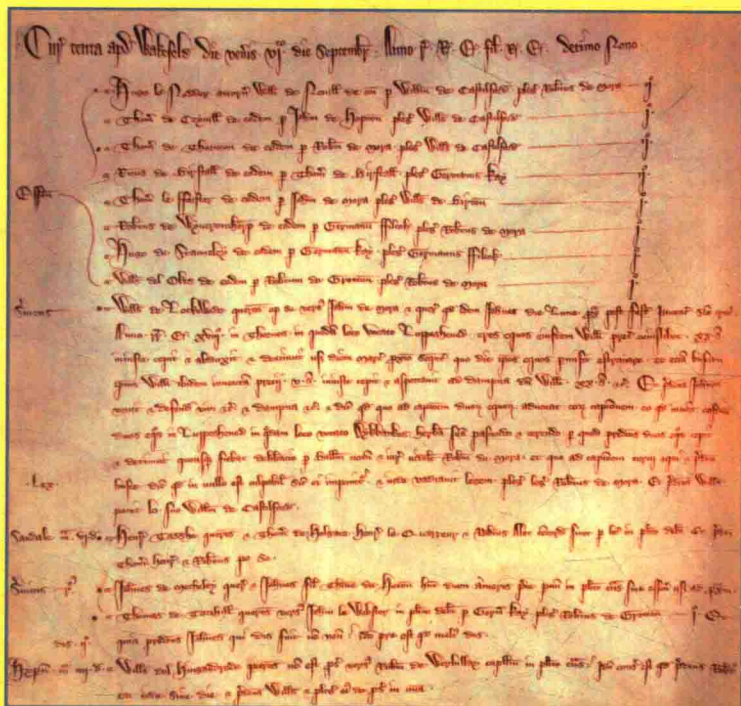


COURT ROLLS OF THE MANOR OF WAKEFIELD

EDITED BY
WILLIAM PALEY BAILDON

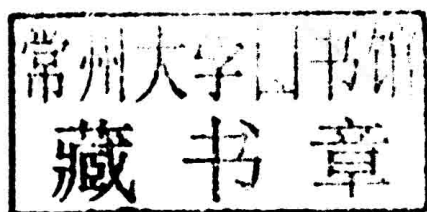


CAMBRIDGE

Court Rolls of the Manor of Wakefield

VOLUME 1: 1274 TO 1297

EDITED BY
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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 William Paley Baildon (1859–1924), Volume 1 contains the Latin text of the earliest extant court roll, for the year 1274–5, followed by an English translation. Also included are the surviving rolls (given in English translation) for the years up to 1297.

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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.

Court Rolls of the Manor of Wakefield, 1274–1297

(Record Series volume 29)

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. Three years later, the first of five volumes devoted to these early rolls appeared in the Society's Record Series, edited by a young legal scholar, William Paley Baildon. A London-based barrister, proud of his Yorkshire ancestry, he was one of the eleven founder members of the Selden Society and had begun his secondary career as a record scholar under the guidance of F.W. Maitland.

This first volume published the rolls for 1274–5 in both Latin and English, followed by translations of the other early rolls that survived for five months of 1277, 1284–5, seven months of 1286, and 1296–7. Baildon used Stokes's translations, but claimed to have checked them himself against the originals. However, Mary Bateson, who reviewed the volume in the *English Historical Review*, 19, no. 74 (April 1904), 345–7, expressed herself unhappy with the English translation of the Latin. Four further volumes (Record Series 36, 57, 78 and 109) appeared at wide intervals up to 1945. By this time, 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 MD225/1/3, 11, 12, 23 and 24.

COURT ROLLS
OF THE MANOR OF WAKEFIELD.

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1274 to 1297.

EDITED BY

WILLIAM PALEY BAILDON, F.S.A.

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INTRODUCTION.

THE earliest information we get as to Wakefield is derived, as in so many other cases, from Domesday Book. From it we learn that prior to the Conquest the manor had belonged to King Edward the Confessor, and was then in the hands of King William. It consisted of Wakefield itself; nine berewicks, namely, Sandal Magna, Sowerby, Warley, Feslei¹ (which is probably identical with Halifax), Midgeley, Wadsworth, Crosston, Longfield, and Stansfield; fourteen sokes, namely, Criggleston, West Bretton, Horbury, Ossett, Earlsheaton, Stanley, Shitlington, Emley, Cartworth, Kirkburton, Shepley, Shelley, Cumberworth, and Crosland; four other sokes, namely, Holme, Yateholme, Anstonley, and Quick, which were claimed to be thaneland; the soke of two manors in Normanton; and the manor of Dewsbury. In addition to all these, it is stated in the Claims that the church of S. Mary in Morley Wood [Woodkirk] also belonged to Wakefield; and in the Recapitulation that lands in Hipperholme, North Ofram, Shelf, Stainland, Old Linley, Fixby, Rastrick, Eccleshill, Farnley, Ardsley, Greetland, and Hanging Heaton, were of the soke of Wakefield.

The Domesday Record also tells us that the manor belonged to King Edward "in demesne," and was then in King William's hands; yet the tenants of the manor do not seem to have had the privileges of "ancient demesne."

At an early date, not precisely ascertainable, Wakefield was granted by the Crown to one of the family of Warenne. It is generally

¹ In the translation of Domesday recently published in the *Yorkshire Archaeological Journal* (vol. xiii, p. 333), these two are printed in one word, thus, "Warlafeslei." This is obviously an error, as the number of berewicks is thereby reduced to eight.

stated that the recipient was William de Warenne, second Earl of Surrey. I have not met with any positive proof of this, but it seems probable. William de Warenne, generally considered Count of Warenne in Normandy,¹ was one of Duke William's followers to England in 1066, and received in reward some 300 manors altogether. His Yorkshire holding was a comparatively small one, consisting of Conisbrough and its dependencies. He was created Earl of Surrey in 1088. He married Gundreda, whose parentage is still in dispute, and died in 1089.

His son William, second Earl of Surrey, was born *circa* 1071, and died in 1138. The first legal act by which it can be proved that the family [*i.e.* the Warennes] were seised of the manor of Wakefield with its dependencies, is the charter of William, the second Earl, by which he grants to God and S. Pancras of Lewes, the Churches of Conisbrough, Harthill, Fishlake, Hatfield, Little Sandal, Wakefield (with the Chapel of Horbury), Halifax, Dewsbury (with the Chapel of Hartshead), Burton and Sandal Magna.²

The names of the witnesses to the charter have not been preserved, and it cannot therefore be dated. But fortunately a charter of confirmation by Ralph, Archbishop of Canterbury, is in existence, dated 1121.³ For some reason which is not apparent this deed does not mention all the churches granted by the Earl's charter, but only those of Wakefield and Conisbrough.

We are thus able to say positively that the manor of Wakefield had been granted to the Warennes sometime prior to 1121.

Watson, in his *Memoirs of the Earls of Warren and Surrey* (i, 83), quoting from a MS. of Robert Nalson of Halifax, written about 1665, gives the date of this grant as 1116. This is probable enough, but as no original document is cited in support, the precise date must be considered doubtful.

¹ *Complete Peerage*. The facts here given relating to the Earls of Surrey are taken from this work, unless otherwise stated.

² *Loidis and Elmete*, p. 277. See also *Mon. Ang.*, v, 13.

³ *Miscellaneous Books*, Chapter House, B 5, fo. 1 (2); and see also *Pipe Roll Society*, vol. x, p. 11, where the deed is printed in full.

William de Warenne, third Earl of Surrey, son and heir, born *circa* 1118, was killed while on the Crusade in 1148.

He left an only daughter and heiress, Isabel, who married William de Blois, third son of King Stephen, who was styled Earl Warenne, *jure uxoris*. He died in 1159, without issue. His widow, the Countess Isabel, married, in 1164, Hamelin Plantagenet, illegitimate brother of Henry II, who was also styled Earl Warenne, *jure uxoris*. The Countess died in 1199, and the Earl in 1202. They had issue William, the fifth Earl, who seems to have adopted his mother's name of Warenne.

Earl Hamelin is said to have granted to each of the free burgesses of Wakefield a toft containing one acre, to be held in free burgage at a rent of 6*d* a year, with liberty of free trade in all his lands in Yorkshire, and leave to take dead wood for fuel in his wood of Wakefield; for which they gave to himself, his Countess and his son, £7. [Watson, *op. cit.*, i, 166.]

William de Warenne, fifth Earl of Surrey, son and heir of Isabel, was of age in 1202, when he had livery of his lands. He died in 1240.

In 1204 he obtained from King John the following charter:—"John, etc. Know ye that we have granted, and by this our charter confirmed to our beloved and faithful William, Earl de Warenne, and his heirs, that they may have a certain fair every year at Wakefield, lasting for three days, namely, in the eve, the feast and the morrow of All Saints, but so that it shall not be to the damage of neighbouring fairs. Dated at Brug', March 15th, 5 John. [1204.]"¹

John de Warenne, sixth Earl of Surrey, son and heir, was aged five years at his father's death.² He was lord of the manor of Wakefield throughout the whole period covered by this volume.

Taking the part of the King in the Barons' War, he fought under Prince Edward at the Battle of Lewes, May 14th, 1264. After the defeat of the royal forces, he fled to France, and all his lands, except Lewes and Riegate, were handed over to Earl Gilbert of Gloucester. He returned in 1265, and took part in the Evesham campaign.

¹ Charter Roll, 5 John, m. 10; Ancient Deeds (P.R.O.), A, 354.

² There is some doubt about this; two chronicles give 1231 as the date of his birth. See *Dictionary of National Biography*.

In 1269 he had a dispute with Henry de Lacy, Earl of Lincoln, respecting certain rights of pasturage. The situation of this pasture does not appear, but it is probable that it was in the neighbourhood of Wakefield, where their fees adjoined, and where, as these Rolls show, there was a considerable amount of rivalry and bickering. [See pp. 123, 144.]

Earl John, in 37 Henry III, 1252-3, obtained a charter of free warren in Haldsworth, Halifax, Heptonstall, Hipperholm, Langfield, Midgley, Northowram, Ovenden, Rastrick, Rishworth cum Norland, Rawtonstall, Saltonstall, Scircoat, Soland, Stansfield, and Wadsworth. [Watson, *op. cit.*, i, 229.]

In 1258, he obtained a grant of a second fair at Wakefield, as appears by the following charter:—"Henry, etc. Know that we have granted, and by this our charter confirmed to our beloved and faithful John de Warenne, that he and his heirs for ever may have a fair at his manor of Wakefield in the County of York, every year, lasting for three days, namely, in the eve, the day, and the morrow of the Nativity of S. John the Baptist, unless it shall be to the damage of neighbouring fairs. Dated at Oxford, June 19th, 42 Henry III [1258]."¹

The Hundred Rolls of 4 Edward I, 1276, give some interesting details of various abuses charged against the Earl and his officers.²

WAPENTAKE OF STRAFFORD.

"The same Richard [Richard de Heydon, the Earl's Steward] imprisoned Beatrice, widow of Gille the Tailor [*cissor*] of Roderam, at Wakefield, for a whole year, because she impleaded the Earl about a tenement in Gresebrok [Greasbrough], and how she was delivered they know not. The same Richard has done devilish and numberless oppressions, as will appear in the roll touching ministers. [p. 109.]

WAPENTAKE OF MORLEY.

"They say that the Stewards of John de Warenne, Earl of Surrey, ever since the Battle of Evesham, have taken toll of things sold and

¹ Charter Roll, 42 Henry III, m. 1.

² Hundred Rolls, i, 109, *et seq.* Only those items relating to the manor of Wakefield are here printed.

bought, whereas they have no market there, and they still do this in the Earl's Liberty of Sourbyschir at the doors of sellers and buyers, and they call that toll "Dortol" and "Huctol." And if any persons in any way gainsay it, [the Stewards] immediately amerce them, and they do other things contrary to ancient custom, as more fully appears in the inquisition. [p. 127.]

"They say also that William de Warenne, Earl of Surrey, in the time of King Henry, father of the now King, appropriated to himself as forest, half the wood of Sothill, all the wood of Dewysbiry, and all the bounds of Halifax, Skirekotes, Ovenden, Haldewrth, Saltonestal, Migel' [Midgley], Wadewyrth, Heptonestal, Shalketonestal, Rutonestal, Stansfeld, and Langefeld, without warrant. And the said Earl of Surrey keeps up the said injury, and especially as to the wood of Dewysbiry, whereby the neighbours of another fee are amerced for escapes, at the will of the Earl's Steward. [*Ibid.*]

"They say also that Richard de Haydon, formerly the Steward of the said Earl of Surrey, and Thomas le Ragged, formerly Chief Forester, after the Battle of Evesham appropriated to him [the Earl] free chaces within the bounds of Sothill, Hiperum, Northouerum, Schipeden, Nortland, and Risewrd, without license. [*Ibid.*]

"They say also that Richard de Haydon, Steward of the Earl of Warenne, maliciously vexed Richard de Stanesfeld, and charged him with having harboured a certain felon, and extorted 10 marks from him. [p. 128.]

"They say also that John de Rafnesfeld, Serjeant [*serviens*] of the Earl of Warenne, took from William de Staynland 20s. of the debt of the Lord King Henry, and did not acquit him. [*Ibid.*]

"They say also that John de Rafnesfeld took from John son of Elias de Stansfeld half a mark of the debt of the Lord King Henry, and did not acquit him; and again half a mark, and again 6s. 6d. And also half a mark from John de Haldwrth, and did not acquit him. [*Ibid.*]

"They say also that John de Rafnesfeld took out of gaol Hugh le More of Gumereshale, an approver then in prison at Wakefeld, in order that he might indict good and true men, for the sake of gain.

They say also that neither the Earl of Warenne nor the Earl of Lincoln ought to keep an approver within his Liberty, nor any other person save the King, as they believe. [*Ibid.*]

"They say also that Richard de Haydon, Steward of John de Warenne, Earl of Surrey [and others], have taken rewards for performing their offices, for allowing robbers to escape. [*Ibid.*]

WAPENTAKE OF AGRIG.

"They say that the Earl of Lincoln and the Earl of Warenne have the return of writs and estreats; they believe that the Earl of Lincoln has enjoyed this from ancient times [*ab antiquo*], the Earl of Warenne for 40 years. And they say that the said Earls do not allow the King's Bailiffs to do any office in their lands, but they do all offices by their Bailiffs. [p. 132.]

"They say that the Bailiffs of the said Earls hold a Tourn once a year in the lands of their lords, and they amerce those who do not come at the summons, and they arrest those indicted at their Tourns. [*Ibid.*]

"Also the Bailiffs of the said Earls seize and retain waifs. [*Ibid.*]

"Also Richard de Hedon, Steward of the Earl of Warenne, caused one Adam de Gumersale at Wakefeld to appeal one Adam the Fuller, a true man, from whom he [Richard] took 20s. to be released on pledge until the next Tourn, when the said robber [? Adam de Gumersale] said that he did not know the said Adam [the Fuller]. [*Ibid.*]

"They say also that the Bailiffs of the Earls of Lincoln and Warenne take many tolls unjustly, to the grievance of the whole neighbourhood, as appears in the inquisition." [p. 133.]

The interesting story of the Earl's spirited reply to some of the *Quo warranto* inquiries is well known, but is reprinted here in order to make the documentary evidence complete. It is given in the *Chronicle of Walter de Heminburgh, or Hemingford*, under the year 1279:—¹

¹ Edition 1849, ii, 6, collated with the Abingdon Chronicle. Hearne's edition (1731) does not give it.

"Soon afterwards, the King disturbed certain of his great men, wishing to know by what warrant they held their lands, and if they had not a good warrant he immediately seized their lands. Amongst the rest, the Earl of Warenne was summoned before the King's Justices, and, being asked by what warrant he held his lands, he produced in their midst a sword, old and rusty, and said, 'Behold, my Lords, behold my warrant! For my ancestors, coming with William the Bastard, conquered their lands with the sword, and with the sword will I defend them from any one desiring to seize them. For the King did not conquer and subject the land by himself, but our forefathers were with him, partners and helpers!' The other great men supported him and his answer, and they went away tumultuously, and displeased. But the King, when he heard the story, bethought himself, and relinquished his mistaken enterprise [*ab incepto errore conquievit*]."

Such is the legend, for, notwithstanding Hemingburgh's character for accuracy, it cannot be called anything else. The Earl was certainly a violent man—witness his assault on Alan le Zouche within the precincts of Westminster Hall¹—and it is not at all unlikely that he made vigorous protest against what he doubtless deemed an impertinent infringement of the rights of private ownership. But it is quite certain that Edward did not relinquish his *Quo warranto* inquiries, and also that the Earl did appear and plead before the Commissioners in the various counties where his property was situated.

Most of the proceedings relating to him will be found in the volume printed by the old Record Commission in 1818, but the plea relating to the Yorkshire estates is not given. I have therefore transcribed it in full from the original Rolls.

"²John de Warenne, Earl of Surrey, was summoned to answer the King by what warrant he claims to have the emends of the assize of bread and ale, and of all measures, and the plea of *namium vetitum*,

¹ See *Dictionary of National Biography*, and the authorities there cited. Watson, i, 242.

² Assize Rolls, 1069, m. 10d; 1059, m. 31d; 1063, m. 21.

and of spilling of blood, and waif, at Coningburg¹; and likewise by what warrant he claims to have free warren and his lands quit from suit in Brampton and elsewhere in his lands, without license, etc.; and likewise by what warrant he has appropriated to himself as forest half the wood of Stothill,² and the whole wood of Wesebyry,³ and all the bounds of Halifax, of Skircotes,⁴ of Houeden, of Haldeworth,⁵ of Saltonestall, of Migel', of Waddeworth,⁶ of Hertonestall,⁷ of Rutonestall, Stanefeld, and of Langefeld, and elsewhere in his lands, etc.; and likewise by what warrant he does not permit the King's Bailiffs to enter his lands to do their office without his [own] bailiffs and [in] their presence.

"The Earl comes, and says that he claims gallows at Coningburg and Wakefeld,⁸ and to do there such judgments as pertain to a gallows as to all his lands and fees, and says that he and all his ancestors have enjoyed the like from time immemorial.

"He claims also to have emends of bread and ale in the said manors, for this reason, that he has a market and a fair at Wakefeld from time immemorial. He has also another fair there by charter of King Henry, the father of the present King, which he produces, and which proves this.

"He claims also to take emends of bread and ale elsewhere throughout his whole land and fee, and to make judgment of transgressions of the assize at Wakefeld⁹ and Coningburg, and so he and all his ancestors have done from time immemorial.

¹ Conningburgh, 1059; Connigburgh, 1063.

² Sothull, 1059.

³ Dewsbury. The scribe in each case appears to have read "*Dewesbyry*" as "*de Wesebyry*." The matter is made quite clear by a reference to the Hundred Rolls, *ante*, p. ix; and see *post*, p. xiv.

⁴ Skycotes, 1059.

⁵ Haldewerk, 1059, 1063.

⁶ Wadworth, 1059.

⁷ *Sic*, Heptonstall.

⁸ Wagefeuld, 1063.

⁹ Wagefeld, 1063.