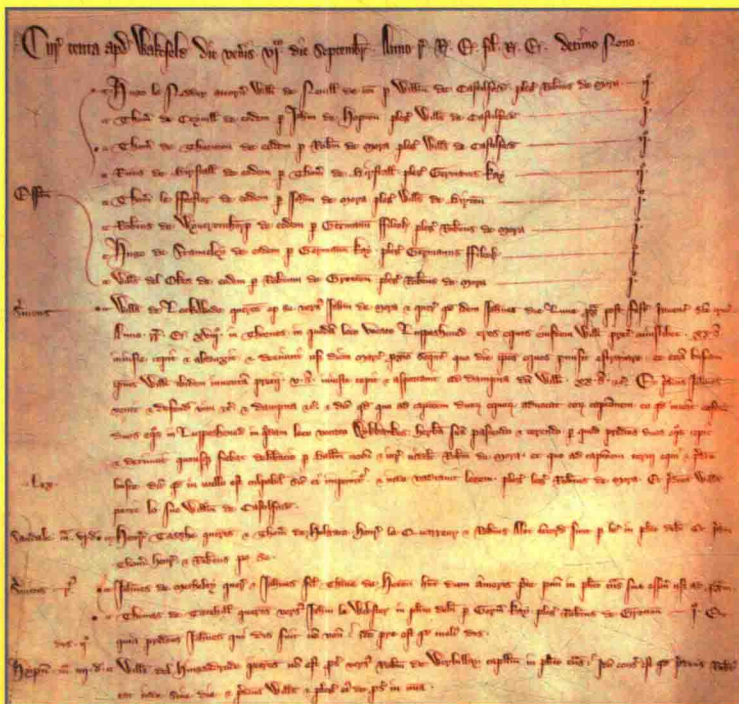


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VOLUME 5: 1322 TO 1331

EDITED BY  
JOHN WILLIAM WALKER

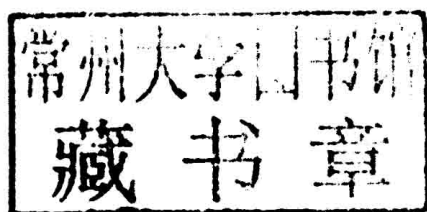


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## **Court Rolls of the Manor of Wakefield**

The detailed records of the proceedings of the manorial court of Wakefield provide a unique insight into medieval life and commerce, the many legal disputes arising, and the mechanisms for resolving them. The manor court met every three weeks, as well as holding additional courts, or 'tours', at various locations around the West Riding of Yorkshire. Recognising the historical significance of these exceptionally complete court records for one of the largest manors in England, in 1901 the Yorkshire Archaeological Society began publishing them as part of its Record Series. Up to 1945, five volumes appeared that span the years 1274–1331. Edited with an introduction and notes by John William Walker (1859–1953) and published in 1945, Volume 5 contains the surviving court rolls for the years 1322–31. The texts of the rolls are given in English translation.

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## **The Anniversary Reissue of Volumes from the Record Series of the Yorkshire Archaeological Society**

To celebrate the 150th anniversary of the foundation of the leading society for the study of the archaeology and history of England's largest historic county, Cambridge University Press has reissued a selection of the most notable of the publications in the Record Series of the Yorkshire Archaeological Society. Founded in 1863, the Society soon established itself as the major publisher in its field, and has remained so ever since. The *Yorkshire Archaeological Journal* has been published annually since 1869, and in 1885 the Society launched the Record Series, a succession of volumes containing transcriptions of diverse original records relating to the history of Yorkshire, edited by numerous distinguished scholars. In 1932 a special division of the Record Series was created which, up to 1965, published a considerable number of early medieval charters relating to Yorkshire. The vast majority of these publications have never been superseded, remaining an important primary source for historical scholarship.

Current volumes in the Record Series are published for the Society by Boydell and Brewer. The Society also publishes parish register transcripts; since 1897, over 180 volumes have appeared in print. In 1974, the Society established a programme to publish calendars of over 650 court rolls of the manor of Wakefield, the originals of which, dating from 1274 to 1925, have been in the safekeeping of the Society's archives since 1943; by the end of 2012, fifteen volumes had appeared. In 2011, the importance of the Wakefield court rolls was formally acknowledged by the UK committee of UNESCO, which entered them on its National Register of the Memory of the World.

The Society possesses a library and archives which constitute a major resource for the study of the county; they are housed in its headquarters, a Georgian villa in Leeds. These facilities, initially provided solely for members, are now available to all researchers. Lists of the full range of the Society's scholarly resources and publications can be found on its website, [www.yas.org.uk](http://www.yas.org.uk).

## **Court Rolls of the Manor of Wakefield, 1322–1331**

### **(Record Series volume 109)**

The Wakefield manorial court rolls span more than six centuries from 1274 to 1925, making them one of the most comprehensive series now in existence, and the Yorkshire Archaeological Society has been engaged in their publication and preservation for more than a century. The manor of Wakefield was one of the largest in England, covering a huge area of the West Riding of Yorkshire, although it was divided into many sub-manors. The actual area over which the court had jurisdiction during the centuries for which the records survive was approximately 90 square miles. The records of the manor's property transactions, agricultural business and law enforcement are an important source for legal, social and economic historians. In 1898, several members of the Society provided a fund to employ Miss Ethel Stokes, a leading London record agent, to produce translations of the earliest surviving rolls.

This is the last of the five volumes in the Record Series devoted to these early rolls, the others being 29, 36, 57 and 78. It contains translations of the seven surviving rolls from 1322–3 to 1324–5, 1328–9 and 1330–1. By the time this final volume was published, the original rolls had been donated to the Society by the last lord of the manor of Wakefield, the Earl of Yarborough, and were being transferred to the Society's safekeeping. The rolls published in this volume have the references MD225/1/48–52, 54 and 56.

J.W. Walker, the editor of this volume, was president of the Yorkshire Archaeological Society from 1938 to 1948, and an obituary and bibliography appear in the *Yorkshire Archaeological Journal*, 38 (1951–5), 416–18. His many publications included *Abstracts from the Chartularies of the Priory of Monkbretton* for the Records Series (volume 66, 1924, also reissued in the Cambridge Library Collection) and *An Historical and Architectural Description of the Priory of St Mary Magdalene of Monk Bretton*, published by the Society as volume 5 of the Extra Series in 1926.

COURT ROLLS  
OF THE MANOR OF WAKEFIELD.  
Vol. V.



THE YORKSHIRE  
ARCHÆOLOGICAL SOCIETY

FOUNDED 1863

INCORPORATED 1893

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COURT ROLLS

OF THE

MANOR OF WAKEFIELD.

VOL. V

1322-1331

EDITED BY

J. W. WALKER, O.B.E., F.R.C.S., F.S.A.

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1945

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WAKEFIELD

## INTRODUCTION.

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It is now fifteen years since the fourth volume of these rolls was published by The Yorkshire Archaeological Society.

This fifth volume includes the rolls for the ten years 1322-31. The translation and transcription was made by Miss Ethel Stokes in 1898, and this has been checked with the original rolls by the editor, who is responsible for the indices.

This volume contains some interesting notices of life on a manor in the early part of the fourteenth century.

Under the right of wardship the heir of a tenant became the ward of the lord of the manor, who, as guardian, preserved the right to collect the revenues of the land and to use them for his own profit throughout the heir's minority. These wardships were sometimes bought and sold as commodities.

In 1322 John de Clifton paid three shillings to the king, then in possession of the manor due to the execution of the Earl of Lancaster, for the wardship and right to collect the revenues of William son and heir of William del Bothes.

A similar case occurred when William son of John de Craven, under age at his father's death, was given with his lands, goods and chattels into the custody of William and Richard de Dene, his uncles, who were ordered to honourably maintain him and to render an account when he come of age, and they gave to the lord two shillings for the wardship for six years.

### HOMAGE AND FEALTY TO THE LORD.

John de Burgh, succeeded his father Thomas de Burgh at Walton in 1322, and was distrained at a manor court in April 1323, for homage and fealty for the manor of Walton and was fined sixpence for this default.

This delay was probably due to the question of the validity of the marriage of Sir Thomas de Burgh with Lucia de Bellewe, the daughter of John de Bellewe of Bolton-upon-Dearne, having been challenged by Elizabeth, the sister of Sir Thomas de Burgh and wife of Sir Alexander de Mountford, who alleged that her brother Thomas was impotent (*non copulat matrimonii*), and that consequently the two sons of Lucia were not the children of Thomas de Burgh, and were therefore illegitimate. If she could establish this Elizabeth de Mountford could then lay claim to the Yorkshire and Cambridgeshire estates of the Burghs.

To test the matter a suit was entered in the Ecclesiastical Court at York, but prior to the action coming before the Court Sir Thomas de Burgh died early in 1322.<sup>1</sup> The case then came into the Chancery Court at York on 16 February 1322-3, when it was proved that the marriage was a valid one, and that John de Burgh was the lawful son and heir of Sir Thomas de Burgh.

John de Burgh then did homage and fealty, paid two shillings to the lord and gave an ox to the steward, and an order was made to John de Doncaster, the eschaetor to deliver the manors of Cawthorne and Walton to the heir.

At the same Court it was reported that Robert the son of Geoffrey de Stanley was dead, and that Hugh his son and heir, who held two bovates by homage came and did fealty for the same, paying eight shillings and sixpence a year, and to do suit at the Court every three weeks. He also paid seventeen shillings to the king for a relief.

#### MERCHET AND LECHERWITE.

These were the most odious of all manorial exactions. A villein could not marry his daughter without the lord's consent, and the compulsory payment of *merchet*. It was spoken of as "buying one's blood."

There are several instances in this volume (and in the earlier ones) where a sum was paid for a licence to marry, as in the case of Matilda, the widow of John de Dene, who paid two shillings for a licence, but was also fined sixpence for having married without permission.

Matthew de Totehill in 1324 paid two shillings for permission for his daughter Beatrice to marry. An order of the Court was made that Rosa, the wife of Roger Preest, having married him without licence was to be attached and brought before the Court. Emma, the daughter of John Bunny of Newton paid the lord four shillings for a licence to marry, and the daughter of Adam Hoppe-cogel, a villein, who had married John Cobler without permission was fined forty pence.

If a woman married a man living beyond the manor, the licence cost more, as then the lord lost the rights in the issue of such marriage.

In 1331, Johanna daughter of Richard gave six shillings and eightpence for the licence to marry William Faber, outside the lordship.

The onus of reporting cases of *merchet* was a communal responsibility, and we find manorial jurors fined for neglecting to prevent offenders.

<sup>1</sup> *Cal. Inq. p.m.*, 10-20, Ed. II, 185.

The tenants of the graveships of Thornes, Stanley and Wakefield were fined for concealment of merchet, and at another time the tenants of the bordland of Wakefield were fined for the concealment of merchet and the lecherwite of several women deflowered.

Akin to merchet was *lecherwite*, the fine levied when the daughter of a villein lost her chastity, for in such cases the lord lost his merchet.

The extant tells us "If any nief shall give his daughter in marriage he shall pay a fine according to the Earl's will, also for lecherwite."

In 1324, Agnes, daughter of William of Neuton was fined four pence for being 'deflowered,' and in 1327 Matilda, daughter of John Munch paid twelve pence, and Alice the daughter of William of Overhall six pence for the same offence.

At a manor court in 1316 the jurors of Alverthorpe said that Juliana, the daughter of John Sibbeson, a nief, was deflowered before she was married, and had not yet paid merchet or lecherwite; that Alice, daughter of the same John Sibbeson was also ordered to be fined, but that her fine was condoned at the instance of the Steward.

On 11 June, 1331 an inquisition held at a Halmote in Brighthouse found that John de Holway owed Roger de Clifton three shillings for the lecherwite of a certain daughter of his, then deceased, for whom he was surety. John was ordered to satisfy Roger, but his fine was forgiven by the Steward.

In some cases a flogging instead of a fine was inflicted for these cases, at one Court Thomas of Bradley confessed his misconduct with Agnes, the daughter of Gilbert the Smith. Thomas was flogged, but Agnes was suspended for contumacy and excommunicated by the Dean; this frightened her, she then confessed and was flogged.

Another couple were brought before the Court, when Matilda confessed and was flogged through the market-place of Wakefield; Henry denied it, and was excommunicated.

One Henry Poket was engaged to marry Alice Sourhale, but the fickle Henry jilted the lady, but offered to pay his promised bride the sum of four shillings and eight pence to break the engagement, to which Alice agreed; later he refused to pay, whereupon Alice sued him for its recovery at the Manor Court. Henry was ordered to discharge his debt to the forsaken maid, and was also fined three shillings.

The Court in some cases tried to bring husband and wife together again, for on 11 June, 1331, four sureties were found for Thomas Kenward of Holne that he would be reconciled with Agnes his wife and would treat her well.

If he failed the sureties bound themselves to pay the lord forty shillings. At the next Court Adam Kenward and two others came into Court and acknowledged that they had in their custody sixty shillings worth of goods, belonging to Thomas and Agnes his wife for safe keeping until the said Agnes shall be willing to be duly reconciled to her husband.

Sometimes the Court had to deal with cases of the abduction of a wife. In 1307 the servant of Nicholas the parish chaplain of Wakefield abducted by night Alice the wife of John Hyde of that town on the chaplain's horse and by his command, and with the woman's consent; she was taken to Aylesbury, and with her eleven pence taken from her husband's purse, three gold rings worth eighteen pence, a mazer cup twelve pence, with many other things. Nothing is said as to a trial of the parish chaplain, this may have come before an Ecclesiastical Court. Eventually Alice returned to her husband.

In 1326 Robert Child sued Robert del Cliff for removing Margery his wife from his house, with her goods, and taking her away contrary to her husband's wishes. He laid his damages at twenty shillings.

#### TITHE.

Tithe seems then to have been the trouble it now is, and cases arising out of non-payment not infrequently came before the Manor Court.

In 1323, John de Burton sued Thomas de Sayvill for certain tithe sheaves of Dewsbury church, which church the said John held to farm.

The debt was acknowledged, and a fine of 6d. imposed.

The church of Dewsbury claimed tithe sheaves from Richard the Chaplain of Hartshead chapel, and in 1324, a claim was made for 39s. 11½d., being part of 54 marks due to be paid in installments by Richard for the tithe sheaves of his chapel, together with the altarage of the chapel to the Vicar of Dewsbury. The debt was acknowledged, and a fine of 6d. was imposed.

In 1324, the tithe of the mill of Cartworth had been granted to Richard de Thorntlay, who sold one-fourth part of the tithes to Adam le Tailur and Richard Child, without being able to guarantee the same, being prevented by the Rector of Birton, Dom. Robert de Barneby who claimed the same as belonging to his part of Birton church. Richard de Thorntlay claimed that he was in a position to sell the said tithe in the name of Master Thomas de Tynwell, portioner of the said church. The inquisition found that the sale was good, and the plaintiffs were fined 4d. for making a false claim.

## MULTURE.

The question of multure—the toll paid to the lord's mills for the grinding of corn, paying one measure in sixteen from August the first to Christmas and one in twenty for the remainder of the year, was constantly cropping up at the Manor Courts. This feudal enactment continued until half-way through the nineteenth century when the various townships bought the soke from the lord.

At Sourby several tenants were fined for withdrawing their corn from the mill there; in 1329, several were ordered to attend at the Sheriff's tourn to answer the lord for multure withdrawn. Michael Sourmilk was arraigned in full court for not paying multure on the twentieth jar of fifteen quartern of oats, which he had ground elsewhere.

At a Halmote held at Halifax on 6 January, 1331, an inquisition found that all tenants who owe suit to the mills at Werlulley and Soland will give multure of their groats of the twentieth vessel, and that they will give no multure of the flour produced from the groats. An order was given the same day to attach six tenants to answer the lord for withdrawing their multure from the lord's mill; they were each fined 18d., and were to satisfy the miller in addition to the fine.

At a later court William son of Richard was convicted of unlawfully denying multure due to the lord from half a bovate of land which he held of the Graffard fee. He was ordered to satisfy the farmers for the multure, and a fine of 6d. was inflicted.

The use of hand-mills—querns—was not allowed. The Grave of Soureby was ordered to make attachments of all tenants by the rod (copy-holders) who kept hand-mills in their houses to the lord's damage.

In June, 1321 Alice de Benteleyrode was fined 3d. for a pair of hand-mill stones in her possession. In 1335 several men and their wives residing at Holne were fined, some 6d., some 3d. for selling flour mixed with bran and dust.

William Scutard, while he was keeper of the windmill at Ossett, dealt falsely with the stones in order to steal the flour of the customary tenants, as it was found that he was then living out of the manor nothing could be done.

The tenants of the manor had to bake their bread at the lord's bake-houses, though licences were granted at a cost of 6s. 8d. to certain tenants to build ovens to be common to all.

The brewing trade was almost wholly in the hands of women. The wives of the most respectable tradesmen brewed at home, and sold ale to their neighbours. Immediately a brewing was finished it was the duty of the ale-wife to send for the ale-tasters,

(officials appointed by the bailiff), whose duty it was to taste the new beer of each brewing before it was supplied to the public. At every Court some of these women were brought up for transgressing the assize, either charging too much or brewing weak beer.

In 1266, a Statute was passed to regulate the assize of bread and ale, by which a graduated scale for the sale of ale was established throughout the whole country. It decreed that when a quartern of wheat was sold for 3s. or 3s. 4d., and a quarter of barley for 20d. or 24d., and a quarter of oats for 15d., brewers could afford to sell 2 gallons of ale for 1d. in cities, and 3 gallons for 1d. out of cities. In order to carry out the assize the lord of every manor was obliged to keep a pillory and a ducking stool.

In 1275 the jurors at a Court said that Juliana Pykard brewed contrary to the assize, and when the ale-tasters came Juliana said that she would sell ale against the will of them and of the bailiff, in despite of the Earl. She was fined 12d.

The wine taverns were furnished with a pole projecting from the gable of the house, bearing a bunch of leaves at the end; hence arose the proverb, "good wine needs no bush."

The oldest sign of all "The Grey Bush," dated from pagan times and the worship of Bacchus. In 1338, Stephen Arkyns' wife and Alice de Wyke were fined 2d. each for not putting out their signs, known as "alepoles" or "alestakes."

#### FORESTALLING.

Action against forestalling of goods for the market was severely dealt with. In 1322 Richard Stel, a common forestaller of victuals was fined 12d. In 1327 William Salter of Lyngerdes was convicted of being a common forestaller, fine 12d. William Isaud of Almonbury came before the Court as a forestaller and also as a seller of murrain flesh. Henry Drake for selling unsound meat and for forestalling fish and meat was fined 2s., as were also nine other men. William son of Mariota for forestalling hens, eggs and butter, and Robert Litfast for selling unsound meat, 6d. each. At a Sheriff's tourn held 2 July, 1329, a raid was made, and several men were fined for forestalling hens, butter, eggs and fish, and were fined 6d. each.

#### THE DEATH PENALTY.

The custom of the manor was when sentence of death was passed, at Wakefield by hanging at Agbrigg, but if at Halifax criminals suffered the extreme penalty of the law by the gibbet axe, which is now preserved in the Rolls Office at Wakefield. The last execution at Halifax by the gibbet axe was in the year 1650,



when two men were sentenced "to suffer death by having their heads severed from their bodies" for stealing sixteen yards of cloth.

From this extreme punishment arose "The Beggar's Litany—"From Hell, Hull and Halifax, good Lord deliver us."

At Wakefield after the sentence had been pronounced the convicted person's hands were bound, and he or she was taken to the lord's prison, and thence to Agbrigg, and there hanged on the gallows. In 1323 three men were taken out of Wakefield prison, led to Agbrigg and there executed.

Women were hanged, as in the case of Eda de Blakommor, who was convicted of stealing a tunic of blue cloth and a hood of the same material of the value of two shillings. Eda confessed and the verdict of the Court was, "Let her be hanged."

#### PRICE OF LIVE STOCK.

In the early part of the fourteenth century the price of animals, as shewn in these rolls, was 3 shillings for an ox; a cow 15 shillings; a mare 3 shillings and sixpence, a sheep 2 shillings and sixpence; a pig 3 shillings.

The charge for pannage in the new or old park was 8 pence for an ox, 4 pence for a steer, 2 pence for a calf, 12 pence for a horse, between the Feast of the Invention of the Cross—3 May, and the Feast of St. Oswald—28 February.

In 1327 these grazing fees brought in £15. 0s. 4d. to the lord of the manor.

At this period the wages for a female servant were 3 shillings and sixpence a year.

#### VILLEINS.

By the custom of the manor a villein was by birth and inheritance bound to the soil, but often aspired to become a freeman. In Whit-week 1275, Robert Ereward of Wakefield was charged at the Court with being a villein. Ereward admitted it, and gave 13s. 4d. for recognition, and agreed to pay 12d. annually. In 1330 William of Sandal, charged with being a bondman, agreed to pay 13s. 4d. on condition of being free for the whole of Earl Warenne's lifetime, and during that time not to be charged or molested for bondage or servile condition.

In 1339 John, Earl of Warenne ordered Sir Simon de Balderson, the steward of his lands in the north, to enquire upon the oath of twelve burgesses as to whether William de Sandal, Maud, Alice and William Tirsi, and thirteen others were bondmen or bondwomen, and to determine this by their inquisition.