

In the troubled times after the Black Death, and presumably beforehand, the coroners sought out and arrested fugitive *nativi*.<sup>146</sup> If a new function of the office, this would have fit in quite well with the other duties of the coroner described above. Furthermore, by using an official who was not drawn from the peasants and who did not operate exclusively on the local level, the steward and bishop were more optimistic of their orders actually being carried out. By Skirlaw's time however the flight of tenants had largely ceased. Although some tenants fled the *patria*, their numbers were not great and the causes could well have been different than in the later 1340s and 1350s. If not active in pursuit and apprehension of fugitives, the coroner still carried out related duties. In 1394, Robert Hesytrig, the coroner of Easington, answered in Ryhope for the sale of the goods and chattels of a John de Shotton, who had fled, and oversaw the demise of his lands.<sup>147</sup>

The coroners were required to distrain tenants to answer in court. Emsley and Fraser reported that a coroner was ordered in the halmote to attach a woman to appear at the county court for 'breach of close', but I have found no similar instances of the coroner distraining someone to appear in the county court in this time period.<sup>148</sup> However, William of Chester was amerced for failing to distrain Thomas de Gretham; unfortunately the clerk did not provide the reason.<sup>149</sup> Robert Belasis was amerced for not attaching John Gebon to respond for breaking a fold.<sup>150</sup> Robert Jakson was amerced for not distraining John Clawcroft and his son Robert to respond concerning an affray.<sup>151</sup> In each of these cases the coroner was amerced in the same way as a reeve, pinder or constable would be amerced: the same language was used, and the same amount of amercement was levied.

<sup>144</sup> PRO DURH 3/13 454v: '*Preceptum est coronatori seisure in manu domini xij acras terre cum pertinenciis que Adam de Qwalton alienavit Johanni Botreel sine licensia et que tenentur de domino episcopo in capite ut dicitur.*'

<sup>145</sup> PRO DURH 3/13 450r.

<sup>146</sup> Bradshaw, 'Social and Political History,' pp. 220-221. The author does not specify whether this had been the custom before the Black Death. See also Britnell, 'Feudal Reaction' pp. 32-33.

<sup>147</sup> PRO DURH 3/13 124r.

<sup>148</sup> Emsley and Fraser, *Courts of the County Palatine*, p. 5.

<sup>149</sup> PRO DURH 3/13 133v.

<sup>150</sup> PRO DURH 3/13 458v: '*De Roberto Belasis coronatore quia non fecit officium suum attachiare Johannem Gebon ad respondendum domino de falda fracta.*'

<sup>151</sup> PRO DURH 3/13 467v: '*De Roberto Jakson coronatore quia non fecit officium suum dstringere Johannem Clawcroft et Robertum filium eius ad respondendum domino de affraia.*'

In many ways, the coroner acted just as any other local official; and other local officials could carry out duties associated with the coroner. These duties would have been those related to lands and items in the bishop's hand, perhaps with the coroner's assent, such as selling the goods of a fugitive tenant or answering for the profits of his tenure.<sup>152</sup> Nevertheless, there were differences. The coroner had clear arrest powers. Robert de Newton was amerced 2s for escaping from the coroner's custody after his arrest.<sup>153</sup> William Martyn and John Gran were amerced for a rescue against the coroner on his way to see the justices enforcing the statute of laborers.<sup>154</sup> The coroners worked closely with the village officials, perhaps supplementing the latter's authority; John de Stokeslay paid a fine of 26s 7d for a rescue made from 'both the coroner and the reeve'.<sup>155</sup> The coroner was at times an impartial arbitrator. John Hesilden was amerced because he did not come to make a sworn agreement between William Porter and William Rassh; possibly as a result of this failure, the former sued the latter for debt at Newcastle, and was amerced for it.<sup>156</sup>

The coroners had assistants, called bailiffs in the halmote books; these may be the identical with the deputy coroners referred to in Antony Bek's charter of 1303.<sup>157</sup> Their exact number cannot be determined, as the entries rarely even provide their names. Likewise, their exact duties are a mystery. They usually occur in amercements against tenants making rescue from them; it must be assumed that they were the ones who carried out the orders to the coroners to seize goods and chattels. Richard Lyster was amerced for not distraining William de Kellawe to perform homage.<sup>158</sup> He had been amerced earlier for failing to raise a sum for Richard de Bagby that the

<sup>152</sup> PRO DURH 3/13 114v: the reeve of Shotton sold the goods and chattels of a fugitive for 46s.

<sup>153</sup> PRO DURH 3/13 456r: '*De Roberto de Newton quia recessit custodia coronatoris postquam arestum fuit*'.

<sup>154</sup> PRO DURH 3/13 283v: '*De Willelmo Martyn et Johanne Gran pro rescusso facto coronatore veniente ad mandatum Justiciorum novi statuti de laborariis editorum*'.

<sup>155</sup> PRO DURH 3/13 313v; the names of the coroner and reeve are not given, nor is the village of the reeve.

<sup>156</sup> PRO DURH 3/13 297v: '*De Johanne Hesilden quia non venit ad faciendum Jurat*' [expansion uncertain – based on the context I have interpreted it as some sort of agreement or arbitration that both parties would swear to uphold] *inter Willelmum Porter et Willelmum Rassh*'; the former sued the latter at Newcastle for debt, and was amerced for that at the same court.

<sup>157</sup> C.M. Fraser, ed., *Records of Antony Bek Bishop and Patriarch 1283-1311* (Durham, 1953), p. 94.

<sup>158</sup> PRO DURH 3/13 255r: '*De Ricardo Lyster ballivo coronatoris quia non distringuit Willelmum de Kellawe ad faciendum homagium suum*'.

court had ordered him to raise.<sup>159</sup> John Todde was amerced in Roughside for not distraining William Jakson to respond to the bishop concerning wood cut and removed.<sup>160</sup>

The coroner and his deputies were regular features in the lives of the bishopric tenants, although not only in their capacity of inquiring into suspicious deaths. The coroners' duties brought them into contact and conflict with the peasants, and they may have employed men drawn from the latter as their assistants. The coroners formed a further link between the bishopric and county with the vills and their inhabitants.

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<sup>159</sup> PRO DURH 3/13 169v: '*De Ricardo Lyster quia non fecit officium suum levandi summam ad opus Robeti Bagby unde habuit executionem de curia*'.

<sup>160</sup> PRO DURH 3/13 419r.

## IV

### Officers of the Vill

The vill, or township, was the primary unit of administration in the bishopric estates.<sup>158</sup> Below the vill, you begin dealing with families and individuals. Whilst occasionally referred to as 'manors', the usual term is vill. Lesser lords often took their surname from their vill, and while their holdings were often referred to as *manerii* these seem to be equivalent to the bishopric vill.<sup>159</sup> Most vill had their own mills and their own set of local officials. When demesne land or mills were leased out, it was always as 'the demesne of X' or 'the mill at Y'. Unlike the rest of England, vill in Durham and the rest of the North were not subdivided, with a 'manor' containing part of a vill. Instead, the vill and the unit of lordship were coterminous. As such, many of the officials had functions relating to the village and to the 'manorial' administration. A man could represent both his lord the bishop, and his neighbors. Whilst we today would see this as inherently contradictory, upon further reflection it possesses great utility for all involved.

In many ways the Durham township functioned as a typical medieval corporation, represented by its jurors or its reeve.<sup>160</sup> The vill could sue and be sued as a whole, though more commonly it was represented by its reeve or jurors.<sup>161</sup> The tenants of Blackwell were amerced because they failed to prosecute John Blakwell in a plea of trespass.<sup>162</sup> John Porter stood pledge for the tenants of Shadforth in plea of trespass.<sup>163</sup> Thomas Pothowman sought and was granted a

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<sup>158</sup> 'Township' is the closest translation of *villata*, in its Durham sense, with vill the closest translation of *villa*. The township was the same as the vill in Durham: the terms *villa* and *villata* were used interchangeably in the halmote books. Towns as such were designated with the term *burgus*. I have used vill and township interchangeably, and used 'village' only in its adjectival sense, e.g. 'village officers'. Lomas used the term township exclusively in his study of the priory estates, which usage I considered; but using the two terms here reflects closely the terminology in the bishopric halmote books.

<sup>159</sup> Hugo de Redheugh held the '*manerium*' of Redheugh (CCB-F, Sheriffs' and Escheators' Accounts, I/C1/1 (1412/13), m. 1); John de Scolacly held the vill of Scolacly (PRO DURH 3/13 424v).

<sup>160</sup> The roots of the corporation or corporation-like status of some English (though not specifically Durham) vill can be seen earlier, albeit vaguely: Cam, 'Community,' p. 9. Townships on the priory estates also had a corporate character, although Lomas did not develop this: Lomas thesis, 'Durham Cathedral Priory'.

<sup>161</sup> See Cam, 'Community,' pp. 4-9, regarding communal action by English vill or townships in the thirteenth and early fourteenth centuries, and pp. 11-13 regarding representation of the vill by the reeve or reeve plus jurors.

<sup>162</sup> PRO DURH 3/13 53r: '*De tenentibus ville quia non prosecuti Johannem Blakwell de placito transgressionis*'.

<sup>163</sup> PRO DURH 3/13 114r: '*De Johanne Porter plegio tenentium de Shaldforth pro transgressionis facta per dictos tenentes Willelmo Rassh ad dampnum xxd*'.

license of concord with the tenants of Blackwell in a plea of trespass.<sup>164</sup> The tenants of Newbottle brought a plea of trespass as a group.<sup>165</sup> Amercements were often directed at the entire vill. The township of Chester-le-Street was amerced because John Broune had failed to perform vicinage.<sup>166</sup> Another amercement read '6d from the whole township, that is, from all the tenants of the vill'.<sup>167</sup> Some services were levied on the vill as a whole, and amercements for non-performance were extracted from the vill as a whole. The townships of Ryhope, Bishop Wearmouth, Tunstall and Burdon were amerced 5s per vill for failing to carry timbers (*meremia*); because of this certain of the bishop's 'works' were left incomplete, and the carpenter(s) left the work sites.<sup>168</sup> Similarly, the vill of Bondgate-in-Auckland and Sedgfield were amerced for not providing carriage of the steward's supplies between courts.<sup>169</sup>

There is no evidence of a legally permitted village assembly in the bishopric estates, so the functions it would have had must have been conducted at the halmote courts.<sup>170</sup> The vill could act as a unit illegally, although they were amerced for it when the steward found out. All the tenants of Chester-le-Street were amerced a half mark 'because they levied money amongst themselves for by-laws for their own use'.<sup>171</sup> The reeve and tenants of Bishop Wearmouth were amerced for creating by-laws and using the penalties collected for their own purposes.<sup>172</sup> This sort of meeting was once termed a court, when all the tenants of Ryton were amerced in 1397 'because they held a court amongst themselves and made regulations amongst themselves and levied [money] for their own benefit'. As the scribe labeled this a court, perhaps the tenants were somewhat dissatisfied with the halmote, or the amount of time betwixt halmotes, and took matters into their own hands. It

<sup>164</sup> PRO DURH 3/13 74v: '*De Thome Pothowman pro licencia concordie cum tenentibus de Blakwell de placito transgressionis*'.

<sup>165</sup> PRO DURH 3/13 3v: '*ad respondendum tenentibus ville de placito transgressionis*'.

<sup>166</sup> PRO DURH 3/13 135r: '*pro quod villata fuit amerciata*'.

<sup>167</sup> PRO DURH 3/13 168r: '*De tota villata videlicet de omnibus tenentibus ville*'.

<sup>168</sup> PRO DURH 3/13 27v: '*De villatis de Reuehop, Wermouth, Tunstall et Birden quia non cariaverunt meremia domini sicut assigni fuerunt, per quod pro defectu cariagii opera domini remanserunt infecta et carpentar[ii][one interlineated word illegible] recess[erunt] ab eisdem – xx s.*'

<sup>169</sup> PRO DURH 3/13 310r, 309r.

<sup>170</sup> Contrast with Bradshaw, 'Social and Economic History,' p. 187, where it is described as having assumed the existence of the local assembly.

<sup>171</sup> PRO DURH 3/13 205v: '*De omnibus tenentibus ville de Chester quia levaverunt denarios inter se pro penis fractis ad usum suum proprium*'.

<sup>172</sup> PRO DURH 3/13 135v.

could well be the latter, as the amount of the amercement for the whole township was ridiculously small – only sixpence!<sup>173</sup>

As the smallest unit of the bishopric, it was in the township where most of the officials and ministers were to be found. Whilst smaller units do appear in the halmote books, they do so almost always in relation to the vill or as subordinate to them. Thus, to examine the workings of the bishopric estates at the most basic level, we must focus on the vill. The village officers of the bishopric of Durham are generally those encountered elsewhere, though not always, and similarly, whilst many of their functions are similar there are again important variations. The reeve or bailiff, constable, pinder, collector and their assistants, all oversaw parts of the operation of the vill, reporting directly to the steward or the auditors.

#### *The Reeve and the Bailiff*

The reeve (*prepositus*) was the chief official of the village.<sup>174</sup> As was true with many other local officials, the reeve served as a representative both of the bishop and of the tenants, with duties and obligations towards each. Unlike on some estates, in the bishopric the reeves were ‘elected’ by the township, although the court books are silent as to exactly who could take part in the election.<sup>175</sup> Another difference from some English estates was that the bishopric reeve routinely held his position for a long time. The tenures of reeves elsewhere in England are generally thought to have been on the average short.<sup>176</sup> In Durham, however, there appear to have been no specific limitations

<sup>173</sup> PRO DURH 3/13 240v: ‘*De omnibus tenentibus ville quia tenuerunt inter se unam curiam et penas positas inter eos et levaverunt ad opus suum proprium – vjd.*’

<sup>174</sup> I have preferred reeve as the translation of *prepositus* instead of bailiff, as the latter appears to be a separate office and always appears as *baillivus*. Elsewhere bailiff is an acceptable translation, but not in Durham.

<sup>175</sup> For example, reeves were not elected by the tenants at Cuxham (Oxfords.) but were imposed by Merton College, the ‘lord’ of the manor: P.D.A. Harvey, *A Medieval Oxfordshire Village: Cuxham 1250-1400* (Oxford, 1965) p. 65.

<sup>176</sup> Reeves on manors in the honor of Leicester normally served for one year: L. Fox, *The Administration of the Honor of Leicester in the Fourteenth Century* (Leicester, 1940), p. 25. Cuxham had 17 reeves, bailiffs, or stopgap managers between 1268 and 1359, only two of whom held the office for more than 2 years: Harvey, *A Medieval Oxfordshire Village*, p. 64. On the other hand, see H. S. Bennett, ‘The Reeve and the Manor in the Fourteenth Century,’ *EHR* (1926), pp. 360-1, where he says that while reeves were often elected for the year they just as often were kept on year after year, and were essentially permanent. And Miller, although remarking that because of the often rotational nature of the office of reeve in Ely the office ‘was typical of an administration essentially amateur’: Miller, *Abbey and Bishopric*, p. 253. However, he goes on to say that the auditory machinery forced the reeves to be efficient, and that the bishop’s administration appreciated experience; some men held the office up to twelve years in a row, though five to seven was more common of longer tenures. Approaching the Black Death ‘the traditional reeveship of the

on their time in office. As the election of reeves is very uncommon in the halmote books, especially compared with the collector, it seems that the reeves often held office for life.<sup>177</sup> If they had the choice of resigning the office, they did not exercise this option often. Every vill that had a reeve elected one in 1390/91, and with some noted exceptions, there were no more elections. The timing is interesting. If new reeves were elected, or older ones confirmed, upon the election of a new bishop, we would expect these elections to have occurred in 1388/89, immediately after Skirlaw's reception of the temporalities of Durham. Further, there was no purge of reeves during the first three years of the pontificate of Thomas Langley, Skirlaw's successor. It does not seem to have been common practice on the bishopric estates to replace or reconfirm the reeves immediately at the beginning of a new pontificate.

Replacement or confirmation on the appointment of a new steward does not provide an answer either. Generally, stewards did not serve for long periods; so it would not be surprising to see reeves replaced at the change of administrations. Although stewards served for longer periods in Durham, this explanation still does not fit. The first elections in Skirlaw's pontificate occur in the second year of the second steward, Sir Thomas Gray. Although the records for the second year do not survive, it would not be logical for a general replacement to have occurred two years in a row.

The stewards may have taken some time to settle their administrations. When Sir Ralph de Eure replaced Sir Thomas Gray, there were not large numbers of elections until the year after the change. Even then, the replacement of reeves was neither complete, nor finished for several years. The length of time for the process indicates something other than 'settling in'. The reasons must lie elsewhere, perhaps connected to unrest amongst the tenantry, and to understand this we need to examine when these later elections took place.

Nonetheless, there were some reeves elected after 1390/91. The bulk of these exceptions, when another reeve was elected, occurred no more than two or three years after the first elections. Some villis however had several elections over the course of Skirlaw's pontificate, although in some cases it seems that the incumbent retained his post. There is a pattern for these later elections:

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manor was beginning to be an office for a quasi-professional rather than an out-and-out amateur.' : *ibid.*, p. 254.

<sup>177</sup> Two reeves of Cuxham held the office for life after their appointment: Harvey, *A Medieval Oxfordshire Village*, pp. 64, 71-3. Reeves on Durham Priory estates served multi-year terms,

thirteen vills (Whickham, Bishop Wearmouth, Tunstall, Cassop, Lanchester, Norton, Stanhope, Wolsingham, Ryhope, Burdon, Whessoe and Boldon) had a second election of reeves in 1392/93. Of these thirteen, Norton also had an election in 1393/94 (where the same man was elected as in 1392/93), as did a further two vills (Bondgate-in-Darlington and Cornforth). Ten vills had elections in 1394/95 (Whickham, Tunstall, Cassop, Lanchester, Cornforth, Norton, Houghton, Sherburn, Shadforth and Escomb), six of which had elections in either 1392/93 or 1393/94. Whickham and Bishop Wearmouth had yet another election in 1395/96, and Easington had an election then as well.

Only a few of these can be discounted as being a reconfirmation of the existing reeve, although in the case of Norton the same man was 'elected' three years in a row. Needing reconfirmation serves only to reinforce the suspicion that something was occurring in these years about which we do not know. There are a very few elections after this, and these must be attributed to the death or retirement of the earlier reeve. What happened on the bishop's estates between 1392 and 1397 to account for the turnover in reeves? Was there a pestilence, or was the cause unrest among the peasants? Alternatively, could the reason be economic in nature, with falling returns causing the steward to look for better managers?

Normally there would have been only one reeve per vill. Two men were elected at times, however, as at Whessoe in 1390/91 when John Hervy was elected reeve and John Tilson was elected reeve and collector. One of these men may have been older and unable to fulfill all of his duties, or there may have been much more land to look after than in most vills. Unlike in other areas of England, there is no evidence in the bishopric estates for the position of reeve being filled based on a rota of tenements.<sup>178</sup> Whereas the office of pinder, discussed below, was directly tied to specific tenements, there is no way to determine if reeves were drawn from a specific group of landholders or holdings.

As far as was possible, the names of the reeves whose elections were recorded in the halmote books have been correlated with tenants listed in the Hatfield Survey. The latter is the only survey or rental closely contemporaneous for the period under consideration, being compiled

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though the terms were not so long as to be described as for life: Lomas thesis, 'Durham Cathedral Priory,' p. 47.

<sup>178</sup> Sussex, for example, where Mavis Mate reported that tenements of widows still had the responsibility of filling the office of reeve in their turn, whether by appointing an attorney or paying a fine to refuse: Mate, *Daughters, Wives and Widows*, p. 131.

around 1382.<sup>179</sup> Not all of the reeves can be found in the Survey. Due to the flexibility of naming practices and lack of family trees, very few have been identified with any certainty, and even these should be considered tenuous.<sup>180</sup> Furthermore, even when the identification is reasonably sure, there is little way of knowing whether their holdings had changed during the interim. Younger men may have acquired more land through purchase or inheritance, whilst older men may have given land away to daughters or sons. But since one copy of the Survey can be dated to shortly before the end of the fourteenth century, much of the information may be reliable for the purposes here.<sup>181</sup>

Whilst reeves could be drawn from all layers of the tenantry, they were usually men of high standing and wealth within the vill.<sup>182</sup> Those from the larger vills naturally had the largest holdings. Thomas Bretvill, reeve of Chester-le-Street, held five messuages and five bovates of bondland, as well as seventeen acres of demesne.<sup>183</sup> John Foueler, reeve of Bondgate-in-Darlington from 1393/94, held one bovate of demesne, three messuages, three bovates and one cottage of chequerland.<sup>184</sup> Reeves of smaller vills could also hold large amounts of land, although one or two messuages and two to four bovates, plus some demesne or chequerland, was not uncommon. William Megson, reeve of Norton in 1390/91, held two bovates of land.<sup>185</sup> Peter de Cornforth, reeve of Middridge, held one and-a-half messuages and three bovates of bondland, plus four acres of demesne.<sup>186</sup> Whilst not as much as the reeves above, these were still considerable amounts of land. Not all reeves were as well-landed at the time of the Survey, however. Roger Raper, elected reeve and collector of Ryton in 1393/94, held one rod of land.<sup>187</sup> Roger Dixy, reeve of Tunstall in 1390/91 and 1392/93 held one cottage and one acre, with four acres three rods of chequerland.<sup>188</sup> Perhaps this was due to local variations; or perhaps these men had gained more land since the compilation of the Survey. In any event, the number of poor reeves is quite small.

<sup>179</sup> Greenwell, ed., *Bishop Hatfield's Survey*, p. vii.

<sup>180</sup> For example, would John Richardson be the same as John son of Richard or John de Carlton?

<sup>181</sup> Greenwell, ed., *Bishop Hatfield's Survey*, p. vii.

<sup>182</sup> Similarly, John Hatcher noted that reeves in Cornwall usually had above average sized holdings: Hatcher, *Rural Economy*, p. 39. The same held true at Cuxham, as 'Robert Oldman [reeve from 1311 to 1349] and his predecessor [were] men of substance': Harvey, *A Medieval Oxfordshire Village*, pp. 71-2.

<sup>183</sup> PRO DURH 3/13 21v; Greenwell, ed., *Bishop Hatfield's Survey*, pp. 77-83.

<sup>184</sup> PRO DURH 3/13 108v; Greenwell, ed., *Bishop Hatfield's Survey*, pp. 1-6.

<sup>185</sup> PRO DURH 3/13 16r; Greenwell, ed., *Bishop Hatfield's Survey*, pp. 172-77.

<sup>186</sup> PRO DURH 3/13 17r; Greenwell, ed., *Bishop Hatfield's Survey*, pp. 20-23.

<sup>187</sup> PRO DURH 3/13 110v; Greenwell, ed., *Bishop Hatfield's Survey*, pp. 90-92.

<sup>188</sup> PRO DURH 3/13 80r; Greenwell, ed., *Bishop Hatfield's Survey*, pp. 135-6.

If identifying wealth is difficult, then identifying personal status is even more so. Holding bondland would on the surface appear to be a fair identifying mark of unfree status. However, not everyone who held bondland was personally unfree. Still, it is reasonable to assume that most of those reeves who held bondland were indeed unfree, *de iure* if no longer *de facto*. However, there are some reeves who held no bondland, having chequerland and/or demesne only. Robert Hik, reeve for Houghton, held fifty-one acres one rod of demesne, two tofts and one croft of chequerland, but no bondland.<sup>189</sup> For these men it is impossible to determine their status.

There is one known free reeve, however. Gilbert Spurnhare was elected reeve of Norton beginning in 1392/93, and was in office at least to 1394/95. He held one messuage and six bovates of chequerland, one cottage and one acre of cotland, and other assorted lands.<sup>190</sup> The Survey referred to him as one of the *libri tenentes*.<sup>191</sup> Two other men with the surname of Spurnhare served as collector, and men with that name held land elsewhere. A William Spurnhare, constable, was amerced in the court at Norton for trespass in 1394.<sup>192</sup> It was obviously a powerful, well-connected, and wealthy family, willing to use their authority.

While quite unusual, free men being reeves was not unknown in England. John Hatcher discovered in Cornwall that reeves could be drawn from free as well as unfree tenants and *nativi de stipite*.<sup>193</sup> Local customs survived throughout England, sometimes differing even within a county; local variations in tenure could help to explain the presence of free, or at least non-bond, tenants holding what was customarily a villein office. At Cuxham, free men were occasionally installed as bailiffs of the manor instead of villein reeves, but their duties were largely the same.<sup>194</sup> Besides, in these years of declining population and falling profits, ability may have been a more important factor in choosing the reeve. Most reeves had sizeable holdings, and doubtless they used hired labor to work the land. This experience would have been prized and hopefully applied to the lord's lands. The old exactions may have been slipping in these years as well, and there may have been very little *de facto* difference between a free and unfree reeve.

<sup>189</sup> PRO DURH 3/13 143v; Greenwell, ed., *Bishop Hatfield's Survey*, pp. 153-57.

<sup>190</sup> Greenwell, ed., *Bishop Hatfield's Survey*, pp. 172-77. Some of these other lands were fifteen 'cotagia sine firma bov' [sic] ten' [sic] per estimationem . . . cont. [sic] lx acras': *ibid.*, p. 175. This is one of the drawbacks of the materials edited in the nineteenth century referred to earlier; the use of abbreviations in the edited text saves space, but it can also make for difficult readings and interpretation.

<sup>191</sup> Greenwell, ed., *Bishop Hatfield's Survey*, p. 177.

<sup>192</sup> PRO DURH 3/13 129r.

<sup>193</sup> Hatcher, *Rural Economy*, p. 38; see also Davenport, *Economic Development*, pp. 50-51.

Those men who were elected as reeves with few exceptions were also jurors for that township.<sup>195</sup> Very often they were the first juror listed. Coupled with their financial standing, it would seem that the reeve was often the headman of the vill, or at least one of the small group of leading men. They were also very active in the courts, bringing and answering pleas and serving as pledges. Most reeves seem to have been drawn from important families in the vill. While hard to determine for certain, it appears that other male relatives had held office before they became reeves, and certainly they had relatives in other offices during their tenure as reeve as discussed above. The period under consideration is too short to determine whether the office of reeve was monopolized by a few families in each vill, as in Holywell-cum-Needingworth (Hunts.) and elsewhere.<sup>196</sup> Given the amount of land these men controlled and would pass to their heirs, their standing in the vill, and their membership on the jury, it would not be surprising to find the same in Durham. Such men would naturally be attractive to the bishop's steward and the villagers for the position of reeve. They would have the social power to control the villagers and execute the bishop's wishes. Presumably competent at managing their (relatively) sizable lands, these men could apply the same skills to the management of the bishop's lands. Experience in court would help them in carrying out their police and judicial functions. The reeves of the bishopric seem to have been professional administrators, insofar as the term 'professional' may be applied at this time; and the demands of the position may have acted to limit the number of possible candidates for the job.<sup>197</sup>

The reeve, as chief officer of the vill, had many duties. Whilst the number of administrative treatises surviving for around the period considered here would seem a good place to turn for the reeve's duties, this is not so, as H.S. Bennett pointed out:

Many students of manorial documents written in the late thirteenth and fourteenth centuries will have noticed how difficult it is to find in Court Rolls or in Ministers' Accounts many examples which will bear out the statements of the contemporary manuals of estate-management. . . . Which are we to accept as

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<sup>194</sup> Harvey, *A Medieval Oxfordshire Village*, pp. 63-4, 73.

<sup>195</sup> The same held true on the priory estates, and Lomas feels that the reeves were usually the chief juror or foreman: Lomas theis, 'Durham Cathedral Priory,' pp. 47-8.

<sup>196</sup> DeWindt, *Land and People*, p. 224.

<sup>197</sup> One requirement or aspect that I have not discussed is literacy, quite a tricky subject for the late fourteenth century. Literacy in the Middle Ages was defined as the ability to read, write, and speak Latin (to be *litteratus*); I am using the modern meaning. Some of the bishopric material can be given the interpretation that most reeves, and possibly quite a few collectors, had at least the rudiments of reading and writing in English or Latin. The evidence for this is scant and quite heavily dependent on interpretation, which is why I have not advanced this idea in the text. The socio-economic stratum from which most of the reeves and many collectors were drawn from is where we would expect to find the first signs of literacy among the peasantry. This question definitely deserves further investigation, though the findings may still be inconclusive.

giving the most trustworthy witness: the treatises or the various types of manorial records? The question would seem to be easily answered a priori in favor of the documents, were it not for the fact that the influence of the treatises on modern scholars has been so great that almost all accounts of the working of the medieval manor are based on some such condition of affairs as is set forth in the pages of Fleta, &c.<sup>198</sup>

This warning must be heeded in examining the bishopric estates. The agriculture of northern England differed from that practiced in the south, with which such managerial treatises would be acquainted. Examining treatises such as that called *Walter of Henley*, for example, and comparing the contents with the evidence provided in the halmote books, quickly proves Bennett's assertion about the lack of correlation.<sup>199</sup> Thus, the description of the reeve provided below was drawn solely from the manorial records, as speculation based on the estate-management treatises is too untenable to undertake conscientiously.

First and foremost would have been overseeing the cultivation of the bishop's demesne land when it had not been leased out. Unfortunately, there are very few references to such duties in the halmote books, and such that are there are not clear about the role of the reeve. The tenants of Cornforth were amerced for not mowing the hay in one of the bishop's meadows as they had been summoned to do (presumably by the reeve) in 1393.<sup>200</sup> In the Hatfield Survey there is no arable demesne listed as in hand under cultivation.<sup>201</sup> The bishopric's considerable arable demesne was demised in three ways. All of the demesne land of a township may have been leased out with its *manerium* to a single person. Such may have been the case at Ponthope, where the Hatfield Survey lists William de Gourelay as holding 'the manor of Ponthop, containing sixty acres of land'.<sup>202</sup> Some of the demesne was leased out in small parcels and listed under the heading 'demesne land' in the Survey. Among the townships where this happened was Coundon, where thirteen men and one woman held pieces of the demesne, and at Middleham, where the demesne was split between only three men.<sup>203</sup> On other occasions, the entire demesne was farmed out without the *manerium*,

<sup>198</sup> Bennett, 'Reeve and the Manor', p. 358.

<sup>199</sup> See D. Oschinsky, ed., *Walter of Henley and Other Treatises on Estate Management and Accounting* (Oxford, 1971).

<sup>200</sup> PRO DURH 3/13 105r.

<sup>201</sup> Some demesne was in the bishop's hand because there was no tenant to take up the parcel. 'And there is there [Coundon] eighteen acres three rods of the said land, which were in the tenure of John Redheued, accustomed to render 32s per annum, now in the bishop's hand for lack of a tenant': Greenwell, ed., *Bishop Hatfield's Survey*, p. 42.

<sup>202</sup> Greenwell, ed., *Bishop Hatfield's Survey*, p. 115.

<sup>203</sup> *ibid.*, pp. 42, 180.

to a single person or to the tenants of the vill as a syndicate.<sup>204</sup> With these two methods, the bishop's administrators retained the option to return quickly to direct cultivation by the bishopric. The third option was more permanent. The Survey lists many vills as having no demesne at all, but with a large quantity of chequerland; some of this had been assarted from waste land (*terra vasta*), but it could also include former demesne land. Demesne meadow and pasture make some appearances in the Hatfield Survey, leased out whole or in parts. Some meadow and pasture were kept in use, as we know from the Cornforth amercement above; none was listed in the Survey as being in the bishop's hand. Unlike arable, we would not be so surprised to find meadow that was under cultivation omitted from the Survey.

The conclusion one must draw from this is that there was no direct cultivation of the arable demesne on the bishopric estates. This is not unexpected, as much of the Prior and Convent's demesne was leased out at this time, and direct cultivation throughout most of England was well into decline.<sup>205</sup> If there was no direct cultivation of the demesne, what need was there for a reeve to oversee the works? Well, there is the reference above to mowing hay and some scattered references to *opera* (although the latter may not correspond to what we consider as villein works). There must have been meadow or pasture in hand for which works were due. The tenants may have still owed some works on the arable that was due now to the lessees of the demesne; the execution of which the reeve may have overseen. By this date, most works due to the bishop had been commuted to money payments, and works due to lessees may have been commuted as well. However, the central buildings of the *manerium*, the mills and the other demesne fabric all required upkeep. In addition, there were judicial and police functions of the reeve, as will be discussed further below. What historians have seen as the central function of the reeve, the oversight of demesne cultivation, was no longer a part of the reeve's duty.

Why did the bishop not use bailiffs or sergeants to oversee estate maintenance and carry out the remaining functions in a similar fashion to the Durham Cathedral Priory estates?<sup>206</sup> The judicial and policing duties listed above, and discussed further below, could easily have been

<sup>204</sup> cf. n. 236, where the reeve and all the tenants of Easington leased the demesne of that vill.

<sup>205</sup> E.M. Halcrow, 'The Decline of Demesne Farming on the Estates of Durham Cathedral Priory,' *EcHR* 2<sup>nd</sup> series 7 (1955), pp. 345-56. Direct cultivation of demesne was still practiced on portions of the priory estates: Lomas thesis, 'Durham Cathedral Priory,' pp. 280-1.

<sup>206</sup> Priory jurors were concerned with presentments and attachments, not with the running of the estates which was left to an appointed sergeant: Lomas thesis, 'Durham Cathedral Priory,' pp. 47, 112-3.

carried out by such an officer. The strength of the villein reeve was his intimate knowledge of the lands and of his fellow tenants. This is where we must look to answer the question. Historians have viewed the reeve as a village officer more than as an estate officer. It cannot be denied that the reeve did have many duties on the estate, but this is not incompatible with a role as a leader of the tenants. For example, the reeve saw to the functioning of the vicinage dues (discussed in Chapter V below); it thus seems quite reasonable that the reeve oversaw both village and estate operations.<sup>207</sup> Examining the court books, we find that reeves were elected only for those vills which had bondland held of the bishop. The reeve then must have overseen and co-ordinated communal agricultural activities, much like he would have done for the demesne when it was under direct cultivation. Those vills which did not elect reeves (or for which there is no evidence of a reeve elsewhere) generally did not have bondland or cotland (land held by cottagers, usually 'unfree' in status) listed in the Hatfield Survey.

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<sup>207</sup> PRO DURH 3/13 174r: '*De eodem [John Henrison] quia non venit ad summonitionem prepositi ad faciendum vicinagium*'; see also 209r.

Table 2: Types of Land in Townships Without Reeves<sup>208</sup>

Court	Vill	Free	Dreng	Bond	Cotland	Chequer	Demesne
Auckland	Redworth	X	X			X	
	Newtoncapp	X		X		X	
	Coundon	X			X		X
	Bondgate						X
	West Thickley			X	X	X	X
Chester-le-Street	Newton-cum - Plawsworth	X				X	
Darlington	none						
Easington	None						
Houghton	Wardon			X		X	
Lanchester <sup>209</sup>	Roughside	X				X	
	Rowley <sup>210</sup>						
	Ponthope & Billingside					X	
	Kyowpeth					X	
	Burnhope & Hamsteels	X				X	
	Brome-cum-Flass					X	
Middleham/ Sedgefield	None						
Stockton	None						
Wolsingham	Bedburn	X				X	
	Bishopley					X	
	Lynesak	X				X	

Based on the surviving records, sixteen villis did not elect reeves during this period (see Table 2 above). We may dismiss Bondgate-in-Auckland; the reeve of West Auckland may have performed the duty of reeve there as well. Nine of the villis (Newton-cum-Plawsworth, Roughside, Burnhope & Hamsters, Bedburn, Lynesak, Kyowepeth, Ponthope & Billingside, Brome-cum-Flass and Bishopley) were listed in the Hatfield Survey as consisting solely of free tenants (some of

<sup>208</sup> The data for this table was drawn from Greenwell, ed., *Bishop Hatfield's Survey*, pp. 25-41, 47-50, 52-9, 83-5, 115-6, 118-25, 157.

<sup>209</sup> Only two villis that reported to the Lanchester halmote court, Lanchester and Benfeldside, elected reeves.

whom held entire manors or villis) and land held by exchequer tenure. In half these cases, the Survey listed only chequerland. The township of Redworth could also be included in this grouping, as all the land there was held freely, by exchequer tenure, or by dreng tenure.

Four villis had bondland or cotland but did not elect reeves: Newtoncapp, Coundon, West Thickley and Wardon. The reason probably lies in their small size of these townships. The works for all the tenants had been commuted according to the Survey, eliminating one need for a reeve. The small size would have negated the need of a reeve to oversee the tenants' plowing and other agricultural activities. The Hatfield Survey listed only Coundon as having a *manerium*, but one with nothing on the site and worth nothing. The lack of *manerii* to maintain further negates the need for a reeve. The collectors or pinders of these townships may have assumed the other functions of the reeves, or perhaps a reeve from a neighboring vill was called in where needed.

Closely related to the supervision of the exploitation of the demesne and bondland was the care of land and goods *in manu domini*. In 1392, John Huchonson of Shotton answered in court for the sale of the goods and chattels of a tenant who had fled.<sup>211</sup> Peter Kay was required to respond to the bishop for land of a fugitive, because the said fugitive was a neif of the bishop.<sup>212</sup> William Todde of Byres rendered 20s for the pasture of the tenure that Thomas Shephird had recently held, but was now in the bishop's hand and had been entrusted to William.<sup>213</sup> The reeve often shared the keeping of land *in manu domini* with the collector. William de Wynton, collector of Byres, rendered 27s 2d for the pasture of the above tenure of Thomas Shephird, which was later demised to other tenants by the reeve and collector together.<sup>214</sup> Sometimes the responsibilities for such lands were demised to other tenants, presumably those with the time to look after extra land; sometimes the lands were demised to all the tenants of a township corporately.<sup>215</sup> All the tenants of Sedgefield were held liable for pasture *in manu domini* until the next All Saints' Day, for 10s.<sup>216</sup> In Shotton,

<sup>210</sup> Rowley is not in the Hatfield Survey; I do not know the reasons and have no basis for speculation: Greenwell, ed., *Bishop Hatfield's Survey*.

<sup>211</sup> PRO DURH 3/13 114v.

<sup>212</sup> PRO DURH 3/13 403r: 'Et quibus Petrus Kay prepositus hoc anno debet inde respondendum domino Episcopo eo quod dictus Willelmus [the fugitive] est nativus domini Episcopi.'

<sup>213</sup> PRO DURH 3/13 212v: 'De Willelmo Todde preposito pro herbagio tenure in manu domini quas Thomas Shephird nuper tenuit etc - xs.'

<sup>214</sup> PRO DURH 3/13 226r: 'De Willelmo de Wynton collectore domini pro herbagio terre nuper in tenura Thome Shephird in manu domini pro defectu tenentium sic dimisso per prepositum et collectorem - xxvijs ijd.'

<sup>215</sup> PRO DURH 3/13 226r: such pasture was given to six tenants in West Auckland.

<sup>216</sup> PRO DURH 3/13 279r: 'De omnibus tenentibus ville pro herbagio tenurarum-jacentium in manu domini ... usque festum Omnium Sanctorum - xs.'

or  
Cement  
'que'

↑

the tenants together paid 3s 'for the residue of pasture.'<sup>217</sup> Naturally, these temporary tenants kept the profits of the land, but had to answer to the bishop for the rents and services due.

Aside from the cultivation of the demesne, the reeve was in charge of organizing other duties to the bishop. The mill was the most important concern after the fields, and the milldams needed constant repairs. In 1395, Robert del Gate, reeve of Middleham, was amerced for not summoning the tenants to repair the mill there.<sup>218</sup> Alan Wedowe was amerced because he failed to find a servant for Robert Wilkynson, the miller of Norton.<sup>219</sup> Other buildings of the manor required care, as did the various walls and ditches. William Hardyng and the tenants of Houghton were amerced in 1404 for failing to repair the communal forge.<sup>220</sup> Richard Stanlawman of Stockton was amerced for not clearing a rivulet between the bishop's lands and those of the Durham Priory.<sup>221</sup> With labor in such short supply after the Black Death, the participation of the tenantry in the upkeep of buildings was crucial.

Attendance at court was required of the reeve as well, though often he was already one of the jurors (but not necessarily *ex officio*). The reeve of Stanhope was fined in 1399, because he did not perform his duties (not elaborated upon) and because he did not come to court.<sup>222</sup> The reeve of the same vill was amerced again nine months later in 1400 for neither attending court nor performing his duties as reeve at the court.<sup>223</sup> Just what these duties were was rarely specified. However, being the chief official of the township was in itself a very important reason to attend court. And being an officer, he would attend to make reports to the steward, receive new commands and answer for the execution of old orders. The reeve had police functions within the vill, and the presentments and pleas resulting from those functions would mandate his presence. Furthermore, in court pleas, as well as in agricultural matters, the reeve represented his vill; in 1396 Thomas Baxster, reeve of Sedgefield, was amerced with his fellow villagers (*vicinis suis*) for a false claim against the farmer of the mill.<sup>224</sup> One is left to wonder how smoothly the court functioned when the reeve absented himself.

<sup>217</sup> PRO DURH 3/13 298r: '*De omnibus tenentibus ville ibidem pro residuo herbagii*'.

<sup>218</sup> PRO DURH 3/13 169r.

<sup>219</sup> PRO DURH 3/13 367r: '*De Alano Wedowe quia non invenit Roberto Wilkynson molendinatori domini servientem prout etc. ad dampna sua dimidia marcae - vjd.*'

<sup>220</sup> PRO DURH 3/13 411v.

<sup>221</sup> PRO DURH 3/13 427v.

<sup>222</sup> PRO DURH 3/13 291v.

<sup>223</sup> PRO DURH 3/13 318r.

<sup>224</sup> PRO DURH 3/13 195v.

The last of the reeve's halmote-oriented duties was not judicial. He was responsible for arranging for the transportation of the food and supplies for the steward during the tourn. The carrying of the halmote books between courts, and possibly all the baggage of the steward, was also required. While this was often a communal duty, sometimes it was the reeve who was fined, such as William del More in 1398.<sup>225</sup> Perhaps he was fined because he had not arranged for someone to discharge the vill's obligation. However, even if the reeve did tap someone to perform this, it did not mean that it would happen. In 1398, Robert Harding was amerced 2s for not performing this carrying service at the order of the reeve.<sup>226</sup>

The reeve performed police functions within the township, as part of being the bishop's representative within the vill. He was required to distrain tenants to answer in court for various reasons.<sup>227</sup> Henry Ayer of Whitburn was amerced because he 'failed to do his duty to distrain William Flesshever to respond to John Tomson in a plea of debt'.<sup>228</sup> Gilbert Spurnhare was amerced 6d in 1394 for failing to distrain a villager to respond regarding a plea of trespass.<sup>229</sup> These distraints could at times be large. In 1394, the reeve and collector of Stanhope were ordered to seize the Robert Todde's lands and tenements, in an attempt to force him to respond to the bishop.<sup>230</sup> In carrying out these and similar functions, the reeve would have worked closely with the other officers of the township, especially the pinder and constables. John Barne Jr. was amerced for rescue and contempt towards the reeve and constables of Hertburn.<sup>231</sup>

The reeve would also have worked closely with the collector, although in many cases this was eased as the same man held both posts. Sometimes the reeve had to raise money on his own authority; Roger Sybson reeve of Wolsingham was amerced in 1400 for not levying 10s 6d from Thomas de Eglyston.<sup>232</sup> Reeves assisted the aletasters; Robert Shecher of Lanchester was amerced for selling ale after it had been seized by the reeve.<sup>233</sup> Presumably, what is illustrated here was the reeve carrying out the judgment of the aletasters by seising bad or illegally brewed ale. The reeve

<sup>225</sup> PRO DURH 3/13 285v.

<sup>226</sup> PRO DURH 3/13 285v.

<sup>227</sup> PRO DURH 3/13 291v.

<sup>228</sup> PRO DURH 3/13 191v: '*De Henrico Ayer preposito quia non fecit officium suum distringere Willelmum Flesshever ad respondendum Johanni Tomson de placito debiti*'. *Non fecit officium suum* was the usual formula.

<sup>229</sup> PRO DURH 3/13 140r.

<sup>230</sup> PRO DURH 3/13 148r.

<sup>231</sup> PRO DURH 3/13 188r.

<sup>232</sup> PRO DURH 3/13 329v.

could be called upon to perform some of the duties normally executed by the coroner. He could have been required to confiscate the goods and chattels of a tenant who fled from the *patria*, as the reeve of Shotton once did, and then sell them for the bishop's profit.<sup>234</sup>

Not all of the reeve's normal functions were on the bishop's behalf. The reeve acted as the headman of the village. He was usually their representative in dealings with the bishop. Robert de [one word illegible] leased a pasture in Hertburn 'for himself and the whole village' for two years at 14s per annum.<sup>235</sup> Ralph Robynson of Easington leased the demesne land of Easington for six years 'to be held by the same Ralph and all the neighbors of his vill of Easington'.<sup>236</sup> Being the headman obviously had its advantages, noticeably in the exercise of power; but it had drawbacks as well. The reeve was in the fore when the tenantry of a township fell afoul of the court. Often amercements listed the reeve and 'all the tenants of the vill.' 'Thomas Bretvill and the other tenants of the vill [of Chester-le-Street]' were amerced because they did not roof the mill of the bishop.<sup>237</sup>

Some historians have noted, and it is now generally assumed, that the office of reeve was a very unpopular job. The financial and agricultural burdens are viewed as having been too onerous, and the rewards too few, for villagers to want to take the position.<sup>238</sup> The evidence for Durham is more ambiguous, but there is no doubt the bishopric reeves had their share of troubles. On the one hand, there was the bishop and his steward, who wanted maximum profit, and who looked to the reeve to provide this. The bishopric reeve may have made up shortfalls out of his own pocket, as did the reeves of Cuxham.<sup>239</sup> The latter often owed the lord quite sizable sums; but they were also creditors to the tenants, and the amount the reeve owed was often quite close to what he himself was owed.<sup>240</sup>

When the tenants of a vill failed to perform some obligation, the reeve was often specifically named and amerced with them or in their place. Whether or not he had been at fault, he

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<sup>233</sup> PRO DURH 3/13 360r: '*De Roberto Shecher quia vendit cervisiam postquam seisisus fuit per prepositum domini - xijd.*'

<sup>234</sup> PRO DURH 3/13 114v.

<sup>235</sup> PRO DURH 3/13 15v.

<sup>236</sup> PRO DURH 3/13 400r: '*Radulphus Robynson prepositus de Esington venit hic et cepit de domino dominicam terram de Esington habendo eidem Radulpho et omnibus vicinis sui ville de Esington.*'

<sup>237</sup> PRO DURH 3/13 59v: '*De Thome de Birtvill et aliis tenentibus ville quia non cooperaverunt molendinum domini.*'

<sup>238</sup> On many manors, such as those held by Tavistock Abbey, multiple men were selected to be reeves; then, essentially, each man bid to get out of the job, with the lowest bidder becoming reeve: Finberg, *Tavistock Abbey*, p. 80.

<sup>239</sup> Harvey, *A Medieval Oxfordshire Village*, p. 68.

was the representative of the vill and as such would have (literally) paid for their mistakes, and he may have had difficulties in recovering the amercements. William Taillour of Ryton was amerced because he did not cause the tenants there to construct a gate called 'ledygate' in 1397.<sup>241</sup> Gilbert Spurnhare (reeve of Norton), Robert Carlton (reeve of Hertburn), and John Joyfull (reeve of Stockton) were amerced with their villagers (*et vicinis suis villatarum predictarum*) in 1394 for not clearing a ditch as ordered.<sup>242</sup> Thomas Baxter, reeve of Sedgefield, was amerced in 1397 for not seeing to the milldam there; other amercements for such duties are usually directed at the reeve and the tenants, or at 'all the tenants of the vill.'<sup>243</sup> The same reeve had won a judgment in the court in 1394, when Adam de Trendon was amerced for not carrying the bishop's hay to the damage of the said Thomas of 5d.<sup>244</sup> Thomas must have been amerced when the hay was not transported, since it was his duty as reeve to see that it was done; and then he sued the person whom he had assigned to carry the hay. The 5d awarded was a penny less than the normal amercement; perhaps the full 6d was not given because the steward or jurors wished to punish Thomas slightly for not seeing the job done.

Many times tenants refused to obey the reeve's summons, or simply chose not to come, such as John Swalwells and a William [name not given] who were amerced because they did not wish to come at the reeve's summons in 1396.<sup>245</sup> The tenants of Newbottle and Houghton each refused to heed a summons to transport the steward's food, and were amerced; in this case, the reeves were not mentioned.<sup>246</sup> Even the other village officers resisted the reeve on occasion. Richard Wygshaw, pinder of West Auckland and often in trouble, was amerced for failing to do his part of the repair of the milldam, for refusing to come at the reeve's summons, and for failing to obey his orders.<sup>247</sup> Some tenants were vocal in their disapproval. Robert Kellawman was amerced sixpence in 1391 'because he was rebellious in the presence of the reeve and his neighbors'

<sup>240</sup> *ibid.*, pp. 67-8.

<sup>241</sup> PRO DURH 3/13 231r.

<sup>242</sup> PRO DURH 3/13 129r.

<sup>243</sup> PRO DURH 3/13 227r.

<sup>244</sup> PRO DURH 3/13 128v.

<sup>245</sup> PRO DURH 3/13 190v: '*quia non voluerunt venire ad summonitionem prepositi*'.

<sup>246</sup> PRO DURH 3/13 180r.

<sup>247</sup> PRO DURH 3/13 215v: '*non venit ad summonitionem prepositi nec fuit obediens mandatos eius*'. He later fled the land and returned, but could not find pledges for the resumption of his office: PRO DURH 3/13 413v.

contrary to the practice of vicinage.<sup>248</sup> In 1397, William Porter and John Porter were fined for reproving the reeve of Sherburn in the performance of his duties.<sup>249</sup> John Porter had earlier been fined for contempt of the reeve when doing his duty, and was fined for the same again in this court.<sup>250</sup> These encounters could even turn violent; in 1395, William Jonson twice assaulted William Passemore, the reeve of Ryhope.<sup>251</sup>

Despite these difficulties, most reeves remained in office for considerable lengths of time. Aside from the general replacement of reeves in 1390/91 and in certain vills the few years thereafter, the replacement of reeves was very rare. This would seem to indicate that the position was desirable, and perhaps even coveted. We know nothing of the recompense the reeves received for their services for the bishop. Judging from their holdings and their involvement in the land market, they probably turned a profit one way or the other; and their duties did not interfere with the cultivation and expansion of their own holdings. The reeve's powers and authority could have been a temptation. Reeves (and other officers) are often thought to have lined their own pockets at the lord's expense. Sometimes these practices were tacitly allowed by the lord, as long as they were not taken too far. At Cuxham, for example, the reeve was often 'amerced' for offenses such as pasturing his animals in demesne pasture, use of the lord's animals, etc. These fines were often excused or went uncollected, and P. D. A. Harvey concluded that this was a form of remuneration for the reeves to supplement the small rent remittance they received.<sup>252</sup> Although there is no explicit record of this within the Durham halmotes, such practices doubtlessly occurred in Durham. The reeve also may have taken advantage of his position to advance himself at the expense of his neighbors. In addition, as the reeve doubled as other village officers, usually collector or constable, the opportunities for mischief increased; though again there is no direct evidence that such a thing happened in Durham. There are occasional 'unjust' distrains and levies, but this rubric could cover genuine accidents as well as malicious intent.

The reeve's standing in the community likewise would have been coveted for these reasons, and thus reeves jealously guarded their prerogatives. The reeve himself would not want to lose his position, and the steward was concerned that such authority be exercised only with his

<sup>248</sup> PRO DURH 3/13 31r: '*De Roberto Kellawman quia erat rebellus coram preposito et vicinis suis contra vicinagium – vj d.*' For a discussion of *vicinagium*, see Chapter V.

<sup>249</sup> PRO DURH 3/13 243v.

<sup>250</sup> PRO DURH 3/13 142r.

<sup>251</sup> PRO DURH 3/13 167r.

permission. Thus, Thomas de Conyngham was amerced in 1396 'because he took upon himself the office of reeve without warrant and against the will of the reeve.'<sup>253</sup> Alexander Smyth and the tenants of Houghton were amerced because they imposed regulations or by-laws, the fines from which went to their own uses.<sup>254</sup> It appears that Alexander was taking on the role of reeve with the support of the tenantry, who perhaps were dissatisfied with the real reeve.

To what extent did the loyalties of the reeve lie to the bishop or to his villagers? Just how much voice did the villagers have in the election of the reeve – did they nominate him and have the steward approve their choice, or was it the other way around? While the reeve often acted as a spokesman for the township, this does not necessarily indicate that he was of the tenants' choosing or that the reeve had any sympathy for their position. On the one hand, the case of Alexander Smyth above, where he and the tenants made their own by-laws, could indicate dissatisfaction with the bishop's man. On the other hand, the relative paucity of such incidents, coupled with the close association between reeve and township in amercements, argues against that being common. The tenants of Stanhope at least had a role in the election of their reeve; Thomas Clerk and three others were amerced individually in 1392 because they left the court before the election of the collector and reeve when they had been forbidden to leave.<sup>255</sup> The wording of the amercement, 'leaving before *they elected*' (*elegerunt*) the collector and reeve, is important. It indicates that the tenants had the right, or responsibility, of choosing their own officers. Of course, there is no way of determining how extensive their choice was. Could they choose anyone, or were they limited to the steward's nominee(s)? Furthermore, the steward's participation (if any) in the election is also unknown; could he veto what he considered to be a poor choice by the tenants? These answers to these questions would have a direct bearing on the loyalty of the reeve to both township and bishop.

The question of the loyalty of the reeve is compounded further in the few surviving bailiffs' rolls, some of which the Surtees Society printed as an appendix to the Hatfield Survey.<sup>256</sup> While these date from 1348/49 or earlier, they are close enough in time to be of use. These rolls

<sup>252</sup> Harvey, *A Medieval Oxfordshire Village*, pp. 69-70.

<sup>253</sup> PRO DURH 3/13 190v: '*De Thoma de Conyngham quia cepit super eum officium prepositi sine warrantia et contra voluntatem prepositi – vjd.*'

<sup>254</sup> The term is *pena*, literally 'pain' or 'penalty', but seems to be used to indicate rules or regulations that carried a specific penalty if broken. PRO DURH 3/13 135v.

<sup>255</sup> PRO DURH 3/13 76v: '*Thomas Clerke recessit antequam elegerunt collectorem et prepositum prout injunctus fuit*'. As the *elegerunt* is plural whereas the person being amerced is singular, it must refer to the other tenants.

<sup>256</sup> Greenwell, ed., *Bishop Hatfield's Survey*, pp. 200-259.

were the accounts of the bishop's chief officer at each manor, and covered arrears, sales and expenses. The titles ascribed to these men are intriguing. Some were described as reeves, others as bailiffs or sergeants. However, there is no difference in the accounts that can be ascribed to a difference in office. Either the difference in terminology has no meaning, or there was such a subtle difference as to be hardly noticeable today. Were sergeants and bailiffs imposed by the bishop, whilst reeves were elected by the tenants? Or was there no difference between the three titles? For instance, the account for the manor of Auckland in 1337/38 was given by a reeve, whilst that for 1348/49 was delivered by a bailiff.<sup>257</sup> Ambiguous as they are, these are the only two accounts which can be so explicitly compared; the other accounts are all for different manors. They could possibly indicate that the bailiff and reeve were different officers, one being imposed by the lord with purely estate duties and the other fulfilling the previously described office. But given that the bishop and steward in this period showed absolutely no propensity towards using outside officers, we may take these rolls to indicate that there were merely different titles for the same office. Perhaps the word used depended on the scribes who copied down the accounts.

However, the question is made more complex, and more interesting, by mysterious references to bailiffs (*baillivi*) in the halmote books and other sources. Some of these quickly can be dismissed as deputies of other officers. Yet some of these men seem to be local officials tied to particular vills or areas. Could these men have been the equivalent of reeves, appointed for those vills that did not elect reeves? Probably not. Middleham, which elected a reeve in 1390/91, is often referred to as having a bailiff of Middleham (*baillivus de Midelham*), especially in records other than the halmote books. There is no other occurrence of the phrase 'bailiff of X'. Examining the appearance of the term *baillivus* (excepting those clear references to a deputy of another officer) yields few clues either. With the exception of Sedgefield, a bailiff is found only once per township at any time in this period.

To judge by the number of entries in the halmote books, Sedgefield was a restless vill, with a greater number of offenses and amercements on a regular basis than larger vills such as Wolsingham or Chester-le-Street. Thomas Baxster had been reeve in 1394 and 1397, and presumably in between (the records are silent); two of the references to bailiffs fall in this time,

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<sup>257</sup> *ibid.*, pp. 200, 211.

once in 1395 and once in 1396.<sup>258</sup> In the collectors' accounts of Stockton Ward for 1397/98, a marginal note besides the commutation of works in Sedgefield indicates that the bailiff of the manor (presumably of Sedgefield) will answer for the money.<sup>259</sup> In these instances it would seem that the bailiff was an official imposed by the bishop to try to control the vill, in addition to the reeve. Since Sedgefield reported to the same court as Middleham, the bailiff we continue to encounter here instead could be that *baillivus de Midelham* mentioned above rather than a special seignurially imposed officer.

With the exception of this bailiff of Middleham, we know very little of the duties of these *baillivi*. This official appeared most commonly in the halmote books as either failing to distrain someone, or as being the victim of a rescue. As most other local officials, and even the coroners, could be named in these situations, this is of little help. There is no firm evidence as to their bailiwicks or duties, so there can be no specific conclusions. Perhaps the scribe simply forgot to mention whose deputy they were; or the term was used as a catchall to include other officials of the bishopric or bishop who rarely impinged on village life.

We are somewhat more informed about the bailiff of Middleham. If we ascribe the references to *baillivi* in Sedgefield to him, in addition to his answering for the meadow of Cornforth<sup>260</sup>, his bailiwick would seem to have been the vills that reported to the court held at Middleham/Sedgefield, that is the vills of Middleham, Sedgefield, and Cornforth. In the sheriff and escheator's roll of 1394/95, the bailiff of Middleham was required to answer under his own account for a certain tenure and lands in the bishop's hands.<sup>261</sup> Similarly, in the collectors' accounts for Stockton Ward in 1397-98, instead of the collector the bailiff of Middleham was to answer in his account for 24s 8d of profits from the vill of Coatham Mundeville.<sup>262</sup> In the same account the bailiff of Middleham was required to answer for certain money due from the vill of Maynesforth, again instead of the collector, and to answer as well as for the farm of the meadow of Cornforth.<sup>263</sup>

The obvious conclusion is that the bailiffs encountered in the bishopric records could have been one of three different officers. Most commonly in Durham, bailiff denoted a deputy to some

<sup>258</sup> PRO DURH 3/13 183v, 187v.

<sup>259</sup> CCB-F, Collectors' Accounts, Stockton Ward, I/E4/1 (1397/98), m. 1.

<sup>260</sup> *ibid.*, m. 3.

<sup>261</sup> CCB-F, Sheriffs' and Escheators' Accounts, I/C1/1 (1412/13), m. 1, alienations; referred to in CCB-F, Sheriffs' and Escheators' Accounts, I/C1/2 (1415/16) as well.

<sup>262</sup> CCB-F, Collectors' Accounts, Stockton Ward, I/E4/1 (1397/98), Coatham Mundeville.

<sup>263</sup> *ibid.*, Maynesforth.

other officer, or as a general term for an officer other than the pinder and collector. Second, along with sergeant, bailiff could be used as a synonym for reeve; in dictionaries of Medieval Latin, bailiff is an alternative translation of *prepositus*. Perhaps the use of this term to refer to the reeve was due to a scribe trained somewhere other than Durham, and *baillivus* in these cases can be classed with *manerium* as being imported usages. Last is the bailiff of Middleham, specifically referring to one man with a defined bailiwick. This final usage may be particular to Durham, just as *manerium* has a different meaning in Durham than elsewhere. Perhaps this bailiff is a holdover of some older administrative scheme, like the shire. Only an examination of local administration starting with the Norman Conquest or earlier is likely to resolve this question.

#### *The Collector*

Whilst the reeve concerned himself with general administration and oversight, other officers had more specific duties. The most numerous of these were the collectors. The collector's duties can be derived for the most part from the collectors' rolls, although additional information can be found in the halmote books.<sup>264</sup> Four collectors' rolls from this period are extant: three from Easington Ward, for the years 1397/98, 1400/01 and 1402/03, and one from Stockton Ward for 1397/98.<sup>265</sup> Here we have an example of the coincidence of two levels of administration, the vill and the ward. The collectors for each ward were listed together, with the accounts being given by vill. The accounts followed the same general pattern. Arrears were given first, then the various rents (free, bond, cottager, chequerland and demesne), commutation of works and some goods in kind, collection of goods in kind and perquisites of the halmote court. The accounts ended with the sums due and sums paid, and a petition by the collector for approval of allocations.

The collectors' primary job was to collect the rents (in money and goods) due from the land, including services changed into money; and once a year he went to the exchequer to deliver the money and settle his account. Whilst the coroners usually collected free rents, the collectors did so occasionally for certain tenements; no reasons were given for the exceptions. The office of collector was sometimes referred to in relation to a farm. John Bene successfully prosecuted John

<sup>264</sup> There are 52 indentures between collectors of villis and the constable of Durham for this period; however, all that these record is the payment of the money due for the farm of the vill. CCB-F, Miscellanea on Accounts, 1394-5, I/A5/1/3-6, 9, 11, 15, 20, 23, 25, 28-33, 35, 37-65, 67-72.

<sup>265</sup> CCB-F, Collectors' Accounts, Easington Ward, I/E3/1-3 (1397/98, 1400/01, 1402/03); Stockton Ward, I/E4/1 (1397/98).

Fowler for 4s 3 ½d 'from his farm from the time when he was the bishop's collector' (*de firma sua de tempore quo fuit collector domini*).<sup>266</sup> This use of the term 'farm' has naught to do with what is usually thought of as tax farming. 'Farm' was used as a synonym for contractual rent, and may have been the standard term. Each tenement had a farm, and so the usage above refers to the collective rent of a whole township.

In addition to collecting the rents, they collected the amercements and fines levied in court. They also had to answer for the profits of lands in the bishop's hand; profits of herbage was discussed above in the section on the reeve, pp. 54-5. The collector of Norton was required to respond concerning one cottage and three rods of land, seised because the man who fined for them was a canon and could not be resident.<sup>267</sup> The collector also functioned as a local exchequer for the vill. When allocations were granted to tenants for repairs to buildings, there was usually a corresponding order to the collector to deliver the said money. '14s for mending and repairing the buildings of the said tenement is granted by the steward to John Hunter . . . Therefore it is ordered that the collector of the same vill deliver the aforesaid money'.<sup>268</sup> The wording of these allocations in the halmote book usually included a note or memorandum stating that the collector be allowed the same sum from his account.

The collection of the money could be difficult. Accrual of arrears was something every official dreaded. It is significant that for those few collectors' rolls that survive no arrears are recorded. This could be representative of well-oiled local administrative machinery. What it probably shows is the extent to which arrears were feared, and collectors often made up the difference from their own pockets. They were often forced to sue delinquent tenants for the money owed them. There are numerous court entries for unjust detention of money from collectors, some even dating back to the pontificate of the previous bishop. In 1393, Geoffrey Tomson impleaded John Passemore for 21s owed to him from his time as collector under Bishop Fordham. In the same court six other men are likewise impleaded for various sums, the seven men owing a total

<sup>266</sup> PRO DURH 3/13 239r.

<sup>267</sup> PRO DURH 3/13 300r: '*seisitus in manu domini eo quod Johannes Couper qui finivit pro eiusdem canonicus est et non potest residens*'.

<sup>268</sup> PRO DURH 3/13 225v: '*Concessus est per senescallum quod Johannes Hunter habeat de domino xivs ad emendacionem et reparacionem domorum eiusdem tenure quondam Ricardi Hunter et postea [one word illegible] in manu domini pro defectu tenentium. Ideo preceptum est collectori eiusdem ville quod liberare faciat eidem Johanni Hunter denarios predictos.*' See also PRO DURH 3/13 227v.

of £6 13s 8d.<sup>269</sup> Some collectors were overzealous in their duties, and may have even extorted extra money to cover any shortfalls. Simon Acris, a former collector for Bondgate-in-Darlington, was amerced for unjustly levying 18d from Thomas de Haddon.<sup>270</sup> But one is left wondering just how much unpaid rent the collectors were able to recover.

Not all the collections made were in money, however. There is one instance of a rescue being made from a collector of grain taken for the bishop's rent (*pro firma domini*).<sup>271</sup> There is no reference to grain in the collectors' rolls. Only money are listed, with the exception of eggs, chickens and cows for certain customary payments. Was the taking of grain instead of coin an extraordinary affair when the tenant had failed to pay? Or was this a normal option that has been disguised by reference to monetary amounts? It is difficult to say. Once collected, keeping possession of the money could be even more difficult. Amercements for rescue from the collector are common. Whether this rescue was of actual money, or of goods or chattels distrained for payment, is not specified in the halmote books; it was likely a combination.

Like the reeve, the collector was an elected official.<sup>272</sup> However, a new election was held almost every year, even if the same man was re-elected. The office must have been burdensome; there was almost always a different man each year. This situation was probably caused by financial losses the collectors incurred to avoid falling into arrears. There is no apparent pattern to the elections; some men held the office more than once, but hardly in any order. Most men held the office only once in this period. Some men held the office for longer, however. Robert de Carlton, reeve of Hertburn, was also collector for 1390/91 and 1392/93-1394/95. John del North was collector for Heighington nine times between 1390/91 and 1403/04; perhaps more than that, for no other elections were held during that time and recorded in the halmote books. The reeve often was elected collector for his township at some point during his tenure as reeve. Henry Ayer was reeve of Whitburn in 1394/95, and was elected collector in 1396/97. John Henrison, reeve of Haughton, was elected collector in 1390/91, 1393/94-1397/98, 1402/03 and 1404/05 (different men held the office from 1399/1400-1401/02, and elections are not recorded for the other years). It would have

<sup>269</sup> PRO DURH 3/13 113r: '*De Johanne Passemore pro injuste detentione xxj s versus Galfridum Tomson nuper collectorem Johannis nuper Episcopi -vjd.*'

<sup>270</sup> PRO DURH 3/13 97r.

<sup>271</sup> PRO DURH 3/13 27v.

been very easy to combine the two positions, and the steward may have encouraged this practice. On the other hand, combining roles in this way may have increased the chances for peculation, or financial disaster.

Most of the time there was simply one collector per township, or for a group of townships. In Wolsingham in 1390/91, a considerably more detailed organization was recorded: William Fero de Grenewelsyde was to be collector of chequerland, William Mendas of the farm of bondage and demesne land, and John de Rughside of free farm. This is the sole instance of such a description; from its lack elsewhere we must assume that one person normally collected all these rents. The election of two collectors was not uncommon. In many of these cases, two or three townships reported together (see Appendix II); one man would be stated as serving for one vill, and the second man for the other. On other occasions two men were elected for the same township; they would have split their duties somehow, either by type of rent to collect or geographically.

Although the evidence for election of the collectors is overwhelming, there was one interesting exception. In Bishopley, an election entry for 1391 reads 'Cuthbert de Appirle was elected collector for Alice Bron, and he took the oath. And she paid him for his service.'<sup>273</sup> Why was he elected collector for another person, and a woman at that? Based on the timing of elections in the books, this was not a case of a dead collector being replaced; rather, this election occurred at the same time as collectors were elected for other vills. Instead this entry seems to indicate that the office was connected in some way to tenure. It implies that somehow, probably through widowhood, but perhaps through purchase, Alice Bron had acquired land burdened with fulfilling the office. Since she was a woman she had to pay someone to perform the office. Perhaps there was a requisite amount of land or wealth to hold the office, and no one else in the vill had that much, but this is doubtful.

An alternative is that tenures served on a rota or were elected, as is the case in other parts in England, and were required to put forward a tenant or else pay for another person to serve the term. This could explain why certain men served repeatedly; they may have been paid by others who were unwilling to do the job. Or maybe the steward had a say in who could be elected

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<sup>272</sup> R.L. Storey described the collectors as being 'men of lower rank [than the coroners] and [who] were probably appointed by the Bishop's steward': Storey, *Thomas Langley*, p. 69. The halmote books were not referred to here and it seems he did not consult them.

<sup>273</sup> PRO DURH 3/13 18v: '*Cuthbertus de Appirle electus est collector pro Alicia Bron et juratus [est]. Et ipsa solvit ei servitium suum.*'

collector, or even imposed his choice. We know that the tenants of the vill had some choice in the matter, as with the office of reeve. The township of Stanhope was discussed above regarding the reeve, where four men were amerced for leaving court before the tenants had elected the collector and reeve.<sup>274</sup> A similar case occurred at Killerby. William Serle was elected collector, but had left before he was elected by his neighbors and so was amerced. Of course, the same doubts attach to the election of the collector as for the reeve; how many candidates did they have to choose from, and just how much influence did the steward have on the election? In any case, the selection of officials was not so simple as the record suggests.

Whilst the job of collector was more onerous, and more unpopular, than that of reeve, nonetheless the same man sometimes served again the following year or after several years elapsed. Perhaps, like the position of reeve, there were profits to be made on the side; else maybe these men liked to exercise this power, in hope of future promotion or to dominate their neighbors. Some families may have tried to control or monopolize the office. In Benfeldside, John Sadeler was elected collector for 1392/93 and 1400/01; William Sadeler was collector in 1399/1400/; and Robert Sadeler was collector for 1395/96 and 1404/05, and may have been the same man who was collector for the nearby township of Butsfield in 1393/94, 1399/1400-1400/01, and 1404/05.<sup>275</sup> Two other members of the family of Gilbert Spurnhare, the reeve of Norton mentioned above, were elected as collectors for Norton. Whether control such as this was intentional, or merely a by-product of a prosperous family's community standing, is unknown, but the reasons are not mutually exclusive.

The steward would have wanted as collectors men of power who could extract the money due. And it certainly would not hurt to be affluent when they had to make up for other men's arrears, recovery of which they would have to sue for in the halmote and could take a long time to recover. Unlike the reeve, those men who were elected to the office of collector were not usually drawn from the jurors. Some men were, but the majority were not. The collector could hail from any social or economic stratum within the vill. Men with deep pockets would have had an easier time, as they would not have been as financially inconvenienced by unpaid farms. On the other hand, they may have had more to lose; a poorer man might expect greater mercy when seeking to

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<sup>274</sup> cf. n. 255.

<sup>275</sup> Their relationships to each other is unknown; they may not even have been related.

ease the burden of any arrears. Unlike the positions of reeve and juror, the selection of collectors cannot be attributed directly to socio-economic factors.

### *The Constable*

Unfortunately, there is very little information on the constables of the bishopric's vill.<sup>276</sup> The number of constables per vill is unknown, but it is reasonable to assume that this may have depended on the size of the vill. If there were less than two per vill it would be surprising. There are only two instances of their election in Skirlaw's halmote book, so no conclusions can be drawn regarding them. Their primary duty may have been connected with the defense of the bishopric, through arraying fencible men.

However, they appeared in the halmotes for their judicial and police functions. Keeping the peace, much like their early modern and modern counterparts, was a major part of the job. The constable(s) and reeve of Norton placed John Spic in the pillory; but this was done illegally, and the man who had given the order was amerced.<sup>277</sup> Earlier, William Spurnhare (constable of Norton) had placed the same John Spic under a penalty without judgment; this could indicate bad blood between the two men.<sup>278</sup> The constables were supposed to arrest or present persons involved in affrays. The constable(s) of Sedgfield presented Adam Gebson for an affray versus Robert the servant of Robert Smyth.<sup>279</sup> Failure to present was punishable; William de Shadforth was amerced in 1402 because he had not attached the strangers who attacked Katherine de Ryhope.<sup>280</sup> In 1405, John Watson, constable of Shotton, was amerced 'because he neither took custody of nor attached the said Robert [Smyth] for an affray made against the peace'.<sup>281</sup> The unnamed constable of Newbottle was the victim of a rescue at the hands of William Punder and Thomas Birden; as the said rescue was in connection with an affray they may have been freeing someone or something that

<sup>276</sup> Little information can be found for constables on the priory estates, other than for their existence: Lomas thesis, 'Durham Cathedral Priory,' p. 48. The village constables should not be confused with the palatine constable, or Constable of Durham. For the latter, see Lapsley, *County Palatine*, pp. 88-91.

<sup>277</sup> PRO DURH 3/13 171r.

<sup>278</sup> PRO DURH 3/13 129r: '*De eodem [William Spurnhare] pro transgressione facta domino ponendo Johannem Spic' ad penam sine iudicio -ijs.*'

<sup>279</sup> PRO DURH 3/13 26r.

<sup>280</sup> PRO DURH 3/13 374r. Earlier in the court the same Katherine was amerced for laywite; perhaps the two incidents are related.

<sup>281</sup> PRO DURH 3/14 6r: '*quia non recepit nec attachiavit dictum Robertum pro affraia facta contra pacem.*'

had been seized.<sup>282</sup> William Merdas and John Barker, constables of Wolsingham, were pledges for the fine of Laurence Robynson for 'various trespasses made against the bishop.'<sup>283</sup> Naturally, there are signs of resentment of the constable by various villagers, and the latter tried to interfere with the constables in the execution of their duties. In 1400, Robert Wallker Jr. was amerced 12d for impeding a constable in the performance of his office in Sedgefield, and John Peroles was amerced for 1394 the reeve and constable when performing their offices in Killerby.<sup>284</sup>

The constables shared functions normally connected with other officials. They took distrains, often in conjunction with the reeve. William de Quarrame was amerced for rescue from a constable in Haughton, whilst John Barne was amerced for rescue and contempt of the constables and reeve of Hertburn.<sup>285</sup> John Pullor, reeve and constable, was amerced as constable for failing to distrain William Talbot and Richard White.<sup>286</sup> And the constables of Norton acted with the reeve of the vill in executing the punishment of a tenant.<sup>287</sup>

#### *The Pinder*

The pinder (punder or pounder, Latin *punderus*) was closely connected with enforcement of village by-laws and provided support for the functioning of the court by distraining people to answer pleas. He was responsible for the village pinfold (pound), where he kept strays or animals distrained as surety for court appearance or repayment.<sup>288</sup> The pinder had the authority to impound animals himself, although this was probably limited to strays. William de Kellawe failed to attach the beasts taken on land in the bishop's hand, and was amerced for it.<sup>289</sup> Some, and probably most, pinders had deputies (*servientes*, or sergeants); the deputy's exact role is unclear, but he probably assisted in the seizure of animals and the later custody. William Tomson, pinder of Bishop Wearmouth in 1392, was amerced because his sergeant William did not appear at court.<sup>290</sup>

<sup>282</sup> PRO DURH 3/13 32v: '*Item presentant quod Willelmus et Thomas fecerunt rescussum constabulare domini in affraia predicta.*'

<sup>283</sup> PRO DURH 3/13 449r: '*De Willelmo Mendas et Johanne Barker constabulariis ibidem pro fine Laurencie Robynson pro diversis transgressionibus domino factis.*'

<sup>284</sup> PRO DURH 3/13 313r, 115v.

<sup>285</sup> PRO DURH 3/13 301r, 188r.

<sup>286</sup> PRO DURH 3/13 409v.

<sup>287</sup> cf. n. 277.

<sup>288</sup> Maintenance of the pinfold could be a part of the *vicinagium*, the communal obligations. Henry Newbond was amerced for failing 'to do his part regarding the pinfold of Stanhope': PRO DURH 3/13 84r.

<sup>289</sup> PRO DURH 3/13 255v.

<sup>290</sup> PRO DURH 3/13 66r.

The pinder executed orders to attach given to him by the reeve or other officials, or accompanied them and took custody of the animals they seized. John Punder of Chester-le-Street was amerced 3s 4d for not presenting those he had attached as he was ordered to do by the steward.<sup>291</sup> Richard Wygshaw was amerced in Bondgate-in-Auckland because he did not distrain John del Pate to respond to Isabel Yeman.<sup>292</sup> William son of William was amerced for not executing a distraint.<sup>293</sup> Likewise, the pinder of Norton was amerced in 1395 for not distraining a tenant to answer another tenant regarding a plea of debt.<sup>294</sup> And William Tomson of Bishop Wearmouth was ordered to accept a distraint against John Tomson, unjustly as it turned out.<sup>295</sup> Since most wealth or possessions of these Durham tenants would have been counted in animals, the pinder as a coercive agent of the bishop's will must have been quite important and busy.

His attendance at court was required. The pinder presented those whom he had attached for letting their beasts stray where they should not have. John Iryssh, the pinder of Houghton, was amerced for not presenting those he had attached, and William Tomson, pinder of Bishop Wearmouth, was amerced because he did not want to present those he had attached.<sup>296</sup> Like the reeve and the jurors, the pinder took his share of abuse in the courts. William Masson was fined 12d for cursing the pinder in court in the presence of the steward.<sup>297</sup>

The pinder had custody over the corn of the tenants, presumably during harvest season. This seems to have been a regular duty; perhaps the pinder doubled as harvest reeve or hayward. As a hayward (*messor*) seldom was mentioned in the halmote books, this seems quite likely; custody of the grain would be a logical extension of the pinders' agricultural duties. William Tomson, pinder for Bishop Wearmouth, was amerced for not guarding the corn of the tenants there.<sup>298</sup> Richard Wygshaw in West Auckland was amerced for not keeping the *herbagium* of John Falderley.<sup>299</sup> There may have been an element of distraint to this duty as well. William Kellawe was amerced 'because he did not guard the corn of the tenants of Sedgfield, nor present [those

<sup>291</sup> PRO DURH 3/13 154r.

<sup>292</sup> PRO DURH 3/13 50r.

<sup>293</sup> PRO DURH 3/13 247v.

<sup>294</sup> PRO DURH 3/13 184v

<sup>295</sup> PRO DURH 3/13 251v: '*De Willelmo Shephirdson quia precepit Willelmum Tomson punderem accipere distractionem Johannis Tomson injuste ad dampnum dicti Willelmi vjd – vjd.*' William Shephirdson was twice a collector in Bishop Wearmouth (in 1392/93 and 1404/05), under which township this case was recorded (in 1398).

<sup>296</sup> PRO DURH 3/13 192r.

<sup>297</sup> PRO DURH 3/13 144v.

<sup>298</sup> PRO DURH 3/13 262v.

tenants] thus attached.<sup>300</sup> In West Auckland, Richard Wygshaw again was amerced 6d, this time for failing to watch over the grain of Hugo Wilson to the latter's damage.<sup>301</sup> The mention of a specific tenant seems to indicate that, as for beasts above, the pinder was responsible to keep safe the goods distrained and given into his care.

Many tenants took it upon themselves to retrieve their corn or animals that had been impounded. Rescue from the pinder is the most common offence against a village officer. For this very reason, detail was very rarely recorded in the halmote books; the usual formula was 'for rescue made from the bishop's pinder' (*pro rescusso facto punderere domini*) with no specification of number or type of animals or grain. Occasionally, more detail was given. Richard Ruke was amerced for retrieving five cows that the pinder had wished to impound.<sup>302</sup> In Cornforth, William Hogerd, John Shephird and William de Coupon opposed the pinder when he tried to impound their sheep that he had taken in the frith.<sup>303</sup> We sometimes find that it was the wives who were responsible for the rescue. John Bryght of Newbottle was amerced 12d because his wife made a rescue from the pinder.<sup>304</sup> In a similar occurrence, John del Shele was fined for a rescue made by his wife Agnes from the pinder of Lanchester in 1404.<sup>305</sup> In an interesting twist, John Alisson was amerced because his wife made rescue of his geese from the wife of the pinder of Cockerton.<sup>306</sup>

Unlike those of the reeve, collector and constable, the office of pinder was tied to the land, often to specific tenures, which is surprising at this late date. In 1393 William Thomson, pinder, found pledges for his tenure and for performing his office.<sup>307</sup> Patrick Yeman in 1388 took one messuage, seven and-a-half acres of land and the office of pinder in Shotton, which John Duffe had held.<sup>308</sup> In Ryhope, John Milner made fine for one messuage and twelve acres called 'Punderland' together with the office of pinder.<sup>309</sup> Walter de Worsell took in Easington 'one messuage with

<sup>299</sup> PRO DURH 3/13 49v.

<sup>300</sup> PRO DURH 3/13 255v: '*De Willelmi de Kellawe punderere domini quia non custodavit bladus tenentium nec presentavit inde attachiatos*'.

<sup>301</sup> PRO DURH 3/13 254v.

<sup>302</sup> PRO DURH 3/13 237v.

<sup>303</sup> PRO DURH 3/13 51v: '*De Willelmo Hogerd, Johanne Shephird, et Willelmo de Coupon quia noluerunt permittere punderem impercare bidentes suos captos in le frith*' – xvij d.'

<sup>304</sup> PRO DURH 3/13 67r.

<sup>305</sup> PRO DURH 3/13 396r.

<sup>306</sup> PRO DURH 3/13 117r.

<sup>307</sup> PRO DURH 3/13 86r.

<sup>308</sup> PRO DURH 3/13 4r: '*De Patricio Yeman pro uno messuagio vij acris et dimidia terre et officio punderis que Johannes Duffe tenuit*'.

<sup>309</sup> PRO DURH 3/13 22r: '*De Johanne Milner de fine pro uno messuagio xij acris terre vocate punderland simul cum officio punderis*'.

buildings and seven and-a-half acres of land called "Punderland" with the office of pinder and with the various profits pertaining to the said office.<sup>310</sup> A proclamation was made in 1404 for Walter de Worsell the pinder to be resident on his tenement and to occupy his office on pain of losing his rights to both.<sup>311</sup> When he did not appear after the third proclamation later in that year, John de Melsamby took the office along with the cottage and seven acres, referred to now as Punderland.<sup>312</sup>

The office seems to have been as much a part of the tenure as the land. Based on the frequency of this term in the halmote books, there seems to have usually been a specific holding in most villis called 'Punderland' which was attached to the office. Although of different sizes throughout the estates, particular holdings did not change size over time. The same tenements can be found not only in the Hatfield Survey of the bishopric estates, but in *Boldon Book* as well, which was compiled in 1183. These surveys provide us not only with the rents and services due from these tenures, but indicate that in some villis other tenants provided the pinder with money or agricultural produce as a sort of salary. The surname of Punder possibly indicates a hereditary post, further strengthening the connection of office with tenement. The highly agricultural nature of the pinder's position is the strongest reason that this office remained tied to the land. Tenure was for life as with other customary tenures, or until one surrendered the holding. It is unclear what the procedure was should the pinder no longer be able to perform his office, or if it passed to a woman after the pinder's death; were they required to find a substitute?<sup>313</sup>

As with the office of collector, there is one example that does not conform to the rule that the office was a tenured and not an elected one; but it may be used to confirm it. In Cockerton in 1393, William Maynson was elected pinder and listed with the other elected officers of the vill.<sup>314</sup> Perhaps the previous pinder had died without heirs and the land was in the bishop's hands, or else the incumbent could no longer carry out his office. The tenants had to find someone to take his place until someone who could perform the office took up the Punderland. The unusual nature of

<sup>310</sup> PRO DURH 3/13 35v: '*De Waltero de Worsell de fine pro j messuagio edificato et vij acris terre et dimidia terre vocate le punderand una cum officio punderis et cum aliis profituis eidem officii pertinent'*'.

<sup>311</sup> PRO DURH 3/13 400r: '*Proclamatus est modo primo quod Walterius de Worsall punder venit et sit residens super tenuram suam et occupet officium punderis sub pena amissionis juris sui.'*'

<sup>312</sup> PRO DURH 3/13 423v.

<sup>313</sup> In 1400, John Williamson of Bishop Wearmouth took the Punderland of Bishop Wearmouth; the previous pinder had died, and the widow recused the land (no reason was given): PRO DURH 3/13 321v.

<sup>314</sup> PRO DURH 3/13 108r.

this transition reinforces the theory that the office of pinder was normally tied to particular holdings.

#### *Aletasters*

As in the rest of England, each township in the bishopric of Durham had its aletasters. Statutes tied the prices of ale to that of grain, and aletasters were to be appointed for every vill to enforce the price-fixing and to maintain the quality of the ale being brewed.<sup>315</sup> To combat fraud, Parliament sought to enforce the use of standard weights and measures throughout the realm; this enforcement fell to the aletasters. Unfortunately, the halmote books tell us very little about the aletasters except that they existed, and we know nothing of their selection for the office or tenure therein. The offenders of the assize of ale were presented at most courts, sometimes being the only business for a particular township. But the aletasters hardly appear at all, only in the occasional amercement for not performing their office, or when a brewer or brewster did not summon them. The low profile of the aletasters may be explained by the brewing practices in Durham, where there was often a brewhouse or ale house and monopolies on brewing were farmed out by the steward.<sup>316</sup>

#### *The Jurors*

Integral to the functioning of the halmote court were the jurors, *jurati*, literally 'those who have taken an oath'.<sup>317</sup> While we would not normally consider them to be officials in the same ways as the reeve or pinder, the jurors played just as an important a role in the administration of the bishopric estates.<sup>318</sup> As advisors to the steward, and in presenting offenders in court, they were required to be knowledgeable of all the day-to-day and extraordinary affairs of their townships. Without them, their knowledge and their cooperation, the steward and other officials would have faced an enormous task in trying not only to keep the estates running smoothly, but to keep them functioning at all.

The jurors were always listed by township at the top of the business for that township. The number of jurors for a vill varied, with four or five being most common. Sometime there was as

<sup>315</sup> Bennett, *Ale, Beer and Brewsters*, pp. 21-2, 159-63.

<sup>316</sup> See pp. 91-92 for a description of this practice.

<sup>317</sup> The usual term is *jurator*, pl. *juratores*, but the abbreviation *jur'* is found extended as *jurati* on a number of occasions.

few as one juror for a township. Four was the normal number for townships of the priory estates, although three or five was not uncommon.<sup>319</sup> The bishopric jurors presented offenders from each vill and heard the cases; in one incident the jurors were amerced for not seeing (*videndum*) a plea.<sup>320</sup> They assessed damages and fines, but probably had little say about the amercements, which seemed to be standardized multiples of 6d. They advised the steward on various matters relating to the vill, and he usually took their advice.<sup>321</sup>

Their functions resembled more of a mix of traditional juror and the capital pledge in courts further south (who were occasionally labeled as *juratores*, but more often as *capitales plegii*) than simply those of a presentment jury. Despite this similarity it must be noted that they were *not* capital pledges as we understand them. A. Morris has demonstratively shown that Durham and the other northern counties did not use the tithing system but followed local customs.<sup>322</sup> Any similarities must be due to different evolutionary tracks, by chance or through the effect of other forces, producing the same effect in the late fourteenth century. Perhaps the vill, the main local institution, had some part in whatever system functioned as an alternative in Durham. The pre-plague situation, for which data is scant for Durham, must be examined to know for sure.<sup>323</sup>

The position of juror, although powerful and thus desirable, was not without disadvantages. There are several references to contempt of the jurors by tenants in court, with tenants calling the jurors perjurers.<sup>324</sup> In these instances, the event is said to have caused damage of a certain sum to the juror(s); probably this amount was given to the juror in recompense for the insult, in addition to the amercement. The fines were normally 6d or 12d, but some were larger. William de Evenwode was fined half a mark for cursing the jurors in court during their work, and for not apologizing.<sup>325</sup> William Barkdale reproved juror John Rogerson in the court at Chester-le-

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<sup>318</sup> Though jurors seem to have played a greater role on the priory estates, perhaps eclipsing other village officers: Lomas thesis, 'Durham Cathedral Priory, pp. 46-7.

<sup>319</sup> *ibid.*

<sup>320</sup> PRO DURH 3/13 113r: '*De quattuor juratoribus qui non viderunt placitam*'.

<sup>321</sup> PRO DURH 3/13 122r: '*Concessus est hic in curia per senescallum et per sacramentum juratorum eiusdem curie*'.

<sup>322</sup> W.A. Morris, *The Frankpledge System* (New York, 1910), p. 45.

<sup>323</sup> Exactly what system was used in northern England, and how it evolved, is unknown; seemingly its origins would lie with the fact of the relative importance of vill over manor, and related territorial customs peculiar to the north of England. Perhaps as more is known about the development of northern vills, additional light will be shed on this perplexing question.

<sup>324</sup> A fine pun by the scribe – *perjuratus*.

<sup>325</sup> PRO DURH 3/13 245r: '*De Willelmo de Evenwode quia maladixerit juratos in officiis suis faciendis in curia non fecit finem – dimidia marce*.' The '*non fecit finem*' is highly unusual in this

Street to the latter's damage of 12d, and was amerced 6d. The steward probably issued him a stern warning, as he was fined 40d for calling the same juror false later in the same court.<sup>326</sup>

Another inconvenience was the travel to the court thrice yearly. The jurors of Framwellgate often made fine to avoid suit of court as jurors for the whole year. In the tourns after they made fine this situation was usually noted as 'all have made fine' (*omnes sunt in fine*).<sup>327</sup> Sometimes in these instances no business was recorded in the books, except the occasional land transaction. Jurors from other villis fined at times to avoid suit of court, though much less frequently than Framwellgate. These instances should not be confused with regular suitors paying a fine to avoid suit; *facere secta* had different shades of meaning for different people. Jurors paying a fine, especially at Framwellgate, should not be dismissed lightly as several men who wished to get out of an extra burden. Since there were no presentments when there were no jurors (though there could be land pleas), there must be something more. Could the other tenants have paid the jurors' fines, to avoid costly amercements for minor infractions? Aside from Framwellgate, there were a number of villis with no presentments on a regular basis, and it could be that the jurors were being bribed not to present anything. Whether the steward was a party to this is unclear; perhaps due to the difficulty in collecting amercements it was easier to collect a common fine. But since all jurors making fine occurred regularly only at Framwellgate, there could be further explanations. The jurors almost always came together or stayed away together, but occasionally a single juror is amerced for not coming to court. When this was so, his name was still listed with the other jurors, but he was also amerced in the business of the vill. This did not occur every time; sometimes a regular juror was listed with the regular suitors who failed to make suit.<sup>328</sup> When no jurors attended court without having made fine, their names were listed and they were amerced; again, there was no business recorded except for land pleas.

There is no evidence for how the jurors were selected; certainly, no elections were recorded within the halmote books. The same men tended to serve throughout the period under consideration. There was very rarely more than one new name per court; in most of these instances the name appeared once, and the regular juror returned in the next court. When a new name

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situation; coupled with the high fine, it seems to indicate that he did not apologize by making fine immediately. Perhaps he protested that he was correct in his analysis of the jurors.

<sup>326</sup> PRO DURH 3/13 250r.

<sup>327</sup> PRO DURH 3/13 66r; 78r; 111v.

<sup>328</sup> PRO DURH 3/13 131r.

remained on the list, it did so permanently. It follows that jurors were elected for life, and were replaced only when they died. The post was not hereditary, as father and son could and did serve on the same village jury at the same time. The office may have been linked to certain holdings, but with the fluidity of tenure it is difficult to say for sure. The jurors may have been elected, with the requirement being certain standing in the community, economically but also socially; most of the jurors were very active in court and local office. Most reeves were jurors, and the collectors were quite often jurors as well.

### *Conclusions*

The steward did his best to reinforce the authority of the village officers. However, all that could be done was to levy fines, though these could be quite high. The standard penalty for contempt towards the reeve usually started at 12d, double the amount of the normal amercement. But it could be more. John Porter was amerced 2s for contempt of the reeve, whilst doing his office and in court.<sup>329</sup> William Porter was fined 3s 4d for contempt of the reeve in performance of his duties.<sup>330</sup> There must have also been threat of further punishment; there was a gaol in Durham City. Aside from punishing those who challenged the authority of the officials, the steward could also punish his officials for not performing their tasks, or for carrying them out too zealously. Usually the penalty was 6d, but it could be higher.

How much was the authority of these officers respected by the tenants, and how well did they carry out their tasks? While there were occasional cases of mass disobedience, these were quite rare, and may have been in response to an outrageous exaction. The many rescues from officers indicate that the latter were doing their duty, perhaps overzealously. The number of these incidents is quite large, and may demonstrate that the officials were powerless against the tenants; yet it could be that the amercement for the rescue replaced the fine for the beast being taken, as we have no trace of the latter. It may be that the financial loss of the amercement may have been less burdensome to a tenant than the loss of the labor of the animals. But in general the tenants cooperated with their officials. There are strikingly few instances of jurors being amerced for omitting to present offenders; the pinders were far more guilty of that particular sin. The system

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<sup>329</sup> PRO DURH 3/13 142r.

worked, however imperfectly, and both steward and tenantry seemed content.

## Vicinagium

As with most manorial regimes, on the bishopric estates there existed a body of communal obligations enforceable in the bishop's courts. Some of these fell under the rubric of *vicinagium*, unique to Durham if not the whole of northern England; others duties and obligations were described in language akin to that found in elsewhere in England. It is with the former that we are concerned with here; by-laws, being more judicial in nature and creation, are discussed below in Chapter VI. Albeit similar in some respects to customs found on estates in southern England, vicinage was inherently different. It was a body of custom, seemingly immutable, and regulated by the halmote courts on the behalf of the tenants; it was never referred to in terms of by-laws.

We have seen above how the township sometimes functioned as a legal corporation. In comparison to southern England, Durham seems to have had a greater emphasis on communal effort and solidarity, and of greater village unity. This may be due to the major difference between northern and southern 'manors' adumbrated above; in the north the vill was not split among several lords but remained an undivided unit. Thus we find a greater emphasis on the community in all respects. The exposition following below must be seen as a minimum description; as these obligations were not due to the bishop there is no record of them independent of the halmote framework. They were described only in the halmote books, when tenants submitted disputes over vicinage to the steward's arbitration. Many more other duties and obligations may have existed, but if so they have left no trace.

Throughout the halmote books the reader constantly encounters the term *vicinagium*, usually in reference to a tenant or tenants failing to perform it, and often in conjunction with the term *vicini*, literally, 'the neighbors'. Most Medieval Latin glossaries simply translate the word as 'vicinage' as part of the entry for the Latin stem *vici-*. The *OED* defines 'vicinage' as '1. A number of places lying near to each other taken collectively . . . a neighborhood. . . . 2. The fact of being or living close to another or others; nearness; proximity; 2a. Of persons; *spec. in Law* as entitling to certain rights of common. . . . 3. *In the vicinage of*, near or contiguous to, in the

neighborhood of.<sup>333</sup> Of these three definitions, the second comes closest to vicinage as it is found in the halmote books, but it is not precise enough. Vicinage in Durham was the complex of rights *and obligations* of a tenant to his or her neighbors, arising from 'the fact of being or living close to another'.

Although institutionalized by the late fourteenth century, since it was a complex web of rights and duties vicinage was still often undefined. Failure to uphold or perform vicinage was punishable by amercement in the halmote court; were it not, we would know almost nothing about this custom. Vicinage was owed to other tenants, not to the bishop *per se*; the amercements were always in terms of failure towards other tenants, and the term *communis* is often found connected with *vicinagium*. The status of the tenant mattered not at all; although esquires and knights were never prosecuted personally for breaches of vicinage, this does not rule out that their unnamed sub-tenants or attorneys might have been sued. *Vicinagium* was not an element of lordship, and the bishop gained nothing directly - if all went as it ought. The performance of vicinage was enforced in the halmotes, and the bishop gained income from the amercements. Whether the bishops took it upon themselves to enforce this communal custom, or the tenants looked to the bishop as an impartial arbitrator, has been lost in the mists of time. The requirement to uphold vicinage was including in the wording of all taking of land recorded in the halmotes. The person taking up the land, be he lowly peasant or powerful knight, promised that he, she, or they would be 'doing unto the lord and neighbors that which is incumbent' upon the land.<sup>334</sup>

In some ways *vicinagium* seems akin to the by-laws of manorial regimes elsewhere. But it is more extensive. By-laws elsewhere were concerned primarily with the agriculture, the cultivation of individual lands, arable and pastoral, and the use of shared resources such as the commons. The *pene* referred to in the halmote books seem to be the nearest equivalent to southern

<sup>333</sup> *The Oxford English Dictionary* (Oxford, 1933), vol. 12, p.182.

<sup>334</sup> *Faciendo domino et vicinis que incumbent. Vic* ' in this case could be expanded as *vicecomite* ('to the sheriff'). However, *vicinis* is the correct expansion. The word appears fully extended quite often in halmote books from the sixteenth and seventeenth centuries: GB-0033-DHC1, Durham Bishopric Halmote Court Records: Court Books and Miscellaneous Books, Halmote Court Books, DHC1/I/1 (6 October 1519 - 4 May 1521), DHC1/I/74 (11 June 1623 - 17 May 1625), and DHC1/I/80 (28 April 1642 - 26 October 1649). When the halmote books were written in English during the Protectorate the translation used was 'And doeing to the lord and Neighbours the duties and services accustomed etc.': Halmote Court Books, DHC1/I/81 (15 April 1650 - 6 November 1655). As the sheriff made no appearance in the halmote books, and as most of the routine duties connected to tenure of peasants elsewhere due to the sheriff (primarily regarding the View of Frankpledge) were due instead to the bishop and steward, his presence cannot be inferred here.

by-laws, and these are never couched in terms of vicinage.<sup>335</sup> Vicinage as it is found in Durham was concerned with the construction and upkeep of common buildings, and taking turns tending the villagers' combined flocks; it also mandated courteous treatments of one's neighbors. There are no signs of agricultural by-laws as found elsewhere in England; the reeve in his capacity as village headman oversaw the functioning of village agriculture by and for the tenants, rendering such laws unnecessary.

Unfortunately for the historian, the basic nature of vicinage means that the exact offense was not always recorded. Yet sometimes it was, and this allows the historian to draw some conclusions about village life. Vicinage was owed to one's neighbors as a whole. John Harpor was amerced in 1395 'because he did not come at the reeve's summons to perform vicinage for the tenants' utility'.<sup>336</sup> Richard Hardyng was amerced 6d in 1400 'because he did not perform vicinage among the tenants of the bishop' ('*quia non fecit vicinagium inter tenentes domini*').<sup>337</sup>

*Vicinagium* had two components; the first of these was holding in turn communal posts, or contributing towards the salaries of others that held these posts. The most prominent of these communal posts was the shepherd (*opilio*). Shepherds for the bishop never appear as such in the halmote books; only communal shepherds, who watched over the villagers' combined flock. Sometimes the villagers banded together to hire a shepherd, each contributing part of the salary. John of Kellowe was sued for unjustly detaining 2d from the salary of the village shepherd of Cockerton.<sup>338</sup> In Whitburn a tenant was amerced 'for not performing the vicinage of paying the communal shepherd'.<sup>339</sup> John Porter was amerced in 1405 'because he did not perform vicinage among his neighbors concerning the paying of the common shepherd'.<sup>340</sup> At other times the villagers themselves took turns watching over the sheep. This was clearly part of the vicinage obligations; Robert of Wardon and Nicholas Gavyll were amerced 'because they did not hold [sic] vicinage by keeping the sheep'.<sup>341</sup> Another tenant was amerced in 1393 because he did not

<sup>335</sup> See yy below.

<sup>336</sup> PRO DURH 3/13 174r: '*De eodem [John Harpor] quia non venit ad summonitionem prepositi ad faciendum vicinagium pro utilitate tenentium - xijd.*'

<sup>337</sup> PRO DURH 3/13 307v, 366r.

<sup>338</sup> PRO DURH 3/13 189r: '*De Johanne de Kellowe pro injuste detentione ijd de salario opilionis ville versus Robertum Jonson ad dampna ijd - vjd.*'

<sup>339</sup> PRO DURH 3/13 222r: '*non fecit vicinagium solvendi/communi pastori*'; see also 261r, 356v.

<sup>340</sup> PRO DURH 3/13 442r: '*De eodem Johanne [Porter] quia non fecit vicinagium inter vicinos suos de solutione salarii communi pastori*'; see also 22r, 261r, 445r.

<sup>341</sup> PRO DURH 3/13 66r.

'perform the vicinage of common shepherd' (*'non fecit vicinagium communis pastoris'*).<sup>342</sup>

Sometimes the animals in question were not specified; but the duty of watching over the other beasts seems to have been one shared amongst the tenants and not delegated to one person with a salary.<sup>343</sup> Whilst there may have been other communal workers, the shepherd would have been most important due to the heavy pastoral element in northern agriculture. It is thus not surprising that we hear of him (or possibly, her) so often, whilst other potential servants show up not at all.

The other main component of *vicinagium* was the upkeep of common buildings. Chief among these were those edifices connected with animals: the folds. As the terminology of the halmote books cannot be trusted to give specific structures the same name every time, we can say with no certainty how many types of structures we are dealing with. Among those mentioned were the pinfold<sup>344</sup> and sheepfold (*bercaria*)<sup>345</sup>, in addition to numerous breaches of vicinage concerned with simple 'folds'. Maintenance of the folds, especially the sheepfold, is not surprising, given the importance of the sheep in English husbandry, also shown by the importance of the common shepherd. Maintenance of the pinfold as part of *vicinagium* is surprising. We would expect this to be the responsibility of the pinder, or else of the tenants but not in the capacity of vicinage. Perhaps the pinfold served other communal functions in addition to impoundment.

Other buildings were included in the maintenance mandated by vicinage. These varied vill by vill, the most common being the brewhouse.<sup>346</sup> In some vills the brewhouse was leased out to tenants who at the same time leased a brewing monopoly for that township, but this did not occur uniformly throughout the bishopric. Most vills also possessed a communal oven.<sup>347</sup> While the erection and repair of these buildings was a communal undertaking and responsibility, there was an element of responsibility to the bishop as well. Vills were required to have these buildings. We know that their upkeep was a matter of vicinage because the scribe specifically described it as such. But if the vill failed to keep the buildings in repair, or to construct them at all, they were liable to the bishop.<sup>348</sup> Here we see that vicinage was adapted to disperse the demands of the bishop more evenly among the various tenants; by making it a communal obligation, everyone had to pitch in or

<sup>342</sup> PRO DURH 3/13 112r, 265r

<sup>343</sup> PRO DURH 3/13 129v; '*De Ade Barne quia non fecit vicinagium custodendi bestias vicinorum suorum in turno suo etc. – vjd.*' Ssee also 159r, 347r (pigs).

<sup>344</sup> PRO DURH 3/13 31v, 464r.

<sup>345</sup> PRO DURH 3/13 137r, 467v.

<sup>346</sup> PRO DURH 3/13 4v, 467v.

<sup>347</sup> PRO DURH 3/13 456r.

be amerced when presented by their disgruntled neighbors. Contrast this with the upkeep of mills, which never is described as vicinage although the whole vill was required to take part. Repair of the mills was an obligation solely to the bishop, extracted and directed by the reeve much like other works, such as carriage. If the repairs were not carried out, the steward's wrath could fall on the reeve alone.<sup>349</sup> Sometimes this work was tied to certain holdings: '*De Johanne Wade et omnibus tenentibus ville qui tenent cotagia quia non reparaverunt domum molendini*'.<sup>350</sup>

Was vicinage unique to Durham? This county differed from other counties, even the other English counties palatine, in a myriad of ways; it would not be that shocking for it to be so at the level of the peasantry as well. I think that it is a northern phenomenon, however. As I have argued throughout this thesis, there was a great emphasis on the *vill* at all levels, and vicinage is no exception. And I have argued as well that this was due to the lack of 'manorialization' of the Durham, where vills remained the building block of lordship. Northumberland, northern York, and maybe the other northern counties were similar to Durham in these respects; and thus vicinage should be found there as well, in the same way as in Durham.

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<sup>348</sup> PRO DURH 3/13 437r.

<sup>349</sup> PRO DURH 3/13 169r, where the reeve was amerced for failing to summon the tenants to repair the mill; the reeve is never amerced in this way in respect to communal buildings.

<sup>350</sup> PRO DURH 3/13 417v.

## VI

### The Halmote Court

The halmote court was the nexus of the administration of the bishopric estate. The steward presided over it as the bishop's representative, dispensing justice to those who sought it and overseeing and approving changes in the tenurial makeup of the estates. In this he was advised by juries from each of the appearing vills and by the officers of those vills, each of who had their own particular roles in the court. The bishop's tenants, free and unfree, including clergy, paid suit at the court or a paid fine to avoid this obligation. They were joined by men and women from other estates who had come to press claims against residents on the bishopric estates. It is in the functioning of the court, in the hearing of pleas, in leases of land, and in regulation of village life, that we can truly grasp the local administration of these estates.

#### *Timing of the Courts*

The steward went on his halmote tourn three times a year.<sup>351</sup> Referring back to Table 1, we see that the tourn most likely to be preserved was the first of the pontifical year, the fall tourn, with the second or Lenten tourn close behind. The summer tourn by contrast is missing more courts than the first two tourns combined. Presumably, the important administrative data were recorded in the fall tourn. This was the first tourn after Michaelmas and as such the first tourn of the financial year; those who made fine to avoid suit of court often did so at this tourn. Village officers were normally elected in the fall to serve 'for this year' (*pro hoc anno*), presumably until the next election.

The courts always were dated by the pontifical year of the reigning bishop. The one exception was the one tourn held when the see was vacant in 1406, when the courts were dated by regnal year. The latter style occasionally appeared in addition to the pontifical year, but this was a scribal variant. The most common form of dating used feast days, as in most secular manorial courts; but sometimes the day of the month was used. This too was dependent on the scribe and not any other explanation. References to past courts were made using feast days and pontifical year.

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<sup>351</sup> The priory halmotes courts were also held on a tourn basis, at the same general times: Lomas thesis, 'Durham Cathedral Priory,' p. 4.

Although the schedule did at times vary, the tourns were held around certain feast days, though there seems to be no particular significance to the choice regarding the scheduling of the tourns. The tourns were generally held at the same time each year, the first tourn in late October to mid-November, the second tourn anytime in the Lenten season (including the weeks before and after), and the summer tourn in mid July to August. The total time taken was usually between ten days and a fortnight from start to finish, depending on feast days (a major feast would cause the tourn to take longer). With the exception of the court for the Wapentake of Sadberge, which was always held on the same day as the court at Darlington, each court was held on a separate day. There is no evidence in the court records for the session at a particular location continuing into another day. Court was never held on Sundays, but could be held any other day of the week; during a tourn each court was usually held the day after the previous court. Usually there was one court per day plus travel days and Sundays. The schedule however was flexible. The fall tourn could continue well into December. The Lenten tourn could begin and end before Lent, or after it. The summer tourn of 1399/1400 was held so late that it was finished in the next pontifical year.<sup>352</sup> As the stewards were often men involved in regional or national affairs, it is not surprising that the courts were scheduled around their more pressing duties; there is no indication that the courts were held by deputies.

The amount of time taken for a tourn could vary as well. While the usual time was a fortnight, it could be longer. This was because, as will be discussed below, the actual tourn took place in two halves: a northern circuit and a southern one. The break between the two was usually brief, a few days to a week, but on a number of occasions one circuit would be completed weeks after the other circuit. One circuit of the fall tourn of 1392/93 was conducted from 4-7 November, whilst the second circuit was nearly a month later, from 2-6 December.<sup>353</sup> The Lenten tourn of 1395/96 was also split, with more than two months between circuits: 17-19 February and 25-29 April.<sup>354</sup> While these are the two extreme cases, it was common for one to three weeks to elapse between circuits.

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<sup>352</sup> PRO DURH 3/13 313r-323r.

<sup>353</sup> PRO DURH 3/13 71v-81v.

<sup>354</sup> PRO DURH 3/13 194r-203r.

*Location of the Courts*

Each tourn was composed of ten courts, held at different locations throughout the bishopric: Wolsingham, Lanchester, Chester-le-Street, Houghton, Easington, Middleham or Sedgefield, Stockton, Sadberge, Darlington and Auckland. The Middleham/Sedgefield court session is the only one held in different vill, usually the former but several times at the latter township. The other nine courts were always held in the same location. There is no clue as to the exact physical location at which each court was held; all we know is the township. Presumably, the court would have met at some central location in the vill, perhaps in one of the buildings that made up the *manerium*. Based on the dates of the courts held, the tourn seems to have been divided into two circuits, a northern and a southern. The northern circuit was Wolsingham, Lanchester, Chester-le-Street, Houghton and Easington; the southern circuit consisted of Auckland, Middleham/Sedgefield, Stockton, Sadberge and Darlington. The circuits were normally held in a circular pattern, starting at Bishop Auckland or Durham City and progressing round the circuit back to the starting point, from whence the next circuit was begun. The direction and starting points could and did vary by tourn, but almost all tourns can be fitted into this pattern of two circles.

Surprisingly, these circuits do not neatly correspond with the ward system into which the bishopric was divided. The court circuits may be a relic of when the county was divided into shires based on a central township. The shire system was out of use in other respects by this period, but it may provide the desired explanation.<sup>355</sup> There is some correlation of the circuits to the ward system, but it is not complete. The northern circuit covered the wards of Chester and Easington, but also included the township of Wolsingham, which was part of Darlington Ward. The southern circuit contained the rest of Darlington Ward, all of Stockton Ward, plus the Wapentake of Sadberge. The order in which the courts of the northern circuit were held usually follows the order of the wards, that is the courts for one ward usually follow in sequence, and then the next ward. This was not the case for the southern circuit. For one, Wolsingham, normally part of Darlington Ward, was held with the courts for Chester Ward. This could have been for more convenient travelling, but Auckland is closer than Lanchester or Chester-le-Street; perhaps there is some other reason. Moreover, the other two courts for Darlington Ward, Auckland and Darlington, were rarely held in sequence. For this at least there seems to be a plausible explanation. Auckland was the

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<sup>355</sup> Lomas, *North-East England in the Middle Ages*, pp. 22-3.

bishop's favored residence, and so the steward would also have spent quite a bit of time there. Perhaps it functioned as the *magna halmota* referred to once during Bishop Hatfield's pontificate,<sup>356</sup> certainly extra-curial business was conducted there.

Official business could be conducted with the steward outside of the court or at another location, as previous transactions were mentioned in the court for official recording.<sup>357</sup> Business was sometimes heard before the bishop's council. The steward's administrative schedule may also have dictated when the court was held there, and so the tourns may have been more likely to start or end there. This reasoning fits in well with one of the common patterns of the courts:

Auckland – Middleham/Sedgefield – Stockton – Sadberge – Darlington

Wolsingham – Lanchester – Chester-le-Street – Houghton - Easington

This sequence, which is fairly common, would begin at Auckland, and then travel clockwise. After Darlington, the end of the southern circuit, there would likely be a pause at Auckland again, before beginning a new clockwise circle, ending at Durham or Auckland. Using this pattern, or ones similar, would have cut down considerably on disturbance to the steward's schedule.

The villis did not necessarily report to the nearest court; like the circuits, this organization may be due to the old shire system.<sup>358</sup> The order of the villis in the courts does not have a consistent pattern. There were seventy-one villis, although as some villis reported together it is better to speak of sixty-two groups.<sup>359</sup> This number excludes the Wapentake of Sadberge, which although included in the tourn, was subject to a number of jurisdictional peculiarities; there were no villis or subgroups in the court entries for Sadberge. Whilst there were many more villis than these in the bishopric estates, these had been farmed out or were held as fees, as can be seen in the Hatfield Survey. Some of the villis that reported to the halmote were held mostly in this way, although the presence of chequerland may have required them to report to the courts.<sup>360</sup>

There is no clear pattern concerning which circuit was held first; sometimes the northern one, sometimes the southern one. However, each circuit almost always followed the sequences listed above, though sometimes in reverse order. When for some reason a court was held out of

<sup>356</sup> PRO DURH 3/12 34v.

<sup>357</sup> PRO DURH 3/14 15v, for a water mill leased '*apud Dunelm coram senescallo Dunelmensis et Petro del Hay*'. See PRO DURH 3/13 219v, for a surrender '*extra curia apud Aukland*'.

<sup>358</sup> See Appendix 2 for which villis reported to each court.

<sup>359</sup> See Appendix 2, for which villis reported to each court, and for which villis were grouped together as a single reporting unit with a single jury.

sequence, it was almost always recorded in the halmote books in its normal place in the circuit. There are a number of instances when a single court was recorded out of place, either chronologically or in relation to its circuit. A court might have been skipped for some particular reason, and then conducted once all the rest were completed. Sometimes there is a note where the court should be, as the Sadberge court quoted above; this would have made for greater administrative convenience.

### *Suit of Court*

All tenants who held any non-freehold of the bishop owed suit at the halmotes. Even free men owed suit, if they held any non-free land. Clerks owed suit as well, as did women, if they possessed non-free land; it was the status of the land that determined suit more so than that of the tenant. What cannot be determined is whether subtenants owed suit of court. While there are references to subtenants in the books, there is no evidence one way or the other concerning their suit. Men could owe suit at more than one court location, if he happened to hold land in a township that reported elsewhere. As far as can be determined, suit of court was owed at each of the three tourns.

Suitors who were not jurors often paid fines to avoid suit of court; the term was for one year only, or if for only part of a year until Michaelmas. The fine was 6d, for both jurors and regular suitors; quite a bargain as those who did not come to court to make suit were amerced 6d per court! Perhaps owing to problems with collecting the amercements, the steward was probably fairly content with the 6d for the year. Some of those who did not come to make suit were constant offenders, being amerced court after court, year after year; others missed only the occasional court. There were no essoins recorded in the halmote books; the closest to the term was when one tenant made fine for essoining until Michaelmas: '6d from John Resyng as fine for a license to essoin until Michaelmas.'<sup>361</sup> The form for fining to avoid suit was usually '6d from X for suit of court until Michaelmas.' Essoins may not have been allowed in the halmotes as a rule. Given the detail of recording the names of those who did not come to make suit, and the fines of those who paid to

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<sup>360</sup> See Table 2, for townships which reported to the halmotes even though the only land there was free or chequerland.

<sup>361</sup> PRO DURH 3/13 119v: '*De Johanne Resyng de fine pro licencia essendendi a curia usque festum [Sancti] Michaelis - vjd.*'

avoid suit, one would expect that the names of those suitors essoining would be recorded, as was done in other manor courts in the rest of the country.

This does not rule out the practice completely. Since only the names of those amerced for not coming to court were recorded, it could be that those who essoined were omitted from the halmote books as they had committed no offense that could be amerced. The essoins might have been recorded in the rolls of the court. Still, as the books traveled with the steward on the tourn, and in most jurisdictions there was a limit to the number of essoins, if they were allowed in the halmotes there would be a record of them in the halmote books to prevent extra or illegal essoins. Not to keep records of these would be to rely overmuch on the memory of jurors or suitors who might have been very sympathetic with the would-be essoiner.

Whilst often simply a formality remaining from times when all suitors participated in making the judgment of the court (if this was the case in Durham), the suitors still had duties at court. They may have assisted the collective memory of the jurors, and may have been required to act as pledges. They definitely played a role in the election of officers. In 1392, Thomas Clerke, John Spynk, Thomas de Byrtley and Richard Mawe were amerced for leaving the court before the election of the reeve and the collector.<sup>362</sup> Unfortunately, these amercements do not reveal why they were required to stay. Did the suitors actually elect these officials, did they confirm their appointment, or did they have to stay and recognize who had been chosen? That their involvement was expected and required is witnessed by the occasional amercements for failure to take part, but again this does not mean much. What is clear, though, is that they still had a role to play at court, and excuse from attendance could be bought. The price was the more than a day's wage for a skilled laborer in Durham.<sup>363</sup>

#### *Business of the Court*

The business was heard and recorded vill by vill. At the head of each entry was a list of the *jurati* for that township. This was usually followed by a list of tenants amerced for not coming to court; whilst it does not always say specifically, this group at the beginning probably was a list of suitors who did not come. Amercements for not coming to court were also scattered throughout the rest of the court, some for not making suit but others for not coming to respond to a plea. These

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<sup>362</sup> PRO DURH 3/13 76v; cf. n. 255.

lists could be quite long, and sometimes there was no other business recorded except for this list. In such cases, it would seem that the township was boycotting the court. After the list of those suitors who did not come to court, the business of the court was entered. Tenants were amerced for not coming to respond to a plea, and judgments were recorded.

The halmote served as the forum for making proclamations. There are a few instances of proclamations made for tenants who were not residing on their tenements to come and do so. After the third proclamation, their lands, goods and chattels were declared forfeit, and the latter were sold for the profit of the bishop. The third proclamation for Juliana del Lone to be resident and to perform vicinage was made at the Lenten halmote at Lanchester. She did not come, and someone else took up her tenure.<sup>364</sup> There is one example of four proclamations being made for the same tenure, but this is the only such instance.<sup>365</sup> Fewer proclamations were actually recorded in the books than would be expected. They must have been included in the rolls, as is it unlikely that there were alternative forums suitable for making these announcements.

Election of manorial officials was recorded in the halmote books. These were done by vill and were recorded at the bottom of the session for that vill. After the election of the officer was recorded, a note followed the entry indicating that he had taken an oath. There are no clues to what this oath was, but it was probably a general one to perform the office fairly and render to the bishop what was due. The comments on the oath were not always recorded. Most of the time, when this was the case no oaths were recorded for an entire court group or tourn. There were a small number of instances where no oath was recorded for only one man, with oaths for the others noted. This could indicate that the elected man was not always present in court to take the oath, and the section was left blank for the oath to be recorded later.

The business of the halmote was a mixture of manorial and leet jurisdiction, like that found elsewhere in England. This combined jurisdiction was quite common. The leet court, also called the View of Frankpledge, had originally been part of the sheriff's peacekeeping authority, but this franchise had been granted to many lords. Leet jurisdiction was concerned with enforcement of statutory regulations (the assizes of bread and ale) and minor breaches of the peace. The latter were normally minor scuffles and assaults, although occasionally a weapon was mentioned. In leet

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<sup>363</sup> cf. n. 47.

<sup>364</sup> PRO DURH 3/13 26r; see also 206r.

<sup>365</sup> PRO DURH 3/13 116r.

courts still held by the sheriff or another royal officer, the breaches would have been described as against the king's peace; in private hands usually the phrase was simply *contra pacem*. Whilst normally held once or twice a year, where the lord possessed the leet franchise it was usually held with the regular manorial court. Sometimes there was a clear demarcation of business, set off with 'Adhuc Leta' or a similar phrase; but in the halmotes, the leet business was mixed in with manorial business. While there was never a frankpledge system in operation in Durham, the other functions that accrued to the View were enforced in the halmote.

The presentments of offenders against the assize of ale were normally grouped together amongst village court business. Unlike many other manorial courts, the halmote books are rather laconic about the enforcement of the assize of ale. Infractions were presented and amercedments made. Both men and women were amerced, and the terse quality of the entries makes it difficult to determine who actually did the brewing. Quality of ale was never mentioned, and incorrect measures (*male measure*) were mentioned only once.<sup>366</sup> Failure to summon the ale-tasters occurred only slightly more frequently. There are numerous references to communal brewhouses, and more interestingly, to brewing monopolies. Licenses to be the sole brewer of a vill were leased out in the halmotes; the wife of Robert Palman took a license for Brome-cum-Flass for three years, at 12d p.a. No one was allowed to brew without her permission, and the license gave her immunity from brewing amercedments.<sup>367</sup> A certain Nicholas was fined in Ryhope in 1398 for brewing in two locations where he did not have a license to do so.<sup>368</sup> Such licenses seem to have been common in the bishopric estates, though usually phrased in terms of a farm. In 1399 in Ryhope, Robert of Norton was amerced for occupying the *bracinagium* to the damage of John Nicolson, who had farmed it.<sup>369</sup> In Cassop, Robert Taillour was amerced 6d for brewing and selling ale against the will of John Nicolson, 'farmer of the brewing', possibly the same person given the proximity of the two

<sup>366</sup> PRO DURH 3/13 114v.

<sup>367</sup> PRO DURH 3/13 77v: 'De uxore Roberti Palman pro *licencia braciandi ita quod nullus alius tenens braciati ibidem contram voluntatem [one word illegible] nec ipsa amerietur in halmota hic ad terminum trium annorum*'.

<sup>368</sup> PRO DURH 3/13 285r: 'De eodem Nichola [no Nicholas occurs beforehand in this court, so his identity is unknown] *quia braciavit in duobus locis contra penam per prepositum ubi licentiam non habuit de firmarijō bracinagii de fine . . . iij s iij d.*'

<sup>369</sup> PRO DURH 297r: 'De Roberto de Newton quia occupavit bracinagium ad dampna Johannis Nicolson nunc firmarii iij d - vjd.'

1 per ...  
men ...

lic'

Nick' Juam

halm'

surely it is the  
John Nicolson  
of the p...  
(the p...  
Layman's name)

3/13

vills.<sup>370</sup> One could speculate that in these last two cases a professional brewer had taken the farm of brewing in multiple vills.

The business of the manorial side of the court was an eclectic mix. It included anything that might touch the estate or its administration. Officials were disciplined, as were tenants. Land transactions, whether surrenders, leases or inheritances, were carefully recorded. These included not merely the taking up of arable or pasture, but leasing of fisheries, coal mines, quarries, mills and brewing monopolies, in other words, any part of the bishopric estates. Business also included overseeing the upkeep of the tenements, and enforcing vicinage and village by-laws. 'Servile' dues, such as leyrwite or merchet, were extracted from those who owed them; there are no mentions of heriots, however, or of chevage. Fines were levied for not performing the works and obligations required of tenants, such as transportation of the steward's supplies and baggage to the next court.

Business regarding land dominated the court's time. There was a steady land market in Durham during this time, with lands being surrendered, taken up, leased and sub-let on a regular basis. Despite this, there was still land that lay waste or in the bishop's hand, ready to be taken up. The steward leased many lands out to individuals, groups and the representatives of vills. The size of the parcel ranged from an acre to multiple bovates, and some people leased whole vills or hamlets.<sup>371</sup> There were instances of coal mines being leased, with one lease at Ryton to become void if no coal was found.<sup>372</sup> Quarries were leased out as well. Widows were prominent in this 'market,' entering into their deceased husband's lands, which they held by widow right; but sometimes they declined in favor of others. Lands inherited by minors were leased out to their guardian, or to someone unconnected, who was allowed to keep the profits but had to surrender the land once the heir was of age.<sup>373</sup>

#### *Discipline and Enforcement*

The halmote was also the forum for the discipline of officers and tenants. Reeves, collectors, pinders and constables all faced monetary fines and amercements for failure to perform their duties to the steward's satisfaction. Tenants faced punishment for violations of various and

<sup>370</sup> PRO DURH 3/13 332v: '*De Roberto Tailleur quia braciavit et vendit cervisiam contra voluntatem Johannis Nicolson firmarii bracinagii ... - vjd.*'

<sup>371</sup> PRO DURH 3/13 137v; cf. n. 374.

<sup>372</sup> PRO DURH 3/13 20r.

<sup>373</sup> PRO DURH 3/13 124v.

sundry rules, regulations and customs, both village in origin as well as those imposed by the bishop. The assize of ale has already been discussed, and that of bread made no appearance in the halmote books of this period. Minor breaches of the peace were covered under leet jurisdiction (see above, p. yy). Major breaches of the peace would have been the sheriff's bailiwick, and were not recorded in or brought before the halmotes. The remaining punitive actions can be divided into two groups: infraction of village by-laws and vicinage, and enforcement of works due to the bishop and infringements of his rights over wood, pasture, etc.

Violators of *vicinagium* and village by-laws were presented before the halmote court. The jurors would have made these presentments, as would have the village officials. Whilst enforcement of the village customs and by-laws did not concern the bishop's administration directly, he retained an interest in a well-run and quiescent vill. His (and his steward's) involvement further augmented and reinforced his lordship in the eyes of his tenants; in exchange for amercements and sole jurisdiction over the by-laws, the vill received an impartial, extra-vill arbitrator with the authority (in theory) to enforce decisions. The bishop and his steward guarded this right jealously; the villagers of Houghton and Bishop Wearmouth were amerced in 1394 for holding courts amongst themselves and making their own *pene*.<sup>374</sup>

Since vicinage was examined above, only local customs and by-laws will be treated here. It is difficult to regularly discern between vicinage, custom and by-law. Vicinage is usually flagged by certain keywords, but the scribe did not always include these. It is likewise difficult to tell whether regulations were permanent or temporary. The latter were similar to modern court orders, limited in scope, application and duration; the former would have been akin to regular laws or customs, in constant force and duration and applicable to everyone. Both types were usually couched in terms of breaking *pene posite*. This translates literally as 'penalties imposed'. A looser

<sup>374</sup> PRO DURH 3/13 135v, 136v; the same happened in Ryton in 1397 (240v) and something similar occurred in Chester-le-Street in 1396 (205v). When Lady Isabella de Horden leased the hamlet of Thorpe-juxta-Easington for twenty years, she pledged to uphold all *pene posite* in the halmote 'there' (it does not specify whether at the main court at Easington, or at a local court in Thorpe): 137v: '*Isabella domina de Horden venit coram senescallo et cepit de domino totum hamelettum de Thorp iuxta Esyngton cum omnibus terris, pratis, et pasturis . . . ad terminum xx annorum . . . Et similiter ipsa tenebit frith et paynes positas [sic] inter tenentes . . . in halmota ibidem*'. Although this is the only such example for this period, it gives some clue that local administration in townships not held directly by the bishop was quite similar to regular parts of the bishopric estate. The phrasing of the lease indicates that other lords were required to uphold local customs and rules which were part of a common administrative system in Durham.

and perhaps more accurate translation would be 'regulation' or 'by-law', as the *pene* seems to refer to the penalty imposed if a certain rule were to be broken.

To determine which *pene* were temporary and which were not would require researching a longer breadth of time than the present thesis concerns itself with. The fact that only *violations* are mentioned renders an attempt to catalogue all the bylaws nearly impossible. A brief examination of a selection of all *pene*, however, will go far to illuminate another crucial aspect of village society in Durham. The more permanent *pene* clearly were the village by-laws, regulating agricultural functions of the tenants as well as personal interaction, but again, some of these could well have been temporary injunctions. Joan Cokke was amerced because she did not keep the cattle of the village within the limits of the common pasture of Escomb in 1398; here we have a by-law regulating the execution of vicinage.<sup>375</sup> Robert Hunter was amerced for not pasturing his animals on the common pasture in 1391.<sup>376</sup> William de Wodon was amerced for 'placing two stagges in the frithgrene, against ancient custom'.<sup>377</sup> Rights to common were jealously guarded, and offenders zealously presented. Even aspects of plowing were covered, with an emphasis on enough room being left at the end of each furrow to allow access to other furrows.<sup>378</sup> Other *pene* regulated villager's social life: villagers could frequent only the bishop's tavern, common scolds were amerced, and over-zealous litigation with neighbors was frowned upon.<sup>379</sup>

The halmote court was the location where the steward enforced the bishop's rights over pasture, forest and other resources, and insured that all works were done which had not been commuted into a monetary payment. The tenants of Cornforth failed to mow the bishop's meadow of Hayneswelmedowe and were subsequently amerced; those tenants of Sedgfield called Molmen were amerced for failing to do mowing in the same field.<sup>380</sup> The former paid 5s in fine, the latter 4s 9d; these sums were likely based on the amount for which the works could have been commuted. In different years, several villis were amerced for failure to repair the walls around the *manerium*.<sup>381</sup> Carriage works were another common *opus* the tenants failed to carry out on a regular basis. The

<sup>375</sup> PRO DURH 3/13 255r; see also 439r.

<sup>376</sup> PRO DURH 3/13 27v.

<sup>377</sup> PRO DURH 3/13 126v.

<sup>378</sup> PRO DURH 3/14 32r, 39r.

<sup>379</sup> *Taberna domini*: PRO DURH 3/13 66r; common scolds were amerced frequently, for example see 238r, 258r; 198r, 228r, 392v.

<sup>380</sup> PRO DURH 3/13 105r, 105v; see also 347v and 366r for failure to perform meadow works by individual tenants.

<sup>381</sup> PRO DURH 3/13 117r, 117v, 197v, 198r.

carriage of the halmote books and provision for the steward is encountered quite often; but other carriage dues were owed as well. The township of Cockerton was amerced for not carrying wine and salt; Blackwell was amerced for failure to transport '*j wynelad, j fysshlad, et j saltlad*'.<sup>382</sup> I have shown above the attention the steward paid to fulfillment of suit of court; suit of mill also was carefully maintained.<sup>383</sup>

The last of the old 'servile dues' were extracted and recorded in the halmote: layrwrite, the fine for fornication; and merchet, the marriage fine. Both of these were applied to women only, though in the latter case it was often a man who paid the fine. These were the only such dues to be exacted however; there are no records of heriots, and only two fines to live outside the bishopric.<sup>384</sup> The usual rate for layrwrite was 6d.<sup>385</sup> The steward and the jurors exacted merchet and layrwrite vigorously; these payments were not dying out in Durham as they were elsewhere. There is some correlation between layrwrite and merchet, indicating both anticipation of marriage and 'shotgun' weddings; but this does not account for the majority of the payments. Sometimes amercements for layrwrite made up more than half the business for a particular township.<sup>386</sup> Many of the same names appear repeatedly; perhaps the layrwrite payments were being exacted as a license or tax on prostitution.<sup>387</sup> Merchet was required only for a woman's first marriage; when widows remarried they required a 'license to marry' (*licensia disponandi*). Both merchet and the *licensia* were charged at 12d or 2s, though a fine as high as 16s 8d was extracted once.<sup>388</sup> Failure to secure permission could result in a higher fine; or the fine could be lowered to 6d if the couple were not

<sup>382</sup> PRO DURH 3/13 117r.

<sup>383</sup> PRO DURH 3/13 209r, 214r.

<sup>384</sup> PRO DURH 3/13 28r.

<sup>385</sup> In Tavistock, in the latter half of the fourteenth century, the rate was 5s 0 ½d: Finberg, *Tavistock Abbey*, p. 78. This high sum makes the rate at Durham seem low; but as Finberg does not discuss how often legerwrite was collected, the difference could be related to the rate of occurrence of the fine if legerwrite was not a frequent levy at Tavistock, as it was at Durham.

<sup>386</sup> PRO DURH 3/13 90v (two-thirds); 211v (4 of 7 cases).

<sup>387</sup> Merchet and layrwrite exactions from the priory estates also seem to have followed this general pattern: a combination of anticipated marriage, occasional infractions and potential prostitution: Lomas thesis, 'Durham Cathedral Priory,' p. 56. Without the ecclesiastical records for Durham this can be no more than speculation. Whilst it is a shock to modern sensibilities that a county ruled by a bishop might have open prostitution, prostitution was condoned by canon law: J.A. Brundage, "'Allas! That Evere Love Was Synne': Sex and Medieval Canon Law,' *Catholic Historical Review* 72 (1986), p. 12, reprinted in J.A. Brundage, *Sex, Law and Marriage in the Middle Ages* (Aldershot, 1993).

<sup>388</sup> PRO DURH 3/13 44r. Once again, the rate at Durham is low compared with other manors: 1s 3d at Tavistock, doubled if marrying off the manor: Finberg, *Tavistock Abbey*, pp. 77-8; from 6d to 4s at St. Albans: Levett, *Studies in Manorial History*, pp. 237-9. Legerwrite and merchet were rarely extracted at Kibworth Harcourt, although heriots and alternate marriage fines were imposed: Howell, *Land, Family and Inheritance*, pp. 33-4.

wealthy enough to pay the usual fine. The steward was thorough enough in collecting merchet and in finding those who had failed to pay that the series of merchet payments could be used as a rough demographic indicator.

The steward, jurors and village officers took pains to find and fine those who used the bishop's resources without permission. The halmote books are replete with trespasses by man and beast on pasture, meadow and waste in the bishop's hand, fishing in restricted waters, and taking wood and underbrush without permission. These were common infractions throughout England. However, there were a number of other violations that display the diversity of the bishop's estates. It cost William of Stockton 3s 4d in damages and 6d in ameracements to occupy a ferry three weeks past the end of his lease.<sup>389</sup> A tenant was amerced at Lanchester for burning wood and heather on the moor without license.<sup>390</sup> John Miller was amerced 8d for taking a pair of millstones from the bishop's quarry.<sup>391</sup> Being the miller, he got off lightly. At the same court John Patonson was amerced 2s for taking a pair of millstones from a quarry at Benfeldside.<sup>392</sup> Surprisingly rare are trespasses or thefts from coal pits, however. Nonetheless, the diversity of the bishop's holdings is displayed by the abuses of it.

#### *Private Litigation*

The manor court provided redress for the unfree tenants similar to that found at the bishop's free court, or in hundred and county courts elsewhere in the country. This was the only forum for resolution of complaints against other tenants; impleading in courts Christian, or at the assizes at Newcastle, was forbidden to tenants of unfree status.<sup>393</sup> Tenants could sue each other in the halmote for debts or for unjust detention of chattels or money. Pleas of detinue of land, though much rarer, were recorded as well. Pleas of trespass, which could cover almost anything, from minor theft to hiring away someone's servant, could be heard in the court. Litigation over contracts, both of service and of purchase, was entertained also. Occasionally the reader will encounter a plea roughly in the form of *mort d'ancestor* or *novel disseisen*. Pleas in the halmote

<sup>389</sup> PRO DURH 3/13 350r.

<sup>390</sup> PRO DURH 3/13 20r.

<sup>391</sup> PRO DURH 3/13 120v.

<sup>392</sup> PRO DURH 3/13 120v.

<sup>393</sup> Some tenants did try to bring suit at other courts, and were amerced. At Newcastle: PRO DURH 3/13 31r; 297v; at a court Christian (which one is unspecified): 266v; at 'le tolbooth': 347r, 349v; at 'other courts': 229r.

court do not seem to have been based on writs, but on oral complaints delivered in court or beforehand to the reeve, who then summoned the parties to the court. The use of the terms connected with Common Law writs does not necessarily imply their use, merely that the plaintiff wished to proceed in a similar fashion.

The most common private plea in the halmote books was unjust detinue, followed closely by trespass. Pleas of debt stated as such are rarely encountered. Judging by the use of the two phrases, and frequency of occurrence, unjust detinue was used as a plea of debt in most cases (which it actually is today in American civil courts) or at least entered as such by the scribe. The usual wording was used in the following entry from 1402: '6d from Robert Carter for unjust detinue of 43s versus Robert Arnald.'<sup>394</sup> Once, a man was amerced for 'diverse debts detained' from the plaintiff.<sup>395</sup> There are some references to detinue of goods or land, but these are very few. There was no apparent limit to the sum involved; amounts sued for ranged from a few pence to several pounds. Sometimes the scribe provided more information, that the money was part of the farm due to the collector, or that it was owed for purchase of horses, cows, cloth, etc. The few times that pleas of debt are encountered explicitly worded as such, the language was much the same as for detinue. This disregard for legal subtleties by the clerks, and the steward, is quite surprising given their training and legal expertise. Debt and detinue generally were considered distinct legal forms, although the de facto difference may have been quite small.

#### *Free Men in the Halmote*

The halmote courts of this period were villein courts -- theoretically. Bishop Anthony Bek (1284-1311), in his charter of 1303, granted that no free man could be impleaded in the halmote court or any other villein court.<sup>396</sup> Free men could implead villeins in other courts, though the latter could not initiate actions themselves. Yet we find free men summoned before the halmote court to inherit land, free men owing suit of court, and free men pleading and being impleaded. And not

<sup>394</sup> PRO DURH 3/13 391v: '*De Roberto Carter pro injuste detenione xliijs versus Robertum Arnald - vjd.*'

<sup>395</sup> PRO DURH 3/13 45v: '*pro diversis debitis detentis.*'

<sup>396</sup> '*Et par la ou nul fraunk' homme de Lesveche ne soleit estre empledetz fors qe en la fraunche Curt Levesqe, vindrent les baillifs Levesqe e les firent empleder as halymotz e les amercierent entre les vileins, encontre commune lei du Roiaume; si voet Levesqe e graunte qe nul fraunk' homme ne veigne si il ne voille la venir e pleindre sei de aucun vilein, et si tort li seit fet par aucun vilein e il sen voille pleindre aillours en fraunche Curt, bref li soit grante.*': Fraser, ed., *Records*, p. 94. See Lapsley, *County Palatine*, p. 131-4 for a discussion of this charter.

just simple free men, but knights, lords and ladies. Churchmen by definition were supposed to be free men. Villeins had to be manumitted before they could enter orders; therefore any *capellanus* should have been free, though with men described as *clericus* one may have doubts as to their status. But we find scores of chaplains and vicars in the courts, and, more astonishingly, the master of Sherburn hospital. Even more unexpected is the Prior of Durham, head of that body which was the second greatest landowner in the Palatinate! These are not simply a few scattered references; free men appear in the halmote books with regularity. Whilst the appearance of so many free men at first appears baffling, there are sound explanations. These are bound up both with the peculiarities of the palatinate and with the changes, dramatic and not, that the rest of the country was experiencing. Thus, it is best to proceed by examining the appearance of free men relative to the different situations wherein they are encountered, instead of forwarding unwieldy generalizations.

The most common occurrence of free men in the halmote was in relation to land. Free men could and did lease 'unfree' land in Durham, often in great quantities. Ralph de Eure, the steward himself, took large quantities of land. In all of these cases, the wording of the lease corresponded to the same phrasing used when unfree men took the same type of land.<sup>397</sup> Judging from the records, the same services were owed to the lord and neighbors, no matter the status of the tenant: works, suit of court and mill, vicinage, etc. Whilst no-one would have expected a knight to demean himself in these ways, the bishop and steward would have expected payments for commutation of these dues, or else for a substitute to have been found. Suit of court was expected for these lands, although a fine was usually paid instead, perhaps sometimes as part of the rent.<sup>398</sup> Other free men of lesser status certainly paid, or were amerced for failing to make suit.<sup>399</sup> The absence of high-ranking free men among those who made fine to avoid suit suggests that they may

<sup>397</sup> For example, PRO DURH 3/13 120r: '*De Radulfo de Eure juniore pro ij messuagiis et xxxvii acris terre . . . habendo in jure, reddendo antiquam firmam, faciendo domino et vicinis que incumbent . . . Et habet licensiam tabernandi ad terminum ix annorum*'; see also 436v, where the Master of Sherburn hospital took land.

<sup>398</sup> One wonders if presiding over the court satisfied this requirement for Ralph de Eure, as he was never listed as paying fine to avoid suit or amerced for failing to make suit.

<sup>399</sup> For instance, PRO DURH 3/13 63v: '*De magistro Johanne de Waltham quondam magister de Sherburne [hospital] quia non venit ad faciendum sectam curie -vjd.*' Sir William del Bowes was amerced for failing to make suit (PRO DURH 3/13 232r) as was Sir John Colvie (PRO DURH 3/13 469v).

have sent deputies or attorneys to represent them and conduct business in their stead.<sup>400</sup> On the death of a free tenant of unfree land, the heir was required to come to the halmote court to take the land.<sup>401</sup> This was true even if the tenant was the Prior and Convent of Durham Priory, though the concept of heir was different: '18d from John de Hemmyngburgh, Prior of Durham, for two acres of chequerland called Bysshopclose which were in the tenure of John of Stirling and afterwards in the hand of Robert, recently Prior of Durham, to hold according to the custom of the court . . . doing to the lord and the neighbors' etc.<sup>402</sup> The halmote also witnessed seizure of free land which had been wrongly alienated, even land held from the bishop in chief.<sup>403</sup>

Aside from aggrandizement of their landholdings with unfree customary land, the other reason free men utilized the halmote courts was, simply, convenience. Unlike southern England, the north was not divided into hundreds, but into wards. There was no court system connected with the wards like that of the hundred courts; the wards were purely administrative and had no judicial functions. The only free court in Durham aside from those of lesser barons, and the only one in any way comparable to the royal courts elsewhere, was the county court held in Durham City. The bishop could and did appoint justices and special commissioners, but for routine business or Pleas of the Crown, the only recourse was to the county court.<sup>404</sup> The Prior and Convent of Durham had a free court used by their tenants until the end of the fourteenth century, when it began to fall out of use; however, the priory was allowed half of all fines and amercements of their tenants in the bishop's court.<sup>405</sup>

Thus, to conduct business, be it taking up free land or suing for debt, the free man was obliged to journey to the city. This was of course not popular, as is demonstrated by the business

<sup>400</sup> PRO DURH 3/13 1r: '*De eleemosinario Dunelmensis pro consimili [quia non venit ad faciendum sectam curie] – vjd.*', '*De magistro Hospitii de Sherburn pro consimili – vjd.*'; 116r: '*De Johanne Colvill Chevaler qui venit per Thomam Senicr' ballivum suum*'; 436v: '*Alanus de Newerke clericus Magister Hospicii de Sherburn venit hic in curia per Reginaldum Porter clericum*'.

<sup>401</sup> PRO DURH 3/13 372v: '*Proclamatus est modo tertio quod Matilda que fuit uxor Willelmi del Bowes vel heres Willelmi del Bowes Chivaler venit ad finiendum pro terras [one word illegible] ibidem sub pena amissionis juris sui. Et nullus venit ad finiendum pro eodem.*' 109r: '*De Willelmo Catelynson qui tenuit libere de domino quattuor acras terre cum pertinenciis in Stanhope et ex [sic] plene etate videlicet etatis xxiiij annorum et amplius pro licencia ingrediendo et tenendo terre predictam que ei descenderunt in jure hereditate post moretm Johannis Cateson patris sui*'.

<sup>402</sup> PRO DURH 3/13 98v.

<sup>403</sup> PRO DURH 3/13 328v: '*Compertum est per juratores quod Johannes Lyster alienavit Nicholo [sic] de Blakburn sibi et heredibus suis imperpetuam j messuagium et v acras et dimidiam columbaris quod tenentur de domino episcopo in capite per serviciam militariam sine licencia . . . Et preceptum est coronatori quod seisire faciat in manu domini. Et quod respondendum inde domino*'.

<sup>404</sup> Emsley and Fraser, *Courts of the County Palatine*, pp. 8, 12-16.

they transacted in the halmote courts. Men elsewhere in England could sue in their own hundred, why not in Durham? The nature of the halmote, the tourn, made it the perfect vehicle for free men to sue close to home. The steward who held the court was a man of great legal competence, who likely would have been one of the men to hear their pleas at the county court or on a special commission. If they wished to lease a mill, they would have dealt with the steward or one of his deputies anyway, why not do so close to home? We find many cases of free men taking leases of mills throughout Durham.<sup>405</sup> We even encounter free men and women taking the farm of one of the bishop's boroughs,<sup>407</sup> or even leasing whole hamlets and vills.<sup>408</sup> Transfers of freehold land were ratified and regulated, with licenses to acquire land being granted, and reliefs or entry fines recorded. For example, John Dalton (an *armiger*) and his wife Christiana made fine for land held in chief of the bishop; slightly earlier John had stood as pledge for a Thomas Hunter who fined to enter land which his brother Alan had held.<sup>409</sup> These land transfers could be as simple or as complex as would be expected in the free or a royal court.

Young men who had been seised into the bishop's hand as minors came into court to seek their inheritance:

Alexander son of Thomas Parkynson of West Auckland, who was seised into hand of Bishop John de Fordham recently bishop of Durham after the death of the said Thomas by reason of the minority of the said Alexander, and [who was] in the custody of John Forster of Evenwode [one word illegible] until the said Alexander came of age . . . is of age and seeks the land that was his father's on the day he died . . . to hold freely as the heir of Thomas . . .<sup>410</sup>

Free men used the halmote court to deal with the steward regarding the lands of minors and their marriages. Katherine widow of Robert Todde came into court and took all the lands and tenements in Stanhope which he had held freely whilst he lived, to hold until Robert son of the defunct Robert came of age.<sup>411</sup> Lands held in chief by William del Gate were seised after his death, until his heirs sought them in the halmote.<sup>412</sup> Sometimes we get a larger portion of the story:

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<sup>405</sup> *ibid.*, pp. 8-12.

<sup>406</sup> Forests could be farmed out as well: PRO DURH 3/13 198r.

<sup>407</sup> The borough of Sunderland was taken on PRO DURH 3/13 101r; the borough of Darlington was taken on 160v.

<sup>408</sup> PRO DURH 3/13 20v, 93av, 137v (cf n. 374), 216r; PRO DURH 3/14 19v.

<sup>409</sup> PRO DURH 3/13 429v, 430r. For Dalton's armigerous status, see PRO DURH 3/13 344v and 345r.

<sup>410</sup> PRO DURH 3/13 401v; see also PRO DURH 3/13 109r.

<sup>411</sup> PRO DURH 3/13 258v: '*Katerina que fuit uxor Roberti Todde venit hic in curia coram senescallo et cepit de domino omnia illa terras et tenuras que predictus Robertus tenuit libere in*

[6 November, 1392]

John de Gretham, who held freely of the bishop 20 acres, with the reversion of 10 acres which Joan his mother held in dower of his inheritance, has died. Upon which these 20 acres aforesaid were seised into the bishop's hand, by reason of the minority of Agnes, daughter and heir of the same John, that is [she is] three years of age at the last feast of St. Cuthbert in September [4 September]. And the value [of the land etc.] . . . <sup>413</sup>

[Later in the same court] And afterwards the aforesaid Joan died, and thus the 10 acres of land which she held in dower are in the bishop's hand for the aforesaid reasons. And the value [of the land etc.] . . . And [the 10 acres] are in the hand of Thomas de Asshby and his wife, who ought to answer for the aforesaid farm. <sup>414</sup>

[16 October, 1393]

Thomas de Asshby comes into court and takes from the bishop the custody and marriage of the body and the lands of Agnes, daughter and heir of John de Gretham, minor in the custody of the bishop, to hold until the majority of the said heir with all profits from the previous Feast of the Birth of the Blessed Virgin Mary [8 September]. He will render thence annually during the minority of the aforesaid heir the rents and services of the aforesaid lands and tenures. And the aforesaid Thomas will pay the bishop for the custody and marriage of the aforesaid 40s at the next Christmas and Michaelmas in equal portions . . . <sup>415</sup>

Noticeable by their absence are inquisitions post mortem or writs *diem clausit extremum*. Free men would have demanded that such especially delicate business be carried out in the free court. Whilst convenience overcame legal precision for other aspects of landholding, it apparently was seen as very important that such investigations of free land after the tenant's death were undertaken strictly according to custom and law.

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*Stanhope dum vixit habendo eidem Katerine usque ad plenam etatem Roberti filii predicti Roberti Todde etatis vij annorum*.

<sup>412</sup> PRO DURH 3/13 266r.

<sup>413</sup> PRO DURH 3/13 73v: '*Johannes de Gretham qui tenuit de domino libere xx acras terre una cum reverſione x acrarum terre quas Johanna mater ipsius Johannis tenet de dote de hereditate sua, diem clausit extremum. Et super hoc xx acre predictae seisite in manu domini ratione minoris etatis Agnetis filie et heredis ipsius Johannis, videlicet etatis trium annorum ad festum Sancti Cuthberti in Septembri ultra preteritum. Et valent*' [etc.].

<sup>414</sup> PRO DURH 3/13 73v (later in the same court): '*Et postea predicta Johanna obiit, et sic ille x acre terre quas tenuit in dote sunt in manu domini ratione predictorum. Et valent* [etc.] . . . *Et sunt in manu Thome de Asshby et [blank – space left for one name] uxoris eius, qui debent responderentur de firma predicta.*'

<sup>415</sup> PRO DURH 3/13 107v: '*Thomas de Asshby venit hic in curia coram senescallo et cepit de domino custodiam et maritagium corporis et terrarum Agnetis filie et heredis Johannis de Gretham infra etatem et in custodia domini existantem tenendum usque ad plenam etatem dicti heredis cum omnibus profitibus a festo Nativitatis Beate Marie Virginis ultra preterito. Reddendo inde annuatim durant[e] minoris etatis heredis predicti redditus et servicia de terris et tenuris predictis debitus et consuetis. Et predictus Thomas solvebit domino pro custodia et maritagio predicti xls ad festa Nativitatis Domini et Sancti Michaelis proxime futura per equales portiones*'. These two examples are taken from the court held at Sadberge, which otherwise has been excluded from the thesis for the reasons given in the foreword. However, this example is similar to others in other courts, but more verbose, and for this reason has been used as an example.



Aside from convenience of location and timing, the halmote court had one other important advantage. As a villein court inside the palatinate, it was not subject to royal statute or Common Law except where specifically mandated by bishopric law or custom. There were no restrictions on suits that could be brought by free men, except what the steward might impose. There were no limits on the size of a debt in a suit, unlike the free court which was limited to 39s 11 ½d.<sup>416</sup> Debts as high as 18 marks were brought in the halmote, and were normally sued in the form of unjust detainee.<sup>417</sup> John Galon brought a plea of debt against Thomas [surname illegible] for £9 assigned to him by the Earl of Northumberland.<sup>418</sup> A debt of £6 3s 4d was pleaded against a William Smith by Ralph de Eure, ever ready to use the court to further his own ends; but one wonders who would have found against him.<sup>419</sup> Whilst debts were the most numerous suits brought by free men, pleas of trespass were entered as well.<sup>420</sup> Such pleadings by free men might be considered more arbitration than court hearing. Amercements were collected in these instances, but justice in the halmote would have been far cheaper than in the county court. The results were taken down into the court rolls and books, so there was a record of the action if needed later. As long as all parties were willing to make their case in the halmote and abide by the decision, and the steward was willing to hear the case, there was no limit to what we would today consider 'tort', or to business regarding land. What today is considered criminal jurisdiction was heard elsewhere, either at the free court or before specially appointed justices. As a result of these arrangements in the halmote, the bishop furthered his authority over his tenants and even strengthened it, overcoming institutional fossilization by creative adaptation of other structures.

#### *Villeinage in Durham*

The remarkable number of free men conducting business in a villein court naturally leads the reader to ponder the state of villeinage in Durham at the close of the fourteenth century. The bonds of villeinage were loosening throughout the country, spurred on by the demographic havoc wreaked by continuing recurrences of the plague. With labor in short supply, serfs voted against

<sup>416</sup> Emsley and Fraser, *Courts of the County Palatine* p. 16.

<sup>417</sup> PRO DURH 3/13 184r.

<sup>418</sup> PRO DURH 3/13 28v: *De Thome* [hard to read – looks like Canno, or Camio] *pro injuste detentione ix librarum versus Johannem Galon quas assignatas eidem per comitatem Northumbrie.*

<sup>419</sup> PRO DURH 3/13 211r.

villeinage with their feet, fleeing their manors in search of more amenable lords. Whilst lords tried their best to retain their tenants, and even attempted to increase their demands for servile dues and works, eventually they realized that to remain economically afloat (let alone turn a profit) they had to give in to their peasants' demands.

Reading through the halmote books one is hard pressed to find evidence of serfdom aside from merchet and layrwrite payments (and the 'evidence' they provide is debatable).<sup>421</sup> The term 'neif' (*nativus*) is found only thrice in this period, and there are no injunctions against calling people by that term.<sup>422</sup> The element 'bond-' is found only in relation to land (as in 'bondland'). There are some scattered references to works (*opera*), but free men were obliged to perform these as well.<sup>423</sup> Besides, most works had been commuted into money payments by this time, and may have even been included in rents (although there is no direct evidence for this). It is quite difficult to determine personal status in Durham, as both free men and unfree men could hold both free and unfree land.<sup>424</sup>

In fact, the only sure way of determining villein status is by payment of merchet or layrwrite, which Common Law considered clear indicators of villein status. There is a catch, however. As Eleanor Searle has pointed out, merchet was a marker of unfree status in *land*.<sup>425</sup> She described a case where a man was of undoubtedly free status but owed merchet because he was a tenant on unfree land. She argued persuasively that the English justices explicitly connected merchet with land and land transfer, and pointed out that merchet in the late medieval period was

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<sup>420</sup> See PRO DURH 3/13 293r, where Sir Thomas Gray brought several pleas of trespass against Laurence Robynson.

<sup>421</sup> The priory however continued to conduct inquests into neifty until 1470; though neifs formed a small and diminishing part of the population, the Priory still wanted to know who was a neif: Lomas thesis, 'Durham Cathedral Priory,' p. 60.

<sup>422</sup> Contrast with the priory halmotes: Longstaffe and Booth, eds., *Halmota Prioratus Dunelmensis*.

<sup>423</sup> Free men owed works elsewhere in England. For example, in Tavistock, these included agricultural works but also carriage and miscellaneous works, much like the works still owed at Durham: Finberg, *Tavistock Abbey*, pp. 80-83. On the estates of Durham Cathedral Priory, free men owed works including agricultural labour, and merchet, heriot, and leywrite could be due from free men. Lomas thinks this was due to free men acquiring customary tenements which had been partially shorn of their obligations: Lomas thesis, 'Durham Cathedral Priory,' pp. 78-9, 276.

<sup>424</sup> The books are full of presumably unfree tenants purchasing licenses to acquire freehold land, or to enfeoff their children; for example, PRO DURH 3/13 218r, 229r, and in Sadberge, again the most verbose: '*De Johanne Emmotson de fine pro licencia habendi feoffandi Robertum filium suum de j messuagio et ij bovatis terre libere cum pertinenciis in Sadberge . . . tenendum eidem Robertum et heredibus suis per servicia inde debitas de capitale domino feodi illius etc.*'

<sup>425</sup> E. Searle, 'Freedom and Marriage in Medieval England: An Alternative Hypothesis,' *Economic History Review*, 2<sup>nd</sup> series, 29 (1976): 482-6, pp. 484-5.

clearly analogous to royal control of marriage and land.<sup>426</sup> Whilst her arguments about merchet as a form of land or inheritance tax are not fully accepted, her arguments regarding merchet and status are harder to deny.<sup>427</sup>

Searle's theory coincides well with the situation at Durham. In the merchet payments, as with the rest of court business, there was no mention of personal status. Of course, there is no explicit evidence for Searle's idea on the bishopric estates. But the Prior and Convent of Durham exacted merchet and layrwrite payments from all customary tenants, even those who were not *nativi*; and the same conditions likely prevailed on the bishopric estates.<sup>428</sup> This is supported indirectly by other evidence that comes from the phrasing for taking up land. As I stated above, there was no difference in wording between when an obviously free man took land (be it bond, free, exchequer, etc.) and a theoretical villein or dreng. However, there were differences between types of land. Leases of unfree land contained references to vicinage and inferred references to works; drengage land was held by specific services (never named); and exchequer land only referred to rents. With the emphasis on the failure of *tenants* to perform specific works, it is clear that the bishop and steward placed their emphasis regarding status on the land, not the tenant. This is not to say that they ceased making distinctions between free and unfree men, but that the distinctions were coming to be worth less and less – at least in regards to economics.<sup>429</sup>

Richard Britnell has described the 'feudal reaction' of the Bishop of Durham to the changes the Black Death wrought in the labor market, and concluded that 'in the end feudal reaction was only an opening position, and by the 1380s it had largely collapsed before tenant resistance and economic realism.'<sup>430</sup> What we see in Bishop Skirlaw's pontificate are some of the ways the bishops and their stewards sought to make accommodation with a situation they could not

<sup>426</sup> *ibid.*

<sup>427</sup> J. Scammel, 'Freedom and Marriage in Medieval England,' *Economic History Review* 2<sup>nd</sup> series 27 (1974): 523-37; 'Wife-Rents and Merchet,' *Economic History Review* 2<sup>nd</sup> series 29 (1976): 487-90; Searle, 'Freedom and Marriage'.

<sup>428</sup> Layrwrite and merchet were exacted from all customary tenants on the Durham Priory estates, even those who were not *nativi*: Lomas, *North-East England*, p. 178. While the numbers of neifs declined into the fourteenth century, payments of merchet did not: Lomas *ibid.*, 'Durham Cathedral Priory,' p. 276.

<sup>429</sup> This is not to say that freedom and wealth or economic status were directly tied together. In Durham, as elsewhere, legal and economic status were not linked. Freedom brought no apparent economic benefits at the level with which we have been dealing, as servile dues were now becoming attached to land and not so much to persons. Whether freedom had ever had much of an economic value for the non-gentry is open to debate; see M.M. Postan, 'Legal Status and Economic Condition in Medieval Villages,' in *idem*, *Essays on Medieval Agriculture and General Problems of the Medieval Economy* (Cambridge, 1973), pp. 278-89.

change. As with the rest of England, those aspects of villeinage connected with economics or agriculture were in decline; it was increasingly difficult to extract the old payments and works. The bishops of Durham tried to hold on to as much as they could, and found that by switching the emphasis from individual to land they could find at least some partial success.

Villeinage as a status continued to exist well into the fifteenth century.<sup>431</sup> While it lost many of its agricultural and servile aspects, a distinction was still made between free and less than free status. Free men had the option of using the halmote court, but could not be required to do so except for the unfree lands they held. Villeins and drengs had no options other than the halmote court.<sup>432</sup> There may have been some, peasants and lords alike, who believed that conditions would return to 'normal' and that the old due would once again be enforced.

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<sup>430</sup> Britnell, 'Feudal Reaction', p. 47.

<sup>431</sup> Lomas, *North-East England*, p. 178.

<sup>432</sup> This, and the inability to leave the estates, were the markers of neifty on the priory estates: Lomas thesis, 'Durham Cathedral Priory,' pp. 276-7.

## VII

### Conclusions

As is quite plainly shown in this thesis, 'manorial' administration in Durham (and probably the rest of northern England) varied in several aspects from what was prevalent elsewhere in England. Some of these differences were due to local traditions and culture, but others were the result of different ways of grappling with the demographic and economic changes that took place in England after the Black Death. The bishop's administrators struggled to maintain the status quo, or at the least to control the pace of change. Methods of record keeping were tinkered with, and finally altered permanently. Attitudes towards serfdom changed, with the status of land becoming more important economically than personal status. Much authority was left in the hands of officers elected by the tenants; other village offices continued to be filled by the tenants of specific tenements. The men simultaneously served the bishop and filled roles as local leaders for the tenantry. This continued use of local men as officials led to the development of a local peasant administrative class, which would later evolve into the yeomanry. While the bishopric estates demonstrated administrative procedures not found elsewhere, they yet shared in other manorial conventions because of the employment of scribes and administrators from southern England.

The bishop's administrators continued to use their particular methods because it was effective and, more importantly, accepted by the tenantry. Although the reader occasionally feels that the steward was despairing of certain orders ever being carried out, these instances are quite rare. Seldom did an order have to be repeated, and it seems that most amercements and fines were collected. Much evidence that a few decades ago would have been seen as evidence of resistance and dissatisfaction (such as rescues from officers) can be interpreted as proof of the system's success, or even as alternate forms of cooperative participation. Likewise, the authority of the halmote court was accepted by the tenants, who rarely sought to settle disputes before other courts. They viewed the halmote as the appropriate forum for settling disputes, both interpersonal and communal (such as infractions of *vicinagium*). They must have been content with its decisions, as there were so few instances of amercements for going to other courts. The success of the court was even noted by free men of the armigerous class, who brought their own disputes before it and used it for much of the business concerning their land. The success of the halmote court, because of its

centrality to the overall administration, is thus symbolic of the estate as a whole. Although there were drawbacks and the system did not always work smoothly, it continued to function and was accepted by both the governors and the governed.

I chose 'Lordship and Township in Durham' as the title of this thesis because I felt it most accurately conveyed the close relationship between those two elements at the turn of the fifteenth century. Throughout this thesis I have tried to demonstrate how these two institutions – which usually are viewed as separate entities – were part of a symbiotic relationship in County Durham. I have said that the system worked; one of the chief contributors to its success was the township. It formed a natural unit of administration, and the bishops had wisely co-opted its natural attributes and strengths into their estate system. The bishop achieved greater social control, while the townships maintained their own identity and corporate status. Both sides gained more than they lost by this relationship; it cannot be viewed as a zero-sum scenario.

There is still much left to explore; this thesis has uncovered as many questions as it has answered, if not more. No longer can it be assumed that northern England was much the same manorially as the rest of the country, and much of the social history of the region, its settlement and people remains to be uncovered. What is clear, however, is that whatever researches are undertaken, they will be neither complete nor accurate without the township.

## Appendix One

## Halmotes Held, 1388-1406

These tables list all known halmote courts for the pontificate of Walter Skirlaw and for the brief period of time when the see was vacant following his death, as recorded in PRO DURH 3/13 and 3/14. The courts are presented in chronological order, with the modern date. As some of the courts were bound out of chronological order, the pages on which each court begins and ends has been included.

*Halmotes courts recorded in PRO DURH 3/13*

Place Held	Pontifical Year	Modern Date (dd/mm/yyyy)	Presiding Officer	Starting Page	Ending Page
Wolsingham	1	19/10/1388	Hugo de Westwyk	1r	1v
Lanchester	1	20/10/1388	Hugo de Westwyk	1v	2r
Chester-le-Street	1	21/10/1388	Hugo de Westwyk	2r	3r
Houghton	1	22/10/1388	Hugo de Westwyk	3r	3v
Easington	1	23/10/1388	Hugo de Westwyk	3v	4r
Middleham	1	24/10/1388	Hugo de Westwyk	4r	4v
Stockton	1	26/10/1388	Hugo de Westwyk	4v	5r
Sadberge	1	27/10/1388	Hugo de Westwyk	5r	6r
Bishop Auckland	1	29/10/1388	Hugo de Westwyk	6r	6v
Lanchester	1	16/03/1389	Hugo de Westwyk	8r	8r
Chester-le-Street	1	17/03/1389	Hugo de Westwyk	8v	9r
Houghton	1	18/03/1389	Hugo de Westwyk	9v	10r
Easington	1	19/03/1389	Hugo de Westwyk	10r	10r
Middleham	1	22/03/1389	Hugo de Westwyk	10r	10v
Stockton	1	23/03/1389	Hugo de Westwyk	11r	11r
Sadberge	1	24/03/1389	Hugo de Westwyk	11v	11v
Darlington	1	24/03/1389	Hugo de Westwyk	11v	12r
Bishop Auckland	1	25/03/1389	Hugo de Westwyk	12r	12v
Wolsingham	1	26/03/1389	Hugo de Westwyk	13r	13r
Easington	3	07/01/1391	Thomas Gray	14r	14v
Middleham	3	09/01/1391	Thomas Gray	14v	15r
Stockton	3	10/01/1391	Thomas Gray	15v	16r
Darlington	3	11/01/1391	Thomas Gray	16r	16v
Sadberge	3	11/01/1391	Thomas Gray	16r	16r
Bishop Auckland	3	12/01/1391	Thomas Gray	16v	18r
Wolsingham	3	13/01/1391	Thomas Gray	18r	19r
Lanchester	3	14/01/1391	Thomas Gray	19v	20r
Chester-le-Street	3	16/01/1391	Thomas Gray	20r	21v
Houghton	3	17/01/1391	Thomas Gray	21v	22v
Bishop Auckland	3	04/03/1391	Thomas Gray	24v	25r
Wolsingham	3	06/03/1391	Thomas Gray	25r	25v
Lanchester	3	07/03/1391	Thomas Gray	26r	26v
Chester-le-Street	3	08/03/1391	Thomas Gray	26v	27r

Houghton	3	09/03/1391	Thomas Gray	27v	27v
Easington	3	10/03/1391	Thomas Gray	28r	28r
Middleham	3	11/03/1391	Thomas Gray	28r	28v
Stockton	3	13/03/1391	Thomas Gray	29r	29v
Darlington	3	14/03/1391	Thomas Gray	30r	31r
Sadberge	3	14/03/1391	Thomas Gray	30r	30r
Chester-le-Street	3	03/08/1391	Thomas Gray	32r	33r
Houghton	3	04/08/1391	Thomas Gray	33r	33v
Easington	3	05/08/1391	Thomas Gray	33v	34v
Middleham	3	07/08/1391	Thomas Gray	34v	35v
Stockton	3	08/08/1391	Thomas Gray	35v	36r
Sadberge	3	09/08/1391	Thomas Gray	36v	36v
Darlington	3	09/08/1391	Thomas Gray	36v	37r
Bishop Auckland	3	10/08/1391	Thomas Gray	37r	38v
Wolsingham	3	11/08/1391	Thomas Gray	38v	39r
Lanchester	3	12/08/1391	Thomas Gray	39r	39v
Wolsingham	4	24/01/1392	Ralph de Eure	40v	41r
Lanchester	4	25/01/1392	Ralph de Eure	41r	42r
Chester-le-Street	4	26/01/1392	Ralph de Eure	42r	43v
Houghton	4	27/01/1392	Ralph de Eure	44r	45v
Middleham	4	30/01/1392	Ralph de Eure	45v	47r
Sadberge	4	01/02/1392	Ralph de Eure	47r	47v
Darlington	4	01/02/1392	Ralph de Eure	47v	48v
Bishop Auckland	4	03/02/1392	Ralph de Eure	48v	50r
Bedlington	4	22/03/1392	Ralph de Eure	50r	50v
Sedgefield	4	20/05/1392	Ralph de Eure	51v	52r
Lanchester	4	20/05/1392	Ralph de Eure	57r	57v
Stockton	4	21/05/1392	Ralph de Eure	52r	53r
Darlington	4	22/05/1392	Ralph de Eure	53r	54v
Sadberge	4	22/05/1392	Ralph de Eure	53r	53r
Easington	4	23/05/1392	Ralph de Eure	61r	61v
Wolsingham	4	23/05/1392	Ralph de Eure	55v	57r
Bishop Auckland	4	24/05/1392	Ralph de Eure	54r	55v
Chester-le-Street	4	28/05/1392	Ralph de Eure	58r	59v
Houghton	4	29/05/1392	Ralph de Eure	60r	61r
Bedlington	4	06/06/1392	Ralph de Eure	61v	62r
Wolsingham	4	06/08/1392	Ralph de Eure	63v	64r
Lanchester	4	07/08/1392	Ralph de Eure	64r	65r
Chester-le-Street	4	08/08/1392	Ralph de Eure	65r	66r
Houghton	4	09/08/1392	Ralph de Eure	66r	67r
Easington	4	10/08/1392	Ralph de Eure	67r	68r
Middleham	4	12/08/1392	Ralph de Eure	68r	68v
Stockton	4	13/08/1392	Ralph de Eure	68v	69v
Sadberge	4	14/08/1392	Ralph de Eure	69v	69v
Darlington	4	14/08/1392	Ralph de Eure	69v	70v
Middleham	5	04/11/1392	Ralph de Eure	71v	72r
Stockton	5	05/11/1392	Ralph de Eure	72r	73v
Sadberge	5	06/11/1392	Ralph de Eure	73v	73v
Darlington	5	06/11/1392	Ralph de Eure	74r	74v
Bishop Auckland	5	07/11/1392	Ralph de Eure	74v	76r
Wolsingham	5	02/12/1392	Ralph de Eure	76v	77r
Lanchester	5	03/12/1392	Ralph de Eure	77r	78r
Chester-le-Street	5	04/12/1392	Ralph de Eure	78r	79v
Houghton	5	05/12/1392	Ralph de Eure	79v	81r
Easington	5	06/12/1392	Ralph de Eure	81r	81v
Wolsingham	5	03/03/1393	Ralph de Eure	83r	83v

Lanchester	5	04/03/1393	Ralph de Eure	84r	84v
Chester-le-Street	5	05/03/1393	Ralph de Eure	85r	86r
Houghton	5	06/03/1393	Ralph de Eure	86r	87r
Easington	5	07/03/1393	Ralph de Eure	87v	88r
Middleham	5	08/03/1393	Ralph de Eure	88r	89r
Stockton	5	10/03/1393	Ralph de Eure	89r	90r
Sadberge	5	11/03/1393	Ralph de Eure	90r	90r
Darlington	5	11/03/1393	Ralph de Eure	90r	91r
Bishop Auckland	5	12/03/1393	Ralph de Eure	91r	92v
Bishop Auckland	5	02/07/1393	Ralph de Eure	93Av	94v
Middleham	5	03/07/1393	Ralph de Eure	94v	95v
Stockton	5	04/07/1393	Ralph de Eure	95v	96r
Sadberge	5	05/07/1393	Ralph de Eure	96v	96v
Darlington	5	05/07/1393	Ralph de Eure	96v	97r
Wolsingham	5	07/07/1393	Ralph de Eure	97v	98r
Lanchester	5	08/07/1393	Ralph de Eure	98r	99r
Chester-le-Street	5	09/07/1393	Ralph de Eure	99r	100v
Houghton	5	10/07/1393	Ralph de Eure	101r	102r
Easington	5	11/07/1393	Ralph de Eure	102v	103r
Bishop Auckland	6	13/10/1393	Ralph de Eure	103v	105r
Middleham	6	14/10/1393	Ralph de Eure	105r	106r
Stockton	6	15/10/1393	Ralph de Eure	106v	107v
Sadberge	6	16/10/1393	Ralph de Eure	107v	107v
Darlington	6	17/10/1393	Ralph de Eure	107v	108v
Wolsingham	6	21/10/1393	Ralph de Eure	108v	109v
Lanchester	6	22/10/1393	Ralph de Eure	110r	110v
Chester-le-Street	6	23/10/1393	Ralph de Eure	110v	112r
Houghton	6	24/10/1393	Ralph de Eure	112v	113v
Easington	6	25/10/1393	Ralph de Eure	113v	114v
Bishop Auckland	6	31/03/1394	Ralph de Eure	115v	116v
Darlington	6	01/04/1394	Ralph de Eure	116v	117v
Sadberge	6	02/04/1394	Ralph de Eure	117v	117v
Sedgefield	6	02/04/1394	Ralph de Eure	117v	118r
Stockton	6	03/04/1394	Ralph de Eure	118v	119r
Wolsingham	6	07/04/1394	Ralph de Eure	119r	120r
Lanchester	6	08/04/1394	Ralph de Eure	120v	121v
Chester-le-Street	6	09/04/1394	Ralph de Eure	121v	123r
Houghton	6	10/04/1394	Ralph de Eure	123r	124v
Easington	6	11/04/1394	Ralph de Eure	124v	125v
Bishop Auckland	6	14/07/1394	Ralph de Eure	126v	128r
Middleham	6	15/07/1394	Ralph de Eure	128r	129r
Stockton	6	16/07/1394	Ralph de Eure	129r	130r
Sadberge	6	17/07/1394	Ralph de Eure	130r	130r
Darlington	6	17/07/1394	Ralph de Eure	130v	131r
Wolsingham	6	20/07/1394	Ralph de Eure	131v	132v
Lanchester	6	21/07/1394	Ralph de Eure	132v	133r
Chester-le-Street	6	22/07/1394	Ralph de Eure	133r	135r
Houghton	6	23/07/1394	Ralph de Eure	135v	136v
Easington	6	24/07/1394	Ralph de Eure	136v	137v
Sedgefield	7	12/11/1394	Ralph de Eure	139r	139v
Stockton	7	13/11/1394	Ralph de Eure	140r	141r
Sadberge	7	14/11/1394	Ralph de Eure	141r	141r
Darlington	7	14/11/1394	Ralph de Eure	141r	141v
Easington	7	17/11/1394	Ralph de Eure	142r	142v
Houghton	7	18/11/1394	Ralph de Eure	142v	143v
Chester-le-Street	7	19/11/1394	Ralph de Eure	144r	146r

Lanchester	7	20/11/1394	Ralph de Eure	146r	147r
Wolsingham	7	21/11/1394	Ralph de Eure	147r	148r
Bishop Auckland	7	23/11/1394	Ralph de Eure	148v	149v
Wolsingham	7	02/03/1395	Ralph de Eure	151r	151v
Lanchester	7	03/03/1395	Ralph de Eure	151v	152v
Chester-le-Street	7	04/03/1395	Ralph de Eure	152v	154r
Houghton	7	05/03/1395	Ralph de Eure	154r	155r
Easington	7	06/03/1395	Ralph de Eure	155v	156r
Bishop Auckland	7	09/03/1395	Ralph de Eure	156r	157r
Sedgefield	7	10/03/1395	Ralph de Eure	157v	158r
Stockton	7	11/03/1395	Ralph de Eure	158r	159r
Sadberge	7	12/03/1395	Ralph de Eure	159r	159r
Darlington	7	13/03/1395	Ralph de Eure	159v	160v
Wolsingham	7	01/07/1395	Ralph de Eure	161v	162v
Lanchester	7	02/07/1395	Ralph de Eure	162v	163v
Chester-le-Street	7	03/07/1395	Ralph de Eure	163v	166r
Houghton	7	04/07/1395	Ralph de Eure	166v	167r
Easington	7	05/07/1395	Ralph de Eure	167v	168v
Middleham	7	13/07/1395	Ralph de Eure	168v	170v
Stockton	7	14/07/1395	Ralph de Eure	170v	171v
Sadberge	7	15/07/1395	Ralph de Eure	171v	172r
Darlington	7	15/07/1395	Ralph de Eure	172r	173r
Bishop Auckland	7	16/07/1395	Ralph de Eure	173r	174v
Wolsingham	8	25/10/1395	Ralph de Eure	175r	176r
Lanchester	8	26/10/1395	Ralph de Eure	176r	177r
Chester-le-Street	8	27/10/1395	Ralph de Eure	177r	178v
Houghton	8	28/10/1395	Ralph de Eure	178v	180r
Easington	8	29/10/1395	Ralph de Eure	180r	181v
Bishop Auckland	8	02/11/1395	Ralph de Eure	181v	182v
Sedgefield	8	03/11/1395	Ralph de Eure	183r	183v
Stockton	8	04/11/1395	Ralph de Eure	183v	184v
Sadberge	8	05/11/1395	Ralph de Eure	184v	184v
Darlington	8	05/11/1395	Ralph de Eure	185r	185v
Bishop Auckland	8	17/02/1396	Ralph de Eure	194r	196r
Sadberge	8	18/02/1396	Ralph de Eure	197r	197r
Stockton	8	18/02/1396	Ralph de Eure	196r	197r
Darlington	8	19/02/1396	Ralph de Eure	197r	198r
Wolsingham	8	25/04/1396	Ralph de Eure	198r	199r
Lanchester	8	26/04/1396	Ralph de Eure	199r	199v
Chester-le-Street	8	27/04/1396	Ralph de Eure	200r	201v
Houghton	8	28/04/1396	Ralph de Eure	201v	202v
Easington	8	29/04/1396	Ralph de Eure	202v	203r
Bishop Auckland	8	02/07/1396	Ralph de Eure	186r	187r
Sedgefield	8	03/07/1396	Ralph de Eure	187r	188r
Stockton	8	04/07/1396	Ralph de Eure	188r	188v
Darlington	8	05/07/1396	Ralph de Eure	188v	189v
Wolsingham	8	10/07/1396	Ralph de Eure	189v	190r
Lanchester	8	11/07/1396	Ralph de Eure	190r	190v
Chester-le-Street	8	12/07/1396	Ralph de Eure	190v	192r
Houghton	8	13/07/1396	Ralph de Eure	192r	192v
Easington	8	14/07/1396	Ralph de Eure	192v	193r
Easington	9	17/10/1396	Ralph de Eure	204r	204v
Houghton	9	18/10/1396	Ralph de Eure	204v	205v
Chester-le-Street	9	19/10/1396	Ralph de Eure	205v	207v
Lanchester	9	20/10/1396	Ralph de Eure	207v	208v
Sedgefield	9	23/10/1396	Ralph de Eure	208v	209v

Stockton	9	25/10/1396	Ralph de Eure	209v	210v
Sadberge	9	26/10/1396	Ralph de Eure	210v	210v
Darlington	9	26/10/1396	Ralph de Eure	211r	211v
Bishop Auckland	9	27/10/1396	Ralph de Eure	212r	213r
Wolsingham	9	28/10/1396	Ralph de Eure	213r	214r
Bishop Auckland	9	13/03/1397	Ralph de Eure	215r	216r
Sedgefield	9	14/03/1397	Ralph de Eure	216v	217r
Stockton	9	15/03/1397	Ralph de Eure	217r	218r
Sadberge	9	16/03/1397	Ralph de Eure	218r	218r
Darlington	9	16/03/1397	Ralph de Eure	218r	218v
Wolsingham	9	21/03/1397	Ralph de Eure	218v	220r
Lanchester	9	22/03/1397	Ralph de Eure	220r	220v
Chester-le-Street	9	23/03/1397	Ralph de Eure	221r	222v
Houghton	9	24/03/1397	Ralph de Eure	222v	224r
Easington	9	26/03/1397	Ralph de Eure	224r	224v
Bishop Auckland	9	16/07/1397	Ralph de Eure	225r	226v
Sedgefield	9	17/07/1397	Ralph de Eure	226v	227v
Stokton	9	18/07/1397	Ralph de Eure	227v	228r
Darlington	9	19/07/1397	Ralph de Eure	228r	229r
Sadberge	9	19/07/1397	Ralph de Eure	228r	228r
Wolsingham	9	24/07/1397	Ralph de Eure	229r	230r
Lanchester	9	25/07/1397	Ralph de Eure	230r	231r
Chester-le-Street	9	26/07/1397	Ralph de Eure	231r	232v
Houghton	9	27/07/1397	Ralph de Eure	233r	234r
Easington	9	28/07/1397	Ralph de Eure	234r	234v
Bishop Auckland	10	05/10/1397	Ralph de Eure	235r	236v
Sedgefield	10	06/10/1397	Ralph de Eure	236v	237r
Stockton	10	07/10/1397	Ralph de Eure	237r	238r
Lanchester	10	07/10/1397	Ralph de Eure	240r	240v
Sadberge	10	08/10/1397	Ralph de Eure	238r	238r
Darlington	10	08/10/1397	Ralph de Eure	238r	239r
Wolsingham	10	13/11/1397	Ralph de Eure	239r	239v
Houghton	10	16/11/1397	Ralph de Eure	242v	243v
Chester-le-Street	10	16/11/1397	Ralph de Eure	240v	242v
Easington	10	17/11/1397	Ralph de Eure	243v	244v
Bishop Auckland	10	16/04/1398	Ralph de Eure	254r	255r
Middleham	10	17/04/1398	Ralph de Eure	255r	255v
Stockton	10	18/04/1398	Ralph de Eure	256r	257r
Darlington	10	19/04/1398	Ralph de Eure	257r	258r
Sadberge	10	19/04/1398	Ralph de Eure	264r	264r
Wolsingham	10	22/04/1398	Ralph de Eure	258v	259v
Lanchester	10	23/04/1398	Ralph de Eure	259v	260v
Chester-le-Street	10	24/04/1398	Ralph de Eure	260v	262r
Houghton	10	25/04/1398	Ralph de Eure	262v	263v
Easington	10	26/04/1398	Ralph de Eure	263v	264
Bishop Auckland	10	15/07/1398	Ralph de Eure	245r	246r
Middleham	10	16/07/1398	Ralph de Eure	246r	246v
Stockton	10	17/07/1398	Ralph de Eure	247r	247v
Sadberge	10	18/07/1398	Ralph de Eure	247r	247r
Darlington	10	18/07/1398	Ralph de Eure	247r	248v
Wolsingham	10	23/07/1398	Ralph de Eure	248v	249r
Lanchester	10	24/07/1398	Ralph de Eure	249r	249v
Chester-le-Street	10	25/07/1398	Ralph de Eure	249v	251r
Houghton	10	26/07/1398	Ralph de Eure	251r	252r
Bishop Auckland	11	21/10/1398	Ralph de Eure	277r	278r
Middleham	11	22/10/1398	Ralph de Eure	278r	279r

Stockton	11	23/10/1398	Ralph de Eure	279r	279v
Darlington	11	24/10/1398	Ralph de Eure	280r	280v
Sadberge	11	24/10/1398	Ralph de Eure	279v	279v
Wolsingham	11	04/11/1398	Ralph de Eure	281r	282r
Lanchester	11	05/11/1398	Ralph de Eure	282r	282v
Chester-le-Street	11	06/11/1398	Ralph de Eure	282v	284v
Houghton	11	07/11/1398	Ralph de Eure	284v	285v
Easington	11	08/11/1398	Ralph de Eure	285v	286r
Bishop Auckland	11	18/02/1399	Ralph de Eure	265r	266v
Middleham	11	19/02/1399	Ralph de Eure	266v	268r
Stockton	11	20/02/1399	Ralph de Eure	268r	268v
Darlington	11	21/02/1399	Ralph de Eure	269r	270r
Sadberge	11	21/02/1399	Ralph de Eure	269r	269r
Lanchester	11	05/03/1399	Ralph de Eure	270r	270v
Chester-le-Street	11	06/03/1399	Ralph de Eure	271r	272r
Houghton	11	07/03/1399	Ralph de Eure	272v	273v
Sadberge	11	08/03/1399	Ralph de Eure	273v	274v
Wolsingham	11	18/03/1399	Ralph de Eure	274v	275v
Bishop Auckland	12	25/11/1399	Ralph de Eure	286v	288v
Middleham	12	26/11/1399	Ralph de Eure	288v	289v
Stockton	12	27/11/1399	Ralph de Eure	289v	290v
Darlington	12	28/11/1399	Ralph de Eure	290v	291v
Sadberge	12	28/11/1399	Ralph de Eure	290v	290v
Wolsingham	12	02/12/1399	Ralph de Eure	291v	293r
Lanchester	12	03/12/1399	Ralph de Eure	293r	294r
Chester-le-Street	12	04/12/1399	Ralph de Eure	294v	296v
Houghton	12	05/12/1399	Ralph de Eure	296v	297v
Easington	12	06/12/1399	Ralph de Eure	297v	298v
Stockton	12	26/03/1400	Ralph de Eure	300r	301r
Darlington	12	27/03/1400	Ralph de Eure	301r	302r
Wolsingham	12	30/03/1400	Ralph de Eure	302r	303r
Lanchester	12	31/03/1400	Ralph de Eure	303v	304r
Chester-le-Street	12	01/04/1400	Ralph de Eure	304r	306r
Houghton	12	02/04/1400	Ralph de Eure	306r	307v
Easington	12	03/04/1400	Ralph de Eure	307v	308v
Middleham	12	05/04/1400	Ralph de Eure	308v	309v
Bishop Auckland	12	06/04/1400	Ralph de Eure	310r	311v
Middleham	12	09/09/1400	Ralph de Eure	313r	313v
Stockton	12	10/09/1400	Ralph de Eure	313v	314v
Sadberge	12	11/09/1400	Ralph de Eure	314v	314v
Darlington	12	11/09/1400	Ralph de Eure	315r	315v
Bishop Auckland	13	20/09/1400	Ralph de Eure	315v	318r
Wolsingham	13	21/09/1400	Ralph de Eure	318r	319r
Lanchester	13	22/09/1400	Ralph de Eure	319r	320r
Chester-le-Street	13	23/09/1400	Ralph de Eure	320r	321v
Houghton	13	24/09/1400	Ralph de Eure	321v	322v
Easington	13	25/09/1400	Ralph de Eure	322v	323r
Bishop Auckland	13	30/11/1400	Ralph de Eure	323v	325r
Sedgefield	13	01/12/1400	Ralph de Eure	325r	326r
Stockton	13	02/12/1400	Ralph de Eure	326r	327r
Darlington	13	03/12/1400	Ralph de Eure	327v	328v
Sadberge	13	03/12/1400	Ralph de Eure	327v	327v
Wolsingham	13	07/12/1400	Ralph de Eure	328v	329v
Lanchester	13	08/12/1400	Ralph de Eure	329v	330v
Chester-le-Street	13	09/12/1400	Ralph de Eure	330v	332r
Houghton	13	10/12/1400	Ralph de Eure	332r	333r

Easington	13	11/12/1400	Ralph de Eure	333r	334r
Wolsingham	13	01/03/1401	Ralph de Eure	334v	335v
Lanchester	13	02/03/1401	Ralph de Eure	335v	336r
Chester-le-Street	13	03/03/1401	Ralph de Eure	336v	338r
Houghton	13	04/03/1401	Ralph de Eure	338v	339r
Easington	13	05/03/1401	Ralph de Eure	339r	340r
Bishop Auckland	13	15/03/1401	Ralph de Eure	340r	342r
Middleham	13	16/03/1401	Ralph de Eure	342r	343r
Stockton	13	17/03/1401	Ralph de Eure	343r	343v
Sadberge	13	18/03/1401	Ralph de Eure	344r	344r
Darlington	13	18/03/1401	Ralph de Eure	344r	345r
Bishop Auckland	13	20/07/1401	Ralph de Eure	346r	348r
Middleham	13	21/07/1401	Ralph de Eure	348r	349r
Stockton	13	22/07/1401	Ralph de Eure	349v	350r
Sadberge	13	23/07/1401	Ralph de Eure	350r	350r
Darlington	13	23/07/1401	Ralph de Eure	350r	351v
Wolsingham	13	25/07/1401	Ralph de Eure	351v	353r
Lanchester	13	26/07/1401	Ralph de Eure	353r	354r
Chester-le-Street	13	27/07/1401	Ralph de Eure	354r	355v
Houghton	13	28/07/1401	Ralph de Eure	355v	356v
Easington	13	29/07/1401	Ralph de Eure	356v	357v
Wolsingham	14	22/11/1401	Ralph de Eure	358v	359r
Lanchester	14	23/11/1401	Ralph de Eure	359v	360r
Chester-le-Street	14	24/11/1401	Ralph de Eure	360r	361v
Houghton	14	25/11/1401	Ralph de Eure	362r	363r
Easington	14	26/11/1401	Ralph de Eure	363r	363v
Bishop Auckland	14	28/11/1401	Ralph de Eure	364r	365v
Middleham	14	29/11/1401	Ralph de Eure	365v	366v
Stockton	14	30/11/1401	Ralph de Eure	366v	367v
Sadberge	14	01/12/1401	Ralph de Eure	367v	367v
Darlington	14	01/12/1401	Ralph de Eure	367v	368v
Wolsingham	14	06/03/1402	Ralph de Eure	370v	371r
Lanchester	14	07/03/1402	Ralph de Eure	371r	372r
Chester-le-Street	14	08/03/1402	Ralph de Eure	372r	374r
Houghton	14	09/03/1402	Ralph de Eure	374r	374v
Easington	14	09/03/1402	Ralph de Eure	375r	375v
Bishop Auckland	14	14/03/1402	Ralph de Eure	376r	377v
Middleham	14	15/03/1402	Ralph de Eure	377v	379r
Stockton	14	16/03/1402	Ralph de Eure	379r	379v
Darlington	14	17/03/1402	Ralph de Eure	380r	380v
Sadberge	14	17/03/1402	Ralph de Eure	379v	380r
Wolsingham	14	24/07/1402	Ralph de Eure	382v	383r
Lanchester	14	25/07/1402	Ralph de Eure	383r	384r
Chester-le-Street	14	26/07/1402	Ralph de Eure	384r	385v
Houghton	14	27/07/1402	Ralph de Eure	385v	386v
Easington	14	28/07/1402	Ralph de Eure	387r	387v
Bishop Auckland	14	16/08/1402	Ralph de Eure	388r	389v
Middleham	14	17/08/1402	Ralph de Eure	389v	390v
Stockton	14	18/08/1402	Ralph de Eure	390v	392r
Darlington	14	19/08/1402	Ralph de Eure	392v	393r
Sadberge	14	19/08/1402	Ralph de Eure	392r	392v
Wolsingham	15	13/11/1402	Ralph de Eure	451v	452v
Lanchester	15	14/11/1402	Ralph de Eure	452v	454r
Chester-le-Street	15	15/11/1402	Ralph de Eure	454r	456r
Houghton	15	16/11/1402	Ralph de Eure	456r	457r
Easington	15	17/11/1402	Ralph de Eure	457r	458r

Bishop Auckland	15	21/11/1402	Ralph de Eure	458r	460r
Middleham	15	22/11/1402	Ralph de Eure	460r	461r
Stockton	15	23/11/1402	Ralph de Eure	461r	461v
Sadberge	15	24/11/1402	Ralph de Eure	462r	462r
Darlington	15	24/11/1402	Ralph de Eure	462r	462v
Lanchester	16	16/10/1403	Ralph de Eure	463r	464r
Chester-le-Street	16	17/10/1403	Ralph de Eure	464r	465v
Houghton	16	18/10/1403	Ralph de Eure	465v	467r
Easington	16	19/10/1403	Ralph de Eure	467r	468r
Bishop Auckland	16	23/10/1403	Ralph de Eure	468r	469v
Middleham	16	24/10/1403	Ralph de Eure	469v	470v
Stockton	16	25/10/1403	Ralph de Eure	470v	470v
Wolsingham	16	03/03/1404	Ralph de Eure	394r	395r
Lanchester	16	04/03/1404	Ralph de Eure	395r	396r
Chester-le-Street	16	05/03/1404	Ralph de Eure	396r	397v
Houghton	16	06/03/1404	Ralph de Eure	398r	399r
Easington	16	07/03/1404	Ralph de Eure	399r	400r
Bishop Auckland	16	11/03/1404	Ralph de Eure	400v	402v
Middleham	16	12/03/1404	Ralph de Eure	402v	403r
Stockton	16	13/03/1404	Ralph de Eure	403r	404r
Sadberge	16	14/03/1404	Ralph de Eure	404r	404v
Darlington	16	14/03/1404	Ralph de Eure	404v	405v
Wolsingham	16	04/08/1404	Ralph de Eure	406v	407v
Lanchester	16	05/08/1404	Ralph de Eure	407v	408v
Chester-le-Street	16	06/08/1404	Ralph de Eure	408v	410v
Houghton	16	07/08/1404	Ralph de Eure	410v	411v
Easington	16	08/08/1404	Ralph de Eure	411v	412v
Bishop Auckland	16	11/08/1404	Ralph de Eure	413r	414v
Middleham	16	12/08/1404	Ralph de Eure	414v	415r
Stockton	16	13/08/1404	Ralph de Eure	415r	416v
Darlington	16	14/08/1404	Ralph de Eure	416v	417r
Wolsingham	17	17/11/1404	Ralph de Eure	417v	419r
Lanchester	17	18/11/1404	Ralph de Eure	419r	420r
Chester-le-Street	17	19/11/1404	Ralph de Eure	420r	421v
Houghton	17	20/11/1404	Ralph de Eure	421v	422v
Easington	17	21/11/1404	Ralph de Eure	423r	424r
Bishop Auckland	17	25/11/1404	Ralph de Eure	424r	425v
Middleham	17	26/11/1404	Ralph de Eure	425v	426v
Stockton	17	27/11/1404	Ralph de Eure	426v	427v
Darlington	17	28/11/1404	Ralph de Eure	427v	428v
Sadberge	17	28/11/1404	Ralph de Eure	427v	427v
Bishop Auckland	17	03/02/1405	Ralph de Eure	429r	430v
Middleham	17	04/02/1405	Ralph de Eure	430v	431r
Stockton	17	05/02/1405	Ralph de Eure	431r	432r
Sadberge	17	06/02/1405	Ralph de Eure	432r	432r
Darlington	17	06/02/1405	Ralph de Eure	432r	432v
Lanchester	17	10/02/1405	Ralph de Eure	432v	433v
Chester-le-Street	17	11/02/1405	Ralph de Eure	433v	435r
Houghton	17	12/02/1405	Ralph de Eure	435r	436r
Easington	17	13/02/1405	Ralph de Eure	436r	437r
Wolsingham	17	16/02/1405	Ralph de Eure	437r	438r
Chester-le-Street	17	25/08/1405	Ralph de Eure	439r	440v
Houghton	17	26/08/1405	Ralph de Eure	440v	442r
Easington	17	27/08/1405	Ralph de Eure	442r	443r
Bishop Auckland	17	31/08/1405	Ralph de Eure	443r	445r
Middleham	17	01/09/1405	Ralph de Eure	445v	446r

Darlington	17	03/09/1405	Ralph de Eure	447v	448r
Sadberge	17	03/09/1405	Ralph de Eure	447r	447v
Stockton	17	03/09/1405	Ralph de Eure	446v	447r
Wolsingham	17	07/09/1405	Ralph de Eure	448r	449r
Lanchester	17	08/09/1405	Ralph de Eure	449r	450r

*Halmotes recorded in PRO DURH 3/14*

Place Held	Pontifical Year	Modern Date dd/mm/yyyy	Presiding Officer	Starting Folio	Ending Folio
Wolsingham	18	24/11/1405	Ralph de Eure	1r	2r
Lanchester	18	24/11/1405	Ralph de Eure	2v	3r
Chester-le-Street	18	26/11/1405	Ralph de Eure	3r	4v
Houghton	18	27/11/1405	Ralph de Eure	4v	5v
Easington	18	28/11/1405	Ralph de Eure	6r	6v
Bishop Auckland	18	01/12/1405	Ralph de Eure	7r	8v
Middleham	18	02/12/1405	Ralph de Eure	8v	9r
Stockton	18	03/12/1405	Ralph de Eure	9r	10r
Sadberge	18	04/12/1405	Ralph de Eure	2r	2r
Darlington	18	04/12/1405	Ralph de Eure	10r	10v
Wolsingham	18	08/03/1406	Ralph de Eure	13r	14r
Lanchester	18	09/03/1406	Ralph de Eure	14r	15r
Chester-le-Street	18	10/03/1406	Ralph de Eure	15r	16v
Houghton	18	11/03/1406	Ralph de Eure	16v	17v
Easington	18	12/03/1406	Ralph de Eure	17v	18v
Bishop Auckland	18	15/03/1406	Ralph de Eure	19r	20v
Middleham	18	16/03/1406	Ralph de Eure	21r	22v
Stockton	18	17/03/1406	Ralph de Eure	22r	23r
Sadberge	18	18/03/1406	Ralph de Eure	23r	23r
Darlington	18	18/03/1406	Ralph de Eure	23r	23v
Bishop Auckland	s.v.	20/07/1406	Ralph de Eure	25r	25v
Middleham	s.v.	21/07/1406	Ralph de Eure	26r	26v
Stockton	s.v.	22/07/1406	Ralph de Eure	26v	27v
Darlington	s.v.	23/07/1406	Ralph de Eure	28r	28r
Sadberge	s.v.	23/07/1406	Ralph de Eure	27v	27v
Wolsingham	s.v.	27/07/1406	Ralph de Eure	28v	29r
Lanchester	s.v.	28/07/1406	Ralph de Eure	29r	30r
Chester-le-Street	s.v.	29/07/1406	Ralph de Eure	30v	31v
Houghton	s.v.	30/07/1406	Ralph de Eure	32r	33r
Easington	s.v.	31/07/1406	Ralph de Eure	33r	34r

s.v. = *sede vacante*

## Appendix II

### Halmote Courts and Townships

Location of the halmote courts by circuit, each with its reporting townships.

*Court locations* are listed by usual order in the circuit. Reporting villis are listed alphabetically.

The number in parentheses and the color are the keys to each vill's location on Map 1.

#### Southern Circuit

*Bishop Auckland*  
 Bondgate-in-Auckland (1)  
 Byers (2)  
 Coundon (3)  
 Escomb (4)  
 Heighington (5)  
 Killerby (6)  
 Middridge (7)  
 Newton Cap (8)  
 Redworth (9)  
 Ricknall [starting in 1397] (10)  
 West Auckland (11)  
 West Thickey (12)

*Middleham Sedgfield*  
 Cornforth (13)  
 (Bishop) Middleham (14)  
 Sedgfield (15)

*Stockton*  
 Carlton (16)  
 Hardwick (17)  
 Hartburn (18)  
 Norton (19)  
 Preston (20)  
 Stockton (21)

*Sadberge* (22)

*Darlington*  
 Blackwell (23)  
 Bondgate-in-Darlington (24)  
 Cockerton (25)  
 Haughton (26)  
 Whessoe (27)

#### Northern Circuit

*Wolsingham*  
 [North and South] Bedburn (28)  
 Bishopley (29)  
 Lynesak (30)  
 Sianhope (31)  
 Wolsingham (32)

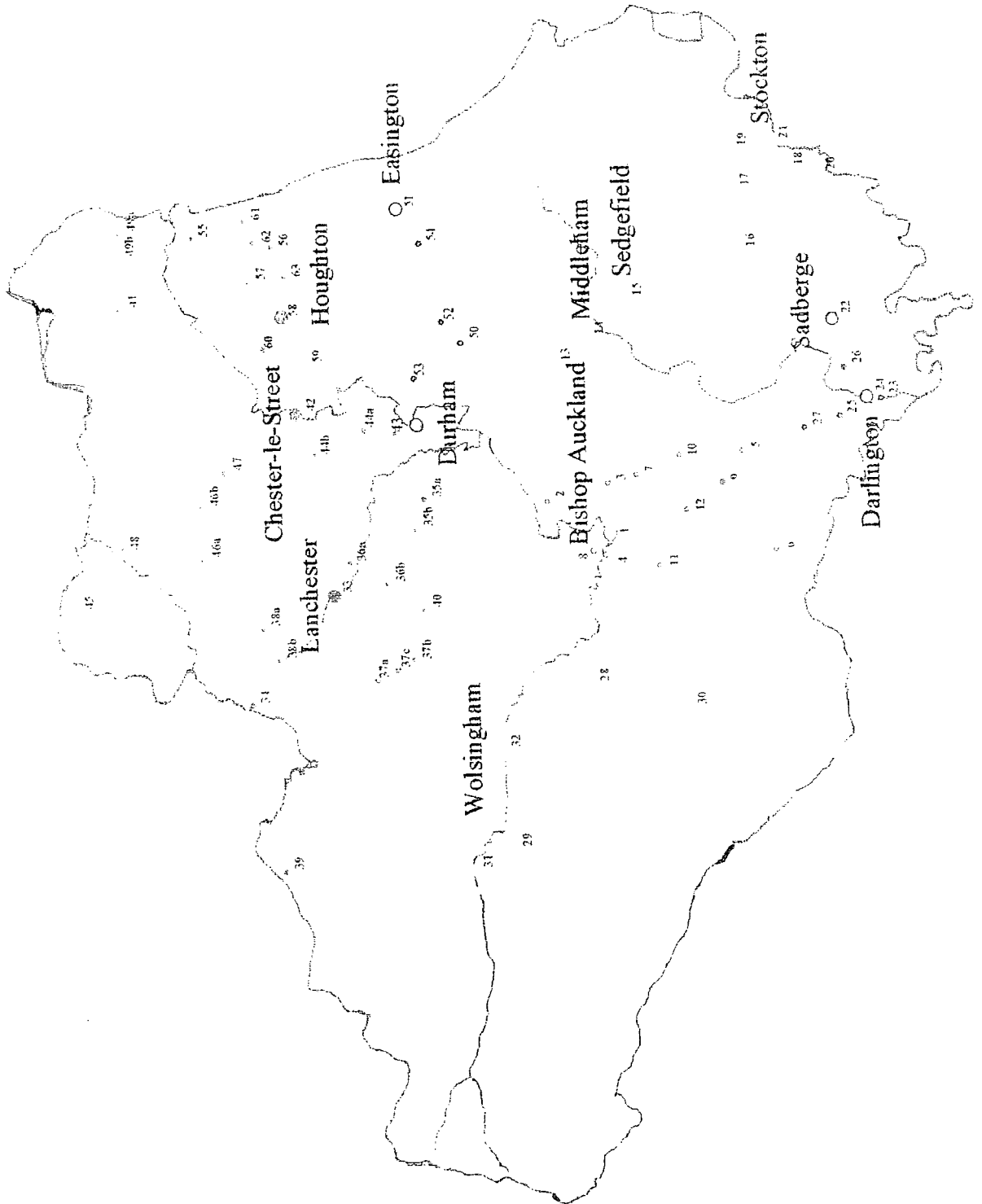
*Lanchester*  
 Lanchester (33)  
 Benfeldside (34)  
 Brome-cum-Flass (35a & 35b)  
 Burnhope (36a) and Hamsteels (36b)  
 Butsfield (37a), Broomshiels (37b)  
 and Satley (37c)  
 Ponthope (38a) and Billingside (38b)  
 Roughside (39)  
 Rowley (40)

*Chester-le-Street*  
 Boldon & Boldon (41)  
 Chester-le-Street (42)  
 Framwellgate in Durham (43)  
 Newton-cum-Plawsworth (44a & 44b)  
 Ryton (45)  
 Tanfieldlea (46a) and Pockerley (46b)  
 Urpeth (47)  
 Whickham (48)  
 Whitburn-cum-Cleadon (49a & 49b)

*Easington*  
 Cassop (50)  
 Easington (51)  
 Shadforth (52)  
 Sherburn (53)  
 Shotton (54)

*Houghton*  
 Bishop Wearmouth (55)  
 Burdon (56)  
 Herrington (57)  
 Houghton (58)  
 Morton (59)  
 Newbottle (60)  
 Ryhope (61)  
 Tunstall (62)  
 Wardon (63)

Halmote Courts and Townships



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PRO DURH 3/13           1388-1405

PRO DURH 3/14           1405-1425

#### Durham, Durham University Library, Archive and Special Collections, Palace Green Section

##### *GB-0033-CCB Church Commission Durham Bishopric deposit: Financial material to 1649*

##### Collectors' Accounts

Box 61, I/E3/1-3, (188650, 188621, 188620) 1397/98, 1400/01, 1402/03

Box 65, I/E4/1 (188857) 1397/98

##### Coroners' Accounts

Box 50, I/D4/1 (188879) 1413/14

##### Sheriffs' and Escheators' Accounts

I/C1/1 (189602) 1412/13

I/C1/2 (189600) 1415/16

##### Miscellanea on Accounts 1394-5

Box 23, File 1, I/A5/1/1-72 (221160)

##### *GB-0033-DHC1 Durham Bishopric Halmote Court Records: Court Books and Miscellaneous Books*

##### Halmote Court Books

DHC1/I/1 6 October 1519 - 4 May 1521

DHC1/I/74 (279582) 11 June 1623 - 17 May 1625

DHC1/I/80 (279585) 28 April 1642 - 26 October 1649

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