

**RURAL SOCIETY IN THE MANOR COURTS OF
NORTHAMPTONSHIRE, 1350-1500**

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by

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Abstract

The lives of medieval English peasants were influenced more by the manor than any other secular institution. Through its court they resolved disputes, received customary holdings, engaged in the land market and were subject to manorial discipline. Where the lord exercised view of frankpledge, his court licensed them to produce and sell bread and ale, and they presented petty criminals and offenders against by-laws or custom. Better-off peasants, serving as jurors and manorial office-holders, were able to influence the procedures and business of the court.

This thesis identifies the extent to which peasant society remained subject to manorial courts, during the 150 years after the Black Death, in certain Northamptonshire manors, grouped in three different regions of the county and governed by different forms of lordship: royal, gentry and conventual.

In the royal manors remote lordship effectively devolved management to members of the local peasant elite: for example, the land market was administered through elected bailiffs. There is no evidence of late survival of the incidents of serfdom, although entry-fines on admission to land were relatively high. At Brigstock, notably, the court continued to be used as an effective forum for inter-peasant litigation to the end of the fifteenth century.

On the gentry and priory manors, although attempts to prevent the emigration of the unfree were unavailing, customary tenants remained subject to burdens such as labour services, heriot and the maintenance of redundant buildings. On such manors tenants had largely abandoned the court as a forum for litigation by 1450.

Irrespective of lordship, peasants continued to owe suit, undertake office and assent to by-laws regulating agriculture and social behaviour. Customary tenure remained subject to the court. Particularly where view of frankpledge was exercised through the manor court, its range of business and impact on local people was largely undiminished by 1500.

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Abbreviations Used in the Text

Add. Ch.	Additional Charters in the British Library
BL	British Library
CCR	Calendar of Close Rolls
CIM	Calendar of Inquisitions Miscellaneous
CIPM	Calendar of Inquisitions Post Mortem
CPR	Calendar of Patent Rolls
FH	Finch Hatton Collection in Northamptonshire Record Office
M(B)	Montagu (Boughton) Collection in Northamptonshire Record Office
ML	Miscellaneous Ledgers in Northamptonshire Record Office
NRO	Northamptonshire Record Office
RCHME	Royal Commission on Historical Monuments England
SS	Stopford Sackville Collection in Northamptonshire Record Office
TNA:PRO	The National Archive: Public Record Office
VCH	Victoria County History
YO	Young of Orlingbury Collection in Northamptonshire Record Office

Chapter 1

Introduction: The Manor in its Environment

The manor, vill and parish were the three most significant territorial units in the medieval English countryside. The vill was an area, including one or more settlements, defined for purposes of royal government such as the assessment and collection of taxes. The parish was the basic unit of ecclesiastical pastoral care whose inhabitants were expected to contribute significantly to the maintenance of the local church and priest. Vill and parish tended to coincide albeit sometimes imperfectly.¹

The manor was a distinct unit of local lordship and jurisdiction, economic and social exploitation and estate management. Throughout the Middle Ages the manor, through its court, exerted an influence on the daily lives of the common people of rural England greater than that of any other secular institution. Indeed it is arguable that its influence was greater even than that of the church, and it was the pervasive and often oppressive demands that the manor could make which led, in some parts of the country, to its records becoming the target for destruction by peasants who rose in revolt in 1381.²

This study examines the extent to which the manor courts had a continuing and significant impact on rural society, particularly the peasantry, in three areas of Northamptonshire during the period when the Middle Ages drew to a close, between the catastrophe of the Black Death in the middle of the fourteenth century and the beginning of the sixteenth century. During that time the influence of manor courts declined in certain respects, notably in enforcing the most oppressive rights of lordship arising from the institution of serfdom, although the loss was uniform in terms neither of time nor place. Some ceased to be local centres of civil litigation although this was not universally so. Lords, however, continued to summon their courts, expected the attendance of tenants owing suit and amerced those who defaulted in their obligation. More significantly the courts continued to be the effective seigneurial instrument for enforcing the lord's rights in customary land, albeit moderated by

¹ E. Miller and J. Hatcher, Medieval England – Rural Society and Economic Change 1086-1348 (London, 1978), p.107; J. Whittle, The Development of Agrarian Capitalism. Land and Labour in Norfolk 1440-1580 (Oxford, 2000), p.212, note; and C. Lewis, P. Mitchell-Fox and C. Dyer, Village, Hamlet and Field. Changing Medieval Settlements in Central England (Flexicover edn Macclesfield, 1997), p.155.

² C. Dyer, 'The background to the rural revolt of 1381', in C. Dyer, Everyday Life in Medieval England (2nd edn London, 2000), p.218.

changed economic circumstances in which tenants' scope for negotiation was often much improved after about 1370. Seisin of customary land could change hands only through the manor court, so that it remained essential for tenants seeking to register the inheritance, sale or lease of such land to do so there.

Whittle has argued that in parts of late-fifteenth century Norfolk the manor provided a constant background rather than being an active force for change.³ On the other hand the courts can be seen as in some degree innovative during the fifteenth century. The promulgation of by-laws, not simply prescribed by the lord's steward but agreed by all those owing suit, provided written rules for regulating agricultural practice in the open fields, made arrangements for maintaining the built environment of the vill, and enforced codes of social behaviour. In general, this marked an advance from merely reacting to individual breaches of customary arrangements, towards providing agreed and recorded procedures for managing them in the future. It was the better-off peasantry, not only the lord, who found such ways of using the manor court for their purposes.

Historians have pointed out that the manorial documents of the period studied are less informative than those from earlier in the Middle Ages.⁴ This is acknowledged. At Brigstock, for example, a royal manor in this study, the clerk adopted the practice late in the fifteenth century of recording trespass in the fields with animals, by entering on his roll only the name of the first tenant on the hayward's list of presentments, adding only *et aliis* together with the sum of the amercements due. Details such as tenants' names, crops, field and furlong names and the numbers and types of animals now went unrecorded.⁵ But the purpose of the court rolls was not to collect statistics for posterity but to keep track of what

³ Whittle, *Agrarian Capitalism*, p.84

⁴ L. Poos, *A Rural Society after the Black Death: Essex 1350-1525* (Cambridge, 1991), p.5 makes the general point; P.R. Schofield, 'The late medieval view of frankpledge and the tithing system: an Essex case study', in Z. Razi and R. Smith, eds, *Medieval Society and the Manor Court* (Oxford, 1996), p.411 refers specifically to the manor of Birdbrook where late-fourteenth century entries are less detailed than those of a century earlier. C. Dyer, 'Documentary evidence: problems and enquiries', in G. Astill and A. Grant, eds, *The Countryside of Medieval England* (Oxford, 1988), p.14, emphasises that court rolls are the main source for the peasantry, but contrasts the good quality of evidence they offer c.1300 with that of the fifteenth century. He also points out that after 1500 many new sources become available, which is endorsed by C. Howell, *Land, Family and Inheritance in Transition: Kibworth Harcourt 1280-1700* (Cambridge, 1983), p.58 who says that by the early-sixteenth century court rolls are no longer the most important source of data.

⁵ The court rolls of the manor of Brigstock are divided between the Northamptonshire Record Office (NRO) and The National Archive: Public Record Office (TNA:PRO). At NRO the rolls are part of the Montagu (Boughton) Collection hereafter M(B). An example of an informative list of trespass presentments is in NRO

was owed to the lord.⁶ While this continued to be done competently the effect on the amerced tenant was as great as it would have been had further detail been added to the record, and it will be argued that at the end of the fifteenth century the manor and the jurisdiction of its court probably remained the most significant secular influence on the lives of the majority of the rural population in Northamptonshire.

The continuing importance of the manor court will be assessed in this study through an investigation of three groups of manors, each situated in a distinct natural region of the county. Together they also provide examples of different forms of lordship: crown, gentry and monastic or conventual. Table 1.01 lists the manors studied, by region and with the other territorial units to which they were related, and Figure 1.01 shows their location within the county boundary as it was before 1974. The next three sections of this chapter describe briefly the different territorial structures and lordship of the manors studied, the landscapes in which they were situated and the characteristics of their local economies. The chapter concludes by identifying the main elements of late medieval rural society which had business in the courts studied, notably the better-off peasants with whom this study is particularly concerned.

The Manors

The manorialization of the English countryside was a consequence of the gradual fragmentation of the large multiple estates which had characterized middle Anglo-Saxon England. From the eighth until the twelfth centuries these large estates were broken down into units of local lordship which became known as manors. Domesday Book provides a snapshot of these many and varied local lordships, and it is likely that during the next two hundred years, as new land was brought into use and population increased, further manorial fragmentation occurred. Bailey suggests that the total number of manors probably peaked c.1300 but thereafter there was little or no increase, and fusion of small units may have become the more dominant process.⁷

M(B) Box X366, View Edward Confessor 36 Hen. VI; an example of the later and less informative type of record is in TNA:PRO SC2/194/73 m.1, View Michaelmas 13 Hen. VI.

⁶ J. Ravensdale, 'Population changes and the transfer of customary land on a Cambridgeshire manor in the fourteenth century', in R. Smith, ed., *Land, Kinship and Life-Cycle* (Cambridge, 1984), p.200.

⁷ P. Stafford, *The East Midlands in the Early Middle Ages* (Leicester, 1985), p.35. M. Bailey, *The English Manor c.1200-c.1500* (Manchester, 2000), pp.16-17.

Table 1.01

Manors Studied and Their Related Territorial Units

Rockingham Forest Region

Manors Studied	Parish/Vill	Dependencies	Lordship
Brigstock	Brigstock	Parts of Stanion and Islip	Crown
Piel's manor	Cranford St Andrew		Gentry
Geddington	Geddington	Parts of Barford, Glendon, Islip Kelmarsh and Rushton	Crown
Islip	Islip		Gentry
Lowick and Lowick Nowers	Lowick	Drayton	Gentry
Weekley	Weekley	Part of Geddington	Monastic in fourteenth century; lay gentry by 1453.

Nene Valley Region

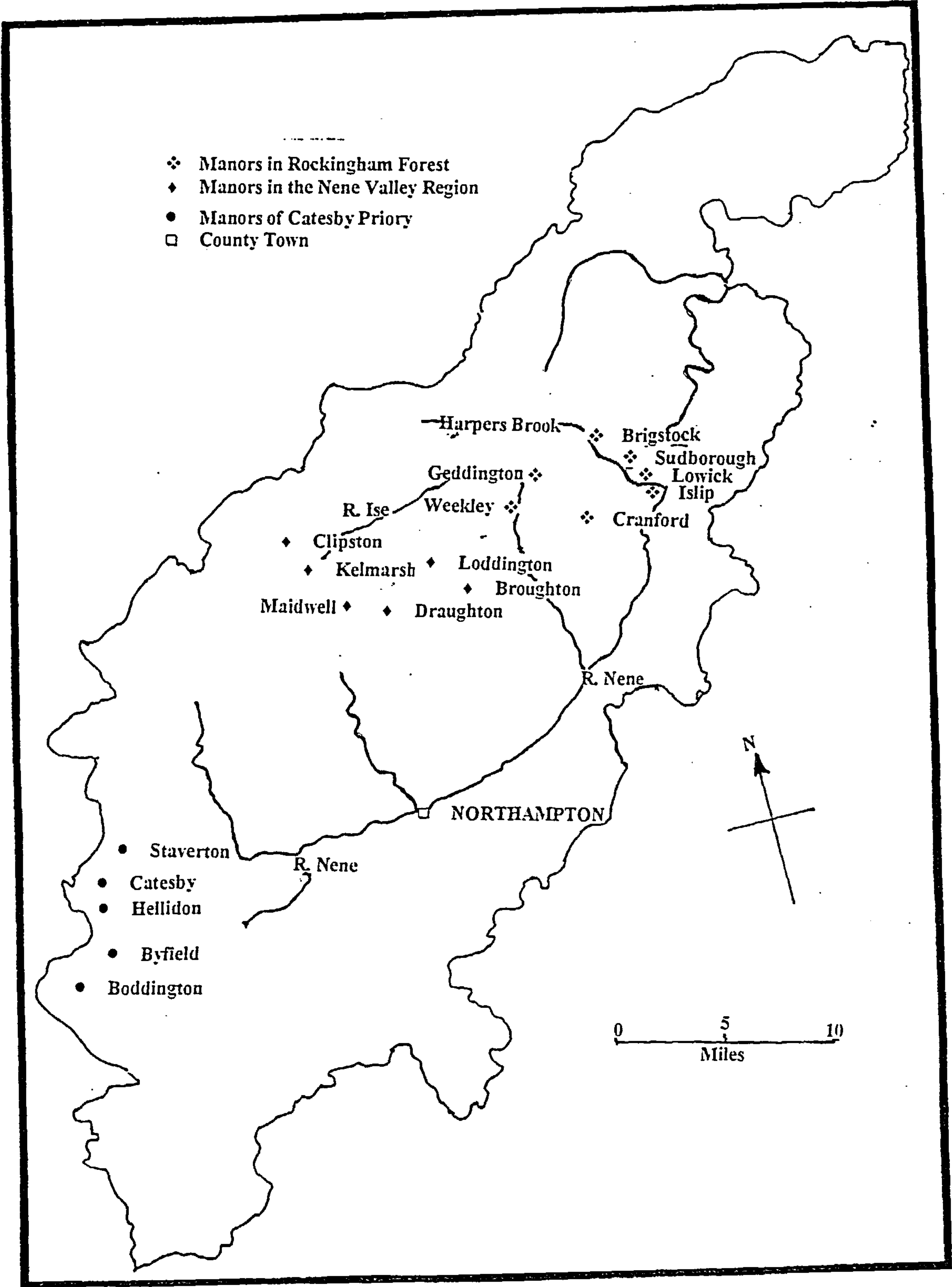
Broughton	Broughton		Gentry
Draughton	Draughton		Gentry
Loddington	Loddington		Gentry
Seytonsfee, Wolvertonfee and part of Rabasfee	Maidwell		Gentry
Tiffildfee and part of Rabasfee	Kelmarsh		Gentry

Northamptonshire Heights (South-West)

Catesby with Schopes	Catesby including Schopes, Hellidon and Newbold		Conventual
Lower Boddington	Boddington		Conventual
Byfield (Westhorp)	Byfield		Conventual

Figure 1.01

Northamptonshire Showing the Locations of the Manors Studied



Between 1350 and 1500, the period of this study, the number of manors may also have been reduced by a tighter legal definition which, Harvey suggests, began to emerge during the fifteenth century. The existence of a manorial court, held by the lord for his tenants, came to define the manor in law: if there was no court there was no manor.⁸

Some scholars still refer to the manorial 'system', but as a convenient shorthand rather than an indication of what existed on the ground.⁹ The usual tendency, as Miller and Hatcher pointed out, is to stress the almost infinite variety of manorial forms and, indeed, the absence of any system. What may once have been thought of as the typical manor, an agricultural settlement contiguous with the vill and parish and comprising a home farm and tenant holdings has, they say, 'been pushed out of the picture'.¹⁰ In the East Midlands generally manors which coincided with villages were not numerous.¹¹ Dyer has emphasised the importance of village meetings where manor and village did not coincide, so limiting the value of the court as a community forum.¹² On the other hand such meetings may have been made more effective where their decisions were confirmed by the courts.¹³

The manors studied had varied territorial structures which are now outlined, in sequence, by type of lordship: royal, gentry and conventual. The royal manors of Brigstock and Geddington, in Rockingham Forest, were the largest and most complex.¹⁴ Like most manors still directly held by the crown during the thirteenth century they could serve as a base for hunting expeditions.¹⁵ However, no royal visit to the hunting lodge at Brigstock is recorded after the reign of Henry I and no repairs to the lodge at Geddington took place after 1285.¹⁶ Both, however, retained their status as ancient demesne and the decline of royal interest left

⁸ P.D.A. Harvey, Manorial Records, (Revised edn London, 1999), p.2 cites Chief Justice Sir Edward Coke in the early seventeenth century commenting that 'a Court Baron...is the chiefe prop and Pillar of a manor which no sooner faileth but the Manor falleth to the ground'.

⁹ A recent example is the title of J. A. Raftis, Peasant Economic Development within the English Manorial System (Stroud, 1997).

¹⁰ Miller and Hatcher, Medieval England, p.184.

¹¹ Miller and Hatcher, p.184; Lewis *et al.*, Village Hamlet Field, p.155.

¹² C. Dyer, 'Power and conflict in the medieval English village', in Dyer, Everyday Life, p.5.

¹³ W.O. Ault, Open Field Farming in Medieval England. A Study of Village By-Laws (London, 1972), p.58

¹⁴ J.M. Bennett, Women in the Medieval English Countryside. Gender and Household in Brigstock before the Plague (Oxford, 1987), the only major study to have made extensive use of the significant body of manorial documentation for Brigstock, does not go beyond the Plague. No previous manorial study of Geddington appears to have been undertaken.

¹⁵ Lewis *et al.*, Village Hamlet Field, p.156.

¹⁶ Bennett, Women in Brigstock, p.15 and The Royal Commission on Historical Monuments England, An Inventory of the Historical Monuments in the County of Northampton 2 (London, 1979), p.51.

them to develop under a relatively relaxed form of lordship.¹⁷ During the period under consideration they were often leased and their income bestowed in part on the queen.¹⁸

Brigstock, by the fourteenth century, had lost its Domesday dependency in Geddington, but retained others in Stanion and Islip. Stanion was closely associated with it and, throughout the Middle Ages, many Stanion tenants were subject to the Brigstock court. Bennett has emphasised the links before 1348 and says that the clerk of the manor court usually treated the two settlements as a community. In the fifteenth century, however, a distinction was normally maintained in the rolls so that it is clear to which vill a particular presentment, or land transfer refers.¹⁹ Two manorial units can be identified in fifteenth-century Stanion: Netherall and Upper Hall. The former was the dependency of Brigstock and the latter may originally have been the small manor held there by the bishop of Coutances in 1086.²⁰ No separate manorial records of either are extant and all Stanion men are likely to have owed suit to the view of frankpledge at Brigstock.

Brigstock's manorial link with Islip was less significant. Only three Islip tenants were listed in the survey of 1439, and between 1349-50 and 1507-8 only seven land transactions are recorded in the Islip dependency.²¹ In the surviving rolls no manorial officials presented from Islip although on seven occasions, between 1461 and 1470, their election was recorded.

A final jurisdictional complication in Brigstock was the existence of a fee of the abbot of Cirencester. Bennett does not mention it in her study of the pre-plague manor, but the earliest surviving fifteenth-century view of frankpledge records that John Richard was tithingman from the abbot's fee, an office which continued to be filled regularly as late as 1504. The distinction is not apparent in the *parva curia* rolls, and the abbot may have held a court for his own men, although no records of it survive. The distinction was, nevertheless, not without significance: for example, in 1391, it was laid down that only men of the king's fee might be made tenants of demesne land by the king's bailiffs.²²

¹⁷ *Calendar of Close Rolls*, Ric. II 1 (London, 1914), p. 188 records confirmation of Brigstock's status in 1379.

¹⁸ *C C R Ric. II 3* (1921), p.12 and *Henry VI 5* (1947), p.393 provide examples.

¹⁹ Bennett, *Women in Brigstock*, p.11.

²⁰ NRO Miscellaneous Ledgers (ML) 141, Survey of the manor of Brigstock 18 Hen. VI; G.Foard, 'Medieval woodland, agriculture and industry in Rockingham Forest, Northamptonshire', *Medieval Archaeology*, 45 (2001), p.92.

²¹ NRO ML 141.

²² NRO Brudenell Manuscripts Bru E xxii 1, Customary of Brigstock and Stanion 14 Ric. II.

Geddington, in 1086, had comprised a manor of the abbey of St Edmund, and a one-hide unit dependent on Brigstock which, by the fourteenth century, had been enlarged to become a separate royal manor.²³ It also had dependencies and, in 1360, tenants of certain holdings in Islip were distrained to pay fealty. At the same court the ale-tasters of Glendon presented, and the tithingmen of Barford, Glendon and Rushton presented at the earliest surviving view of Michaelmas 1377.²⁴ Between 1410 and 1414 the tithingmen of Oakley Parva also answered at the Geddington view, but when the rolls series resumes, after a break between 1414 and 1420, it contains no further reference to that settlement. The main series ends in 1423 but two late, isolated views, of 1490 and 1505, similarly include no reference to Oakley although the tithingmen of Barford, Glendon and Rushton still made presentments.²⁵

Conversely, there were also free tenants holding in Geddington but owing suit outside the manor, to the fee of St Edmund in Weekley, their holdings, perhaps, a relic of the abbey's Domesday manor in Geddington. They were few in number but appear in a Geddington extent of 1327, and a Weekley rental of 1491-2 when there were only three.²⁶

A feudal link, unlikely to have affected peasant landholders, was between Geddington and Kelmarsh. It is documented in 1360, when Simon of Kelmarsh died and his son, Edmund de la More, was admitted to his estate. This comprised half of a *manerettum*, a small manor, which he held of the lady queen as of the manor of Geddington, in Kelmarsh, together with certain rents elsewhere. Court-roll references to the manorial outpost in Kelmarsh recur on five occasions, the last in 1385.²⁷

Gentry manors, among those studied, were located in the Rockingham Forest and Nene Valley regions. Cranford, in Rockingham Forest, includes two parishes, St John and St

²³ RCHME, *Northampton*, 2, p.51. Assarting may well have been a contributory factor: Lewis *et al.*, *Village Hamlet Field*, p.142, refer to the clearance of 500 acres at Rushton a vill which, by the fourteenth century, owed suit at the view of frankpledge at Geddington.

²⁴ NRO M(B) Box X 351A, Court Gregory 34 Edw. III; M(B) Box 345B, Inquisition of the Manor, Conversion Paul 33 Hen. VI also lists the Islip holdings of Geddington; Box X351B, View Michaelmas 1 Ric. II lists the tithingmen.

²⁵ NRO M(B) Box X351B, View date lost but probably, from interpolation of debt litigation, held in the Autumn of 1410; view date also lost but dateable to 1411 by reference to surrounding courts; View Dionysius 13 Hen. IV; View 16th April 13 Hen IV; View Martin 14 Hen. IV; View Philip and James 1 Hen. V; View Dionysius 1 Hen. V; View Pentecost 2 Hen. V. The two late views are M(B) Box884, Epiphany 5 Hen. VII, and 4th November 1505.

²⁶ TNA:PRO, Rentals and Surveys, SC12/Portfolio 13/29; NRO M(B) Box X341.

²⁷ NRO M(B) Box X351A, Court Gregory 34 Edw. III; Box X351B, Courts Michaelmas 1 Ric. II and Peter & Paul 3 Ric. II; Box 351A, Court Andrew 4 Ric. II; Box X351B, Courts Michaelmas 6 Ric. II and 30th September 9 Ric. II.

Andrew, and the surviving court rolls are those of a manor in St Andrew.²⁸ Roger Lychefeld and his associates had it in 1405. Subsequently it was held by William Hodelston whose wife, Elizabeth, became lady on her husband's death in the 1420's, until her marriage to William Braunspath, after which she and her husband are shown as holding together. During the late 1430's and early 1440's Elizabeth, presumably a widow again, appears variously as Elizabeth Hodleston and Elizabeth Braunspath but always in her own right. The last surviving roll of 1453, however, is a court of Henry Hodylston.²⁹

Lowick and Islip, on the edge of the Forest, were both held by the Grene family during much of the period studied. Of the two Lowick manors in 1086, one was held jointly by Edwin and Algar. The latter's share probably became Drayton manor, conveyed to Sir Henry Green in 1362, and Edwin's holding, later Nowers Manor, had passed to him by 1367.³⁰ Hall has pointed out that modern Lowick includes two distinct areas: a village street and, to the west and on the other side of Harpers Brook, a cluster of houses and farm buildings which, he argues, represents the medieval vill of Drayton.³¹ Court roll evidence supports the view that, by 1370, both manors were held by the Green family. The earliest roll contains five courts, held between December 1370 and November 1373, which are courts of Henry Grene and refer to Lowick but one court took place at Drayton.³² A rental of Henry Grene, of 1382, refers only to Lowick and Lowick Nowers, but the continued link with Drayton is mentioned by Bridges who says that, during the reign of Edward IV, the earl of Wiltshire, through marriage, acquired Drayton Manor, to which Lowick was attached.³³ Again, court roll evidence supports this: a court of May 1471 was of John, earl of Wiltshire, and later courts, to 1495, were those of the earl or his feoffees.³⁴ Overlordship of Lowick lay with the earls of Gloucester. Consequently, although the surviving Lowick courts are small courts of

²⁸ W. Page, ed., *V.C.H. Northamptonshire*, 3 (1930), p.186, suggests that one manor in St Andrew was purchased in 1360 by Henry Pyel, and the earliest Cranford manorial document, dated to the reign of Richard II, is a rental for the manor of Nicholas Piel in NRO M(B) Box X363.

²⁹ The Cranford rolls are in NRO M(B) Collection, no box number. Courts indicating change of lordship are John Latin Gate 6 Hen. IV; Mark 10 Hen. IV; 2nd June 1 Hen. VI; Dionysius 3 Hen. VI; Hugh 18 Hen. VI; and 8th October 32 Hen. VI.

³⁰ Page, ed., *V.C.H. Northamptonshire*, 3, p.235 traces the manorial descent, and the sale of Drayton manor is recorded in J. Bridges, *The History and Antiquities of Northamptonshire* (2 vols, 1791), 2, p.248.

³¹ D. Hall, *The Open Fields of Northamptonshire*, Northamptonshire Record Society 38 (1995), p.311

³² NRO, Stopford Sackville Collection (SS), SS 3214(c)

³³ NRO SS 3678; Bridges, *Northamptonshire*, 2, p.248.

³⁴ NRO SS 3465, 3472, 3466, 3214(a) in chronological sequence.

the local lord, the ten views of frankpledge held there between 1413 and 1417 are of the honor of Gloucester.³⁵

Islip had also comprised two manors in 1086.³⁶ One, of a hide and a virgate, held by Algar, is the one for which late-medieval manorial documents have survived. The Green family held until the 1460's but by 1470 the earl of Wiltshire was lord and, as at Lowick, later courts are those of his feoffees.³⁷ A somewhat larger area, including significant meadowland, was a dependency of the royal manor of Brigstock. By the late-fourteenth century a dependency of the royal manor of Geddington was also in being. There was also a holding later called Norwyches Manor which may have originated as a sub-division of the royal holdings in Islip dependent on Brigstock. In 1376 it came into the hands of John Holt, a Justice of the Common Pleas, who forfeited it for treason in 1388, although it was restored to John, his son, in 1391 and remained in the Holt family until 1451-1452.³⁸ Certain details of the land, and its stock and crops were recorded in an inquisition of 1388, and a series of accounts exists, drawn up between 1411 and 1427, by John Mariot, *appruator* and rent-collector of John Holt, of the land and tenements called *Beaumys* and *Iosholm*.³⁹ The latter were, presumably, the whole or part of the later Norwyches manor. If, however, the Holt or Norwich families held a court for their tenants no record has survived. The 1382 rental makes it clear that *Beaumys* and *Iosholm* were subordinate to the main manor: John Holt is recorded as a tenant holding land for 8s. per annum formerly held by William Iosholm.⁴⁰ Continued subordination to Islip of the land of *Beaumys* and *Iosholm*, alias Norwyches Manor, was again apparent in 1504 when John Norwich died seised of a manor in Islip which he held of the earl of Wiltshire, lord of Islip.⁴¹

The gentry manors studied in the Nene Valley region were situated in the five parishes of Broughton, Draughton, Kelmarsh, Loddington and Maidwell where the early manorial structures were complex and often associated with the royal manor of Rothwell. In 1086, Rothwell included the whole of Loddington. It also had dependencies in Broughton,

³⁵ Page, ed., V.C.H. *Northamptonshire*, 3, p.235; Bridges, *Northamptonshire*, 2, p.246; the Views are NRO SS 3462.

³⁶ J. Morris, ed., *Domesday Book. Northamptonshire* (Chichester, 1979).

³⁷ NRO SS 3465, 3472, 3466, 3214(a) in chronological sequence.

³⁸ Page, ed., V.C.H. *Northamptonshire*, 3, pp.215-216

³⁹ NRO Finch Hatton Collection (FH), FH 426 m.5, 434, 435, 438, 439, 440, 441, 442, 521.

⁴⁰ NRO SS 3678.

⁴¹ Page, ed., V.C.H., *Northamptonshire*, 3, p.216.

Draughton and Kelmarsh in each of which there was also a separate manor. Maidwell alone had no manorial link with Rothwell but itself included three manors the largest of which, something over four hides, incorporated a virgate in Draughton.

By the late fourteenth century the picture had simplified. Loddington, Broughton and Draughton were all single manors, and the court rolls suggest no remaining link with Rothwell.⁴² For at least a century after 1376 Loddington was held by the Kynnesman family, to whom it had reverted, after an interval, by 1502. Broughton similarly appears to have become a single lordship held, for much of the period studied, by the St Germain family. The only hint of a separate second lordship appears in 1460 when a court of the *feoffati* of Margery Torette took place. It lies outside the main sequence of courts: the tithingmen differ from those presenting at the courts immediately before and afterwards and the insertion of a third court in August, between the Spring and Autumn courts, is unusual. Moreover, much of the business, concerning rent arrears and dilapidated buildings, is at variance with the impression of an efficiently run manor reflected in the remaining rolls. Perhaps Margery Torette was a widow or daughter exercising lordship for only a short period of time. Ault had no doubt that Broughton was a single manor coterminous with vill and parish.⁴³ Draughton was also a unified lordship by the late-fourteenth century. John Malore held it in 1362 and John Moygne by 1367.⁴⁴ By 1394, however, it was in the hands of John Seyton.⁴⁵

Manorially, the parishes of Maidwell and Kelmarsh were linked. In fourteenth-century Maidwell there were two manors, Seytonsfee and Wolvertonfee, and, in Kelmarsh, one called Tiffelfee. A fourth manor, variously called in the rolls Rabasfee or Rabashall, included land and tenants in both parishes.⁴⁶ The clerk, however, in compiling his rolls, sometimes referred only to Maidwell or Kelmarsh, leaving it unclear from which manor a particular presentment or land transfer arose. The Maidwell and Kelmarsh manors, like

⁴² NRO, Young of Orlingbury Collection (YO) for Loddington; NRO M(B) Box X386 for Broughton; and NRO FH for Draughton

⁴³ W.O. Ault, 'Manor court and parish church in fifteenth-century England: a study of village by-laws', *Speculum*, 72 (1967), p.63.

⁴⁴ NRO FH 414; British Library Additional Charters 21781.

⁴⁵ NRO FH 414.

⁴⁶ NRO FH 485, rentals of 1392 and 1396, for the earliest documentary references to Seytonsfee and Wolvertonfee; FH 427 has a Kelmarsh court of 1352 held in the name of Roger of Tiffelfield. Bridges, *Northamptonshire*, 2, p.45 traces the Rabaz family from the twelfth century; BL Add. Ch. 22255 shows Agnes Rabas drawing income from Maidwell in the later Middle Ages. NRO FH 530 has the earliest court reference to Rabashall in 1386, although at the previous court, held in 1385, tenants of Kelmarsh and Maidwell had presented separately, a normal procedure at Rabasfee courts.

Draughton, were, in the late-fourteenth century, held by John Seyton: he was holding court in Maidwell by 1360, in Kelmarsh by 1378 and in Draughton by 1394.⁴⁷ All five contiguous manors probably remained in Seyton hands for much of the fifteenth century: the Draughton roll series ends in 1442, and a court of 1438 was Thomas Seyton's; in Kelmarsh the last court in the series, in 1486, was John Seyton's as was a Maidwell estreat roll of 1508.⁴⁸

Common lordship did not, however, extinguish distinctions between fees, important to both lord and tenants. The Maidwell rental of 1392, for example, indicates that rents and services owed for comparable areas of land were notably higher in Seytonsfee than Rabasfee: Simon atte Esthende paid 13s.4d. and one day with two men for 1½ virgates in Seytonsfee, but only 15d. and one day for two virgates in Rabasfee.⁴⁹ Also in Rabasfee, only Kelmarsh tenants paid an unusual form of pannage, when they slaughtered a pig, of 1d for a year-old pig and ½ d for one less than a year old.⁵⁰

The conventual manors studied include three held by Catesby Priory, a twelfth-century foundation for a small number of cistercian nuns, in the south-west of the Northamptonshire Heights, and Weekley in Rockingham Forest held by the abbot of St. James, Northampton. The priory manors are Catesby with Schopes, Boddington and Byfield. In 1086 a single manor of four hides recorded at Catesby was probably contiguous with the medieval parish. By the fourteenth century there were three manorial lordships there. The first comprised Upper Catesby, site of the parish church and the original tenant settlement; and Lower Catesby, site of the priory and the settlement of Schopes, which developed adjacent to it probably as a result of the early grants to the priory of a market and fair which had vanished by the late-fourteenth century.⁵¹ Most of the surviving priory manorial records are from this manor. Newbold was a subordinate manor whose lord did homage to the prioress and no separate manorial records survive from it.⁵² Hellidon was the third manor in Catesby parish. A rental or custumal of the manor of Hellidon, of 1272-3, does not mention the priory

⁴⁷ NRO FH 2966, 532 and 414.

⁴⁸ NRO FH 524, 355 and 4057.

⁴⁹ NRO FH 485.

⁵⁰ NRO FH 544, Court 5th January 10 Ric. II for example.

⁵¹ P. Goodfellow, 'Medieval markets in Northamptonshire', *Northamptonshire Past and Present* 7 (1987), pp. 319 and 316, indicates they had vanished before 1500 but nothing in the court rolls suggests their survival even as late as 1400.

⁵² TNA:PRO SC2/195/3 m.3 and SC2/195/5 m.1.

although the chapel there was part of its original endowment.⁵³ Nor does the priory's earliest surviving rental, 1339-40, include Hellidon, but between April 1408 and March 1423 the homage there presented at twenty-five of the prioress's Catesby courts and land transfers there were recorded.⁵⁴ Most priory account rolls and rentals, between 1415 and 1536, include an income from Hellidon and, occasionally, tenant names. The homage, however, disappears from the Catesby court rolls after March 1423, and there are no surviving separate courts such as the prioress held at Boddington, and Byfield.⁵⁵

Boddington and Byfield each included two manors in 1086 and Hall found that there were two settlements in each during the Middle Ages, each having a separate field system so it is likely that each parish continued to include two manors.⁵⁶ In Boddington the priory manor, often referred to in the rolls as *parva bodynton*, was presumably in modern Lower Boddington but in Byfield the fifteenth-century manorial situation is less clear. The original gift there to the priory was of eight virgates in 1239.⁵⁷ Hall says that the enclosure award of 1778 reveals two separate field systems in the parish, one associated with Byfield and the other with Westthorp; these he relates to the eight-hide and two-hide manors, respectively, of 1086.⁵⁸ If the eight-virgate gift and the two-hide manor were the same land unit the priory possessions were those of Westthorp although the rolls always refer to the court being held at Byfield.⁵⁹

At Weekley, the larger of the two Domesday manors, which was held by the abbey of Bury St Edmund in 1086, is probably the one for which there are late-fourteenth century court rolls and six fifteenth-century rentals. Between 1354 and 1403 it was held by the abbot of St James, Northampton, but an isolated court of 1453 indicates that it was then in lay hands as do the rentals.⁶⁰

⁵³ TNA:PRO SC12/13/22; Bridges, Northamptonshire, 1, p.277.

⁵⁴ TNA:PRO SC2/195/6 m.9 to SC2/195/8 m.1.

⁵⁵ TNA:PRO SC6, SC11, SC12, and E315 include twenty-seven sets of priory accounts, and rentals, from between 1415 and 1536.

⁵⁶ Hall, Northamptonshire Fields, p.200 and p.226.

⁵⁷ G.Baker, The History and Antiquities of the County of Northampton (2 vols, 1822-36), 2, p.486.

⁵⁸ Hall, Northamptonshire Fields, pp.226-228

⁵⁹ In the absence of local information, this assumes a hide of 120 acres and virgate of thirty acres, compare, for example, D. Hey, ed., The Oxford Companion to Local and Family History (Oxford, 1996), pp. 217 and 476.

⁶⁰ NRO M(B) Box 340, Courts of the abbot of St James, 1354–1403 and Court of William Brokeys, Invention Holy Cross 31 Hen. VI. NRO M(B) Box 341 for the rentals.

Manorial Jurisdiction

Certain aspects of manorial court business are examined in detail in the course of this study. In summary it comprised land transfers and related estate matters, inter-tenant litigation, manorial discipline and the promulgation of by-laws to regulate agricultural practice and social behaviour. In addition to this jurisdiction, exercised simply by right of lordship, some lords enjoyed the delegated power of view of frankpledge. This normally took place twice a year at what was sometimes called the court leet. Neither view of frankpledge nor leet jurisdiction were, in origin, manorial functions or seigneurial rights. Both were adjuncts to royal jurisdiction, developed during the twelfth century. Frankpledge required all male villagers to belong to a tithing whose members were mutually responsible for keeping the peace, and to this was added a requirement to present suspected criminals at the sheriff's tourn. Where the oversight of this jurisdiction was delegated to local lords the view often became closely related to the manor court. Howell found at Kibworth Harcourt that the court baron was normally held in conjunction with the view and the distinction between them was not always closely observed.⁶¹

On the manors studied the view was exercised only at Brigstock and Geddington, the two royal manors, and Broughton and Loddington, former dependencies of the royal manor of Rothwell. It was characterized by the exercise of petty criminal jurisdiction, the enforcement of the assize of bread and ale, attempts to manage the built-up area of the vill in matters such as obstructed roads and blocked waterways, the regulation of field boundaries and the rectification of illicit, but no doubt convenient, field paths. The blurring of the distinction between court baron and court leet which Howell noted is also found.

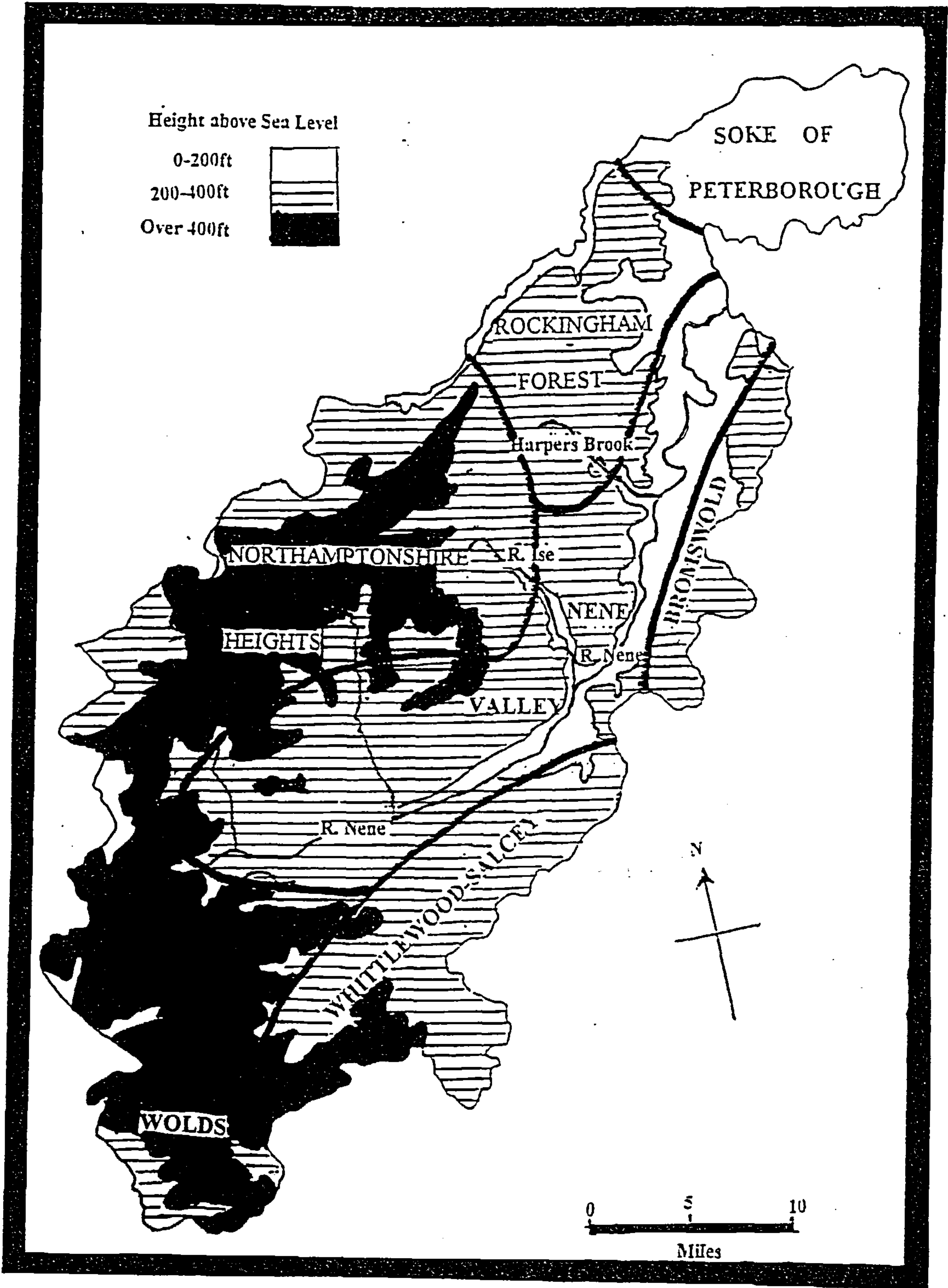
Landscape and Topography

Much of the Northamptonshire countryside does not display striking contrasts. One scholar has recently stated that 'the county is a fairly cohesive unit in geographical and economic terms; the ground is higher in the west than in the east.....and there is no division into distinctive regions...'.⁶² Her comment, however, understates the subtle variety to be found

⁶¹ Howell, Kibworth Harcourt, pp.27-8.

⁶² D. Rice, 'Patterns of progress and social mobility in some Northamptonshire families c.1460 to 1560', unpubl. Ph.D. thesis, University of Leicester (1996), p. 1.

Figure 1.02
The Natural Regions of Northamptonshire



and Figure 1.02 shows the natural regions into which the county is divided.⁶³ The three regions in which the manors studied were situated are Rockingham Forest, the Nene Valley and the Northamptonshire Heights. During the later Middle Ages differences between them were significant: there is, for example, evidence of settlement shrinkage and desertion in all three, but it is most marked in the Northamptonshire Heights which were less favourable to arable farming than some other parts of the county.

Rockingham Forest is nowhere higher than 150m OD and is dominated by boulder clay. It had been distinguished in the early Middle Ages by dense woodland, and its attraction as a hunting ground led to the presence there of several royal estates and hunting lodges. Population density had been sparse in many areas of the forest at the time of Domesday but there is considerable evidence of assarting between 1200 and 1350, and taxable wealth in 1334 was not exceptionally low suggesting that there had been considerable development since 1086.⁶⁴ The river systems in the forest region made it an east-facing part of the county. The river Ise, having risen in the Naseby-Clipston area of the Northamptonshire Heights, trends eastwards and flows through Geddington and Weekley to the river Nene; Harpers Brook rises to the west of Stanion and passes through Brigstock and Lowick before also reaching the Nene. The majority of the out-county connections which appear in the court rolls of the Rockingham Forest manors are with counties to the east, in marked contrast to the situation at Catesby. Islip, assigned here to the Rockingham Forest group of manors, lies a little outside the forest but, as has been indicated was closely associated in terms of lordship with Brigstock, Geddington and Lowick.⁶⁵

The area in the Nene Valley region which forms part of this study includes the gentry manors of Broughton and Loddington and grouped with them are the five manors in the contiguous parishes of Draughton, Kelmarsh and Maidwell which lie between 100m OD and 130m OD at the foot of the eastern slopes of the Northamptonshire Heights as they level out to merge into the Nene valley. The land is generally undulating and the nucleation of the settlement pattern particularly marked. Streams running through it flow to the Nene and the main branches of the network are shown in Figure 1.02. The River Ise, a tributary of the

⁶³ The map is derived from maps in J. M. Steane, The Northamptonshire Landscape (London, 1974), p.27; H. Darby and I. Terrett, The Domesday Geography of Midland England (2nd edn Cambridge, 1971), p.417; Lewis *et al.*, Village Hamlet Field, p.34.

⁶⁴ Lewis *et al.*, Village Hamlet Field, pp.48, 139, 142 and 156.

Nene, rises near Kelmarsh and trends east to be joined by streams entering from Broughton and Loddington. Other streams, flowing south from Maidwell and west from Draughton, converge before feeding what is now known as the Kingsthorpe branch of the Nene which joins the main river at Northampton. Extra-manorial links recorded in the court rolls show that for the manors studied in this region trade and other connections lay to the east, and also north into Leicestershire but not significantly in a westward direction.⁶⁶

The Northamptonshire Heights include on their south-western slopes most of the land held in Northamptonshire by Catesby priory, and the priory manors in this study were not far distant from each other. The Heights rise above 150m OD and comprise an area of mixed soils which are often fertile but sometimes heavy, having poor drainage and being prone to waterlogging. It was a region of considerable settlement shrinkage and desertion and pasture now predominates, but extensive ridge and furrow is evidence of earlier arable farming in the high Middle Ages.⁶⁷ Catesby, with its priory, was a remote settlement and provides a clear example of this process.⁶⁸ The river systems of the Catesby area of the Heights flow west to the Warwickshire Avon and thence to the river Severn, and south to the Thames. Similarly the priory looked west to Coventry and Warwick and south to Banbury for a variety of household goods and for craftsmen and wage-labourers.⁶⁹

Local Economy

Rural Northamptonshire in the Middle Ages was characterized by nucleated village settlements and the pattern of open fields associated with them. Even in the Rockingham Forest area nucleated settlements predominate.⁷⁰ The reasons for the development of this pattern, often referred to as 'the midland system', have produced an extensive literature but

⁶⁵ Pages 7-8 and 10.

⁶⁶ NRO FH 482 records manorial servants from Maidwell buying and selling in the markets at Rothwell in Northamptonshire and Market Harborough in Leicestershire.

⁶⁷ Lewis *et al.*, Village Hamlet Field, p.41 and pp. 58-60. M. Beresford and J. St Joseph, Medieval England. An Aerial Survey (2nd edn Cambridge, 1979), p.127, the photograph of Wolfhampcote and Braunstonberry showing both ridge and furrow and settlement desertion.

⁶⁸ J. Laughton, 'Catesby in the Middle Ages: an inter-disciplinary study', Northamptonshire Past and Present 54 (2001), pp.7-32.

⁶⁹ Chapter 4, Table 4.26, p.237.

⁷⁰ Lewis *et al.*, Village Hamlet Field, p.58.

that it had been in existence for some hundreds of years by the middle of the fourteenth century is not in dispute.⁷¹

The manors and vills in this study were all rural, but varied significantly in terms of wealth and population. The differences appear in Tables 1.02 and 1.03 which give tax values and numbers of taxpayers for the main vill only of each manor. An apparent anomaly in Table 1.02, the amount of tax paid at Lowick in 1379 relative to the number of taxpayers there, is accounted for by Henry Grene, *miles*, having paid 20s. If that is deducted the remainder is comparable to the sum paid by a very similar number of taxpayers at Maidwell. The same sizeable individual payment also explains the high-ranking position of Lowick in the second column of Table 1.03.

In terms of tax-yield and population at the beginning of the period the two royal manors in Rockingham Forest and the priory manors in the south-west of the county were the most prosperous. Brigstock was the wealthiest and most populous. If its adjacent dependency, Stanion, is added to it, the number of taxpayers in 1377 rises to 348 and the tax paid to £5 16s 0d, more than twice as much as any other vill listed in Table 1.02, not only in Rockingham Forest but elsewhere. No direct comparison can be made between the numbers of taxpayers in 1377 and 1524 but Brigstock appears to have remained the wealthiest of the vills despite evidence in the middle of the fifteenth century of a good deal of uncultivated demesne land.⁷² In 1377 Geddington was the second most populous and wealthy of the forest vills (after allowance is made for Henry Grene's wealth in Lowick) although contemporary local opinion was that it was in serious decline and, as in Brigstock, evidence of uncultivated demesne for lack of tenants in the mid-fifteenth century lends support to that view.⁷³ By 1524 it appears to have declined further in relation to both Cranford and Lowick which, if taxpayer numbers are taken as indicators, were the most successful of the forest vills in maintaining their population levels over the period. In 1524 Cranford, for example, still had one taxpayer for every 1.35 there had been in 1379, whereas the Brigstock ratio was only 1:2.6 and, at Geddington 1: 3.2.

⁷¹ T. Williamson, Shaping Medieval Landscapes. Settlement, Society, Environment (Macclesfield, 2003), pp.8-19, provides a recent introduction to the literature.

⁷² NRO ML 141, Survey of the Manor 18 Hen. VI.

Table 1.02

Wealth and Population Indicators of the Villages in which the Manors Studied were Situated

Vill	Tax Value 1334	Tax Paid 1377	Taxpayers 1377	Taxpayers 1524
Brigstock	£9. 0s.0d.	£4. 3s.8d.	251	96
Boddington	£4 19s 3½d	£2 7s 8d	143	-
Broughton	£2.17s.5d.	£2. 1s.0d.	123	-
Byfield	£4 13s 3½d	£3 13s 4d	222	-
Catesby	£4.11s.4d.	£2.17s.4d. <i>c.m.</i>	172	12
Cranford	£2. 7s.7d.	£1. 7s.4d	69	51
Draughton	£3. 2s.0d.	15s.4d.	46	-
Geddington	£4.16s.5d.	£2.11s.0d.	153	47
Islip	£2. 8s.8d.	£1.14s.8d.	104	42
Kelmarsh	£4.12s.8d.	£1. 8s.0d.	84	-
Loddington	£2. 3s.0d.	£1. 7s.8d.	83	-
Lowick	£2.13s.0d.	£2.15s.0d.	100	51
Maidwell	£2.16s.8¾d.	£1.13s.8d.	101	-
Weekley	£2.17s.10d.	£1.17s.8d.	113	36

Note: The figures in the first three columns are taken from R.E.Glasscock, The Lay Subsidy of 1334 (Oxford,1975) and C.C.Fenwick, ed., The Poll Taxes of 1377, 1379 and 1381, Part 2 Lincolnshire-Westmorland (Oxford, 2001). The figures in the fourth column are derived from TNA: PRO E179/155/122, 155/123, and 155/160.

- In 1334 the taxation value of Brigstock included Stanion; in 1377 Stanion was taxed separately and ninety-seven taxpayers paid £1 12s 4d.
- Geddington does not include its manorial dependencies, Barford, Glendon and Rushton.
- No 1377 figures have survived for Cranford or Lowick and those given here are from the returns for 1379.
- The taxpayers at Weekley in 1524 included Boughton which, by then, was largely deserted.
- All figures given for Byfield include Trafford which was later deserted.

⁷³ Calendar of Inquisitions Miscellaneous 3 (1937), p.345; NRO M(B) Box 345B, Inquisition of the Manor 33 Hen. VI.

Table 1.03

Wealth and Population Indicators of the Vill in which the Manors Studied were Situated

Rank order of Villis

Rank Order	Tax Value 1334	Tax Value 1377	Taxpayers 1377	Taxpayers 1524
1	Brigstock	Brigstock	Brigstock	Brigstock
2	Boddington	Byfield	Byfield	Cranford
3	Geddington	Catesby <i>c.m.</i>	Catesby	Lowick
4	Byfield	Lowick	Geddington	Geddington
5	Kelmarsh	Geddington	Boddington	Islip
6	Catesby	Boddington	Broughton	Weekley
7	Draughton	Broughton	Weekley	Sudborough
8	Weekley	Weekley	Islip	Catesby
9	Broughton	Islip	Maidwell	
10	Maidwell	Maidwell	Lowick	
11	Lowick	Kelmarsh	Kelmarsh	
12	Islip	Loddington	Loddington	
13	Cranford	Cranford	Cranford	
14	Loddington	Draughton	Draughton	

Note: The rank orders are derived from the figures in Table 1.02.

The priory manors also lay in an area of the Northamptonshire Heights which was still reasonably prosperous in the late 1370's. The rank orders in Table 1.03 suggest that Boddington may have suffered rather worse than the other settlements during the Black Death, but it still had 143 taxpayers in 1377. By the early-sixteenth century, however, there had been a serious decline. The number of taxpayers at Catesby in Table 1.02 is indicative of its loss of wealth and population during the fifteenth century For each taxpayer in 1524 Catesby had had 14.3 in 1377 and the priory's fifteenth-century rentals and account rolls suggest similar adverse developments on its other manors.

In the Nene Valley region, lack of evidence prevents a comparative assessment being made of the manors studied, between the late-fourteenth and early-sixteenth centuries. However, the figures in Tables 1.02 and 1.03 suggest that early in the period, thirty years after the Black Death, Broughton and Maidwell may have been the most successful of them in having survived its immediate consequences. They had the highest tax values whereas

Kelmarsh and Draughton had done so in 1334. Draughton's decline was particularly marked: it was the least wealthy of the villis in this area by the 1370's and the smallest in the study having only forty-six taxpayers in 1377.

One factor affecting the economy of all late-fourteenth century manors, in Northamptonshire as elsewhere, was population loss. The population of medieval England probably peaked round about 1300 and between then and 1400 it may have fallen by as much as two-thirds. The incidence of bad weather, poor harvests and famine during the years 1315-18 saw the beginning of a decline, but one which may have been stabilised or even reversed to some extent before 1348. Whether it was declining, stable or even increasing slightly, however, the population was devastated by the Black Death which swept across the country during 1348-9. A brief Northamptonshire study, based on the names and number of litigants at the Hundred Court of Higham Ferrers, found that over one-third died within three weeks during 1349.⁷⁴ Subsequent outbreaks, in 1361-2 and 1369, may have been less virulent and, thereafter, later epidemics became increasingly regional in their impact and none appears to have been as severe as the first two, but by the beginning of the fifteenth century the plague had become endemic. A total population of perhaps around six million people in c.1300 and, perhaps, as many as five million in 1347 had been reduced to possibly 2.8 million in the 1370's. Moreover, the population showed few signs of sustained recovery until early in the sixteenth century and the timespan of this study includes the longest period of population stagnation in English history.⁷⁵

The economy of all the manors studied was basically agrarian. None of the villis in them appears in the recently published lists of East Midland towns in 1334, 1377 and 1524-5.⁷⁶ On the other hand, comparison between those town lists and the figures in Table 1.02 shows that certain of the rural villis considered here were comparable in terms of taxable wealth or population to some of the smaller urban centres. This is not to argue for their classification

⁷⁴ N. Groome, 'The Black Death in the Hundred of Higham Ferrers', Northamptonshire Past and Present 6 (1982), pp.309-11.

⁷⁵ The literature on late medieval English demography is extensive. The debate about the long period of stagnation, and the alternative, though not mutually exclusive, explanations of it in terms of high mortality and low fertility rates continues. This paragraph relies on J. Hatcher, Plague, Population and the English Economy 1348-1530 (London, 1977); M. Bailey, 'Demographic decline in late medieval England: some thoughts on recent research', Economic History Review 49 (1996), pp.1-19; and P. Goldberg, 'Introduction', in M. Ormrod and P. Lindley, eds, The Black Death in England (Stamford, 1996), pp.4-6

⁷⁶ J. Laughton, E. Jones and C. Dyer, 'The urban hierarchy in the later Middle Ages: a study of the East Midlands', Urban History 28 3 (2001), pp.340-2

as urban centres since they do not conform to all the benchmarks which Dr Laughton and her colleagues applied.⁷⁷ It is nevertheless worth noting, for example, that in 1334 Brigstock paid more in subsidy than Higham Ferrers, Towcester, Daventry or Kettering; in 1377 had more taxpayers (with or without Stanion) than Kettering or Wellingborough; and in 1524 the same number as Brackley and more than Daventry. Geddington, too, paid more tax in 1334 than several of the less wealthy East Midland towns and similarly had more taxpayers in 1377 and 1524.⁷⁸ Poos found that in central and northern Essex, between 1350 and 1525, there was no sharp demarcation between urban and rural, and craftsmen and retailers were to be found in the smallest villages.⁷⁹ Among the manors studied here, this was notably the case in Geddington and Brigstock both of which had markets. Figures 1.03 and 1.04 indicate what are likely to have been the normal market areas of the two villis. They are derived from debt litigation which took place in both courts and show those settlements from which litigants came to Geddington in the late-fourteenth and early-fifteenth centuries, and to Brigstock during the fifteenth.⁸⁰

Geddington had had a market since 1248, as well as a fair held on the vigil, feast and morrow of St Mary Magdalene (22nd July).⁸¹ The market almost certainly remained active and even flourishing at least until the onset of the Plague. In 1374 the tenants wrote to the crown complaining of the burden of the farm of £52, which they claimed to have paid willingly enough in the time of Queen Philippa (died 1369), when the market and other assets, they said, had been of great value.⁸² An inquisition held in the same year agreed that the market with the fair, which had been extended at 54s 8d, was now worth only 8d 'because nobody comes there'.⁸³ Almost a decade later a further inquisition found that the markets and fair were no longer held but refers to a *thoroughtoll*.⁸⁴

⁷⁷ Laughton *et al*, 'Urban hierarchy', p. 332

⁷⁸ Both Brigstock and Geddington were taxed as ancient demesne in 1334, i.e assessed at one-tenth of moveable goods, whereas most East Midland towns were assessed at one-fifteenth. Had the two villis been assessed at one-fifteenth neither would have paid more than any of the Northamptonshire towns but both would have paid more than several other East Midland towns.

⁷⁹ Poos, *Essex, 1350-1525*, p.9.

⁸⁰ Chapter 2, especially Tables 2.29 and 2.30, pp.97-8, for outside litigants.

⁸¹ Goodfellow, 'Medieval markets Northamptonshire', p.320.

⁸² *CIM* 3, p.345.

⁸³ *CIM* 3, p.346.

⁸⁴ *CIM* 4 (1957), p.121.

Figure 1.03

Northamptonshire Vills from which Litigants came to Geddington Manor Court 1377-1423

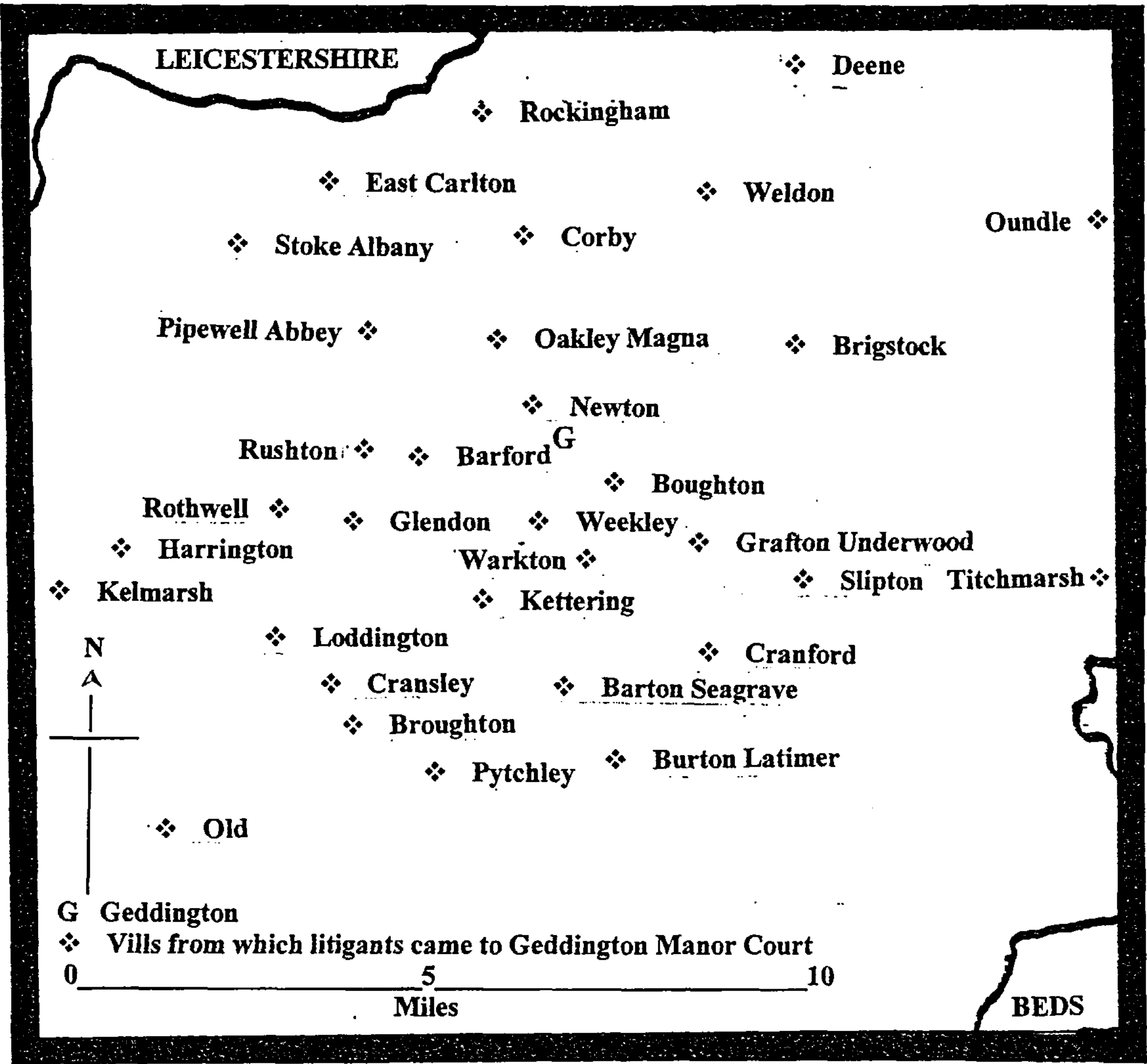
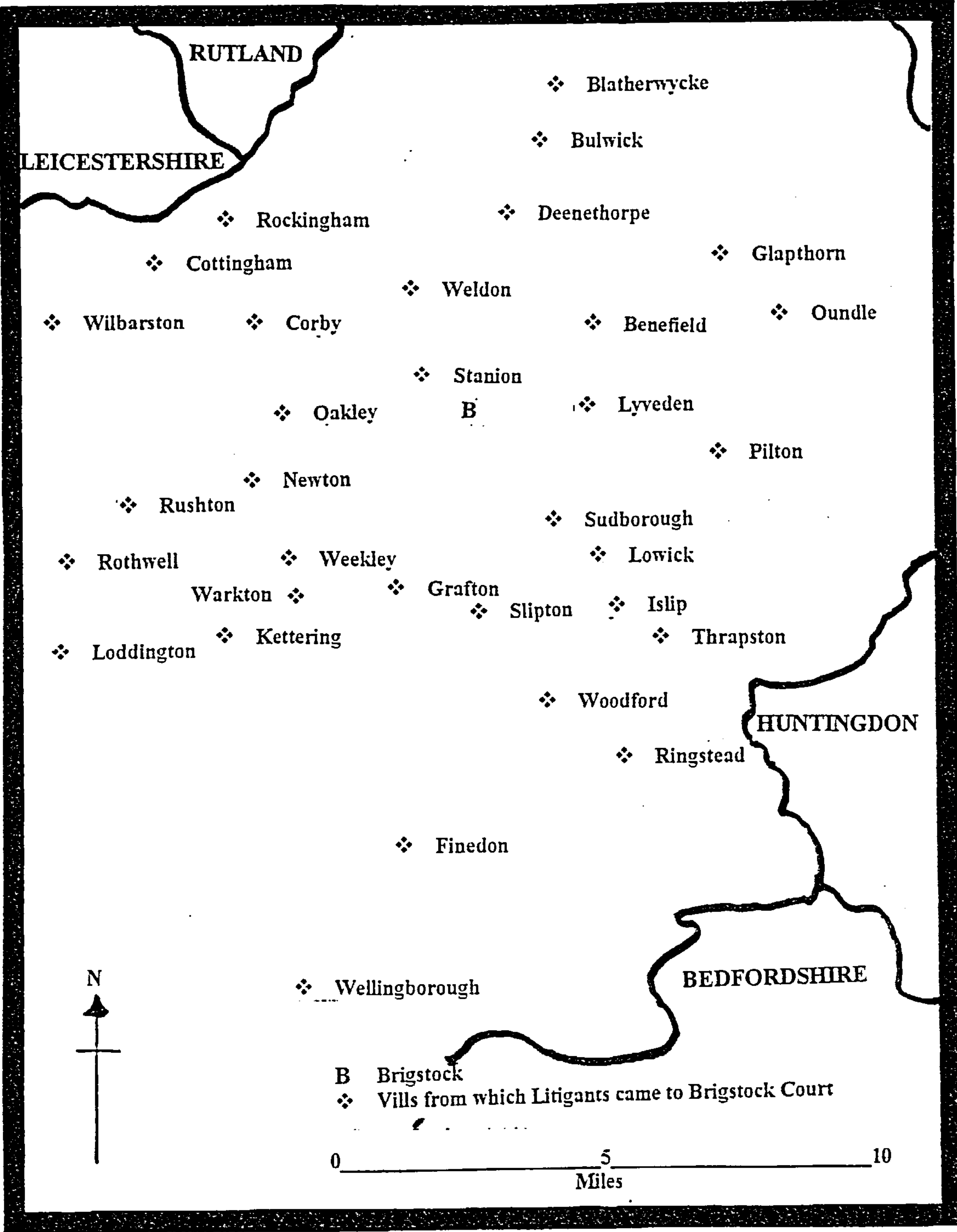


Figure 1.04

Northamptonshire Vills from which Litigants came to Brigstock Manor Court
1403-1500



This had not been mentioned before and was said to be worth only 6s 8d, but suggests that men still came to Geddington from outside. Enterprising local men certainly still thought it worthwhile to pay for the farm of the toll. In 1390 Edmund Byfield accepted the jurisdiction of toll and passage for 9s 0d per annum.⁸⁵ Two years later John Saresson was the recipient, and in 1393 Edmund Byfield again took it, in partnership with John Spillewater, for the slightly increased rent of 9s. 6d.⁸⁶

No evidence has survived to indicate the success or failure of those who farmed the *thoroughtoll*, but an active and prominent resident of the vill, like Edmund Byfield, must have taken the view that there was at least a modest profit to be made after the rent and expenses of collection had been incurred. What is clear from the rolls is that over 150 litigants, who appeared at the Geddington court between about 1380 and 1420, came from outside the manor and its dependencies.⁸⁷ It is, therefore, difficult to accept that the market had entirely disappeared. The inquest commissioners of 1374 appear to have taken evidence on a Friday, and their successors in 1383 on a Thursday, and it is possible that they never saw for themselves the situation on Wednesday when the market was open. The significant scale on which ale was brewed and bread baked is also indicative of market activity; and occasional references to other retailing activity including the sale of shoes, fish and candles are to be found.⁸⁸

How far the proven twelfth-century Geddington iron industry was still active is unclear and the eighteenth-century references to a fifteenth-century furnace and royal cannon foundry there remain unsubstantiated.⁸⁹ The one possibly indicative court-roll reference is in one of two isolated courts of 1360, when William le Irnemonger surrendered land.⁹⁰ On the other hand some branches of the cloth industry appear to have been carried on although the evidence gives no clear indication of the scale of the activity. In 1382 William Champeneys was attached by seventeen ells (about twenty-one yards) of cloth, and in 1391 Thomas

⁸⁵ For Edmund see also p.29; Chapter 2, pp.68, 70-1, 81 and 101-2; Chapter 3, p.157; Chapter 4, pp.211-12.

⁸⁶ NRO M(B) Box 351A, View 1st October 14 Ric. II; Box 351B, Court 22nd October 16 Ric. II; Box X351A, Court 9th November 17 Ric. II.

⁸⁷ See Chapter 2 Table 2.30.

⁸⁸ NRO M(B) Box X351B, Views Ambrose 5 Ric. II, and 15th April 8 Hen. IV for candles; Box X351A, View 1st October 14 Ric. II for shoes and fish.

⁸⁹ Foard, 'Rockingham Forest', pp.74-5 and 80.

⁹⁰ NRO M(B) Box X351A, Court Annunciation BVM 34 Edw. III.

Malkyn by six yards of white woollen cloth.⁹¹ Alan le Deystere and Ralph Webeste appear once each as litigants early in the period, and in 1395 the ubiquitous Edmund Byfield, in partnership with John Navesby, leased a fulling mill.⁹² On two occasions in the early-fifteenth century Roger Chaumpeneys, vicar of Geddington, was distrained by wool or fleeces, which suggests that he may have produced the raw material for the family business.⁹³ That Geddington was something more than an agricultural settlement is beyond doubt and its varied economic activities account for the relatively high proportion of debt cases heard at its court.

The local economy of Brigstock, too, had more than an agricultural base. The chronological range of charcoal burning, associated with the iron industry in Rockingham Forest, has still to be established but radiocarbon dating suggests that it was still undertaken in the Brigstock area c.1400.⁹⁴ A pottery industry was also well established in Stanion, although within the area of Upper Hall manor rather than that of Netherhall, the manorial dependency of Brigstock.⁹⁵ It has been argued that the pottery and charcoal industries had gone by the end of the fifteenth century and that their decline dated from the late-fourteenth century recession, contributing to the demise generally of the commercial activity of the market villages of the forest.⁹⁶ At Brigstock, however, sufficient commercial potential appears to have survived as late as the middle of the fifteenth century for it to have been thought worthwhile to establish a Saturday market there in 1466 and this may well have followed the reality of informal trading.⁹⁷ The average number of new pleas per court rose during the 1450's to almost 2.5 from well under two in each of the preceding decades of the century.⁹⁸ It remained above two throughout the 1460's before declining to less than two for the remaining thirty years before 1500. The reasons for the modest peak may well have been associated with a revival in local trade and its formalization in the creation of a market.

⁹¹ NRO M(B) Box X351B, Court Trinity 5 Ric. II; Box 351A, Court 17th January 14 Ric. II.

⁹² NRO M(B) Box X351A, Court Gregory 34 Edw. III; Box X351B, Court Luke 1 Ric. II and View 3rd October 19 Ric. II.

⁹³ NRO M(B) Box X351B, Courts Assumption BVM 6 Hen. IV and Thomas Martyr 8 Hen. IV.

⁹⁴ Foard, 'Rockingham Forest', p.86

⁹⁵ Foard, p.92.

⁹⁶ Foard, p.93.

⁹⁷ Goodfellow, 'Medieval markets Northamptonshire', p.319.

⁹⁸ Chapter 2, Table 2.01, pp. 37-8.

Like Geddington, Brigstock had its brewers and bakers, albeit with some differences in the organization of the brewing trade.⁹⁹ John Chapman sold candlewax in 1443, and presentments in the 1490's also indicate an active trade in the retailing of fish and meat.¹⁰⁰ There were also artisans there in the fifteenth century: during the first half of the century it is possible to identify seven smiths, seven masons, five weavers, five tailors, four wrights or carpenters, and one each of a fisher, a tanner, a plumber, a leather-worker and a labourer. Isabelle West, a weaver, was presented for ale-brewing at Stanion in 1449.¹⁰¹ Three later land transactions in each of which an *opella*, a workshop, was acquired also suggest continued artisan activity.¹⁰²

Manorial Society

The majority of people who lived in the late medieval English countryside, and appear in manorial records were peasants, and it is with the peasant sector of society that this study is particularly concerned. Although 'peasant' was not normally used in the Middle Ages it has become, as Dyer puts it, 'a convenient, if rather elastic term to describe many types of small scale cultivators'.¹⁰³

There were also, however, others who appeared in the courts and, for the purposes of this study, constitute minority groups: gentry, clergy, women and labourers and itinerants. In the royal manors the Mulsho family was notably active.¹⁰⁴ Its members, who held land in both as well as being lords of Newton and of Netherhall Manor in Stanion, were particularly influential. Thomas and Henry Mulsho presided, on occasion, at the Geddington view.¹⁰⁵ This did not inhibit them from using the manor courts both to pursue litigation against their lesser neighbours and to deal in land, and several other gentry families, although less prominent, did the same in the royal manors. Elsewhere, however, gentry usually appear only in the lists of those failing to pay suit of court: the Kynnesman family of Loddington

⁹⁹ Chapter 4, p.211.

¹⁰⁰ NRO M(B) no box number, View Conception BVM 22 Hen. VI. TNA:PRO SC2/194/72 m.3, View Michaelmas 10 Hen. VII; m. 7, View Easter 12 Hen. VII; SC2/194/73 m.1, View Michael 13 Hen. VII; SC2/194/72 m.10, View Michaelmas 15 Hen. VII; m. 10d, View Easter 15 Hen. VII; the membrane sequence, unusually, does not conform to the chronological sequence of the documents.

¹⁰¹ NRO M(B) no box number, Court Mark 27 Hen. VI.

¹⁰² TNA:PRO SC2/194/70 m.4, Court 8th June 18 Edw. IV; m. 6, Court Annunciation BVM 19 Edw. VI; NRO M(B) Box X367, View 30th April 21 Edw. IV.

¹⁰³ C. Dyer, *Standards of Living in the Later Middle Ages* (Cambridge, 1989), p.22.

¹⁰⁴ J.Roskill, L.Clark and C.Rawcliffe, *The House of Commons, 1386-1421* 3 (Stroud, 1992), pp. 804-8, for the public life of the Mulsho family.

¹⁰⁵ NRO M(B) Box X351B, View Pentecost 2 Hen. V.

notably failed to attend Sir John Seyton's court of Tiffelfee in Kelmarsh or even to make *finem* for non-attendance.¹⁰⁶

Clergy, too, litigated in most of the manors studied or bought and sold land there. Few, however, were beneficed, most were designated *capellanus* and it is likely that the social status of many was not very different from that of the local peasant elite. Like other villagers, individual clergy were subject to presentment for trespass with their animals, and struck bargains for the sale of grain in the fields with their neighbours.¹⁰⁷

Most women appearing in manorial rolls were members of peasant families. Women generally in medieval society are the subject of an extensive literature and their relative absence from many court rolls is a reflection of their exclusion from public office.¹⁰⁸ Elizabeth Warnere serving as a bailiff at Brigstock or, more humbly, Isabel Reason being elected as the common pig-keeper there are anomalies which emphasise the general situation.¹⁰⁹ However, women had access to the courts as litigants in their own right and, in small numbers, were active in land transactions, particularly those arising from widowhood. In Brigstock, but in none of the other manors studied, they dominated the ale trade, and appear in the account rolls at Maidwell and Catesby undertaking a wide range of tasks.

The rolls often record little, other than their names, of individuals who left the manor without the lord's permission, were excluded from the community or whose passage through it occasioned only the circumstances to be noted. Examples are William Hastyns and his family who left Maidwell, probably in 1387; and a woman recorded only as Alice who, in 1456, was licensed to remain in the vill of Lowick only until after she had given birth and her subsequent purification. When the sworn men at Brigstock, in 1461, presented to the view the sale of the belongings of a wayfarer who had died they did not even know his name.¹¹⁰ Similarly, servants and labourers, although not necessarily itinerant are not often well recorded. Elena, the servant of William Chaumpeneys in Geddington was listed once as an ale-brewer in 1381 and, at Brigstock in 1460, Robert Kne, a common labourer, made his

¹⁰⁶ NRO FH 520, 518, 528, 544.

¹⁰⁷ NRO FH 2966, Court Botulph 36 Edw. III; M(B) Box X366, Court no date but safely attributable to October 2 Hen. VI.

¹⁰⁸ M.E. Mate, Daughters, Wives and Widows after the Black Death. Women in Sussex, 1350-1535 (Woodbridge, 1998) includes a substantial bibliography.

¹⁰⁹ TNA:PRO SC2/194/72 m.7, View Easter 12 Hen. VII; NRO M(B) Box X367, View 12th October 4 Edw. IV.

only appearance in the record when he was amerced 4d for having taken 2d per day contrary to the statute.¹¹¹ Only in Maidwell and Catesby, of the manors studied, do surviving account rolls make it possible to provide general insights into at least the economic lives of people such as Elena and Robert.¹¹²

The court rolls of the Northamptonshire manors studied record, to a considerable extent, the activities of better-off male peasants: those who acted as manorial or village officials, engaged in litigation, or bought and sold land. The names of such individuals tend to recur and it is possible to reconstruct a good deal about at least the public aspects of their lives. Notable examples are Edmund Byfield, bailiff and commercial brewer, in late-fourteenth century Geddington; William Gunne a tithingman, brewer and miller at Loddington; and John Brandon, hayward and beadle in fifteenth-century Brigstock. All three conform to the model of village leadership proposed by Olsen who suggests membership of well-established families, tenure of various offices and engaging in the land market and debt litigation as typical characteristics.¹¹³

Edmund Byfield first appeared in 1369 when, with other tenants, he took the farm of the royal manor of Geddington for £52 per annum.¹¹⁴ He also took the farm of the *thoroughtoll*. During the 1380's he held office as affeelor, juror and bailiff and may have held the latter office throughout the 1390's, an unusually long period in comparison with other men. He acted as pledge in litigation on thirty occasions and was himself a regular litigant bringing twenty-three actions and defending nine. He was active in the land market, usually in relation to cottages and small plots of land, but also leased a water mill and fulling mill in partnership with John Navesby; and he was a leading commercial brewer in Geddington.¹¹⁵

William Gunne of Loddington is an example of the kind of tenant who acted as tithingman, presenting at the view of frankpledge, on a small gentry manor. He held office for short periods in each of the last three decades of the fourteenth century, and was occasionally juror or affeelor. In 1373 he held a half-virgate and, later, a complete virgate.

¹¹⁰ NRO FH 418, Court Luke 11 Ric. II - FH 400, Court Philip and James 9 Hen. IV; SS 2108; M(B) Box X366, View 30th September 1 Edw. IV.

¹¹¹ NRO M(B) Box 351A, View Michaelmas 5 Ric. II; Box X366, View 21st April 38 Hen. VI.

¹¹² Chapter 4, pp. 221-238.

¹¹³ S. Olson, 'Jurors of the village court: local leadership before and after the plague in Ellington, Huntingdonshire', *Journal of British Studies* 30 (1991).

¹¹⁴ TNA:PRO SC6/948/1 m.1.

¹¹⁵ For other references to Edmund see p.25, n.85.

He also kept livestock having two mares in 1392. He was a brewer and held the lease of a mill between 1384 and 1392 and, again, in 1410.¹¹⁶

Whereas Edmund Byfield's official career was largely related to the administration of the court, John Brandon, as hayward and beadle in Brigstock, was also involved with the manor as an agricultural unit and whereas the bailiff was the lord's official the evidence of trespass presentments in fifteenth-century Brigstock indicates that John's work was largely in the interests of tenants. From about 616 individual presentments for trespass between 1450 and 1504 only two refer to the lord's land. John first appears in the rolls in 1435. Subsequently he was a tithingman, affeeror, juror, constable and bailiff. He was hayward and beadle for much of the decade 1452-62, and was *netherd* in 1455. Serving as hayward may have suited him as he was involved in the rearing and management of stock: twice he purchased meadow, he rented pasture, owned cattle and horses and was involved in the sale of the horses of a dead traveller.¹¹⁷

This study is, therefore, particularly concerned with the activities of the better-off members of peasant society, whose lives entered the public domain. The manor and its court was an institution to which they were subject as the lord's tenants, but by acting as its officials they were able to use the court in their own interests as litigants, land-holders and producers for the market. How they did so will be considered in subsequent chapters.

¹¹⁶ NRO YO 373, 379, 374, 375 for his public career; YO 381, 369, 375 as landholder and farmer; YO 374, 380 and 370 as brewer and miller.

¹¹⁷ NRO M(B) Box X366, Court 4th July 13 Hen. VI; Views Michaelmas 21 Hen. VI, 37 Hen. VI, 30th September 1 Edw. IV and Michaelmas 3 Edw. IV

Chapter 2

Litigation in the Manor Court

For peasant landholders the manor court was *inter alia* where they might resolve their legal disputes. Schofield found that at Hinderclay in Suffolk in the late thirteenth century they used it as an effective forum for dispute resolution.¹ In Northamptonshire, Bennett saw the settlement of legal disputes between tenants as a primary function of the Brigstock court before the Black Death.² Lords had been spurred into using their courts for this purpose by the success of twelfth-century Angevin legal reforms and the consequent popularity of the royal courts. It was in their interests to adopt similar procedures in their own courts to attract to them their free tenants seeking to pursue private litigation.³

Continued seigneurial determination to retain petty litigation in the lord's court is evident in the manors studied. At Geddington, in 1379, Robert Bette and Roger Scheperde were amerced for having settled a plea of trespass outside the court.⁴ Similar presentments were made at Catesby in 1424 and Brigstock in 1460.⁵ They suggest, however, that some tenants found manorial justice ineffective, and Dyer takes this view of comparable evidence at the bishop of Worcester's manor of Kempsey where private pleas became fewer in the 1440's and were rare after the 1450's. However, he also found that on many Worcester manors in the late-fourteenth and early-fifteenth centuries there had been considerable litigation indicating that the courts then still enjoyed the confidence of peasant litigants.⁶ At Havering, McIntosh says, conflict resolution was a very important court function from the point of view of the resident population, although she found that by the 1430's and 1440's

¹ P. R. Schofield, 'Peasants and the manor court: gossip and litigation in a Suffolk village at the close of the thirteenth century', *Past and Present* 159 (1998), p.17.

² J.M. Bennett, *Women in the Medieval English Countryside. Gender and Household in Brigstock before the Plague* (Oxford, 1987), p. 31.

³ Z. Razi and R.M. Smith, 'The origins of the English manorial court rolls as a written record: a puzzle', in Z. Razi and R.M. Smith, eds, *Medieval Society and the Manor Court* (Oxford, 1996), p.68; P.R.Hyams, 'What did Edwardian villagers understand by "law" ?', in Razi and Smith, eds, *Society and Manor Court*, p. 73.

⁴ Northamptonshire County Record Office (NRO) Montagu (Boughton) Collection (M(B)) Box X351B, Court Hilary 2 Ric. II.

⁵ The National Archives (TNA): The Public Record Office (PRO) SC2/1/195/8 m.2d, Court Michaelmas 3 Hen. VI; NRO M(B) Box X366, View 21st April 38 Hen. VI.

⁶ C .Dyer, *Lords and Peasants in a Changing Society. The Estates of the Bishopric of Worcester, 680-1540* (Cambridge, 1980), pp. 266-7.

the ability of the Havering court to handle suits had weakened greatly.⁷ At Writtle, in Essex, Clark has analysed a considerable volume of detailed debt pleas from between 1382 and 1490, but found that three-quarters of it was transacted by 1429; after that litigation continued but on a decreasing scale.⁸

Litigation took place in each Northamptonshire manor studied and more than three thousand private suits survive from between 1350 and 1500. Two-thirds were heard at Brigstock and Geddington, and the common lordship and geographical proximity of the two manors allow the two roll series to be regarded as providing detailed continuity in considering manorial litigation from 1377 to 1499. The evidence is used here to examine how litigants pursued their interests through the manor courts, why they did so, from what social groups they came and to assess why, in most manors, they eventually abandoned them as forums for litigation. As a preliminary, consideration is given to the kind of law dispensed in manor courts and the recent historical literature to which it has given rise.

Manorial Law

Manor courts often concerned themselves with administration rather than adjudication.⁹ Their judicial function, however, in the field of civil litigation, raises the question of what law was relied upon by plaintiffs and defendants seeking to win their cases, and used by others involved in the process: steward, jurors, oath-helpers and essoiners for example. Historical discussion has established considerable common ground, but the balance of influence between common law and manorial custom in the settlement of the thousands of pleas entered in the manor court rolls of England remains a matter of debate.¹⁰

Hyams, who emphasises the importance of common law, sees its influence as having developed largely during the reign of Edward I (1272-1307). It can be seen in the basic

⁷ M. McIntosh, Autonomy and Community: The Royal Manor of Havering, 1200-1500 (Cambridge, 1986), pp.191 and 199.

⁸ E. Clark, 'Debt litigation in a late medieval English vill', in J. A. Raftis, ed., Pathways to Medieval Peasants (Toronto, 1981), p. 250.

⁹ L. Bonfield, 'The nature of customary law in the manor courts of medieval England', Comparative Studies in Society and History 31 (1989), p. 531.

¹⁰ Leading contributions to the debate used here are, in chronological order of publication: Bonfield, 'Customary law', pp. 514-34; J.S. Beckerman, 'Toward a theory of medieval manorial adjudication: the nature of communal judgements in a system of customary law', Law and History Review 13 (1995), pp. 1-22; Hyams, 'What did Edwardian villagers understand by "law"?' pp.69-102; L. Bonfield, 'What did villagers mean by "customary law"?', in Razi and Smith, eds, Society and Manor Court, pp.103-116; L. R. Poos and L. Bonfield, Select Cases in Manorial Courts 1250-1500. Property and Family Law, Selden Society 114 (1998), Introduction, esp. pp. xvii-xxx.

procedures of the manor court: essoins, defaults, distrains and so on. More importantly, it is to be found in the wording of land transactions, the extension of jury trial and the role of the jury of presentment.¹¹ Beckerman sees these developments as seigneurial initiatives, taken from royal law and deployed in the lords' interests, but shows how peasants, too, came to adapt them to their own purposes by 1350.¹² This appears to have been the case at Hinderclay where Schofield found that the court followed royal procedures by 1300.¹³ An additional but complementary line of argument demonstrates that prosperous villagers were likely to have had knowledge or experience of the legal system, beyond their manor, in both secular and church courts. Individuals seeking justice against an outsider could proceed through their lords but often sued for themselves in an appropriate forum outside their home manors; sometimes a group of villagers sued on behalf of their community. In such circumstances the plaintiffs would have needed some knowledge of royal law to win their cases.¹⁴ In 1275 seventeen villagers, from King's Ripton in Huntingdonshire, challenged the abbot of Ramsey, in the royal courts, about his right to collect rent in the form of labour services. They appear to have lost, but the fact of their having mounted such a challenge indicates their awareness of a wider legal system.¹⁵ Moreover, it was not only free men who were likely to have this wider awareness; the common-law disbarment on villeins litigating outside their lord's court was evaded on a significant scale. Hilton drew attention to fourteenth-century complaints of the Commons in Parliament, largely manorial lords, that villeins impleaded their lords in counties other than those in which they had been born, where a jury would take their word that they were free men, and in 1347 lords, as defendants, gained the right to have such an inquest held in the neighbourhood of the plaintiff's birth.¹⁶ Where the defendant was not the villein's lord the status of a villein litigant would have arisen only if his opponent sought a writ of *excepcio villenagii*.¹⁷ Schofield concurs but points out that enforcement of a favourable decision against another villein of a different manor was a problem because the villein's property was the lord's

¹¹ Hyams, 'What did Edwardian villagers understand by "law"?', pp.80-5.

¹² J. S. Beckerman, 'Procedural innovation and institutional change in medieval English manorial courts', Law and History Review 10 (1992), pp.197-252.

¹³ Schofield, 'Gossip and litigation', p.12-13

¹⁴ Hyams, 'What did Edwardian villagers understand by "law" ?', pp. 71-79.

¹⁵ A. De Windt, 'Peasant power structures in fourteenth-century King's Ripton', Mediaeval Studies 38 (1976), pp.236-67..

¹⁶ R. H. Hilton, The Decline of Serfdom in Medieval England (London, 1969), p.27.

whose interests were, therefore, hazarded outside the manorial court.¹⁸ Overall, discussion of common-law influence on judicial proceedings in manor courts has focussed on the late-thirteenth and early-fourteenth centuries but it is unlikely to have diminished thereafter. Smith, for example, suggests that between c.1370 and 1430 manor courts moved to employ instruments of land transfer that originated under common law.¹⁹

Manor courts were not, however, courts of common law. In a thirteenth century treatise, John of Oxford differentiated between pleading in royal and local courts making it clear that in the latter it was based on the custom of the manor.²⁰ Maitland, seeking to establish how far the court functioned as a check on the will of the lord, concluded that it was 'a true jurisdiction, an administration of the custom of the manor'.²¹ Hyams, who argues strongly for their being, at least by 1307, permeated by procedures derived from the common law, nevertheless acknowledges that 'each [manor court] constituted in some sense its own localized legal system'.²²

Bonfield accepts that many peasants, even the unfree, would have understood aspects of law other than manorial custom, but sees the intrusion of royal law into peasant legal culture as more marked in criminal than in civil law. He argues that during the key period of the reign of Edward I the royal courts were still delineating jurisdiction and refining process, and were only at the beginning of articulating substantive principles of law.²³ Elsewhere, he follows Maitland in seeing custom as a check on seigneurial power, but doubts whether a similar legalistic approach was taken to inter-peasant disputes in matters such as debt or contract. He also asks whether equitable concerns about the particular circumstances of a case would have been influential when many of those present in court would have been familiar with the litigants and the background to their dispute. He cautions against assuming that manorial adjudication operated through principles of substantive law, was governed by notions of precedent or reached decisions through due process. Indeed, he argues that manor courts did not adhere consistently to these, and suggests that they were more akin to modern

¹⁷ Hyams, 'What did Edwardian villagers understand by "law"?', p.71.

¹⁸ P. R. Schofield, 'Gossip and litigation', pp.12-13 and 21.

¹⁹ R. M. Smith, 'Coping with uncertainty: women's tenure of customary land in England c. 1370-1430', in J. Kermode, ed., *Enterprise and Individuals in Fifteenth-Century England* (London, 1991), p.61.

²⁰ F. W. Maitland and W. P. Baildon, *The Court Baron*, Selden Society 4 (1891), p.68.

²¹ F. W. Maitland, ed., *Select pleas in Manorial and other Seignorial Courts*, Selden Society (2 vols, 1889), 1, p.xi.

²² Hyams, 'What did Edwardian villagers understand by "law"?', p.69.

alternative dispute resolution.²⁴ Beckerman rejects much of this, particularly the analogy with alternative dispute resolution, on the grounds that the latter is private, informal, intended to avoid litigation, and disregards the public interest, and that rules of law may play no part in it. None of this, he points out, was true of manor courts.²⁵

By the mid-fourteenth century many more-prosperous peasants would have had experience, or some degree of informed appreciation, of the legal world beyond their manor, but it was also the case that its court would often have been their court of first and last resort. Direct evidence of what law those engaged in the process thought themselves to be dispensing is rare. Only one example has been found in the Northamptonshire rolls: at Kelmarsh Richard Wystowe, *clericus*, was attached by the *messor* for trespass, and the tenants presented that by continuously keeping one-hundred alien sheep on the common pasture he had offended against both custom and the law of England.²⁶ Without doubt the customary law which the manor courts dispensed will have been influenced by common law concepts, if only at a simple level in the designation of actions as pleas of debt, trespass, detainue or covenant, although manorial litigants were not always correct in their application of this terminology.²⁷ Schofield took the view that while the court at Hinderclay followed royal-court procedures, and was suited to the application of substantive legal principles, it also 'responded to the particular prejudices and circumstances of those who used it'.²⁸ Custom still regulated every aspect of manorial life, including legal disputes, and although it was not binding like a modern legal precedent 'things generally were expected to continue as they had continued from time out of mind'.²⁹ This is not very different from customary law in the manor courts as Poos and Bonfield have recently defined it in terms of tribunal jurisprudence. There was an accepted body of disputes which might be heard there, and a process of identifying and applying customary norms to settle them. There was no strict uniformity of procedure, but there was an understanding of how disputes between those pleading in the manor courts ought to be resolved.³⁰

²³ Bonfield, 'What did villagers mean by "customary law"?', pp.109-11.

²⁴ Bonfield, 'Customary law', pp.520-3 and 533-4.

²⁵ Beckerman, 'Manorial adjudication', pp.2-3.

²⁶ NRO, Finch Hatton Collection (FH) 413, Court Hilary 2 Hen. V.

²⁷ Poos and Bonfield, *Property and Family Law*, p. xxxii.

²⁸ Schofield, 'Gossip and litigation', pp.9 and 12-13.

²⁹ Beckerman, 'Innovation', p.216.

³⁰ Poos and Bonfield, *Property and Family Law*, p.xxx.

The Northamptonshire Evidence

This comprises over three thousand private suits entered in the rolls of almost two thousand courts of the manors studied. The figures appear, by manor and decade, in Table 2.01 sections 1 and 2. Figures for Brigstock and Geddington include their dependencies and a combined figure is given for the Catesby Priory manors. Overall, use of the courts for dispute resolution declined from early in the fifteenth century, except at Brigstock where tenants continued to litigate on a regular basis until at least 1504. For how long litigation on a significant scale continued at Geddington and Catesby is uncertain. Two isolated, late-fifteenth century views at Geddington indicate a still active court but record only one plea.³¹ At Catesby reduced numbers of pleas in each decade after 1409 indicate decline and, after a break in the series, enough survives of the generally fragmentary rolls of the 1480's for it to be virtually certain that litigation had ceased by then. At Loddington, and possibly Weekley, litigation continued sporadically until about 1450 but elsewhere (with the exception of Brigstock) Northamptonshire peasants appear, gradually, to have taken their disputes to other courts and possible reasons for this decline have been considered.³²

The frequency with which manor courts were used for dispute settlement, even during the period when they remained attractive to litigants, appears to have varied. Nine manors were used regularly for litigation, for broadly continuous periods of at least forty years and Table 2.02 shows that the average number of new pleas per court varied between almost four and less than one. The variations were not, necessarily, a function of population. Lowick, with almost four new pleas per court had only one-hundred taxpayers in 1379; and none of three most populous villis, using the indicative measure of taxpayers in 1377, Brigstock (251), Catesby (172) and Geddington (153), were among the three most litigious. Only Broughton with 123 taxpayers in 1377, and Draughton with forty-six appear in Table 2.02 approximately where they might be expected if population size had determined the frequency of litigation.³³

³¹ NRO M(B) Box 884, Views Epiphany 5 Hen. VII and 4th November 21 Hen. VII.

³² Pages 104-8.

³³ Poll-tax figures are taken from C. C. Fenwick, ed., The Poll Taxes of 1377, 1379 and 1381, Part 2 Lincolnshire-Westmorland, British Academy Records of Social and Economic History (Oxford, 2001).

Table 2.01 Section 1

Courts and Pleas by Manor and Decade,1353-1499

	1350	1360	1370	1380	1390	1400	1410	1420	1430	1440	1450	1460	1470	1480	1490	Tots.
Brigstock																
Courts						7	39	72	74	67	132	64	26	48	73	602
Pleas						12	50	106	89	99	312	135	26	78	107	1014
Broughton																
Courts	3	3	7	2	5	11	8	7	1	4	15	14	9	9		98
Pleas	11	10	35	26	26	20	3									131
Catesby																
Courts			9	44	6	23	25	18	4			1		17	1	148
Pleas			13	78	8	40	20	7								166
Cranford																
Courts						9	14	17	18	8	4					70
Pleas							6									6
Draughton																
Courts		2	4		12	18	11	4	6	6	1					64
Pleas					15	13	16	1								45
Geddington																
Courts			28	140	104	109	57	45								483
Pleas			59	332	283	297	73	48								1092

Table 2.01 Section 2

Courts and Pleas by Manor and Decade, 1353-1499

	1350	1360	1370	1380	1390	1400	1410	1420	1430	1440	1450	1460	1470	1480	1490	Tots
Islip																
Courts			15	17	11	9	1	3	3		1	3	9	4	2	78
Pleas			45	28	20	27	1	4								125
Kelmarsh																
Courts	8	2	7	4	44	5	22	9	8		1			1		111
Pleas			5		9		32		1							47
Loddington																
Courts	9	2	15	14	8	6	4	3	3	2	7	5		3	1	82
Pleas	14	7	17	23	17	10	1		3	12	2					106
Lowick																
Courts			7	19	7	9	14				2	2	7	5	5	77
Pleas			13	110	46	38	11									218
Maidwell																
Courts	1	7		15	27	32	14	14	25	4	1			1		141
Pleas	1	9		10	24	32	28	5								109
Weekley																
Courts	2	3	7	7	9	2					1					31
Pleas	1		5	1							2					9
Tot. Courts																1985
Tot. Pleas																3068

Table 2.02

Average Numbers of New Pleas at Certain Manor Courts

Manor	Timespan	No. of Courts	No. of Pleas	Pleas per court
Lowick	1370-1419	56	218	3.89
Broughton	1350-1419	39	131	3.35
Islip	1370-1409	52	120	2.30
Geddington	1370-1429	483	1092	2.26
Brigstock	1400-1499	602	1014	1.68
Loddington	1350-1409	54	88	1.62
Catesby	1370-1429	125	166	1.32
Draughton	1390-1429	45	45	1.00
Maidwell	1380-1429	102	99	0.97

The frequency of litigation at Lowick may have been a consequence of the ambitions of Sir Henry Green who obtained a market charter there in 1385.³⁴ Plea numbers were particularly high in the 1380's, but less in subsequent decades. Seigneurial enterprise may have promoted a short period of prosperity for Lowick market before its decline in the face of competition from longer-established, nearby Thrapston.³⁵ As it declined, so too did the manor court of Lowick as a centre for litigation. There is, however, no obvious explanation why Broughton should have attracted litigation at more than twice the rate of neighbouring Loddington, although the activities of a few litigious individuals may have had a marked effect on the statistics.³⁶

Debt and trespass were the complaints most frequently brought by plaintiffs in Northamptonshire, as elsewhere, while others, such as contract and detinue, were fewer.³⁷ At Brigstock and Geddington only, there were occasional pleas of land, and three which the clerk categorized as deception. Table 2.03 summarizes all pleas, 1353-1499, by manor and type. About four percent cannot be categorized because of membrane damage, or because the plea is unspecified on the roll.

³⁴ P. Goodfellow, 'Medieval markets in Northamptonshire', Northamptonshire Past and Present 7 (1985), p.316.

³⁵ J. Laughton, E. Jones and C. Dyer, 'The urban hierarchy in the later Middle Ages: a study of the East Midlands', Urban History 28 (2001), does not include Thrapston but Dr. Laughton expressed the view that it displayed many characteristics which might have justified its inclusion; unpublished lecture, Annual Conference of the Association of Local History Tutors, Oakham, 25th April 2003.

³⁶ Schofield, 'Gossip and litigation', p.13.

Table 2.03

Pleas by Type and Manor, 1353-1499

	Debt	Trespass	Contract	Detinue	Other	Unidentified	Total
Brigstock	710	204	14	51	6	29	1014
Broughton	65	45	6	3		12	131
Catesby	84	75		2		5	166
Clipston	2	2					4
Cranford	3	3					6
Draughton	22	17	4	1		1	45
Geddington	722	287	37	19	5	22	1092
Islip	74	35	3			13	125
Kelmarsh	21	26					47
Loddington	19	69	4	3		11	106
Lowick	163	22	5	10		18	218
Maidwell	44	47	8			8	107
Weekley	5	4					9
Totals	1932	835	81	89	11	120	3068
Percentages	63.0%	27.2%	2.6%	2.9%	0.4%	3.9%	100%

In Northamptonshire, debt comprised almost two-thirds of all pleas and trespass under one-third, contrasting with Bennett's sample of two-hundred pleas in pre-plague Brigstock of which almost two-thirds were trespass.³⁸ The proportions also differ, but less markedly, from those at the royal manor of Havering. There, between 1352 and 1497, McIntosh found that rather more than half of all suits were for debt, and about a quarter for trespass which she describes as a 'broadly defined action' giving examples comparable to those found in Northamptonshire. Most other Havering pleas were land actions, initiated by the little writ of right close, and normally available to tenants of ancient demesne, but which appears not to have been used at either Brigstock or Geddington.³⁹ The studies of Writtle, by Clark, and Hinderclay, by Schofield, do not enable similar comparisons to be made with the Northamptonshire manors, but in both villis a very significant proportion of litigation was debt-related.⁴⁰

³⁷ This was the normal balance; detailed analyses have been few but an outstanding example is McIntosh, *Havering 1200-1500*, p.192

³⁸ Bennett, *Women in Brigstock*, p. 217.

³⁹ McIntosh, *Havering 1200-1500*, pp. 192-4.

⁴⁰ Clark, 'Debt litigation', p. 247; Schofield, 'Gossip and litigation', pp. 18-20.

Variations between manors, in the balance between pleas of debt and trespass, probably reflect the, often subtle, differences in their economic environments. Debt pleas were preponderant at Lowick (75%), Brigstock (70%) and Geddington (66%). All three were settlements with markets or market pretensions and so likely to attract debt litigation involving both residents and outsiders. Lowick's market charter of 1385 has been mentioned, and the significant amount of non-agricultural economic activity at Brigstock and Geddington outlined.⁴¹

Trespass pleas were notably more numerous only at Loddington, but remained a significant proportion of private suits on several other manors. Beckerman has argued that growing use of the presentment jury and the summary nature of presentment enabled its use by peasants to harm those against whom they bore grudges. In particular, the difficulty of obtaining redress in cases of trespass led men to abandon the chance of compensation by litigation, in favour of seeking revenge through a presentment procured with the help of well-placed friends and relatives serving on the presentment jury. By 1400, he concludes, complaints of trespass were rarely brought in most manor courts.⁴² In Northamptonshire such a conclusion would be over-stated. From Table 2.03 it can be calculated that, across all manors, debt pleas outnumber the sum of all other types of action. However, if Brigstock, Geddington and Lowick, with subtly different economies which produced a disproportionate volume of debt litigation, are taken out of account, pleas of trespass are much more prominent. The total of all pleas is reduced to 744 of which forty-three percent are trespass. At Loddington certainly, but also at Kelmarsh, Catesby, Maidwell, Draughton and Broughton, to a significant degree, the pre-eminently agricultural base of the local economy and the economic circumstances of many tenants probably made the need to attempt to recoup the loss of or damage to grain or stock, arising from the carelessness of their neighbours, as important as engaging in the local credit network.

A last general point about the Northamptonshire evidence is that it suggests that preoccupation with technicality was not characteristic of the courts studied. Well before recent scholarly investigations were undertaken, H.S.Bennett had formed the view that the courts rapidly developed technicalities before the Plague enabling defendants to avoid a

⁴¹ Chapter 1, pp. 22-7.

⁴² Beckerman, 'Innovation', pp. 248-9

charge on a point of pleading.⁴³ His examples were drawn from the manor of Wakefield, but there is no instance of a plea failing on a technicality in the Northamptonshire rolls studied other than the need for men to plead in the appropriate court. At Cranford in 1416 Thomas Porchet and John Souter were both at mercy because they had impleaded each other in the court of Edmund Glenne, although both were tenants of the lord of Cranford.⁴⁴ Unusually, at Brigstock in 1451, William Harueby was not allowed to proceed against Agnes Morcote in a plea of trespass, but this was because he had not paid the rent arrears he owed her, following earlier litigation, rather than because of any irregularity in his plea. In contrast there are a number of pleas being allowed to proceed although they appear to have been wrongly designated. At Geddington John Botelyr successfully sued William Chaumpeneys in a plea of trespass, although the inquest jury found that the wrong done was the unjust detainment of a lamp wick.⁴⁵ Similarly, in 1414, John Souter of Cranford sued Thomas Burden of Rothwell for debt although Thomas's failing had been to take one of John's cows to Denford where, by oversight, it was slaughtered; arguably a case of trespass.⁴⁶ At Brigstock in the 1420's unpaid rent was retrieved through pleas of both debt and contract. There are other examples which together suggest the concern was to remedy a wrong rather than allow a plea to fail on a technicality.⁴⁷

Litigation Procedures

This section considers the plaintiff's initiation of a suit; the responses which a defendant might make, including evasion and delay; the various means employed to establish the facts of the case; and the different types of settlement reached. To some extent that is an artificial framework and to assume parallels with the phases of modern civil litigation culminating in a considered judgement of the court, often with the possibility of appeal, would be misleading. For example, if a defendant waged his law successfully with oath-helpers, his and their word was, in effect, taken as the verdict, namely that the plaintiff had brought a

⁴³ H.S. Bennett, Life on the English Manor. A Study of Peasant Conditions, 1150-1400 (Cambridge, 1937), p.219.

⁴⁴ NRO M(B) no box number, Court Grisogonus 4 Hen. V.

⁴⁵ NRO M(B) Box X351B, Court Clement 5 Ric. II.

⁴⁶ NRO M(B) no box number, Court 12th April 2 Hen. V.

⁴⁷ NRO M(B) Box X366, Courts Nicholas 1 Hen. VI and Margaret 7 Hen. VI.

false complaint. Conversely, failure by the defendant to produce the required number of oath-helpers ensured the plaintiff's victory.

The initiation of a plea was the plaintiff's responsibility, in contrast to most other court business which arose from presentments by manorial officials or the sworn jury. Presumably the plaintiff would have consulted the bailiff about bringing his plea, prior to the court assembling, and John of Oxford appears to assume this.⁴⁸ Sometimes, but not invariably, the defendant, too, was summoned to answer before the first hearing. At Islip, in 1407, Henry Sampson initiated a plea of debt against John Duffyn and it was recorded that John had been summoned but had not come and so was to be distrained; at the same court, however, William Curteys brought a plea of debt against the same John and two other defendants, all of whom were ordered to be summoned to the next court.⁴⁹ At Geddington, in 1382, the bailiff had even attached Reginald Walssheman, by a mare valued at 3s 4d, to answer to Roger Chaumpeneys the vicar, before his plea had come to court.⁵⁰

The specimen plea which Maitland provided, A. of B. complains of C. in a plea of debt, is the usual first roll entry.⁵¹ In Maitland's example a pledge that the complaint would be pursued was also named but this was not always required in Northamptonshire by the late-fourteenth century.⁵² Having brought his plea, however, the plaintiff was not normally allowed to withdraw it unsettled, without being amerced, the only exception found being at Geddington, in 1377, when Emma Pykeryng was allowed to do so.⁵³ Plaintiffs may, on occasion, have submitted a written deposition of their complaint. One such possible document, attached to the rolls of the manor of Draughton for 1396, is a note detailing the debts which Isabelle Hedon was said to owe Thomas Tybenham. The plea is also recorded in the court roll in the normal way, however, and it is uncertain whether the extra document was laid before the court by Thomas or was a summary of his verbal allegations, made by the clerk.⁵⁴

Once the plaintiff had laid his complaint, however, the progress of his suit depended on the willingness of the defendant to come to answer, and the urgency with which manorial

⁴⁸ Maitland and Baildon, Court Baron, p.68

⁴⁹ NRO Stopford Sackville Collection (SS) 3577, Court Barnabas 8 Hen. IV.

⁵⁰ NRO M(B) Box X351B, Court Peter in Chains 6 Ric. II.

⁵¹ Maitland and Baildon, Court Baron, p.80.

⁵² Table 2.10, p.66.

⁵³ NRO M(B) Box X351B, Court Michaelmas 1 Ric. II.

officials put pressure on him to do so. Sometimes, settlements were promptly achieved. At Catesby in July 1378 Robert Leche accused Thomas Dousyng of trespass; Thomas was present in court, found to be at mercy and the suitors assessed damages, which Robert was to recoup, at 6d for a half-quarter of peas.⁵⁵ On the other hand the scope for delay and evasion by defendants was considerable and manorial administrations were not always effective in bringing them to court swiftly or at all.⁵⁶ Bennett emphasised the length of time litigation took in pre-plague Brigstock; she found that postponements were common and argued that this was particularly disadvantageous to women litigants.⁵⁷ Dyer has also pointed out that procedures were slow and cumbersome in the courts of the bishop of Worcester.⁵⁸ In contrast, at the turn of the thirteenth century at Hinderclay in Suffolk, Schofield found that most pleas were settled quickly in no more than two or three court sessions, and McIntosh found a comparable pattern at Havering in the late-fourteenth century although the situation had deteriorated markedly by the 1440's.⁵⁹

A legitimate means whereby litigants could delay proceedings was to warrant their essoin, that is provide a valid reason for non-attendance, on up to three occasions at any stage during litigation. Very occasionally plaintiffs did so: at Brigstock, Robert Draper of Stanion was essoined in his plea of trespass against William Golderon.⁶⁰ It was defendants, however, who more frequently had recourse to essoin, perhaps to prepare a defence or find oath-helpers. At Brigstock, in 1449, Morganus Felypp, the defendant, was essoined on three successive occasions against John Garon, but appeared on the fourth to ask for enquiry by neighbours into the facts of the accusation of entering John's house unlawfully which had been made against him.⁶¹ In Northamptonshire the procedure was used sparingly which suggests that the courts did not readily accept excuses for absence. Only sixty-three instances have been found, in seven of the courts studied, more than fifty of them in Brigstock and Geddington, and affecting a much smaller number of pleas.

⁵⁴ NRO FH 466.

⁵⁵ The National Archive: Public Record Office (TNA:PRO) SC2/195/4 m.1, Court James 1 Ric. II.

⁵⁶ Page 105.

⁵⁷ Bennett, *Women in Brigstock*, p. 28.

⁵⁸ Dyer, *Lords and Peasants*, p.266

⁵⁹ Schofield, 'Gossip and litigation', p.15, f.n.46; McIntosh, *Havering 1200-1500*, pp.196-7 and 199-200.

⁶⁰ NRO M(B) Box X366, Court Epiphany 3 Hen. V.

⁶¹ NRO M(B) no box number, Courts Barnabas 27 Hen. VI – *Nativitas BVM* 28 Hen. VI.

In contrast to essoin, delay by simply not attending court was an informal tactic adopted by defendants, sometimes over a remarkably long period of time. At Draughton, in November 1402, Robert Smyth of Maidwell impleaded Richard Berd for trespass, and Richard was attached to answer, as he was, again, at a later court. The plea did not appear at the court of 19th June 1403, but it resumed in December only to be deferred until the next court. Subsequent breaks in the roll series may conceal developments in the litigation, but it was not until 30th May 1405, well over two years after the plea had been initiated, that Robert failed to present himself to pursue his case and was amerced for having abandoned it.⁶² Similarly, at Geddington, on 15th August 1405, John Pope of Carlton initiated a plea of debt against Thomas Symme of Great Bowden in Leicestershire. Thomas was subsequently distrained by a coverlet worth 1s 8d, and a horse for which no value was recorded. Thereafter the plea was regularly listed in the rolls with a marginal entry indicating that Thomas continued to stand distrained until 15th April 1407 when John, who by then was himself being pursued by three separate creditors, did not pursue his claim and was amerced 2d.⁶³

How vigorous the efforts were of the manorial administration to bring reluctant defendants to court is unclear. Typically 'laconic' references to the failure of a defendant to appear after summons are scattered throughout the rolls, as are orders to distrain or attach him.⁶⁴ McIntosh found that at Havering it was usual, during the late-fourteenth century, for the bailiff to be amerced if he failed to bring the defendant to court but this practice declined in the fifteenth century.⁶⁵ In Northamptonshire the bailiff appears to have been penalised only where he acted as the named pledge to guarantee attendance, but not when his attachment of the defendant's goods had failed to bring him to court. There were, in any case, constraints on the action manorial bailiffs could take. The Statute of Marlborough of 1267 had repeated the rule that a lord could not distrain out of his fee and also made it an offence to take unreasonable distress inside it.⁶⁶ In particular, therefore, distraining men from

⁶² NRO FH 466, Courts Katherine 4 Hen IV and Ascension 6 Hen. IV mark the beginning and end of Smyth v. Berd.

⁶³ NRO M(B) Box X351B, Court Assumption BVM 6 Hen. IV and View 15th April 8 Hen. IV mark the beginning and end of Pope v. Symme.

⁶⁴ The adjective describing local plea rolls is from M. Clanchy, *From Memory to Written Record* (2nd edn Oxford, 1993), p. 98.

⁶⁵ McIntosh, *Havering 1200-1500*, p. 200.

⁶⁶ Beckerman, 'Manorial adjudication', p.16.

outside the manor was especially difficult. In Geddington, during the 1370's, the fact that a litigant was from outside, and that his future attendance was, therefore, the particular responsibility of the bailiff, was often noted in the roll but this degree of concern had disappeared by the middle 1380's.⁶⁷

In the manors studied the order to attach was usually recorded by no more than the abbreviation *att* or, where it was by pledge, *att ppl*. Where there is no reference to a pledge the bailiff was presumably required to seize certain of the defendant's goods and occasionally these are listed at a subsequent court. Only at Geddington, however, was this done with any regularity and Table 2.04 summarises the livestock and chattels distrained in the course of litigation there between 1377 and 1423. The recorded cash values attributed to those items are also listed and a median value indicated where there are sufficient figures to make that meaningful.

In a very high proportion of cases the items seized were small, inexpensive, household utensils the loss of which may have caused little inconvenience, but a significant number of horses were taken which might well have seriously disadvantaged their owners.⁶⁸ Where comparison is possible the cash value of the distraint appears to have been reasonable in the light of the plaintiff's claim but there are instances where it was disproportionate. At Brigstock in 1461, William Valeance and Robert Prylle, both clergy, brought a plea of debt for 6s 6d against William Bally of Corby who was attached by four quarters of barley, and a horse valued at 20s. Later in the year the plaintiffs discontinued their suit; perhaps they had reached an informal settlement with William who is likely to have wanted his horse back.⁶⁹

⁶⁷ NRO M(B) Box X351B, Court Paul 1 Ric. II.

⁶⁸ Chapter 4, p.191

⁶⁹ NRO M(B) Box X366, Courts 26th January 39 Hen. VI and 27th July 1 Edw. IV.

Table 2.04

Livestock and Chattels Distrained during Litigation at Geddington,1377-1423

Items distrained	Number of occasions	Range of cash values recorded	Median Value
Livestock			
Cattle	11	3s-13s 4d	5s
Horses	43	6d-10s	3s 4d
Sheep	2	-	-
Pigs	1	-	-
Grain & malt	5	-	-
Household Goods			
<i>olla</i>	60	1d-4s	2s
<i>patella</i>	72	4d-8s	1s
Furniture	4	-	-
Other	5	-	-
Tools	6	2d-3s 4d	1s
Cloth etc.	7	6d-4s 6d	-
Skins	4	-	-
Cart with horses	3	20s- £2 13s 4d	£2
Cloak & saddle cloth	1	10s	-
Saddle & bridle	1	-	-
Non-specific chattels	14	12d-13s 4d	5s
Cash	1	10d	-

In contrast there are twenty-six references at Brigstock between 1451 and 1458 to the defendant having nothing by which he could be distrained or attached, and the court ordering distraint or attachment to be made by other means, presumably by individual pledge.⁷⁰ McIntosh takes the view that this apparent lack of goods was in reality the bailiff's excuse for inaction.⁷¹ At Brigstock, during the 1450's, the twenty-six references to lack of distrainable goods exceed the seventeen when distrained goods were specifically recorded, suggesting some bailiffs were dilatory, but such references vanish after 1458 although distraint of specified goods continued to be recorded, at infrequent intervals, into the 1490's.

Some defendants, in any case, came to answer their accuser without apparent compulsion, and once they had done so it was possible to establish the facts of the case and so proceed to a judgement. In about one-fifth of all suits for which a settlement is recorded the defendant

⁷⁰ NRO M(B) no box number, Court Margaret 29 Hen. VI, Jonson v. Spycer, is the first of these, and Box X366, Court Barnabas 36 Hen. VI, Newman v Smyth, the last.

acknowledged fault and effectively ended proceedings.⁷² In other cases, however, the defendant denied the allegation or asserted that he was not culpable. Only rarely are the grounds for denial recorded but at Geddington, in 1393-4, Agnes, widow and executor of William Cook, answered Robert Croos, who alleged that his horse had been killed by one belonging to William, by arguing that that particular horse was not among the goods and chattels of which she was the executor. This could well have been so if it had been sold before William's death, and Agnes asked for the sworn men to verify the truth of her claim. They decided that Richard should recover 20d. It was poor compensation for the loss of a horse and there may have been some force in Agnes's defence.⁷³

Whatever form the defence took, once it had been put forward, a trial became necessary. The oldest form of trial found in manorial courts was oath-swearing, a means of proving a negative based on the theory that justice was the result of a clear conscience evidenced by a good oath.⁷⁴ The defendant swore his oath and his helpers each witnessed as true the oath that he had sworn. The form of words varied but it would have been difficult for an honest person to have used them without some knowledge of the facts of the case in addition to a perception of the defendant's character.⁷⁵ Beckerman has shown that judges and lawyers sought to reduce the circumstances in which oath-helping was available and some manor courts came to regard it as inappropriate for certain forms of trespass. In lawsuits involving debt, however, it was more persistent and on some manors it remained the only mode of trial used in civil pleas into the fifteenth century and even later.⁷⁶

In the courts studied, oath-helping continued, but only as one means of trial, well into the fifteenth century, the last being at Brigstock in 1486.⁷⁷ It was used in all types of plea and there is no example of a litigant being denied his request to wage his law although there is one instance of a defendant who sought trial by inquest of the suitors but was ordered by the court to submit to arbitration.⁷⁸ The procedure was available to plaintiffs and, at Brigstock in 1456, John Fermory came with three Stanion men, and made good his claim against

⁷¹ McIntosh, *Havering, 1200-1500*, p.199.

⁷² Table 2.07, p.59

⁷³ NRO M(B) Box X351A, Courts 29th November, 9th January and 20th February 17 Ric. II.

⁷⁴ Beckerman, 'Innovation', p. 203.

⁷⁵ Beckerman, p. 211

⁷⁶ Beckerman, pp. 206-209

⁷⁷ TNA:PRO SC2/194/71 m.5, Court 6th March 1 Hen. VII, Nibbes v. Spenser, debt.

⁷⁸ NRO FH 531, Draughton, Court Palm Sunday 4 Hen V, Gybson v. Wystowe, trespass.

William Foster of Brigstock to a rod of land in Stanion.⁷⁹ In the courts studied, however, it was usually defendants who waged their law and Table 2.05 summarises the verdicts and other outcomes of their use of oath-helpers between 1375 and 1486. Most pleas were of debt but there were also twenty-five of trespass spread across most of the manors, and several of contract at Geddington, confirming the widespread and continued use of oath-helpers in personal suits.

Infames, disreputable persons, such as fugitives, the excommunicated and various other categories could not be oath-helpers and the number that litigants had to bring with them was specified by the court, being determined by the weight of the accusation, and the number of witnesses for the other party.⁸⁰ In Northamptonshire the number was not always recorded. It ranged between one and twelve but six, on sixty occasions, was the most frequently specified, although there were differences between manors so that at Brigstock six helpers were required in only seven pleas and two, three or four were more often the required number. Twelve men were required in eight suits across several manors but paucity of detail makes it impossible to assess whether the number reflected the seriousness of the complaint or only, perhaps, the steward's scepticism about the validity of the defendant's denial.

It can be seen from Table 2.05 that only twenty-seven defendants are known with certainty to have waged their law successfully but the addition of other outcomes, notably the plaintiff withdrawing his suit in the face of an intended wager of law, suggests that about forty percent of wagers with a known outcome were settled to some extent, at least, in the defendant's favour. The occasions on which the plaintiff withdrew his suit suggests that for some litigants the offer to wage one's law may have been a negotiating tactic aimed at weakening an opponent's nerve, although the court's power of decision as to the number of oath-helpers would always have made the value of such a tactic somewhat speculative.

⁷⁹ NRO M(B) Box X366, Court Hilary 34 Hen. VI.

⁸⁰ Beckerman, 'Innovation', pp.205-6

Table 2.05

Defendants Waging their Law with Oath-Helpers, 1375-1486

	Geddington	Brigstock	Other Manors	Totals
Number of wagers	48	65	52	165
Number with unknown outcome	8	30	17	55
Number with known outcome	40	35	35	110
Direct outcome:				
Defendant wages successfully	7	13	7	27
Defendant wages unsuccessfully	4	11	8	23
Indirect outcome in defendant's favour				
Plaintiff withdraws	5	3	3	11
Court finds against plaintiff	3		1	4
Concord for which plaintiff pays	2		1	3
Indirect outcome in plaintiff's favour				
Concord for which defendant pays	10	4	6	20
Defendant acknowledges fault	5	2		7
Defendant withdraws his law	2			2
Defendant does not come to wage		2	8	10
Balance of outcome unclear				
Licence of concord	1		1	2
Arbitration award	1			1

An interesting, late example of a defendant successfully waging his law occurred at Brigstock in 1455 when John Lyncolne did so with the aid of two men who may have been as much expert witnesses as oath-helpers. The plaintiff, John Coldewe, alleged damage to and partial loss of eleven ells, about thirteen and three quarters of a yard, of white woollen cloth as a result of John Lyncolne's neglectful weaving. The defendant claimed *essoyn* on three consecutive occasions, perhaps to marshal his defences, and then appeared to wage his law successfully two-handed with John Webestere of Stanion and John Broun, a weaver of Brigstock, as his oath-helpers. In a matter touching his trade John Lyncolne successfully organised two fellow-craftsmen to speak for him.⁸¹

As the table shows there were also twenty-three occasions when the defendant failed to wage his law successfully and twelve others when he withdrew his law or failed to come to wage. A difficulty for the defendant may often have been to secure the required number of

⁸¹ NRO M(B) Box X366, the case can be traced through the seven courts between Courts Hilary 33 Hen. VI and Corpus Christi 33 Hen. VI.

oath-helpers, although only one unequivocal example has been found. At Geddington, in May 1414, Henry Skynner pursued a plea of detinue against John Wodehewer in respect of a length of cloth valued at 3s 4d. It had been agreed at the previous view that if John could find two men to swear that his wife had already paid Henry 1s 8d for the cloth, John would pay a further 4d to settle the matter. However, none of John's neighbours would swear, refusing to do so in full court, and it was ordered that Henry should recover the cloth.⁸²

Where the defendant denied the allegation against him, but did not seek to wage his law, other means were employed to establish the facts before the delivery of a verdict. A central theme of Beckerman's examination of procedural innovation and change in the manor courts is the gradual replacement of verdicts of the whole homage by verdicts of trial juries or special inquests, initially in land litigation but eventually, also, in personal pleas.⁸³

The Northamptonshire evidence makes it clear that while inquest juries were sworn to establish the facts of disputed personal suits and, sometimes, to declare a verdict based on their findings, there was no uniform or standard procedure. Sometimes the defendant took the initiative and sought verification of the facts *per inquisitionem*, or *per curiam*. In others he put himself on the inquest jury, the court, or a variable number of sworn or legal men.⁸⁴ Occasionally litigants collaborated to seek verification by various of these means.⁸⁵ In the plea of trespass between John Garon and Morganus Felypp at Brigstock in 1449 the litigants asked jointly for inquiry by neighbours and not a sworn jury. John alleged that Morganus had entered his house without permission and taken a brass dish worth 4s; both men took the view, perhaps, that the witness of their neighbours would be more likely to yield the truth than that of a randomly chosen jury.⁸⁶ The court, however, instructed the bailiff to empanel twelve sworn men and it is not known how many were neighbours of the litigants. Where the court ordered an inquiry the bailiff was probably responsible for ensuring that it took place, but such orders were often recorded by no more than a marginal abbreviation – *inquis* for inquiry or *ve fa*, for *verificacionem faceret*, let verification be carried out – so that it is

⁸² NRO M(B) Box X351B, View Pentecost 2 Hen. V.

⁸³ Beckerman, 'Innovation', p. 212-13.

⁸⁴ NRO M(B) Box X351B, Geddington, Court 15th January 19 Ric. II; Box X366, Brigstock, Court 30th June 9 Hen. V; Box X386, Broughton, View Thomas 2 Ric. II and Court Mary Magdalene 3 Ric. II; FH 424, Maidwell, Court Salutation BVM 14 Ric II; M(B) Box X366, Brigstock, Court Petronilla 4 Hen. V.

⁸⁵ NRO M(B) Box X351B, Geddington, Court Nicholas 6 Hen. IV; Box X366, Brigstock, Court Petronilla 4 Hen. IV; Young of Orlingbury Collection (YO) 379, Loddington, Court Hillary 49 Edw. III; FH 544, Court Corpus Christi 12 Ric. II.

uncertain precisely what was to be done. Where the court order was more specific it was sometimes for an inquest jury to verify the facts, for example at Maidwell in 1361 and Brigstock in 1427.⁸⁷ Such orders, however, were not always carried out promptly: at Geddington, in August 1383, in the plea of debt which Adam Sparhawk had brought against Alice Seneker in February, the inquest jury had still to be sworn.⁸⁸ Men were probably reluctant to serve. Twelve was the usual number required but in both Brigstock and Geddington the bailiff was sometimes ordered to summon only six, and once, at Maidwell, he was merely instructed to verify by suitors.⁸⁹ The statement *sunt ad inquisitionem et habent diem* is scattered through the rolls suggesting a lack of urgency, and there are instances when the steward was not satisfied and the inquest jury was ordered to inquire better.⁹⁰

In parallel with the use of an inquest jury there was occasional use of informal processes, and also procedures persisting from a time when the whole body of suitors clarified the facts of a plea. Informality is suggested at Brigstock in 1462 when the bailiff was instructed to verify the facts of a plea of trespass himself. No detail was recorded but perhaps the steward took the view that in some matters, such as a broken hedge, it was unnecessary to swear a jury. The Maidwell reference to the bailiff seeking verification through suitors hints at older procedures, and as late as 1468 John Wallepole put himself on the homage in a plea of trespass at Brigstock and it was the homage that found that he was to blame for having carried away a cart load of Adam Johnson's hay.⁹¹ Another indicator of older forms of inquiry persisting is found only at Geddington between 1386 and 1400. In eight pleas, six of trespass, one of contract and one of deception, the defendant asked for verification *per patriam*. Latham gives 1185 for the earliest use of the term in the sense of a local body of suitors or jury; perhaps the fourteenth-century Geddington clerk was using an obsolete term

⁸⁶ NRO M(B) no box number, Court James 27 Hen. VI.

⁸⁷ NRO FH 2966, Court John Baptist 35 Edw. III; M(B) Box X366, Court 12th May 5 Hen. VI.

⁸⁸ NRO M(B) Box X351A, Court Assumption BVM 7 Ric. II.

⁸⁹ NRO M(B) Box X366, Brigstock, Court Peter 34 Hen. VI; Box X351B, Court 12th April 16 Ric. II; FH 526, Maidwell, Court Assumption BVM 3 Hen. V.

⁹⁰ NRO M(B) Box X351 B, Court Martin 6 Ric. II.

⁹¹ TNA:PRO SC2/194/68 m.1, Court 25th January 7 Edw. IV.

but it is also possible that the older practice of trial by homage rather than by sworn jury was what the defendants were seeking.⁹²

Arbitration, as an alternative to trial, occurred once each at fifteenth-century Draughton and Weekley, but only at Brigstock was it used sufficiently often, particularly during the 1450's, to enable its significance to be assessed. Powell has demonstrated the importance of arbitration among the social elite during the later Middle Ages.⁹³ He points out that only one percent of private suits in the Court of Kings Bench came to judgement and that in the Court of Common Pleas the overwhelming majority of entries on the plea roll recorded the non-appearance of the parties summoned.⁹⁴ A writ, he argues, was only a means to persuade the other party to negotiate and arbitration became a significant process. Common law did not enforce an arbitration award but accepted a plea of arbitration as a bar to further litigation. The process, he suggests, was adaptable at every social level and to all manner of disputes, although his examples are restricted to litigation involving the aristocracy and gentry.⁹⁵ Britnell takes the view that men saw arbitration as a means to avoid the delays and expense of litigation but, like Powell, refers primarily to the social elite.⁹⁶ Bonfield sees the role of neighbours as arbiters in manor courts as supporting his contention that plea settlement in them was akin to modern alternative dispute resolution.⁹⁷

At Brigstock, forty-two pleas were put into arbitration during the fifteenth century, three before 1427, followed by an interval of over twenty years before the procedure reappeared. During that time about two-hundred pleas were recorded in the surviving rolls, and it is unlikely that none would have gone to arbitration had such an approach been fashionable. In contrast, between 1449 and 1463, several pleas in each year (except 1460) were put into arbitration. It was used in pleas of all kinds, except land, but nineteen of the forty-two were of trespass although during the entire fifteenth century trespass accounted for only two

⁹² NRO M(B) Box X351B, Court 9th June 9 Ric. II; Box X351A, Court 20th August 11 Ric. II; Box X351B, Court 26th June 17 Ric. II; Box X351A, Courts 19th December and 9th January 17 Ric. II; Box X351B, Courts 27th November 19 Ric. II, 3rd June 20 Ric. II and 23rd October 2 Hen. IV.

⁹³ E. Powell, 'Arbitration and the law in England in the late Middle Ages', Transactions of the Royal Historical Society 5th ser. 33 (1983), pp. 49-67.

⁹⁴ Powell, pp. 50-1, citing M. Blatcher, 'The workings of the court of Kings Bench in the fifteenth century', unpubl. Ph.D. thesis, University of London (1936); and M. Hastings, The Court of Common Pleas in Fifteenth Century England (New York, 1947).

⁹⁵ Powell, p. 57.

⁹⁶ R. H. Britnell, The Commercialisation of English Society, 1000-1500 (2nd edn Manchester, 1996), p. 214.

⁹⁷ Bonfield, 'Customary law', pp. 520-3 and 533-4.

percent of all pleas. Perhaps disputes over damaged crops or broken hedges were thought to be more susceptible to negotiation than debts.

Whether arbitration was the choice of the litigants or a procedure determined by the court is not always clear. Richard Wystowe was ordered by the court to accept arbitration at Draughton but three pleas at Brigstock were arbitrated by agreement of both parties.⁹⁸ Usually, however, the clerk recorded only that the plea had been put into arbitration together with the number, and sometimes names, of the arbitrators. Two, the most usual number, were appointed on twenty occasions, and four on eleven. Altogether thirty-three men served as arbitrators, although twenty did so only once. William Wotton (11), John Tukke (9) and John Warren (8) appeared most frequently and, presumably, charged a fee for their services. They were tenants of the manor and held local office. Most arbitrators appear as tenants in the survey of 1439 and were well established members of the village before the regular use of arbitration began in 1449.⁹⁹ William Wotton held three quarter-virgates and John Tukke a half-virgate; both served as bailiff. John Warren was not a tenant in 1439 but did not arbitrate until 1454, by which time he had presumably established himself in the village, and he was a bailiff in 1455. Occasionally, local gentry arbitrated. William Aldewyncle, *armiger*, was sole arbitrator in Gyles v. Waterman, debt, in 1452 and the bailiff of Stanion arranged for Simon Burton and William Mulsho, members of local gentry families, to arbitrate in Garon v. Plot in 1458.¹⁰⁰

Hanawalt has suggested that if a litigant had friends and relatives among 'primary villagers' his hand was strengthened in the event of a jury trial.¹⁰¹ It may also have been so in the event of arbitration. In January 1457 there appears to have been an attempt to pack the arbitration panel in the interests of a defendant who was the social superior of the plaintiff. John Wolston, a tailor, alleged that Thomas Grene of Sudborough, elsewhere designated *gentilman*, had seized certain of his chattels by force of arms. Thomas, through his attorney Simon Bethewater, denied the charge and the matter was put into the arbitration of four named men, all of Sudborough, and including Simon. Later, the composition of the panel

⁹⁸ NRO FH 531, Court Palm Sunday 4 Hen. V, Gybson v. Wystowe, trespass. NRO M(B) no box number, Court James 27 Hen. VI; Box X366, Courts Thomas Martyr and Laurence 33 Hen. VI; the three by agreement were Fermory v. Symond, trespass, Lyncolne v. Coldewe, debt and Walpoll v. Warton, debt.

⁹⁹ NRO Miscellaneous Ledgers (ML) 141, Survey of the Manor 18 Hen. VI.

¹⁰⁰ NRO M(B) Box X366, Courts Katherine 31 Hen. VI and Purification BVM 36 Hen. VI.

¹⁰¹ B. A. Hanawalt, *The Ties that Bound. Peasant Families in Medieval England* (Oxford, 1986), p.122.

was changed: Simon was omitted and two of the four were Brigstock men. From a modern perspective, however, the balance had been shifted too far the other way: William Wotton, one of the Brigstock men, was himself currently engaged in litigation against Thomas and so unlikely, perhaps, to be a disinterested arbitrator.¹⁰² On occasion it appears that the intention was, indeed, to create an adversarial balance. In 1459 in Olyver v. Sompt, debt, John Felypp and John Plot were appointed for the plaintiff and Richard Newman and William Wotton for the defendant.¹⁰³ There are other similar arrangements: in 1449 Stephen Fermory and John Symond were appointed as arbitrators with the agreement of the litigators, William Fermory and Robert Symond, to whom they were, respectively, related.¹⁰⁴ Twice, however, in contrast, arbitrators were appointed and enjoined to be impartial, both cases coming right at the end of the period when arbitration was in regular use at Brigstock, in 1462 and 1463.¹⁰⁵

Table 2.06 summarises the results of arbitration at Brigstock. Restricted evidence necessitates caution but it suggests that the procedure enjoyed only limited success. In only four cases does the verdict appear to have been determined by the arbitrators. In two they are credited with having helped the parties reach concord. In a third they also helped to reach the associated financial settlement. Alice Warton went to law to recover a debt of 2s 8d from William Stanerne and his wife Isabelle in May 1456. Two months later the arbitrators, John Tukke and Thomas Craunfeld (who replaced William Warner in the course of the proceedings), made *finem* for 2s to be paid at 4d in each week following the court of 19th July, subject to it being seized if it was not paid.¹⁰⁶ In December of the previous year John Felypp and John Raulen had brokered an agreement between John Lyncolne and John Coldewe that the latter should pay the former 4d at the Epiphany with the amount being increased to 1s if he failed to do so. Meanwhile John Coldewe was to remain at mercy.¹⁰⁷

¹⁰² NRO M(B) Box X366, Courts Purification BVM 35 Hen. VI- James 35 Hen. VI for Wolston v. Grene

¹⁰³ NRO M(B) Box X366, Court Palm Sunday 37 Hen. VI.

¹⁰⁴ NRO M(B) Box X366, Court James 27 Hen. VI.

¹⁰⁵ NRO M(B) Box X367, Court 26th April 2 Edw. IV, West v. Raulen, debt,; and Court Assumption BVM 3 Edw. IV, Andrue v. Chamber, trespass.

¹⁰⁶ NRO M(B) Box X366, Courts Ascension 34 Hen. VI-Margaret 34 Hen. VI.

¹⁰⁷ NRO M(B) Box X366, Courts Corpus Christi 33 Hen. VI-Andrew 34 Hen. VI.

Table 2.06

The Results of Arbitration in Brigstock, 1414-1463

Result	Number
Arbitrators successful	
Concord between litigants achieved by arbitrators	2
Agreement for defendant to recover achieved by arbitrators	1
Concord between litigants; <i>finem</i> made by arbitrators	1
Court ruling without apparent reference to arbitrators	
Plaintiff does not pursue his claim and is at mercy	4
Defendant wages his law successfully	1
Court finds both parties to be at mercy	1
Licence of concord; both parties at mercy	2
Licence of concord; defendant at mercy	3
No outcome recorded	
Lost as a result of a break in the roll series	8
Disappears without explanation from the record	19
Total	42

In contrast, in the remaining eleven where verdicts survive, outcomes are recorded in terms which might equally well be found at the conclusion of pleas tried by wager of law or by jury and it is unclear how far the arbitrators influenced them. One defendant, John Plot, appears to have abandoned hope of arbitration taking place, and returned to the court with his oath-helpers to wage his law. He was accused by Robert Garon, in July 1457, of taking stone, valued at 6d, from his ground without permission. In February 1458 a continuation was granted pending arbitration. However, in May, John promised to wage his law three-handed which he did successfully on 12th June.¹⁰⁸

Reasons for the disappearance from the record of so many of the pleas put into arbitration are not evident. An example is one of the series of pleas between Richard Hencok and Richard Ive in 1456. Hencok alleged trespass against Ive but the plea was changed to detinue of two *tholes* (which have not been identified) and put into arbitration in May. Thereafter it was listed at each three-weekly court, either as remaining in arbitration or as

¹⁰⁸ NRO M(B) Box X366, Courts James 35 Hen. VI –Barnabas 36 Hen. VI.

having a continuation approved, but after December 1456 it vanishes from the record, as the unbroken sequence of courts well into 1457 confirms.¹⁰⁹

Lax administration is one possible explanation for the disappearance of such pleas. John of Oxford had enjoining bailiffs to ensure that they had the plea rolls available in court so that any which remained outstanding could be dealt with appropriately.¹¹⁰ In fifteenth-century Brigstock this does not appear always to have been done. In 1455, a plea of debt brought by John Wilbess against William Smyth and put into arbitration of John Tukke and John Warren, who were themselves the bailiffs, was one which never subsequently re-appeared on the roll.¹¹¹ A second possibility is that awareness of the common law doctrine that arbitration would normally disbar further litigation in the same suit led some litigants and arbitrators to implement a mutually acceptable agreement without returning to the court. This conflicts with evidence of seigneurial determination to maintain manorial jurisdiction but remote royal lordship in Brigstock may well have permitted a degree of informality among the local elite. The relatively sparse evidence does not allow any settled conclusions but it appears that arbitration may not have been as successful a procedure for dispute resolution at manor court level, as Powell found it to have been at the levels of royal justice and the social elite.

Having considered the plaintiff's initiation of a plea, the defendant's possible responses to it, and the varied procedures that were employed to verify the facts and try a suit, this section concludes with an analysis of the numbers and types of settlement that were reached. Table 2.07 indicates that almost seventy percent of suits begun in the courts studied reached a settlement. Almost half were achieved by the parties finding a mutual agreement on the basis of which they obtained from the court a licence of concord. This compares with the average of forty-six percent which can be derived from McIntosh's figures for the manor of Havering for five complete specimen years from between 1388-9 and 1469-70, and another of five months during 1352-3.¹¹²

Maitland translated *licencia concordandi* as leave to compromise and, more recently, Schofield has translated it as licence to agree which he further defines as to settle out of

¹⁰⁹ NRO M(B) Box X366, Courts Peter 34 Hen. VI – Christmas 35 Hen. VI.

¹¹⁰ Maitland and Baildon, *Court Baron*, p. 68.

¹¹¹ NRO M(B) Box X366, Court Ascension 33 Hen. VI.

court.¹¹³ Britton took the idea of out-of-court settlement somewhat further and, in a study of fifty-one pleas in the Huntingdonshire village of Broughton between 1288 and 1340, saw concord as an attempt by villagers to settle differences without entering into litigation.¹¹⁴ Manor courts had probably always promoted reconciliation. Maitland cited a late-thirteenth century treatise in which the steward grants a day of love so that the litigants are 'at one' by the next court.¹¹⁵ No love-day was recorded in the courts studied, but Bennett asserts that in pre-plague Brigstock the court actively encouraged concords and there are later examples there, no doubt comparable with what she found.¹¹⁶ In 1413 John Barker and Agnes his wife said that Henry Pott had killed one of their geese worth 12d, but they were reconciled by the testimony of Walter Fox, John Hemmyngton, Richard Tous and others. In 1458 John Tukke and William Doe undertook to make concord between Robert Conewey and Thomas White in a plea of trespass.¹¹⁷

On the other hand the perception of the licence of concord as out-of-court settlement which avoided the hazards of litigation ought, perhaps, to be treated with some caution. The indicative evidence from particular cases varies. At Brigstock, in 1434, John Fermory was attached to answer John Mulso in a plea of debt. In the event the plea did not reappear but an interlinear entry above the defendant's name on the roll, is the abbreviation *po se*. A possible extension in the context is *ponit se in licenciam concordandi*, that he had put himself into a licence of concord with his accuser. If so, an agreement appears to have been reached outside the court and registered retrospectively by the clerk. The Mulsho family were gentry

¹¹² McIntosh, *Havering 1200-1500*, p.196.

¹¹³ Maitland, *Select Pleas*, p.6; Schofield, 'Gossip and litigation', p.19.

¹¹⁴ E. Britton, *The Community of the Vill. A Study in the History of the Family and Village Life in Fourteenth Century England* (Toronto, 1977), p. 109

¹¹⁵ Maitland and Baildon, *Court Baron*, p.47.

¹¹⁶ Bennett, *Women in Brigstock*, p. 31.

¹¹⁷ NRO M(B) Box X366, View Michaelmas 1 Hen. V and Court Easter 36 Hen. VI.

Table 2.07

Plea Settlements by Manor, 1353-1499

	Total Pleas	Pleas Settled	Percentage Pleas Settled	Court Decisions	Licence of Concord	Defendant acknowledges fault	Plaintiff withdraws suit	Other
Brigstock	1014	696	69%	73	327	162	131	3
Broughton	131	83	63%	17	35	9	21	1
Catesby	166	125	75%	16	67	20	21	1
Clipston	4	4	100%		3	1		
Cranford	6	5	83%	1	2	2		
Draughton	45	36	80%	6	9	6	15	
Geddington	1092	812	74%	77	492	151	90	2
Islip	125	73	58%	6	21	29	17	
Kelmarsh	47	22	47%	12	7	1	2	
Loddington	106	66	62%	25	12	15	14	
Lowick	218	138	63%	32	53	37	16	
Maidwell	107	46	43%	15	19	6	6	
Sudborough	25	18	72%	5	6	6	1	
Weekley	9	6	67%	2	1	3		
Totals	3095	2130	69%	287	1054	448	334	7
Percentages	-	100%		13%	49.5%	21%	16%	.5%

and the Fermory connection were of the village elite (Stephen Fermory was a virgater in 1439) so that an exceptional arrangement may have been made for them.¹¹⁸ A second possible example of agreement reached outside the court was at Islip in 1395. William Flaxman sought 9s from Thomas Saxeby for cloth sold to him. Thomas acknowledged a debt of 6s saying he would wage his law for the remainder. However, a later addition to the roll says that afterwards they were at concord suggesting a subsequent out-of-court settlement reached with the cognizance of the steward.

However, some litigants who eventually reached concord did so only after a period of litigation and there is no evidence that their intention had been to avoid its hazards. At Brigstock, in May 1454, John Walpoll initiated a plea against Robert Warton, a smith, for 7s wages owing to his son Thomas. Robert proved elusive: twice he failed to respond to his summons, and it was said that he had nothing by which he could be attached. Subsequently his *essoyn* was accepted twice and it was not until October that he was brought to court with the help of Thomas Pittes and Thomas Craunfeld through whom, it was recorded, concord had been reached. Robert was to pay 3s at the Annunciation next (25th March 1455) and if he failed to do so would be required to pay 6s 'on the morrow'.¹¹⁹ A similar sequence can be traced during 1454-5 between Agnes Morcote and John Lenton who, she said, owed her 2s 4d. John had several creditors and he was quick to pay off William Mulsho *armiger*. Against the presumably less influential Agnes he prevaricated but eventually, partly as a result of the intervention of John Copgray the vicar, he acknowledged half the debt, which Agnes accepted, and they were at concord.¹²⁰

Frequently the court roll records nothing beyond the fact of the licence and who was to pay for it. Usually the defendant did so and payments by the plaintiff are rare. Eventually, perhaps, the court became the registry of what were out-of-court settlements for which the parties wanted a formally recorded conclusion. By the 1490's, at Brigstock, the normal formula used by the clerk was that X had paid 2d for licence with Y, and eighty-one of the 101 settlements from that decade were written in that form.¹²¹ For some litigants the licence of concord may have offered a speedy recorded settlement with minimal litigation, and for

¹¹⁸ NRO M(B) Box X366, Court Peter and Paul 12 Hen. VI.

¹¹⁹ NRO M(B) Box X366, View John Latin Gate 32 Hen. VI – Court Luke 33 Hen. VI.

¹²⁰ NRO M(B) Box X366 Court Assumption BVM 32 Hen. VI for John's payment to William; and Courts Luke 33 Hen. VI – Matthias 33 Hen. VI for Morcote v. Lenton.

others it may have become acceptable when they saw their case weaken, but its popularity as a means of dispute settlement throughout the period is evident. At Catesby it outnumbered all other types of settlement combined and at Brigstock it retained its attraction to the end of the fifteenth century.

The second major means of plea settlement was the abandonment of his case by one or other litigant. Table 2.07 shows that over one-third of all pleas ended in this way. Where a plaintiff withdrew, the clerk recorded only that he had not pursued his case and was at mercy, leaving no direct evidence why so many plaintiffs did so. Some, like John Pope, despaired, perhaps, of bringing their opponents to court.¹²² Others may have found the small amercement for withdrawal worth paying, after reaching an informal settlement out of court. Defendants either put themselves on the grace of the court or acknowledged the truth of the accusation made against them but, again, the rolls do not explain their reasons. Some defendants doubtless realized that certain allegations, such as damage done in the open fields, would be widely known among their neighbours in court, so that the fact of the trespass was not worth denying, although it was usually worthwhile for a contrite defendant to contest the level of damages claimed. Initial damages claimed were almost invariably high: Page cited a case of a plaintiff being amerced for an excessive claim but usually damages were substantially reduced without comment.¹²³ The Northamptonshire courts behaved in a similar way. At Maidwell, in 1394, Simon atte Estende, and eleven other men, sued Matilda Garom for trespass, alleging that she had defamed them to their general damage of 100s. The case continued through several courts and, meanwhile, an additional plaintiff, Robert Cook, alleged three instances of trespass against Matilda. Perhaps he, too, thought his reputation had been impugned. Eventually the sworn men assessed the damage due to the original complainants at 2d, and the court found that Robert should recover nothing for two of his pleas and 2d for the third.¹²⁴

In the forms of plea settlement considered so far, the role of the court was restricted to confirming agreements reached between litigants, and adjudicating damages. It also imposed amercements, normally only 2d or 3d, on those found to be at fault during the proceedings.

¹²¹ TNA:PRO SC2/194/72 and 73.

¹²² Page 45.

¹²³ F. Page, The Estates of Crowland Abbey. A Study in Manorial Organisation (Cambridge, 1934), p.41.

¹²⁴ NRO FH 537, Courts 4th June 17 Ric. II – 1st October 18 Ric. II.

It remains to consider those settlements in which the court or its agents had the prime responsibility for reaching a verdict. Beckerman found that, from about 1300, verdicts of the entire body of suitors were generally supplanted by those of trial juries or special inquests.¹²⁵ Court verdicts in the manors studied are listed in Table 2.08, comprise little more than ten percent of all settlements, and in most it remains unclear precisely where responsibility for the verdict lay. Page noted this difficulty, pointing out that *consideratus est*, it is adjudged, leaves it uncertain who made the decision. She suggested as possibilities the steward, the chief pledges, the body of suitors or the affeerors although the latter seem most improbable.¹²⁶ *Compertum est* is scattered through the Northamptonshire rolls or, alternatively, the verdict appears as an almost shorthand statement. At Lowick in 1389, for example, the roll recorded only that John Jolinet was at mercy for unjustly withholding 2s from William Curteys, and lists six other verdicts in comparable terms.¹²⁷ One hundred and fifty-two settlements were recorded in terms that effectively concealed who precisely, in the court, reached a verdict.

Table 2.08

Who Made Court Decisions at the end of Litigation?

Per curiam	31
Per inquis	28
Twelve named men	2
Twelve sworn men	3
Twelve legal men	1
The sworn men	9
Six lawful men	1
Five lawful man	1
The homage/ suitors/ customaries	6
Arbitrators	3
Confirmation of waging law	50
No indication given	152
Total	287

Of the 135 for which indications remain, over forty percent arose from traditional procedures used before the era of procedural change which Beckerman has documented. In

¹²⁵ Beckerman, ‘Innovation’, p. 213.
¹²⁶ Page, *Crowland Abbey*, p. 41.
¹²⁷ NRO SS2542, Court Nicholas 13 Ric. II.

six cases the court still meant the homage or a significant sector of it, and fifty verdicts followed as a result of the defendant seeking to wage his law.¹²⁸ In the thirty-one recorded as having been made *per curiam* it is uncertain what the phrase meant, but it is possible that it meant the body of suitors. In seven manors verdicts were reached both *per curiam* and *per inquisitionem*. Since both phrases were used, each presumably meant something different and inquest juries were not concealed behind the phrase *per curiam*, so that only twenty-eight verdicts, barely ten percent of the total, were unequivocally reached by an inquest jury, although seventeen others, delivered by bodies of sworn and legal men, may reasonably be added to that total. In reaching a verdict, as well as in choosing a mode of trial the Northamptonshire courts studied often continued to rely on older procedures.

Pledging in Litigation

Pledging in manor courts has been defined as ‘a system of providing surety for the fulfilment of a court-incurred obligation’.¹²⁹ At Brigstock before the Plague almost everyone judged liable by the court to pay an amercement, perform an assigned task or answer to a specific plea had to provide a personal pledge.¹³⁰ Kin were not normally called as pledges, except possibly husbands for wives’ brewing fines.¹³¹ Britton, who saw personal pledging as evidence of co-operation among villagers, while acknowledging that pledges probably charged for their services, found that the most prosperous families, who also held manorial offices, dominated pledging arrangements at Broughton (Huntingdonshire).¹³² Olson also found that, between 1280 and 1350, pledging at Ellington in Huntingdonshire was most commonly undertaken by jurors, members of the local elite.¹³³ Hanawalt, however, suggests that the social cohesion Britton detected may equally have been the dominance of one status group over others.¹³⁴

After the Black Death, changes in pledging arrangements, which may have begun earlier, have been noted in different parts of the country. On the Huntingdonshire estates of Ramsey

¹²⁸ Fifty corresponds was the number of wagers which came to trial, see Table 2.05, p.50.

¹²⁹ E. B. De Windt, Land and people in Holywell-cum-Needlingworth. Structures of Tenure and Patterns of Social Organisation in an East Midlands Village, 1252-1457 (Toronto, 1972), p.242

¹³⁰ Bennett, Women in Brigstock, p.24

¹³¹ Hanawalt, Ties that Bound, p. 260.

¹³² Britton, Community of the Vill, pp. 103-4, and 108.

¹³³ S. Olson, ‘Jurors of the village court: local leadership before and after the plague in Ellington, Huntingdonshire’, Journal of British Studies 30 (1991), p. 246.

Abbey Raftis found that pledges were no longer entered for the main categories of the court rolls and Olson notes that at Ellington pledging was no longer a significant juror activity after 1425.¹³⁵ At Havering, by the 1380's, personal pledges seldom appeared in suits and the bailiff and a handful of prominent tenants did most pledging, probably for a fee.¹³⁶ On the West Midland estates of the bishop of Worcester in the late fourteenth-century pledging was usual in inter-tenant litigation, but Dyer has pointed out that the same person often appeared for numerous individuals, who cannot all have been close associates, so that the practice may be evidence of co-operation, or of a method of enforcement imposed from above.¹³⁷

This analysis of pledging is restricted to its use in litigation at six of the manors studied: Brigstock, Broughton, Catesby, Geddington, Lowick and Maidwell. Each provides a significant body of information between about 1350 and 1430, and Table 2.09 summarises this, by decade, showing the total numbers of pleas and of those in which pledging took place.

Table 2.09
Pledging in Litigation, 1350-1430

All Six Manors	Total Pleas	Number Pledged	Percentage Pledged
1350-59	12	2	16%
1360-9	19	9	47%
1370-9	120	61	51%
1380-9	556	311	56%
1390-9	387	144	37%
1400-9	439	234	53%
1410-19	185	88	48%
1420-9	166	96	58%
Totals	1884	945	50%

About half of all suits were pledged during at least one stage of their progress but there were variations, notably during the 1390's, when the third highest number of pleas by decade produced ten percent less pledging than any other decade except the 1350's, for

¹³⁴ Hanawalt, Ties that Bound, p.260
¹³⁵ J. A. Raftis, Tenure and Mobility. Studies in the Social History of the Medieval English Village (Toronto, 1964), pp. 103-4; Olson, 'Local leadership', Table 1, p.246.
¹³⁶ McIntosh, Havering 1200-1500, p. 194.
¹³⁷ Dyer, Lords and Peasants, p.267.

which evidence is sparse. Table 2.10 provides an expanded version of the data, together with additional information, from Brigstock only, for the period after 1430 from which it is clear that the requirement to provide pledges varied between manors. At Lowick, it was not required in the majority of suits. At Maidwell, the requirement generally declined except in the 1390's when, in contrast to other manors, it increased quite sharply. At Geddington the trend was down but not uniformly so: there was relatively little pledging there in the 1390's but it revived quite markedly in the early-fifteenth century before beginning to decline once more. At Broughton and Catesby, however, the frequency of pledging fluctuated but was tending to increase before litigation largely disappeared from those courts. At Brigstock pledging was frequent between 1410 and 1429 but a marked decline began in the 1430's which continued until the 1460's, after when pledging vanished although the court continued to attract litigation.

Pledges acted at four stages of litigation in the courts studied. First they guaranteed that the plaintiff would pursue his case, a deterrent to the casual litigant, and consistent with the amercement of plaintiffs who withdrew their complaints.¹³⁸ Subsequently they attached or distrained the defendant to bring him to court and, occasionally, provided personal surety in return for the release of his attached goods.¹³⁹ If, having come, he sought to wage his law, they stood surety that he would do so. Finally, pledging took place at the conclusion of a plea either to ensure that the final settlement was carried out or, more often, to provide surety for payment for a licence of concord or of any amercement due. A Geddington suit of 1383 illustrates most of these functions. John Baldewyn of Kelmarsh impleaded Nicholas Lyne of Cransley in a plea of debt. Richard Man pledged that John would prosecute his case and the bailiff attached Nicholas because he was *extraneus*. At two subsequent courts the bailiff reported that Nicholas had been attached by a mare, valued at 10s and in the hands of Ralph Kyrkeman, who had pledged to secure Nicholas's attendance, and was amerced because he had not done so. When Nicholas eventually came to court, the litigants obtained a licence of concord for which Nicholas was to pay and the bailiff was surety that he would do so.¹⁴⁰ Of the common pledging functions only that for waging of law was not undertaken during this suit.

¹³⁸ Maitland and Baildon, *Court Baron*, p.80.

¹³⁹ NRO M(B) Box X351B, Court Thomas Martyr 13 Hen. IV, Burton v. Lappele.

¹⁴⁰ NRO M(B) Box X351B, Courts Agatha 6 Ric. II- 11th April 6 Ric. II.

Table 2.10
Pledging in Manor-Court Litigation, 1350-1460

	1350	1360	1370	1380	1390	1400	1410	1420	1430	1440	1450	1460
Brigstock												
a. Pleas						12	50	106	89	99	312	135
b. Pleas pledged						2	40	74	17	9	25	10
c. b. as % of a.						17%	80%	70%	19%	9%	8%	7%
Broughton												
a. Pleas	11	10	35	26	26	20	3					
b. Pleas pledged	1	3	8	14	10	10	2					
c. b. as % of a.	9%	30%	23%	54%	38%	50%	66%					
Catesby												
a. Pleas			13	78	8	40	20	7				
b. Pleas pledged			6	27	3	22	11					
c. b. as % of a.			46%	35%	38%	55%	55%					
Geddington												
a. Pleas			59	332	283	297	73	48				
b. Pleas pledged			43	249	103	172	25	22				
c. b. as % of a.			73%	75%	36%	58%	35%	46%				
Lowick												
a. Pleas			13	110	46	38	11					
b. Pleas pledged			4	17	13	14	3					
c. b. as % of a.			30%	15%	28%	37%	27%					
Maidwell												
a. Pleas	1	9		10	24	32	28	5				
b. Pleas pledged	1	6		4	15	14	7					
c. b. as % of a.	100%	67%		40%	63%	44%	25%					

Table 2.11

Pledging Functions, 1350-1430

	Pleas pledged	Pledged to prosecute	Pledged to attach defendant	Pledge defendant to wage law	Pledge of settlement
Brigstock	116	76	21	6	54
Percentage		66%	18%	5%	47%
Broughton	48	34	6	3	9
Percentage		71%	13%	6%	19%
Catesby	69	20	16	7	28
Percentage		29%	23%	10%	41%
Geddington	614	240	112	38	383
Percentage		39%	18%	6%	62%
Lowick	51	20	13	2	17
Percentage		39%	25%	4%	33%
Maidwell	47	19	19	3	14
Percentage		40%	40%	6%	30%
All Manors	945	409	187	59	505
Percentage		43%	20%	6%	53%

Note. The sum of the percentages in each manor is in excess of 100% because individual pleas were often pledged at more than one stage of the litigation process.

Table 2.11 summarises the frequency with which the four pledging functions were required on the six manors: it was far more common at the beginnings and ends of pleas than at intermediate stages. It is unclear, however, why some plaintiffs were pledged and others not. At Geddington in the late 1370's and early 1380's it was not uncommon for the bailiff to pledge a plaintiff to prosecute because he was from outside, but the practice was not consistent and had disappeared by 1385. Pledging at the end of a lawsuit, the most commonly found function, may reflect a concern to enforce a settlement but the frequency with which it was undertaken by the bailiff also reflects the importance to the lord of collecting the profits of justice.

Historians have identified as pledges members of the village elite, manorial officials and individuals acting on a fee-paying basis.¹⁴¹ Table 2.12 summarizes the balance, in the six manors, between the bailiff and named individuals. The Geddington figures, almost two-thirds of the total, have been examined in more detail. Overall it is clear that at the beginnings and ends of lawsuits the bailiff carried by far the greater burden of responsibility but at the interim stages named individuals were more likely to pledge to bring the defendant to court or that he would wage his law.

Unless an individual had at least some cash reserves, financial risk was a disincentive to acting as pledge even on a fee-earning basis. Amercement of pledges for not having the defendant occurred on all manors: at Brigstock in 1453, for example, Robert Clyderowe was attached to answer John Symond, and his pledge, Thomas Daventre, was amerced 2d at each of eight subsequent courts when Robert did not come.¹⁴² A potentially even more burdensome case for the pledge began at Geddington in August 1382 when Roger Chaumpeneys the vicar complained of Reginald Walssheman in a plea of debt. Even before proceedings began the bailiff had attached Reginald by a mare valued at 3s 4d which was in the hands of Edmund Byfield who had undertaken to act as his pledge. Reginald never appeared, presumably he had fled, and at the next thirteen courts – to May 1383 – Edmund accumulated amercements totalling 2s 6d. After that, although the plea continued to be recorded until April 1386, amercements were discontinued and the clerk merely noted that Reginald had been distrained. Also, by then, Edmund had become a bailiff, the pledging responsibility was held jointly with his fellow-bailiff and since he still, presumably, had the mare he emerged well from the situation. His other activities are considered elsewhere and it is evident that he was a man able to protect his own interests but this particular episode in his career suggests that pledging on a fee-earning basis was not for the unwary.¹⁴³

¹⁴¹ Pages 63-4.

¹⁴² NRO M(B) Box X366, Court Hugh 32 Hen. VI- View John Latin Gate 32 Hen. VI.

¹⁴³ NRO M(B) Box X351B, Court Peter in Chains 6 Ric. II – Court 2nd May 6 Ric. II for the early stages of the plea; it last appears at Court 6th April 9 Ric. II. Chapter 1, p.25 n. for other references to Edmund.

Table 2.12

Who Acted as Pledges in Litigation 1350-1430?

	Pleas pledged	Pledged to prosecute	Pledged to attach defendant	Pledged defendant to wage law	Pledged settlement
Brigstock	116				
Bailiff		42	1	-	33
Named men		34	20	6	21
Broughton	48				
Bailiff		9	-	-	7
Named men		25	6	3	2
Catesby	69				
Bailiff		8	2	-	6
Named men		12	14	7	22
Geddington	614				
Bailiff		171	6	5	240
Named men		69	106	33	143
Lowick	51				
Bailiff		16	5	1	12
Named men		4	8	1	5
Maidwell	47				
Bailiff		15	3	-	9
Named men		4	16	3	5
All Manors	945				
Bailiff		261	17	6	307
Named men		148	170	53	198
Total pledges by bailiff	591				
Total pledges by named men	569				

Despite the financial risk to the surety, pledging seldom appears to have given rise to debt litigation. Only two cases, both at Brigstock, have been identified. In 1454 John Pakke complained that John Bartelot owed him 1s 4d, to which he added damages of 4d, costs incurred when he had pledged for him against Edward Brampton, but the outcome is unknown. In 1455 William Harueby sought 3s 4d from John Raulen, John's expenses when he had pledged for John Spenser, which William appears to have lent to him in expectation that it would be recovered from John Spenser. After some delay John Raulen and John Spenser appeared together in court. The later acknowledged the debt as his, was given a day to pay and swore his oath that he would do so.¹⁴⁴ The infrequency of such litigation suggests that the private arrangements between pledge and client, which are never recorded in the rolls, normally involved the client providing cash or some other guarantee to the pledge in advance.

Table 2.12 shows that pledging was undertaken by named individuals in 569 suits in the six manors over a period of about eighty years. About sixty percent were at Geddington where 102 named individuals pledged in one or more capacities. Seventy-five did so only once or twice which can often be accounted for by a single plea. A further thirteen pledged three or four times, sometimes involving no more than two lawsuits, and another eight pledged on between five and nine occasions. Only six men did so on more than nine times: Richard Terry (46), Edmund Byfield (30), Robert Launcelyn(26), Nicholas Counfort (14), Thomas Smyth (12), and Richard Wyther (12). Together, they pledged on almost forty percent of the occasions when named men did so and were the vill's professional pledges. All six were active in the public and economic life of Geddington and their public roles are summarised in Table 2.13.

Edmund Byfield served as bailiff for unusually long periods. Thomas Smyth at a more modest level in the official hierarchy, he was the beadle rather than the bailiff, was an ale-taster continuously from 1404 to 1414.¹⁴⁵ Robert Launcelyn's roles were less varied but he appears on twenty-three of the surviving and complete lists of Geddington jurors between

¹⁴⁴ NRO M(B) Box X366, Court Martin 33 Hen. VI; and Courts Lent 33 Hen. VI – Laurence 33 Hen. VI.

¹⁴⁵ NRO M(B) Box X351B, Courts Michaelmas 4 Hen. IV and Holy Trinity 2 Hen. V mark the beginning and end of his career.

1383 and 1414.¹⁴⁶ Jurors were key figures in village society; Hilton envisaged them and the chief tithingmen having *de facto* control of village affairs probably beyond the middle of the fifteenth century, and Olson found at Ellington that lists of jurors included nearly all office-holders.¹⁴⁷ Richard Wyther did not appear as a juror but was a constable (a royal office not included in the table) at least once.¹⁴⁸ Similarly Richard Terry was not a juror but held various offices and when he himself was found to be at fault at the end of a lawsuit his amercement was remitted because he was the ‘king’s servant’.¹⁴⁹ At least three of the six were also important in the economic life of Geddington. Edmund Byfield was the leading commercial brewer there in the late-fourteenth century. From the middle-1380’s Richard Wyther was of equal importance. He continued as a brewer into the fifteenth century and by 1420 Joan his wife appears to have been running the business, while Richard had become probably the main baker in the vill.¹⁵⁰ Nicholas Counfort was particularly active in the local land market.¹⁵¹

Table 2.13
Public Offices Held by Leading Pledges at Geddington

	Affeeror	Ale Taster	Bailiff	Beadle	Juror	Tithingman	Rent Collector
Byfeld	*		*		*		*
Counfort	*	*		*	*	*	
Launcelyn	*				*		
Smyth	*	*		*	*	*	
Terry	*		*	*			
Wyther						*	

In total, however, these men were responsible for only about forty percent of the pledging in litigation undertaken by named individuals, rather than manorial officials, in Geddington between 1377 and 1423. Most personal pledging was undertaken on an occasional basis.

¹⁴⁶ NRO M(B) Box X351A, View 8th April 6 Ric. II and Box X351B, View Dionysius 1 Hen. V give his first and last listings.
¹⁴⁷ R. Hilton, *The English Peasantry in the Later Middle Ages* (Oxford, 1975), p.54; Olson, ‘Local leadership’, p. 239.
¹⁴⁸ NRO M(B) Box X351B, View Pentecost 2 Hen. V.
¹⁴⁹ NRO M(B) Box X351A, 13th July 8 Ric. II.
¹⁵⁰ Chapter 4, p.219.
¹⁵¹ Chapter 3, pp.169-70.

Eight men each pledged between five and nine times but the great majority did so only once or twice, often in relation to a single plea. Payment by the litigant may often have sealed the arrangement but it seems likely that most named pledging in litigation was undertaken by individuals on behalf of others with whom they had a tie in terms of friendship, employment or, perhaps, some mutual interest in the outcome of the litigation. These possibilities have not been quantified but there are several indications. In 1378 Thomas Bette pledged that Robert Bette would prosecute his case, a rare instance of the pledge sharing the litigant's family name.¹⁵² Richard Clerc pledged only twice, in 1381, but on each occasion was surety for the settlement of pleas involving the Chaumpneys family, suggesting personal links with them.¹⁵³ In 1395 Henry Mulsho pledged for William Cartere of Newton Magna.¹⁵⁴ In the same year William held a smallholding at will from John Mulsho, the lord of Newton, whose son Henry was, and Henry's appearance as pledge may have arisen from some aspect of lord and tenant relationship.¹⁵⁵ Whatever the difficulties in establishing the *raison d'être* of individual pledges, however, it seems clear that at Geddington personal pledging, as distinct from that carried out by officials or professional sureties, remained in regular use in litigation at least until the 1420's, later, for example, than at Holywell-cum-Needingworth, less than thirty miles to the east, where it had lapsed by 1410.¹⁵⁶

Types of Plea

Debt was the most frequent cause of lawsuits brought to fifteenth-century manor courts.¹⁵⁷ It has been noted that this was particularly marked, in the manors studied, at Brigstock, Geddington and Lowick, but pleas of debt occurred in them all.

¹⁵² NRO M(B) Box X351B, Court of 2 Ric. II; date lost but precedes Court Hilary 2 Ric. II.

¹⁵³ NRO M(B) Box X351B, Court Dionysius 5 Ric. II, Elena, servant of William Chaumpeneys v. Richard in ye Shoppe, plea unspecified, and Lambard v. Chaumpeneys, trespass.

¹⁵⁴ NRO M(B) Box X351B, Court 3rd October 19 Ric. II, Smyth v. Cartere. William is recorded as being from Newton Magna.

¹⁵⁵ J. Roskell, L. Clark, and C. Rawcliffe, *The House of Commons 1386-1421* 3 (Stroud, 1992), pp.804-8 provides biographical detail of the Mulsho family. NRO M(B) Box X351A, Rental of John Mulsho, lord of Newton Magna and Newton Parva taken after Easter 18 Ric. II, lists William Cartere as holding a messuage and four acres at will.

¹⁵⁶ De Windt, *Holywell-cum-Needingworth*, p. 245.

¹⁵⁷ E. Clerk, 'Debt litigation', pp.247-279; D. L. Farmer, 'Marketing the produce of the countryside, 1200-1550', in E. Miller, ed., *The Agrarian History of England and Wales Volume III 1348-1500* (Cambridge, 1991), p.423 provides further analysis of Clerk's figures.

Many arose from credit-based transactions which were common in medieval villages. Shortage of cash necessitated the granting of credit and wealthier peasants may have granted loans in return for cheap labour.¹⁵⁸ Dyer has argued that at the end of the thirteenth century even the better-off tenant, on inheriting, was likely to remain in debt for at least two years after paying heriot, mortuary, burial fee and entry-fine.¹⁵⁹ In the late-fifteenth century, however, in Norfolk, Whittle found that poor families, in particular, became indebted.¹⁶⁰ Bennett correlated the number of debt cases in pre-plague Brigstock with the fortunes of the economy, suggesting that the number of debt pleas increased with hard times.¹⁶¹ Britton makes the important point that litigation represented only a portion of debt in medieval settlements, and De Windt and Farmer have both suggested that the credit network for what were normally small debts may have strengthened the social fabric of a village, particularly if its population was fairly static.¹⁶²

The Northamptonshire rolls studied do not facilitate investigation of such village credit networks as may have existed. Complaints are often stated in the plainest terms: that X complains of Y in a plea of debt, without any additional information being recorded. Sufficient detail survives, however, to indicate the most usual grounds for debt litigation, which are summarised in Table 2.14. Most frequent, the reason for complaint in sixty-six cases, was non-payment, or part-payment only, for various purchases. These included work items such as a shoemaker's knife, sawn boards, a saddle and a cart; clothing including stockings and shoes; and household items such as linen sheets and lengths of cloth. All farm animals, except oxen which may not have been much used locally, appeared either as having been unpaid for, or found unsatisfactory by the purchaser who wanted his money back.¹⁶³ The quantities of grain for which payment was at issue were invariably small being measured in bushels rather than quarters.

¹⁵⁸ C. Dyer, 'The English medieval village community and its decline', *Journal of British Studies* 33 (1994), p.420.

¹⁵⁹ C. Dyer, *Standards of Living in the Later Middle Ages. Social Change in England c.1200-1520* (Cambridge, 1989), pp. 116-117

¹⁶⁰ J. Whittle, *The Development of Agrarian Capitalism. Land and Labour in Norfolk 1440-1580* (Oxford, 2000), p.97.

¹⁶¹ Bennett, *Women in Brigstock*, p.207.

¹⁶² Britton, *Community of the Vill*, p.111-12; De Windt, *Holywell-cum-Needingworth*, p.254; Farmer, 'Marketing the produce', p. 423.

¹⁶³ Chapter 4, p.190 and Table 4.10, p.196 for oxen.

Allegedly unpaid wages appear to have arisen from long-term employment, short-term piecework and work undertaken as a manorial official. John Walpoll’s pursuit of the wages owed to his son by Robert Warton has been mentioned and John Brandon twice successfully sued tenants at Brigstock for their contributions to his stipend as hayward.¹⁶⁴

Table 2.14

Reasons for Debt Litigation 1370-1460

Wages or stipend unpaid for work or services done	30
Non-payment for goods sold	22
Non-payment for grain or malt sold	20
Non-payment for animals sold or hired	13
Rent arrears	10
Non-payment for hay or herbage sold	5
Non-payment for food or drink sold	4
To recover payment made by plaintiff for defendant	3
To secure payment of fee for acting as pledge	3
Failure of third party to transfer money to plaintiff	3
To secure payment of court-ordered settlement	1
To recover unjust collection by beadle	1
Inter-bailiff dispute arising from accounts	1
Share of mill costs not contributed	1
Loan	1
To secure payment of entry fine by sub-tenant	1
Total	123

Table 2.14 also indicates that it was credit, rather than cash loans, that creditors made available. Only one plea, where the debt was specified, mentions a possible cash loan: at Geddington in 1412 Nicholas Counfort said that John Taillour owed him 12d for building a pig-sty, and a further 6d which he had loaned to him. However, at the final hearing, the alleged debt was recorded as 6d for making the pig-sty and the court awarded Nicholas only 5d, leaving the question of a possible cash loan unresolved.¹⁶⁵

Occasional debts arose from what might be regarded as transactions in the public domain. At Catesby, in 1381, John Warde said that Thomas Dousyng owed him 12d which he had paid on his behalf to the lord king; presumably John had paid all or some of Thomas’s

¹⁶⁴ Page 60; NRO M(B) Box X366, Courts Bartholomew 31 Hen VI and Egidius 34 Hen VI.

contribution to a subsidy and Thomas acknowledged his fault.¹⁶⁶ Similarly, at Brigstock in 1454, John Spyker alleged that Robert Warton was 15d in default of his taxes which should have been paid when John was Constable but the outcome of the complaint is lost.¹⁶⁷ Conversely, however, at Geddington in 1395, Thomas Lambert alleged that an official, Thomas Smyth the beadle, had unjustly levied 2s 9d from him. The court decided that this should be verified from the roll (presumably Thomas's accounts) and the case did not re-appear.¹⁶⁸ Procedurally, at the courts studied, this is the only reference back to written evidence in a plea, although Beckerman has shown that elsewhere it replaced reliance on juror memory to a significant degree from about 1300 onwards.¹⁶⁹

The grounds on which many debt pleas were brought imply that the cash values involved were small and this is explicit in Tables 2.15 and 2.16. Table 2.15 includes the recorded cash values of litigated debts from all manors except Brigstock, during the late-fourteenth and early-fifteenth centuries. Table 2.16 provides comparable information, but from Brigstock only, during the fifteenth century. In sequence, therefore, the two tables provide a chronological insight, over about 150 years, into the value of debts for which Northamptonshire villagers litigated.

¹⁶⁵ NRO M(B) Box X351B, Courts Michaelmas and Christmas Eve 14 Hen. IV.

¹⁶⁶ TNA:PRO SC2/195/4 m. 3, Court Annunciation BVM 4 Ric. II.

¹⁶⁷ NRO M(B) Box X366, Court Thomas Martyr 32 Hen. VI.

¹⁶⁸ NRO M(B) Box X351B, Court 26th October 19 Ric. II.

¹⁶⁹ Beckerman, 'Innovation', pp. 219-226.

Table 2.15

Number of Debts with Cash Values, Impleaded at Courts other than Brigstock,1370-1429

Values	1370-89	1390-1409	1410-29	Totals	Percentages
Below 1s	26	17	13	56	25%
1s-1s 11d	13	15	5	33	15%
2s-2s 11d	12	12	2	26	12%
3s-3s 11d	23	9	1	33	15%
4s-4s 11d	6	4	2	12	5%
5s-5s 11d	4	5	2	11	5%
6s-6s 11d	7	9	1	17	7%
7s-7s 11d	6	2		8	3%
8s-8s 11d	2	4	1	7	3%
9s-9s 11d		1		1	.5%
10s-10s 11d	1	2		3	1%
11s-11s 11d					
12s-12s 11d			1	1	.5%
13s-13s 11d	3	2			2%
14s-14s 11d	1				.5%
15s & above	7	2	3	12	5%

There are striking similarities between the tables. In both, more than half of all debts were for less than 3s, and about three-quarters for less than 5s. This matches Dyer's view that most loans in manor court pleas were small, but contrasts with Havering where, although debts ranged from a few pence to around £10, the majority fell between 5s and 50s.¹⁷⁰ The size of debt which litigants sought to recover may have been affected by the Statute of Gloucester,1278, which denied a writ of trespass to anyone in the royal courts unless he affirmed that the goods taken were worth more than 40s. This came to be interpreted as forbidding any action, in a local court, for more than 40s although the rule was not universally applied. At both Hinderclay in the late thirteenth century and Havering a century later actions were heard for larger sums.¹⁷¹ In the Northamptonshire manors only one action for debt in excess of 40s has been found. In 1408 Henry Wyther impleaded John Chaumpeneys; both belonged to leading Geddington families and John acknowledged a

¹⁷⁰ Dyer, *Standards of Living*, pp. 178-80; McIntosh, *Havering 1200-1500*, p.194.

¹⁷¹ Maitland, *Select Pleas*, p. lvi. Schofield, 'Gossip and litigation', p.21; McIntosh, *Havering 1200-1500*, p.194.

debt, of which no detail was recorded, of 50s 6d, and 10s damages.¹⁷² Two debts of 40s were recorded, one each at Brigstock and Geddington, one of 39s 11d at Broughton, another of 39s 10d at Draughton and a third of 36s 8d, for ten sheaves of corn, at Brigstock, but these were unusual and plaintiffs at the courts studied normally sought to recover small sums.¹⁷³

Table 2.16

Number of Debts with Cash Values, Impleaded at Brigstock,1410-1499

Values	1410-29	1430-49	1450-69	1460-9	1470-99	Totals	Percentages
Below 1s	5	3	65	16	14	87	23%
1s-1s 11d	3	11	55	12	11	80	21%
2s-2s 11d	1	11	35	13	8	55	15%
3s-3s 11d	3	1	27	8	6	37	10%
4s-4s 11d	1	3	16	3	3	23	6%
5s-5s 11d	4	2	12	4		18	5%
6s-6s 11d	1	4	10	2	4	19	5%
7s-7s 11d	2	1	6			9	2%
8s-8s11d		2	2	1	3	7	2%
9s-9s 11d			3	1		3	1%
10s-10s 11d		1	3	1		4	1%
11s-11s 11d		3	3	1		6	2%
12s-12s 11d		1	2	1		3	1%
13s-13s 11d	1	1	2		1	5	1%
14s-14s 11d			1			1	-
15s & above	2	1	12	3	2	17	5%

The period for which peasant retailers allowed their customers credit is elusive. At Broughton, in December 1378, Matilda Pipere alleged that William Denys owed her 40d which should have been repaid at St Mark (25th April), but she did not give the date on which she had allowed him credit.¹⁷⁴ Even the overdue period was seldom recorded, although considerable time sometimes elapsed before creditors resorted to litigation. At Broughton a debt due on demand had been overdue for two years, and 8d wages for four, but

¹⁷² NRO M(B) Box X351B, Court Hilary 9 Hen. IV.
¹⁷³ NRO M(B) Box X366, Court Thomas Apostle 34 Hen. VI; Box X351A, View 11th April 11 Ric. II; Box X386, View All Saints 5 Ric. II; FH 466, Court Easter 19 Ric II; M(B) Box X366, Brigstock Court date lost but held between View Michaelmas and Court Martin 2 Hen. VI.
¹⁷⁴ NRO M(B) Box X386, View Thomas 2 Ric. II.

the examples are too few for generalisation.¹⁷⁵ On the other hand, the balance between credit repayable on demand, and other credit for which, presumably, a repayment date had been specified, can be assessed at Brigstock. There, during the mid-fifteenth century, it was noted with some regularity when repayment was on demand. Between 1452 and 1459 the cash values of 134 litigated debts were recorded, of which seventy-two, were repayable *super demandam*. If demand for repayment was so frequently as arbitrary as this suggests it is unsurprising that numerous small credit agreements resulted in litigation.

Detinue pleas comprised less than three percent of litigation in the manors studied. They arose from the unjust detention of specific goods or chattels, but were often almost indistinguishable from debt. Where the plaintiff was owed a quarter of barley he had to assert debt because he could not assert property in any identified barley, but if the defendant had detained a specific sack of his barley his remedy was a plea of detinue.¹⁷⁶ The distinction was not always closely observed in the courts studied. Table 2.17 lists the goods and chattels disputed in sixty-six pleas of detinue between 1375 and 1485. The eighty items exceed the number of pleas because in several more than one item was in dispute. The four unidentified items were one each of a *bele*, a *founygrale*, a *hareseff* and a *lett*. Thirty-seven items had a cash value attributed to them by the claimant in the range 2d-20s, but sixty-five percent were valued below five shillings. At Lowick, in 1384, one Robert said that John Wardres had kept his billhook which he valued at 6d. John was a pauper and, perhaps, had kept the billhook as a useful tool enabling him to undertake paid work for his more prosperous neighbours.¹⁷⁷

The link with debt is unmistakable in the table, where instances of unpaid wages and rent for example, appear indistinguishable from debt. Perhaps, the notion of something unjustly withheld led to pleas being specified as they were. In other cases the vendor may have brought his plea in order to recover goods for which the purchaser had not paid, or the purchaser to gain possession of items for which he had paid in part. In one case the goods at issue were shown by the defendant to have been held as surety for a loan made to the

¹⁷⁵ NRO M(B) Box X386, Court Mary Magdalene 3 Ric. II, Oliver v. Burden; and View Barnabas 5 Ric. II, Tole v. Denys.

¹⁷⁶ J.H. Baker, *An Introduction to English Legal History* (3rd edn London, 1990), p.365.

¹⁷⁷ NRO SS 2593, Court of Lord John.....and his feoffees, 7 Ric. II.

plaintiff's wife with his knowledge.¹⁷⁸ Sometimes one party appears to have taken the law into his or her own hands in an attempt to coerce the other into repaying an existing debt. At Brigstock in 1451, a plaintiff, whose name is now lost, pleaded detinue against Robert Symond to recover one of his beasts, but acknowledged that Robert was holding it in respect of rent owed to him. Probably similar, was the case in which Alice Miller sued William Miller, alias Smyth, for a debt of 3s and William responded by saying that Alice held and would not return one of his bullocks.¹⁷⁹

Table 2.17

Goods and Chattels in Disputed Ownership in Pleas of Detinue, 1375-1485

Household furniture and equipment	15
Livestock	13
Agricultural tools and equipment	9
Chattels (no detail)	7
Cloth in measured lengths	6
Grain in specified quantities	5
Equine accoutrements or equipment	4
Cash debts	2
Items of clothing	2
Rent arrears	2
Weapons	2
Wood	2
Carders	1
Doeskin	1
Grindstone	1
Hay (cartload)	1
Rope (a ball)	1
Wages owed	1
Wheel	1
Unidentified	4

¹⁷⁸ NRO M(B) Box X366, Court 7th September 1 Edw. IV, Pakyngton v. Holme.
¹⁷⁹ NRO M(B) no box number, Court Matthew 30 Hen. VI; Box X366, Court James 30 Hen. VI and View Michaelmas 31 Hen. VI.

Table 2.18

Plaintiffs' Grounds for Pleas of Covenant, 1379-1458

Grounds for Plea	Number of Pleas
Breach of agreement to undertake paid agricultural work	7
Tenants' failure to repair/maintain property as agreed	3
Failure to complete agreed purchase or sale	3
Default in completion of agreed land transfer	2
Negligence in caring for livestock	1
Failure to fold sheep as agreed	1
Failure to repair shoes as agreed	1
Failure to make formally agreed cash payment	1
Unpaid rent	1
Total	20

Pleas of covenant in which plaintiff alleged that the defendant had failed to fulfil his side of an agreement between them, numbered only eighty-two. Grounds for dispute, summarized in Table 2.18, were recorded in only twenty cases. Twelve were closely associated with farming of which seven were broken agreements to undertake paid agricultural work. Typical was William Pye's acknowledged failure to plough John Smyth's land at Maidwell in 1390.¹⁸⁰ Slightly different was Hugh Longe's allegation at Broughton that John Burden had not fulfilled his promise to provide his plough, mare and harness for three days of ploughing, the court in this case upholding John's claim that his offer had been rejected.¹⁸¹ All three disputes about sale or purchase related to crops or animals. At Lowick, for example, John Marchal acknowledged failing to purchase hay from John Smyth after he had undertaken to do so.¹⁸² Similarly, William Weston's claim that Richard Mason had broken their agreement that Richard would fold his sheep on William's land at Geddington arose from the routines of medieval agriculture.¹⁸³ Six cases arose from either land market activity or the often obscure relationship between landholders and sub-tenants. At Brigstock, in 1429, Roger Holwell alleged that Thomas Morcote had broken an agreement between them to exchange land, a claim that Thomas eventually acknowledged. The most detailed of three

¹⁸⁰ NRO FH 418, Court 1st February 13 Ric. II.

¹⁸¹ NRO M(B) Box X386, Court Mary Magdalene 3 Ric. II.

¹⁸² NRO SS 2532, Court Mark 3 Ric II.

¹⁸³ NRO M(B) Box X351B, Court Valentine 1 Hen. V.

disputes about property maintenance, was between William Twywell, and his tenants Edmund Byfield and Richard Man, at Geddington in 1384-86. William said that the defendants had agreed, in January 1378, to keep a certain cottage in good repair but by April 1384, when he brought his complaint, they had done nothing. The court ordered that William should recover 40s if the necessary work remained undone by 25th April, but the case dragged on until February 1386 by when the court ruled that William should recover £8.¹⁸⁴ In the one case of unpaid rent, at Brigstock, William Tukke the landlord secured 5s arrears.¹⁸⁵ Only two pleas of covenant lie outside the main categories of agriculture and property. The first arose from Thomas Belle's failure to repair William Twywell's shoes; William was again a successful litigant.¹⁸⁶ In the second the plaintiff sought to use the court to enforce a separate dispute-settlement which had been reached without litigation. William Thorn alleged that a settlement had been reached between him and John Andrew, and approved by good and lawful men acting as arbitrators, under which John was to pay him 3s. John had not done so, however, but the plea of covenant, having reached court, was resolved by licence of concord.

Trespass, the final plea category to be considered here, has been defined as 'wrong done to the plaintiff in his body, his goods or his land'.¹⁸⁷ Generally, pleas of trespass in manorial courts have not attracted as much interest on the part of historians as those of debt. McIntosh, however, found that at Havering about twenty-five percent of all suits were pleas of trespass, including loss of or damage to livestock or crops, obstruction of paths, title to land, listening outside doors and consequent defamation of the householder and actions against breaches of the Statute of Labourers.¹⁸⁸ In the manors studied, reasons were specified in only about eighteen percent of trespass actions and these are summarized in Table 2.19. After 1468, no detail was recorded although such actions continued at Brigstock.

¹⁸⁴ NRO M(B) Box X351A, Court 1st April 7 Ric. II; Box X351B, Court 23rd February 9 Ric. II.

¹⁸⁵ NRO M(B) Box X366, Court Margaret 7 Hen. VI.

¹⁸⁶ NRO M(B) Box X351A, Court 14th August 12 Ric. II.

¹⁸⁷ F. Pollock and F. W. Maitland, *The History of English Law* 2 vols (2nd edn Cambridge, 1968), 2, p.526.

¹⁸⁸ McIntosh, *Havering 1200-1500*, pp.194-5.

Table 2.19
Reasons for Trespass Litigation, 1353-1468

Manor	Harm to livestock	Damage to or loss of crops etc.	Other complaints	Totals
Brigstock	4	22	14	40
Broughton	1	6	5	12
Catesby	2	4	5	11
Draughton		3		3
Geddington	7	23	13	43
Islip	1	1	3	5
Kelmarsh	1	1	1	3
Loddington	1	8	10	19
Lowick	1	1	1	3
Maidwell	2	3	1	6
Weekley		3		3
Totals	20	75	53	148

Over half of the detailed trespass pleas were initiated at Brigstock and Geddington, settlements with a varied local economy, and relatively few at entirely rural manors like Broughton and Loddington. Nevertheless, trespass, although used by litigants in various circumstances, was primarily a means of securing compensation for damage to stock or crops, and almost sixty-five percent of pleas in Table 2.19 had that objective. About half arose from damage to crops, including herbage, pasture, hay and timber as well as grain-crops and peas.

Table 2.20 analyses three broad categories of trespass into more specific details. Apparent discrepancies between certain figures should be noted. In Table 2.19 damage to or loss of crops accounts for seventy-six pleas but in Table 2.20 the comparable figure is eighty-two. The difference lies in a number of pleas in which the plaintiff complained of damage to more than one type of crop: for example, at Brigstock in 1456, Thomas Hert said that Thomas White had destroyed his corn and broken his trees.¹⁸⁹ Similarly, there are fifty-four other

¹⁸⁹ NRO M(B) Box X366, Court Ascension 34 Hen. VI.

complaints in Table 2.19 but sixty in Table 3.20. At Catesby, in 1381, for example, Robert Gotfrey alleged that Geoffrey Breuster had both entered his close and beaten his wife.¹⁹⁰

Table 2.20

Plaintiffs’ Reasons for bringing Pleas of Trespass, 1353-1468

Plaintiffs’ grounds for complaint	Number of pleas
Harm to livestock	
Death of animal(s)	12
Animals taken or lost	5
Animals injured	3
Total	20
Damage to or loss of crops etc.	
Grain crops and peas	33
Grass, herbage and pasture	25
Hay taken	12
Trees, brushwood and hedging	6
Gardens damaged	3
Detail lost	3
Total	82
Other complaints	
Taking, borrowing, retaining goods and chattels	11
Violence to plaintiff or family members	9
Defamation, insult, slander, disparagement	8
Disputed tenancy or occupation of land	6
Entering house or close without licence	4
Damage to goods and chattels	4
Encroachment on arable land	4
Failure to repair hedge or fence	2
Sheep-folding arrangements	2
Miscellaneous (one each)	10
Total	60

Harm to livestock often involved dogs which were allegedly responsible for eight out of twelve reported animal deaths as well as injury to a ram. In the higher courts the chancery writ *scienter* provided a means to enforce liability for the acts of vicious dogs but before the Black Death local courts appear to have been unconcerned about them. Later, however, there

¹⁹⁰ TNA:PRO SC2/195/4 m.3d., Court Annunciation BVM 4 Ric. II.

is more evidence of *scienter* litigation in hundred courts.¹⁹¹ It is possible, therefore, that some knowledge of this stimulated a readiness to act against neighbours with vicious dogs and actions were pursued in six manors: Brigstock, Catesby, Geddington, Islip, Loddington and Lowick.

Crop damage, however, provoked the majority of pleas, and several others, categorized as other complaints in Table 2.20, involving encroachment on arable, sheep-folding agreements, and failure to repair boundaries also reflect the concerns of arable farmers. Of the fifty-seven pleas arising from damage to grain crops and pasture, twenty-six were caused by the defendants' livestock, and other complaints of crop destruction and the depasturing of headlands also imply ill-regulated grazing.

In the category of other complaints, about half related either to the possession of tools and household goods, inter-personal violence or defamation. The miscellaneous items including taking fish from a pond, and bread from the mill; defective fulling of cloth; a false brewing presentment; non-payment for carriage of goods; a debt of two bushels of peas; dissatisfaction with a recently purchased pig; failure to repair a pond which resulted in flooding; failure to manure land; and the location of a dungheap opposite the plaintiff's tenement.

A combination of several of the most frequently found grounds for pleas of trespass survives from Loddington in 1356. John Codale and his wife Agnes became engaged with William Shephirde and his wife Amabilia in a series of six pleas and counter-pleas, which involved allegations of crop damage, destruction of pasture by mares, violence and insult and disparagement. Presumably the families had adjacent holdings in the open fields, and crop damage on this occasion had explosive consequences. However, the Loddington court normally met as a view with *parva curia* only twice a year and, perhaps, by the time it did so, tempers had cooled. All four litigants put themselves on the peace of the court and no further record of the dispute remains.¹⁹²

¹⁹¹ R. C. Palmer, English Law in the Age of the Black Death. A Transformation of Governance and Law (London, 1993), pp. 228 and 245-249.

¹⁹² NRO YO 373, View John Latin Gate 30 Edw. III.

Litigants

Litigants in the courts studied were generally a minority of all those owing suit or having other business there, although there were exceptions: at Lowick in the 1380’s, Geddington in the 1390’s and Islip between 1400 and 1409. Minorities, including gentry, clergy, women and individuals from outside the manor, together made up about one-quarter of all litigants, but most were local men, frequently office-holders or otherwise prominent, and drawn from the peasant elite. Relatively few were litigious individuals and most plaintiffs did not appear more than once in a decade.

In Table 2.21 the total of litigants for each manor is the sum of plaintiffs and defendants, minus the number who appeared in both capacities. Irrespective of the frequency with which an individual engaged in litigation he is included only once. Nicholas Counfort was a plaintiff thirty-seven times but has been counted once in the total for Geddington. He was also a defendant and so is also included once in each of the Geddington totals for defendants and those who were litigants in both capacities; but subtracting the latter from the sum of the first two ensures that he is included only once in the final column. A husband and wife acting as co-litigants have been counted as one, and women as litigants considered separately.

Table 2.21 generally indicates the relatively small numbers of individuals engaged in litigation. Plaintiff numbers are particularly significant: no suit took place unless one individual brought a complaint against another and relatively few did so in the manors studied. At Geddington, between 1377 and 1423, there were fewer than 450 plaintiffs of whom 100 were from outside the manor.¹⁹³ A further twenty, although not classified here as outsiders, were from Geddington’s manorial dependencies. Thus, between 1377 and 1423, only 317 individuals from the vill pleaded in the manor court, an average of less than seven each year. Similarly at Brigstock there were 512 plaintiffs of whom fifty-five were from outside the manor and a further twelve from Stanion, so that during much of the fifteenth century only 445 individuals from the vill pleaded in the manor court, an average of about five in each year.

¹⁹³ Table 2.26, p.94

Schofield found a similar pattern, during the late-thirteenth and early-fourteenth centuries, at Hinderclay, where, he argued, the large number of pleas involving relatively few villagers almost certainly reflects the fact that most did not enjoy social and economic circumstances which made it likely that they would go to law.¹⁹⁴ McIntosh took the same view of Havering, commenting that ‘private suits focus on the activity of the manor’s dominant families leaving obscure the dealings of the poor and newcomers’. ¹⁹⁵

Table 2.21
Numbers of Litigants by Manor, 1353-1499

Manor	Number of pleas	Number of plaintiffs	Number of defendants	Number who were both	Total number of litigants
Brigstock	1014	512	435	173	774
Broughton	131	78	63	18	123
Catesby	166	110	90	29	171
Cranford	6	5	5	1	9
Draughton	45	21	15	8	28
Geddington	1092	437	376	131	682
Islip	125	77	63	16	124
Kelmarsh	47	32	28	6	54
Loddington	106	52	43	18	77
Lowick	218	116	103	22	197
Maidwell	109	63	65	9	119
Weekley	9	7	6		13
Totals	3068	1510	1292	431	2371

Table 2.22 indicates numbers of litigants relative to all those owing suit or having business at nine manors during decades when the numbers of courts and pleas enables a reliable numerical relationship to be established. The manor-decades included are those from which sufficient courts have survived for the normal range of court business to be recorded, and during which considerable litigation took place. The table also shows the relationship between numbers of suitors and litigants at different times between 1350 and 1450. During the early decades, at Loddington, Broughton and Catesby, litigants were a minority of those attending the courts but, between 1380 and 1409, at Lowick, Geddington and Islip, litigants

¹⁹⁴ Schofield, ‘Gossip and litigation’, p.13.

¹⁹⁵ McIntosh, Havering 1200-1500, p.191.

were in a majority most notably so at Lowick during the 1380’s. Later, however, at Maidwell, Kelmarsh, Geddington and Brigstock, litigants were again in a minority. If plaintiffs only are considered, that is those initiating private suits, only at Lowick during the 1380’s were they a bare majority.

The position at Lowick may have been exceptional following the late establishment of a market there and Geddington, too, continued as a market-centre despite its decline.¹⁹⁶ The preponderance of litigants over other suitors at Islip between 1400 and 1409 has no obvious explanation although there too it may have been a consequence of market-related activity. Islip lies between Lowick and Thrapston, both market centres, and Islip may have been an informal element in that network. There is certainly some overlap in the names of litigants at Lowick and Islip, and the only litigants there stated to have been from outside were from Thrapston. In none of the three manors where litigants were a majority of suitors around the turn of the century, however, did that situation continue. During the decade 1410-19, at Geddington, litigants were a minority of suitors, and at Lowick and Islip litigation had vanished by the late-fifteenth century although the manor courts were still active.

Table 2.22
Litigants as a Proportion of Suitors

Decade	Manor	Total suitors in court rolls	Pleas	Liti- gants	Litigants as % of all suitors	Plaintiffs	Plaintiffs as % of all suitors
1350-59	Loddington	55	14	16	29%	10	18%
1370-79	Broughton	110	35	37	34%	21	19%
1380-89	Catesby	275	78	79	29%	53	19%
1380-89	Lowick	107	110	88	82%	55	51%
1390-99	Geddington	356	283	205	58%	131	37%
1400-09	Islip	56	27	31	55%	17	30%
1410-19	Maidwell	85	28	72	40%	20	24%
1410-19	Kelmarsh	93	32	35	38%	22	24%
1410-19	Geddington	181	73	72	40%	49	27%
1440-49	Brigstock	304	99	92	30%	59	19%
	Averages	162	78	73	45%	44	27%

¹⁹⁶ Chapter 1, pp. 22-5.

The social and economic status of litigants varied but most were prosperous. Schofield's findings at Hinderclay, and those of McIntosh at Havering are further strengthened by those of Britton at Broughton (Huntingdonshire).¹⁹⁷ He found that of fifty-one settlements by licence of concord between 1288 and 1340 most were between members of his 'A' families, as were the majority of creditors in eighty-five cases of debt.

Here, certain minority groups of litigants – gentry, clergy, women and outsiders – are discussed before consideration is given to the social and economic composition of the majority. In a few pleas, at Brigstock, Geddington and Catesby, the queen or prioress, as lady of the manor, brought a suit in her own court. For example, at Geddington, the queen and her bailiffs impleaded John atte Persounes to say why he had not delivered a stray mare.¹⁹⁸ Similarly, at Brigstock in 1424, Lady Joan the queen complained of Thomas Rodes, a tailor, in a plea of trespass, and at Catesby, in 1381, the prioress of Agnes Heydon.¹⁹⁹ Such pleas, however, appear to be anomalous reversions to earlier practice before presentment became the normal means for the enforcement of manorial discipline rather than being normal private suits.

More interesting is the effective gentry use of the manor court, particularly by members of the Mulsho family at Geddington and, less so, at Brigstock. Between 1378 and 1410 they brought thirty-two pleas at Geddington: Elena, Matilda and Joan, brought one each; Henry (5) and Thomas (1) both pursued only one defendant, John Bamburgh. The remainder were brought by John Mulsho, who was particularly litigious in the decade of the 1380's, although the number of his pleas was swollen by his complaining *separatim* of six men in what was probably a group trespass on his land.²⁰⁰ Five Mulsho pleas disappear inexplicably from the rolls, and in two the settlement may have been lost because of breaks in the series. The remainder were settled, in most cases expeditiously, in the plaintiff's favour. For example, in 1383 John Soule and John Botelyr both acknowledged debts to John Mulsho at the first hearing and Richard Man admitted fault in a plea of covenant in 1387. Exceptionally, John Bamburgh resisted the five allegations of debt brought against him by Henry Mulsho for

¹⁹⁷ Britton, *Community of the Vill*, pp. 109-112.

¹⁹⁸ NRO M(B) Box X351A, Court 28th May 13 Ric. II.

¹⁹⁹ NRO M(B) Box X366, Court John Baptist 2 Hen. VI; TNA:PRO SC2/195/4 m.3, Court Annunciation BVM, 4 Ric. II.

²⁰⁰ NRO M(B) Box X351B, Court Peter in Chains 2 Ric. II; and Box X351A, Court Andrew 12 Hen. IV, the first and last Mulsho pleas. NRO M(B) Box X351A, Court 29th July 9 Ric. II, the six pleas *separatim*.

over fifteen months before concord, for which John paid, was agreed in December 1410.²⁰¹ At Brigstock William Aldewyncle *armiger* twice brought pleas of debt which were immediately settled by the defendants; William Mulsho did so once although he probably had to return to the next court to secure payment of the 5s.0d he was owed by John Lenton. John Zouch *armiger* was rather less successful in a plea of trespass against Philip Morgan of Stanion: three months and five courts passed before concord was reached and Philip was at mercy.²⁰² Only once may a litigant of higher social status have been worsted by an inferior. The plea of trespass brought by John Wolston, a tailor, against Thomas Grene *gentilman*, has been mentioned.²⁰³ Thomas was one of only two members of the aristocracy to appear as a defendant in the courts studied.²⁰⁴ The outcome of John's action is lost but it is known that he at least exerted sufficient influence to modify the membership of the arbitration panel and that Thomas abandoned his two counter-pleas of trespass.²⁰⁵ With the exception of Thomas, however, local gentry were successful in their use of the local court in the two royal manors to litigate against their lesser neighbours, but their number as a proportion of all litigants was negligible.

Clergy were litigants in eleven of the courts studied although in most they appeared infrequently. Their numbers are summarized in Table 2.23. Fifteen appeared in the manor court appropriate to their parish, thirteen were from parishes outside the manor and twenty-three, designated *clericus* or *capellanus*, have no recorded settlement. Probably few were beneficed. John Eston, rector of Lowick, was a plaintiff in the 1380's and Alexander, rector of Maidwell, a defendant in 1403.²⁰⁶ Eleven were parsons, an uncertain guide to their status, of whom ten served Northamptonshire parishes, and Richard Sulby the parish of Wentnor in Shropshire. Whatever their ecclesiastical status, several held the same parochial office for a significant period: John Bonany of Pilton and Simon, parson of Glendon, were plaintiffs in two consecutive decades and Richard Wystowe, parson of St Mary, Maidwell, in three.

²⁰¹ NRO M(B) Box X351B, Court Agatha 6 Ric. II; Box X351A, Court 26th October 11 Ric. II. Box X351B, Court Bartholomew 10 Hen. IV and Box X351A, Court Thomas Apostle 12 Hen. IV for the beginning and end of Henry Mulso's lawsuits against John Bamburgh.

²⁰² NRO M(B) Box X366, Courts 15th January 18 Hen. VI; Gregory 31 Hen. VI; Margaret 31 Hen. VI; Assumption BVM 32 Hen. VI; and Corpus Christi 33 Hen. VI

²⁰³ Page 54

²⁰⁴ NRO FH 531, Court Palm Sunday 4 Hen. V, Walter Grendon, Master of the Hospital of St John of Jerusalem in England, was the other.

²⁰⁵ NRO M(B) Box X366, Courts Christmas 35 Hen. VI; Hilary 35 Hen. VI; and 28th February 35 Hen. VI.

²⁰⁶ NRO SS 2541, Court Philip and James 12 Ric. II; FH 463, Court Bartholomew 4 Hen. IV.

Most litigant clergy, however, were not beneficed: four were vicars, of Brigstock, Catesby, Geddington and Weekley, and of the remainder the plea records say little, an exception being Henry, *capellanus* of Henry Drayton, a private chaplain, who damaged the mill at Geddington in the 1390's.²⁰⁷

Table 2.23
Numbers of Litigant Clergy by Manor

Manor	Number appearing as plaintiffs	Number appearing as defendants	Number appearing as both plaintiffs and defendants	Total clergy engaged in litigation
Brigstock	8	1		9
Broughton	2			2
Catesby	1	3		4
Draughton	1*	2*		3
Geddington	13	10	5	18
Islip	4	1	1	4
Kelmarsh	1			1
Loddington	1			1
Lowick	3	1		4
Maidwell	4*	3		7
Weekley	1			1
Totals	38(39)*	20(21)*	6	52(54)*

Note.* The total number of named individuals was fifty-one. However, two individuals are each enumerated twice in the table. William Gybson was a plaintiff at both Draughton and Maidwell, and Richard Wystowe was a plaintiff at Maidwell but a defendant at Draughton. In the totals columns two, three and five, therefore, the numerically correct figures are given in brackets and the actual numbers of individual litigants outside the bracket.

The legal status of women, particularly of married women, was limited by common law. A married woman, for example, could neither lend money nor conclude a contract because she had no chattels. It is likely that customary law in the manor courts was similarly restrictive. Nevertheless, in each manors studied, at least one woman plaintiff is to be found and Table 2.24 summarizes the numbers of female litigants.

²⁰⁷ NRO M(B) Box X351B, Court 25th June 21 Ric. II.

Table 2.24

Numbers of Female Litigants by Manor

Manor	Plaintiff	Co-plaintiff with husband	Defendant	Co-defendant with husband	Plaintiff & Defendant	Total litigants*
Brigstock	37	6	25	6	4	70
Broughton	5		1			6
Catesby	11	2	6	5	4	20
Cranford	1					1
Draughton	2		1		1	2
Geddington	33	10	27	14	7	77
Islip	5	1	5	4		15
Kelmarsh	2			1		3
Loddington	1	1	1	6	1	8
Lowick	2		4	4		10
Maidwell	5		2	2	2	7
Weekley	1		1			2
Totals	105	20	73	42	19	221

Note.* Some women appeared both in their own right and as their husbands' spouses. The final column makes allowance for this to avoid double counting, so that the aggregate figures for a particular manor do not necessarily equal the total in the final column.

Women were a small proportion of all litigants and, acting independently, accounted for only seven percent of all plaintiffs. Bennett argues that women were particularly disadvantaged by the long duration of and frequent postponements in litigation, and that it would have been more difficult for them to secure oath-helpers, essoiners and attorneys.²⁰⁸ Most women would probably have had little experience of the workings of the court but the importance of oath helpers, pledges, essoiners and attorneys should not be overemphazised. Waging law with oath helpers persisted in Northamptonshire well into the fifteenth century and three women did so. At Draughton, Isabelle Hedon acknowledged part of her debt to Thomas Tybenham but when she offered to wage her law for the remainder Thomas withdrew. At Geddington Nicholas Counfort also withdrew his debt plea against Agnes atte Welle when she waged her law, and Agnes Cook made concord with William Sherman after

²⁰⁸ Bennett, *Women in Brigstock*, pp.28-29.

acknowledging part of her debt to him and waging her law for the rest.²⁰⁹ Pledging was not always required and was generally in decline.²¹⁰ Essoins were used on only sixty-three occasions in all manors and the number of pleas affected was fewer. Similarly, in all manors, only forty-three plaintiffs, including six women, and two defendants employed attorneys in a total of only forty-seven pleas. Women, for social and cultural reasons, may have been unable to litigate as readily as men but the procedural obstacles in their way should not be overstated.

The social and economic circumstances of women plaintiffs varied widely: Elizabeth Warnere, unusually for a woman, was a bailiff at Brigstock in 1497, but Alice who sued Benedict Walsshams in a plea of detinue at Broughton was described as the concubine of John Walsham.²¹¹ Only ten female plaintiffs are described as widows but evidence elsewhere in the rolls indicates that some others were also in that situation, as were several defendants. Nine women were plaintiffs more than once in Brigstock in the fifteenth century, and their circumstances are summarized in Table 2.25 as indicators of the general social and economic status of women litigants.

Table 2.25

Social and Economic Status of Women Litigants in Brigstock

Agnes Aunblyn	Lived in Stanion; nothing else known.
Joan Bolyon	A brewer; sufficiently prosperous to have an attorney to act for her on each of three occasions.
Agnes Craunfeld	Frequent brewer; her husband, Thomas, held a half-virgate in 1440 and was bailiff in 1452 and 1451.
Alice Gylis	Brewer. Her husband, Thomas, was a virgater in 1416, bailiff in 1412 and a juror on several occasions.
Agnes Harueby	Brewer; her husband, William, was a tithingman.
Matilda Pydyngton	Her husband, John, held a cossetull toft in 1416, and served as an affeeror.
Amicia Walker	Held a half-virgate in 1416.
Margaret Whyte	Brewer; a contemporary, Thomas White, was a tithingman.
Margaret Vicars	No other certain information; may have sold ale.

²⁰⁹ NRO FH 466, Court Easter 19 Ric. II; M(B) Box X351A, Court 2nd December 14 Ric. II; Box X351B, Court 26th June 17 Ric. II.

²¹⁰ Page 65.

²¹¹ TNA:PRO SC2/194/72 m.7, View Easter 12 Hen. VII and SC2/194/73 m.1, View Michaelmas 13 Hen. VII for Elizabeth. NRO M(B) Box X386, View Michaelmas 42 Edw. III for Alice.

The indications for the most part are of women from a reasonably prosperous peasant background. At least five brewed commercially from time to time, and one could afford attorneys to litigate for her. Two were married to virgaters, and they and another three had husbands who held manorial office; one appears in the Brigstock rental of 1416 as a half-virgater in her own right. At Geddington Joan Gryndell (3 pleas) and Alice Soule (6 pleas) are notable among women plaintiffs. Both were married to major commercial brewers and carried on the family businesses successfully in a male-dominated occupation after becoming widows; debts arising from their trade may explain their lawsuits.²¹² At Broughton, although the evidence is less, the picture is similar. Three women were plaintiffs on two occasions each: Matilda Attewell is otherwise unrecorded, but Matilda Pipere was the widow of Nicholas a former tithingman, and Richard le Pipere was a brewer all of which suggests a well-established local family. The third woman, Margery Pykke, brewed regularly in the 1370's, when the trade in Broughton was male-dominated and so, perhaps, belonged to a family of standing. Elsewhere women were only occasional litigants but Isabelle Hedon of Draughton was a substantial landholder, and Alice Pye of Maidwell belonged to a well-established family of virgaters and office-holders. Women, however, rarely pursued lawsuits outside their manor and only five have been identified, one at Brigstock and four at Geddington.

Litigants from outside were almost invariably male. Tables 2.26-2.30 summarize their numbers, the pleas in which they were involved, and the settlements from which they came. A litigant has been classified as an outsider only when the clerk recorded him as A. B. of C., as John Kendale of Oundle; those recorded only as A. of B., as John of Deene, have been excluded. At Brigstock and Geddington litigants from their manorial dependencies were not classified as outsiders.

Most outsiders appeared at Brigstock and Geddington, but there was at least one in each manor studied albeit no plaintiffs at either Cranford or Weekley, so that it is unlikely that anywhere were there procedural obstacles to outsiders bringing their complaints. In fourteen pleas at Geddington both parties came from outside. Outsiders were thirteen percent of both plaintiffs and all litigants, and were party to twelve percent of all pleas. There were, however, significant local variations. Over half of all plaintiffs at Draughton were outsiders,

²¹² Chapter 4, pp.210-11 for brewing at Geddington.

although most came from nearby settlements such as Maidwell, Naseby, Lamport and Faxton, and may have held land in Draughton. Almost a quarter of all plaintiffs at Geddington came from outside, some from outside the county. In contrast, at Catesby, only two percent of plaintiffs came from outside , while both the small rural manor of Broughton and the more populous Brigstock both attracted numbers near to the overall average.

Only sixteen litigants came from outside the county, from settlements listed in Table 2.28. All but one were parties to pleas of debt, the exception being contract. The debts were usually small and William Hawesson came from Derby to Geddington to recover 14d. John Warde, a London mercer, however, sued Margaret Walker, a widow, at Brigstock, for 40s which she agreed to re-pay in three instalments of 13s 4d each at stipulated intervals. John pursued his action through an attorney, a Brigstock man, Richard Newman, which suggests that he had local connections.²¹³

Table 2.26

Numbers of Litigants From Outside the Manor

Manor	Number of plaintiffs from outside	Number of defendants from outside	Outsiders who were plaintiffs and defendants	Total litigants from outside	Outside plaintiffs as a % of all plaintiffs	Outside litigants as a % of all litigants
Brigstock	55	32	2	85	11%	11%
Broughton	9	3		12	12%	10%
Catesby	2	6		8	2%	5%
Cranford		1				11%
Draughton	12	1		13	57%	46%
Geddington	100	60	2	158	23%	23%
Islip	1	1		2	1%	2%
Kelmarsh	1	1		2	3%	4%
Loddington	4	2		6	8%	8%
Lowick	11	7	1	17	9%	9%
Maidwell	3	5		8	5%	7%
Weekley		1				8%
Totals	198	120	5	315	13%	13%

²¹³ NRO M(B) Box X366, Courts Thomas Apostle 34 Hen. VI and Peter *Cathedra* 34 Hen. VI.

Table 2.27

Number of Pleas in which Litigants from outside the Manor were Engaged

Manor	Pleas initiated by outside plaintiffs	Pleas defended by outsiders	Pleas in which both litigants were outsiders	All pleas involving outsiders	All pleas involving outsiders as a % of total pleas.*
Brigstock	63	37	3	97	10%
Broughton	9	3		12	9%
Catesby	2	6		8	5%
Cranford		1		1	17%
Draughton	12	1		13	29%
Geddington	117	79	14	182	17%
Islip	1	1		2	2%
Kelmarsh	1	1		2	4%
Loddington	4	2		6	6%
Lowick	11	7		18	8%
Maidwell	8	11	6	13	12%
Weekley		1		1	11%
Totals	228	150	23	355	12%

Note * The number of pleas for each of the manors in this table is to be found in column one of Table 2.21. The total of pleas for the twelve manors listed here is 3068.

Table 2.28

Settlements Outside Northamptonshire from which Litigants came to
Northamptonshire Manor Courts

Manor	Out-county settlement	Plain- tiffs	Defen- dants	Distance in miles
Brigstock	London	1		70.00
	Pynchbeck (Lincolnshire)	1		30.00
	Great Bowden (Leicestershire)		1	12.00
	Uppingham (Rutland)	2		10.00
Draughton	Laughton (Leicestershire)	1		9.25
Geddington	Wentnor (Shropshire)	1		89.25
	Suthfolk (Suffolk)		1	50.00
	Derby	1		45.00
	Twyford (Oxfordshire)	1		37.00
	<i>Botteston</i> (perhaps Botcheston, Leics.)	1		27.50
	<i>Ovadenyng</i> (Lincolnshire); not located		1	18.00
	<i>Burle</i> (perhaps Burley, Rutland)	1		16.00
	Market Harborough (Leicestershire)	1		10.25
	Great Bowden (Leicestershire)		1	10.00
Lowick	Tilbrook (Huntingdonshire)	1		13.75
Totals	14 settlements	12	4	

Table 2.29

Northamptonshire Settlements from which Litigants came to Brigstock Manor Court

Settlement	Number of Plaintiffs	Number of Defendants	Distance in miles from Brigstock
Northampton	1		18.50
Guilsborough	2		17.75
Wellingborough	1		11.00
Loddington	1		9.25
Finedon	1		8.50
Rothwell	3		8.50
Wilbarston	1		8.50
Cottingham	1		7.00
Blatherwycke		1	6.75
Ringstead		1	6.75
Rushton	1	1	6.75
Kettering	2		6.50
Rockingham		2	6.50
Oundle	2	1	6.00
Bulwick	2	1	5.75
Glaphthorn	1	1	5.75
Woodford by Thrapston		1	5.50
Pilton	1		5.00
Thrapston	2	1	5.00
Islip		2	4.75
Warkton	2		4.75
Corby	3	2	4.50
Weekley		1	4.50
Deenethorpe	1		4.25
Newton	2		4.25
Slipton		1	3.75
Benefield	2	2	3.50
Grafton Underwood	3	2	3.50
Oakley	4		3.50
Lowick	5	2	3.25
Weldon	1	1	2.75
Sudborough	6	6	2.50
Lyveden		2	2.25
Totals	51	31	

Table 2.30

Northamptonshire Settlements from Which Litigants came to Geddington Manor Court

Settlement	Plaintiffs	Defendants	Distance in miles from Geddington
Ecton	1		12.25
Oundle	1	1	11.00
Kelmarsh	1		10.25
Stoke Albany (also Daubeney)	1	1	8.50
Titchmarsh	2		8.00
Harrington	1		7.75
Old	1		7.50
Deene	1	1	7.00
Broughton		2	5.75
Cransley	1		5.75
Loddington	1		5.75
East Carlton	1	1	5.50
Pytchley	1	2	5.50
Rockingham	1	1	5.50
Burton Latimer		2	5.00
Rothwell	21	6	5.00
Weldon	1		4.50
Slipton	2		4.25
Cranford	1		4.00
Barton Seagrave	1	1	3.75
Pipewell Abbey	1	2	3.75
Brigstock	6	2	3.50
Corby	3	1	3.50
Kettering	21	6	3.50
Grafton Underwood	1	3	2.50
Oakley Magna	2	2	2.25
Warkton	2		2.00
Weekley	12	9	1.25
Boughton		4	1.00
Newton	6	10	1.00
Totals: Number of villis: 30	94	57	

Overall, plaintiffs from outside the county were successful: six won their suits and only one lost, although one withdrew and four pleas have no known outcome. Two out-county defendants reached concord with their accusers but in each case were found to be at mercy, while the two men from Great Bowden never came to court.

Outside litigants from other Northamptonshire settlements were more numerous than those from outside the county and Tables 2.29 and 2.30, list those from which they attended the Brigstock and Geddington courts.²¹⁴ Twelve appear in both lists, so that men from thirty-nine settlements pursued lawsuits at one or both of the royal manor courts. Plaintiffs heavily outnumbered defendants, and about ninety percent of all outsiders travelled only seven miles or less making the return journey feasible in one day, and allowing time for the court proceedings; only two defendants travelled further.²¹⁵ A few outsiders held land in the manor. John Bonany, the parson of Pilton, pleaded several times at Brigstock, and is probably John Bonany the tenant of a cossetulltoft in 1416.²¹⁶ He was also in dispute with John Syke over the tenure of a selion in 1414, and about money owed to him for grain sold by him to Thomas Corby in Stanion fields in 1423.²¹⁷ Most outside litigants, however, have no demonstrable permanent link with the manor, and their lawsuits – usually for debt – indicate a credit network extending over a wider area than that of the manor or the vill. Forty-two plaintiffs came to Geddington from Rothwell and Kettering, twenty-one from each. Both were market towns and much of the litigation may have arisen from dealings between tradesmen from the three centres. This possibility is strengthened by a number of plaintiffs from Kettering and Rothwell having names indicative of the cloth trade: Deystre (4) Walkere (3) Webstere(2) and Chalenere(1).

This section concludes with an analysis of the majority of litigants (75%) who were neither gentry, clergy, women nor outsiders. Most were only occasional plaintiffs and Tables 2.31 and 2.32 demonstrate this. To ensure a reliable indication of numbers of occasional plaintiffs, manors were included only if their rolls listed at least ten plaintiffs in each of at least two decades and the tables are based on information from only eight of the manors

²¹⁴ Chapter 1, Figures 1.03 and 1.04, show the locations of these settlements.

²¹⁵ Goodfellow, 'Medieval markets Northamptonshire', p.305, considers this point in terms of travelling to market.

²¹⁶ NRO M(B) Box X361A, Rental Exaltation Holy Cross 4 Hen. V.

²¹⁷ NRO M(B) Box X366, Court John Baptist 2 Hen. V; and Court, no date but safely attributable to October 2 Hen. VI.

studied. The same manors were then analysed to identify major plaintiffs, defined as those who initiated at least five lawsuits, that is had gone to law on average every other year, in any decade beginning in 1370, 1380 etc. Except at Loddington the proportion of single-plea plaintiffs was high, notably at Lowick where, over five decades, eighty percent of plaintiffs initiated only one plea every ten years. At Loddington, however, a few plaintiffs were responsible for a relatively large number of pleas. Only four men there were major plaintiffs, as defined here, but were responsible, altogether, for twenty-one pleas, or sixteen percent of the total. Several other plaintiffs came to court two or three times so that overall the proportion of single-plea plaintiffs falls well below that found in the other manors studied.

Table 2.31
Percentages of Plaintiffs who Initiated only One Lawsuit in a Decade

Manor	Decades (number)	Single-plea plaintiffs as % of all plaintiffs:		Average decennial % of single-plea plaintiffs
		Lowest	Highest	
Brigstock	1410-99 (9)	58%	87%	71% (9 decades)
Broughton	1370-1409 (4)	48%	85%	70% (4 decades)
Catesby	1380-89} (3)	73%	82%	76% (3 decades)
	1400-19}			
Geddington	1370-1429 (6)	59%	78%	68% (6 decades)
Islip	1370-1409 (4)	70%	78%	75% (4 decades)
Loddington	1350-59} (2)	40%	55%	48% (2 decades)
	1380-89}			
Lowick	1370-1419 (5)	65%	91%	80% (5 decades)
Maidwell	1390-1419 (3)	69%	82%	74% (3 decades)

Note. The criteria for inclusion in this table were that the manor court had a minimum of ten plaintiffs recorded in the rolls in each of at least two decades.

The numbers of major plaintiffs, those initiating at least five lawsuits in a decade, were small, less than 10% of plaintiffs in all manors. Moreover, only fourteen men, ten at Geddington three at Brigstock and one at Lowick, brought ten or more pleas in a decade, although Nicholas Counfort did so twice at Geddington, between 1390-99 and again between 1400 and 1409. Most major plaintiffs, therefore, brought between only five and nine pleas in any one decade.

Table 2.32

Major Plaintiffs by Manor

Manor	Number of plaintiffs	Number of major plaintiffs	Major plaintiffs as % of total plaintiffs
Brigstock	512	25	4.9%
Broughton	78	3	3.8%
Catesby	110	3	2.7%
Geddington	437	41	9.4%
Islip	77	1	1.3%
Loddington	52	4	7.7%
Lowick	116	4	3.5%
Maidwell	63	1	1.6%
Totals	1445	82	5.7%

Note. For the purposes of this table a major plaintiff has been defined as one who initiated at least five lawsuits in any formal decade beginning in 1370, 1380 etc.

The social and economic status of the majority of manor-court plaintiffs has been investigated with reference to what is known about a sample of major plaintiffs. John Mulso brought pleas on sixteen occasions at Geddington in the 1380’s but, as a member of the gentry rather than a typical litigant, has not been included. The picture is of established local men who were jurors, held other court or manorial offices, were active in the land market, albeit usually for small parcels of land, and were, in some cases, active as local brewers. Table 2.33 lists eleven of the most frequent plaintiffs at Geddington in the late-fourteenth century with indicators of their social and economic status; Table 2.34 does the same for fifteenth-century Brigstock and Table 2.35 provides indicative information from five other manors.

The bracketed figure in the office-holder column indicates the number of different offices held: Thomas Smyth, for example, served as affeelor, ale-taster, beadle and tithingman, and it can be seen that of the eleven men listed six match at least three of the four status indicators used. Roger Glene alone matches only one but it has been argued that juror was the most significant.²¹⁸ Several of the major litigants at Geddington were undoubtedly prominent men there in the late-fourteenth century. Edmund Byfield and Nicholas Counfort

²¹⁸ Olson, ‘Local leadership’, p.239 found that, at Ellington, jurors were effectively the village elite encompassing nearly all office holders.

are notable examples. In addition to Edmund Byfield, John Soule, William Godpage and Robert Cros were major brewers, and John Ocly brewed regularly although not on the same scale as the other four.²¹⁹

Table 2.33

The Social and Economic Status of Major Litigants in Geddington, 1380-1410

Name	Decade beginning	Times plaintiff	Sworn man	Office holder	Land market activity	Leading brewer
John Soule	1380	15		* (3)	*	*
Thomas Smyth	1380	15	*	* (4)	*	
Roger Glene	1380	14	*			
Willam Godpage	1380	13		* (1)		*
Thomas Corby	1380	13		* (1)	*	
Nicholas Counfort	1390	17	*	* (4)	*	
Edmund Byfield	1390	12	*	* (3)	*	*
William Thorn	1390	11	*	* (3)		
Robert Cros	1390	11	*	* (3)	*	*
John Ocly	1400	11	*	* (2)	*	
John Counfort	1400	10		* (1)	*	

At Brigstock a similar picture emerges. Brewing has not been included as an indicator there because it remained largely a female preserve. It is possible, however, to establish whether plaintiffs appear as manorial tenants in the rental of 1416 or the survey of 1439. Those that do vary significantly in the scale of their holdings. In 1439 John Walpoll held two messuages, thirty acres of arable, six acres of meadow, a cossicle-toft and a cottage, whereas John Brandon held only a cottage, but the frequency with which John Brandon held office indicates that he was more than a cottager.²²⁰ Office-holding was something which all the listed major plaintiffs at both Brigstock and Geddington had in common, with the exception of John Bonany who was a priest.

²¹⁹ Chapters 1, p. 25 n. for references to Edmund; Chapter 3, pp. 169-70 for Nicholas’s land transactions and Chapter 2, p.71 for him as pledge.

²²⁰ Chapter 1, p. 30 for John.

Table 2.34

The Social and Economic Status of Major Litigants in Brigstock, 1420-1450

Name	Decade beginning	Times plaintiff	Sworn man	Office holder	Land market activity	Manorial tenant
William Werketon	1420	8	*	* (2)	*	*
John Bonany parson of Pilton	1420	7			*	*
Henry Tukke	1420	6	*	* (2)		*
Walter Fox	1420	5	*			*
John Philip	1430	5	*	* (2)		*
John Warton, smyth	1440					
John Walpoll	1450	21	*	* (3)	*	*
John Brandon	1450	12	*	* (4)	*	*
John Spycer	1450	11	*		*	
John Lenton	1450	7		* (1)		
John Lyncoln	1450	7		* (1)		

Table 2.35

Status of Major Litigants in Manors other than Brigstock and Geddington

Name	Manor	Decade beginning	Times Plaintiff	Information indicative of status
William Curteys	Islip	1370	9	Tenant of 23 acres plus pasture.
William Curteys	Lowick	1380	7	As above.
Robert Leche	Catesby	1380	5	No information.
John Brynkelowe	Loddington	1380	5	Affeeror; tithingman.
William Gunne	Loddington	1380	5	Tithingman; ale-taster, brewer, miller; tenant of a virgate.
John Smyth	Lowick	1380	5	Affeeror; tenant of 11.5 acres.
John Hunte	Broughton	1390	6	Tithingman.
John Rawlyn	Lowick	1390	5	Affeeror; tenant of a messuage.

Outside the two best-documented manors the available information given in Table 2.35 also indicates that the normal litigant in the manor courts was a reasonably prosperous male member of the peasantry, with holdings varying in size and an income sometimes supplemented from by-employments and, in some cases, the profits of office.

The Decline of Manor-Court Litigation.

The fifteenth century saw the decline of many manor courts as the local forum for minor lawsuits. Beckerman has described the courts as having been during the centuries after the conquest the 'primary agencies of dispute resolution for the vast majority of the rural population'.²²¹ Schofield describes the manor court at Hinderclay at the end of the thirteenth century as 'an effective forum of dispute resolution among peasantry and used as such'.²²² As late as the early-fifteenth century Dyer found a good deal of litigation continuing in the manor courts of the bishop of Worcester but at Kempsey pleas declined in the 1440's and were rare after 1450 and they had disappeared completely from Hanbury and Whitstone by the 1430's, although at Henbury they still appeared in the early-sixteenth century.²²³ At Havering, McIntosh found that by the 1430's and 1440's what she describes as the 'court's ability to handle suits' had weakened considerably.²²⁴ Pleas continued at Writtle in Essex until 1490 but the frequency with which they were brought to the court declined sharply after 1429.²²⁵

There was no uniform or chronologically consistent pattern of decline, and this is reflected in the Northamptonshire courts studied. Table 2.01 shows that with the notable exception of Brigstock, litigation in them had declined or ceased by 1430. It continued in Loddington into the 1450's, and there were isolated pleas at Weekley in the 1450's but there are relatively few surviving courts at those two manors and the extent to which litigation may have continued is unclear. So, too, is the situation at Geddington; the single plea in the isolated view of 1490, which is not included in the table, suggests the continuation of litigation there, but by the 1420's, as can be calculated from the table, the average number of

²²¹ Beckerman, 'Innovation', p.249.

²²² Schofield, 'Gossip and litigation', p.17.

²²³ Dyer, *Lords and Peasants*, pp.266-7.

²²⁴ McIntosh, *Havering 1200-1500*, p.199.

²²⁵ Clark, 'Debt Litigation', pp. 250-1, especially Table 8.2.

pleas per court had declined from 2.7 in the first decade of the century to little more than one.

McIntosh uses the adjective ‘puzzling’ with reference to the decline of litigation in the court at Havering, and it would appear to have offered a number of possible advantages to local people.²²⁶ For most plaintiffs, the better-off peasants, the court was conveniently situated and its personnel and procedures would have been familiar to them. In the Northamptonshire courts, it has been suggested, procedural technicalities were not unreasonably enforced and, in any case, plaintiffs would normally have been aware of or part of the network of local men prepared to act for a fee as essoiner, pledge or attorney. A further advantage, which can be found at Brigstock, Catesby, Cranford, Geddington, Islip, Loddington and Lowick, is that, on occasion at least, the officers of the court appear to have been made responsible for the recovery of a debt. Sometimes this was made specific. At Islip, in 1408, John Wareyn acknowledged that he owed John Reyncock 4s 0d for ploughing and 8d damages which the bailiff was ordered to levy from the defendant.²²⁷ There are other examples, but more commonly the verdict was concluded with the abbreviation *unde exec*, often in the margin of the roll, but clearly an instruction that the verdict was to be carried out by manorial officials. It is found on only about thirty occasions but indicates that in certain circumstances the court was active in ensuring implementation of the verdict. There are also fifteen entries in the Brigstock rolls, between 1413 and 1421, when men paid a fee to have execution of an acknowledged debt owed to them. The first was when Richard Tubbe paid 2s 0d to have execution of the debt of 30s 0d owed to him by John Worshop and the last when Thomas Gilis paid 4d for recovery of 15s 0d owed by John Fox.²²⁸

Delay, and the failure on the part of manorial officers to deal effectively with procrastinating defendants have been cited as reasons for the decline, and possible lack of urgency on the part of officials has already been noted.²²⁹ Beckerman also points out that the increasingly infrequent meeting of many courts meant that to pursue a civil plea through all its stages was a lengthy process.²³⁰ A plea from Broughton, already cited, illustrates the

²²⁶ McIntosh, *Havering 1200-1500*, p.200.

²²⁷ NRO SS 3595, Court 8th February 9 Hen. IV.

²²⁸ NRO M(B) Box X366, Courts Annunciation BVM 14 Hen. IV and Pentecost 9 Hen. V.

²²⁹ See for example Bennett, *Women in Brigstock*, p.28; Dyer, *Lords and Peasants*, p.266; McIntosh *Havering 1200-1500*, p.200.

²³⁰ Beckerman, ‘Innovation’, p.244.

point. In July 1378 Matilda, widow of Nicholas Pipere, sued William Denys for 40d which should have been paid on 25th April 1378. Eventually, in July 1379, William was unsuccessful in waging his law but by then Matilda had been awaiting payment for fifteen months after the due date.²³¹

On the other hand delay was part of the legal system at all levels.²³² Moreover, not all plaintiffs appear themselves to have displayed a great deal of urgency: when Robert Launcelyn brought a complaint of debt against Robert Cros at Geddington he said he had owed him 6s 8d for twenty years.²³³ There is also evidence that manor-court litigation was not invariably slow. Schofield found that at Hinderclay pleas had normally been settled after two to three courts.²³⁴ At Havering, McIntosh's detailed calculations show significant variations in the number of court sessions involved from 1.7 in 1405-6 to 10.5 in 1444-5.²³⁵ Table 2.36 shows the number of pleas which were concluded at the first hearing, in each of the eight manors studied at which more than one-hundred pleas were entered. Except at Geddington and Maidwell more than one-third of all pleas fell into this category, a figure that increases to over one-half at Catesby, Loddington, and Broughton. The latter two were small gentry manors which appear to have been effectively run, and where the social pressures of a small community may also have promoted speedy dispute resolution. At Maidwell lordship was probably not so consistently effective, and at Geddington, the number of outside litigants is likely to have reduced the number of first-court settlements.

Weaknesses in the courts' administration of non-criminal justice are, however, evident. Most plaintiffs did not get redress after one hearing, although seventy percent of pleas eventually reached a conclusion and some pleas dragged on interminably; Smyth v. Berd at Draughton in 1402 and Pope v. Symme at Geddington in 1405 are examples which have been outlined.²³⁶ The declining quality of administration which McIntosh found at Havering can also be detected inasmuch as pleas disappear from the record without explanation. The years 1420-21 at Geddington are notable for this.²³⁷ Not only were litigants withdrawing

²³¹ NRO M(B) Box X386, Views Peter 2 Ric. II and Mary Magdalene 3 Ric. II.

²³² Powell, 'Arbitration', pp. 50-1.

²³³ NRO M(B) Box X351B, Court 4th August 21 Ric. II.

²³⁴ Schofield, 'Gossip and litigation', p. 15.

²³⁵ McIntosh, Havering 1200-1500, p. 197, Table 11.

²³⁶ Page 45.

²³⁷ NRO M(B) Box 884, Courts All Saints 8 Hen. V (Knyght v. Bette); Lucy 8 Hen. V (Ryngbogne v. Hardy); Epiphany 8 Hen. V (Bayly v. Taylor); and Purification BVM 8 Hen. V (Taylor v. Wardon).

from court and, presumably, reaching their own informal settlements the steward was allowing this to happen without regard to the loss of seigneurial income; the earlier determination to keep litigation within the manor appears to have waned.

Table 2.36

Plea Settlements at First Court-Hearing

Manor	Total Pleas	Total Settlements	Settlements at first court hearing	As a % of total pleas	As a % of total settlements
Brigstock	1014	696	381	38%	55%
Broughton	131	83	68	52%	82%
Catesby	166	125	88	53%	70%
Geddington	1092	812	189	17%	23%
Islip	125	73	42	34%	58%
Loddington	106	66	54	51%	52%
Lowick	218	138	83	38%	60%
Maidwell	109	46	23	21%	50%
Totals	2961	2039	928	31%	46%

Note. Included in the above table are the eight manors at which more than one-hundred pleas are recorded.

This leaves unanswered the question of where else prosperous peasants might have taken their pleas. The hundred courts also dealt with petty litigation but the few surviving hundred courts for the areas of Northamptonshire studied, date from the period when the manor courts were still viable.²³⁸ Other possibilities were the county courts and the church courts, although the former, too, fell into decline during the fifteenth century. Although the church courts were prohibited in common law from adjudicating temporal debt, they nevertheless did so on a large scale, avoiding infringement of the rule by refraining from imposing a direct obligation to pay, but making payment a condition of mitigating punishment for the sin of breaking faith.²³⁹ During the fifteenth century, Dyer found, men from the manors of the Worcester estates were beginning to use hundred and royal courts and the bishop was

²³⁸ TNA:PRO SC2/195/21, Courts Fawsley Hundred 2 Hen. IV-3 Hen. IV contain numbers of pleas from various vills but the court of the prioress of Catesby was still dealing effectively with litigation at that time.
²³⁹ S. F.C. Milsom, Historical Foundations of the Common Law (2nd edn London, 1981), pp.90-91

losing cases from his manor courts.²⁴⁰ The Northamptonshire courts, however, provide no hints as to where the vanishing litigants might have gone.

At Brigstock, where litigation continued, there are possible indicators of what may have transpired there. The first is that the manorial administration appears to have acted more vigorously in the third quarter of the century. By 1446-7 the recording of pleas had become very brief and, as at Geddington, a number of pleas simply vanished from the record. After a break in the series between late 1447 and June 1449, however, the record resumes in more detail which may reflect a greater determination on the part of the court to deal effectively with this type of business, so that for a time the old pattern prevailed. From about 1470, however, the records are again brief but pleas continued in reasonable numbers. Increasingly they were recorded in terms of X comes and pays 2d for licence of concord with Y. A very high proportion were thus dealt with in one, very brief, court hearing. This may relate to the tendency for pleas to vanish from the record which must be partly explicable in terms of litigants reaching out-of-court settlements to their mutual satisfaction. Assuming that the court had tacitly recognized the decline in its control over tenant litigants there was mutual advantage both to lord and tenants in the informal settlement of a dispute which was then registered in the court roll for payment of a fee. McIntosh takes the view that the most likely explanation of the disappearance of litigation from the court at Havering is that people were using other informal means of settling their differences, including arbitration, which had previously only supplemented the court's functions.²⁴¹ That something similar transpired at Brigstock seems likely, except that there the court retained a modified function as a registrar of agreements to which former litigants could appeal should the need arise. How far this reduced but useful role was available to people outside the vill of Brigstock and Stanion cannot be assessed, as the clerk's practice of noting those litigants who came from outside was discontinued in the last thirty years of the fifteenth century. But it is possible that Brigstock became something of a magnet for men wishing to register their informal agreements and so, for example, attracted men from nearby Lowick and Islip where, although the manor courts continued in operation, as elsewhere in the manors studied, they no longer dealt with inter-peasant litigation.

²⁴⁰ Dyer, *Lords and Peasants*, pp.266-7

²⁴¹ McIntosh, *Havering 1200-1500*, p.200.

Chapter 3

The Tenure and Transfer of Customary Land

Whereas the use of the manor court as a means of dispute resolution faltered and in many places disappeared in the course of the fifteenth century, its use for the regulation of peasant land tenure, and the confirmation of changes of tenant continued. Manorial lordship was essentially the lordship of land, and the classic manor included the lord's demesne, customary tenant land held under servile tenure, and freehold land. After the Conquest the lord of the manor had been the lord of men who held land from him, but by the early-thirteenth century the emphasis had changed and he may be seen as having been the lord of lands occupied by tenant-farmers, so that precise definition of the land and the terms on which an individual held it grew in importance.¹

During the late-fourteenth and fifteenth centuries such definition was of even greater significance. The decline of serfdom, greater availability of land and a potential if not always actual shortage of tenants resulting from the reduced population, were incentives to lords to modify the terms on which land was granted to individual customary tenants, so that the manor-court and its records remained essential to effective management of seigneurial interests. This was achieved with varying degrees of success. Whittle and Yates, comparing certain manors in Berkshire and Norfolk between 1450 and 1600, found that in Berkshire the lord retained control over the exchange of copyhold, former servile, land, which was held for lives so that there was little inter-peasant land market activity. In Norfolk, however, tenure was by copyhold of inheritance; all holdings could be divided and regrouped as tenants wished, so that the lord had little control over land-market activity or the selection of tenants.²

Among peasant farmers changed economic circumstances may have enabled the more enterprising and confident to seek as advantageous terms as possible when they took a new tenancy or renewed an existing one. Successful negotiation, from the tenant's point of view, would almost certainly have involved some departure from existing custom in terms of

¹ P.D.A. Harvey in P.D.A Harvey,ed., The Peasant Land Market in Medieval England (Oxford, 1984), pp. 12 and 18.

² J.Whittle and M.Yates, ' *Pays reel or pays legal ?* Contrasting patterns of land tenure and social structure in eastern Norfolk and western Berkshire, 1450-1600', Agricultural History Review 48 (2000), p.24.

labour-services, cash rent, entry fine or heriot due.³ It therefore became important for the tenant to have his own record of the tenancy agreement between him and the lord; and the practice grew of providing the tenant with a copy of the appropriate court-roll entry.⁴

This chapter examines the changes indicated above as they are reflected in the court rolls of the Northamptonshire manors studied. The first section considers the standard virgate-related holding and the extent to which it decayed in the later Middle Ages; the second examines the changes which took place in terms and conditions of land tenure; the third assesses the fluctuations which took place in the level of rents and other burdens placed on tenants; and the final section identifies the mechanisms by which land was transferred between tenants, and lord and tenants. Customary land and its tenure is the main focus but Northamptonshire was a county in which, often as a result of assarting, free tenure had increased during the twelfth and thirteenth centuries.⁵ It is found in all the manors studied and consideration given to it.

Peasant Holdings

The existence of the standard peasant holding on most thirteenth and early-fourteenth century manors is widely endorsed in the literature. Harvey, for example, says that there might be one or more groups of such holdings whose tenants owed services which were uniform for every tenant in the group. The holdings would have been more or less alike in size and value and included a dwelling, arable land, meadow, pasture and other rights.⁶

The land unit on which many such holdings were based was the virgate. For a time in the early middle ages the virgate was seen to be the ideal family holding, *terra unius familie*. Under growing population pressure this had been reduced on many Westminster abbey

³ Pages 135-153.

⁴ See for example B. Harvey, Westminster Abbey and its Estates in the Middle Ages (Oxford, 1977), p.284; J.A. Raftis, Tenure and Mobility. Studies in the Social History of the Medieval English Village (Toronto, 1964), p.201; R. H. Britnell, 'Tenant farming and tenant farmers: eastern England', in E. Miller, ed., The Agrarian History of England and Wales Vol. III 1348-1500 (Cambridge, 1991), p.620; E. Miller, 'Tenant farming and tenant farmers: southern counties', in Miller, ed., Agrarian History, p.711.

⁵ R.H. Hilton, The Decline of Serfdom in Medieval England (London, 1969), p.21.

⁶ See for example Harvey in Harvey, ed., Peasant Land Market, p.7; Harvey, Westminster Abbey, p.267; C. Howell, Land Family and Inheritance in Transition. Kibworth Harcourt 1280-1700 (Cambridge, 1983), pp. 59-60; A.C. Jones, 'Bedfordshire in the fifteenth century', in Harvey, ed., Peasant Land Market, p.203; E. King, 'Tenant farming and tenant farmers: the East Midlands', in Miller, ed., Agrarian History, pp.627-8; Raftis, Tenure and Mobility, p.17; Whittle and Yates, 'Contrasting tenures', p.7; J. Williamson, 'Norfolk', in Harvey, ed., Peasant Land Market pp.38 and 65.

manors to the half-virgate by the early fourteenth century.⁷ The acreage of the virgate varied considerably. An extent of 1352 indicates that at Havering it was abnormally large at 120 acres calculated from a standard rod or perch of sixteen and a half feet.⁸ In a survey of twenty Westminster abbey manors Harvey found variations from eighty acres at Wheathampsted in Hertfordshire to only fourteen at Knightsbridge in Middlesex; and on the Ramsey abbey estates the acreage varied between forty-four and fifteen and a half.⁹ In some places neither the area making up the virgate nor the quality of the land are known.¹⁰ Further uncertainty arises from lack of uniformity in what was meant by an acre. It might refer to a strip of land of indeterminate size, the acre as it lay, a measured acre or the fiscal acre which had its origin as a fraction of the early medieval hide.¹¹

Northamptonshire displays a similar picture of variation and uncertainty but there is evidence in most of the manors studied of a tenemental structure of standard holdings and that the virgate and half-virgate survived as units of tenure well into the fifteenth century. Lowick and Islip are exceptions: the rental of 1382 lists holdings by description or acreage with no reference to virgates.¹² Draughton is anomalous in that some holdings were referred to as bovates and others as virgates.¹³ Hall's table of twenty-four Northamptonshire townships shows yardland sizes, some from documentary evidence and others calculated from terrier information, ranging from eighty acres at Ravensthorpe to twelve at Weedon Bec.¹⁴ Table 3.01 lists the virgate acreage in the eight manors studied where it is known. In none do the manorial documents indicate the size of the acre.

⁷ Harvey, *Westminster Abbey*, p.208.

⁸ M. McIntosh, *Autonomy and Community. The Royal Manor of Havering, 1200-1500* (Cambridge, 1986), p. 90.

⁹ Harvey, *Westminster Abbey*, p.435; Harvey in Harvey, ed., *Peasant Land Market*, p.15.

¹⁰ P.D.A. Harvey, 'Tenant farming and tenant farmers: the Home Counties', in Miller, ed., *Agrarian History*, p. 669.

¹¹ P.D.A. Harvey, ed., *Manorial Records of Cuxham Oxfordshire c. 1200-1359*, Oxfordshire Record Society 1 (1976), pp.76-77.

¹² Northamptonshire Record Office (NRO), Stopford Sackville Collection (SS) 3678, Rental of Henry Grene, *chevalier*, 5 Ric. II.

¹³ NRO, Finch-Hatton Collection (FH) 414, Court of John Malore 35 Edw. III.

¹⁴ D. Hall, *The Open Fields of Northamptonshire*, Northamptonshire Record Society 38 (1995), Table 8, p.79.

Table 3.01

The Virgate Acreage on Seven of the Manors Studied

Manor	Virgate Acreage	Source	Date of documentary source
Brigstock	36	See text	1416 and 1440
Catesby	45/50	See text	
Cranford	26	Hall, p.240	1797
Geddington	18	See text	33 Hen. VI
Islip	36	Hall, p.301	1440
Kelmarsh	40	See text	15 th century
Loddington	36.5	Hall, p.310	1656

Hall's work is the source for three manors in Table 3.01 and his fifteenth-century reference for Islip has been used in this study.¹⁵ His other references are late and acreages may have altered by the seventeenth and eighteenth centuries, but the manorial documents do not provide medieval figures. Nor do they for Catesby and the figure given is suggested by Laughton.¹⁶ For Brigstock, Geddington and Kelmarsh the manorial documents are indicative. The Brigstock rental of 1416 lists a number of tenants holding complete or half virgates without reference to acreage.¹⁷ John Hayward, however, held two messuages and a virgate for 8s and in a survey of the manor, of 1439, when he still held on the same terms, his land included thirty acres of arable and six of meadow. The half-virgate and quarter-virgate are similarly defined, in the survey, as a half and a quarter of the complete unit.¹⁸ At Geddington a mid-fifteenth-century inquisition records that each virgate comprised fifteen acres of land and three of meadow.¹⁹ For Kelmarsh an undated document headed 'Keylmershe' includes five items listed, perhaps, as items for a set of accounts, the first of

¹⁵ NRO, Miscellaneous Ledgers (ML) 141.

¹⁶ J. Laughton, 'Catesby in the Middle Ages: an inter-disciplinary study', *Northamptonshire Past and Present* 54 (2001), p.24; the adjacent Hellidon had forty-acre virgates in 1728, see Hall, *Northamptonshire Fields*, p. 291.

¹⁷ NRO Montague (Boughton) Collection (M(B)), Box 361A, Rental 4 Hen. V.

¹⁸ NRO ML 141, Survey of the Manor of Brigstock and its members Stanion and Islip, 18 Hen. VI.

¹⁹ NRO M(B) Box X345B, Inquisition of the Value of the Manor of Geddington, 33 Hen. VI.

which refers to a particular virgate as including forty acres of land and meadow.²⁰ The document may be attributed to the late-fourteenth or fifteenth century: it records the particular virgate as having been given to Alan of Maidwell by Simon of Kelmarsh who died in 1360.²¹ The Draughton bovaté may have been thirty-two acres: in 1361-2 Richard Malore held a messuage and a half-bovaté and in 1396 William Inge held sixteen acres which were formerly Richard Mallore's.²²

In four of the manors studied, Catesby, Boddington, Geddington and Weekley, before the Black Death, there was a tenorial pattern of largely standard holdings, based on the virgate, together with a number of cottages or smallholdings.²³ At Catesby, in 1339, two virgaters held for 10s 6d each and, probably, eleven half-virgaters each paying 5s; all thirteen owed modest labour services. There were three groups of cottagers. One included twenty-three tenants, some of whose rents are lost but a number of whom paid 18d; the second group of three each paid 3s, perhaps for something more akin to a workshop than a cottage. The holdings of the third group, of five tenants, are largely illegible but the 'pattern' of the entries suggests that they were distinct from the other two. At the priory manor of Boddington there were eight virgaters and one half-virgater holding for rent and services similar to those at Catesby, as well as six cottagers paying variable rents, but each owing one day in Autumn. Outside this neat pattern was one tenant with a messuage and four acres, held for 4s rent and seven work days, an unusually onerous burden of that kind in the manors studied.

The tenemental structure of the manor of Geddington, in 1327, included forty-five tenants in Geddington, twenty-one in Barford, ten in Glendon and two, jointly, in Islip. In Geddington sixteen customers each held a virgate, and ten a half-virgate; all owed light labour services with cash values attributed to them. There were thirteen cottagers. The structure, comprising smaller numbers of tenants, was similar in Barford and Glendon. Outside this neat pattern five named individuals held small land units: for example Agnes le Bloys had a headland for 4d and Robert atte Brigge five *bittes* for 1d.

²⁰ NRO FH 3601.

²¹ NRO M(B) Box X351A, Court (at Geddington) Gregory 34 Edw. III.

²² NRO FH 414, Court of John Malore 35 Edw. III; and FH 485, Rentals of John Seyton, 16 Ric. II and 19 Ric. II of Maidwell and Draughton.

At Weekly, in 1336, the unfree tenants comprised ten villeins, three of whom held a complete virgate and seven a half-virgate each; with only one anomaly each tenant paid a standard rent, provided the same labour services, to which cash values were attached, and gave eggs and a hen at stipulated times. In addition there were thirty-five tenants each holding a *cotell* together with either one or two acres. Rents were standard, differentiated only by the number of acres, and each *cotell* tenant gave a hen and five eggs, and owed labour services. There were also nine free tenants who held a half-virgate or more and paid the low rents characteristic of freehold tenure, widely attested in the literature.²⁴ They were not among the numerous poor freeman-smallholders who have been identified elsewhere.²⁵ Finally there was a second group of four freemen distinguished by the fact that they held unfree land at the will of the lord.

In each of the four manors, by the fifteenth century, the pre-1349 tenemental structure remained visible but tenant numbers had declined, modest engrossment of holdings had occurred and there were marked variations in the numbers of cottage tenancies. A Catesby rental of 1428-9 shows little change in the pattern of virgate holdings.²⁶ There were still two virgates and eleven half-virgates, although most had transferred to different families. In contrast to virgate-based holdings cottage tenancies were significantly fewer. At least thirty can be identified in 1339, but by 1428 only twenty were listed, several tenants held more than one, and one lay vacant so that there were only thirteen named tenants. In Schopes, for which no fourteenth-century comparison has been found, a similar decline is evident: thirty-five cottage tenancies were listed in 1428, but eight were in hand, four ruinous, and the former location of one was now unknown.

Boddington showed signs of change and hints of decline. As in Catesby the number of virgates under cultivation remained as before, but some engrossment had taken place and

²³ The National Archive (TNA): Public Record Office (PRO), SC11/506, Rental taken in 13 Edw. III for Catesby; TNA:PRO SC12/13/29, Extent of the Manor 1 Edw. III for Geddington; NRO M(B) Box X341, Rental [feast date illegible] 10 Edw. III for Weekly.

²⁴ Britnell, 'Tenant farming: eastern England', in Miller, p.618; C. Dyer, ' "The retreat from marginal land" :The growth and decline of rural settlements', in C. Dyer, *Everyday Life in Medieval England* (2nd edn London, 2000), p.20; McIntosh, *Havering 1200-1500*, p.117; J. Whittle, *The Development of Agrarian Capitalism. Land and Labour in Norfolk 1440-1580* (Oxford, 2000), pp.31 and 66; Howell, *Kibworth Harcourt*, p.35; Hilton, *Decline of Serfdom*, p.24; Whittle and Yates, 'Contrasting tenures', p.11.

²⁵ C. Dyer, 'English peasant buildings in the later Middle Ages', in Dyer, *Everyday Life*, p.134; Hilton, *Decline of Serfdom*, p.24.

²⁶ TNA:PRO SC12/3/29.

three tenants held more than one virgate. There were now, however, only two cottagers, and, in total, six fewer tenants. Moreover, at some time after the rental was drawn up, reduced rents and or the note *in decas* were entered in the margin against seven tenancies.

A further twelve priory rentals survive wholly or in part for the period 1463-1536 but, for Catesby, none provides more than tenants' names and rents.²⁷ The decay of the tenurial structure cannot be traced in detail but the rental of June 1536 lists only six tenants, one holding by indenture and five at will but the acreages they held were not recorded. Cottage tenancies also continued to decline in number. In 1447-8 eight lacked tenants, two yielded lower rents than previously and three had been made available to John Bene and John Bradwell to use the materials to repair their own tenements.²⁸ In 1536 no cottages appear. In Schopes, where many tenancies had been cottage-workshops, the assised rents diminished from £4 0s 1½ d in 1414 to £1 11s 4d in 1447-8. A rental of September 1483 recorded only one tenant there and none of eight rentals taken between March 1484 and 1536 includes Schopes, which must have been deserted well before the end of the fifteenth century.

For Boddington, evidence of the tenemental structure at the end of the period studied has survived. An incomplete priory rental from the reign of Henry VIII includes Boddington in its entirety.²⁹ Richard Shrousbury had the manor, and there were seven tenants at will. Six had holdings defined as one, two or three virgates and the seventh, Thomas Shrousbury and his wife, perhaps pensioners of Richard, held a close and six *butts*. The only cottage was held by Richard Bacheler in addition to his two virgates and additional acres, and was presumably rented by him to a labourer.

Overall the numbers of tenants on the priory manors had declined, and there had been some engrossment of holdings, certainly at Boddington and possibly at Catesby, where the highest annual rent being paid by a tenant at will in 1536 was £1 6s 8d, in contrast to the virgater of 1428 who paid 10s. At Boddington the virgate remained a defined tenurial unit and had not been lost in the process of engrossment, but cottage tenancies, held direct from the manor, had all but disappeared.

²⁷ TNA:PRO SC11/508-513; TNA:PRO, Court of Augmentations Miscellaneous Books E/315/398 and 403; TNA:PRO SC12/13/16 m.1.

²⁸ TNA:PRO SC6/946/23, Accounts of John Fyndern Collector of Rents 26-27 Hen. VI.

²⁹ TNA:PRO SC12/13/16 m.1

At Geddington, too, mid-fifteenth century evidence indicates a decline in local prosperity, accompanied by a reduction in tenant numbers and some engrossment of holdings but, in contrast to Catesby, cottage tenancies had increased in number although many were concentrated in a few hands. The late-fourteenth decline of the local economy at Geddington has been considered: tenants had alleged the collapse of the market and hence local trade.³⁰ In 1455 an inquisition recorded evidence of agrarian decline. More than one-hundred acres of demesne arable and forty of demesne meadow lay untenanted, and similar situations were detailed at the dependencies of Barford and Glendon.³¹

Nevertheless, elements of the tenorial pattern of 1327 persisted. There were still sixteen virgates in Geddington, although they were concentrated in the hands of only seven tenants. Thomas Mulsho held five, Margaret Mulsho four and four other tenants one each. The other three fourteenth-century virgates can probably be identified in 1455 as follows: one was a holding of fifteen acres of arable and one acre of meadow (from which presumably two acres of meadow had become detached) held by Nicholas Spode; the second was a holding of ten and a half acres of arable and three acres of meadow, held by Richard Thorne but to which were said to pertain four and a half acres now held by Lawrence Freeman. Most of the third was tenanted by Richard Man and comprised fifteen arable acres associated with a messuage, plus an acre of meadow held severally by three other tenants.

Some decay of the virgate as a working unit is suggested by the fact that in each of the four held by Margaret Mulsho, the associated messuage was held by a separate tenant, or group of tenants, who owed one-third of the rent due from the complete holding, and any other services due from it. In the long term the tenorial separation of the messuage from the land may have worked towards eventual disintegration of the virgate holdings. The monks of Westminster abbey regarded that as a likely consequence of the separation of messuage and associated land and continued well into the fifteenth century to insist on the messuage being occupied by the main tenant.³² On the other hand the arrangements at Geddington in 1455 reduced the risk of tenements falling into disrepair. The occupants of the messuages may have been, in effect, cottage tenants of the Mulsho family who worked on their land for wages and to that extent maintaining the integrity of the virgate holding.

³⁰ Chapter 1, p.22; Calendar of Inquisitions Miscellaneous 3 (1937), pp.345-6.

³¹ NRO M(B) Box X345B, Inquisition 33 Hen. VI.

³² Harvey, Westminster Abbey, p.307.

Geddington's half-virgate holdings had, in contrast, almost entirely disappeared by 1455. Laurence and William Gray and William Dyfy held severally a messuage, seven and a half acres of land and one and a half of meadow, which has the appearance of a half-virgate, but other tenants held various small acreages pertaining to that particular messuage, and the total acreage would have given a holding of indeterminate size. The only tenant of a half-virgate was Thomas Scott in Glendon where no such holdings had been recorded in 1327.

In both Glendon and Barford the trend between 1327 and 1455 was, as in Geddington, towards the engrossment of holdings in fewer hands. At Barford in 1327 there had been thirteen customers each holding one virgate, but in 1455 there were only ten. John Billing held four virgates, William Chamber three and three other tenants one each. At Glendon the number of virgates had been reduced from seven to six of which Thomas Span held two, William Cooke one and a half, and John Chiche one, with Thomas Scott holding a half.

The most notable change in the pattern of virgate holdings at Geddington was, as at Boddington, the engrossment of holdings into fewer hands. This kind of change took place in many parts of England and is widely attested in the literature.³³ At Geddington lack of court rolls after 1423 makes it impossible to trace the stages by which holdings were enlarged but the success of the Mulsho family, local gentry, suggests that those who increased their holdings significantly as land became more freely available in the late-fourteenth century had already been prosperous landholders when the process began rather than enterprising smallholders, a pattern found elsewhere.³⁴

Smallholdings at Geddington may have increased; certainly the number of cottage tenancies did so between 1327 and 1455. There had been thirteen in 1327, in addition to five named smallholders who each, presumably, also had a cottage. In 1455 there were thirty-four cottage tenancies of which over half were in the hands of the Mulsho family: Thomas held six and Margaret no fewer than sixteen. For most cottages a previous tenant was named and it appears that the family had actively been acquiring tenancies as they fell vacant, although no record of these transactions survives. None of the cottages was described as

³³ R. H. Hilton, The Economic Development of some Leicestershire Estates during the Fourteenth and Fifteenth Centuries (London, 1947), pp.94-105; M. Postan, The Medieval Economy and Society (London, 1972), pp.139-42; Britnell, 'Tenant farming: eastern England', p.616; P. D. A. Harvey, 'Tenant farming : Home Counties', p.662; Miller, 'Tenant farming: southern counties', p.706; H. S. A. Fox, 'Tenant farming and tenant farmers: Devon and Cornwall', in Miller, ed., Agrarian History, pp.723-5; Raftis, Tenure and Mobility, p.18; Harvey, Westminster Abbey, p.288; Howell, Kibworth Harcourt, p. 60; Jones, 'Bedfordshire', p.199.

ruinous and it is to be assumed that they were occupied by sub-tenants. Fox has shown that in three manors in late-medieval Devon the number of cottage tenancies was closely related to the labour needs of the local economy. A remote pastoral manor required living-in servants rather than cottage labourers; an arable manor of small farms but with a diversified economy enabled cottagers to live independently by a combination of agricultural labour and by-employments; and, in contrast, a dispersed-settlement area of large arable farms saw the provision of tied cottages.³⁵ In Geddington there may have been an element of each of the second and third models. The mid-fifteenth century local economy may still have provided various employment opportunities. The Mulsho holdings, at least, would also have required waged labour for much of the year. It may also be significant that an early-fifteenth century rental of Newton Magna and Parva, held by the Mulsho family and adjacent to Geddington, includes no cottage tenancies.³⁶ Some but probably not all of the demesne there was at farm, and the tenants appear not to have owed labour services so that work on any demesne in hand would have been undertaken by waged labourers who might conveniently have been housed in Geddington.

At Weekley, the third of the manors for which a comparison of fourteenth and fifteenth-century holdings is possible, three rentals taken in 1336, 1434 and 1439 show, as elsewhere, a reduction in tenant numbers.³⁷ The virgate, or fractions of it, continued to be characteristic of the tenemental structure. There is no evidence of engrossment but there is a decline in the number of cottage tenancies, and an increase in the proportion of tenants holding between a half and a complete virgate. Table 3.02 summarizes the figures. In compiling them, the distinction between customary and free tenure has been ignored as has the complication arising from the manor of Weekley including several free tenancies in Geddington. The latter were specifically recorded in 1336 and the 1490's but it is unclear whether they were also included in the earlier fifteenth-century rentals.³⁸

The lack of obvious engrossment is clear from the table. The only two holdings of more than a virgate in 1336, a free tenement and a customary tenement held by a free man, had

³⁴ Harvey, 'Tenant farming: Home Counties', p.662.

³⁵ H.S.A. Fox, 'Servants, cottagers and tied cottages during the later Middle Ages', *Rural History* 6 (1995), pp.125-154.

³⁶ NRO M(B) Box X351A contains, *inter alia*, five rentals of Newton; one taken in March 1402, when John Mulsho was lord, is particularly detailed

³⁷ NRO M(B) Box X341, Rental 10 Edw. III; Rentals of William Brocas, *armiger*, 13 and 18 Hen. VI.

disappeared by 1434. On the other hand the proportion of middle-ranking tenancies had increased and continued to do so. The holdings of one, and one-half virgates plus those comprising three quarter-lands were 34% of all tenancies in 1336, had risen to 47% in 1434, and to 56% only four years later.

During the same period cottages declined from 60% of tenancies in 1336 to only 32% in 1439 but remained at that level in 1480. The limited information being recorded by then precludes further analysis of virgate-related holdings; fifteen tenants, almost half, each held a messuage but no detail is provided of the accompanying land.³⁹ Perhaps a rough balance had been reached between those whose holdings were such as to require employment of non-family labour, and those cottage tenants to whom wage labour was an essential element in their family economy.

For Brigstock no pre-1349 comparison is possible but there is strong evidence for the persistence of a tenemental structure based on virgate-related standard holdings, albeit modified by there being fewer tenants, well into the fifteenth century. The earliest rental, of 1416, lists forty-nine tenants.⁴⁰ Running through the various elements of the tenemental structure are indications that some degree of engrossment had already taken place by the early-fifteenth century. The half-virgate appears likely to have been a standard holding before the Black Death and in 1416 only two tenants held a virgate but seventeen a half-virgate. However, five others held two half-virgates suggesting that they had acquired vacant holdings. In addition there were four quarter lands and four half-quarter lands, and the standard rents charged for all holdings, based on 4s for a half virgate, suggests that these small units were one-quarter and one-eighth of a virgate in area, although they were probably quite distinct in tenorial terms and were what was described in 1391 and 1439 as *acremansland*. Three tenants of such land also each held a half or complete virgate and it is clear that a number of men had benefited from the greater availability of land to augment their holdings.

³⁸ NRO M(B) Box X341, Rentals 7 Hen. VII and 9 Hen. VII.

³⁹ NRO M(B) Box X341, Rental of John Brocas 20 Edw. IV.

⁴⁰ E. King, 'Tenant farming: East Midlands', p.633 comments briefly on this rental.

Table 3.02

The Pattern of Holdings at Weekley in the Fourteenth and Fifteenth Centuries

Type of holding	Tenant numbers in 1336	Tenant numbers in 1434	Tenant numbers in 1439
Two and a half virgates	1		
One and a half virgates	1		
One virgate	8	4	3
A half-virgate	11	9	13
Three quartrones	1	4	3
One quartronem		8	1
Quartronem, cottage and toft			1
Cottage	35	8	11
Cottage and two tofts			1
Ten acres	1		
Three acres			1
Toft and croft		1	
Croft		1	
Not recorded		1	
Totals	58	36	34

There were also twenty-eight cotsettle units, which King describes as messuages without land, but if they are added to the twenty or so cottage holdings, which do not appear in the rental and are not mentioned by King, but were undoubtedly there, about sixty percent of Brigstock tenants would have been landless. It seems more likely that the cotsettle often had land attached to it: for example a parcel of a cotsettle surrendered in 1442 was described as having two selions in a croft nearby.⁴¹ Some crofts were big enough to plough and this appears to have been in that category.⁴² Most cotsettles were held by a single tenant but five were held jointly by two tenants, while John Bonany, a priest, held two, and John Pidyngton three with a half-share in a fourth, so that there were only twenty-seven tenants in all. Several of them had other holdings: Henry Tukke, for example, also held a messuage and quarter land. But John Syke is probably the clearest example in the rental of an enterprising

⁴¹ NRO M(B) no box number, Court Philip and James 20 Hen. VI.

peasant creating a larger holding from multiple units of the traditional structure: he not only held one cotsettle unit and shared another with William Blok, but also held two half-virgates.

Cottage tenancies, although not listed in the 1416 rental, were undoubtedly there. Attached to the rental is a list of tenants assessed *ad soluend pro copia ostenstacionis ville dicte*, perhaps to pay for a copy of the court roll entry of their tenure. Assessments were on a regular sliding scale from 6d for a virgate to 1½d for a cottage. Names indicate that the document is later than the rental, and the appearance on it of John Brandon indicates that it is no earlier than about 1435.⁴³ All the tenemental units of 1416 are listed and, in addition, there are twenty cottagers. Each held one cottage except Robert Hemyngton who paid 4½d for three.

The survey of 1439 indicates that few significant changes had taken place in the tenemental structure since 1416. There were four virgaters, and twenty-two half-virgaters. The number of cotsettle units had been reduced by one to twenty-seven, now divided between only nineteen tenants. In addition there were twenty-one cottages occupied by only eighteen tenants. The quarter-lands, in 1439, are referred to specifically as *acremansland*. In 1391 there were five such holdings, from each of which 2s was due for commuted labour services, although there appear to have been six in 1416. In 1439 the sworn jury insisted there were five but only four are clearly recorded of which William Wotton held two. Overall, some further engrossment had taken place but substantial holdings had not become concentrated in a few hands. John Warner, a virgater, also held three cotsettles and a quarter land, and William Wotton, a half-virgater, had two cotsettles and two quarter-lands but these were among the major holdings on the manor.

Some types of holding persisted at least to the end of the century: there were still twenty-seven cotsettles charged at 2s each per annum in April 1500 when the bailiffs answered for 27s for them in respect of the previous half-year.⁴⁴ By the end of the sixteenth century references to the virgate had disappeared but most customary tenancies remained relatively small: Richard Barton had 117 acres, and five other tenants had between thirty-three and

⁴² G. Astill, 'Rural settlement : the toft and the croft', in G.Astill and A. Grant, eds, The Countryside of Medieval England (Oxford, 1988), p.50.

⁴³ Chapter 1, p.30 and Chapter 2, Table 2.34, p.103 for John.

⁴⁴ TNA:PRO SC2/194/72 m.10, View Easter 15 Hen. VII.

ninety each, but the remainder had had only thirty acres each or, in most cases, less and cottage tenancies had increased to thirty-three.⁴⁵

Cranford and Maidwell, in contrast to Brigstock, were settlements in which any earlier tenemental structure based on standard units had decayed before the end of the fourteenth century, although the virgate persisted as a unit of tenure. Four Cranford rentals have survived from between the late-fourteenth century and 1456.⁴⁶ The detail in them varies, for example the earliest gives only tenants' names, payment dates and rents, and most of the evidence suggesting an earlier, virgate-related tenemental structure is in the latest of them, taken in 1456. Two units each of two virgates, two single virgates and nine half-virgates are recorded. Several, however, formed parts of multiple holdings: for example, Thomas Smyth held a messuage, two virgates, three tofts, a croft and an area of demesne, and Henry Reve a half-virgate, a toft and a quarter land of demesne. Such composite holdings had existed earlier but were not always clearly specified in the rentals. In 1423, for example, Thomas Virley was recorded only as holding divers lands and tenements, and other land with his brother John. The development of such multiple holdings was probably a consequence of declining tenant numbers well before the earliest rental was taken in the 1390's. Thereafter, however, tenant numbers declined only slightly from thirty-four to thirty-one in 1456, and there was a measure of tenant continuity. Twelve families held for periods of a quarter of a century or longer. Five were there for at least fifty-eight years; one for forty-one years, three for thirty-three and a further three for twenty-five.⁴⁷ Terms of tenure other than the rent due were seldom recorded although in each rental one or two tenants appear as holding freely. Most other tenements may have been held on customary tenure but that cannot be assumed invariably to have been so. Members of the Drayton family, for example, are recorded in each of the three later rentals, as holding four acres for 4d; in two they are said to hold freely but the other is silent on the point, and there may be other comparable omissions which

⁴⁵ NRO ML 141, Survey of the Manor of Brigstock with its Members Stanion and Islip, Made and Taken in 38 Eliz. I.

⁴⁶ NRO M(B) Box X363, Rental of Nicholas Piel Christmas [year not recorded] 2 Ric. II; rents pertaining to Lady Elizabeth Hodleston, undated but Elizabeth was either the daughter or wife of William Hodelston who was lord of Cranford in 1421, and she had become the wife of William Braunspath who was lord by 1424 so that the rental was compiled between those years; Rental of Elizabeth Braunspath (now widowed) Michaelmas 18 Hen. VI; Rental of Henry Hodleston 35 Hen. VI.

⁴⁷ The rental of Nicholas Piel is treated here as having been taken in 1398, the year of the last Christmas of the reign of Richard II, and so the latest year in which it could have been taken; the rental of Elizabeth Hodelston is assumed to have been taken in 1423, the last year before her marriage to William Braunspath.

cannot be identified.⁴⁸ The rents paid are particularly indicative of tenancies which no longer bore a close relationship to a pattern of standard holdings. By the late fourteenth century the rental of Nicholas Piel shows the existence forty-one tenancies for which thirty-two different levels of rent were paid ranging from 13s 4d to 1d. The position in 1456 was similar; the rental provides detail of many holdings and in some cases breaks down the total rent into its separate components related to different parcels of land, but overall there were forty tenancies for which twenty-nine different levels of rent were charged. The contrast with the Brigstock rental of 1416, with its lists of standard holdings for standard rents, could not be more marked, and may well reflect the difference between a royal manor and one held by resident gentry. King, referring to Brigstock, commented that the crown was not 'a demanding lord'.⁴⁹ In contrast, the gentry lords of Cranford are likely to have put their tenants under pressure so as to exploit their manor as effectively as possible, which is, perhaps, reflected in their readiness to negotiate different forms of customary tenure as well as in their ability to retain at last some tenant families over a significant period of time.⁵⁰

Maidwell, a vill which included several manorial units, is like Cranford in that no direct evidence survives of a tenemental structure of standard holdings there before the Black Death. However, six rentals, taken between 1392 and 1480, and an undated and unheaded seventh, together suggest the earlier existence of a standard structure, as well as the persistence of virgate-related holdings during the fifteenth century.⁵¹

The rental of 1392 includes a holding of two virgates, two of one and a half, eleven single virgates and nine half-virgates, although some consolidation was beginning to take place. There is further evidence of an earlier standard structure in the rental of 1396: nine virgates were each charged at the high rent of 23s, although there are signs of slippage. Henry Frere paid only 20s, and Geoffrey Gebon, who held two separate virgates, only 6s 6d for the second; half-virgate rents also varied between 6s and 10s. The physical structure had also begun to decay. The undated rental included a section headed 'tenants at the will of the lord of messuages and virgates in bondage *dispersis et decas*'. At least six virgates were listed in

⁴⁸Fifteenth century grants made at Cranford show customary tenure being offered on various terms.

⁴⁹ King, 'Tenant farming: East Midlands', p.633.

⁵⁰ Table 3.06. p.138, shows the different forms of customary tenure at Cranford.

⁵¹ NRO FH 485, Rentals 16 Ric II and 19 Ric. II. FH 568, Rental 7 Hen IV;; FH 2005, Rental 27 Hen. VI; FH 464a, Rental 19 Edw. IV. NRO FH 490 is the undated rental; 'Kelmarsh' is written on the dorse but many tenants' names correspond to those in the Maidwell rental of 1392.

this section, membrane damage making it impossible to identify the number with certainty. It is clear, however, that none was any longer held by a single tenant. For example the virgate once Geoffrey Jurdan's was held by three tenants and the messuage was decayed and lying empty; and Robert Billyng's former land was held by four named men, and the messuage by Isabel Big.

The manorial administration was nevertheless seeking to preserve the virgate-related structure at least on paper and the undated rental provides further evidence of that: two partly obliterated entries distinguished the tenancy of part of a particular virgate in Rabasfee, and of a half-virgate in Seytonsfee. It is clear that virgate-related land units remained significant in the tenemental structure of Maidwell until at least 1480.

Table 3.03 shows the number of such units appearing in five of the unambiguously dated Maidwell rentals. Information from 1448 has been excluded as it comprises only tenants' names and rents: seven rents of 20s and three of 26s 8d suggest holdings in multiples of a half-virgate but they cannot be compared with the detail in the other documents. The figures in the table are of units of land and do not necessarily correspond to tenant holdings. In 1392 the total area comprised twenty-one virgates held by eighteen tenants. Simon atte Estende held units of two and one and a half virgates, Geoffrey Gebon two separate virgates, and William Pye a virgate and two separate half-virgates; three tenants each held one virgate and one separate half-virgate; and two each had a virgate and a separate quarter-virgate. The remaining ten units were held by ten different tenants: Stephen Bigge had one and a half virgates, four men each held one virgate and five each held one half. Similar types of tenancy can be identified in 1396 and 1405-6. By 1480 the total area of land still being defined by the manorial administration in terms of virgates remained as in 1392 but it was held by only fourteen tenants. Five had a two-virgate holding each; two had two separate virgates each; another four each had one virgate; William Hawe had a virgate and was the joint-tenant of another with John Miller; and John Turnour was the only half-virgater. In terms of tenants' actual holdings, rather than tenemental units in the rentals, there had been some engrossment but on only a modest scale. In 1480 no tenant held as much as the three and a half virgates which Simon atte Estende had had in 1392, but on the other hand seven men had holdings of two virgates whereas none, with the exception of Simon, had held as much in 1392. It seems likely that this had been achieved at the expense of the half-virgate

holding. In 1392 there had been ten such units identified in the rental, and at least five tenants for whom the half-virgate was the family holding. By 1480, except in the isolated case of John Turnour, the half-virgate had disappeared both as a unit in the lord’s rental and as a family holding.

Table 3.03
Numbers of Virgate-Related Land Units in Maidwell, 1392-1480

Number of virgates	Rental of 1392	Rental of 1396	Rental of 1405-6	Rental of 1480
Two	1		1	5
One and a half	2	1	2	
One	11	13	13	10
A half	9	8	5	
A quarter	2	2		1
Totals	21	19	21	21

The situation on the two small manors of Broughton and Loddington may have been similar to Maidwell, but no rental evidence survives. Eleven of the seventeen remaining land grants at Broughton between 1378 and 1455 comprised either half or complete virgates, sometimes with a small additional acreage separately specified, but the last of these was made as early as 1410.⁵² The last reference to a virgate holding was recorded in 1446 when John Mallesley acknowledged holding for military service and suit of court. John, however, like his father before him, was a free tenant and the size of his holding may have differed from the size of the standard customary holding.⁵³ Dyer has argued that transfers of the complete family holding of free land between kin were likely to have been more common in the fifteenth century than those of customary land. The free tenement, with its light rent and few other burdens or restrictions, was an asset worth retaining even in adverse circumstances.⁵⁴ At Loddington the evidence suggests that the customary virgate was retained as a notional holding in manorial record keeping while it disintegrated on the ground. Only six of nineteen land grants recorded in the rolls between 1354 and 1468 were

⁵² NRO M(B) Box X386, View George 11 Hen. IV.
⁵³ NRO M(B) Box X386, Courts Conception BVM 9 Hen. IV, and Paul 24 Hen. VI.
⁵⁴ C. Dyer, ‘Changes in the link between families and land in the West Midlands in the fourteenth and fifteenth centuries’, in R. M. Smith, ed., Land, Kinship and Life-Cycle (Cambridge, 1984), p.309; and also in ‘The

of half or complete virgates; the last grant of the former occurred in 1448, and the last of a complete virgate twenty years later when, perhaps significantly, it was made to a group of four tenants and for only ten years.⁵⁵ The lord, perhaps, clung to the hope that it could eventually be re-let to a single tenant and hence the relatively short lease, but none of the four tenants presumably wanted more than a quarter of the available land.

At Draughton, Kelmarsh, Islip and Lowick any earlier structure of standard customary tenements had disappeared before the end of the fourteenth century, due in part, perhaps, to the significant numbers of free tenants in each manor. Draughton alone had a number of substantial tenants but each had a significant number of smallholders.⁵⁶

At Draughton the bovate may once have been a standard holding comprised thirty-two acres but by 1396 such units were concentrated in relatively few hands.⁵⁷ Six tenants held between fourteen and three bovates each, that is between 448 acres (Isabel Hedon) and ninety-six (Margery Sutton and William Inge). Such acreages were well in excess of any measure which might reasonably be applied to peasant holdings, so that the only bovate tenants with peasant holdings were Richard Davy, with two and Nicholas Langton with a half. Moreover, all of them, except Nicholas, also held significant additional land; William Inge, for example, had a further eight holdings which together with his bovates comprised more than 140 acres, a croft and a messuage. Clearly a process which involved both engrossment and fragmentation had taken place at Draughton well before the close of the fourteenth century. John Albon, sufficiently prosperous to have twenty acres and a croft, also held a piece of meadow, a quarter of a cottage and a dovecote which suggests he was of freeman or even parish-gentry status. Even some smallholders had multiple holdings: Roger Durdant held a cottage, a barn with a croft, three and a half acres, a distinct single acre, and nine rods of meadow.

In Kelmarsh the only surviving rental is for Tiffelfee in 1393.⁵⁸ There were no substantial holdings comparable to those in Draughton, and of thirty-two tenants only seven

retreat from marginal land”: the growth and decline of medieval rural settlements’, in M. Aston, D. Austin and C. Dyer, eds, *The Rural Settlements of Medieval England* (Oxford, 1989), p.52

⁵⁵ NRO Young of Orlingbury Collection (YO) 364, Court 14th November 27 Hen. VI; YO 361, Court 22nd October 8 Edw. IV.

⁵⁶ Hilton, *Decline of Serfdom*, p.24, suggested that where freehold tenants were numerous as many as 50% were poor smallholders.

⁵⁷ Page 113.

⁵⁸ NRO FH 529.

had holdings of between a virgate and ten acres; John Haukyn had a virgate and Roger Periot a half-virgate but no other holding is described in those terms. Fifteen holdings are described only as *tenementum*. It is unclear what this means, and some individuals held more than one. It may have been an alternative to messuage, also used in the document, since Roger Periot held a *tenementum* with his half-virgate rather than the messuage usually attached to such a holding. Most tenants, however, had only smallholdings, often comprising more than one unit for each of which a separate rent was sometimes paid: for example, John Gardine paid 1d for part of a messuage, 1d for an acre of land and a sum, now lost, for an extra rod; John Olyve similarly paid separate rents for two tofts, two acres and two rods. As in Draughton, part of the explanation of the tenemental situation may be the presence of free tenants. The rental does not specify tenure but most of the rents are so low as to indicate freeholdings: Roger Periot paid only 9d for his half-virgate, while Simon Tyffeld undoubtedly held freely, giving a red flower for his toft and a red rose for two rods of arable, the only honorific rather than cash rents listed.

Islip and Lowick, as reflected in the rental of Henry Grene of 1382, were similar to Kelmarsh.⁵⁹ Table 3.04 shows the number and size of units of land listed in the rental to which a specific rent was attributed. Individual holdings sometimes combined two or more of these units but displayed in this way the information makes it clear that any tenemental structure based on virgate-related units had disappeared from both manors at least twenty years before the end of the fourteenth century. Fifty-eight percent of all units were of less than ten acres, and if the rental units of the messuage, toft and cottage are discounted, on the grounds that they would have provided little or no cultivable land or grazing, the percentage increases to seventy-three.

⁵⁹ NRO SS 3678.

Table 3.04

Sizes of Rental Units in Islip and Lowick in 1382

Rental Unit	Number in Islip	Number in Lowick	Number in Lowick Nowers	Totals
Thirty acres +	2			2
Twenty acres +		1	2	3
Fifteen acres +	2			2
Ten acres +	3	3	1	7
Five acres +	13	6	1	20
Under five acres	18	25	15	58
Carucate	1			1
Half-virgate	1			1
Quarter land	2	1	3	6
Two selions		1		1
Pasture	1			1
<i>Frisc</i>		1		1
Croft		2		2
Messuage		5	4	9
Toft			1	1
Cottage	4	4	9	17
Tenement		1		1
Totals	47	50	36	133

When the rental units for Islip are configured as the actual multiple or composite holdings worked by tenants, only four exceeded twenty acres, six were between ten and twenty, and seventeen were below ten.⁶⁰ The situation in Lowick was comparable and free tenancy in both villis was probably, as in Kelmarsh and Draughton, a significant factor in the tenemental pattern.

⁶⁰ The sub-manor of John Holt, see Chapter 1, p.10, is excluded.

Prosperous peasant farmers may often, during the later Middle Ages, have enjoyed the possibility of augmenting their holdings by leasing part of the lord's demesne. Such leasing had taken place well before the plague: at Kibworth Harcourt as early as 1289.⁶¹ However, its use as the normal method of demesne exploitation, in the face of low grain prices and increased labour costs, was essentially a late-medieval development.⁶² Dyer has shown that the reduction in cultivated demesne on the estates of the bishop of Worcester between 1350 and 1400 was mainly by piecemeal letting to tenants, and Raftis suggested that a number of leading tenants would pool resources to rent a substantial field which they divided up to suit themselves.⁶³ Harvey has pointed out that although the leasing to tenants of small portions of demesne lay outside what might be understood as the peasant land market, it contributed to the flexibility of holdings.⁶⁴ Once the entire demesne was at farm, however, the extent to which individual tenants increased their holdings by renting an area of it was less likely to appear in manorial records since their rents may have been paid to the farmer and only the tenants' basic holdings would have appeared in manorial rentals.

The remainder of this section examines the extent to which peasants augmented their holdings by leasing demesne land in the manors studied. The earliest evidence is at Lowick, in 1382, when Egidius Fissher was renting three and a half acres of demesne land in Drayton.⁶⁵ At Maidwell, in the following year, the bailiff accounted for £1 0s 10d for the beasts of various men pasturing on the lord's meadow from May to August.⁶⁶ The half-year accounts, at Michaelmas 1386, provide more detail: ten named tenants and the clergy of both Maidwell churches individually paid between 2s 10d and 10d for rented grazing. In the complete year following, nineteen tenants paid £2 0s 10d for pasture.⁶⁷

⁶¹ Howell, *Kibworth Harcourt*, p.19; S. H. Rigby, *English Society in the Later Middle Ages. Class Status and Gender* (London, 1995), p.75, points out that the area of in-hand demesne of the bishop of Winchester decreased by more than 3000 acres between 1269 and 1310.

⁶² This is widely endorsed in the literature. See for example E. Miller, 'Introduction: land and people', in Miller, ed., *Agrarian History*, p. 13; Britnell, 'Tenant farming: eastern England', p.614; Jones, 'Bedfordshire', p.181.

⁶³ Dyer, *Lords and Peasants in a Changing Society. The Estates of the Bishopric of Worcester, 680-1540* (Cambridge, 1980), pp.122-3; Raftis, *Tenure and Mobility*, p.26.

⁶⁴ Harvey in Harvey, ed., *Peasant Land Market*, p.26

⁶⁵ NRO SS 3678; Chapter 1, p.9 for the manorial relationship with Drayton.

⁶⁶ NRO FH 482, Bailiff's Accounts, Michaelmas 7-8 Ric. II.

⁶⁷ NRO FH 482, Bailiff's Accounts, Purification 9 Ric. II - Michaelmas 10 Ric. II; FH 475, Bailiff's Accounts Michaelmas 10 Ric. II - 11 Ric. II.

During the fifteenth century references to demesne rented out in small parcels increase. At Maidwell the rent collector's accounts for 1419-21 list individual tenants paying varying amounts for meadow and pasture.⁶⁸ There were probably about six tenants in each year: the accounts say twelve but the entries referring to demesne meadow are interspersed with others referring to the letting for pasture of arable land lying *frisc*, which may have been tenant land taken into hand. At nearby Broughton the only reference to the letting of demesne land is of the kind envisaged by Raftis: three tenants accepted a piece of demesne called *le Gorys* for their three lives for a rent of 3s 4d a year. They also undertook to maintain the property at their own expense which suggests that it may have included buildings. At the same court the lord also admitted two new tenants to a virgate and half-virgate respectively and in each case exchanged parts of the demesne for equivalent areas of the original holding. This may have been part of a process of consolidating the demesne, or it may have been intended to make the holdings more attractive to the incoming tenants.⁶⁹

At Catesby, a demesne rental of 1413 lists eleven tenants renting various units of arable, pasture and meadow for amounts varying between 6s 6d and 2d. Measurements are ascribed to very few of these land units but Thomas Goodles paid only 14d for a total of six acres, of which 2d was in respect of three selions.⁷⁰ At Weekley in 1439 four men leased demesne land for a term of years. Neither land nor term was defined but the rent was £5 13s 4d. No similar reference occurs in the rental of 1480 but in 1492 it was recorded that the farmer answered for £6 13s 4d, so that it seems likely that the four tenants in 1439 had taken the lease of a substantial proportion of the demesne.⁷¹ At Cranford, from about thirty tenants during the first half of the century, only two held demesne in 1422-3, seven in 1439 and five in 1456. Two rented meadow and the other twelve arable, including members of the Moy and Virly families who were among the long-staying tenants.⁷²

The two royal manors of Brigstock and Geddington both had substantial areas of demesne land unlet in the middle of the fifteenth century. At Brigstock, in 1439, 240 acres of Halleland lacked tenants, as well as areas of meadow, and in 1443 four tenants of demesne

⁶⁸ NRO FH 444, Rent Collector's Accounts, Purification 6 Hen. V-7 Hen. V; FH 540, Purification 7 Hen. V- 8 Hen. V.

⁶⁹ NRO M(B) Box X386, View George 11 Hen. IV.

⁷⁰ TNA:PRO SC2/195/6 m.14.

⁷¹ NRO M(B) Box X341, Rentals 18 Hen. VI, 20 Edw. IV, 7 Hen VII.

⁷² NRO M(B) Box X363, Rental of Elizabeth Hodelston [undated]; Rentals 18 and 35 Hen. VI.

each surrendered two and a half virgates which were said not to be well cultivated with the exception of two held by William Wotton.⁷³ Similarly, at Geddington in 1455, about seventy-five acres of demesne arable lacked tenants as well as forty acres of meadow and the situation was comparable in the dependencies of Barford and Glendon.⁷⁴

However, at Geddington in 1455, eight tenants held *brodland*, in areas varying between twenty-four acres and six and a half rods, for rent and suit of court. Miller established that at Downton in Wiltshire *bordland* was discarded demesne, and most tenants had plots of it attached to their holdings. Winchester concluded that, as Bracton had stated in the thirteenth century, it was demesne which had provided food for the lord's table. Its origin in England, he says, is obscure; it is relatively uncommon, and he did not identify its existence in Northamptonshire.⁷⁵ In fact there was also a survival in Cranford where, in 1439, Richard Porchet held, *inter alia*, three acres of *frisc* called *bordislond*.⁷⁶

At Brigstock, there were sixty-seven tenants who rented areas of demesne pasture or meadow for varying periods during the fifteenth century. Between 1403 and 1470, at thirty-six courts, their names, usually between seven and ten at any given time, were listed with the name of the pasture and its annual rent. Some appeared on numerous occasions such as William Fermory (16), Stephen Fermory (14), John Felypp (11), Henry Weldon (10) and William Wotton (10), but thirty-three appeared only once. Some tenants were partners and in May 1450 twelve out of fourteen comprised six partnerships. About twenty-nine field names appear but several were amalgamations of more than one area. Rents varied: *cokrode* was normally let for 4d; *bancroftsyke* for 8d – 14d; *ichenowe*, a close, for as much as 12s although later in the century its normal rent fell to 6s 8d. After 1470 tenant names no longer appear in the rolls but certain fields were still let, and their rents entered in the bailiffs' accounts, appended to the view rolls, until the end of the fifteenth century.

Types of Customary Tenure post-1350

This section considers the changing terms under which customary land was held during the late-fourteenth and fifteenth centuries. The fundamental change, during the 150 years or so

⁷³ NRO ML 141; and M(B) No box number, document dated Matthias 21 Hen VI.

⁷⁴ NRO Box X345B, Inquisition 33 Hen. VI.

⁷⁵ Miller, 'Tenant farming: southern counties', p.704; A. J. Winchester, 'The distribution and significance of "bordland" in medieval Britain', *Agricultural History Review* 34 (1986), pp.129-39.

after the Black Death, was from unfree land, held in bondage or villeinage, to land held by copyhold. Dyer has traced this gradual development on the estates of the bishop of Worcester: during the thirteenth century customary tenants had held in uniform hereditary tenure but during the late-fourteenth century such tenements were being let at will or leased for a period of years. By the early-fifteenth century there had been a reversion to customary hereditary tenure which developed into copyhold which was normally secure. Down to about 1500 the lord could impose conditions on copyhold tenants, especially with reference to buildings, but by the early-sixteenth century such interference might lead to litigation.⁷⁷ That villein tenure decayed is not in doubt, but the speed at which it did so varied. Jones found that at Wellington, Bedfordshire, as early as 1383, half-virgaters were described as former tenants in bondage who now held by copyhold for terms of years or life.⁷⁸ At Kibworth Harcourt there was pressure on the landlord, Merton College, by the early-fifteenth century, to abandon villeinage, and in 1427 it was accepted that the eighteen customary virgaters would hold at will according to the custom of the manor and not *in bondagio*.⁷⁹ In contrast, at Spalding, the prior's tenants swore to be servile as late as 1444, and on the estates of Westminster abbey the use of terminology implying servility did not begin to decline until between 1430 and 1470.⁸⁰

On the other hand what followed the decay of bondage tenure varied considerably and, writing of the Home Counties after 1348, P.D.A. Harvey has referred to the 'bewildering variety of forms and inconsistency of nomenclature' which developed there.⁸¹ Barbara Harvey took the view that juridically all forms of customary land tenure were at will, and identified hereditary tenancies, tenancies for life, and those for the lives of man, wife and one child, normally a son, as the three forms granted on the estates of Westminster abbey.⁸² Faith, however, considering Berkshire between 1348 and 1407, saw tenure at will as one of four principal types of tenure there together with leases, for a term of years or life, and hereditary tenure. She also noted a tendency for the exact terms, rather than the general 'according to the custom of the manor', to be recorded in the court rolls.

⁷⁶ NRO M(B) Box X363, Rental 18 Hen. VI.

⁷⁷ Dyer, *Lords and Peasants*, pp. 292-7.

⁷⁸ Jones, 'Bedfordshire', p.203.

⁷⁹ Howell, *Kibworth Harcourt*, pp.50-2.

⁸⁰ Britnell, 'Tenant farming: eastern England', p.621; Harvey, *Westminster Abbey*, p.275

⁸¹ P. D. A. Harvey, 'Tenant farming: Home Counties', p.670

Table 3.05 indicates the types of tenure found in the Northamptonshire manors studied together with the chronology of their appearance and use. The figures are drawn from rentals, grants of holdings to tenants, and occasions when tenants acknowledged in court what land they held from the lord and the services due for it. There was little consistency in the compilation of these records and only those transactions in which the form of tenure was clearly identified have been included. The figures also exclude *ad opus* transfers at Brigstock, Geddington and Catesby, which are considered elsewhere.⁸³ The same figures, redistributed by manor, appear in Table 3.06 in which the few transactions recorded at the priory manors of Boddington and Byfield are included with Catesby.

Bondage tenure soon disappeared in Northamptonshire, and may never have been particularly burdensome. Hilton took the view that week-work was the 'true hallmark of the man.....considered thoroughly servile', and in none of the manors studied does this appear to have been part of villein tenure.⁸⁴ Only at Weekley and Catesby, conventual manors, and Maidwell, were grants made in bondage after 1350. At Weekley, the last were made in 1354 to two tenants, each of whom was admitted to a half-virgate in villeinage, and required to find two villein pledges that he would maintain his holding at his own expense.⁸⁵ How secure villeinage tenure was at Weekley is unclear, but in 1355 John Roger, who held a half-virgate in villeinage, paid a fine of 12s so that his wife Emma could follow him in the holding and, after her death, Robert Sysa their son-in-law.⁸⁶ In 1380, however, when Adam Nicol died, the half-virgate which he had held in villeinage remained in hand until 1382 when Thomas Whittenaye took it for the lives of himself and his wife for an annual rent of 12s, without any servile reference.⁸⁷ At Catesby, Agnes Wryth accepted a messuage *native* for life in 1378, but in 1381 John Doudeney took a half-virgate formerly held in bondage and similar transactions are recorded down to late 1402. Similarly, at Boddington in 1383, William Scheperd took a virgate *native*, for life and according to custom, but ten years later

⁸² Harvey, Westminster Abbey, p.246 and pp.280-1

⁸³ Pages 153-7.

⁸⁴ Hilton, Leicestershire Estates, p.12

⁸⁵ NRO M(B) Box 340 Folder 2 m.1, View Martin 28 Edw. III.

⁸⁶ NRO M(B) Box 340 Folder 2 m.1, View Thomas Martyr 29 Edw. III.

⁸⁷ NRO M(B) Box 340 Folder 2 m.3, View Tiburtius and Valerian 5 Ric. II.

Hugo Irener simply accepted one for life, at will and according to custom. The servile reference had gone.⁸⁸

At Maidwell, in 1361, Walter, son of William of Kent, took his late father's virgate in bondage but by 1394, when Simon Piers died having held a virgate in bondage, two tenants took it, after some delay, for nine years, and Richard Hunt accepted a former villein half-virgate to hold at will. As late as 1420-1, John Gybon, the rent collector, recorded in his accounts that the sum of assised rents for which he answered included, *inter alia*, the rent of tenants in bondage, but he entered only the single *summa* so that the balance between different forms of tenure cannot be calculated. Perhaps John still used an outdated formula or a few elderly bondage tenants still survived from the fourteenth century.

The most common descriptions of tenure which have been found are that land was held either at the will of the lord, or according to custom, or both. Where a more precise indication of the grantor's intention or the tenant's perception was recorded, invariably in respect of the length of tenure, the transaction has been included in the appropriate column of Table 3.04. For example, most grants at Catesby were according to custom for life and are in the life column. Only at Geddington were there no general grants and the few recorded there were for defined periods of time. Tenure at farm is found on a significant scale only at Maidwell in the 1390's. Harvey, who described *firma*, in this context, as an 'overworked word' with a variety of meanings, found that on the Westminster abbey estates it often meant tenancy at will, and this may have been the intention at Maidwell.⁸⁹ Life tenure was granted in almost a quarter of the transactions and if those are added to the number at will, according to custom, and at farm, about sixty-five percent of the transactions in Tables 3.04 and 3.05 were not dissimilar in many respects to the villeinage tenure they replaced. Relatively few grants were made for two or more lives and grants in perpetuity were found in only three manors. All these forms of customary tenure were in use early, before the end of the fourteenth century, but there are no references to any form of copyhold until the fifteenth century when, even then, only three have been found. Two appear in the 1434-5 Weekley rental when two tenants each held by copy for the lives of themselves and their wives.⁹⁰ The

⁸⁸ TNA:PRO SC2/195/4 m.1, Court Dunstan 1 Ric. II; m.3d [date lost]; 195/6 m.3 [date lost] 4 Hen. IV; SC2/194/60 m.4d, Court Martin 7 Ric. II; m.10d, Court Luke 17 Ric. II.

⁸⁹ Harvey, *Westminster Abbey*, p.246; NRO FH 485, Rental 19 Ric. II.

⁹⁰ NRO M(B) Box X341, Rental 13 Hen. VI.

third appears in the 1439 survey of Brigstock where three tenants each held a parcel of a *seik*, the site of a former messuage, demised by copy according to the custom of the manor.⁹¹

In both royal manors customary tenants held in socage. At Brigstock the survey of 1440 refers to customary tenure being in socage by hereditary, and that of 1596 states that the 'cottages were all held in socage as well as the customary lands'.⁹² At Geddington, in the section of the bailiff's accounts, 1460-1, headed 'rents of customary tenants according to the custom of the manor', the first tenant, used as an exemplar, is said, *inter alia*, to hold to him and his heirs in socage and subsequent tenants held 'in the aforesaid manner'. However, cottage and other rents, listed separately, do not specify tenure. Perhaps Geddington differed from Brigstock in this respect, or the socage tenure enjoyed by Brigstock cottagers in the late-sixteenth century was a recent development, but many tenants of the royal manors, enjoyed a degree of security very little different from freehold. Disposal of their holdings, however, had still to take place in the manor court and be recorded in its rolls; otherwise seisin was not transferred.⁹³

The Burdens of Customary Tenure

The decay of serfdom did not end certain disadvantages of customary tenure which were enforced through the manor court. In Northamptonshire entry fines and heriot were still exacted on some manors; modest labour services were still demanded of some tenants; and others were amerced for failure to maintain redundant buildings.

Entry fines varied according to the availability of land and economic trends, but there were, nevertheless, sometimes striking differences, even between adjacent manors, and some element of negotiation may have played a part in determining their level, or agreeing their waiver.⁹⁴ Raftis has suggested they were 'efficiency-control mechanisms rather than direct profit taking [by the lord]'.⁹⁵

⁹¹ NRO ML 141, Survey 18 Hen. VI.

⁹² NRO ML 141, Survey 38 Eliz. I.

⁹³ L.R. Poos and L. Bonfield, Select Cases in Manorial Courts 1250-1500. Property and Family Law, Selden Society 114 (1998), p.lxxvii.

⁹⁴ R. Faith, 'Berkshire', in Harvey, ed., Peasant Land Market, p.115 and Dyer, 'Changes in the size of peasant holdings in some West Midland villages 1400-1540', in Smith, ed., Land, Kinship and Life-Cycle, p.281; Harvey, Westminster Abbey, p. 271 and Dyer, Lords and Peasants, p. 288-90; Whittle, Agrarian Capitalism, pp. 79-80; E. Miller, 'Tenant farming and tenant farmers: Yorkshire and Lancashire', in Miller, ed., Agrarian

Of the manors studied only Brigstock, Catesby and Geddington provide substantial evidence of the value of entry fines over time, and the extent to which they were imposed. Elsewhere, the evidence is less but the overall picture is of entry fines being non-existent or nominal except, occasionally, to meet the needs of specific circumstances. At Draughton, Loddington and Kelmarsh there were none, although at the last there is a reference to the relief paid by free tenants being twice the rent, but as most free tenants paid low rent the burden, if paid, would have been light.⁹⁶ Also at Kelmarsh, heriot may have been levied instead, as also sometimes happened at Catesby. At Islip only one payment was recorded. Weekley is an exception: there, the abbot continued to exact fines, usually of 6s 8d, for half-virgate or virgate holdings, until the end of the fourteenth century. However, none of the five rentals, taken between 1434 and 1494, refers to tenant liability to pay. At Broughton, in eleven of twelve land grants made between 1370 and 1410, usually of a half or complete virgate, the fine was only one to three capons, and in six subsequent grants, between 1410 and 1455, the only fine was one capon. Between 1354 and 1429 there were also thirty presentments of tenants who had taken holdings: eleven fines were capons, four were a few pence and in ten nothing was recorded. Only five were significant sums of money ranging from 3s 4d to 16s. At Maidwell, in 1389, the grant of a messuage and eight acres incurred a fine of 3s 4d, rather less than half the annual rent.⁹⁷ Subsequently, however, fines were few and in 1394 one was waived in recognition of the decay of the holding, and two by agreement with the lord. The last recorded fine, for a virgate in 1434, was two capons.⁹⁸ At Cranford capons or waivers are found, the only exception being the payment of 6s 8d for a half-virgate, toft and croft, made by Thomas Silkeby in 1417, when he received the grant for the lives of himself and his wife.⁹⁹

History, p. 606; F. Page, The Estates of Crowland Abbey. A Study in Manorial Organization (Cambridge, 1934), p.116.

⁹⁵ J. A. Raftis, Peasant Economic Development within the English Manorial System (Montreal, 1996), p.119

⁹⁶ NRO FH 2688, Court [date lost] 2 Hen. IV.

⁹⁷ NRO FH 544, Court [date lost] 12 Ric. II.

⁹⁸ NRO FH 537, Court 3rd December 18 Ric. II; FH 716, Court 24th December 18 Ric. II; FH 395, Court George 12 Hen. VI.

⁹⁹ NRO M(B) No box number, Court Holy Cross 5 Hen. V.

Table 3.05

Forms of Customary Tenure, 1350-1500

Decade	Bondage or villeinage	At will or customary	At farm	Term of years	Life	Two lives	Three lives	Perpetuity	Totals
1350-9	2	1					1		4
1360-9	1	3							4
1370-9	2	9		2	13	4	6	2	38
1380-9	1	19		4	36	14	5	1	80
1390-9		14	36	2	9	3		1	65
1400-09		15		3	23	6	2	1	50
1410-19		18		2	24	13	7		64
1420-29		16	1	6	20	5	5		53
1430-39		45		19	19	4	2		89
1440-49		8		4	3		1		16
1450-59		30	1		2				33
1460-69				5	1				6
1470-79		2		3				1	6
1480-89		2		4		1		1	8
1490-1500		1		5				1	7
Totals	6	183	38	59	150	50	29	8	523
Percentages	1%	35%	7%	11%	29%	10%	6%	1%	100%

The figures above do not include the form of socage tenure reflected in the large numbers of *inter-vivos* transfers *ad opus* recorded at Brigstock and Geddington.

Table 3.06

Forms of Customary Tenure by Manor, 1350-1500

Manor	Bondage or villein	At will or customary	At farm	Term of years	Life	Two lives	Three lives	Perpetuity	Totals
Brigstock		14		1	4			2	21
Broughton		1		1	9		4	1	16
Catesby	3	55		5	79	32	10	1	185
Cranford		10	2	10	16	4	3		45
Draughton		5	2						7
Geddington		2	1	1	1			3	8
Islip		6		4	2	1		1	14
Kelmarsh					2		1		3
Loddington		2		8	4	1	3		18
Lowick		14		12	18	1	4		49
Maidwell	1	8	33	8	1	2			53
Weekley	2	40		9	10	9	3		73
Totals	6	183	38	59	150	50	29	8	523
Percentages	1%	35%	7%	11%	29%	10%	6%	1%	100%

The figures above do not include the form of socage tenure reflected in the large numbers of *inter-vivos* transfers *ad opus* recorded at Brigstock and Geddington.

Table 3.07

Imposition/Remission of Entry Fines at Catesby, 1378-1431

Period	Transactions	Fine paid	Re-mitted	No entry in roll	Heriot paid	Roll entry lost	Holding taken in hand
1378-99	63	29	7	26	13	1	
1400-19	99	53	11	29	24	1	5
1420-31	35	12	9	8	12	1	5
Totals	197	94	27	63	49	3	10
	100%	48%	14%	32%		1%	5%

At Catesby the evidence is more detailed than at those manors already considered. Two court rolls refer to the entry fine duplicating the rent being the custom of the manor.¹⁰⁰ Frequently, however, the evidence, summarized in Table 3.07, suggests that entry fines there were administered with some flexibility. In rather less than half of the transactions in which the incoming tenant might have incurred an entry fine none was paid. On the other hand circumstances would often have been such that payment of a heriot was also due and in over half of the transactions in which the fine was not paid the priory exacted a heriot, so that in only about twenty percent of all transactions was no payment of any kind made by the incoming tenant.

At Brigstock and Geddington land regularly changed hands through *inter vivos* transfers and the number of these, in addition to grants made by the lord, provides considerably more detail about the value of entry fines in relation to different sized holdings over time. Tables 3.08 and 3.09 set out the modal entry fines levied, for broadly comparable holdings, at the two neighbouring royal manors, between the late 1370's and the 1490's. Where the evidence does not provide a modal figure the range of fines appears in both tables in a square bracket. Selection of land units for inclusion in the tables was determined largely by the types of holding or unit transferred with reasonable frequency. The large unit which changed hands regularly in each manor, and for which entry-fines were regularly recorded, was a standard holding: a virgate in Geddington and a half-virgate at Brigstock. In both manors, however, surrenders *ad opus* were often of small areas and many single rods changed hands. At Geddington, smallholdings, described as part of a messuage, together with a few acres of

¹⁰⁰ TNA:PRO SC2/195/4 m.4, Court Mary Magdalene 6 Ric. II; 195/7 m.2, Court Holy Cross 5 Hen. V.

land or meadow, regularly changed hands and are treated as broadly comparable to the Brigstock cotsettle. Cottages, the fourth type of tenancy considered, often changed hands at Brigstock without land, whereas at Geddington there were usually a few acres attached to them.

Table 3.08

Modal Entry Fines at Geddington, 1377-1423

Decade	Fine per rod	Fine for a part messuage plus small acreage	Fine for a cottage plus up to five acres	Fine for a virgate
1370-9			12d	2s
1380-9	2d	2s	12d	[12d-2s]
1390-9	2d	1s	6d	[6d-5s]
1400-10	2d	2s	8d	5s
1410-19	2d	[6d-3s 4d]	[Capon-12d]	5s
1420-29		2s	[12d-20d]	5s

Table 3.09

Modal Entry Fines at Brigstock, 1400-1500

Decade	Fine for one rod	Fine for a cotsettle	Fine for a cottage	Fine for a halfyardland place
1400-09	2d		12d	1s 6d
1410-19	4d		12d/4d	2s
1420-29	6d	[4d-3s 4d]	12d	2s
1430-39	2d	2s	2s	3s
1440-49	2d	2s/1s 8d	12d/4d	4s
1450-59	1d	3s	12d	4s
1460-69	1d	[8d-6s]		4s/8s
1470-79	1d	2s	2s	4s
1480-89	½ d	2s	2s	4s
1490-1500		2s/2s 10d]	2s 4d/2s	4s

The fine for a rod or quarter-acre of arable land was never high and appears to have declined so that after 1450 in Brigstock it was seldom more than 1d. There were considerable variations in the fine for a cotsettle, or its approximate equivalent in Geddington, but the sum of 2s, which was also the standard rent in Brigstock in 1416 and 1439, recurs frequently over a long period of time. Entry fines for cottages were subject to

enormous variations, even during the same decade, and such considerations as size, state of repair, and suitability for workshop activities as well as the area of any associated land may have influenced the scale of fine. In Brigstock certain cottages had attached to them responsibility for hedge repair which may have reduced their attractiveness and so effectively reduced the entry fine.¹⁰¹ A common figure for the half-century or so after 1370 was 12d, but thereafter there appears to have been some tendency for it to rise and 2s was common at Brigstock during the last thirty years of the fifteenth century.

Entry fines for large standard units also varied but 5s was common for the virgate in Geddington in the late-fourteenth and early-fifteenth centuries, more than twice the rate in Brigstock for a half-virgate which approximated in size to the virgate in Geddington. During the second half of the fifteenth century the fine in Brigstock generally doubled in value to 4s, but no comparison with Geddington is possible for the later period.

Heriot, charged on death of a tenant or surrender of a holding, was often paid in kind, sometimes the best animal. Raftis defined it as 'recognition by the villager that the lord was the ultimate owner of his chattels'.¹⁰² The implied link is with villein tenure and Page found that on the Crowland abbey estates it was paid only in respect of customary land, while Harvey lists it with 'other characteristically villein obligations'.¹⁰³ On the other hand Dyer found that on the estates of the bishop of Worcester free tenants paid heriot on death, whereas customary tenants were also liable to do so whenever a holding was surrendered.¹⁰⁴ On some manors, during the later Middle Ages, heriot changed or disappeared without the process being in any way uniform. On the Westminster Abbey estates the new category of leasehold tenant in the late-fourteenth century was exempt. By 1440 payments in cash rather than kind were being made by customary tenants, and by the mid-fifteenth century it was being agreed at the outset of the tenancy what cash heriot would eventually fall due. Meanwhile, on the royal manor of Havering heriot ceased about 1400, by about 1450 it was not paid in parts of Norfolk, and by 1500, in the West Midlands, landlords generally had accepted that multiple holdings were *de facto* single holdings and settled for only one heriot.

¹⁰¹ NRO M(B) Box X361A, document *ad soluend* attached to Rental Holy Cross 4 Hen. V.

¹⁰² Raftis, *Tenure and Mobility*, p.39

¹⁰³ Page, *Crowland Abbey*, p.115; Harvey in Harvey, ed., *Peasant Land Market*, p.336.

¹⁰⁴ Dyer, *Lords and Peasants*, p.285

As late as the sixteenth century, however, customary tenants might still pay heriot in cash or kind as a sort of death duty in the southern counties.¹⁰⁵

In the Northamptonshire manors studied only at those of Catesby priory, Kelmarsh and Maidwell did heriot continue to be exacted; as late as the 1480's at Boddington and Kelmarsh. In each it was paid by customary tenants and at Kelmarsh and Maidwell on free holdings also. Elsewhere there are infrequent references. At Brigstock the customary of 1391 recorded a widow's liability to give a heriot of the best cow or ox from her late husband's holding in return for her freebench. Bennett found this was exacted from only some widows in the early fourteenth century, and there is only one such transaction in the fifteenth-century rolls, in 1427, when Agnes, widow of John Belle, claimed his halfyardlandplace and gave as heriot a colt valued at 13s 4d.¹⁰⁶ At Loddington also there is a single record when Thomas Taylor, who held a quarter land freely for 2d, died and a heriot of 16s was due. At one court at each of Draughton and Weekley the sworn men presented the death of a tenant but confirmed that no heriot was due, perhaps implying liability in other circumstances, but no record survives of it having been levied.¹⁰⁷

References to heriot recur regularly in the Kelmarsh rolls between 1378 and 1486. It was due when a tenant died or withdrew, and was sometimes paid by the incoming tenant even when he was not the heir. Not all holdings appear to have been liable for this exaction. At a court acknowledging the lordship of John Seyton, in 1400-1, seven tenants acknowledged being heriotable, but four did not while a further seven failed to attend. Payments were invariably in cash. In 1378, John Robert senior, who held a messuage, croft, and eleven acres of arable and meadow for 7s, in socage by charter, was assessed at 40s, but after about 1383 payments were normally 16s, described at one court as being according to the custom of the manor. Ten charges appear in the broken series between 1415 and 1439 and on each occasion a sum of 16s was levied irrespective of the size of the holding: in 1426 it was due although Matilda Pek had alienated only one and a half rods. On several occasions, nevertheless, the charge was reduced or remitted because of poverty, the land having

¹⁰⁵ Harvey, *Westminster Abbey*, pp.251 and 272; McIntosh, *Havering 1200-1500*, p.188; Whittle and Yates, 'Contrasting tenures', p.8; C. Dyer, 'Tenant farming and tenant farmers: West Midlands', in Miller, ed., *Agrarian History*, p.638; Miller, 'Tenant farming: southern counties', p.707.

¹⁰⁶J. M. Bennett, *Women in the Medieval English Countryside. Gender and Household in Brigstock before the Plague* (Oxford, 1987), p.164; NRO M(B) Box X366, Court Easter 5 Hen. VI.

changed hands twice in rapid succession, or because the incoming tenants had bought the land. The final court in the series, in 1486, recorded the deaths of three tenants. In two cases a single heriot was due, but John Wade had held both a close and a toft and 16s was exacted for each of them.¹⁰⁸ It seems likely that heriot continued to be levied at Kelmarsh, in some instances, on both customary and free tenants until at least the end of the fifteenth century.

At Maidwell there are significantly fewer references in the court rolls, and the payments levied were more varied. Animals were sometimes taken, some attempts were made to agree any future liability with incoming tenants, and there is no trace of heriot after 1437. Only ten transactions were affected but, as at Kelmarsh, both customary and free land was involved. On three occasions a cow was taken and, in 1394, an iron-wheeled cart in addition because of the deterioration of the holding. As late as 1433 the transfer of a croft involved a heriot of 16s but before then, in 1412, Richard Pye had accepted a customary virgate with the agreement that the heriot would be only 3s 4d when he died, and in 1437 four grants of two virgates and two half-virgates, each for twelve years, were made on the understanding that the heriot on quittance would be only four capons.¹⁰⁹

Table 3.10

Heriot Payments in the Northamptonshire Manors of Catesby Priory, 1370-1434

Decade	Number paid	Animals	Cash	Other	Animal values	Cash values	Future liability
1370-9	3	1	2		10s	2s-10s	5
1380-9	30	19	4	7	12d-12s	2s-7s 8d	5
1390-9	7	5	2		12s-16s	6s 8d	2
1400-09	22	8	10	4	12d-14s	2s-10s	8
1410-19	24	16	8		14d-13s 4d	2s-13s 4d	2
1420-29	17	9	8		3s 4d-10s	12d-3s 4d	1
1430-34	6	2	3	1	2s-5s	3s 4d-6s 8d	3
Totals	109	60	37	12			26

¹⁰⁷ NRO YO 361, View 19th April 4 Edw. IV; M(B) Box 340 Folder 2 m.3, View John 17 Ric. II; FH 526, Court Assumption BVM 3 Hen. V.
¹⁰⁸ NRO FH 520, Court James 2 Ric. II; 528, All Saints 16 Hen VI; 532, Annunciation BVM 1 Ric. II; 518, 31st October 17 Ric. II; 512, 8th October 8 Ric. II, [date lost]10 Ric. II, [date lost] 10 Ric. II; 2688, [date lost] 2 Hen. IV; 483, Michaelmas 4 Hen. VI; 355, 8th October 2 Hen. VII.
¹⁰⁹ NRO FH 2966, Court John 35 Edw. III; 537, 1st October 18 Ric. II; 474, Martin 14 Hen. IV; 395, All Saints 12 Hen. VI; 404, Lent 15 Hen. VI.

The court rolls of the Catesby priory manors provide detailed information about heriot between 1370 and 1434, which is summarized in Table 3.10. Most payments there continued to be made in kind, with oxen, cows, and horses or mares being the most frequently accepted animals. Their recorded value varied widely as did the cash payments given as an alternative. The modal value of cash heriots between 1377 and 1399 was 2s and between 1400 and 1430 it had risen to 3s 4d, but from the tenant's point of view this was probably the better bargain. The modal value of oxen, given as heriot throughout the period, was 10s; in the case of other cattle it was 5s before 1400, and during the next thirty years values varied between 3s 4d and 14s so that tenants are likely to have preferred making a money payment to surrendering an animal. Indeed it is sometimes clear that a cash payment was made to avoid such surrender. Most heriots enumerated in column five ('Other') of Table 3.09 were brass pots or dishes but occasionally the clerk recorded only the payment without further detail. There were also six instances when it was noted that a heriot need not be paid, but only once was an explanation – the ruinous condition of the holding – recorded. As at Maidwell the manorial administration at Catesby attempted on occasions to regulate the heriot by agreeing with an incoming tenant the circumstances in which it would fall due and, in some instances, what its value would then be. The numbers of those agreements are given in column eight ('future liability') of the table. The main Catesby rolls series ends in 1431 but the exaction of heriot continued until late in the fifteenth century: in 1481 when John Wythebed, a customary half-virgater, died, his rent was in arrears and his roof in disrepair; the bailiff was ordered to distrain on his goods not only for rent and repairs but also for heriot.¹¹⁰ The few sixteenth century priory courts, however, contain no similar references.

Presentments of buildings in a ruinous condition, on customary holdings are commonplace in late-medieval manor-court rolls and Raftis noted the contrast before and after the Black Death on the Ramsey abbey estates.¹¹¹ In the East Midlands, King thought that 'at times the interest seems almost obsessive'. Harvey suggested that on the Westminster abbey estates the weakening of the family-land bond contributed to the situation, but the essential factor was the engrossment of holdings which, even on a small scale, led to tenants having redundant buildings. Lords disliked engrossment because many

¹¹⁰ TNA:PRO SC2/195/9 m.1d, Court May 21 Edw. IV.

separate smaller holdings generated more rent than a few large ones, and continued to envisage a future when it would be possible to re-let multiple holdings in their original separate units; hence their determination to maintain the buildings as an attraction to potential tenants.¹¹²

The Northamptonshire evidence supports the view that buildings became dilapidated when two or more previously separate holdings came into the hands of one tenant. Occasionally the building was described as a barn or stable, but in most cases it was a *domus*, a house, and it seems clear that the tenant, needing no more than one house to occupy with his family, neglected any others which he now held. In Northamptonshire manors, outside this study, it has also been found to be the housing stock which preoccupied the lord when he imposed maintenance requirements on incoming tenants or provided some assistance to them in undertaking repairs.¹¹³ From the tenant's point of view seigneurial policy was potentially expensive. Court-imposed amercements were small but compliance with repair orders required recurrent expenditure and in Berkshire there were instances of tenants who failed to comply suffering eviction.¹¹⁴

Royal tenants in Northamptonshire escaped such risks. No presentment of ruinous buildings was made at Geddington and only one at Brigstock where, in 1495, Thomas Ryvell's lean-to was ruinous and a nuisance, but the underlying concern was probably an obstructed footway rather than the state of the building.¹¹⁵ Economic decline at Geddington, and untenanted land in Brigstock in 1439 both imply ruinous buildings, but they were presumably a matter of indifference to a remote royal lordship and McIntosh's detailed study of court business in the royal manor of Havering between 1350 and 1500 similarly makes no reference to them.¹¹⁶

At most of the other manors studied there were at least a few presentments of ruinous buildings summarized in Table 3.11. The normal consequence, for the tenant, was to suffer a small amercement and an order to repair, often by a specified date. Tenants of Maidwell and

¹¹¹ Raftis, *Tenure and Mobility*, pp.191-2, and *Peasant Economic Development*, p.12.

¹¹² King, 'Tenant farming: East Midlands', p.627; Dyer, 'Peasant buildings', p.138; Harvey, *Westminster Abbey*, p. 273; Dyer, *Lords and Peasants*, p.319; Dyer, 'Tenant farming: West Midlands', p.638.

¹¹³ C. Lewis, P. Mitchell-Fox and C. Dyer, *Village, Hamlet and Field. Changing Medieval Settlements in Central England* (Flexicover edn Macclesfield, 1997), p.164; A. Brown and C. Taylor, 'Four deserted settlements in Northamptonshire', *Northamptonshire Past and Present* 5 (1975), p.185.

¹¹⁴ Whittle and Yates, 'Contrasting tenures', pp. 9 and 13.

¹¹⁵ TNA:PRO SC2/194/72 m.4, Court Easter 10 Hen. VII.

the Catesby priory manors, were most affected. At Catesby the problem was one symptom of its general economic decline, and ruinous buildings was the second most frequently presented item of business at the courts there between 1378 and 1431. There were seventy-three individual presentments but of only forty-two individuals; John Arundell (9) and John Raulyn (8) were persistent offenders and reluctant to obey the repair orders. It has been suggested that elsewhere the kind of passive resistance displayed by the two Catesby tenants paid dividends and that lords were forced to concede that not all buildings should be preserved on what had become multiple holdings.¹¹⁷ On the other hand, as Table 3.11 suggests, building repair continued to be a matter of conflict between lord and tenant late into the fifteenth century. At Catesby it continued almost until the dissolution.¹¹⁸

Table 3.11
Courts at Which Ruinous Buildings were Presented

Manor	Dates	Number of Courts
Broughton	1393	1
	1415-1487	6
	1378-1399	9
Catesby etc.	1400-1431	34
	1480-81	11
	1416 and 1440	2
Draughton	1404	1
Islip	1403-1406	3
Kelmarsh	1379-1392	3
Loddington	1408-1502	14
	1406-1495	10
Lowick	1388-1396	5
Maidwell	1402-1486	24
Total		123

Some lords recognized, however, that coercion after the event, supported by occasional general court orders to all tenants, to repair dilapidated buildings on their holdings, was

¹¹⁶ McIntosh, *Havering 1200-1500*, pp.181-263.
¹¹⁷ Miller, 'Tenant farming: Yorkshire and Lancashire', p.606; Dyer 'Tenant farming: West Midlands', p. 638.
¹¹⁸ TNA:PRO SC2/195/10, Court 20th December [regnal year lost] Hen.VIII; SC2/195/80, Court at Staverton 12th November 18 Hen. VIII.

often ineffective.¹¹⁹ Maintenance clauses were sometimes agreed with the tenant at the time of entry, and materials provided as an incentive. Evidence for both techniques is widespread.¹²⁰

That such an approach may have been successful is suggested, among the manors studied, at Cranford and Weekley, where there is no evidence of dilapidation in the court rolls but a number of grants were made on condition that the tenant undertook to keep his holding in good repair. There as elsewhere, however, it is unclear why this was demanded of some tenants and not others. At Weekley, out of sixteen grants during the late-fourteenth and early-fifteenth centuries, only six recipients were required to promise maintenance and only four of those to find pledges as surety. The pattern was similar at Cranford where only eighteen out of forty-six grants were subject to a maintenance agreement, and of those only eight were pledged. Pledging may have been more likely to be required of incomers and neither Robert Elys nor Henry Fayreman, members of well established families, promised maintenance although John Moy, a member of a third established family, did so and Simon Moy, a relative, pledged on his behalf. On the Catesby manors fewer than a quarter of incoming tenants made specific promises about maintenance. Only at Catesby, Lowick and Maidwell is there evidence of the lord or lady giving assistance with repairs, but in none was it given with any frequency. On only two occasions, both at Boddington, did the prioress provide help. In 1416 Henry Schepherd took a virgate for three lives. He was allowed the great timber to repair the capital messuage and the lady undertook to repair the other buildings, but in 1434 when John Fysshe left a messuage and virgate in ruinous condition the incoming tenant was only remitted the entry fine.¹²¹ At Maidwell only one case of assistance has been found and at Lowick five.¹²²

Whereas entry fines, heriot and building repairs were occasional charges on the customary tenant labour services where they persisted, and more importantly, rent, remained recurrent burdens throughout a tenancy. Commutation of labour services for cash had begun well before the Black Death in some areas, and continued during the second half of the

¹¹⁹ NRO FH 2688, Court 3rd August 3 Hen. IV; 394, Court Simon and Jude 9 Hen. VI; 396, Court Mark 13 Hen. VI, have examples of general orders at Maidwell.

¹²⁰ Dyer, 'Tenant farming: West Midlands', p.641; Harvey, *Westminster Abbey*, p.273; Lewis *et al.*, *Village Hamlet Field*, p.164; Miller, 'Tenant farming: Yorkshire and Lancashire', p.607; Dyer, 'Peasant buildings', p.137; Jones, 'Bedfordshire', p.185.

¹²¹ TNA:PRO SC2/194/61 m.2, Court Simon and Jude 4 Hen. V; m.3, Court 13th April 12 Hen. VI.

fourteenth century although it moved at varying speeds.¹²³ In Northamptonshire commutation of harvest works at the Knuston manor of the duchy of Lancaster took place as early as 1313.¹²⁴ Among the manors studied some labour services had been due in both royal manors but had disappeared from Geddington well before the end of the fourteenth century, and from Brigstock at least by the early- fifteenth century. The Geddington extent of 1327 refers to tenants owing ploughing, mowing, reaping and boon work to the value of 18d.¹²⁵ No reference to these services appears in the surviving manorial documents after 1349 and presumably, by then, the value of the works had been incorporated into the assised rents. At Brigstock the customary of 1391 refers to all men in a tithing living in the king's fee owing *bederip*, autumn boon work, and tenants of *acremans* land owing work worth 2s, but neither the rental of 1416 nor the survey of 1439 suggest that any tenant still owed labour services. Attached to the 1416 rental, but not contemporary with it, is a list of twenty-three cottagers who ought to make the hedge at the west end of the vill as far as the outdrove, but the maintenance of field hedges recurs in the Brigstock rolls as a necessary service for the community rather than being of particular benefit to the crown.¹²⁶ There are no presentments of tenants owing labour services in the rolls of either royal manor.

Table 3.12 summarizes the works owed, where such services persisted, and the numbers of tenants affected. It was compiled from services specified when grants of land were accepted, those recognized by tenants acknowledging a new lord, and others included in rentals. Tenant numbers cannot be directly compared. The eighty-one at Catesby are recorded individually from grants over a period of time, and the Maidwell figures from all three types of evidence, whereas the Weekley numbers, in the 1430's, are from complete rentals and reflect how many tenants owed what services at that particular time.

¹²² NRO FH 395, Court George 12 Hen. VI; NRO SS3602, 605, 3468; and 3472, Court 1st May 16 Edw. IV.

¹²³ Harvey, *Westminster Abbey*, pp.231-4 and 257; Dyer, *Lords and Peasants*, p.120 and 'Tenant farming: West Midlands', p.639; Harvey, 'Tenant farming: Home Counties', p.667.

¹²⁴ Brown and Taylor, 'Four deserted settlements', p.189.

¹²⁵ TNA:PRO SC12/13/29.

¹²⁶ NRO ML 141, Customary 14 Ric. II and Survey 18 Hen. VI; NRO M(B) No box number, View Michaelmas 21 Hen. VI – Box X366, Court Palm Sunday 35 Hen. VI, neglect of hedges was presented at twelve courts, 1442-1457.

Table 3.12

Labour Services on Northamptonshire Manors, 1378-1480

Manor	Dates	Affected tenants	Works	Cash value
Draughton	1361-93	4	1 – 3 works	
Loddington	1376-80	3	1 day	
Broughton	1378-1424	5	1 day with a man	4d
Catesby	1378-1431	81	1 day/work – 3 days with a man	
Kelmarsh	1378/1437	4	Half – 1 day	
Weekley	1413-14	8 plus cottagers	3 – 2 days	6d – 1d
	1434-35	16	Half- 2 days	
	1439	13	Half- 2 days	
Maidwell	1361	3	10 days	
	1389	1	1 work	
	1392	2	2 days/works with men	
	1429	1	1 day	
	1434	1	1 day	
	1437	6	1 – 2 days	
	1480	1	2 boon works	

Overall the figures indicate that labour services declined. At Weekley the 1434 figure included little over half the tenants, and by 1439 it was less than half. Both show a marked decline from the rental of 1336, when all tenants owed works. At Catesby also there was a reduction in what was demanded. The *customar de catsby*, undated but written on the same membrane as the court rolls of 1412, shows a *nativus* of Catesby owing three work days, but a customary tenant of Schopes only one.¹²⁷ At Boddington in 1382 works were owed at a rate of three days for each virgate.¹²⁸ But of the eighty-one tenants in Table 3.12 thirty-four owed only one work, fourteen only two, and fourteen worked for only one day so that over three-quarters worked less than was stipulated in the *customar* for unfree Catesby tenants. No general statement of labour services has survived from Maidwell but the three tenants who each owed ten days in 1361 are anomalous; they held respectively four, three and two virgates and their land may have lain in more than one fee so increasing their liability. No

¹²⁷ TNA:PRO SC2/195/6 m.12.

comparable burden appears again. The 1392 rental shows only two out of thirty-one tenants owing works, both substantial enough to have holdings in both Rabasfee and Seytonfee. By 1480 only a single tenant owed works.¹²⁹ In neighbouring Draughton few tenants owed services: one out of seventeen in 1392, had increased to two out of fifteen in 1396 but both had substantial and multiple holdings from only some parts of which, perhaps, services were still due.¹³⁰

That labour services, however light, were resisted is clear from presentments of tenants failing to undertake them. These occurred at nineteen Catesby courts between 1370 and 1430 and at twelve at Maidwell between 1387 and 1439. The terms of presentment suggest that the services had not been commuted. References to default or arrears might suggest non-payment but at Maidwell in December 1428, for example, four men were said not to have come to the lord's boon day making it clear that their attendance was expected.¹³¹ By 1440, however, such entries had vanished from the rolls at Draughton, Kelmarsh and Maidwell; the last such entry at Loddington had appeared in 1384 and at Broughton no such presentments were ever made although it is clear that some tenants owed labour services. At Islip, where no earlier record of labour services survives, an ordinance of 1472 asserts that no-one, when ordered by the bailiff, should withdraw from various work duties including work for the lord.¹³² In a few individual cases and, possibly, an entire manor, some residual labour services continued to be exacted until at least the late-fifteenth century.

Rent was not only the most significant recurrent burden on customary tenants by 1400 but also comprised the principal receipts of many manorial lords. The old uniformity associated with assized rents on standard holdings increasingly broke down. Leasehold rents appeared, which were adjustable according to market conditions. Customary rents became subject to fluctuations although they were often stable for reasonably long periods in the fifteenth century. Landlords who demanded excessive rents risked tenant resistance, rent arrears and vacant holdings and in some areas in the fifteenth century there is evidence of widespread

¹²⁸ TNA:PRO SC2/194/60 m.4.

¹²⁹ NRO FH 2966, Court Matthew 35 Edw. III; FH 485 and FH 464a.

¹³⁰ NRO FH 485.

¹³¹ NRO FH 401, Court Thomas 7 Hen. VI.

¹³² NRO SS 3588, Court 27th October 12 Edw. IV.

refusal by tenants to pay.¹³³ Specimen rents from certain Northamptonshire manors appear in Tables 3.13, 3.14 and 3.15. The figures are derived from rental evidence except at Brigstock and Geddington where the 1439 survey and the 1455 inquisition respectively, were used. Cash values were incorporated into Table 3.13, only when a rent could be clearly identified with arable land of a specified acreage, or it could be derived from the acreage of a virgate. For meadowland, Table 3.14, the same could be done from the evidence of the two royal manors only. Cottages were included in Table 3.15 where the rent was charged for the cottage only, or with land attached where it was five acres or less.

The overall indication, in the manors studied, is that rents were not unduly burdensome. Presentments of individuals in arrears were infrequent, and occurred much less often than those of ruined buildings or works not done. Nowhere during the late-fourteenth century and the first half of the fifteenth were arable rents high. In the adjoining manors of Islip and Lowick the detailed rental of 1382 shows a measurable difference in values but in neither were rents high. At Geddington the extent of 1327 states that the customers had 123 scattered acres from which the rent income was £4 15s 6d, so that the rent per acre was something in excess of 9d but by 1455 even the highest charge was only 4d. For Brigstock, the customary of 1391 offers no comparative earlier figure and Bennett comments on the land market but without reference to rents, but the cost, derived from the standard rent of the virgate in 1416 and 1439, could not have been lower.¹³⁴ The information recorded in a number of the late-fifteenth century rentals studied does not enable the value of an arable acre to be estimated but, at Maidwell, a comparison can be drawn between the value of the virgate there (acreage unknown) in the 1390's and the 1480's. At the end of the fourteenth century the range of rents was 20s – 23s and both the median and modal figures were 23s. By 1480 the range was 13s 4d – 20s, the median value was only 15s and the modal value 13s 4d. The indication of reduced arable values by 1480 is reinforced by four specific reductions noted in the rental: the farm of the demesne had been worth £6 13s 4d but had fallen to £4; Thomas Pye had two virgates for 26s 8d which had once paid 30s, and two tenants jointly

¹³³ Dyer, Lords and Peasants, p.283; Harvey, 'Tenant farming: Home Counties', p.669; Miller, 'Tenant farming: Yorkshire and Lancashire', p.605; Hilton, Leicestershire Estates, p. 122; Britnell, 'Tenant farming: eastern England', pp.618-19; Dyer, Lords and Peasants, p.275.

¹³⁴ Bennett, Women in Brigstock, pp.33-36.

had for 14s a virgate that had once paid 20s, while John Chapman had two virgates and a croft, which had once paid 35s, for only 30s.

Table 3.13
Rents per Arable Acre, 1382-1455

Manor	Date	Range	Median value	Modal value
Islip	1382	1d – 12d	6d	10d
Lowick	1382	3d – 14d	8d	8d
Brigstock	1416	½ d		
	1440	½ d		
Cranford	1439	3d – 9d		
	1456	3d – 10d		
Geddington	1455	1 ¼ d – 4d		

Table 3.14
Rents per Acre of Meadow at Brigstock and Geddington

Manor	Date	Value
Brigstock	1416	13d
	1440	13d
Geddington	1455	12d – 19 ½ d

Table 3.15
Cottage Rents

Manor	Date	Range	Median	Mode
Catesby	1428-9	1s 8d – 6s	3s	3s
Schopes	1428-9	6d – 4s 7d	2s	2s
Brigstock	1440	2 ½ d – 1s 2d	5 ½ d	
Geddington	1455	4d – 2s 5d	1s	2s/8d
Weekley	1434-5	1s 4d – 3s 4d	2s	2s
	1439	1s 4d – 4s	2s	2s
	1480-1	1s 8d – 4s	3s	2s/3s

Only at Brigstock and Geddington can a reliable rent value for meadow acreage be established. In both manors the virgate was defined in terms of arable and meadowland in such a way that each can be distinguished in cash terms. The value of meadowland was clearly greater than arable; unsurprisingly so inasmuch as the latter could be created by

assarting, or ploughing pasture but the former was largely determined by local conditions and could not easily be extended. The tendency to increased pastoral farming would have strengthened the relative value of meadowland in the fifteenth century but during the first half rents remained unchanged at Brigstock, and by 1455, although they varied in neighbouring Geddington they were higher in only a few cases.

Wide variation is characteristic of cottage rents in all manors where they were recorded, reflecting probably not only the size of the building, but whether it included workshop accommodation and the extent of the garden plot which was often attached.¹³⁵ Many may have been occupied by sub-tenants.¹³⁶ The rents paid by the sub-tenant are unknown; some manorial tenants, letting cottages as a source of income, will have charged an economic rent, but others may have charged only the 'manorial' rent as part of an employment bargain with their sub-tenant. Trends in the level of cottage rents varied. At Catesby in 1428 they may not have differed much from 1339.¹³⁷ In contrast, at Geddington in 1327, nine cottars had rendered 22s 6d, paying on average 3s 4d each, but by 1455 the highest cottage rent there was only 2s 5d. At Weekley a sequence of three rentals, each including a reasonable number of cottage tenants, suggests a gradual but only modest increase in rents over a period of about fifty years to 1480.

Land Transfer and the Market

Customary land could be transferred only in the manor court through the lord. This can be seen taking place whenever the lord granted land to a new tenant, or confirmed in his holding an heir claiming his inheritance. Both circumstances sometimes followed an interval during which there had been no tenant and the holding had been in the lord's hand, but the court rolls also record occasions when land was surrendered to or seized by the lord for some irregularity on the tenant's part. Transfers between tenants, or an existing tenant and a newcomer, agreed beforehand by the parties involved, were often recorded as surrenders *ad opus* in which the land passed from the outgoing tenant to the lord who immediately re-let it to the new tenant. Table 3.16 summarizes the numbers of such transactions recorded in the

¹³⁵ C. Dyer, 'Gardens and orchards in medieval England', in Dyer, *Everyday Life*, pp.118-21, discusses the importance of garden horticulture to the cottager's economy.

¹³⁶ Pages 117-18.

¹³⁷ Pages 113-14.

manor studied. Where a holding or unit of land was the subject of two related transactions recorded at different courts, for example A surrendering his land to the lord, followed at a later date by the lord re-letting it to B, only one entry appears in the table, as a grant.

Also included in Table 3.16 are presentments arising from transactions in free land. These were of tenants said to have entered the lord's fee since the last court, or that A had purchased land from B, and were often followed by an order to distrain the individual to do fealty and acknowledge the services by which he held. Such presentments were most frequently found at Broughton, Kelmarsh and Lowick. Where the tenant entered land he had purchased the transaction is included in only the 'purchase recorded' column to avoid double-counting. Whittle has described free land as 'peripheral to the institution of the manor' and Harvey points out that free tenure was determined outside the manor court, often by charter. Both comment, however, that some free tenants owed labour services. On the Westminster Abbey estates they required the monks' licence to alienate their land, heirs to such land owed relief and tenants entering by purchase sometimes paid an entry fine.¹³⁸ It has already been noted that some Kelmarsh free tenants paid relief, and at nearby Clipston others owed modest labour services.¹³⁹ The court rolls record some buying and selling of free land and at Draughton, Kelmarsh and Maidwell there is charter evidence, but inter-tenant transactions were relatively few.¹⁴⁰ In none of the manors studied does there appear to have been a regularly active market in free land.

The remainder of this section considers the transfer of customary land, particularly by inheritance, or sale or lease between peasant farmers, which comprised the peasant land market. It is restricted to Brigstock and Geddington with their dependencies, and the Catesby priory manors. In the other manors studied, as is clear from Table 3.16, the market was slight and most land transactions were of tenants accepting vacant holdings from the lord, or of heirs securing confirmation of an inheritance.

In each manor to be considered inter-peasant transactions were recorded as surrenders *ad opus*. A difference in wording between the rolls of the royal manors and those of the priory

¹³⁸ Whittle, *Agrarian Capitalism*, p.52; Harvey, 'Tenant farming: Home Counties', p. 672; Harvey, *Westminster Abbey*, p. 313.

¹³⁹ Page 136. NRO Lionel Brassey Collection 59 m.5, Court Michaelmas 30 Hen. VI at Clipston lists seven names.

¹⁴⁰ British Library (BL) Additional Charters (Add. Ch.) 21767 – 21848 for Draughton; 22039-21967 for Kelmarsh; and 22165-22301 for Maidwell.

is significant in assessing the scale of market activity. In the royal manors the transactions are almost invariably recorded as A surrenders *ad opus* B. This is so of only some transactions in Catesby where others are recorded in terms of A surrenders [his holding] to the lady and upon this comes B who accepts it followed by the terms on which he did so. Transactions in that form have been recorded in Table 3.16 as grants, and only those which follow the Brigstock and Geddington pattern, thirty-one altogether, have been assumed to have been essentially between two individuals intending lawfully to transfer seisin. Faith noted in Berkshire that transactions were recorded in the same way as at Catesby and suggested that they might be inter-peasant leases rather than sales.¹⁴¹

Poos and Bonfield say the formula surrender *ad opus* expressed a concept of customary tenure which, from the seigneurial point of view, marked it off from freehold and the manumission from serfdom which was potentially implied through conferring hereditary rights by the phrase *sibi et heredibus suis*. The incorporation of phrases such as *ad voluntatem domini* and *secundum consuetudinem manerii*, they suggest, emphasised the nature of the tenure.¹⁴² In the two royal manors there was normally a reference to assigns as well as heirs, which strengthened the position of the recipient as did the addition of 'in perpetuity' which is sometimes found. The recipient still held, however, according to the custom of the manor and, at late-fourteenth century Geddington, and less frequently in fifteenth-century Brigstock, it was recorded that the recipient would render annually the customary rents and services pertaining to the holding.. At Catesby the transfer was usually to the recipient and his heirs, often to hold at the will of the lady according to the custom of the manor, a less attractive formula from the tenant's point of view.

Freedom to buy and sell customary land was widespread in late medieval England before the Black Death.¹⁴³ The peasant market was restricted, however, by some lords who insisted that *inter vivos* transfers of customary land included the entire holding. The monks of Westminster did so and some lords in parts of Berkshire, although elsewhere in that county,

¹⁴¹ Faith, 'Berkshire', p.113.

¹⁴² Poos and Bonfield, *Property and Family Law*, pp.lxxvii – lxxix.

¹⁴³ Miller, 'Tenant farming: Yorkshire and Lancashire', p.601; Harvey, 'Tenant farming: Home Counties', p. 673; Faith, 'Berkshire', pp.110 and 120

Table 3.16
Land Transfers, 1350-1500

Manor	Dates	Grants	Inheritance confirmed	Taken in hand	Entry presented	Purchase recorded	Surrender ad opus
Brigstock	1400-1499	22	32				629
Broughton	1370-1490	18	6	11	29	2	
Catesby	1370-1430 and 1480	138	46	36			77
Clipston	1420-50	10					
Cranford	1400-50	46	1	9	1	1	
Draughton	1360-1440		4	3		1	
Geddington	1370-1425	15	14	5	4	1	205
Islip	1380-1495	11	7	6	3	4	
Kelmarsh	1370-1440	3	5	2	15	10	
Loddington	1350-1460	19	2	2			
Lowick	1370-1495	23	2	1	3	10	
Maidwell	1350-1440	23		13		5	
Weekley	1350-1410	16	3	2	2		
Totals		344	122	90	57	34	911

Faith has argued, lords were more interested in profiting from alienation than with keeping holdings intact.¹⁴⁴

On neither the royal nor the priory manors studied was there any apparent restriction on the customary tenant disposing of his land. Holdings transferred on the Catesby manors were more often virgate-related units than those on the royal manors but there is no direct evidence that the prioress sought to emulate the monks of Westminster Abbey. At Brigstock the 1391 customary stipulated that the tenant could sell everything he had during his lifetime and, since hereditary custom allowed the eldest son to inherit any lands his father had bought it is likely that a regular land market would have been one part of the local economy.¹⁴⁵ It has been argued that where there was a lively land market it was based on the transfer of small units of two or three acres or less. Brigstock and Geddington, after 1350, both fit that pattern, and Bennett found that before the Plague the typical land conveyance in Brigstock involved a small parcel.¹⁴⁶ On the other hand it was not only where seigneurial intervention constrained the market that it was characterized by transactions in entire holdings or large units. McIntosh found at Havering, where the local elite was notably free from outside interference, that holdings were normally transferred in their entirety, and Fox states that in the south-west the market was one in which whole peasant tenures or sizeable blocks of demesne changed hands, rather than parcels of one or a few acres.¹⁴⁷

The frequency with which different sizes of land unit were transferred through the market at Catesby, Geddington and Brigstock is indicated in Table 3.17. In the case of units smaller than five acres the figures were compiled from transfers involving no other land except, occasionally, a comparable area of meadow. However, some virgate-related units with a small additional acreage were included, as were messuages and cottages with only a few acres attached. Transfers of multiple units in a single transaction, numerous in the royal manors, for example Edmund Byfeld's acquisition at Geddington in 1397 of half a cottage, half a croft, half a rod of arable and a half-share in a well, have been excluded.¹⁴⁸ The information for all three manors is taken only from surrenders *ad opus*.

¹⁴⁴ Harvey, Westminster Abbey, p.318; Whittle and Yates, 'Contrasting tenures', p.24; Faith, 'Berkshire', p.110.

¹⁴⁵ NRO Brudenell Manuscripts Bru. E xxii 1.

¹⁴⁶ Harvey, in Harvey, ed., Peasant Land Market, p.343; Bennett, Women in Brigstock, p.33.

¹⁴⁷ McIntosh, Havering 1200-1500, p. 122; Fox, 'Tenant farming: Devon and Cornwall', p.725.

¹⁴⁸ NRO M(B) Box X351B, Court 25th June 21 Ric. II.

At Catesby the transfer of small plots, whether by sale or lease, away from the main holding, was almost unknown; a single instance has been found. Small acreages attached to cottages or messuages were transferred with the dwelling. The contrast with Brigstock and Geddington is marked. At Brigstock during the fifteenth century, one hundred of the 206 small transfers included in Table 3.17 were of either one rod or a half-rod. If the transfers of messuages and cottages are disregarded, more than seventy-five percent of the transfers on the royal manors combined were of small plots whereas virtually all at Catesby were virgate-related. The frequency with which cottage tenures changed is no doubt in part a consequence of some being occupied by elderly tenants and others by sub-tenants likely, perhaps, to move on in search of better wages.

Peasants' reasons for engagement in the land market are never explicitly written into the record, but historians have variously stressed, assumed, or sought to demonstrate the importance in peasant families, before the Plague, of ensuring that children were provided for.¹⁴⁹ It has been widely argued, however that for an extended period during the late-fourteenth and fifteenth centuries the family-land bond declined in importance.¹⁵⁰ At Arlesley Bury in Bedfordshire, Jones established a contrast during the fifteenth century between family holdings, which remained in the family, and a pool of land which, having come on to the market, did not again usually descend in one family.¹⁵¹ Razi, nevertheless, has continued to argue the case for intra-family transfer with reference to Halesowen saying that more land than previously went to distant relatives and often passed through the female line.¹⁵²

Recently Whittle has questioned assumptions about a family-land bond in peasant societies, and tends to see the absence or otherwise of a land market as a function of tenurial

¹⁴⁹ R. Faith, 'Peasant families and inheritance customs in medieval England', *Agricultural History Review* 14 (1966), pp. 86-87; Raftis, *Tenure and Mobility*, p.36; Z. Razi, 'Family, land and the village community in later medieval England', *Past and Present* 93 (1981), pp.3-36.

¹⁵⁰ For example Faith, 'Berkshire', p.129; A. De Windt, 'A peasant land market and its participants: King's Ripton 1280-1400', *Midland History* 4 (1978), p.155; Dyer, 'Changes in the size of peasant holdings', p. 286; Miller, 'Tenant farming: Yorkshire and Lancashire', p.609; Harvey, 'Tenant farming: Home Counties', p.672; Fox, 'Tenant farming: Devon and Cornwall', p.726; Whittle and Yates, 'Contrasting tenures', p. 15.

¹⁵¹ Jones, 'Bedfordshire', pp. 217-219.

¹⁵² Z.Razi, 'The erosion of the family-land bond in the late-fourteenth and fifteenth centuries: a methodological note', in Smith, ed., *Land Kinship and Life-Cycle*, p.302.

restrictions and the availability or shortage of land.¹⁵³ Raftis, however, in a study of five Huntingdonshire manors, found no evidence, among families that survived the Plague and prospered, of any weakening of the link between family and holding.¹⁵⁴

Table 3.17
Indicators of the Sizes of Holdings Transferred in the Land Market

Manor	Period	Less than 5 acres	Virgate related units	Mess- uages	Cottages	Meadow
Catesby	1370-1430	1	42	66	59	1
Geddington	1370-1423	77	17	30	35	3
Brigstock	1400-1449	141	29	11	36	18
Brigstock	1450-1500	65	35	9	53	13

In none of the Northamptonshire manors considered in this section do the related matters of inheritance and making provision for family members appear to have been of widespread importance. At Geddington only about one-fifth of all transactions were family related. On fourteen occasions individuals came to court to claim property on the basis of being the nearest heir and were normally admitted on payment of the entry fine. Occasionally, when the heir came from outside, the sworn men had to confirm him as the rightful heir as in 1409 when William Empyngham of Totnes in Devon died seised of property in Geddington, which was claimed by Henry Empyngham a skinner of Northampton.¹⁵⁵ Most inheritance claims were for smallholdings and cottages and only three for virgates although as shown in Table 3.17 seventeen virgate-related holdings were transferred on the market.

There were, however, prosperous peasant families who devised a more complex inheritance strategy than simply awaiting the death of the current landholder and allowing manorial custom to take its course. William Corby, usually with his wife Agnes, came to the Geddington court six times between 1377 and 1383, gradually releasing areas of their holding to their children. Thomas, who after his death in 1386 was said to have been William’s illegitimate son, received a portion of a messuage and about five acres of arable

¹⁵³ J. Whittle, ‘Individualism and the family-land bond: a reassessment of land transfer patterns among the English peasantry c.1270-1580’, *Past and Present* 160 (1998), pp.25-27; and Whittle, *Agrarian Capitalism*, pp.87-88
¹⁵⁴ Raftis, *Peasant Economic Development*, pp.79-91.
¹⁵⁵ NRO M(B) Box X351B, Court John Baptist 10 Hen. IV.

from three transactions. John Gryndel and his wife Joan, William's daughter, received an acre and two rods of arable from two transactions and, in 1383, Agnes, another daughter, received three rods of arable and three of meadow.¹⁵⁶

By early 1384 William was dead. Agnes then came to court on her own and surrendered a messuage and virgate to William Selot and his wife Joan. Subsequently, in a sequence the significance of which is not entirely clear, William, Joan and their son John immediately surrendered the property, together with another half-virgate, to John Etebred and Margaret his wife. Margaret was a daughter of Agnes Corby. In return Agnes was to receive food and clothing for life.¹⁵⁷ It is unclear why Agnes did not surrender directly to John and Margaret since they were apparently willing to provide for her old age, but it is evident that the Corby and Selot families were related. In 1386, when Thomas the illegitimate son died, John Selot, presumably the son of William Selot and Joan referred to in the transaction of 1384, claimed the land which had been transferred to Thomas, under the reversion arrangements made at the time, saying that he was the nearest heir of William Corby.¹⁵⁸

The arrangements made by William Corby and his wife tended to fragment his holding. In other families there is evidence of an intention to maintain the integrity of the family holding. At Barford in 1422 William Barford senior, with Nicholas Lovet whose status is unknown, surrendered to his son, William, Agnes his wife and their bodily heirs four virgates and messuages with remainder, if there were no such heirs, to Robert the younger brother of William junior. If Robert were to have no legitimate bodily heirs the holding reverted to the right heirs of William senior. The intention to maintain the holding in the family, if necessary in the female line, can be seen in a transfer of 1390. Richard Weldon surrendered the reversion of a messuage and virgate in Barford, to take place after the death of himself and his wife, *ad opus* John Kyng and his wife Emma, Richard's daughter, with reversion, should John and Emma die without legitimate bodily heirs, to the heirs and assigns of Emma.¹⁵⁹

On the Catesby priory manors, during broadly the same period as at Geddington, between 1370 and 1430, only forty (about 15%) of all transfers reflect a concern for the family

¹⁵⁶ NRO M(B) Box X351B, Courts Nicholas 1 Ric. II, Paul 1 Ric. II, Hilary 2 Ric. II, Matthias 6 Ric. II.

¹⁵⁷ NRO M(B) Box X351A, Court 29th January 7 Ric. II.

¹⁵⁸ NRO M(B) Box X351B, Court 18th March 9 Ric. II.

¹⁵⁹ NRO M(B) Box 884, Court Martin 1 Hen. VI; Box X351A, Court 5th March 13 Ric. II.

interest. Fifteen were widows continuing to hold land held by their late husbands, and seven were variously transfers to siblings, a father and an anonymous next heir. Only eighteen inter-generational transfers between parent(s) and children have been noted, with land passing to a son on twelve occasions and a daughter on six. At Catesby, as at Geddington and Brigstock, the disposition of a holding might be arranged by a tenant as he wished subject only to the confirmation of the manor court. Customary inheritance appears not to have overridden the wishes of the holder in his lifetime: in 1404 when William Russell died, his daughter Margaret claimed his messuage by hereditary right but the homage said that before he died he had willed it to William Smyth of Schopes.¹⁶⁰ Membrane decay prevents the outcome being known but it is clear that the local elite, at least on this occasion, did not assume the hereditary principle should override other considerations.

The inheritance custom at Brigstock, a form of Borough English in which the youngest son was the main heir, was set out in the 1391 customary, and was presumably widely known but during the fifteenth century heredity there appears to have been an even less significant factor in land transfer than it had been in Geddington and Catesby during the late-fourteenth century. This was not, however, a recent development, and Bennett found that before 1348 'intrafamilial transfers were unusual [there]'.¹⁶¹

There were only thirty-two occasions in fifteenth-century Brigstock when an individual claimed land by right of inheritance, and only if there was a doubt about the claim was admission temporarily denied, as in 1429 when Thomas Colleson of Stanion and Alice, his wife, claimed a cottage lately held by Henry Felaw whose nearest blood relative Alice claimed to be.¹⁶² More significant may be the type of holdings claimed. Half are described in the rolls in only general terms, and eight were cottages which usually appear to have been occupied by an elderly family member. Eight, however, were holdings of the type described in the rolls as a halfyardlandplace, a messuage and half-virgate. Seventeen such holdings were listed in the rental of 1416, as well as another ten which had been combined, perhaps temporarily, to form virgate holdings, but they are recorded specifically as being inherited on only eight occasions during the fifteenth century. In contrast, as indicated in Table 3.17 sixty-four virgate related units were transferred during the same period on the land market.

¹⁶⁰ TNA:PRO SC2/195/6 m.4, Court Hilary 5 Hen. IV.

¹⁶¹ Bennett, *Women in Brigstock*, p.33.

¹⁶² NRO M(B) Box X366, Court Edmund 8 Hen, VI.

Only ten of those transactions, between 1421 and 1493, were intrafamilial; and of those only two were unequivocally inter-generational, from parent to son; three were from husband to wife and child, and one to a wife on her own. Of the remainder one was a transfer between man and brother, two related to holdings a woman had brought to the marriage which were temporarily transferred to her relatives, and one was by a man and wife to a same-name woman.

Altogether only fifty-four, about eight percent, of surrenders *ad opus* indicate concern to make some kind of inter-generational provision before death. Typical examples from each end of the century are: in 1412 when John Spryng and his wife surrendered a barn, a parcel of a cossicletoft with a garden, and two rods to Matilda their daughter; and in 1499 when John Olyve and his wife surrendered a messuage and nine acres in Islip to their son John and his wife.¹⁶³ These were much more usual than transfers of a halfyardlandplace.

The evidence is that the family-land bond was not a major influence on land transfer at Catesby and Geddington during the late-fourteenth and early-fifteenth centuries nor at Brigstock during the fifteenth. The connection between the Corby and Selot families is a reminder of the limitations of making family connections only through the same surname; and the case of the Empynghams an indicator of how far the holders of and heirs to quite modest plots may have lived from the manor in which the land lay.¹⁶⁴ But the indications are that manorial clerks recorded family relationships when they were significant in particular circumstances and the evidence as it stands does not indicate a widespread and strong family-land bond.

Other reasons for engaging in the land market which may be inferred from the court rolls relate to the economic circumstances of the tenant and, probably, to the life-cycle. A younger man would have had the incentive to increase the size of his holding and to acquire land which made it more convenient to work. On the other hand tenants might be expected to reduce their holdings as their physical strength declined and if they sought to provide independent holdings for their children.¹⁶⁵ Land appears also to have been transferred as

¹⁶³ NRO M(B) Box X366, Court Nicholas 14 Hen. IV; TNA:PRO SC2/194/72 m.10, Court Philip and James 14 Hen. VII.

¹⁶⁴ Pages 160 and 159.

¹⁶⁵ Dyer, *Lords and Peasants*, p.298 summarizes the Chayanov concept of the family farm. Faith, 'Berkshire', p.120 points out the significance of elderly tenants reducing their holdings as a stimulus to the land market.

surety on occasion, and there are instances of tenants apparently seeking comparable holdings but at a lower rent.

In late-fourteenth century Geddington the acquisition of additional land by individuals was on a modest scale. During the 1380's and 1390's two men, Nicholas Taillour and William Drapere, the latter usually accompanied by his wife, appeared as recipients of *ad opus* transfers more often than anyone else. Between 1385 and 1392 Nicholas acquired from seven separate transfers a cottage and two and a half acres of land for the outlay of 2s 4d in entry fines. He may have been a craftsman; his first recorded acquisition was a cottage with appurtenances, possibly a workshop. Its two previous tenants were called 'smyth', and it stood near the bridge in Geddington, close to the market place. Nicholas is also found suing for debt on several occasions which further suggests that he was an artisan. His acquisition of small plots of arable is then indicative of an agrarian element in the mixed peasant-economy by which he and his family supported themselves. Less can be said about William but from five transfers he acquired rather more than eight and a half acres. Of those about half were on a fifteen year lease. The entry fine to the leasehold land has been lost but the cost to him in such fines was modest, and not much in excess of 1s 8d.¹⁶⁶ At Brigstock John Copgray, a priest who appears variously as capellanus, and vicar of Brigstock and is likely to have been of peasant stock, provides an example of a tenant making more substantial increases to his holding. He made ten separate acquisitions of four cottages, garden land, arable and meadow, and two halfyardlandplaces in the early 1450's, sometimes in association with various chaplains, at a total cost in entry fines of 19s 3d.¹⁶⁷

The life-cycle concept of peasant tenure provides not only for the acquisition of land but also for the disposal of it as family needs are reduced. Two examples of this taking place - the cases of the Corby and Spryng families - have been outlined.¹⁶⁸ At Boddington, in 1388, William Schepherd chose to surrender his virgate holding for a much smaller one, presumably as a result of advancing years. In exchange for his messuage and virgate, which were taken by John Irener, he accepted a messuage and five and a half acres for a much

¹⁶⁶ NRO M(B) Box X351B, Courts 9th September and 21st October 9 Ric. II; Box X351A, Court 30th April 14 Ric. II; Box X351B, Court 3rd August 16 Ric. II, for Nicholas. Box X351B, Court Botulph 5 Ric. II; Box X351A, Courts 1st April and 16th July 7 Ric. II and 9th November 17 Ric. II for William.

¹⁶⁷ NRO M(B) Box X366, Courts Epiphany and Hugh 32 Hen. VI, and Michaelmas 36 Hen. VI.

¹⁶⁸ Pages 159-60 and 162.

reduced rent and no labour services. Perhaps there was a family link between the two men which further explained their transactions but there is no evidence of this.¹⁶⁹

Extension or easier management of a holding, changes in its use, or the enhancement of its quality may all have been reasons for acquiring small parcels. At Geddington, in 1386, Matilda Webstere surrendered a half-acre *ad opus* Richard Man which lay all together next to Richard's land.¹⁷⁰ At Brigstock, during the fifteenth century, such transactions became more frequent, and about seventy have been identified. Typical was the surrender by William Fermory *ad opus* John Tuck of a half-rod and a *fyther* of arable lying next to John's land.¹⁷¹ Given the fifteenth century increase in pastoral farming such areas may have been intended for the creation of leys, arable strips converted to pasture for varying lengths of time. A desire to improve the quality of his meadow may have lain behind William Cook's surrender of a piece of meadow to the prioress of Catesby in 1388 in return for which he accepted another piece in an adjacent meadow for an entry fine of 20d.¹⁷²

Rent reduction probably motivated John Sale, a butcher, and Juliana his wife at Byfield in 1415, despite their incurring significant short-term expenditure. They took for life a messuage and virgate, which had recently been surrendered with some dilapidation, for 6s annual rent, and surrendered the virgate they had acquired three years earlier for an annual rent of 10s. In doing so they surrendered as heriot a cow valued at 4s which absorbed all the saving they would have made from reduced rent payments in the first year of their new tenancy. In addition they were required to repair their new holding within four years subject to the heavy penalty of four marks, £2 13s 4d. On the other hand they paid no entry fine on their new holding and presumably saw the reduced rent as a long-term benefit to their domestic economy.¹⁷³

The widespread use of credit has been noted in the context of debt litigation and land may sometimes have been used as surety for credit. Explicit examples are rare but two appear in the Brigstock rolls during the 1420's. In each, a syndicate, including at least one member of the local gentry, restored to a social inferior land he had previously surrendered to them. In neither case has a direct record of the initial transfer survived. In 1427 Richard Chaumbleyn,

¹⁶⁹ TNA:PRO SC2/194/60 m.9, Court Ascension 11 Ric. II.

¹⁷⁰ NRO M(B) Box X351B, Court 18th March 9 Ric. II.

¹⁷¹ TNA:PRO SC2/194/69 m.2, Court 4th December 9 Edw. IV.

¹⁷² TNA:PRO SC2/195/4 m.12, Court Ascension 11 Ric. II.

William Aldewyncle, Richard Pittis and John Warnere surrendered to John Chaumbleyn all the land which they recently held jointly of the surrender of the said John. William was normally designated *armiger*, and Richard was a gentleman.¹⁷⁴ The Chaumbleyn family belonged to the Brigstock peasant elite, probably engaged in the cloth trade, and had presumably borrowed from William and his associates. In 1429 a similar transaction took place between John Pilton, a mason, on one hand and, on the other, a syndicate comprising Simon Felbrygg, *armiger*, Thomas Mulsho and William lord La Zouche of Harringworth. William was in holy orders and the Zouche family was of gentry status.¹⁷⁵

This section concludes by considering who were the participants in the land market at Catesby, Brigstock and Geddington. The majority were local men, sometimes in partnership with their wives and occasionally other members of their family, but in most instances acting alone. Outsiders were rare, in contrast, at Brigstock and Geddington, to the numbers of outside litigants. The few women who acted independently, were sometimes spinsters but often widows. In both royal manors a small number of gentry bought or sold land and, in all three manors, a number of clergy, most of them chaplains and probably of modest means. Overwhelmingly, however, it was local peasant farmers who were active in the market. Table 4.18 summarizes the family status of recipients and donors. There is double counting insofar as some men appeared both on their own and accompanied by their wives but the numbers are small and do not distort the overall picture. Sixty percent of recipients and two-thirds of donors were men acting alone, and when there are added to those transactions the others in which the husband or father would have been the dominant partner the figures increase to eighty-eight percent and eighty-five percent respectively.

Socially the minority groups engaged in the land market were clergy, gentry and women. Only twenty-five were clergy, two in Catesby, ten in Geddington and twelve in Brigstock. None was beneficed, three being vicars and the remainder chaplains, so that all were probably of peasant stock. The few gentry were found at Brigstock and Geddington only, where socage tenure was largely indistinguishable from freehold. At Geddington five members of the Mulsho family acquired customary land. At Brigstock, William and Thomas

¹⁷³ TNA:PRO SC2/194/61 m.2, Court Simon and Jude 3 Hen. V.

¹⁷⁴ *Calendar of Fine Rolls* 17 (1937), p. 146, calls him 'gentilman' when he is listed as mainprise in 1440.

¹⁷⁵ NRO M(B) Box X366, View Michaelmas 6 Hen. VI and Court Peter 7 Hen. VI.

Mulsho did so as did five other families: Burton, Hoddleston, Zouche, Felbrygg and Pittes. Simon Felbrygg, John Zouche, and Henry Hoddleston appeared only once each.

Table 3.18

Recipients and Donors in *ad opus* Land Transactions at Catesby, Geddington and Brigstock.

Recipients	Catesby 1370-1430	Geddington 1370-1430	Brigstock 1400-1499	Totals
Man	93	96	213	402
Man & wife	44	42	92	178
Man, wife & son	1	1	4	6
Father & son	1	2	4	7
Father & daughter				
Woman	12	12	11	35
Mother & son		1		1
Mother & daughter			1	1
Widow	9	6	7	22
Widow & son			2	2
Partners: same name		1	1	2
Partners: different names		4	8	12

Donors	Catesby	Geddington	Brigstock	Totals
Man	54	88	276	418
Man & wife	4	32	61	97
Man, wife & son		2	15	17
Father & son		1	2	3
Father & daughter		1		1
Woman	11	15	32	58
Mother & son		2		
Mother & daughter				
Widow	5	6	10	21
Widow & son			1	1
Partners: same name		1		1
Partners: different names		2	8	10

Members of the Burton and Pittes families were involved in more frequent transactions: the Pittes in each decade from the 1420’s to the 1460’s and the Burton family, at Islip, in each of the last three decades. Nevertheless, the total area of customary land in which they dealt was too small to make a significant impact on the pattern of landholding in the two manors.

Women were the most significant minority group engaged in the land market, often in relation to inheritance. Land they inherited in their own right could not lawfully be disposed of, during their lifetime, by their husbands, without their agreement. A manor-court procedure to ensure that such disposal had the wife's agreement was, it has been suggested, found in all regions by the fourteenth century.¹⁷⁶ Only at Brigstock, however, among the manors studied, and only during the period between 1433 and 1458, was this clearly recorded as taking place. It took the form of the man and wife together being examined by the steward and it is unclear how much protection the wife's interests might have enjoyed on such occasions. There is no instance of the steward withholding approval for the proposed transfer of land.¹⁷⁷

Widowhood was a stage in women's lives when many enjoyed a right through manorial custom to receive their dower or free bench but custom varied significantly. In some manors widows normally retained their late husband's entire holding for life, but in others they received only one-third. Liability for entry fine also varied between manors, as did custom as to whether, if she remarried, a widow might retain all or part of her dower. Even within a single manor there were variations and Bennett concluded that at Brigstock, before the Plague, the 'customs that governed the settlement of free bench defy reconstruction'.¹⁷⁸ Fifteenth-century Brigstock evidence is sparse. In 1427 Agnes, widow of John Belle, was admitted to his halfyardlandplace for life according to the custom of the manor, and paid a heriot. When John Fox died in 1462 his widow was admitted for life, also to a halfyardland place, with no reference to custom, but she paid an entry fine.¹⁷⁹ In 1479 Alianore Suffolke was admitted on her husband's death to a cossicle place on payment of an entry fine; but she was said to have held it with him and was admitted in perpetuity with untrammelled rights of disposition to her heirs and assigns.¹⁸⁰ Alianore and William had probably held under a form of jointure, creating a joint tenancy for husband (usually) and wife; such arrangements are

¹⁷⁶ R. Smith, 'Coping with uncertainty: women's tenure of customary land in England c. 1370-1430', in J. Kermode, *Enterprise and Individuals in Fifteenth-Century England* (London, 1991), p.45

¹⁷⁷ NRO M(B) Box X366, Courts Mark 11 Hen. VI and Stephen 37 Hen. VI have the first and last examples.

¹⁷⁸ Bennett, *Women in Brigstock* p.164.

¹⁷⁹ NRO M(B) Box X366, Court Easter 5 Hen. VI; Box X367, Court 22nd February 1 Edw. IV.

¹⁸⁰ TNA:PRO SC2/194/70 m.6, Court Annunciation 19 Edw. IV.

thought to have been geographically widespread as early as the fourteenth century although there are few references in the manors studied.¹⁸¹

At Catesby there are fifteen recorded transfers to widows of land held by their husbands; they are normally recorded in the form of a presentment that the husband is dead and his widow accepts [a holding]. Whether this was the complete holding or only part of it is not stated but the widow normally paid either a heriot or an entry fine.¹⁸² At Geddington the custom of the manor was said, on one occasion, to be that the widow held her free bench for life; this was when Laurence Peek claimed the virgate, probably the complete family holding, which had been held by his widowed mother in Glendon until her death.¹⁸³ The dispositions made by Richard Weldon already described also indicate that his wife would succeed to the entire family holding if she outlived him.¹⁸⁴ Similarly, in 1384, Ralph Webster surrendered, through the bailiff, 'all that he has in Geddington' to his wife Matilda. Presumably Ralph was near to death and made his final disposition through the bailiff who brought it to court for confirmation.¹⁸⁵

Five other such transfers to a wife have been noted in the Geddington rolls. They must, in practice, have been deathbed transfers although there is no reference to the donor lying near death, or other similar phrase such as has been found in some parts of the country. They were all of small areas of land and John Garyn's transfer to his wife Isabel of a cottage and three acres of land is the largest.¹⁸⁶ At Brigstock the 1391 customary, if followed, would have inhibited the development of deathbed transfers there. If anyone, being of sound memory, demised land during his final illness the demise was said to be void unless after making it he left his house and lived for at least six days, such events being testified by five of his neighbours.¹⁸⁷ Analysing the connections between widows' land holding and the development of the deathbed transfer, Smith considers its geographical extent but the

¹⁸¹ Smith, 'Women's tenure of customary land', p.45.

¹⁸² TNA:NRO SC2/195/4 m.1, Court Dunstan 1 Ric. II, the case of Matilda the widow of Thomas Parkar is a typical example.

¹⁸³ NRO M(B) Box X351B, Court 8th April 2 Hen IV.

¹⁸⁴ Page 160.

¹⁸⁵ NRO M(B) Box X351A, Court 1st April 7 Ric. II.

¹⁸⁶ NRO M(B) Box X351A, Court 14th August 12 Ric. II.

¹⁸⁷ NRO ML 141 Customary of 14 Ric. II.

evidence from the manors studied here suggests it was not in regular use in Northamptonshire in the late-fourteenth and fifteenth centuries.¹⁸⁸

The great majority of participants in the land market were local men, usually of some standing in their community. Nicholas Counfort of Geddington is an example, and this chapter concludes with a brief study of his activities in the land market over a period of fifteen years between 1390 and 1405.¹⁸⁹ During that time he both received and transferred land in *ad opus* transactions and was a beneficiary in land inherited by his wife. His activities illustrate a number of reasons why men were active in the land market.

He first appeared in 1386 to claim entry to a half-messuage on the death of William Glene, his wife, Alice, being William's nearest blood relative and heir. During 1390 he was, on two separate occasions, the recipient of a rod of arable, the second of which may have done something to consolidate his holding. In the following year he surrendered to John Man, son and heir of Richard, all those lands and tenements which were Richard's and which Nicholas held by right of his wife. On this occasion his wife was called Emma (presumably he had been left a widower and had remarried) so it may be that he had been only a temporary beneficiary of a Man family strategy which had provided for Emma until she married or, possibly, she had exercised some form of wardship until John came of age.

In 1393 Henry Mulse and his wife surrendered a message to Margaret Counfort for her life with remainder to Nicholas and his heirs in perpetuity. The messuage stood next to Nicholas's tenement and it is likely that he had struck a bargain with Henry Mulse which provided for his mother during her lifetime and, subsequently, would increase his own holdings. He next appears in the record in 1401 when he surrendered two acres to Thomas Lambert who surrendered seven rods to him. The transactions are not described as an exchange but were, perhaps, mutually beneficial. In the same year he surrendered a half-acre and, in 1405, seven rods and one acre in separate transfers to John Counfort but their relationship is not stated.

Meanwhile, in 1404, he had engaged in two distinct but clearly related transactions for which no explanation is given in the rolls. He surrendered all his lands in Geddington *ad opus* Robert Croos and John Pykeryng who paid an entry fine of 2s 6d. In the next entry on

¹⁸⁸ Smith, 'Women's tenure of customary land', pp.45-54.

¹⁸⁹ Chapter 2, pages 71 and 74 for Nicholas as office-holder and litigant.

the roll the transaction was reversed and Robert and John surrendered it all back to Nicholas who paid a further entry fine of 2s 6d. Given that Nicholas emerged as occupier of the land Robert and John must have benefited from the transaction. Had they secured reversion to the property on Nicholas's death it would have been recorded and it has to be assumed that Nicholas would in future pay rent to them, perhaps in repayment of a debt. Subsequently he reappeared only once, in 1413, when he surrendered a rod to Nicholas Laundeer.

Overall, Nicholas's activity in the land market suggests a period when he sought to acquire land, or interests in it, followed by a period when he disposed of holdings and, indeed, may have run into economic difficulties which made his tenure uncertain. In both phases there is evidence of transactions intended to benefit members of the Counfort family.¹⁹⁰

¹⁹⁰ NRO M(B) Box X351A, Court 12th February 13 Ric. II, View 1st October 14 Ric. II, and Court 30th April 14 Ric. II; Box X351B, Courts 16th January 16 Ric. II, 25th March 2 Hen. IV, 10th June 2 Hen. IV, John Apostle 6 Hen. IV, and Matthias 6 Hen. IV; Box 884, View Philip and James 1 Hen. V for his transactions.

Chapter 4

Aspects of the Peasant Economy

Hilton took the view that by the thirteenth century there was a significant economic division between peasants holding twelve acres or more, sufficient to feed a family, and smallholders with less who had to supplement the income from their holdings by wage labour on the lord's demesne, or the land of their better-off neighbours.¹ Dyer, however, suggests that it has become usual to see peasant society as comprising three layers, rich middling and poor, depending on the amount of land particular individuals held.² For much of the late-fourteenth and fifteenth centuries some peasant farmers in the Northamptonshire manors studied held land units based on the virgate, others had composite holdings varying significantly in size and a third group were cottagers with smallholdings which, alone, would have been insufficient to provide both for a family and the other outgoings for which a manorial tenant was liable.³ A distinct economic category comprised full-time servants of tenant farmers, and *famuli* employed on the demesne.

Medieval peasants kept no accounts and it is with reference to financial and other records prepared for their lords that it is possible to reconstruct something of their economy. Manorial records are of prime importance but from about 1400, as demesne leasing increasingly replaced direct exploitation, the detailed thirteenth and fourteenth-century type surveys and demesne accounts were less frequently prepared.⁴ In consequence information for particular manors about matters such as sowing rates and crop yields, numbers and types of livestock, stipends of *famuli* and day labourers' wages was less frequently recorded. Demesne farmers also, left few accounts and those for the manors studied here record only the annual rent and the period of the farm.⁵

The manorial records studied here nevertheless provide insights into aspects of the peasant economy which, during the late-fourteenth and fifteenth centuries continued to be a matter of concern both to manorial administrations and better-off tenants. Crop and animal husbandry

¹ R. Hilton, The Decline of Serfdom in Medieval England (London, 1969), p.13

² C. Dyer, Standards of Living in the Later Middle Ages (Cambridge, 1989), p. 22.

³ Chapter 3, pp. 135-153.

⁴ E. Miller, 'Introduction: land and people', in E. Miller, ed., The Agrarian History of England and Wales Volume III 1348-1500 (Cambridge, 1991), p. 13 .

⁵ The National Archives (TNA): Public Record Office (PRO) SC 6/948/1-2, farmers' accounts for Geddington, 1374-84 and 1464-68, for example.

in the open fields continued to be regulated through the court as did by-employments such as the production and retailing of bread and ale. The rolls also attest the importance to peasant farmers of timber and brushwood as raw materials for various purposes, and of clay for building construction; as well as the persistence with which lords sought to retain control of such local resources. Only for Maidwell and Catesby, however, are there demesne accounts, from the late-fourteenth century, and for various years between 1414 and 1455 respectively, which shed light on the income of harvest workers and rural artisans, and the economic circumstances of *famuli*.⁶

Perhaps as a consequence of the changing quality of the evidence from about 1400 most assessments of the economic viability of peasant holdings have been made with reference to circumstances before the Black Death. There are no figures which allow the reconstruction of peasant budgets and, as Titow pointed out, estimates are required of the productivity of peasant land, of commitments to the landlord, of the subsistence needs of an individual in terms of a largely cereal diet and of the average size of household.⁷ He used the net average yield per acre on the Winchester estates over a period of 140 years as an indicator of land productivity; followed Postan in his assessment of the burden of seigneurial dues; analysed liveries and corrodies as indicators of minimum subsistence requirements; and, following a critical review of published work, took 4.5 as the average household size. On the basis of these estimates he calculated that a peasant household could meet its needs from a holding of between ten and thirteen and a half acres depending on whether their land was worked as part of a three-field or two-field system.⁸ Howell considered the question at Kibworth Harcourt in Leicestershire, only about ten miles from the manors of Draughton, Maidwell and Kelmarsh studied here, and reached similar conclusions. The standard unit there was a half-virgate comprising ten acres of arable and two of pasture and meadow worked on a three-field system. Before the Plague, she suggests, this would have supported an average family of five in terms of corn, livestock and fodder with about enough surplus to pay for rent and tithes. There would not have been cash, however, for essentials such as salt and iron, nor for intermittent taxes and amercements and if it was obtained by further corn or

⁶ Northamptonshire Record Office (NRO), Finch Hatton Collection (FH) 481, 482, 475 for the Maidwell accounts; TNA:PRO SC 6/945/16-26; SC 6/947/1-4, for the Catesby series.

⁷ J.Z. Titow, *English Rural Society 1200-1350* (London, 1969), p.80.

⁸ Titow, pp.80-89.

stock sales the family would drop below subsistence level.⁹ Dyer, in a case-study of four different types of landholder, each with a notional family of a wife and three children between the ages of five and twelve, in 1299, considered more fully the implications of a year of bad harvest or of unanticipated expenditure. The yardlander, holding thirty arable acres and associated pasture rights and meadow-share would, he calculated, derive a cash income of £3.19s.0d. from all farming activities which would be reduced by rent and other cash payments to £2.11s.0d. A succession of good years might enable the accumulation of a modest surplus but it would soon be eroded by contingencies such as the need to replace an ox, contribute to a lay subsidy, or meet the expenses of customary inheritance. The half-yardlander would have realized a surplus of no more than 3s.0d and in bad harvest years would have slipped into debt and probably sought employment which, at such a time, would have been less readily available. It is unclear how such items as clothing and domestic utensils would have been purchased. The cotlander, with twelve acres, would only have broken even in normal years. The smallholder, with three acres and a cow, would have required at least 130 days work at 1½ d. per day to make up the shortfall between the grain grown on the family holding and the family's subsistence requirement.¹⁰

By 1400, however, the demographic circumstances in which the English peasantry made a living had changed significantly from those surrounding the case-studies outlined above.¹¹ Initially, on many estates, the first onset of the Plague appears not to have disrupted the normal pattern of landholding and historians have taken the view that the period 1350-1380 was to some extent a seigneurial 'Indian Summer' during which tenancies were filled, and labour services and other incidents of serfdom enforced. Rent income recovered or declined only slightly, and grain prices remained buoyant.¹² From about 1370, however, prices began to decline and wages rose, despite statutory regulation. By 1400, except on conservative large estates, demesne arable had been leased out. Direct exploitation of demesne pasture, continued for much longer, especially where large-scale sheep rearing was practicable, but this, too, was frequently abandoned well before the end of the fifteenth century a period

⁹ C. Howell, Land Family and Inheritance in Transition. Kibworth Harcourt 1280-1700 (Cambridge, 1983), p. 95.

¹⁰ Dyer, Standards of Living, pp.110-118.

¹¹ Chapter 1, p.21.

during much of which wool prices were relatively low.¹³ As prices declined so did rents, and in many areas holdings lay vacant.¹⁴

By 1400, therefore, economic conditions were favourable to peasant cultivators looking to increase the size of their holdings. Howell found that at Kibworth Harcourt, after the Black Death, the demesne which had been leased as a unit in 1289, was broken up into quarter-virgate parcels and let to individuals.¹⁵ The shift of influence to potential tenants must also have tended to moderate rents, entry fines and other burdens in settling the terms on which incomers took holdings. Manorial administrations notably failed to check migration of the unfree in search of economic betterment and *de facto* personal freedom and lords and their officials, looking to recruit tenants, must sometimes have discounted legal status, and negotiated with incomers a mutually acceptable basis for tenancies for which the rent and other services had previously been determined by the custom of the manor.

It was not only the greater availability of land which favoured the peasant. Smallholders, numerous in the manors studied, for whom wage-earning remained an essential component of their incomes, were able to secure higher wages where employers found labour in short supply, although the change was not an immediate consequence of the Plague. The 1351 Statute of Labourers was effectively enforced and, outside the London area, most wages recorded in the mid-1350's were close to the maxima laid down by statute, so that by the end of the decade, although some wages had increased, the political class apparently felt the crisis was over, the Justices of Labourers were disbanded and their duties transferred to regular Justices of the Peace. Subsequently, however, by 1400, despite vigorous judicial action in many areas, workers were often receiving at least fifty percent more than was stipulated in 1351, partly because a more pragmatic law of 1390 had recognised different local conditions, giving local magistrates discretion to determine day wages. A new law of 1446 reverted to fixed national rates but recognised that by then labour costs had risen irreversibly. The final attempt to regulate wages in the Middle Ages, in 1495, adjusted the

¹² C. Dyer, Lords and Peasants in a Changing Society. The Estates of the Bishopric of Worcester, 680-1540 (Cambridge, 1980), p.113 cites the literature in which the evidence of a number of great estates has been analysed.

¹³ Miller, 'Land and people', p. 13. S.H.Rigby, English Society in the Later Middle Ages. Class Status and Gender (London, 1995), pp. 84-85 summarises the spread of demesne leasing by regions. D. Farmer, 'Prices and wages, 1350-1500', in Miller, ed., Agrarian History, p. 434 -5 identifies 1376-7 as the year in which there began 'a remarkable period of low [wheat] prices' which continued into the 1490's.

¹⁴ Chapter 3, pp.150-3 for consideration of rents.

1446 figures and laid down maxima which were actually somewhat more generous than wages then paid anywhere outside London. Manorially there is evidence that, while demesnes remained in hand, the statutes strengthened the hand of some auditors in disallowing excessive wage payments, and so influenced bailiffs in managing labourers and craftsmen but no manor was isolated from the general economic pressures of the period although their impact differed between localities.¹⁶

Low market prices and high wages did not, however, combine to provide the 'golden age of the English labourer'.¹⁷ Peasant landholders who hired labour were no more insulated from wage costs than the lord, and the use of family labour may have been less easy to sustain when land was available for sons no longer forced by shortage to await their inheritance. Similarly, the half-virgater's modest grain surplus commanded no greater price than the lord's. Wage earners undoubtedly benefited from the higher real value of their wages, although the extent of this varied with task or trade. For example, a thresher had to undertake only one-third of the work required of him in 1310 to earn the cost of a quarter of barley, but a mower or harvest worker had still to complete half of the 1310 quota.¹⁸ In practice, for the individual, this will have meant seasonal variations in earnings which, at certain times of the year, will have been non-existent. Overall, however, there is agreement that the common people of the English countryside were better off in the fifteenth century and Dyer has pointed out that although 1315-18 and 1437-8 were similar in terms of weather and prices the less severe disruption of the latter period indicates substantial changes had taken place which had left the population less vulnerable to shortages.¹⁹ The remainder of this chapter considers how far peasants on the Northamptonshire manors studied enjoyed enhanced prosperity during the fifteenth century.

¹⁵ Howell, Kibworth Harcourt, p. 19.

¹⁶ Farmer, 'Prices and wages', pp. 483-489.

¹⁷ J.E. Rogers, Six Centuries of Work and Wages (London, 1886), p.326, cited, sceptically, by Farmer, 'Prices and wages', p.491

¹⁸ Farmer, 'Prices and wages', p.493.

¹⁹ Miller, 'Land and people', p.32; Farmer, 'Prices and wages', p.492; Dyer, Standards of Living, p.268.

Peasant Land Holdings

Tenemental structure, standard holdings, the virgate as a unit of landholding in the manors studied and the extent to which these persisted or decayed between about 1350 and 1500 have been considered.²⁰ This section assesses the relative sizes of peasant holdings during the same period, the extent to which they may have altered over time, and what evidence there is for the emergence from the peasantry of a substantial yeoman class by the last quarter of the fifteenth century. Table 4.01 shows the numbers of tenants and the sizes of their holdings in ten of the manors studied, including their dependencies, during three different periods: the twenty years before the Plague, the last forty years of the fourteenth century and the first eighty of the fifteenth.²¹ Holdings are defined in terms of virgates, as cottage-smallholdings or miscellaneous. The latter include those for which detail is incomplete; tenancies of mills, common ovens and forges have been omitted. The bovat at Draughton, has been treated as a virgate holding.²² For Islip and Lowick, where the land was recorded in acres and rods in the 1382 rental, holdings of approximately thirty acres have been regarded as virgates and *pro rata* for smaller holdings. The figures suggest that, over time, there was some increase in the number of better-off tenants and a reduction in the number of smallholders some of whom, perhaps, acquired holdings of a quarter-virgate or more.

The pre-1349 rentals, for Catesby, Geddington and Weekley, list only three tenants holding more than one virgate. One, at Geddington, Simon of Kelmarsh, was a small feudal landowner, holding sixteen and a half virgates and a mill direct from the crown, which, at his death, was recorded as half a *manerretum*, or small manor.²³ The other two, both tenants of the manor of Weekley, were peasant freeholders. William of Great Newton held two virgates

²⁰ Chapter 3, pp. 11-127.

²¹ NRO Montagu (Boughton), (M (B)) Box X361A, Rental of Brigstock 4 Hen. V and NRO Miscellaneous Ledgers (ML) 141, Survey of the Manor of Brigstock 18 Hen. VI, for Brigstock and Stanion; TNA:PRO SC11/506, Rental of 13 Edw. III and SC12/3/29, Rental of Priory Lands 7 Hen. VI for Catesby and Boddington; NRO M(B) Box X363, Rental of Henry Hodleston 35 Hen. VI for Cranford; NRO FH 485, Rental of John Seyton 19 Ric. II for Draughton; TNA:PRO SC12/13/29 Extent 1 Edw. III and NRO M(B) Box 345B, Inquisition of the Manor, 33 Hen. VI for Geddington, Barford and Glendon; NRO Stopford Sackville Collection (SS) 3678, Rental of Henry Grene 5 Ric. II for Islip and Lowick; NRO FH 485, Rental of John Seyton 16 Ric. II and FH 2005, Rental of Thomas Seyton 27 Hen. VI for Maidwell ; NRO M(B) Box X341, Rental of 10 Edw. III and Rentals of William Brocas 13 Hen. VI and 18 Hen. VI for Weekley are the sources for table 5.01

²² Chapter 3, pp. 111 and 126.

²³ NRO M(B) Box 351A, Court Gregory 34 Edw. III, reports Simon's death.

and a further half-virgate, as well as a quarter land in Geddington. William de Seyton, also a free man, had acquired one and a half virgates of customary land for which he rendered the normal labour services as well as his rent. No Catesby tenant, in 1339, held more than a virgate.

In comparison, rentals from between 1350 and 1400, albeit for a different group of manors – Maidwell, Draughton, Lowick and Islip – show a significantly higher percentage of tenants holding more than one virgate, particularly at neighbouring Maidwell and Draughton. However, many were freeholders and gentry rather than customary tenants. At Maidwell Simon atte Esthende held a total of three and a half virgates, William Pye and Geoffrey Gebon had two each and a further seven tenants, including members of the Bigge, Cane, Frere and Gyddyng families, each held between one and two. Charter evidence confirms that, except Geoffrey Gebon, to whom no other reference has been found, they were all free men, dealing in land locally and witnessing deeds. Simon was notably active.²⁴ Also, in 1397, three members of the Pye family, including William, and Robert Cane witnessed the demise of a mill to John Longmyle, lord of Wolverton; shortly afterwards Stephen Bygge witnessed one of Simon's transactions and in 1402 Robert Cane and John Gyddyng witnessed the grant made by John Seyton to Robert Busch of two virgates for life.²⁵ In 1392 these men, together with five virgaters, were the economic elite of Maidwell but twice as many of their fellow-tenants, as indicated in Table 4.01, still had only a half-virgate or less.

²⁴ British Library (BL) Additional Charters (Add. Chs) 22191, 22194 - 22196, 22198, 22199, 22202, 22204, 22206, 22208- 22210, 22229 - 22233, 22235 - 22237, 22239, 22243, 22248, 22250 - 22253, for Simon's acquiring or demising land, and acting as a witness, 1366-1410.

²⁵ BL Add. Chs 22238, 22243, 22244.

Table 4.01

Tenants' Holdings by Size, 1327-1480

Manor	Date	Virgate Plus	Virgate	Half Virgate	Quarter Virgate	Cottage etc.	Misc .
Barford	1327		13	1		7	
Geddington	1327	1	16	10		18	
Glendon	1327		7			3	
Weekley	1336	2	8	12		36	
Boddington	1339-40		8	1		7	
Catesby	1339-40		2	11		35	
Totals	1327-40	3	54	35		106	
Percentages	1327-40	1%	27%	18%		54%	
Draughton	1361-2	1	3	1		6	3
Islip	1382	2	3	6	1	15	1
Lowick	1382		5	6	4	39	2
Draughton	1392		1			12	4
Maidwell	1392	10	5	5	7	18	1
Draughton	1396	6		1		6	2
Totals	1327-96	22	71	54	12	202	13
Percentages	1327-96	6%	19%	14%	3%	54%	4%
Maidwell	1405-6	9	9	4	1	13	1
Brigstock	1416		7	16	4	31	
Stanion	1416	1	3	2			
Boddington	1428-9	4	4			2	
Catesby	1428-9		2	11		12	
Weekley	1434-5		4	9	8	10	5
Weekley	1439		3	13	1	14	3
Brigstock	1440		5	21	4	51	
Stanion	1440	2	2	1		4	
Barford	1455	2	3				
Geddington	1455	4	7	1		26	
Glendon	1455	2	1	1			
Cranford	1456	2	4	9		14	4
Maidwell	1480	7	10	1	5	5	4
Totals	1405-80	32	65	89	23	182	17
Percentages	1405-80	8%	16%	22%	6%	44%	4%

The Draughton bovate may have measured thirty-two acres so that several tenants there in the 1390's were substantial landholders. Isabel Hedon held thirteen bovates, Richard Wistowe seven, Richard Power five, and three other tenants – Richard Davy, William Inge and Margery Sutton – between two and four each. Also, with the exception of Margery, they all had additional acres or parcels of land. Such holdings were not, by any reasonable measure, peasant holdings. Isabel probably belonged to a gentry family: in 1386 John Hedon of Draughton, in partnership with Laurence Dyne, granted the manor of Rabas to John Seyton and Joan his wife.²⁶ Moreover, at least four of the others listed – Richard Davy, William Inge, Richard Power and Richard Wistowe – were freeholders of some standing locally. Members of the Power and Wistowe families regularly witnessed late-fourteenth century Draughton charters and the latter three all witnessed a charter of March 1392 in which Richard Wistowe is described as *clericus*. In April 1393 Richard Davy, Richard Power and Elias Wistowe also had the social status to witness a charter by which John Seyton, *miles*, the lord of Maidwell, and his wife received land in Draughton.²⁷

At Islip, too, the major tenant, John Holt, was an aristocrat and a Justice of the Common Pleas and his tenements of *Beaumys* and *Iosholm* comprised a sub-manor. The carucate holding there, probably about 120 acres and, perhaps, part of the same sub-manor, was held in 1382 by John Saxilby, whose status is unclear.

Overall, in the ten townships, in the sense of a vill with its own field system, for which rental evidence is available from between 1327 and 1396, only twenty-two (6%) tenants held more than one virgate. Two, Simon of Kelmarsh and John Holt, were feudal tenants holding sub-manors, and socially, Isabelle Hedon could be added to them. In addition Richard Wistowe, priest, had claims to a share in manorial lordship which merited legal consideration in 1407.²⁸ Only seventeen tenants holding more than one virgate were, perhaps, well-to-do peasants of whom many were freeholders. Only three held three virgates or more, six held more than two but less than three, and eight held between one and two. During the same period, 1327-96, however, seventy percent of tenant holdings were of a half-virgate or less and well over half of all holdings were smallholdings.

²⁶ BL Add. Chs 22220.

²⁷ BL Add. Chs 21795 and 21798.

The fifteenth-century section of Table 4.01 was compiled from nine rentals taken in six manors, and an inquisition of Geddington. Together they yield a slightly higher percentage of tenants holding more than one virgate than was found in the fourteenth century. As in the earlier period a number were gentry. Thomas Mulsho had the sub-manor of Netherhall in Stanion in 1416 and 1439, but was also tenant of various buildings and parcels of land in the vill, and, in 1455, he held more than five virgates of customary land in Geddington. Margaret Mulsho also held there in excess of four virgates, sixteen cottages, two shops, two crofts, a close and a curtilage. Thomas Wauton, designated *chevalier* when he was the bailiff of Stanion in 1436, held rather more than two virgates there in 1439.²⁹

Among non-gentry tenants, however, there is relatively little evidence of the emergence of a social stratum of substantial yeomen farmers, at least before 1450. John Billing held four virgates at Barford in 1455, and three other men each held three virgates or slightly more: Simon atte Esthende in Maidwell in 1405, William Broun in Boddington in 1428, and William Chamber in Barford in 1455. Seventeen tenants held about two virgates each and a further ten between one and two. Where it is possible to attempt to trace the fortunes of particular families over an extended period, however, family dynasties, acquiring additional substantial holdings in successive generations, appear not to have been established although reduced tenant numbers and the consequent availability of land made such developments possible.

Table 4.02 uses some of the data used for Table 4.01 but is restricted to those manors where a direct comparison between fourteenth and fifteenth-century holdings can be made. Reductions in tenant numbers are striking: Barford (76%) and Glendon (60%) had clearly begun their decline into becoming almost completely deserted settlements by the early sixteenth century.³⁰ Tenant numbers at Weekley had declined by 41% but at Geddington, where the tenants had complained to the crown about their difficulties ever since the late fourteenth century, the decline was only 15%.³¹ In Maidwell it was of the order of 30% despite the fourteenth century count used here having been taken well after the first three

²⁸ BL Add. Ch. 22260, September 1417. Richard Wystowe (assuming he is Richard Wistowe, *clericus*, a witness to Add. Ch. 21795 in 1392) quitclaimed to Thomas Erpyngham and others any rights in the manor of Maidwell.

²⁹ NRO M(B) Box X366, View Michaelmas 15 Hen VI.

³⁰ K.J.Allison, M.W.Beresford, and J.G.Hurst, The Deserted Villages of Northamptonshire, Department of English Local History University of Leicester, Occasional Papers 18 (Leicester, 1966), pp. 35 and 40.

outbreaks of the plague. Among Catesby priory manors, tenant numbers at Boddington had fallen by 38% by 1428 and the decline of Catesby with Schopes (48%) was even more marked.

The consequent availability of land might have led to the engrossment of holdings by a small number of tenants but the evidence is that this happened on only a modest scale. At Geddington, with Barford and Glendon, no tenant held more than a virgate in 1327. Six did so, two from each vill, in 1455 when two Barford tenants, John Billing with four virgates and William Chamber with three were the most substantial. Family continuity cannot be assessed as the extent of 1327, while describing the tenorial structure, provides few names. At Weekley the two largest holdings in 1336 had vanished by 1439 and the number of virgaters had also declined. Smyth, the only name identifiable on both rentals, was not uncommon and it cannot be assumed that both men were from the same family line. However, the fourteenth-century John Smyth held only a messuage, an acre of arable and a cottage while his fifteenth-century namesake held a messuage and rather more than a half-virgate so that if both were of the same line there had been only a modest increase in the family's prosperity. during the previous century.

At Catesby the virgater element of the tenorial structure was unchanged between 1339 and 1428 although the number of cottagers, probably in Schopes, was notably reduced but there appears to have been no family continuity even among virgaters. It is possible, however, to trace some continuity among Catesby tenants during the fifteenth century.³² In 1428 Thomas Croos held a messuage and a half-virgate for 5s. and Thomas Crosse a cottage and certain parcels of land for the same amount; in 1488 John Cros held an unspecified amount of land for 5s.9d. Similarly, in 1428, John Skynner held two cottages and certain parcels of land for 3s.; in 1488 John Skynner, senior, was paying 6s.6d. rent and John Skynner, junior, 4s. The third example is the Harris family. In 1428 William Harryes held three cottages and three acres for 3s. rent, and Richard Herryes a messuage and virgate freely for a rent now lost. In 1488 John Harrys paid a rent of 7s.3d. It is not possible, from the evidence, to be clear whether the families concerned lost or gained land over the years,

³¹ See for example *Calendar of Inquisitions Miscellaneous* 3 (1937), pp. 345-346.

³²TNA:PRO SC11/511, Rental of March 1488 lists only fifteen tenants; E315/403, Rental of 1536 only six. TNA:PRO SC11/508, Rental Annunciation 23 Edw. IV listed only one tenant at Schopes and there are none in subsequent rentals.

although if it is assumed that the priory would not have been in a position to enforce higher rents it seems likely that the Skynner family had a more substantial holding in 1488 than it had done sixty years before. What is clear is that none of the families had become major landholders in Catesby and none appears in the rental of 1536.

Table 4.02
Changes in Tenants' Holdings by Size, 1327-1480

Manor	Date	Virgate Plus	Vir-gate	Half Virgate	Quarter Virgate	Small-holding	Misc	Total
Barford	1327		13	1		7		21
Geddington	1327	1	16	10		18		45
Glendon	1327		7			3		10
Weekley	1336	2	8	12		36		58
Boddington	1339-40		8	1		7		16
Catesby	1339-40		2	11		35		48
Maidwell	1392	10	5	5	7	18	1	46
Totals	1327-92	13	59	40	7	124	1	244
Percentages	1327-92	5%	24%	16%	3%	51%	1%	100%
Maidwell	1405-6	9	9	4	1	13	1	37
Boddington	1428-9	3	5			2		10
Catesby	1428-9		2	11		12		25
Weekley	1434-5		4	9	8	10	5	36
Weekley	1439		3	13	1	14	3	34
Barford	1455	2	3					5
Geddington	1455	4	7	1		26		38
Glendon	1455	2	1	1				4
Maidwell	1480	7	10	1	5	5	4	32
Totals	1405-80	27	44	40	15	82	13	221
Percentages	1405-80	12%	20%	18%	7%	37%	6%	100%
Plus/Minus		+7%	-4%	-2%	+4%	-14%	+5%	

At Boddington three men held more than a virgate in 1428 whereas in 1339 none had done so but as at Catesby there was no family continuity in the interval. The Shreusbury family took advantage of early-fifteenth century conditions there, before leaving to take land elsewhere, only to re-establish itself in the sixteenth century, but without becoming more than prosperous villagers. In 1428 John Shreusbury held two messuages and two virgates, one previously held by William Payn. Subsequently he vanishes from the Boddington sections of the Catesby priory rentals but in 1483 a John Schreusbury paid 10s 6d. to the

priory for land at Ryton, near Coventry.³³ No Shreusbury appears in the 1536 priory rental.³⁴ On the other hand there has survived a late part-rental of the priory for which the Boddington entry appears to be complete. It is attributed to the reign of Henry VIII and internal evidence suggests that it is later than 1536. It records that Richard Shrousbyry held the manor-house there and certain land pertaining to it, which was to pass to Joan his wife and Thomas their son, for 33s.4d. Thomas Shrousbyry and Joan his wife held a close and eight butts, and John Shrousbyry, senior, a messuage and three virgates.³⁵ The family was, however, no more than *primus inter pares* among their fellow tenants of whom there were five, each holding between one and two virgates.

Maidwell is the other vill which provides the opportunity to examine whether, in the fifteenth century, there were substantial yeomen emerging from enterprising family dynasties. At about the turn of the fourteenth century a feature of the rentals is the turnover of family names. There are probably twenty-eight on the rental of 1392 and twenty-seven on that of 1405-6, but only eleven appear on both. By 1480 the only family name surviving from the late fourteenth century was Pye. There is sufficient charter and court-roll evidence to make it likely that the Pye family were influential in Maidwell throughout most of the fifteenth century. Their status as landholders, however, appears to have remained largely unaltered; in 1392 William held, in total, two messuages, one and a half virgates of land and a parcel of garden, while Thomas held a messuage and three acres. By 1480 a later Thomas was holding a messuage and two virgates of land and John Pye was paying an assised rent of 8d. and suit of court twice a year for what was probably a cottage. The Pye family had probably lived comfortably enough in the years between the two rentals but presumably had lacked either the capital or the enterprise to accumulate significantly more land. It is clear from the rental of 1480 that a number of tenants benefited from reduced rents and Thomas Pye was one, but the family had not taken advantage of a land market favourable to the tenant in order to become substantial landholders.

The sample which has been considered is fairly small: 244 fourteenth-century and 221 fifteenth-century tenants in seven vills in three different areas of Northamptonshire. In those, however, there is little evidence of the growth of a yeoman class. Nevertheless, there was a

³³ TNA:PRO SC11/508, Rental Annunciation 23 Edw. IV

³⁴ TNA:PRO Court of Augmentations Miscellaneous Books E315/403, Rental of Catesby Priory 36 Hen. VIII.

³⁵ TNA:PRO SC12 Portfolio 13/16 m. 1.

modest increase in the percentage of landholders with more than more than one virgate, albeit a slight reduction in the number of virgaters. In Table 4.03, compiled from all the data in Table 4.01, a distinction has been made, roughly along the line proposed by Hilton, by counting all tenants with a half-virgate or more as having sufficient land from which to make a living, and all those with less as dependent on wages to supplement the income derived from their holdings.

Table 4.03
Growth of Sufficiency for Peasants as Landholders

Manors	Date	Half-Virgate or more	Less than a Half-Virgate	Other
All Manors	1327-96	39%	57%	4%
All Manors	1405-80	47%	49%	4%
	Plus/minus	+ 8%	- 8%	No change

The Table indicates a shift in landholding which suggests that, for much of the fifteenth century, eight percent more peasant families than before may have had a sufficiency of land. Nevertheless almost half of all families remained in the smallholding class. Some smallholding tenants may have been elderly cottagers, provided for in part through some form of corrody, but evidence in the court rolls for this is not extensive. Most smallholders would have continued to need to earn wages, and or engage in by-employments.³⁶

Evidence from manors from which no rentals have survived tends to indicate the same situation. Broughton and neighbouring Loddington are examples. In neither manor do entries to land in the court rolls normally suggest tenants making substantial acquisitions. At Broughton, in 1457, it was presented that William Catesby had entered six virgates of meadow, recently in hand, but his title was unclear and enquiry was to be made into his tenure. The outcome has not survived but apart from the contentious meadow William's holding at the time was no more than three acres.³⁷ Earlier in the century Walter Dekene and John Warde each acknowledged holding two virgates freely, and in 1443 William Pek acknowledged tenure of John Warde's former holding, now increased but only by a half-

³⁶ Pages 205-21 consider brewing and baking, and pages 221-238 waged employment.

³⁷ NRO M(B) Box X386, Court 24th May 35 Hen VI.

virgate, by right of his wife Agnes.³⁸ Otherwise all references are to holdings of a virgate or, usually, less. The same pattern is found in Loddington. In 1376 thirteen tenants acknowledged lordship but the largest landholders among them were Richard Broughton and John Dawe each of whom held a virgate and a quarter.³⁹ In 1460 Thomas Houghton surrendered one and a quarter virgates in ruinous condition and Geoffrey and Richard Smyth two virgates in the same state.⁴⁰ Presentments of ruinous buildings in 1486, 1494 and 1502 suggest the possibility of holdings being amalgamated but of the six tenants, said by the sworn men to hold freely in 1502, only William Whytcoke held as much as a virgate.⁴¹

Crop and Animal Husbandry

The annual cycle for the peasant farmer in the late-fourteenth and fifteenth centuries would have been much as Homans summarised it for their thirteenth-century predecessors.⁴² Michaelmas marked the end of the farming year when all three fields, in a three-field system, lay fallow and available as pasture, two of the fields providing fresh stubble.⁴³ During October the cattle would have been taken off the field which had lain fallow in the previous growing season and the field sown with wheat and rye; the field hedges would then have been closed. Beginning in February cattle were taken from the stubble of the field in which winter corn had been grown during the previous season, and it was sown with spring corn. There, too, the protective hedges were closed and the meadow closed at the same time. Between then and late July the sown crops grew in two of the fields while the previous year's spring corn field remained fallow and available as pasture. Between late July and Michaelmas the hay harvest was followed by the grain harvest with all meadow and arable land gradually becoming available for pasture by Michaelmas.

Table 4.04 indicates the crops commonly grown in the fields of the Northamptonshire manors studied. The information for it was derived from presentments of tenants for trespass, often with their animals, in the sown fields or standing corn. Any crop recorded in

³⁸ NRO M(B) Box X386, Courts 10th December 6 Hen. IV and Dunstan 21 Hen. VI.

³⁹ NRO Young of Orlingbury Collection (YO) 369, View Tiburtius and Valerianus 50 Edw. III.

⁴⁰ NRO YO 366, Court 2nd November 39 Hen. VI.

⁴¹ NRO YO 358, View Simon and Jude 2 Hen. VII; 383, View Luke 10 Hen. VII; 367, View 23rd May 17 Hen. VII.

⁴² G. Homans, *English Villagers of the Thirteenth Century* (Harvard, 1942), p. 67

⁴³ Most of the manors studied worked three-field systems but Geddington had four fields in 1461 and Catesby, Boddington and Byfield each had two-field systems.

that context by the clerk at a particular court was included only once, so that the figures in the table are, in effect, the number of courts at which a particular crop was mentioned. Such crop references are relatively scarce and the rolls of two manors, Cranford and Kelmarsh, excluded from the table, have none. The figures for Brigstock and Stanion have been combined, as have those for Geddington and its dependencies, and those for Catesby with the other priory manors. The first two columns number the occasions when the clerk used the general terms *bladum* and *granum*, and the wheat column when he used the word *frumentum*. No distinction has been made between demesne and tenant crops but a significant number of trespass presentments were made in respect of tenant land so that the crops listed in the table are likely to have been grown by peasant cultivators.

The view that trespass presentments provide a reasonably accurate picture of the crops grown by peasant farmers is strengthened if the hayward acted on behalf of tenants as well as the lord. Homans took the view that he did so, but Ault emphasized his status as a manorial officer.⁴⁴ In the manors studied the emphasis also differed: at Catesby, in 1401, John Heyward was described as the *messor* of the lady but in the royal manor of Geddington in 1380 John in ye Schoppe and his son Roger were specifically common haywards, and in 1406 Henry Wryght was the common *inclusarius*.⁴⁵ On both royal manors responsibility for payment of the hayward lay directly with the tenants and not the manorial administration.⁴⁶ In all three manors, however, presentments for trespass were weighted towards offences on tenant land. At Geddington, between 1377 and 1423 there were seventy-two individual presentments stating where the trespass had taken place and only nine were on the lord's land. At Catesby, during the same period, 1472 presentments of individuals can be identified: between 1370 and 1399 only twenty-six percent were on the lady's land although the figure rose to forty percent during the next thirty years. At Brigstock, between 1450 and 1504, only two out of 616 presentments refer to the lord's land.

⁴⁴ Homans, *Thirteenth-Century Villagers*, p.294; Ault, *Village By-Laws*, p.65.

⁴⁵ TNA:PRO SC2/195/6 m.2, Court Christmas 3 Hen. IV; NRO M(B) Box X351A, View Ambrose 3 Ric. II and Box X351B, Court Trinity 7 Hen. IV.

⁴⁶ NRO M(B) Box X351B, View Pentecost 2 Hen. V; Box X366, Courts Bartholomew 31 Hen. VI and Egidius 34 Hen. VI.

Table 4.04

Numbers of Courts at which Crops were Mentioned

Manors	Corn	Grain	Barley	Drage	Oats	Peas	Rye	Wheat	Totals
Brigstock	11	3				5		1	20
Broughton	15	4	1						20
Catesby	65	3	2		3	22	2	18	115
Draughton	5					1	2	1	9
Geddington	10	3							13
Islip		1				1			2
Loddington	13		20	1	5	7	8	5	59
Lowick	1	1							2
Maidwell	2		3			1	1	2	9
Weekley	1								1
Totals	123	15	26	1	8	37	13	27	250
Percentages	49%	6%	10%		3%	15%	5%	12%	100%

King took the view that during the later Middle Ages barley and peas were the dominant crops on both the demesne and peasant land. His figures, derived from tithe corn statistics for Barkby in Leicestershire, support this view, at least for barley production at the turn of the fourteenth century, but in 1470 only eighteen percent of peasant production was of barley although forty-eight percent was of peas.⁴⁷ In the manors studied only two, Catesby and Maidwell, have surviving account rolls not all of which, however, include detailed grain accounts.⁴⁸ The acreage recorded as being sown with different crops is set out in Table 5.05.

Table 4.05

Demesne Crops by Acreage at Maidwell and Catesby

Manor	Date	Wheat	Barley	Peas	Oats	Rye	Pulmong	Drage
Maidwell	1383-4	21	35	30		9	6	28
Maidwell	1386-7	32	50	46	27	7		
Catesby	1414-15	34	28	48	40			
Catesby	1415-16	112	60	64	32			
Catesby	1416-17	108	60	60	32			

The Maidwell figures appear to confirm King’s view that barley and peas predominated in the East Midlands during the later Middle Ages but the Catesby figures suggest the continuing importance of wheat in an area which, although administratively part of an East Midland county, clearly looked to the West Midlands and Oxfordshire.

It remains uncertain, however, whether the demesne figures reflect the crop balance on peasant holdings. The open field system with its communal approach to husbandry inhibited significant individual deviation from normal cropping arrangements. On the other hand, as King points out, it was the furlong not the field which was the unit of cropping.⁴⁹ This would have enabled a group of tenants who worked a furlong, especially one containing no demesne, to agree, for example, increased production of wheat or rye in the winter-corn field irrespective of the preference of tenants working neighbouring furlongs.

An element of uncertainty in Table 4.04 arises from the manorial clerks’ frequent use of general terms, notably *bladum*, for grain crops. In the Maidwell account rolls *bladum*

⁴⁷ E. King, ‘Farming practice and techniques; the East Midlands’ in Miller, ed., *Agrarian History* , pp.217-18
⁴⁸ NRO (FH) 482 and 475, are the Maidwell accounts ; TNA:PRO SC6 946/16; 946/117; 946/18 the Catesby accounts
⁴⁹ King, ‘Farming: East Midlands’, p.213.

includes oats, wheat and barley and in the two rolls used in compiling Table 4.05 the acreages sown with those crops were roughly in the ratio of 1:2:3. Applying that ratio to Table 4.04 enables the columns ‘corn’ and ‘grain’ to be eliminated and the 140 references in them to be distributed across the columns ‘oats’, ‘wheat’ and ‘barley’. The final two lines of Table 4.04 may then be re-written as shown in Table 4.06.

Table 4.06

Summary of Table 4.04 with *Bladum* and Grain Columns Re-distributed

All Manors	Barley	Drage	Oats	Peas	Rye	Wheat	Totals
Totals	96	1	31	37	13	76	254
Percentages	38%	-	12%	15%	5%	30%	100%

If the Catesby figures are removed and the same exercise re-worked to include only the East Midland manors the relative importance of the crops remains almost unchanged, with barley (43%) remaining the most important crop, followed by wheat (25%), oats(12%), peas (11%), rye (8%) and drage (1%). Trespass presentments, as evidence, are limited but there is no reason to suppose that they are misleading in this context, and if peasant landholders were growing significant acreages of wheat it would have contributed to an improved diet and greater prosperity during the fifteenth century.

Peasant landholders, in the manors studied, farmed on a small scale and their farming techniques would have been those in common use among their neighbours. Mate argues that even lords, although benefiting from the advice of Walter of Henley and others, where none was given would have followed local practice.⁵⁰ Peasants would certainly have done so. The need to fertilise the soil to keep it in good heart was widely known but how far peasants took active steps to achieve this, beyond their participation in a field system which left arable land fallow every two or three years, is unclear. The value of sheep dung was understood and at Catesby in 1378 the entire homage of Catesby and Schopes was ordered to enquire who had carried away the sheep dung on *cancyfurlong* . A similar concern presumably lay behind the presentment of William Boffeton in 1426 on the grounds that he pastured his sheep in the fields of Catesby by day but they lay in the fields of Newbold by night, contrary to the

⁵⁰ M. Mate, ‘Medieval agrarian practices: the determining factors?’, Agricultural History Review 33 (1985), pp. 22-31.

ordinance.⁵¹ There is no direct reference to the use of marl, an alternative method of fertilising the soil, in the court rolls but there are about fifty presentments of men for digging, usually the lord's ground. It is not always clear what the purpose of the digging was although at Broughton, in 1379, twenty men, including regular court officials, were amerced for having dug a common well.⁵² In others men had dug for *siment*, *ciment* or *lutum* (clay), or for stone which suggests the need was for building material.⁵³ A third factor in several presentments was that the offence took place next to water and appears to have been associated with either fishing or, perhaps, irrigation. At Cranford Thomas Mylner, servant of John Marten, broke the ground at the Mylneforth and perverted the course of the water there, while at Brigstock Robert Corby of Stanion broke the lord's ground by 'dammyng' for fishing.⁵⁴ About forty percent of the presentments, however, give no indication of the purpose of the digging and it is at least possible that some of these were a search for marl. Mate also refers to the practice in Kent, Sussex and Norfolk of convertible husbandry. The plough was taken round the pasture for the purpose of improving it and not to increase the area under cultivation. Instead of the land being divided into permanent grass or arable the two became almost interchangeable.⁵⁵ But this may have been a largely seignorial practice where the demesne had been consolidated and would not have been easy to achieve on a peasant holding.

Animal Husbandry

Animal husbandry was a significant element in the peasant economy. Animals provided the peasant farmer with food, haulage, manure and cash if surplus animals were sold. Butter, cheese and bacon supplemented the bread, ale, and pottage diet from the arable holding.⁵⁶ By the fourteenth century it was broadly true that the horse had replaced the ox for use in many haulage tasks and the Northamptonshire court rolls support that contention.⁵⁷ Langdon has

⁵¹ TNA:PRO SC2/195/4 m.1, Court Luke 2 Ric. II; SC2/195/8 m.3, Court Easter 4 Hen. VI.

⁵² NRO M(B) Box X386, Court Mary Magdalene 3 Ric. II.

⁵³ NRO M(B) Box X351B, View 2nd October 2 Hen. IV, Geddington; Box X366, Court 24th September 4 Hen. IV, Brigstock; TNA:PRO SC2/195/6 m.6, Court Translation Thomas Martyr 6 Hen. IV and m.7, Court Luke 9 Hen. IV, Catesby.

⁵⁴ NRO M(B), Court 10th Oct. 31 Hen. VI; NRO M(B) Box X367, Court 22nd May 4 Edw. IV.

⁵⁵ Mate, 'Agrarian practices', p. 29.

⁵⁶ Dyer, *Standards of Living*, p. 129; Miller, 'Land and people', p. 24.

⁵⁷ J. Langdon, 'Horse hauling: a revolution in vehicle transport in twelfth- and thirteenth-century England?', *Past and Present*, 103 (1984), p.46.

shown that although there is considerable evidence to support the contemporary view that demesne use of horses was more expensive than employing oxen it was nevertheless viable for the peasant to use horses which did less work than demesne horses and so survived on a cheaper diet. Moreover the horse was more flexible and could be purchased more cheaply than the ox; both considerations made it attractive to the peasant.⁵⁸ Table 4.07 summarises the type of evidence for animal husbandry in the court rolls studied, and Table 4.08 summarises the evidence by type of animal .

Table 4.07
Sources for Livestock References in Manor Court Rolls, c.1350 - c.1500.

Manors	Heriot	Pleas	By-laws	Pannage	Strays	Trespass	Other
Brigstock etc	1	84	15		71	679	1
Broughton		12	24		51	140	1
Catesby etc.	59	4	133			1215	8
Cranford		1					1
Draughton		5	3			89	1
Geddington etc.		89	3		53	125	1
Islip		4	2			32	
Kelmarsh		11		30		9	
Loddington	1	8	1		6	532	1
Lowick		19	6		6	17	9
Maidwell	1	9	10			252	
Weekley		2				1	1
Totals	62	248	197	30	187	3091	24
Percentages	2%	6%	5%	1%	5%	80&	1%

Note: The figures enumerate the occasions when livestock (including geese) was mentioned under the different categories of court business specified at the head of each column. The column headed ‘trespass’ quantifies instances when tenants and others were presented for trespass with animals in the open fields. Instances in which such trespass gave rise to litigation are included in the column headed ‘pleas’. The figures for Brigstock and Geddington include their manorial dependencies and those for Catesby include Boddington and Byfield.

⁵⁸ J. Langdon, ‘ The economics of horses and oxen in medieval England’, Agricultural History Review 30 (1982), pp. 37-40.

Table 4.08

References to Tenants' Livestock in Manor Court Rolls, c.1350-c.1500

Manors	Bovine	Equine	Ovine	Porcine	Geese	Other	Totals
Brigstock	330	183	39	253	29	17	851
Broughton	44	115	29	26	5	9	228
Catesby	388	553	196	175	107		1419
Cranford	1					1	2
Draughton	13	11	24	11	25	14	98
Geddington	61	113	23	40	28	6	271
Islip	13	17		7	1		38
Kelmarsh	11	2	5	32			50
Loddington	108	191	55	82	112	1	549
Lowick	26	11	18	2			57
Maidwell	52	65	65	50	31	9	272
Weekley	1	3				1	5
Totals	1048	1264	454	683	343	58	3840
Percentages	27%	33%	12%	18%	9%	1%	100%

Note: The table gives the number of occasions when livestock of various kinds is referred to in the court rolls. It does not give the number of animals, which were not always specified in a particular presentment, and a presentment of a tenant for trespassing with his sheep has been counted as one in the ovine column. The figures are based on the presentment of individuals so that where, in a list of presentments, five men were each said to have trespassed with sheep, five has been added to the ovine column. The figures for Brigstock and Geddington include their dependencies and those for Catesby include Boddington and Byfield.

The evidence varies, to some extent, between manors but altogether provides a substantial body of information about the kinds of animals which formed an important element of the fifteenth-century peasant's economy. Table 4.07 shows that the most common circumstance in which animals were mentioned in the court rolls was the presentment of their owners for trespass in the fields. Most by-law references arise from similar circumstances: at Schopes, for example, there was a vigorously enforced by-law against allowing pigs to wander unyoked, and in Catesby against allowing foals to wander untethered. These account for most of the numerous by-law references in the Catesby rolls and are similar to presentments for trespass. Only in Catesby was it normal, by the end of the fourteenth century, to exact

heriot in the traditional form of the best animal.⁵⁹ Pannage occurred only in Kelmarsh, taking the unusual form of a levy on the slaughter of a pig. Strays are found recorded only where view of frankpledge was held. Livestock was sometimes cited in litigation, for example when damage to standing crops was alleged, or the purchase price had not been paid and animals were also sometimes distrained to persuade their owners to come to court to answer the complaint against them.

Table 4.08 shows that cattle and horses together comprise sixty percent of the references with sheep only one-fifth of that number. But there were also considerable variations between manors. If only the six with more than 200 livestock references each are considered the combined total of cattle and horses in each is well in excess of fifty percent except at Maidwell where it drops to forty-four percent; but it is as high as seventy percent at nearby Broughton. In five of those manors horses were mentioned more frequently than cattle but at Brigstock the reverse was true, despite the frequency with which stray horses were presented at the view where rather more than half the seventy-one presentments of strays were of horses. Animal bones from the excavation of fifteenth-century layers at Lyveden, an area less than three miles east of Brigstock and devoid of modern settlement, provides other evidence of livestock in that part of Northamptonshire.⁶⁰ Table 4.09 compares the archaeological findings with Brigstock court roll data from Table 4.08.

Table 4.09

Livestock in Brigstock and Lyveden in the Fifteenth Century

	Cattle	Horses	Sheep	Pigs	Game & Poultry
Lyveden	35%	8%	34%	14%	9%
Brigstock	40%	22%	5%	30%	3%

The proportions of cattle are not dissimilar but the contrasts in the proportions of horses and sheep are striking. They may reflect the contrast between a settlement that had maintained a viable level of population and degree of prosperity and one which had all but disappeared. Lyveden was shared between the parishes of Aldwincle , Benefield, and Pilton

⁵⁹ Chapter 3, p.144.
⁶⁰ J.M. Steane and G. F. Bryant, 'Excavations at the deserted settlement at Lyveden', Journal of the Northampton Museums and Art Gallery , 12 (1975), cited in Dyer, Standards of Living, p.155 who points out

and, possibly, Brigstock and Oundle. Its origin may have been as shared grazing land which would go some way towards explaining the high incidence of sheep bones, as well as cattle. If it had become little more than a shared grazing area the need for horses in the vicinity would have been slight and hence the small proportion of horse bones found there. The small number of pigs, in comparison with Brigstock, is also explicable in terms of there being few householders.

Court roll evidence points firmly to the importance of the horse, endorsing Langdon's findings. Only ten references to oxen were found, most of them at the Catesby priory manors, in contrast to the number of references to horses. The flexibility of the horse in that it could be used for ploughing, hauling, as a pack horse and for riding is emphasised by Langdon.⁶¹ The frequency with which it was mentioned also suggests that whatever shift there may have been towards pastoral farming the cultivation of the arable remained a prime concern for the peasant farmer on the manors studied.

Direct evidence for the size of peasant flocks and herds in the later Middle Ages is rare. Assessing their possible size in the East Midlands, King cites research suggesting that at Wistow (Huntingdonshire) a late-fourteenth century virgater might have had one or two horses, four beasts, sixteen pigs and forty sheep with stints of thirty or forty sheep being common in the region. Martin has suggested that thirty would have been the normal size of the peasant flock in early modern Northamptonshire but gives no evidence for this.⁶²

In Table 4.10 trespass presentments at Brigstock, Catesby and Loddington have been used to estimate the possible sizes of peasant herds of cattle, horses and pigs between about 1370 and about 1450. Those particular manors were identified because, as indicated in Table 4.07, they provide almost eighty percent of the trespass presentments used in this analysis. They also have the advantage, in considering farming, of one being situated in each of the three natural regions of Northamptonshire in this study.

Table 4.10 includes only presentments in which the number and kind of animal was specified; at Catesby animal numbers were recorded more frequently and the table reflects this. Sheep and geese have been excluded because although they were often recorded

that the bones came from fifteenth-century deposits but the bones themselves are undateable and may have survived from earlier phases of occupation.

⁶¹ Langdon, 'Horses and oxen', p. 40

numbers were seldom noted. Perhaps the *messor* did not normally try to count them because they were numerous and both were usually referred to either in the plural or as a flock. On the other hand the fact that geese and sheep were probably not enumerated for practical reasons suggests that the count of other animals was made carefully. Nothing in the trespass presentments demonstrates whether the animals in question were the total owned by a particular offender. However, trespass is as likely to have been a consequence of attempts to provide pasture as of accidental straying, so that a man with, for example, four cows is likely to have pastured them together, in which case trespass presentments may often have reflected the size of an individual's herd.

The table shows that the sizes of herds varied but in only two instances, from 575 presentments, did the number of animals of a particular kind reach double figures. Most herds were small and the modal figure usually one or two. This appears to have remained so over a period of time, for example, the figure for cows at Catesby in the 1420's was what it had been forty years before.

Trespass presentments not included in Table 4.10 yield few references to herds larger than the maxima indicated in the table. During the 1380's two herds, each of forty *bestia*, were recorded at Catesby but the names of the men presented – John Herde and Philip Couherde – suggest that they were responsible for the common herd of the vill and hence its size.⁶³ Similarly there are five references to more than six bullocks but only one of these was probably a peasant with his herd: John Kete, at Geddington in 1382, had ten bullocks when he was presented in April 1382 but the number had been reduced to nine when he re-appeared in July.⁶⁴

⁶² King, 'Farming: East Midlands', p. 221; J. Martin, ' Sheep and enclosure in sixteenth-century Northamptonshire', *Agricultural History Review* 36 (1988) p. 18.

⁶³ TNA:PRO SC2/ 195/4 m.10, Court Peter in Chains 10 Ric. II.

⁶⁴ NRO M(B) Box X351B, Courts Ambrose 5 Ric. II and Thomas Martyr 6 Ric. II.

Table 4.10

Numbers of Animals in Peasant Herds from Trespass Presentments

Animals	Manor	Decade	Total Presentments	Herd size	Modal herd size
<i>Averus</i>	Catesby	1420's	39	2-9	4
<i>Bestia</i>	Catesby	1370's	7	2-9	3
<i>Bestia</i>	Catesby	1420's	8	3-24	4
Oxen	Catesby	1370's	3	1-2	1
Oxen	Catesby	1420's	4	2-4	2
Bullocks	Catesby	1370's	6	1-3	1
Bullocks	Loddington	1390's	4	1-2	1
Bullocks	Loddington	1400's	4	2-6	2
Bullocks	Catesby	1420's	8	1-6	2
Cows	Catesby	1370's	16	1-3	1
Cows	Loddington	1380's	15	1-3	1
Cows	Loddington	1390's	20	1-4	1
Cows	Loddington	1400's	11	1-3	2
Cows	Catesby	1420's	22	1-6	1
Cows	Brigstock	1440's	6	1-6	1
Horses	Catesby	1370's	15	1-4	2
Horses	Loddington	1380's	18	1-3	1
Horses	Loddington	1400's	21	1-4	1
Horses	Catesby	1420's	15	1-5	2
Mares	Catesby	1370's	53	1-3	2
Mares	Loddington	1380's	34	1-4	1
Mares	Loddington	1390's	42	1-4	1
Mares	Loddington	1400's	9	1-5	1
Mares	Loddington	1420's	11	1-5	2
Mares	Catesby	1420's	40	1-6	4
Foals	Catesby	1370's	34	1-2	1
Foals	Loddington	1380's	14	1-7	1
Foals	Loddington	1390's	12	1-2	1
Foals	Loddington	1400's	6	1-3	1
Foals	Catesby	1420's	33	1-3	1
Foals	Brigstock	1440's	8	1-3	1
Pigs	Catesby	1370's	20	1-4	2
Pigs	Loddington	1400's	7	1-7	3
Pigs	Catesby	1420's	5	1-6	2
Pigs	Brigstock	1440's	5	2-10	2

In the other cases the vicar of Brigstock had ten in 1464, the bailiff of Faxton had nine, presumably demesne animals, at Loddington in 1377, and in 1385 there the entire community of the vill of Orton was presented for having trespassed with twenty-three bullocks, presumably a common herd.⁶⁵ On the other hand there is no suggestion in the rolls that the forty cows and calves that Richard Neubotl had at Loddington in 1377, or the more modest thirteen cows belonging to William Symmesone at Brigstock in 1438 were anything other than peasant herds.⁶⁶

The two largest pig herds recorded both belonged to priests: the rector of Loddington had thirty in 1377, and the vicar of Brigstock sixty in 1464.⁶⁷ Three smaller herds, however, appear to have belonged to peasants: William Pounfret had eleven in Geddington in 1383, John Broun seventeen at Catesby in 1404 and William Fox twelve at Loddington in 1405.⁶⁸ The records of pannage for the slaughter of pigs at Kelmarsh, also tend to support the view that it was exceptional to keep a large number of pigs. Thirty individual presentments are recorded between 1387 and 1440. Apart from Henry Cade who slaughtered four pigs in 1389 two or three was usual.⁶⁹ Pigs were raised for food and two litters were produced each year.⁷⁰ Presumably, therefore, men did not slaughter all their pigs at one time. Some would have been kept, in which case it may be indicative that two was the usual number slaughtered in fourteenth-century Kelmarsh and three in the fifteenth which may suggest a tendency for the numbers of pigs being kept to have increased slightly.

⁶⁵ NRO M(B) Box X367, Court 13th August 4 Edw. IV; YO 378, View Dionysius 1 Ric. II: YO 374, list of trespasses headed attachments of the bailiff and the *messor* in year 9.

⁶⁶ NRO YO 378, View Dionysius 1 Ric. II; M(B) Box X366, Court 16th July 16 Hen. VI.

⁶⁷ NRO YO 378, View Dionysius 1 Ric. II; M(B) Box X367, Court 13th August 4 Edw. IV.

⁶⁸ NRO M(B) Box 351B, Court 2nd May 6 Ric. II; TNA:PRO SC2/195/6 m. 5, Court Dionysius 6 Hen. IV; NRO YO 376, Court Simon and Jude 7 Hen. IV.

⁶⁹ NRO FH 418, 525, 544, 537, 716, 537, 463, 467, 400, 425, 401, 432 in chronological order.

⁷⁰ W.O. Ault, Open Field Farming in Medieval England. A Study of Village By-Laws (London, 1972), pp. 48-50, says they were edible by their second year but many appear to have been slaughtered in Kelmarsh, presumably for consumption, well before that age.

Table 4.11

Numbers of Sheep in Flocks from Trespass Presentments

Number of Sheep	Number of Flocks
320	1
240	1
200	1
100	7
80	1
40	4
30	3
24	5
20	4
16	1
14	1
12	2
10	1
9	1
Total flocks:	33

Occasionally a number of animals, some perhaps rounded, was attributed to a flock of sheep whose owner was presented for trespass, and these are listed in Table 4.11. Other than the eighty, at Maidwell, in 1426, flock sizes fall broadly into two groups.⁷¹ Ten were of one hundred or more, and twenty-two were of forty or less. In the first group the largest single flock was caught at Loddington but the individual presented was the bailiff of Faxton who was presumably responsible for the demesne flock from that nearby vill.⁷² One flock of one hundred was the demesne flock of the prioress of Catesby.⁷³ Another, at Kelmarsh, belonged to Richard Wystowe, *clericus*. He was not a typical peasant farmer and was presented as having trespassed on the common pasture against custom, having presumably exceeded his

⁷¹ NRO FH 483, Court 19th April 4 Hen. VI, the flock of eighty at Maidwell.

⁷² NRO YO 368, View Augustine 2 Ric. II.

⁷³ TNA:PRO SC2/195/4 m.10, Court Peter in Chains 10 Ric. II.

stint.⁷⁴ Three other flocks of one hundred may have been the common or demesne flocks and the designation of the men presented suggests that was so: Richard Archebaud, shepherd, at Geddington, in 1382, and John Shepreve and Edward Schepreve at Catesby, in 1386 and 1387.⁷⁵

This leaves no more than possibly four peasant farmers having flocks of one hundred sheep or more: Thomas Palet at Maidwell in 1363 with 200, William Smyth of Faxton, caught at Loddington in 1379 with 240, and Thomas Bole at Catesby in 1391 and John Sturmyn at Boddington in 1392 each of whom had one hundred.⁷⁶ No obvious reason can be offered for the presence of large flocks in those particular places. During the late-fourteenth century pasture may have been available in Maidwell. The 1350-1 accounts record 15s. income from *herbagium* sold from the demesne and villein land in the lord's hand, and a further 19s. in respect of nineteen *bestia* pastured with the lord's cows during the summer.⁷⁷ Similar entries also appear in the 1383-4 and 1385-6 accounts but in the latter year, when some detail was provided, it is clear that the spare demesne pasture was let for short periods to about thirteen tenants each with a small number of cows, as might be expected from Table 4.10.⁷⁸ There is no reference to sheep. Superficially the histories of Faxton and Catesby might suggest that settlement desertion created ample pasture for sheep but cause and effect are not evident.. Both are now deserted settlements but Faxton remained viable well into the nineteenth century, and although the decline of Catesby had probably begun by the end of the fourteenth century, it is not obvious that its tenant numbers had declined to the extent that considerable unused pasture would have been available as early as 1390.⁷⁹

At Brigstock and Catesby, comparison of rental and trespass evidence enables the types and numbers of animals owned by tenants of different landholding status to be assessed and

⁷⁴ NRO FH 413, Court Hillary 2 Hen. V.

⁷⁵ NRO M(B) Box X351B, Court Thomas Martyr 6 Ric. II; the roll is incorrectly dated 5 Ric. II. All pleas heard at the court follow from one held on 17th June 1382 and by the time of the translation of Thomas the Martyr, by which the court is dated, the regnal year 6 Ric. II had begun. TNA:PRO SC2/195/4 m.10, Court Peter in Chains 10 Ric. II; and m.11, Court Peter in Chains 11 Ric. II are the two Catesby courts.

⁷⁶ NRO FH 2966, Court Philip and James 37 Edw. III, Thomas Palet; YO 368, View Augustine 2 Ric. II, William Smyth of Faxton; TNA:PRO SC2/195/5 m.2, Court Mark 14 Ric. II, Thomas Bole and SC2/194/60 m.10, John Sturmyn.

⁷⁷ NRO FH 481.

⁷⁸ NRO FH 482 and 475.

⁷⁹ The Royal Commission on Historical Monuments England, An Inventory of the Historical Monuments in the County of Northampton 3 (London, 1981), pp.119-123, for Faxton; J. Laughton, 'Catesby in the Middle Ages: an interdisciplinary study', Northamptonshire Past and Present 54 (2001), pp.25-32, for Catesby.

the results are in Tables 4.12 and 4.13. To construct them the Brigstock rental of 1416, the Catesby rental of 1428-9, and the Brigstock survey of 1439 were used.⁸⁰ Tenant names were then compared with the names of individuals presented for trespass with animals at courts held within a few years before and after the relevant dates so that in each manor periods of about a decade were considered. The volume of trespass presentments varies. For Brigstock round about 1416 a broken series of fifty-two courts survives from between 1412 and 1422 but at only six were trespassers presented.⁸¹ For Catesby, fifteen courts from between 1420 and 1431, when the series ends, yield trespass presentments but they are not evenly balanced on either side of 1428-9.⁸² For comparison with the Brigstock survey of 1439, eight courts were used from between 1438 and 1450, many others being devoid of trespass presentments.⁸³ Types of animals were listed for each tenant as appropriate, but only once and using the maximum number given in the rolls: for example, John Taylor, a cottager in Schopes, trespassed once with two cows and again with three and appears in Table 4.13 as a smallholder with three cows.

⁸⁰ NRO M(B) Box X361A, Rental of 4 Henry V; TNA:PRO SC12/ 3/29, Rental of Priory lands 7 Hen. VI. NRO ML 141, Survey of the manor of Brigstock 18 Hen. VI.

⁸¹ NRO M(B) Box X366, Courts 6th February 14 Hen. IV, Matthew 1 Hen. V, 2nd April 1 Hen. V; View Michaelmas 4 Hen. V; Courts 17th March 8 Hen. V, Margaret 9 Hen. V are the six.

⁸² TNA:PRO SC2/195/7 m.5, Court Alphegius 8 Hen. V; m. 6, Court Paul 9 Hen. V; 195/8 m.1, Courts 16th March 1 Hen. VI and 16th December 2 Hen. VI; m.2, Courts John Baptist 2 Hen. VI and Michaelmas 3 Hen. VI; m. 5, Courts Circumcision 6 Hen. VI, Ascension 6 Hen. VI and Assumption BVM 6 Hen. VI; m. 7, Courts 4th March 7 Hen. VI and John Baptist 7 Hen. VI; m.8, Courts John Baptist 8 Hen. VI and Purification BVM 9 Hen. VI were used for Tables 12 and 13. Most surviving later courts are fragmentary.

⁸³ NRO M(B) Box X366, Courts 13th July 16 Hen. VI and 4th August 16 Hen. VI; no box number, View Michaelmas 19 Hen. VI, Courts Trinity 23 Hen. VI, Barnabas 23 Hen. VI, Thomas Martyr 23 Hen. VI, Court 28 Hen. VI (date otherwise lost but attributable to Autumn, 1449), Bartholomew 29 Hen. VI were those used.

Table 4.12
Tenants of a Virgate or Half-Virgate and Their Livestock,c.1410-1450

Name/Manor	Date	Cattle	Horses	Pigs	Sheep	Geese
Brigstock	1416					
Robert Dyre			1 foal			
Walter Fox				Pigs		
Thomas Gilis			1 foal			
John Grubbe			1 foal			
Henry Levot		Beasts		Pigs		
William Lyveden			2 foals			
Catesby	1428					
William Bradwell		2 bullocks	2 foals		flock	geese
		11 aver.				
Richard Herryes			Horse	Pigs		geese
John Boveton		cow			40 sheep	geese
		3 calves				
John Bradwell		3 aver.	1 mare		flock	
Thomas Crosse		4 aver			flock	
John Grene			1 mare		flock	
John Gulbayne		cows	horses		sheep	
		2 bullocks	2 foals			
		2 aver.				
Thomas Mylington		3 aver.	2 horses		12 sheep	
			4 mares			
			1 foal			
Thomas Raulyn		2 cows	2 horses			
			3 mares			
			2 foals			
Thomas Schepreve			1 foal			geese
John Wythebed					sheep	
Brigstock	1439					
John Broun		1 cow		Pigs		geese
Nicholas Byfeld		1 cow				
John Chaumberleyn		1 bull				
Thomas Doe				pigs		
Stephen Fermory				pigs		
John Fox jr.		4 cows				
Agnes Pilton				6 pigs		
Robert Symond			3 foals			
John Walpole		4 bullocks	1 foal	2 pigs		
Henry Weldon					sheep	geese
William Wotton		6 cows		pigs		

Table 4.13

Smallholders and Their Livestock c.1410-1450

Name/Manor	Date	Cattle	Horses	Pigs	Sheep	Geese
Brigstock	1416					
Henry Tukke		beasts	1 foal			
William Warne				pigs		
Catesby	1428					
John Barton						flock
William Boveton		3 aver.			sheep	geese
William Grene		3 aver.	2 foals			geese
Nicholas Hardy						geese
William Harryes		4 aver.	horses			
		cows	mare			
		bullock				
William Meykyn		2 cows				
Matthew Smyth			1 mare	1 pig		
Emma Strynger				1 sow		
John Taylor		3 cows		2 pigs	20 sheep	
Isabelle Treypas						geese
John Wattes						geese
Brigstock	1439					
Thomas Andrew		2 cows				
John Brandon			1 foal			geese
Thomas Corby				pigs		
of Stanion						
John Felypp		cattle				
William Harueby		2 cows		pigs		geese
Richard Newman			horse	10 pigs		geese
Richard Pittes		2 cows				
John Smyth		1 bullock				geese
William Smyth				2 pigs		
Henry Tuck				pigs		geese
Peter Wattes		6 calves	1 horse			geese
			1 mare			
			1 foal			

Both tables provide a random sample of tenants from the rentals. About forty-nine names appear on the Brigstock rental of 1416 but only eight were presented for trespass with detail of their animals; moreover all the names on Table 4.12 are those of virgaters and the significant number of half-virgaters in the rental is not represented. The two smallholders are drawn from the upper stratum of that group. Henry Tukke held a *quartronem*, a quarter of a virgate comprising seven and a half acres with a piece of meadow, and William Warne held a *cossetultoft* the extent of which was undefined but probably comprised a cottage and an adjacent area of land. Tenants holding only a cottage are absent from the trespass presentments. Twenty-two of the sixty-five listed tenants in 1439 were presented for trespass with some detail of their livestock. They are more representative in that they include men from each of the main tenant categories. In Table 4.12 Stephen Fermory and John Walpole held virgates and the remainder a half-virgate; and in Table 4.13 some, like John Smyth, were cottagers and others, like John Felypp, tenants of a *cossetultoft*, while Henry Tukke, possibly the same man who appeared in 1416 held a *quartronem*. The Catesby entries in both tables are more representative and include about two-thirds of the tenants in the rental. In Table 4.12 William Bradwell and Richard Harryes were virgaters and the others held a half-virgate; and in Table 4.13 John Barton and William Boveton each held a small acreage and the remainder were cottagers.

A further *caveat* in interpreting the table is that the rental evidence provides no account of sub-tenancies and may be misleading about the landholding status of individuals. It is reasonable to see those holding a half-virgate or more as being at least of that status as landholders. The status of tenants in the smallholding category is often less easy to gauge, particularly at Brigstock. John Brandon appears there as a cottager in 1440 but he was an active member of the village elite, and the same is true of Richard Newman, who held a croft and a cottage.⁸⁴ Richard Pittes was presented in 1438 for trespassing with two cows; he held four *cossetultofts* and is therefore listed in Table 4.13 as a smallholder but he may have been a member of the Pittes family of local gentry status.⁸⁵ Thomas Andrew held only a place for

⁸⁴ Chapters 1, p.30 and 2, p.74 for John; Chapter 2 pp. 55 and 94 for Richard.

⁸⁵ Chapter 3, p.165 n.

a dunghill direct from the crown, but presumably was also a sub-tenant of other land in the vill.

The evidence nevertheless provides indicators about the livestock holding of fifteenth-century peasant farmers in Northamptonshire and Table 4.14 summarizes the figures from Tables 4.12 and 4.13.

Table 4.14
Tenants and Their Livestock at Brigstock and Catesby, c.1410-50

Status	Number	Cattle	Horses	Pigs	Sheep	Geese
Virgater	28	14	14	9	9	2
Smallholder	24	12	9	9	2	12

Half the tenants in both groups had cattle but there was a greater tendency for virgaters to have horses, essential for working a larger arable holding. Six virgaters had both horses and cattle. Both groups kept pigs but the smallholders appear to have been more likely to have kept geese. Virgaters were more likely to have sheep, but the significant contrast in terms of sheep-rearing was between settlements rather than tenants of differing status. At Brigstock only Henry Weldon, a virgater in 1440, had sheep. At Catesby, all but two virgaters had them: John Boveton had forty and several others had what were described as flocks. Even two smallholders had sheep, John Taylor as many as twenty. Laughton has commented that sheep numbers were on the increase at Catesby during the late-fourteenth and early-fifteenth centuries and these figures endorse that view.⁸⁶

Overall the evidence considered here suggests that the livestock owned by peasant farmers in Northamptonshire between c.1350 and c.1450 was rather less than the two horses, four beasts, sixteen pigs and forty sheep of a fourteenth-century virgater in Wistow. Catesby men probably had a comparable number of horses and cattle, but elsewhere herds were smaller. Pigs were almost certainly fewer in number: the only two large herds both belonged to priests and, other than those, only John Broun at Catesby had numbers similar to those at Wistow. Finally, although four men each had flocks of forty sheep, most small flocks in Table 4.11 had fewer, and in the twenty-two small flocks, the modal number of sheep was

⁸⁶ Laughton, 'Catesby', p.24.

twenty-four, rather fewer than Martin has suggested was the case by the middle of the sixteenth century.⁸⁷

Brewing and Baking

Ale was virtually the only liquid drunk regularly by medieval peasants and small-scale production of ale was a widespread feature of the rural peasant economy in medieval England. The necessary equipment – large pots, vats, ladles and straining cloths – would have been among the possessions even of many poor households. The production process was lengthy. It required a supply of grain, usually barley, although Fox refers to the widespread use of oats in Devon and Cornwall, to be soaked in water for several days, after which it was germinated to create malt. The malt was then dried, ground and infused with hot water for fermentation to produce the ale. Unless drunk within a few days it quickly soured so that the supply had constantly to be renewed. Postles refers to the introduction of hops in the fifteenth century enabling the production of beer which sours less quickly, but its consumption was largely restricted to aristocratic households, and brewing it was presented only once in the manors studied.⁸⁸ It was the need for the regular replenishment of supplies of ale in rural communities which led to significant numbers of people – both men and women – producing on a small scale for the local market. Many of them did so only intermittently through a combination of brewing for domestic consumption, and the sale of the surplus to their neighbours. A smaller number brewed regularly on what was more akin to a commercial basis either as individuals or as a family-based enterprise. Edmund Byfield was a major Geddington brewer in the late-fourteenth century. In Stanion the intermittent appearances, over a twenty-five year period in the Brigstock court rolls, of six members of the Baker family as brewers, suggests a family enterprise undertaken largely by its womenfolk.⁸⁹

⁸⁷ J. Martin, 'Sheep and enclosure', p. 18.

⁸⁸ J.M. Bennett, 'The village ale-wife: women and brewing in fourteenth-century England', in B.A. Hanawalt, ed., *Women and Work in Preindustrial Europe* (Bloomington Indiana, 1986), p.21. H.S.A. Fox, 'Farming practice and techniques: Devon and Cornwall', in Miller, ed., *Agrarian History*, pp. 304 – 307. D. Postles, 'Brewing and the peasant economy: some manors in late medieval Devon', *Rural History* 3 (1992), p.134. TNA:PRO SC2/194/72 m.9, View Michaelmas 14 Hen. VII at Brigstock.

⁸⁹ For Edmund see Chapter 1, p.25 n.. TNA:PRO SC2/194/66 m.1, Court Dunstan 9 Hen. IV; NRO M(B) Box X366, Courts Nicholas 9 Hen. IV; Epiphany 3 Hen. V; Hilary 8 Hen. V; View Michaelmas 9 Hen. VI; Court Mark 11 Hen. VI for the initial appearances of Isabel, 1408; Joan, 1412; Elizabeth, 1416; John, 1421; Margaret, 1430; Agnes, 1433.

Nationally the production and selling of ale was regulated by the Assize of Ale through which the crown sought to determine its price and control its quality. Locally, the assize was often administered through the manor courts of lords who exercised view of frankpledge, although the *parva curia* was also used for this purpose at both Brigstock and Geddington. The assize required anyone intending to sell part of a brew to display a post by his or her door, wait until the ale-tasters had approved the quality, and then sell outside the house, on a level doorstep, using only approved and sealed gallon and half-gallon measures.⁹⁰ All this activity was recorded when the ale-tasters, or other manorial official, presented those who had brewed for sale since the last court. The common presentment formula was that they had brewed and sold contrary to the assize and were amerced, but this was a procedure intended to exact payment of what had become a local licence fee charged to defray the costs of administering the assize.⁹¹ This view of the amercement is re-inforced by its consistency: at Loddington, for example, it was consistently 2d. for each brew and, with occasional exceptions, the same was true at Broughton.⁹² Where the brewer had also committed an offence against the assize, such as selling with an unsealed measure, the rolls often specify it and note the additional amercement was imposed.⁹³

Bennett's work on Brigstock provides a detailed account of ale-brewing there before the Black Death.⁹⁴ Little or nothing, however, appears to have been written about ale-brewing in the county during the later part of the Middle Ages nor does the third volume of the Cambridge Agrarian History of England and Wales refer to the trade in the East Midlands generally. Table 4.15 summarises the evidence from the manors studied between about 1350 and 1500. Most of it is drawn from the two royal manors and the two small gentry-manors, of Broughton and Loddington; the short, broken series of view rolls from Lowick and Weekley provide additional information, as do the few courts of the Honor of Peveril, to

⁹⁰ D.L. Farmer, 'Marketing the produce of the countryside, 1200-1500', in Miller, ed., *Agrarian History*, p.377.

⁹¹ H. Cam, *The Hundred and the Hundred Rolls. An Outline of Local Government in Medieval England* (2nd edn Cambridge, 1963), p.211.

⁹² Postles, 'Brewing', p.135 identified similar arrangements in Devon.

⁹³ NRO M(B) Box 340 Folder 2, m. 1-4, Court rolls of Weekley are particularly informative.

⁹⁴ J.M. Bennett, 'Gender, family and community: a comparative study of the English peasantry 1287-1349', unpubl. Ph.D. thesis University of Toronto (1981), pp. 143-91, copy in NRO; Bennett, 'Village ale-wife'; J.M. Bennett, *Women in the Medieval English Countryside. Gender and Household in Brigstock before the Plague* (Oxford, 1987), especially pp. 120-9.

which Catesby men owed suit for frankpledge, from the 1350's when it had escheated to the crown.⁹⁵

Table 4.15 is divided into three chronological periods. The dates given are indicative only in most cases as few of the roll series span the length of any particular period, the courts of the Honor of Peveril being an example, but there is extensive coverage in the four manors from which most of the evidence has been drawn. The numbers of courts given for those manors include sessions of both the *parva curia* and the view of frankpledge, since in practice ale-presentments were sometimes made at both.

The late-fourteenth century evidence suggests that brewing tends to have been a male occupation. In two of the three manors from which most of the evidence is drawn for that period – Broughton and Geddington – the balance appears overwhelming. In the third – Loddington – the numbers of male and female brewers were much more evenly balanced, but over seventy percent of presentments there were of men who were clearly brewing more often than the women.⁹⁶

During the fifteenth century the gender balance in the table is changed largely because of the availability of the records of Brigstock and Stanion where women continued to dominate the trade as they had done before the Black Death. As Bennett has commented, Brigstock was unusual in that the ale-wives there faced little male competition.⁹⁷ The same was true of Stanion; indeed the position of women brewers there appears to have strengthened as the century progressed. Between 1403 and 1416 the ratio of women to men brewers was 2:1; between 1460 and 1479 it was 3+:1 ; and, between 1480 and 1504, 12:1.

Bennett has suggested that such different levels of brewing activity lay 'less with industrial organisation than with the internal dynamics of the family economy'. She argues

⁹⁵ TNA:PRO SC2/ 195/67 m. 3, Court Ascension 29 Edw. III; m.4, Court Dionysius 29 Edw. III; m.5, Court Dunstan 33 Edw. III; m. 6, Court Dionysius 33 Edw. III.

⁹⁶ Presentment has been used to measure the frequency with which individuals brewed. Another approach might be to count the number of occasions on which individuals brewed; this information is often, but not invariably provided in the court record, and the volume of ale in the brew is never recorded. In assessing gender balance in this trade it may not be particularly significant which measure is used. At Broughton , for example, the percentage figures for the period between 1354 and 1488 are:

Presentments of men	89%
Presentments of women	11%
Brews by men	90%
Brews by women	10%

⁹⁷ Bennett, 'Village ale-wife', p. 26.

Table 4.15

Brewing, c.1350-1500

Manor	Period of Time	No. of Courts	No. of Male Brewers	No. of Female Brewers	Total number of brewers	Male Presentments	Female Presentments	Total Presentments
Broughton	c.1350-99	21	49	12	61	109	27	136
Catesby		4	4	7	11	10	14	24
Geddington		277	59	12	71	1987	234	2221
Loddington		46	23	20	43	134	50	184
Weekley		28	12	10	22	59	33	92
Totals		376	147	61	208	2299	358	2657
Percentages			69%	31%	100%	86%	14%	100%
Brigstock	c.1400-49	262	23	97	120	39	566	605
Broughton		30	52	11	63	210	12	222
Geddington		211	56	25	81	1298	316	1614
Loddington		18	38	1	39	137	1	138
Lowick		23	-	12	12		40	40
Stanion		262	20	43	63	37	161	198
Totals		806	189	189	378	1721	1096	2817
Percentages			51%	49%	100%	61%	39%	100%
Brigstock	c.1450-1500	364	4	75	79	7	443	450
Broughton		47	76	15	91	222	24	246
Geddington		2	3	10	13	3	10	13
Loddington		17	35	5	40	60	5	65
Stanion		364	4	22	26	4	138	142
Weekley		3	7	1	8	7	1	8
Totals		797	129	128	257	303	621	924
Percentages			50.2%	49.8%	100%	33%	67%	100%

that rural households used their labour resources in the light of local economic opportunities. The open-field cycle, she suggests, left few men available for commercial brewing and the forest settlement of Brigstock provided additional activities such as hunting and assarting. In contrast the pastoral regime of Iver in Buckinghamshire was not labour-intensive and left men free to dominate the brewing industry of their village.⁹⁸

Outside Brigstock with Stanion, however, the Northamptonshire villis do not reflect this pattern. Geddington lies next door to Brigstock but in the late-fourteenth century its brewing was heavily male-dominated although there are some indications that this may have been changing between 1420 and 1423 (when the series ends) when the brewers presented at the manor court, usually between five and eight in number, were all women.⁹⁹ The restricted evidence from two surviving late views, of 1490 and 1505, when eleven of thirteen named brewers were women may or may not be indicative.¹⁰⁰ In the two well-documented open-field manors of Loddington and Broughton, however, male dominance of the brewing trade persisted. Loddington courts from between 1486 and 1502 name fifteen brewers twelve of whom were men. Similarly at Broughton, the series ends in 1488 but, during that decade, of twenty-four brewers, nineteen were men. The contrast with Brigstock is striking: there, between 1480 and 1504, all but two of the forty-eight brewers presented were women.

Historians have offered different views of who brewed and in what circumstances. Postles provides a concise summary.¹⁰¹ Brewing may have been part of the fully developed household economy or connected, rather, with the early stages of the individual life-cycle. In either set of circumstances it may have supplemented income from landholding or wage labour or a combination of both, and in that context has been seen as, perhaps, more significant in the economy of the cottager or smallholder than in that of the virgater or half-virgater. Moreover, as Postles has also pointed out, much of the comment on brewing and the peasant economy – like Bennett's work – concentrated on the late thirteenth and early fourteenth centuries when the peasantry's economic circumstances were generally adverse and additional income from by-employment particularly significant. In theory the improved wages and greater land availability of the post-1370 era may have made brewing

⁹⁸ Bennett, 'Village ale-wife', pp. 26-7.

⁹⁹ NRO M(B) Box 884, Courts Bartholomew, Lucy, Epiphany, Purification BVM, Peter, Lent 8 Hen. V is one such sequence of courts.

¹⁰⁰ NRO M(B) Box 884, Views Epiphany 5 Hen VII and 4th November 21 Hen. VII.

economically less significant in the peasant economy, although greater prosperity may have stimulated demand and meeting that demand may have provided an opportunity for the accumulation of a cash reserve.

Mate has suggested that during the fifteenth century in Kent and Sussex some occasional brewers were craftsmen who also worked their own land.¹⁰² In the West Midlands, however, Dyer found that although many villagers continued to dispose of some of their surplus by selling it to their neighbours the selling of ale during the fifteenth century increasingly became a specialised preserve of smallholders who gained the bulk of their livelihood from that trade.¹⁰³ In late medieval Devon, Postles has found that the principal brewers appear, on the whole, to have been members of the peasant elite with large or standard holdings of land, although this had not always been the case since brewing had once also involved single persons who were pre-household formation, as well as the rural poor.¹⁰⁴

Throughout much of the period studied there was a reasonably close correlation between office holding and being a brewer in the small-gentry manors of Broughton and Loddington. Over sixty percent of men who served as tithingmen at the view of frankpledge in those two manors also engaged in brewing, indicating the close link between a male-dominated trade and the office-holding elite of the village. The connection in the royal manors, however, was much less marked. Only about one-third of late-fourteenth century officials at Geddington were brewers and at Brigstock, throughout the fifteenth century the numbers were significantly lower.

In Geddington the number of professional brewers was small. Table 4.15 shows that almost 150 individuals were presented there for brewing in the late-fourteenth and early fifteenth centuries, but the number who brewed on a significant scale over a period of time was far fewer. Table 4.16 lists the leading Geddington brewers between 1377 and 1423. Eligibility for the table was determined by including those who could be shown to have brewed in at least three of the chronological periods shown and, normally, were presented on at least twenty occasions in each period during which they were active. Exceptions were made in cases where it is likely that the business was taken over by a different family-

¹⁰¹ Postles, 'Brewing', p. 133.

¹⁰² M. Mate, 'Tenant farming and tenant farmers: Kent and Sussex', in Miller, ed., *Agrarian History*, p.696.

¹⁰³ C. Dyer, 'Tenant farming and tenant farmers: the West Midlands', in Miller, ed., *Agrarian History*, p.643.

¹⁰⁴ Postles, 'Brewing', p. 142.

member. Richard Wythyr brewed regularly after 1385, but was presented on only nine occasions between 1410 and 23rd January 1412, when he made *finem* until Michaelmas before disappearing from subsequent lists. He re-appeared occasionally between April 1420 and February 1421 but by then Joan Wythyr had begun to brew and she continued to be presented until August 1423 when the main Geddington series ends. Similarly, it appears likely that Thomas Lambard's business was taken over first by Henry Lambert and then Elena Lamberd. In the case of John and Joan Gryndel it is clear from the rolls that the widow took over her late husband's business.

Most of these main brewers were prominent local figures. Edmund Byfeld has been noted.¹⁰⁵ Robert Cros, William Godpage, John Gryndel, John Spillewater and Richard Wythyr all served as tithingmen ; Robert was also a bailiff and Richard a constable. All of the remainder, except John Bamburgh, served as jurors. A much higher proportion of the leading brewers were office-holders than was the case among Geddington brewers as a whole¹⁰⁶. Also, of the eleven men listed in Table 4.15, eight are to be found acquiring land; the exceptions were William Godpage, John Gryndel and John Spillewater. In addition Agnes Bole may have been related to John Bole who was the tithingman of Glendon in 1384, and John Bole and his wife, Agnes, acquired land in the 1390's. The indications are that in late-fourteenth and early-fifteenth century Geddington commercial brewing was largely the preserve of a few prominent members of the local elite.

Brigstock provides a contrast in that the presentments suggest that brewing was a widespread activity rather than being concentrated in the hands of a group of commercial brewers such as existed in Geddington. Arguably this provides an explanation as to why it remained almost entirely in the hands of local women. Table 4.17 shows that during each period of about twenty years between 1420 and 1500 a small group of women was more active than the majority of brewers, but the scale of their activity was modest compared to that of certain male brewers in Geddington.

¹⁰⁵ Chapter 1, p.25 n.

¹⁰⁶ For example only thirty-five percent of all brewers were tithingmen.

Table 4.16

Presentments of Leading Geddington Brewers, 1377-1423

Brewer	1377-9	1380-4	1385-9	1390-4	1395-9	1400-4	1405-9	1410-15	1420-3
John Bamburgh							75	40	7
Cristina Bamburgh									18
Emma Bamburgh									2
Agnes Bole		23	41	19					
Edmund Byfeld	27	51	60	50	45				
Robert Cros				42	44	28	75	47	
Elizabeth Cros									35
William Godpage	20	38	50	13			15		
John Gryndel		55	65	50	45	4			
Joan Gryndel						24	51		
Thomas Lambard			61	49	44	28	66		
Henry lambert								48	
Elena Lambard									41
John Navesby					37	16	34		
John Soule		57	64	23					
Alice Soule				23					
John Spillewater		22	65	43					
Richard Wythyr			62	51	44	27	74	9	8
Joan Wythyr									31

Table 4.17

Main Brewers in Fifteenth-Century Brigstock

Date	Total Brewers	Main Brewers	Presentments of Main Brewers	% Brewing By Main Brewers
1420-39	49	8	28-13	56%
1440-59	63	7	21-11	40%
1460-79	40	5	17-10	39%
1479-1504	42	7	25-11	54%

Between 1420 and 1439, and again between 1479 and 1504, well over half the brewing activity, measured by the ale-tasters' presentments, was undertaken by a small number of women. A few men brewed occasionally but none is included in the main brewers column. On the other hand none of the women was presented very often. Column four in the table gives the range of presentments of the individuals in each group of main brewers so that, for example, between 1420 and 1439 Joan Philip made twenty-eight appearances and Agnes Adyngton only thirteen. Similarly, between 1479 and 1504, Joan Pakyngton was presented on twenty-five occasions and Alice Wassyngbourught on eleven. Thus even the most active of brewsters at Brigstock averaged little more than a single presentment each year. It is also rare to find any woman actively brewing in more than one of the twenty-year periods. Joan Radenhale is the only significant exception having been presented on twenty occasions between 1440 and 1459, and fifteen between 1460 and 1479. The picture is the same in the middle decades of the century except that the percentage of all brewing undertaken by the main group was noticeably less. Throughout the fifteenth century much, and at times most of the ale produced in Brigstock was brewed by occasional brewers; no fewer than 104 individuals appear on the tasters' list only once.

Given what appears to have been the pattern of widespread ale-production in Brigstock it is likely that it will have been undertaken by women of differing economic and social status in the vill. Table 4.18 summarises the number of women brewers sharing a family name with a tenant listed in either the rental of 1416 or the survey of 1439.¹⁰⁷

¹⁰⁷ NRO M(B) Box X361 Rental 4 Hen. V, and ML 141, Survey 18 Hen. VI.

Table 4.18

Brewsters and Tenant Families in Fifteenth-Century Brigstock

Tenant Holdings	Brewsters: 1416	Brewsters:1440	Totals
Virgate	5	1	6
Half-Virgate	3	7	10
Quarter-Virgate	3	1	4
Cossetultoft	7	7	14
Cottage		2	2
Other Smallholding		4	4

The rental of 1416 does not list cottagers so that the number of women brewers having the same family name as a tenant may have been higher than appears. The striking feature of the table, however, is the small number of brewsters who by the criterion of a shared family name were related to a manorial tenant. Almost 100 women were presented for brewing at Brigstock in the first half of the fifteenth century but, as Table 4.18 indicates, only forty bore family names of tenants; the remainder were, presumably, either members of sub-tenant families or, possibly, transients. Of the forty brewers belonging to tenant families, represented in Table 4.18, only eight were main brewers, who are detailed in Table 4.19.

Table 4.19

Links between Main Brewsters and Tenants in Fifteenth-Century Brigstock

Brewer	Date	Same-name information in 1416 rental or 1440 survey
Joan Fox	1416	Husband Walter held a half-virgate
Agnes Gilham	1416	Beatrice Gilham held a cossetultoft
Margaret Conewey	1440	George Conewey held a half-virgate
Joan Pakyngton	1440	John Pakyngton held a half-virgate
Agnes Craunfeld	1440	Thomas Craunfeld held a quarter-virgate
Agnes Smyth	1440	John Smyth held one cottage; William Smyth held two
Agnes Harueby	1440	William Harueby held a cossetultoft
Alice Hemyngton	1440	John Hemyngton held a dunghill.

Only in the case of Joan Fox can the precise relationship between brewer and tenant be established, but if surnames are used to indicate the landholding status of the family, main

brewers who were related to manorial tenants were members of families drawn from the ranks of the better-off as well as the smallholders.

For most of the period, ale was brewed and sold for home consumption. Clark suggested that the urban ale trade might have been acquiring a more regular character by the early-fourteenth century, but in rural areas it would be premature to think of permanent drinking houses that early.¹⁰⁸ Britton, on the other hand, considering Broughton in Huntingdonshire before the plague, refers to a by-law of 1464 which he regarded as relevant to the earlier period since such a by-law would simply have been codification of existing practice.¹⁰⁹ At Great Barford in Bedfordshire, as early as 1266, when Henry Colburn left his house one evening for a pot of ale, his mother did not think it necessary to look for him until the following morning (by which time he was dead) which may suggest that an established drinking venue existed there.¹¹⁰ Mate asserts that in the town of Battle in Sussex, by the 1460's, several wives of substantial artisans who were regularly presented were running alehouses.¹¹¹

In Northamptonshire, John Botelyr was violent in the common tavern at Geddington in 1382, and Simon Spicer, a brewer at Broughton, was amerced for harbouring in 1376 and so may have been running an alehouse. A century later there, in 1470, an ordinance regulating the playing of cards refers to this taking place in the *taberna*.¹¹² At Lowick, in 1456, a manor court ordinance prescribed the hours during which a tavern might be open which was reiterated twenty years later.¹¹³ Elsewhere the court rolls make no references to alehouses, and much of the ale brewed was presumably for domestic consumption.¹¹⁴

Overall the tendency in the Northamptonshire manors studied was for commercial ale-brewing to be an economic activity undertaken by men from the more prosperous section of peasant society. In Broughton and Loddington the connection with manorial officials was strong throughout the period. In Geddington the general link between brewers and officials

¹⁰⁸ P. Clark, *The English Alehouse: a Social History 1200-1830* (London, 1983), p.22-23.

¹⁰⁹ E. Britton, *The Community of the Vill. A Study in the History of the Family and Village Life in Fourteenth-Century England* (Toronto, 1977), pp.26 and 246.

¹¹⁰ R.F. Hunnisett, ed., *Bedfordshire Coroners' Rolls*, Bedfordshire Historical Record Society 39 (1959), p.2

¹¹¹ M. Mate, *Daughters, Wives and Widows after the Black Death. Women in Sussex, 1350-1535* (Woodbridge, 1998), p.64.

¹¹² NRO M(B) Box X351B, Court Michaelmas 6 Ric. II; Box X386, Views Simon and Jude 50 Edw. III and 12th November 49 Hen. VI.

¹¹³ NRO SS 2108, Courts 25th October 35 Hen. VI ; SS 3472, Court 1st May 16 Edw. IV.

¹¹⁴ Dyer, *Standards of Living*, p.158 noted increased consumption of ale by fifteenth-century peasants.

was less marked, but there was a fairly small group of commercial brewers, whose composition changed over time, who dominated the trade and were also active both as manorial officials and in the acquisition of land. Brigstock, as Bennett acknowledged, was unusual in that its trade (and that of neighbouring Stanion) was dominated by women.¹¹⁵ Her suggestion that forest-related occupations deflected men from the trade may have been valid for an earlier period but it is unlikely that assarting, which she suggests as an example, was of significance in the fifteenth century. Whatever the reasons Brigstock did not produce a dominant group of commercial brewers. Many women brewed there but the majority did so primarily for household use and only occasionally and intermittently sold a surplus. Only in two villis can the existence of alehouses be demonstrated, and those appear after the middle of the fifteenth century.

The baking and retailing of bread is less fully recorded in manorial records. At Broughton, where the assize of ale was regularly enforced and the responsible officials were often designated as tasters of bread as well as ale, there is only one reference to a baker before 1455.¹¹⁶ At Loddington there is none although there, too, the officials were said to be responsible for bread as well as ale. Attempts by the crown to regulate the production and sale of bread date from at least the twelfth century, and from early in the thirteenth there was a general enforcement of the Assize of Bread, based on the standard loaf as measured against the weight of coins, priced in relation to the cost of grain: for example in 1202, when wheat was 8s.0d. a quarter, a white farthing loaf should have weighed 18s.0d.¹¹⁷ The enforcement of the assize, like that of ale, often rested at the level of the manor-court.

Bread was a staple of the medieval peasant's diet. Before the Plague full-time labourers had annual liveries as great as thirty-six bushels a year which would have provided five pounds of bread per day.¹¹⁸ Dyer also points out that during the later-fourteenth and fifteenth centuries peasants ate and baked more bread, rather than boiling grain in pottages.¹¹⁹ He further suggests that, during the fifteenth century, more wheat bread was consumed in the

¹¹⁵ Bennett, 'Village ale-wife', p. 26

¹¹⁶ NRO M(B) Box X386, View John Baptist 30 Edw. III, presentment of Robert Pipere.

¹¹⁷ R.H.Britnell, The Commercialisation of English Society, 1000-1500 (2nd edn Cambridge, 1996), p.94.

¹¹⁸ E. Miller and J. Hatcher, Medieval England .Rural Society and Economic Change 1086-1348 (London, 1978), p.160.

¹¹⁹ Dyer, Standards of Living , pp. 153 and 158.

countryside although in 1479 Richard Batley, a common baker in Broughton, was still producing barley bread and mixed other grains with it to its damage.¹²⁰

Given the high consumption of bread, and the assize being locally enforced, it is unclear why presentments at the manor court should not have been more frequent. Bennett suggests that baking could be adequately regulated by yearly presentments because it was a more stable industry. It required ovens which were expensive to buy and operate, and so became professionalized with most villages being provided for by only a few bakers.¹²¹ It is also the case that the lord of the manor often had a different vested interest in baking from his interest in brewing. The latter provided an income from informal licensing. Many peasants, however, owed suit to the lord's oven or common oven exactly as they owed suit to his mill. In the latter case unfree tenants owed a 'multure' of not less than 1/32nd of his corn taken for grinding as payment which, in the later Middle Ages, was worth six percent of the value of rents and services received by the bishop of Worcester.¹²² The perquisite of the common oven is likely to have been less valuable, but the prioress of Catesby continued to assert her rights in the matter in a customary attached to a court of 1412, in which the unfree tenants of Schopes were required to bake their bread at the common oven.¹²³

The decay of serfdom is likely to have brought to an end the lord's monopoly of baking, leaving all peasants, irrespective of their strict legal status, with the choice of baking their bread or purchasing it from a commercial baker. Bennett refers to the late medieval 'Ballad of a Tyrannical Husband' which lists baking bread among the multifarious tasks of the housewife, although Hanawalt cites archaeological evidence that internal ovens were uncommon in medieval England.¹²⁴

The decline of the common oven, presumably in the face of competition and the refusal of the tenantry to use it, can be traced at Schopes and Geddington. At Schopes, Geoffrey Brewster took the common oven in 1380 at an annual rent of 2s.0d. with a requirement to maintain it in good condition. Five years later Thomas Sklatyer took it for eight years at a slightly increased rent, but eleven years later it was presented that Agnes Slatyere, probably

¹²⁰ NRO M(B) Box X386, View 2nd November 19 Edw. IV.

¹²¹ Bennett, 'Village ale-wife', p.21.

¹²² Rigby, *Class Status Gender*, p.33

¹²³ TNA:PRO SC2/195/6 m. 12, Court 4th March 13 Hen. IV.

¹²⁴ J.M. Bennett, *Women in Brigstock*, p.116; B.A. Hanawalt, *The Ties that Bound. Peasant Families in Medieval England* (Oxford, 1986), p.40

Thomas's widow, held it but it was in ruins. Between 1410 and 1425 at least four other tenants took the bakehouse, surprisingly enough at increasing rents, but by 1426 it was again in ruins by the neglect of Thomas Redde. Thereafter it appears as ruinous in at least one rental before vanishing from the record with the rest of the vill.¹²⁵ A similar process took place at Catesby, and in 1431, the final year of the main court roll series at Catesby, Nicholas Hardy was presented for baking away from the common oven.¹²⁶ The manorial administration had not yet given up but the attempt to maintain the common oven was doomed. At Geddington the growth of competition with the official oven becomes clear. As early as 1390 it was ordered that all were to use the common bakehouse. Private ovens were to be destroyed but a year later Ralph and William Chaumpeneys were each amerced a half-mark for not having done so.¹²⁷ Subsequently there were a number of amercements imposed for withdrawal of suit from the common oven. In 1409 the farmer presented that John Chaumpneys had a bakery causing loss to the lady's bakery; two years later Richard Lord and Richard Thorn were presented as having an unlicensed common bakehouse, as were John Chaumpneys (again) and John Bamburgh.¹²⁸ The problem of the common oven then disappears from the court record, perhaps because a licensing system in which the common oven was a legal concept and not a unique building was found acceptable by those in the trade. The annual *finem*, which bakers tended to pay in contrast to the regular amercements of brewers, comprised, perhaps, the license of a building as well as licence to trade. John Bamburgh certainly re-appeared as a legitimate baker and may have paid for his premises to be licensed.

The most informative of the court rolls studied, about bakers, are those of Geddington and Brigstock. Geddington, between 1377 and 1423 was a vill in which baking was a male trade dominated by a few individuals: thirty-one bakers were presented, twenty-four were men and six of the women shared a family name with a male baker. The exception was Elena, a servant of William Chaumpneys who sold only once, in 1381. Perhaps she was attempting to

¹²⁵ TNA:PRO SC2/195/4 m.3, Court Luke 4 Ric. II; m.9, Court Purification BVM 8 Ric. II; 195/6 m.7, Court Conception BVM 8 Hen. IV; m.10, Court Easter 11 Hen. IV; 195/7 m.1, Court All Saints 2 Hen. V; 195/8 m.2, Court Laurence 3 Hen. VI; m.3, Court Luke 5 Hen. VI.

¹²⁶ TNA:PRO SC2 /195/8 m.8, Court Purification BVM 9 Hen. VI.

¹²⁷ NRO M(B) Box X351A, Courts 23rd December and 17th January 14 Ric. II.

¹²⁸ NRO M(B) Box X351B, Court Valentine 10 Hen. IV; Box X351A, View date lost but probably Spring 1411; Box 884, Court Laurence 12 Hen. IV; Box X351B, Court Dionysius 13 Hen. IV.

dispose of a household surplus or was party to an early Chaumpneys family attempt to enter the trade.¹²⁹

In particular the trade was dominated by two men, Thomas Lambard and Richard Wythyr, who were both also leading brewers.¹³⁰ Thomas was presented on thirty-four occasions before 1410 when Henry Lambard and, very occasionally, Elena Lambard replaced him. This replicates their brewing activities and the Lambard family were clearly prosperous food producers and retailers. Altogether members of the family were presented on forty-nine occasions as bakers. Richard Wythyr appeared forty-five times and appears still to have been in business when the roll series ends in 1423. The only other baker of comparable importance was Nicholas Bocher who did not appear until 1405 but was presented on nineteen occasions.¹³¹ All three men also brewed on a large scale, Nicholas rather less so than the other two, and Richard made and sold candles.¹³² They did not operate a cartel but no other baker was remotely as successful. It is also noteworthy that the unlawful bakers failed to establish themselves as lawful tradesmen. John Bamburgh tried to do so but appeared on only three occasions. The Chaumpneys family appears to have constituted a considerable network in the Brigstock/Geddington area but either they relinquished their unlawful bakeries or manorial officials ceased to present them.

At Brigstock the trade was one in which both men and women were regularly active, although the gender balance varied at different times between 1403 and 1504. Baking presentments, unlike those for brewing, were confined to the view, and from the only three views to have survived from between 1403 and 1416 seven bakers can be identified, although several names are lost.¹³³ Five were women, two were men and seventy-eight percent of presentments were of women. During the next twenty years men and women appear to have been equally engaged: fifteen bakers were identified of whom the two most prominent were Alice Hulle and John Grubbe. Overall women accounted for just over half of all presentments. During the period between 1440 and 1480, however, women appear to

¹²⁹ NRO M(B) Box X351A, View Michaelmas 5 Ric. II.

¹³⁰ Chapter 4, Table 4.16, p.212.

¹³¹ NRO M(B) Box X351A, View 6th October 8 Ric. II, first baking presentments of Thomas and Richard; Box X351B, View George 10 Hen. IV, Thomas's final appearance; Box X351A, View date lost but attributable to Autumn 1410, for Henry; Box 884, View Easter 1 Hen. VI, Richard's final appearance; Box X351B, View Philip and James 6 Hen. IV and Box 884, View Easter 10 Hen. V, Nicholas's first and last appearances.

¹³² NRO M(B) Box X351B, View 15th April 8 Hen. IV.

¹³³ NRO M(B) Box X366, Views 26th September 4 Hen. IV, Michaelmas 1 Hen. V and Michaelmas 4 Hen. V.

have dominated the trade.¹³⁴ Between 1440 and 1460 there were about twenty bakers of whom fifteen were women. Two, Agnes Fermory and Katerina Hawe, baked regularly during those years and together account for well over half of all presentments. Similarly, during the next twenty years numbers of female and male bakers were equal but almost sixty percent of presentments were of three women – Agnes Fermory, Joan Rednale and Margaret Conewey. Agnes, a member of a well-established local family, appears to have been a public baker for almost forty years. The last two decades of the fifteenth century saw a reversion to something like the fairly even gender balance of the period 1420-1440, but tilted now towards men. There were twenty-three bakers, eleven men and twelve women, but fifty-seven percent of presentments were of men.

A characteristic of the late fifteenth-century baking trade in Broughton and Geddington was the involvement of men from outside. This had not always been lawful: at Brigstock in 1414 John Hawe had been presented as having broken the assize because he had sold the bread of a baker from outside the vill. At Broughton, during the 1470's and 1480's, however, three men from Rothwell and two from Wellingborough, both urban centres, sold bread in Broughton. Richard Batley of Wellingborough appears to have been a wholesaler who baked bread and delivered it to Broughton where it was sold by a local man, William Stallworth. Richard was found to have mixed other grains with his barley for which he was amerced and William was amerced for selling the unlawful bread, but not because it had been brought from outside.¹³⁵ Similarly, an isolated view of Geddington in 1505 lists six male bakers, one of whom came from Brigstock and three from Kettering.

The picture of baking which emerges from the court rolls tends to confirm Bennett's view that it became a professional trade with only a small number of regular practitioners. As a result it acquired status and Whittle noted a Norfolk baker, John Bisshop of Scottow, who, despite having a landholding of thirty acres, chose, in his will of 1473, to identify himself as a baker.¹³⁶ It was not exclusively, however, a male-dominated trade as the career of Agnes Grubbe in Brigstock shows, but by the end of the fifteenth century some rural settlements

¹³⁴ M. McIntosh, *Autonomy and Community: The Royal Manor of Havering, 1200-1500* (Cambridge, 1986), p. 173, noted that, in the royal manor of Havering, a few women in the middle years of the fifteenth century began baking commercially which she characterises as a 'traditional male field'.

¹³⁵ NRO M(B) Box X386, Views 2nd November 19 Edw. IV, Martin 1 Hen. VII, 11th April 1 Hen. VII, Luke 3 Hen. VII and 6th December 4 Hen. VII.

were looking to nearby towns for their bread supply although it may still have been sold by a local retailer.

Employment and Wages

Peasants who undertook paid employment in the later Middle Ages may conveniently be divided into four groups. The first two – agricultural labourers and artisans – hired themselves out for wages on a casual basis or to undertake a specific task or both. The other two – *famuli* and servants – were attached to their employers on a more permanent basis, often for a year at a time.

It was a common practice for young people to live away from home as servants. Using evidence from York for the period 1303-1520 Goldberg found that considerable numbers of young people were to be found as servants between their mid-teens and mid-twenties, with the age of twenty-five being the normal upper age limit. They were mobile and, unless they were formally apprenticed, changed employers regularly.¹³⁷ His primary concern, however, has been with female servants and he has argued that in rural areas, especially where parents had land and capital, daughter tended to remain at home until marriage.¹³⁸ By implication rural servants were more likely, then, to be male. Recently Youngs has questioned whether the definition of servants, widely adopted by historians, to signify young, unmarried people hired for a long period by a master in whose household they were resident, is necessarily valid. She points out that contemporaries used the term in a broad sense to include day labourers, domestic or 'life-cycle' servants and as a synonym for *famuli*.¹³⁹ The Catesby Priory accounts, 1447-8, certainly includes three men in the list of *famuli* who are described as common servants.¹⁴⁰

Elements of the pattern which Goldberg discerned are, nevertheless, indicated in the fairly sparse information about servanthood yielded by the court rolls studied. They are mentioned

¹³⁶ J. Whittle, *The Development of Agrarian Capitalism. Land and Labour in Norfolk 1440-1580* (Oxford, 2000), p. 252.

¹³⁷ P.J.P. Goldberg, 'Marriage, migration and servanthood', in P.J.P. Goldberg, ed., *Woman is a Worthy Wight. Women in English Society c.1200-1500* (Stroud, 1992), p.5.

¹³⁸ P.J.P. Goldberg, 'For better for worse: marriage and economic opportunity for women in town and country', in Goldberg, ed., *Woman is a Worthy Wight*, p.122

¹³⁹ D. Youngs, 'Servants and labourers on a late-medieval demesne: the case of Newton, Cheshire, 1498-1520', *Agricultural History Review* 47 (1999), p.148.

¹⁴⁰ TNA:PRO SC6/946/21, Administrators' Accounts 26-27 Hen. VI.

in seven of the manors.¹⁴¹ Most were men, and of the fifty references in fifteenth-century Brigstock twenty-three arose from acts of violence involving other men, indicative, perhaps, of young men away from the influence of their families. At Brigstock, Broughton and Geddington there are eleven presentments of servants out of tithing which also suggests that they may well have come from outside and, at Broughton in 1465, John, the servant of William Pek, was specifically said to have been born in the North at Kendal.¹⁴²

Other presentments offer occasional glimpses into their working lives. They engaged in a range of agricultural work, often in the management of livestock. Several were presented for breaking the pinfold to retrieve strayed or distrained animals. Henry Weston, at Loddington in 1502, had tried to recover the sheep of his master William Hartysborne.¹⁴³ Whether his carelessness had caused the loss of the sheep in the first place or William wished to avoid direct confrontation with the manorial authorities is unclear. The few women mentioned are more likely to have been engaged in household activity like Elena, servant of William Chaumpeneys.¹⁴⁴ Little appears in the court rolls about their wages or other terms of employment, but at Lowick, in 1396, Petronilla, an *ancilla* of the Lord, entered a plea of debt against the executors of a former rector of Lowick, whose servant she had been. She claimed that she was owed 8s.0d by his estate, presumably for unpaid wages.¹⁴⁵ The case was settled by licence of concord, so it is not known what Petronilla was able to recover but it is notable that a female servant had sufficient confidence to pursue her claim.

In the High Middle Ages *famuli* had been the permanent manorial staff whose work, combined with the customary labour services owed by tenants and additional day-labour hired in the Autumn, had served to cultivate the manorial demesne and manage its livestock. At the end of the thirteenth century they commonly received between 2s. and 5s. in cash and between 4½ and 6½ quarters of cheap corn, barely enough to keep a family alive without income from land or a wife's employment.¹⁴⁶ Britnell takes the view that before the Plague

¹⁴¹ Brigstock, Broughton, Catesby, Cranford, Geddington, Loddington and Lowick.

¹⁴² NRO M(B) Box X386, View 10th May 5 Edw. IV.

¹⁴³ NRO YO 367, View 23rd May 17 Hen. VII.

¹⁴⁴ Page 218.

¹⁴⁵ NRO SS 2543, Court Annunciation 19 Ric. II.

¹⁴⁶ Dyer, *Standards of Living*, p. 133.

the earnings of a *famulus*, although to some extent protected by custom, would have left little margin for purchase of manufactures.¹⁴⁷

Farmer argued that after the Black Death *famuli* generally did less well than day-wage or piece-rate workers.¹⁴⁸ He also noted that enforcement of the Statute of Labourers bore down severely on them and Dyer and Penn have pointed out that behind this was the influence in the courts of the gentry and demesne farmers eager to bind the *famuli* to their obligations.¹⁴⁹ By the 1390's the *famuli* on most manors of the bishop of Winchester received no more cash and, perhaps, less grain than their predecessors fifty years earlier: typically a carter received 4s 0d, a ploughman the same or rather less and a dairyman only 2s 0d. In contrast, however, on the manors of Ramsey abbey, they had secured some improvements: before the plague most *famuli* there had received 3s 6d but by 1396 those at Slepe had 6s 0d and, at Abbot's Ripton, 10s 0d. There were also improvements at the manors of Battle abbey, for example at Apuldram where, by 1385, the ploughman and the carter were receiving 8s 0d and 10s 0d respectively.¹⁵⁰ Also in the south of England, Mate has shown that by 1391-2 at Otford, a manor of the archbishop of Canterbury, the carter, ploughman and shepherd each received 10s 0d.¹⁵¹

The payments cited come from great estates. In contrast the only late-fourteenth century comparison available from the Northamptonshire manors studied is the gentry manor of Maidwell. Evidence of *famuli* from the broken series of the late-fourteenth century account rolls is summarized in Table 4.20.¹⁵² It indicates that the few Maidwell *famuli* employed for a full year were generally better off than their peers in some other parts of England in the post-plague years. In 1351-2 the three Maidwell ploughmen received significantly more cash than those employed by the bishop of Winchester or the abbot of Ramsey; and the dairyman at Maidwell received more than two and a half times as much as a typical dairyman on a Winchester manor.

¹⁴⁷ Britnell, *Commercialisation*, p.125

¹⁴⁸ D.Farmer, 'Prices and wages', p.480

¹⁴⁹ S. Penn and C. Dyer, 'Wages and earnings in late medieval England; evidence from the enforcement of the labour laws', in C. Dyer, *Everyday Life in Medieval England* (2nd edn London, 2000), p.175.

¹⁵⁰ Farmer, 'Prices and wages', pp.480-1

¹⁵¹ M. Mate, 'Tenant farming: Kent and Sussex', p.696

¹⁵² NRO FH 481, Bailiff's Accounts 25-6 Edw. III; FH 482, 7-8 Ric. II; FH 1627, Purification BVM 9 Ric. II-Michaelmas 10 Ric. II; FH 475, 10-11 Ric. II.

Table 4.20

Payments to *Famuli* in Late-Fourteenth Century Maidwell

Year	Job	Period of Employment	Individual Stipend
1351-2	Ploughman (3)	Year	7s 0d
	Driver (2)	Year	5s 3d
	Dairyman	Year	5s 3d
	Shepherd	April- Michaelmas	4s 2d
1383-4	Neetherd	May-September	5s 6d
1386	Keeper of Beasts	February –Hockday	6d
	Pig Keeper	February-Hockday	1s 8d
1386-7	Carter (2)	Year	13s 4d
	Keeper of Beasts	Michaelmas-Hockday	4d
	Keeper of Beasts	Lammas-Michaelmas	10d

Another small group, designated *famuli* in the Maidwell account rolls, was hired for less than a year. Both at Maidwell and, later, at Catesby, several short-term hirings are accounted for as *famuli* rather than day labourers. Three of the short-term appointees at Maidwell, see Table 4.20, were well paid. The shepherd was said to have been paid no more because he also guarded other sheep, but if his stipend for twenty-two weeks between 25th April and Michaelmas 1352 is converted into an annual sum he earned almost 10s 0d a year, twice as much as the shepherd at the Battle abbey manor of Clopham, and a sum not achieved by the shepherd at Otford until 1391-2.¹⁵³ The pigman, similarly, would have earned 7s 6d in 1386 which is likely to have been more than he would have earned on a Ramsey abbey manor although it was a good deal less than the 11s 0d the pigman at Barton in Kent was earning by 1406.¹⁵⁴ The payment of the *netherd*, when converted to annual sum, was in excess of 14s 0d or, converted to a day-rate, a great deal more than the 1d a day for reaping paid to his wife Cristina. The sums paid to the keeper of the beasts were, in contrast to those paid to other *famuli*, derisory. Perhaps they were a seigneurial contribution to the cost of guarding the cattle of both lord and tenants.

Catesby is the only manor studied for which fifteenth-century evidence of *famuli* has survived. Account rolls from between 1414 and 1424 record only the total annual payment to

¹⁵³ Farmer, 'Prices and wages', p.481; Mate, 'Tenant farming: Kent and Sussex', p.691

¹⁵⁴ Farmer, 'Prices and wages', p.480; Mate, 'Tenant farming: Kent and Sussex', p.691

famuli.¹⁵⁵ Those from between 1443-4 and 1453-4 are more informative.¹⁵⁶ Table 4.21 summarizes the information about those who appear to have been employed for a full year as *famuli*. This has necessitated extraction of specifically agricultural employees from the accounts where the term is not employed consistently. It was not used at all by the administrators of the priory in their 1443-4 accounts which listed the stipends of officials and servants in order, perhaps, of their social status, beginning with Richard Willoughby, steward of the court and supervisor of the priory's lands and tenements, and ending with Nicholas Skynner, keeper of the ewes. In contrast, a section of their 1447-8 accounts, headed stipends of *famuli*, includes the vicar of Badby, confessor to the house, and Henry Farndon, deputy to the administrators. In the following year Henry again appears in the list of *famuli* together with three chaplains paid for celebrating mass.

Table 4.21 shows that between 1443 and 1454 cash payments made to a number of *famuli* declined. The household baker and brewer, the barn reeve, the keeper of the carts, the best-paid ploughman, the oxman and the cowherd all appear to have suffered a reduction in stipend. The pigman achieved a very modest increase of 4d having suffered a noticeable reduction between 1444 and 1448 and, by 1454, those responsible for the demesne flock were receiving a little more cash, perhaps a reflection of the growing importance of sheep-rearing on the estate. The keeper of the mill appears to have become better paid although, in 1448-9, he was employed for a half-year only and the stipend shown has been rounded up for purposes of comparison. All those listed in the 1453-4 accounts also received clothing and were *ad mensam domini*; the situation is less clear in previous years. The husbandman of 1454 was noticeably better paid than the best-paid of the three common servants of 1448 and there is, perhaps, a suggestion in the accounts for 1453-4 that Catesby *famuli* were being expected to undertake a wider range of tasks; no fewer than seven of the sixteen men listed for that year in Table 5.21 were specifically expected to undertake other work in addition to that in which they were, presumably, particularly skilled.¹⁵⁷ The husbandman, in those circumstances, was, perhaps, able to command an improved stipend. It is to some extent

¹⁵⁵ TNA:PRO SC6/946/16-19, Prioress's accounts 2-3 Hen. V, 3-4 Henry V and 4-5 Hen. V; Procurator's accounts 1-2 Hen. VI and 2-3 Hen. VI.

¹⁵⁶ TNA:PRO SC6/946/20-22, Administrators' accounts 22-23 Hen. VI, 26-27 Hen. VI and 27-28 Hen. VI; SC6/946/24, Minister's accounts 27-28 Hen. VI; SC6/947/1, Receiver's and Bailiff's accounts 32-33 Hen. VI.

¹⁵⁷ Youngs, 'Servants and labourers', p.151 found evidence, at Newton in Cheshire, at the end of the fifteenth century, that work responsibilities were shared and overlapped.

speculative what he might have earned as a day labourer. Dyer and Penn tended to stress the advantages of working as a day labourer. In their model of the late-fourteenth century labourer they suggest that some two-hundred working days would have been available from haymaking (20), harvest (40) and threshing and other winter tasks (140).¹⁵⁸ If Robert Grey, the husbandman listed in the Catesby accounts of 1453-4, had found such work at the rates prevailing there in the middle of the fifteenth century he would have earned 6s 8d from haymaking, and 10s 0d from the harvest; his winter earnings are more problematic as threshing was usually paid by the quarter varying from 3d for corn to 2d for oats but occasional examples give a day rate of 2d which Robert would have had to undertake for only fourteen days to have achieved, in total, the cash equivalent of his stipend of 19s as a *famulus*.

On the other hand the priory provided clothing and food although no value for this is given. Overall it appears possible that Robert could have increased his cash earnings by working as a day labourer, but Catesby did not thrive and he might well have had to become itinerant in order to achieve such earnings. Robert, as an individual, prospered as a *famulus*. In 1447-8 when he was hired for the ploughing for 7s 2d; in the following year he was paid 12s 11d for ploughing and other works and, as already indicated, he was by 1453-4 receiving 19s 0d as a husbandman. As Farmer suggested, in years of bad harvest such as 1401, 1438 and 1482 the *famulus* living *ad mensam domini* 'might still be the most fortunate of villagers'.¹⁵⁹

The fortunes of Robert Grey suggest that for some men a succession of contracts with the same employer was the preferred way of earning a living. There are other examples in the Catesby account rolls. In 1414-15 four men received grain allowances. One was Nicholas Hardy. He re-appears in 1443-4 as the barn reeve, four years later as a common servant and 1448-9 was the oxman. Nine men can be traced as *famuli* through the accounts for 1447-8, 1448-9 and 1453-4. Most were employed for the full year, but in each year there were those who, in modern terms, were probably on short-term contracts. Some individual *famuli* may have been retained to work for the priory when required but otherwise remained free to undertake other work. In 1414-15 William Meykyn was not described as a *famulus* but he

¹⁵⁸ Penn and Dyer, 'Earnings' p.183.

¹⁵⁹ Farmer, 'Prices and wages', p. 494.

Table 4.21

Famuli and their Stipends in Fifteenth-Century Catesby

1443-4	Stipend	1447-8	Stipend	1448-9	Stipend	1453-4	Stipend
Baker/Brewer	£1 11s 8d	Baker/ Brewer	£1 6s 8d	Baker/ Brewer	£1 10s 0d		
				Dairyman	13s 6d	Dairywoman	12s 0d
				Maltman	9s 3d		
Mill Keeper	16s 0d			Water Mill Keeper	£1 6s 8d		
Barn Reeve	£1.2s.0d	Barn Reeve	£1 6s 8d	Barn Reeve	£1 6s 8d	Keeper of the Barns	£1 0s 0d
		<i>Bigatorus</i>	£1 0s 0d	<i>Bigatorus</i>	£1 0s 0d	Keeper of the Carts	16s 0d
				Carter	£1.0s 0d	Carting/Other Husbandry	£1 1s 0d
						Plough Repair/Other Work	£1 2s 0d
						Plough Repair/Other Work	£1 0s 0d
Ploughman	19s 0d	Ploughman	£1 3s 4d	Ploughman	£1 1s 4d	Ploughing/Other Work	£1 2s 0d
Ploughman	18s 0d	Ploughman	11s 2d	Ploughman	£1 0s 0d	Ploughing/Other Work	£1 0s 0d
Ploughman	15s 0d	Ploughman	7s 4d	Ploughman	12s 11d	Ploughing/Keeping Oxen	15s 0d
				Ploughman	10s 1d	Ploughing/Other Work	13s 4d
				<i>Agillarius</i>	£1 0s 0d		
Oxman	14s 0d			Oxman	8s 8d		
Cowherd	16s 0d			Keeper of Cows	16s 0d	Keeper of Cows	13s 4d
Keeper Wethers	16s 0d	Keeper of Sheep	18s 1d	<i>Shepereve</i>	13s 4d		
Keeper Ewes	16s 0d			Keeper of Ewes	18s 0d	Keeper of Ewes	18s 0d
						Keeper of Rams	19s 0d
Keeper of Pigs	14s 8d	Keeper of Pigs	10s 0d	Keeper of Pigs	11s 8d	Keeper of Pigs	15s 0d
		Smith	10s 0d	Smith	10s 0d	Ironwork	10s 0d
		Servant	14s 6d			Husbandman	19s 0d
		Servant	7s 0d			Winnowing/Other Work	12s 0d
		Servant	3s 6d				

was paid 8s 0d per annum *pro arte sua* as a cooper. The smith, between 1452 and 1454, described as a *famulus*, was John Davy of Staverton. His home vill is only a mile from the likely site of the priory and John may have practised his trade there while retained by the priory.

What led some individuals to accept annual contracts rather than day work when day-wages were generally high will have varied with local circumstances. Historians have also instanced social factors. Dyer has pointed out that the relationship between lords and their *famuli* will have been informed by paternalism, signalled in the accounts by gifts and tips, on one side and deference on the other.¹⁶⁰ Youngs, considering a small non-manorial estate in Cheshire at the end of the fifteenth century, suggests that the owner's being local and part of his employees' lives may have been an element in his capacity to retain staff. Their deference was such that some of them may even have been prepared to commit crime on his behalf and at his orders.¹⁶¹ The Catesby account rolls do not provide the evidence to develop social arguments, although there were instances of gifts to *famuli*: John, the baker and brewer was given a pair of shoes valued at 8d in 1443-4. On the other hand economic decline locally must have reduced opportunities for employment and the attraction of paid work for a year, to which was sometimes added clothing and food would not have been inconsiderable. Allowances of corn, peas and oats are mentioned in 1416, the cowherd and keeper of the wethers received corn and peas in 1443, and £1 14s 4d was spent on *walsherusset* for clothing *famuli* in 1448.

This section began by distinguishing between contracted employees – servants and *famuli* – and wage-earners employed by the day or to undertake a specific task. The latter group is considered next. Statutory regulation of labour was the responsibility of the justices, but two instances have been found in the manors studied when the view of frankpledge took action in respect of waged employment. At Geddington in 1390 William Wymorrson was presented for having worked in the Autumn outside the vill, contrary to the statute and was amerced 6d and, at Brigstock in 1460, Robert Kne, William Olyver and John Glenton were each amerced 4d because between the 25th March and 3rd May they had taken 2d per day contrary

¹⁶⁰ C. Dyer, 'Changes in diet in the late Middle Ages: the case of the harvest workers', in Dyer, *Everyday Life*, p. 97.

¹⁶¹ Youngs, 'Servants and labourers', pp.159-161.

to the statute.¹⁶² It is uncertain why these isolated presentments came to the attention of the view, but Dyer and Penn have drawn attention to the likelihood that personal jealousies and animosities may have been factors in bringing labour cases before the justices.¹⁶³ The only other manor-court reference to wages is a document attached to the Geddington courts of 1405-6 which lists payments made to John Remeway of Laxton for carting hay and grain.¹⁶⁴

Dyer and Penn have provided a valuable examination of the judicial evidence derived from cases under the labour laws about wages and earnings after the Plague.¹⁶⁵ They say that at least one-third of the population of late medieval England gained their livelihood, wholly or in part, from wages. They suggest, moreover, that certain aspects of wage earning revealed by the judicial evidence are not unique to the immediate post-plague period but reflected normal employment patterns in late medieval society. In many parts of England people pursued a variety of occupations and individuals were flexible in their approach to seeking employment. Many people were notably mobile, and middlemen were to be found acting as employment agents.

A trend towards short-term employment as the preferred option of many workers was also found, although manorial accounts and the poll tax returns continue to reveal many thousands of servants and *famuli*. Where comparison is possible wages were not only paid in many different forms but their value varied greatly even within counties. The movement of daily rates over time, however, was upwards, and in real terms it is possible to envisage a labourer's household c.1400 having a total income in excess of £4 0s 0d at a time when a family's supply of bread and wheat with some ale could have cost as little as £2 0s 0d.

Information about cash payments to agricultural labourers and craftsmen in the manors studied is restricted, like that about *famuli*, to late-fourteenth century Maidwell and fifteenth-century Catesby. It is summarized in Tables 4.22 –4.25. The overall impression from the available evidence is that Northamptonshire wage rates were low in comparison with those paid in some other parts of the country particularly on large estates from which much of the previously published evidence has been taken.¹⁶⁶

¹⁶² NRO M(B) Box X351A, View 1st October 14 Ric. II and Box X366, View 21st April 38 Hen. VI.

¹⁶³ Penn and Dyer, 'Earnings', p.171

¹⁶⁴ NRO M(B) Box X351B, eight membranes stitched together, Courts of 7 Hen. IV.

¹⁶⁵ Penn and Dyer, 'Earnings', pp.167-189.

¹⁶⁶ The comparisons between the Catesby and Maidwell payments and those found elsewhere are based on Farmer, 'Prices and wages', pp. 436-478 and Dyer, *Standards of Living*, Table 18, p. 215.

Overall, Farmer said, comparing the period between 1300 and the Black Death with the first half of the fifteenth century, the cost of harvesting had increased by sixty percent, and threshing and winnowing by seventy.. Building costs had also risen sharply, thatching by ninety-eight percent and carpentry by fifty-eight. If those broad increases are reflected in the Catesby wage-rates between 1443 and 1454 (see Tables 5.24 and 5.25 piecework rates and craftsmen’s wages) pre-plague wages there may have been as low as 1¾d per quarter for threshing, less than 2d a day for carpentry and 1¾d for roof work. In contrast, Farmer has calculated a figure for threshing before the plague in excess of 5d, the Statute of Labourers allowed master-carpenters 4d and others 3d, and the normal payment for a thatcher before 1348, on the manors of the bishop of Winchester, was 3d with his helper paid 1d-1½d. Northamptonshire wage-earners may, therefore, have started from a low base in the post-plague years and there is no evidence, on the manors studied, that they caught up.

Table 4.22

Day Rates of Agricultural Labourers in Late-Fourteenth Century Maidwell

Year	Task	M/F	Rates	Modal Rate
1351-2	Hoeing and Weeding	Men	1d	1d
	Reaping, Gathering and Binding	Men	3d	3d
	Carrying Peas	Men	3d	3d
	Gathering straw	Women	1 ½ d-1d	1 ½ d
1383-4	Mowing Herbage	Men	8d-6d	8d
	Lifting/Stacking Mown Herbage	Men	1d	1d
	Binding Sheaves	Men	2d	2d
	Harvesting Peas	Men	5d	5d
	Reaping and Binding	Women	3d	3d
	Reaping	Women	3d-1d	3d
	Winnowing	Women	1d	1d
1386-8	Mowing for Haymaking	Men	4d	4d
	Lifting/ Stacking Hay	Women	1d	1d
	Lifting/Stacking Hay and Weeding	Women	1 ½ d	1 ½ d

Table 4.23

Day Rates for Agricultural Labourers in Fifteenth-Century Catesby

Year	Task	M/F	Rates	Modal Rate
1414-24	Making Sheepfold	Men	3d-2d	-
	Making Enclosure	Men	1 ½ d	1 ½ d
	Stubble Gathering	Women	1d	1d
1443-54	Hired at the November Ploughing	Men	1d	1d
	Repairing/Digging Ditches	Men	5d-2d	-
	Cutting Brushwood	Men	2d	2d
	Collecting Peas	Men	2d	2d
	Threshing (sic) Peas	Men	1d	1d
	Sheep Washing	Men	2d	2d
	Mowing Hay	Men	4d	4d
	Reaping Corn	Men	3d-2d	-
	Binding/Collecting Sheaves	Men	2d	2d
	Mowing (sic) Barley	Men	4d	4d
	Reap Corn/Bind Barley Sheaves &			
	other Autumn Work	Men	3d-2d	3d
	Loading Wagons	Men	3d	3d
	Autumn Works	Men	2d	2d
	Work at Harrowing/Barley sowing	Women	1d	1d
	Lifting Hay	Women	1d	1d
	Reaping Corn	Women	4d-3d	3d
	Binding/Collecting Sheaves	Women	2 ½ d- 1 ½ d	2 ½ d
	Reap Corn/Bind Barley Sheaves &			
	other Autumn Work	Women	2d-2d	

Table 4.24

**Agricultural Labourers' Piecework Rates in Late-Fourteenth Century Maidwell
and
Fifteenth Century Catesby**

Manor/Date	Task	M/F	Unit of Work	Rate
Maidwell				
1383-4	Pick/Tie-up Peas	Men	Acre	5d
	Harvesting Drage	Men	Acre	5d-7d
	Harvesting Oats	Men	Acre	5 ½ d
	Threshing	Men	Quarter	3d
Catesby				
1414-24	Threshing Corn	Men	Quarter	4d-3d
	Threshing Barley	Men	Quarter	2d
	Threshing Oats	Men	Quarter	2d
1443-54	Making a Hedge	Men	Perch	4d-3/4 d
	Making/Repairing			
	Ditches	Men	Perch	5d-2d
	Hoeing/Weeding Barley	Men	Acre	3d
	Hoeing/Weeding Barley	Women	Acre	2d-1d
	Hoeing/Weeding Corn	Men	Acre	2 ½ d
	Cutting Straw	Men	Acre	3d-2d
	Threshing Corn	Men	Quarter	3d-2d
	Threshing Barley	Men	Quarter	2d

Table 4.25

Craftsmen's Wages in Late-Fourteenth Century Maidwell and Fifteenth Century Catesby

Manor	Date	Trade	Day Rates	Modal Rate
Maidwell	1351-87	Carpenter	5d-2d	2d
		Carpenter's servant	4d- ¾ d	
		Mason	3d	
		Roofer	2d	
		Roofer's servant	1 ½ d	
Catesby	1414-24	Carpenter	3d-2d	2d
		Lead Worker	6d-3d	3d
		Mason	3d-2d	2d
		Roofer/Slater/Thatcher	3d-2d	2d
		Tiler	2 ½ d	2d
	1443-54	Carpenter	4d-2 ½ d	4d/2d
		Lead Worker	6d-4d	
		Mason	4d-2d	3d
		Roofer/Slater/Thatcher	5d-1 ½ d	2 ½ d
		Tiler	4d-3d	4d
		Labourer (building)	2d-1 ½ d	

Rates of pay related to units of work were presumably calculated so as to incur no greater expense to the lord than day rates. If so, a comparison of the harvesting payments at Maidwell in Tables 4.23 and 4.24 suggests that the acre there may have represented something more than a day's work. Comparatively such rates at Maidwell were also low: in the 1380's when men there were paid 5d-7d per acre for harvesting, the bishop of Winchester's men received 14d-18d. Relatively, mowing may have been rather better paid in late-fourteenth century Maidwell although the comparisons are between day-rates and rates per acre. The Statute originally prescribed 5d per acre as the maximum but by the 1380's Battle Abbey manors were paying 8d. At Maidwell a day-rate of 8d in 1384 had fallen to 4d four years later and exceptional weather may, perhaps, have accounted for the higher payments. By the mid-fifteenth century at Catesby, see Table 4.23, mowers still received a daily payment of only 4d.

Northamptonshire craftsmen, too, may have received less cash than their contemporaries elsewhere. The accounts do not reveal when their work was done and it was not unusual to pay less for a short Winter working day than a long Summer day so that a limited number of entries from a small number of accounts is unlikely to tell the whole story. Nevertheless a comparison between the figures in Table 4.25 and others compiled by Dyer is indicative.¹⁶⁷ In late-fourteenth century Maidwell a roofer and his servant earned, together, 3½ d per day whereas generally such a team was paid between 5½ d and 7d. During the first quarter of the fifteenth century a roofer at Catesby was paid 2d-3d per day but elsewhere could command 4¾ d. Round about 1450 the general figure was 5½ d but only once was a Catesby roofer paid as much as 5d. and 4d-3d was more usual. An occasional unusually high payment may always have been explicable in terms of an emergency following storm damage.

Only the carpenter's rates at Maidwell in the late-fourteenth century, see Table 4.25, appear on occasion to have approximated to rates paid elsewhere, but that too may have been as the result of an emergency. A carpenter from Welford, six miles north-west of Maidwell, came for eleven days in 1383-4 to repair a building and make a new barn door. He was paid 5d per day and his servant received 4d. Other carpenters at Maidwell received less than the Statute allowed, which remained the case at Catesby in the first half of the fifteenth century.

Day workers and craftsmen were also sometimes provided with food, normally indicated in the Catesby accounts by the phrase *ad mensam*. Its value is uncertain. In 1448-49 Margery Lyllburn, Emma Bene and Joan Frende were hired to collect and bind sheaves of barley. Margery was employed for twenty-four days *ad mensam* and paid 2d a day. The others worked for shorter periods for 2½d a day but were not said to be *ad mensam*. The ½d differential may, therefore, be the value put on the food provided. On the other hand the same accounts have two women and three men hired to reap *frumentum* for a week. The highest paid, at 3d a day, were the women and one of the men, but only the women were *ad mensam*.

Farmer says that agricultural wages were 'in the shadow of manorial custom' and at Catesby numerous small differentials may reflect local custom, possibly the knowledge that certain parts of the fields were more difficult to work than others. In 1453-4 William Southam mowed forty-seven and a half acres of stubble in *langrygge*, receiving 3d per acre

¹⁶⁷ Dyer, Standards of Living Table 18, pp.215.

for seven acres but only 2d for the remainder. Differentials were not consistently maintained between men and women. In the 1453-4 accounts two women were among the best paid of a gang of reapers but, in a gang including a man and three women hoeing and weeding barley, the man and two women working together were each paid 3d per acre but the third woman was paid only 2d per acre for six and a half acres and 1d for another three and a half. At Maidwell outsiders were sometimes paid less: in 1383-4 Agnes Carter, said to be from outside, was paid 1d per day for reaping whereas Sarra, wife of John Whithed a local man, received 3d.

Women workers were a significant element in the fifteenth-century work force at Catesby. They also illustrate the point emphasised by Dyer and Penn that late medieval agricultural workers changed jobs and turned their hand to a variety of tasks.¹⁶⁸ Thirty-six women can be identified in the fifteenth-century accounts as employees of the priory and manor. Seven were *famuli*, and twenty-nine were hired on the basis of day wages or piecework of whom two, Elena Bradwell and Emma Bene, were employed in both capacities. Elena was *famula* when she milked cows for two months in the Autumn of 1448 but in 1449 she harvested barley at 2d per day. Similarly, Emma was *famula* in respect of six days in the Spring of 1454 when she repaired ploughs with two men. The accounts for 1448-9 and 1453-4, however, show her to have been employed by the day at various tasks: hoeing and weeding barley, reaping corn, binding and collecting sheaves, and hauling straw for men re-roofing the cowhouse and ox-house.

Some individuals worked both as both craftsmen and agricultural workers. William Breuster of Catesby is never described as a tiler, slater or thatcher, but was paid for roofing work, in 1414-15, 1415-16, 1422-23 (when he had other men working for him) and 1423-4. In 1415-16 he also threshed 141 quarters of grain and, in the following year, seventy-two. In 1443-4 he worked as a hedger and ditcher, and in 1447-8, he was paid for cutting brushwood. Perhaps by then age and infirmity prevented him climbing on roofs.

Mobility of labour is well attested in the late Middle Ages and this section concludes with an assessment of how far it can be identified at Maidwell and Catesby.¹⁶⁹ The evidence for the movement of agricultural labourers is limited, but nevertheless shows that some itinerant

¹⁶⁸ Penn and Dyer, 'Earnings', pp.172-3.

¹⁶⁹ P.R. Schofield, *Peasant and Community in Medieval England, 1200-1500* (Basingstoke, 2003), pp.154-5 provides a recent summary.

workers travelled significant distances. The men of Oxendon who mowed hay at Maidwell in 1387-8 had travelled less than two miles but four years earlier two (unnamed) men had come over twenty miles from Oakham in Rutland.

Catesby, in the middle of the fifteenth century, attracted itinerant workers from Coventry, at least sixteen miles away. As many as sixteen individuals from the city may have been employed there as temporary agricultural workers between 1443 and 1454. The number is reduced if William Barkers, who threshed in 1443-4 was the same man as William Baker, a thresher in 1447-8; similarly 'four men called Cokers' and 'a man called Coker' in 1447-8 may have included John Coke and Nicholas Coker who reaped barley in 1453-4. During the same period three men came from Northamptonshire settlements: Weedon (six miles), Northampton (fourteen) and Braybrooke (twenty-one). Thomas Wryght came from Warwick (fourteen miles); and two others came respectively from Kyllingworth and Hornburgh which have not been identified.

Between 1414 and 1424 none of the craftsmen who appear in the Catesby account rolls is said to have come from outside the vill. During the decade 1443-1454, however, twenty-one of the fifty-five craftsmen named in the accounts came from outside. Another three were textile workers in Coventry where cloth was taken from the priory for fulling and dyeing. The outsiders' home vills and the approximate distance of each from Catesby appear in Table 5.26. Two outsiders appear to have moved home at least once, possibly to improve their work opportunities. John Colermaker, who made and repaired horse-collars, is identified in the accounts initially as being from Maidford, Northamptonshire, but later he appears to have moved sixteen miles north to Newbold on Avon in Warwickshire. Similarly Richard Plomer, a plumber and worker in lead, who appears in the accounts on five occasions, initially came from Daventry in Northamptonshire but later moved to Warwick, an administrative centre with more churches, where work may have been more plentiful. Others, like Thomas Willowses of Duston, now part of Northampton, appeared only once in the accounts but overall the evidence of work mobility, although not essentially different from what has been identified elsewhere, is remarkable.¹⁷⁰

¹⁷⁰ See, for example, Penn and Dyer, 'Earnings', Table 9.1, pp.176-7.

Table 4.26

Settlements from which Craftsmen went to Catesby for Work, 1443-1454

Settlement name	County	Distance from Catesby in miles	Number of Visiting Craftsmen
Coventry	Warwickshire	16	1
Warwick	Warwickshire	14	4
Duston	Northamptonshire	12	1
Newbold on Avon	Warwickshire	11	1
Bilton	Warwickshire	9	1
Heyford	Northamptonshire	8	1
Maidford	Northamptonshire	7	1
Ashby St Leger	Northamptonshire	6	1
Charwelton	Northamptonshire	6	1
Chipping Warden	Northamptonshire	6	1
Boddington	Northamptonshire	5	2
Byfield	Northamptonshire	4	1
Daventry	Northamptonshire	4	2
Priors Marston	Warwickshire	2	1
Staverton	Northamptonshire	2	1
Hellidon	Northamptonshire	1	1

The priory was close to the Northamptonshire-Warwickshire border and craftsmen came from both counties but of the places from which they came only Duston and Heyford lie east of the Watling Street. The informal boundaries of the area in which they looked for work may well have been more restricted than those of the agricultural workers.

The peasants resident or working on the Northamptonshire manors included in this study are likely to have shared to some degree in the greater prosperity generally enjoyed by members of their class during much of the fifteenth century. Some made modest increases to the size of their land holdings, but there is no clear evidence of substantial landholding families emerging from the ranks of the virgater elite. They continued to grow a range of crops on their land but only in Catesby, differently orientated from the other manors, is there a suggestion of the growing importance of wheat, and elsewhere it is possible that barley

bread may still have been common. Ale was probably brewed everywhere although the evidence for it survives in only a few vills. Except at Brigstock commercial brewing continued to be a largely male occupation, often linked with office-holding and membership of the village elite. With occasional exceptions baking, too, was a male occupation and the beginnings can be seen of a distinction between wholesale production of bread as an urban activity with smaller-scale production and retailing remaining in villages. Cash earnings, with the exception of a handful of late-fourteenth century *famuli* at Maidwell, seem to have been below what could be earned in some other parts of England so that for day-labourers and craftsmen alike their rewards were modest.

Chapter 5

Conclusions: The Effectiveness of the Manor Court

This chapter reviews the evidence overall for manor courts remaining effective and continuing to have a significant impact on rural life in Northamptonshire until the end of the fifteenth century, part of this being the relative extent to which they served the interests of manorial tenants and not merely their lords in the later Middle Ages.

The manor court was the lord's court and originated as an instrument to enforce his rights of lordship. It was not a disinterested assembly at which it was intended that the local economy could be regulated and social norms enforced on behalf of the local community. The territorial structure of some manors would not always have facilitated such a function but, in any case, the primacy of the lord's interests was a given in the early manor court. On the other hand the lord did not exercise arbitrary authority and important decisions of the court had always been mediated by the custom of the manor. Custom sometimes regulated relatively minor matters, and pannage at Kelmarsh is an example.¹ More importantly it regulated the holding of land in unfree tenure. In common law such land was the lord's and tenants held only at his will but in practice many aspects of its tenure, inheritance, the minority of an heir and a widow's dower for example, were regulated by the custom of the manor and matters in dispute were referred to a manor-court jury for confirmation of local custom. Poos and Bonfield recently found little evidence of the lord being active in the process of determining custom in areas unrelated to his concern.² On a day-to-day basis custom might be seen as expressing the *modus vivendi* established locally between the lord and his tenants, which might be modified over time depending on changing social and economic circumstances and so, to that extent, the interests of tenants and suitors might be well served by the manor court. Whittle has commented that, 'ultimately the manor was worth very little to the lord without tenants'.³

In the royal manors, seigneurial influence was clearly more remote than in the gentry manors and those of the prioress. McIntosh found that at Havering as early as 1352 the lord

¹ Chapter 4, p.197.

² L.R. Poos and L. Bonfield, Select Cases in Manorial Courts 1250-1550. Property and Family Law, Selden Society 114 (1998), p. lxxi.

³ J. Whittle, The Development of Agrarian Capitalism. Land and Labour in Norfolk, 1440-1580 (Oxford, 2000), p. 29.

and his interests were 'virtually absent'. The jurors exercised their own judgement in deciding which facts and problems to bring to the attention of the crown in relation to those topics which crown officials wished to have considered, and the crown had no claim there to such rights as *merchet*, *leyrwite*, labour services or payment for permission to leave the manor.⁴ To a considerable extent this was the case in Brigstock and Geddington. Neither labour services nor departure from the manor were ever matters of concern there, in contrast to several of the gentry manors, and although some modest labour services were recorded at Geddington little more than twenty years before the Black Death there is no evidence they were enforced during the period studied.⁵ Similarly, Bennett makes no reference to *merchet* being levied in Brigstock, and there is none in the fifteenth-century court rolls, although an isolated court of 1353-54 records three payments of *leyrwite* of 6d each.⁶ The relative freedom from seigneurial demands enjoyed by the tenants of Brigstock and Geddington may well have meant that the business of the manor court reflected largely tenant interest; they elected officials at view of frankpledge and in some cases, the hayward and the pig-keeper, and were responsible for paying their stipends.⁷ Both manors, however, were market villages rather than towns and neither was likely to develop as a chartered liberty as did the royal manor of Havering in the later fifteenth century.⁸

Land transfers, and other matters relating to tenure regulated by the court, were of fundamental importance to lord and tenant.. Raftis emphasised that lords were jealous of their jurisdiction over customary land transfers and found that the abbots of Ramsey were reluctant to allow such land to pass into the hands of free men, or even the unfree from outside, since either circumstance jeopardized manorial control.⁹ During the fifteenth century, however, as villein land evolved into copyhold land, albeit unevenly in terms of time and place, and tenants came to hold by copy of the roll, the court became essential not only to the lord seeking to retain his jurisdiction but also to tenants wishing to protect their

⁴ M. K. McIntosh, Autonomy and Community: the Royal Manor of Havering, 1200-1500 (Cambridge, 1986), pp. 185-6.

⁵ The National Archive: Public Record Office (TNA:PRO) SC12/13/29.

⁶ J. M. Bennett, Women in the Medieval English Countryside. Gender and Household in Brigstock before the Plague (Oxford, 1987). TNA:PRO SC2/194/65 m.1, Court Andrew 27-28 Edw. III.

⁷ Northamptonshire Record Office (NRO) Montagu (Boughton) Collection (M(B)) Box X367, Court 1st April 5 Edw. IV.

⁸ McIntosh, Havering 1200-1500, pp. 221-263.

⁹ J.A. Raftis, Tenure and Mobility. Studies in the Social History of the Medieval English Village (Toronto, 1964), pp. 68-70.

security of tenure. The earliest payments for scrutiny of the roll in the manors studied was at Brigstock in 1403.¹⁰ Beckerman has drawn attention to the increasing reliance put on the record of the court.¹¹ Not until the sixteenth century did copyhold come to be a recognized form of tenure in common law and until then the manor court was the only legal forum in which disputed seisin could be resolved.

Much of the business of the view of frankpledge was to the mutual benefit of lord and tenants. Enforcement of the assize of bread and ale; maintenance and repair of roads, bridges, ditches and watercourses; the identification and punishment of thieves, housebreakers, and those who committed violence; and the control of those perceived as social miscreants are likely to have been welcomed by many villagers. Indeed there are examples, in manors where the lord did not exercise leet jurisdiction, which suggest that the court nevertheless acted as a rudimentary form of local government and an instrument of social control. At Catesby, between 1350 and 1399, there were twelve presentments of men and women for name-calling and a further six between 1405 and 1425.¹² As well as these attempts to prevent inter-personal relationships degenerating into violence steps were taken to maintain a clean water supply: in 1399 certain women were amerced for washing clothes in the *fisswere* and prohibited from doing so in future and a similar prohibition was made in 1409 in respect of *pylorywater*.¹³ At Maidwell an estreat roll of 1440 lists the names and amercements of several men who had committed violence with swords but appear to have been dealt with locally rather than presented at the view at Rothwell hundred court.¹⁴ At Lowick, after about 1450, numerous orders affecting individuals and institutions were issued: in 1456 a certain Alice was licensed to remain in the vill only until after she had given birth and her subsequent purification; she was then to depart and no-one was to give her shelter. At the same court the hours during which taverns could be open at different

¹⁰NRO M(B) Box X366, Court 23rd April 4 Hen. IV.

¹¹ J. S. Beckerman, 'Procedural innovation and institutional change in medieval English manor courts', *Law and History Review* 10 (1992), p. 222.

¹² TNA:PRO SC2/195/4 m.2, Court Edmund 3 Ric. II and SC2/195/8 m. 3, Court Luke 4 Hen. VI for the first and last presentments for name-calling.

¹³ TNA:TNA:PRO SC2/195/6 m.1, Court Dionysius 1 Hen. IV and 195/6 m.11, Court All Saints 11 Hen. IV; the first prohibition affected Catesby and the second Schopes.

¹⁴ NRO Finch Hatton Collection (FH) 432, Estreat Luke 19 Hen. VI.

times of the year were laid down. A zealous concern for public morality surfaced from time to time and by 1474 there was in force an ordinance against giving shelter to harlots.¹⁵

The amercement of the brawlers in Maidwell and the expulsion of Alice from Lowick arose, perhaps, from decisions as to how best to deal with a particular set of circumstances. On the other hand the controls imposed on clothes-washing in Catesby and the opening of ale-houses in Lowick were clearly intended as permanent regulations which would prevent foreseeable problems in the future.

Such by-laws were more often issued to regulate open-field agriculture and have attracted considerable interest among historians partly as a result of the view that they reflect the capacity of medieval villagers to act collectively. Ault took the view that the lord would not have been dependent on by-laws since even where the demesne was scattered manorial officials would have watched for trespassers.¹⁶ The implication is that by-laws were likely to have been promoted by villagers in their own interests, and from that it can be argued that the proliferation of such edicts in fifteenth-century manor courts is evidence of them having been partly converted into institutions for communal use. Miller and Hatcher took the view that even before the Black Death such by-laws are one form of evidence for corporate action by village communities, and Hanawalt contends that where villages were divided between manors the villagers took a greater part in regulating agricultural practice and hence the development of by-laws.¹⁷ If that was so it implies the widespread existence of village meetings which in turn may have used the manor court to validate their decisions, and Ault identified an instance of villagers in the sixteenth century settling matters among themselves and using the manor court to record and enforce their regulations at Glatton in Northamptonshire.¹⁸ On the other hand it would be inadvisable to ignore the lord's interest in what transpired in his court and McIntosh has warned that at Havering the fairly typical proliferation of fifteenth-century by-laws was not a consequence of the collapse of seigneurial authority.¹⁹ At Geddington in the 1390's a series of orders sought to enforce the use of the lord's mill and bakehouse, and as late as 1472, at Islip, the interests of all parties

¹⁵ NRO Stopford Sackville Collection (SS) 2108; SS 3467, Court 19th April 14 Edw. IV.

¹⁶ W. H. Ault, Open Field Farming in Medieval England. A Study of Village By-Laws (London, 1972), p.58.

¹⁷ E. Miller and J. Hatcher, Medieval England. Rural Society and Economic Change 1086-1348 (London, 1978), pp.105-106; B.A. Hanawalt, The Ties that Bound. Peasant Families in Medieval England Oxford (1986), p.22.

¹⁸ Ault, Village By-Laws, p.67.

¹⁹ McIntosh, Havering 1200-1500, p.250.

to agrarian endeavour were specifically recognized in a by-law which ordered that no-one, when ordered by the bailiff, was to withdraw from carting or other common work for the church, the lord or the community of the vill on pain of payment of 12d to the lord and the same to the church.

Ault reprinted a significant number of agricultural by-laws from between 1270 and 1348, although, on the estates of the bishop of Worcester, Dyer found them to have been rare before 1400, and not becoming frequent until after about 1470.²⁰ Hall, in his recent examination of agricultural by-laws in Northamptonshire appears to have found none earlier than 1377.²¹ There was probably a distinction between directives intended to resolve a particular problem and permanent by-laws, but the difference is not always certain. Many were restatements of normal practice. On the other hand the order to the bailiff at Catesby in 1407 to prevent tenants from digging the lady's land at *cleypit* suggests only that a policing task had been required of the bailiff.²² Subject to that sort of ambiguity there are well over 200 references to orders and by-laws in the court rolls studied. Catesby (34) and Geddington (22) are the most informative for the late-fourteenth and early-fifteenth centuries but it was in the second half of the fifteenth century that they proliferate especially at Brigstock, Broughton and Lowick. Overall the main concern was to control the movement of animals and so avoid damage to crops and meadow grass, while requirements to control dogs were presumably made in order to prevent harm to farm stock.²³ At Catesby and other priory manors a regular concern to ensure that boundary markers were correctly located and maintained reflects a more direct pre-occupation with the structure of the fields, and at Brigstock a recurrent instruction to tenants to repair and maintain hedges surrounding the sown fields and what was referred to as the outdrove is notable. Hall has shown that in the seventeenth century Brigstock men drove their sheep to pasture at the 'wasts' of Benefield along three 'greate ridings' and presumably these were the outdrove.²⁴

²⁰ Ault, Village By-Laws, pp. 81-101; C. Dyer, Lords and Peasants in a Changing Society. The Estates of the Bishopric of Worcester, 680-1540 (Cambridge, 1980), p. 269.

²¹ D.Hall, The Open Fields of Northamptonshire, Northamptonshire Record Society 38 (1995), pp.9-15.

²² NRO LB 59, View Easter 18 Hen. VI; TNA:PRO SC2/195/6 m.7, Court Luke 9 Hen. IV.

²³ TNA:PRO SC2/195/8 m.8, Court All Saints 10 Hen. VI and NRO M(B) Box X386, View 27th October 35 Hen. VI.

²⁴ Hall, Northamptonshire Fields, p. 214. NRO M(B) Box X366, Court 17th March 8 Hen. V, cottagers were responsible for the outdrove..

It is not clear who initiated by-laws but a formulaic phrase such as it having the assent of all the tenants was often used, particularly at Brigstock in the fifteenth century, and indicates widespread endorsement by those owing suit of court. Such regulations were in the interests of all tenants and their promulgation continued to the end of the century whereas some other forms of manor-court business fell away. Whittle sees the decay of the sixteenth-century manor court in terms of gradual tenant refusal to be bound by its decisions but found that, as late as 1558, by-laws were being regularly enforced.²⁵ Ault regarded the appointment of groups of named individuals to enforce by-laws as further evidence of tenant commitment to them. These were, he argues, not paid manorial officers and he contrasts them with the *messor*.²⁶ In Northamptonshire such groups, often called *supervisores*, were appointed at Maidwell in 1434 and 1435 to enforce edicts relating to the control of animals, the repair of buildings and the prevention of dung being deposited in the village street, and at Brigstock, in 1456, to inspect the hedges built round the sown fields.²⁷

It has been indicated that the use of by-laws also sometimes encompassed a rudimentary form of local government as well as regulation of social behaviour, and it appears to have been the case that it was on the priory and some gentry manors that by-laws were used to regulate social behaviour. Examples from Catesby and Lowick have been noted, and at Broughton name-calling, card-playing and tennis were all forbidden.²⁸ On the royal manors the use of non-agrarian by-laws was restricted to occasional attempts to improve the built-up areas of the village. In 1395, at Geddington, the vill was ordered to repair a road, and at Brigstock in 1429 it was forbidden to undertake any kind of washing in what was called the *houndwell*.²⁹ Normally, however, such matters were dealt with piecemeal at the view of frankpledge. Similarly offences against public standards of decorum or morality appear to have aroused relatively little concern. Nightwalkers were amerced on ten occasions in fifteenth-century Brigstock and a woman was presented as a whore in 1494; and at

²⁵ Whittle, *Agrarian Capitalism*, p. 56.

²⁶ Ault, *By-laws*, pp. 60-63.

²⁷ NRO FH 395, 396; NRO M(B) Box X366, Court Passion Sunday 34 Hen. VI.

²⁸ NRO M(B) Box X386, Views 10th October 1 Edw. IV; Mark 6 Edw. IV; 12th October 49 Hen. VI, for Broughton.

²⁹ NRO M(B) Box X351B, View 3rd October 19 Ric. II and Box X366, View Matthew 8 Hen. VI.

Geddington, at the isolated court of 1490, a woman was presented as a scold but none of this behaviour appears to have produced a local ordinance.³⁰

Perhaps significantly, two lay manors where concern for personal and public behaviour are most marked, Broughton and Lowick, are also those where the *pena* derived from breaches of the by-laws were, on occasion, shared equally between the lord and the church. This is particularly so at Broughton. There is evidence of piety expressed through ecclesiastical building in both manors: Ault refers to major extensions being undertaken to the church at Broughton beginning in the late fourteenth century and, at Lowick in 1471, the sworn men referred to the ground on which Henry Grene, *armiger* had founded and built a chantry.³¹ At Broughton much of the cost of maintaining the church fabric would have fallen on the parishioners and this may also have been the case, indirectly, with the chantry at Lowick. The division of the *pena* between lord and church can then, as Ault argues, be seen as advantageous to the tenant community since the money was earmarked for the fabric of the church.

Overall the interests of the lord and of his more prosperous tenants were both maintained in some degree by the Northamptonshire manor courts. The initiative in presenting matters for consideration, and the balance of influence between lord and tenant might vary with circumstance and perceived self-interest, and the absence of the lord, as at Brigstock and Geddington, was probably significant. The only instance of collective opposition to the lord's authority was at Broughton and concerned only the cleansing of the watercourse at Gatelane. On five occasions between 1457 and 1468 it was presented that the watercourse was blocked because the lord had not cleansed his ditch there. The matter then seems to have rested but it was raised again in 1475. Finally, in 1476, the court ruled that Gatelane was a common way and matters related to it were a common responsibility. Gatelane was to re-appear in the record but there was no further reference to the lord's ditch.³²

The second question posed at the beginning of this section, how effective did the manor court continue to be, remains to be answered. The massive reduction of the English

³⁰ NRO M(B) Box 884, View Epiphany 5 Hen. VII, Geddington; TNA:PRO SC2/194/72 m.2, View Easter 9 Hen. VII, Brigstock. NRO M(B) Box X366, View Michaelmas 1 Hen. VI, Brigstock.

³¹ W. O. Ault, 'Manor court and parish church in fifteenth-century England: a study of village by-laws', p.63; NRO SS 3465, Court 21st October 11 Edw. IV.

³² NRO M(B) Box X386, Views 1st October 36 Hen. VI; 10th October 1 Edw. IV; Mark 3 Edw. IV; 23rd October 6 Edw. IV; 8th October 8 Edw. IV; 2nd November 15 Edw. IV; 12th November 16 Edw. IV.

population during the fourteenth century accelerated changes in society and among these was the slow decline of the manor courts. On the other hand, there was no manorial 'system', except in the most general terms, and it was inherently likely that some manors would adapt to changed circumstances better than others. Nor was it necessarily the case that a particular manor would decline without the capacity to revive.

Dyer has referred to the seigneurial 'Indian Summer' of the period between 1350 and c.1380 when certain great estates emerged from the plague apparently unscathed and able to find tenants for vacant holdings.³³ Looking specifically at small lordships, however, King was less sanguine. He comments that Thomas Bosoun, lord of Woodford iuxta Thrapston, near Islip in Northamptonshire, struggled to preserve even the most nominal control over his tenants and, commenting on the low yields recorded in the bailiff's accounts at Maidwell in 1351-2, remarked that the impression was of, 'a manorial administration that has thrown in the towel'.³⁴

The court rolls suggest that King's criticism of Maidwell was unduly stringent, but the rolls of Kelmarsh and Draughton go some way to confirm his view of the difficulties encountered by minor lords in the aftermath of the Plague. At a court to which tenants were summoned to acknowledge their new lord, Roger of Tiffield, at Kelmarsh in 1352-3, eight tenants paid suit but fourteen were distrained to do so. Seven years later a court of John of Tiffield in May 1359, apart from noting several essoins, was concerned exclusively with persistent default of suit and the failure of free tenants to appear to show their charters or acknowledge the services due from them. The sequence of courts which followed, from June 1359 to December 1360, indicates a largely fruitless attempt to secure attendance and acknowledgement of holdings and rents and services due; many items were recorded almost verbatim from one court to another. For example Matilda, the widow of Richard of Holcot, was distrained by two sheep to acknowledge the selion she held but she did not appear, and a year after John Turgys had come to court to convey his holdings to his daughter she had still failed to pay the relief due.³⁵

³³ Dyer, Lords and Peasants, p.113.

³⁴ E. King, 'Tenant farming and tenant farmers: the East Midlands', in E. Miller, ed., The Agrarian History of England and Wales Volume III 1348-1500 (Cambridge, 1991), p.630. E. King, 'Farming practice and techniques: the East Midlands', in Miller, ed., Agrarian History, p. 217. NRO FH 481.

³⁵ NRO FH 527, 427, 532.

Breaks in the series prevent tracing the responses of individual tenants to distraint orders, but by 1378 there appears to have been little improvement. At a court to acknowledge the lordship of Sir John Seyton only two tenants paid homage, and another surrendered his land; nine were given a day to acknowledge their holdings and services and a further seventeen were distrained to do so. Enquiry into the details of a further eight holdings was ordered. Among the absentees was William Dicon who had already been distrained for a croft by a mare worth 6s.8d. with his father acting as his pledge. Neither man appeared and it was recorded that the mare had not been seized.³⁶ The middle 1380's present a similar picture. Four courts between 1383 and 1387 were largely concerned with uncertainty about tenure. They produced only two tenants who acknowledged the services due from them and in contrast twenty-six orders for distraint were made. On two occasions the homage was charged with enquiring further into terms of tenure and in one instance simply said that they did not know.³⁷

However, the administration of Tiffelfee nevertheless recovered. This cannot be dated reliably to before 1393 but in that year a rental of the fee was completed which listed thirty-four tenants.³⁸ The management of the manor appears to have been re-stabilized and in 1437, when the court met to acknowledge the lordship of Thomas Seyton, twenty-five tenants did so and only three orders for distraint were made.³⁹ A similar story can be pieced together for Draughton between 1361-2 when John Malore was lord and January 1396 when a rental listing eighteen tenants of John Seyton was taken.⁴⁰ From then on the courts of Draughton present a more settled picture and the final sequence, 1437-42, indicates a functioning court dealing with a normal range of business although the steward, despite his persistence, had no success in securing from the homage a decision as to whether a particular bovat of meadow at *le Haw* was in the lordship.⁴¹

At intervals the short-term record of other courts gives an impression of decline which later rolls rather disprove. At Geddington in 1422 there are many instances of short courts yielding no more than a few pence, but in the following year the court was more active and

³⁶ NRO FH 532.

³⁷ NRO FH 512.

³⁸ NRO FH 529.

³⁹ NRO FH 528.

⁴⁰ NRO FH 414, 3598, 485 and 466 ; the rental is FH 485.

⁴¹ NRO FH 524.

the, admittedly isolated, views of 1490 and 1505 indicate a manorial administration which still functioned effectively.⁴² Further into the fifteenth century also, in 1438-9 at Islip, the roll gives a clear impression of a court in decline. At a court held in May 1439 the record suggests that the manorial administration had all but fallen into disuse. Almost twelve months had elapsed since the previous court but the only recorded business was the payment of *finem* for remission of suit and a list of seven tenants who were in default of suit. The *finem* was totalled 22d but no amercement of defaulters was recorded and there is no indication of who was responsible for the presentments. Yet in the 1470's the names of the jurors are recorded and, although the business was largely restricted to land transactions, by-laws were also approved, encroachment and default of suit punished and the record generally kept in a manner which suggests a manorial administration doing its job.⁴³

Serfdom, once of enormous social and economic significance in many manorial economies and the basis for a wide range of presentments at manor courts, declined throughout the period studied and the courts studied were ineffective in controlling or delaying its disappearance from their parts of Northamptonshire. The isolated presentments of *leyrwite* at Brigstock have been mentioned. Two others took place at Boddington, in 1373, and a statement of what was owed by unfree tenants of Catesby in 1412 still included both *leyrwite* and *merchet* but there is no evidence of these exactions being levied there after 1350.⁴⁴ At Weekley, the abbot of St James Northampton made three attempts to exact *merchet* in the late-fourteenth century without success. Two fathers evaded payment, and a bride was presented as already living with her husband in Leicestershire.⁴⁵ It seems likely that those particular hallmarks of serfdom had all but gone even before the Black Death. Dyer found a gradual decline in the frequency with which they were levied on the estates of the bishop of Worcester until they disappeared c.1450 although Whittle found some later instances in parts of Norfolk.⁴⁶

The attempts made on several manors to stem the migration of unfree tenants in search of economic betterment and freedom were unavailing. Custom had normally required *nativi*,

⁴² NRO M(B) Box 884, Courts Valentine 9 Hen. V - Laurence 1 Hen. VI, and Views Epiphany 5 Hen. VII and 4th November 21 Hen. VII.

⁴³ NRO SS 3582, Courts 16th June 16 Hen. VI and 24th May 17 Hen. VI.

⁴⁴ TNA:PRO SC2/194/60 m.2 d., Courts of the prioress at Boddington, Annunciation BVM 47 Edw. III and All Saints 47 Edw. III; TNA:PRO 195/6 m.12 for the customary.

⁴⁵ NRO M(B) Box 340 Folder 2 mm.1-2, Views Martin 28 Edw. III, Thomas 29 Edw. III and George 18 Ric. II.

unfree tenants, to pay the lord what was sometimes known as *chevage*, which Whittle found being levied as late as the mid-fifteenth century, for the privilege of living outside the manor.⁴⁷ Shortage of labour and availability of land, certainly from about 1370 onwards, were major incentives to the landless, to women and to heirs without significant expectations, to leave their manors in search of economic opportunity. There is evidence of unfree peasants doing so at Maidwell, Loddington, Catesby, Byfield, Boddington and Weekley. The departure of tenants from the royal manors was a matter of concern to those who remained and was never presented in the court. At Maidwell, Loddington and the prioress's manors, where it is possible to trace the reaction of the manorial administration, the sequence of events was essentially the same. An initial presentment was made and repeated at intervals over a long period of years. For example the departure of John Bachyler from Boddington was first presented in June 1384 and was repeated at twenty-four courts over a period of thirty years, the last being in 1413-14. He was said to have moved to Thurlaston, about fifteen miles further north, in Warwickshire.⁴⁸ Similarly at Loddington, Richard Sharp was presented at thirty-three courts between 1354 and 1392, and was thought to be in *Kollyngworth*; and at Maidwell, William Hastyns, and his wife and two daughters, were presented at intervals, at Rabasfee, between 1387 and 1407 but it was not known where they had gone.⁴⁹

The courts swung between declaring the absentees to be at mercy and imposing an amercement, which presumably was never paid, ordering them to be seized which appears never to have happened, instructing their relatives to bring them to the next court, and merely recording their absence. One example of a court's failure illustrates the general situation. At Loddington, in October 1387, Geoffrey, the son of John Reve, was presented as having gone; his father was ordered to seize him and restore him to the lordship on pain of forfeiture of all his goods and chattels. For the next two years Geoffrey was merely recorded as being absent but no further reference was made to the threatened forfeiture.⁵⁰ Dyer commented that on the manors of the bishop of Worcester orders to relatives to bring back

⁴⁶ Dyer, *Lords and Peasants*, pp. 273-275. Whittle, *Agrarian Capitalism*, p.39.

⁴⁷ Whittle, p.39.

⁴⁸ TNA:PRO SC2/194/60 m.7, Courts John Baptist 7 Ric. II to SC2/194/61 m.1d., Maurice 1 Hen. V.

⁴⁹ NRO Young of Orlingbury Collection (YO) 37, View James 28 Edw. III; YO 375 View 23rd April 15 Ric. II; NRO FH 418, Court Luke 11 Ric. II to FH 400, Court Philip and James 9 Hen. IV.

⁵⁰ NRO YO 356, 363.

serfs were seldom obeyed and this is reflected in the manors studied here. This was despite the fact that many of the emigrants appear not to have gone far: the Carter family went three miles from Maidwell to Clipston, and Cecilia Wodard less than six miles to Pitsford. Agnes Nicol moved a mile from Weekley to Newton Magna accompanied by Matilda her daughter, who eventually went to Wistow in Leicestershire where she married.⁵¹ Perhaps going in family groups, as most of the emigrants did, meant that in any case there were no close relatives, or only older family members, remaining in the vill they had left, which would have further weakened the chances of the court's orders to bring them back being obeyed. There were only thirty-four emigrants, of whom fourteen were women, from the manors studied but the numbers may be understated and Faith argues that presentments were of emigration by tenants only and not of the landless so that many departures went unrecorded.⁵² By 1420 at the latest, in the courts studied, any attempt to control emigration had been abandoned although Whittle notes that at Salle Kirkhall in Norfolk absence from the manor was carefully recorded as late as the 1470's.⁵³

In two other respects several of the courts studied continued to seek to enforce two seigneurial rights which were based largely on unfree tenure. The first was the lord's right in certain circumstances to have work done by tenants on his demesne. The second, based on the lord's common law seisin of all customary land, was the requirement to keep all buildings on a customary holding in good repair. At Maidwell ordinances were issued ordering the repair of all buildings and a group of *supervisores* was appointed to enforce the ordinances.⁵⁴ Tenure of customary land continued to be distinguished from free tenure and the manor courts, at local level, continued to ensure that this was so. Hence the continued insistence on boonwork where it was due, and the maintenance of buildings, as well as payment of the entry fine when the holding changed hands. In these matters the courts continued to be effective. It was in perpetuating personal serfdom that they failed and it has

⁵¹ Dyer, *Lords and Peasants*, p. 267. NRO FH 418, 537; NRO M(B) Box 340 Folder 2 m. 3, Views Tibertius and Valerian 5 Ric. II and Simon and Jude 12 Ric. II.

⁵² R. Faith, 'Berkshire', in P.D.A. Harvey, ed., *The Peasant Land Market in Medieval England* (Oxford, 1984), p.127.

⁵³ Whittle, *Agrarian Capitalism*, p.37

⁵⁴ NRO FH 2688, 394, 396.

been estimated that by 1485, in Northamptonshire, there were only three manors, two of which were monastic, with serfs, and by 1560 there were none.⁵⁵

In the wake of the successful Angevin legal reforms of the twelfth century, interpersonal litigation had become a normal part of manor-court proceedings to the mutual benefit of both lords and tenants.⁵⁶ The lord received an income from the profits of justice and his tenants had access to a convenient local tribunal. Outsiders, too, it is clear from the evidence at Brigstock and Geddington, found the courts appropriate for the pursuit of small claims the origins of which lay within the manor at which the suit was brought. For reasons which remain unclear, however, the popularity of the manor courts as centres for dispute resolution declined sharply during the fifteenth century. Brigstock, however, continued to be an active and convenient local forum for the settlement of minor pleas, possibly because it adjusted its real function from that of acting as a tribunal to one of serving as a registry.⁵⁷ As in other matters, this may reflect the relative autonomy of a royal manor where local officials were able to adjust the role of the court to satisfy the requirements of the more prosperous tenants. No reliable comparison with neighbouring Geddington is possible although pleas were heard there, at least on occasion, as late as 1490.⁵⁸

By the end of the fifteenth century the Court Baron had become the legal criterion for the very existence of the manor. The attendance of all tenants was still required and those owing suit were amerced for absence. All significant business concerning customary land went through the court, and by-laws, rather than random presentment and punishment of individuals, were increasingly enacted not only to regulate agricultural practice but also maintain the built area of the vill, and aspects of both public behaviour and private life.

Women, appeared less frequently in the courts than men but were under its jurisdiction and affected by its decisions, notably in respect of public behaviour. In the manors studied, unsurprisingly, only two women officials have been noted. However, there were brewsters in all six of the manors studied where ale-brewing was recorded and at Brigstock they

⁵⁵ D. MacCulloch, 'Bondmen under the Tudors', in C. Cross, D. Loades and J. Scarisbrick, Law and Government under the Tudors (Cambridge, 1988), Table 1, p.94.

⁵⁶ Z. Razi and R. M. Smith, 'The origins of the English manorial court rolls as a written record; a puzzle', in Z. Razi and R.M. Smith, eds, Medieval Society and the Manor Court (Oxford, 1996), p. 68.

⁵⁷ Chapter 2, p.108.

⁵⁸ NRO M(B) Box 884, View Epiphany 5 Hen. VII.

dominated the trade.⁵⁹ They appeared in person to pay their *finem* and the conduct of their trade was clearly subject to officials who answered to the court and were themselves sometimes amerced for some oversight in fulfilling their responsibilities. A minority of women, generally from well-established local families, also engaged in litigation and the transfer of land.⁶⁰

Finding ready money to pay amercements, the tithing penny and other customary, tenure-related payments administered through the court, in addition to their rent, is likely to have strained the cash-flow of many peasant families from time to time. Menfolk of the peasant elite in addition, from time to time, willingly or otherwise, incurred the responsibilities of serving as a juror or other manorial or frankpledge official. For a minority such activity may have been profitable and Edmund Byfield in Geddington is a notable example. Others may have welcomed the status it afforded them and at Brigstock there appears to have been a willingness to act regularly as a juror at the view. The lists from fourteen views held between 1493 and 1500 include 175 posts of juror which were filled by only twenty-seven different men.⁶¹ The prestige attached to a function originally undertaken only by free men had, perhaps, persisted. On the other hand jurors acted as a body in court, and there is ample evidence that, with few exceptions, men avoided holding an individual office, with its day-to-day demands, for very long. At Brigstock, from between 1408 and 1504, the names of fifty-eight bailiffs have survived; twenty-six served for only one or two years and those serving for longer normally did so with a lengthy interval between their periods of office. Similar patterns, albeit with fewer names, existed elsewhere: at Catesby, John Molinton was bailiff in 1415, Geoffrey in 1418 and Thomas Milyngton in 1419.⁶² Other officials met with hostility from their neighbours and in 1421 Stephen Chaumberlyn trespassed at Brigstock with his beasts in the meadow and beat Agnes the hayward's wife.⁶³

One of the earliest views, in the manors studied, was held at Broughton in 1354.⁶⁴ Proceedings began with litigation and the view followed. Five named tithingmen made presentments for default of suit, personal assault, encroachment on the highway, a blocked

⁵⁹ Chapter 4, pp. 211-13.

⁶⁰ Chapter 2, pp.91-3 and Chapter3, pp.167-9.

⁶¹ TNA:PRO SC2/194/72 m.1-10.

⁶² TNA:PRO SC2/195/7 m.3-4.

⁶³ NRO M(B) Box X366, Court Margaret 9 Hen. V.

⁶⁴ NRO M(B) Box X386, View with Court Andrew 28 Edw. III.

watercourse, the need to repair a bridge, the occupation of one and a half acres of land, the sale of defective candles, ale brewing and the arrival in the manor of Simon le Tennour who was ordered to put himself in tithing. A sworn jury of twelve named men said that the tithingmen had presented well and faithfully but had concealed, meaning they had failed to present, certain brewers and a tenant in default of suit. For these omissions the tithingmen, as well as the offenders, were amerced. Except for payment of the tithing penny, this is an exemplar of the view rolls in all the manors studied and a comparable range of business can still be found as late as the years in which the various rolls series end: Broughton (1489), Loddington (1502), Brigstock (1504) and Geddington (1505).⁶⁵ Ault took the sixteenth-century village meeting at Glatton as an indication of the decline of the manor court.⁶⁶ It is possible to argue that without the validation provided by the court the decisions of the villagers on that occasion would have remained ineffective. There was no manorial system, as such, and different manor courts are always likely to have varied in their effectiveness, but the evidence is that, in those parts of Northamptonshire studied, they remained effective, often due to the influence of the tenants themselves, particularly in the royal manors, and had a significant impact on villagers' lives down to the end of the fifteenth century and beyond.

⁶⁵ NRO M(B) Box X386, Estreat 30th June 4 Hen. IV; NRO YO 367, View 23rd May 17 Hen. VII; TNA:PRO SC2 194 72 m.13, View Easter 19 Hen. VII; NRO M(B) Box 884, View 4th November 21 Hen. VII.

⁶⁶ Ault, Village By-Laws, p.58

Bibliography

Primary sources: not in print

1. In the Northamptonshire Record Office

Use was made of documents from five collections of family papers and a series catalogued as Miscellaneous Ledgers. The manors to which they refer are shown in the table below.

Table Bibliog .01

Title of Document Collection	Manors
Brudenell	Brigstock with Stanion
Finch Hatton	Draughton, Islip, Kelmarsh, Maidwell
Montagu (Boughton)	Brigstock and its dependencies, Broughton, Cranford, Geddington and its dependencies, Weekley
Stopford Sackville	Islip, Lowick
Young of Orlingbury	Loddington
Miscellaneous Ledgers	Brigstock with its dependencies Stanion and Islip

The documents are listed below by manor.

Brigstock and its Dependencies

Montagu (Boughton) Collection. In chronological order: Box X366 has 200 Courts and Views from 2nd April 4 Hen. IV (1403) to Michaelmas 19 Hen. VI (1440), there is an additional court for which the date is lost which precedes that of 2nd April 4 Hen. IV. (Certain courts for 10, 12, 13 and 14 Hen. IV and 1-3, and 7-10 Hen. V are fragile and not available for inspection.) An unnumbered box has eighty-two Courts and Views from 24th October 20 Hen. VI (1441) to Simon and Jude 30 Hen. VI (1451). Box X366 has 118 Courts and Views from Easter 30 Hen. VI (1452) to 30th September 1 Edw. IV (1461). Box X367 has fifty-eight Courts and Views from 19th October 1 Edw. IV (1461) to Gregory 23 Edw. IV (1483) with a further court of Edward IV for which the date is lost. Other courts are in the National Archive: Public Record Office.

Box X361A has a rental taken at Exaltation Holy Cross 4 Hen. V (1416).

Brudenell Collection, Bru E xxii 1, is a Customary of Brigstock and Stanion 7th June 14 Ric. II (1391)

Miscellaneous Ledgers 141. This is an eighteenth-century ledger; the compiler listed the regnal years for which he had court rolls of the manor of Brigstock and from which much of

his information was derived. It includes a translation of the Customary of 14 Ric. II (see above); a Survey of the Manor with its members, Stanion and Islip, taken in September 18 Hen. VI (1439); extracts from the court rolls of presentments of land held in Stanion, 1349-1728; alienations and presentments of lands in Islip, held of the manor of Brigstock, 1349-1725; and a survey of the manor with its members Stanion and Islip taken in 38 Eliz. I *anno* 1596. Where the ledger can be compared with the medieval documents it is accurate and has, therefore, been used.

Broughton

Montagu (Boughton) Collection. Box X386 contains ninety-eight Courts and Views held between Andrew 28 Edw. III (1354) and 30th June 4 Hen. VII (1489)

Cranford

Montagu (Boughton) Collection. An unnumbered box has seventy-two courts held between John Latin Gate 6 Hen. IV (1405) and 8th October 32 Hen. VI (1453). On the dorse of the membrane recording Courts Wulfran 9 Hen. V (1421) and George 10 Hen. V (1422) is an undated list of rents pertaining to the Lady Elizabeth Hodelston.

Box X363 has rentals of Nicholas Piel, Christmas reign of Richard II, no year recorded; the lady Elizabeth Braunspath (the same person as Elizabeth Hodelston) Michaelmas 18 Hen. VI (1439); and Henry Hodelston Michaelmas 35 Hen. VI (1456).

Draughton

Finch Hatton Collection. All documents in the collection are FH numbered, but the numbering, in the case of manorial documents, does not follow their chronological order. The number sequences given here correspond to the chronology of the documents. Seventeen courts held between 35 Edw. III (1361-2) and 11th May 19 Ric. II (1396) are FH 414, 3598 and 466 in chronological order. Forty-two courts held between 3rd August 3 Hen. IV (1402) and 1st June 30 Hen. VI (1452) are FH 2688, 466, 413, 526, 531, 425, 483, 524, 349 and 1628.

Rentals of John Seyton, which include Draughton (and other manors) taken at Matthew 16 Ric. II (1392) and Fabian and Sebastian 19 Ric. II (1396) are FH 485. There are six sets of accounts of the lord's rent collector dated to Michaelmas 19 Ric. II (1395), Christmas 13 Hen. IV (1411), Christmas 6 Hen. V (1418), Christmas 7 Hen. V (1419), Christmas 8 Hen.

V (1420) and Nativity John Baptist 9 Hen. V (1421) in FH 419, 477, 2967, 444, 540, and 460.

A terrier of John de Hedon, *anno xl* (1366-7) is FH 461; there are three other, undated, terriers of William Vynt, Henry Isoude and William Laundon which are FH 459, 2682, and 790. A brief document, without heading, is described in the Finch Hatton catalogue as a survey and is FH 391. A list, headed Sale of Herbage *anno xviiij* (probably 1394-5), includes some fields in Draughton and is FH 2692.

Geddington

Montagu (Boughton) Collection. The court and view rolls are held in three boxes numbered X351A, X351B and 884. Box A has the earliest courts but to read the series chronologically to 1414 it is necessary to move between boxes A and B; Box 884 has all courts of 1420 and later.

Box X351A has two courts of 34 Edw. III (1360), twenty-two courts and views held between Luke 1 Ric. II (1377) and Matthias 2 Ric. II (1379), sixteen held between Ambrose 3 Ric. II (1379) and Dionysius 5 Ric. II (1381), twenty-five between the Assumption 7 Ric. II (1383) and 29th July 9 Ric. II (1385), sixty-six between 16th July 10 Ric. II (1386) and 20th May 14 Ric. II (1391), twelve between 2nd October 17 Ric. II (1393) and 8th May 17 Ric. II (1394), fifteen between 10th April 19 Ric. II (1396) and 22nd February 20 Ric. II (1397), thirteen between 14th October 4 Hen. IV (1402) and 27th August 4 Hen. IV (1403), and seven between a view from which all formal dating has been lost but which it is possible to ascribe to Autumn 1410, and Margaret 12 Hen IV (1411).

Box X351B has a court and view Michaelmas 1 Ric. II (1377), five courts held between Gregory 2 Ric. II (1379) and Mary Magdalene 3 Ric. II (1379), thirty-three courts and views between All Saints 5 Ric. II (1381) and 4th July 7 Ric. II (1383), eighteen between 21st August 9 Ric. II (1385) and 30th June 10 Ric II (1386), twenty-one between 7th May 15 Ric. II (1392) and 28th September 17 Ric. II (1393), fourteen between 8th May 17 Ric. II (1394) and 26th February 19 Ric. II (1396), thirty-nine between 8th March 20 Ric. II (1397) and 3rd July 2 Hen. IV (1401), the court of 17th February 4 Hen. IV (1403), eighty-two between Michael 6 Hen. IV (1404) and Exaltation Holy Cross 10 Hen. IV (1409), and forty-nine between Dionysius 13 Hen. IV (1411) and Holy Trinity 2 Hen. V (1414)

Box 884 has a court Laurence 12 Hen. IV (1411), forty-five courts and views held between George 8 Hen. V (1420) and Laurence 1 Hen. VI (1423), one view held at Epiphany 5 Hen. VII (1490) and another on 4th November 21 Hen. VII (1505).

Box 345B has the Inquisition of the Manor, taken before the Conversion of Paul in 33 Hen. VI (1455)

Box X351A has the Accounts of the Bailiff for the Year Michaelmas 1460-1, and six rentals of Newton Parva and Magna, held by the Mulsho family.

Box X341 has rentals of Weekley two of which, taken in 1491-2 and 1494, list the few men who held in Geddington of the manor of Weekley.

Islip

Stopford Sackville Collection. All documents in the collection are SS numbered, but the numbering, in the case of manorial documents, does not follow their chronological order. The number sequences given here correspond to the chronology of the documents. There are forty-four courts held between All Saints 49 Edw. III (1375), and Cletus 19 Ric. II (1396), in SS 3593, 3586, 3581, 3593, 717(b), 3578, 2533, 2584, 3580, and 2522; eighteen between 28th October 5 Hen. IV (1403) and 24th May 17 Hen. VI (1439) in SS 3282, 3577, 3595, 3594, 3583, and 3582; and seventeen between 30th September 34 Hen. VI (1455) and 12th October 7 Hen. VII (1491) in SS 3181, 2486, 3592, 3584, 3588, 1343, 3585, 3579, 1625, 3587, and 3466.

Rental of Henry Grene, *chevalier*, taken on 12th March 5 Ric. II (1382), SS 3678

Finch Hatton Collection. These documents concern the sub-manor in Islip, referred to as Beaumys and Iosholm held by the Holt family. The Accounts of the Farmer for Four Years following Michaelmas 3 Ric. II (1379-1383) in FH 443 and 446 in that order; Inquisition, taken at Islip iuxta Thrapston, of the Land and Chattels of John Holt *chevalier* there, on 28th April 11 Ric. II (1388) in FH 426 m. 5; Accounts of the Collector of Rents of the Feoffees for 1398-9, 1399-1400, 1402-3, and 1403-4 in FH 437 and 436; Accounts of John Mariot *appruator* of John Holt, April-September 1411 in FH 434; Accounts of John Mariot Collector of rents of John Holt 1411-12, 1412-14, 1414-15, 1415-16, 1416-17, and 1417-18 in FH 438, 439, 442, 441, 435; Accounts of John Maryot, Collector of Rents and Farmer 1423-24 and 1426-27 in FH 440 and 521.

Miscellaneous Ledgers 141. See entry under Brigstock.

Kelmarsh

Finch Hatton Collection. There are sixty-three courts held between James 26 Edw. III (1352) and 22nd April 19 Ric. II (1396) in FH 427, 532, 520, 512, 402, 518 m.1-m.4, and 488; forty-five held between 2 Hen IV (1400-1), other dating evidence lost, and Leonard 18 Hen. VI (1439) in FH 2688, 463, 474, 413, 526, 527, 531, 425, 483, and 528; a court at Pentecost 33 Hen. VI (1455) in FH 1628 and one held 8th October 2 Hen. VII (1486) in FH 355.

There are forty-six courts of Rabasfee, which included part of Kelmarsh, between 1385 and 1452 and one held in 1486. They are in FH 530, 418, 525, 544, 418, 537, 716, 463, 465, 400, 474, 425, 483, 401, 394, 395, 396, 404, 403, 522, 1628 and 355.

Accounts of William Hobkyn Rent Collector of John de Seyton, 1418-1419, 1419-1420 are in FH 478; for 1421-22 in FH 3604; and for 1426-9 in FH 469. A draft note, without heading, for a set of accounts is FH 3601.

Loddington

Young of Orlingbury Collection. All documents in the collection are YO numbered, but the numbering, in the case of manorial documents, does not follow their chronological order. The number sequences given here correspond to the chronology of the documents. There are forty-six courts, most of them views of frankpledge, held between Peter and Paul 17 Edw. III (1353) and 16th October 17 Ric. II (1393) in YO 378, 368, 380, 374, 356, 363, 371, 375, and 386 in chronological order; eighteen between Simon and Jude 7 Hen. IV (1405) and 14th November 27 Hen. VI (1448) in YO 376, 360, 370, 365, 372, 357, 384, 364; and seventeen between May 31 Hen. VI (1453) and 23rd May 17 Hen. VII (1502) in YO 382, 366, 361, 358, 362, 383, 367.

Lowick

Stopford Sackville Collection. There are thirty-two courts held between 1st December 44 Edw. III (1370) and Cletus 19 Ric. II (1396) in SS 3214(c), 2540, 2532, 2539, 3214(b), 2541, 2544, 2542, and 2543; thirty-four between 28th October 5 Hen. IV (1403) and 2nd October 11 Hen. VII (1495) in SS 2520, 3590, 1331, 2531, 3600, 2108, 3602, 605, 3465, 3468, 3467, 3472, 3456, 3459, 3591, 3469, 3591, 3466, 2525, 3214(a) and 2521; ten views of frankpledge of the Honor of Gloucester held at Lowick between 1413 and 1417 are in SS 3462.

A rental of Henry Grene, *chevalier*, taken on 12th March 5 Ric. II (1382) is SS 3678.

Maidwell

Finch Hatton Collection. There are fifty courts held between Luke 30 Edw. III (1356) and 3rd August 20 Ric. II (1396) in FH 2966, 530, 418, 525, 544, 418, 424, 537, and 716; eighty-nine between 3rd August 3 Hen. IV (1402) and Ascension 20 Hen. VI (1442) in FH 2688, 463, 467, 465, 400, 474, 413, 526, 527, 531, 425, 483, 401, 394, 395, 396, 404, 403, 522, and 432; one at Pentecost 30 Hen. VI (1452) in FH 1628, one on 8th October 2 Hen. VII (1486) in FH 355 and one on 21st December 24 Hen. VII (1508) in FH 4057.

For courts of Rabasfee, which included part of Maidwell, see Kelmarsh, page 4 above.

Wolvertonfee was one of the three manors identified in Maidwell; sixteen courts refer specifically to it in FH 401, 394, 395, 396, 404, 403, 522, 1628 and 355.

Bailiff's Accounts for 1351-2, Easter 1372-Michaelmas 1373, 1383-4, February 1386-Michaelmas 1386, and 1386-7 are in FH 481, 417, 482, 1627, and 475. Accounts of the Collector of Rents, Michaelmas 1394- Michaelmas 1395, Purification 1411- Purification 1412, Purification 1419-20, Purification 1420-21 and Purification-Peter in Chains 1421 are in FH 419, 477, 444, 540 and 460.

Rentals. One, FH 490, is undated but almost certainly late-fourteenth century; the Finch Hatton catalogue states that it refers to both Maidwell and Kelmarsh but the only discernible reference to the latter is the name of the vill written on the dorse, whereas many of the tenants' names correspond to those in the Maidwell rental of 1392, and in this study it has been used only as a Maidwell document. Two rentals, taken in 16 Ric. II and 19 Ric. II (1392 and 1396), are FH 485. One taken in the early fifteenth century is FH 568; the heading is worn and the Finch Hatton catalogue suggests 1404-5 as the likely year, but *anno rr.....iiij post conquestum sept...* is recoverable and makes 7 Hen. 4, 1405-6, the probable year. One taken at Katherine 27 Hen. VI (1448) is FH 2005, and another taken 9th January 19 Edw. IV (1480) is FH 464a.

Weekley

Montagu (Boughton) Collection. Box 340 has thirty views of frankpledge held between Martin 28 Edw. III (1354) and Luke 5 Hen. IV (1403), and one held at Invention Holy Cross 31 Hen. VI (1453).

Box X341 has rentals taken at 10 Edw. III (1336), 1 Hen. V (1413-14), 13 Hen. VI (1434-5), Egidius 18 Hen. VI (1439) 20 Edw. IV (1480-1) and 7 Hen. VII (1491-2).

2. In the National Archive: Public Record Office

Certain documents relating to the two royal manors of Brigstock and Geddington, and to Kelmarsh and all the documents of the manors of Catesby priory are in the Public Record Office.

Brigstock

There is one court and one view of 27-8 Edw. III in SC2/194/65; and three courts of 9 Hen. IV (1408) in SC2/194/66 m.1. A further 160, from 16th November 7 Edw. IV (1467) to Easter 19 Hen. VII (1504) are in SC2/194/68 m.1 – SC2/194/72 m.13.

Catesby Priory Manors

There are eighty-one courts of Catesby and Schopes held between Peter in Chains 24 Edw. III (1350) and Dionysius 1 Hen. IV (1399) in SC2/195/2 m.14-SC2/195/6 m.1; and sixty-nine between Mary Magdalene 1 Hen. IV (1400) and All Saints 10 Hen. VI (1431) in SC2/195/6 m.1-SC2/195/8 m.8. There are sixty-six courts of the priory manor of **Boddington** held between George 44 Edw. III (1370) and 13th April 12 Hen. VI (1434) in SC2/194/60 m.2- SC2/194/61 m.3; and thirteen of **Byfield** between Simon and Jude 46 Edw. III (1372) and Purification 9 Hen. VI (1431) in SC2/194/60 m.2d- SC2/194/61 m.3d. For the late-fifteenth century and early-sixteenth century there are numerous but, with few exceptions, damaged and fragmentary courts of Boddington, Byfield, Catesby (and Staverton) in SC2/194/62 and SC2/ 195/8-10.

There are four Courts of the Honor of Peveril, held in 1355 and 1359, at which the men of Catesby and Newbold owed suit for view of frankpledge in SC2/195/67 m.3-6; and two

The accounts of the prioress for 1414-15, 1415-16 and 1416-17 are in SC6/946/16-18; the accounts of the procurator for 1422-3 and 1423-4 are in SC6/946/19; the administrators' accounts for 1443-4, 1447-8, and 1448-9 are in SC6/946/20-22 and 24; the accounts of the collector of rents for 1447-8 and 1448-9 are in SC6/946/23 and 25; the bailiff's accounts for 1452-3 and 1453-4 are in SC6/946/26 and SC6/947/1; and the steward's accounts for 1453-4 in SC2/947/2.

A rental taken in 13 Edw.III (1339-40) is SC11/506 and one taken in 7 Hen. VI (1428-9) in SC12/3/29. Nine rentals, taken variously at Michaelmas or the Annunciation, in 1464, 1483, 1484, 1486, 1487, 1488 and 1492 are SC11/ 508-513 but the numerical order does not entirely correspond to the chronological order and the rentals on 512 precede, in date order, those on 511. Three rentals survive from the time of Henry VIII. One, taken in 28 Hen. VIII (1536-7) is in Court of Augmentation Miscellaneous Books E/315/403 and a summary only in E/315/398. A part-only rental, but complete for Boddington, is in SC12/Portfolio 13/ No. 16 m.1.

Geddington

Extent of the Manor taken Exaltation Holy Cross 1 Edw. III (1327) is SC12 Portfolio 13 No 29.

Kelmarsh

The tithing men answered to the Court of the Honor of Peveril: see references under Catesby.

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