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Trials in manorial courts in late medieval England

Maureen Mulholland

A legal historian approaching the history of the manorial courts is aware that the comprehensive literature of the manor has been primarily concerned with the social, economic or political significance of the manor court. The rolls have been a rich source of research into the nature of medieval society, including questions of personal status, family structures, lordship, demography and social relationships, as well as the practice of agriculture and land management in the medieval English countryside.[1] For a lawyer, the study of legal institutions in themselves is a legitimate field of research, although this cannot and should not be divorced from that of the society in which they operated. Maitland himself, having a deep knowledge and understanding of the law and the instincts and skills of a historian, provided a fundamental analysis of the constitution and procedures of manorial courts in his seminal volume for the Selden Society 1889.[2] Here he affirmed the intrinsic legal importance of the courts and, in particular, stressed the significance of their procedure, since '[w]e cannot form a true notion of them unless we know how they did their ordinary work, and this we cannot know until we have mastered their common forms'.[3] It was nearly a century later that legal historians, notably John Beckerman[4] and, more recently, L. R. Poos and Lloyd Bonfield[5] restored the purely legal aspects of the court rolls to the study of legal history.

The vast range of manorial court records presents a daunting challenge to the would-be researcher. The primary sources for the manorial courts are manorial documents, consisting of account rolls, extents (surveys for valuation of the property of manors) and especially court rolls and court books. The earliest extant manorial rolls date from the thirteenth century[6] and at that stage the accounts of trial provide considerable detail. By the fourteenth century the stewards of manors were professional lawyers and it is no accident that, with the increasing professionalisation of these officials, the manorial court rolls became less informative and more formulaic. There are, nonetheless,

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many collections of rolls for the fourteenth and fifteenth centuries which reveal a vigorous jurisdiction whose proceedings in many respects mirrored those in developing common law courts, but which retained the informality, speed and ease of access which perhaps compensated for a lack of access to the common law courts.

Because the income of the courts was paid to the lord, the court rolls of a manor, together with extents and accounts, were primarily financial records,[7] and the steward or bailiff who compiled them was not, therefore, primarily concerned with the working of the courts. Nonetheless, the rolls provide a vivid picture of manorial legal rituals and although the late medieval rolls are less informative than those of the mid-thirteenth century, they still provide important evidence of the nature of trials in these courts – their structure, personnel and procedures, their rationale and their importance in the formulation of manorial custom and in the settlement of disputes by litigation. Although there are many variations in practice, there is considerable uniformity in the formulae used in the manorial rolls. Written in Latin, by clerks with varying degrees of skill, the rolls follow a fairly consistent procedural pattern, containing abbreviations, contractions of terms, specialised formulae and technical language, all of which became common form, constituting the legal language of the manorial system.[8]

A further valuable source of information about manorial trial procedures is the material contained in the many court keepers' guides and manuals which were produced as early as the thirteenth century. At first in manuscript, passed from one steward to another, they were later printed and circulated widely. Typical of these manuals, printed and published in the sixteenth century, are the four court guides, reproduced in 1892 in a volume edited by Maitland and Baildon and published by the Selden Society,[9] and providing important details of the procedure in a manorial court as well as an entertaining revelation of medieval community life.

The term 'court' in the medieval context, is wider than a tribunal of adjudication.[10] The court of the manor was a microcosm of the kingdom, and a little commonwealth in itself, and, like the Curia Regis of the Norman kings and their successors, executed functions which can be analysed as legislative, administrative and judicial. Like courts of the common law, which were ultimately to supersede them, the manorial courts made and developed customary law and played an important role in land transfers as well as providing for the settlement of disputes and the regulation of conduct. The evidence of the manorial rolls and court books, the court keepers' guides and the many studies of manorial jurisdiction, especially the work of Professor Beckerman[11] and Professors Poos and Bonfield,[12] demonstrate that, in hearing cases, the manorial courts were making and applying justice according to precedent, in the form of manorial custom, and adjudicating in disputes according to law. They therefore had that internal rationality which Joseph Jaconelli notes as the first requirement of a genuine trial in relation to substantive and to procedural rules.

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The classic analysis of the manorial courts divides them into those which were essentially seignorial, based in the feudal relationship, and those which exercised franchisal jurisdiction whose basis lay in the delegation of royal power.[13] In the case of the seignorial courts, namely the court of the honour, the court baron and the court customary, the lord had the duty to provide a court for his vassals and the right to demand their attendance. The honour court, often called the *curia ducis* (or occasionally the *curia militum*), was a gathering of the lord's most important and powerful tenants, principally those who held by knight service, and its jurisdiction extended over a number of his manors. Although the honour was the 'head' of all the lord's manors, the honour court was the first to decline in importance as a judicial body,[14] especially when legislation in 1259 and 1267 prevented its development as a manorial court of appeal, by providing that pleas of false judgment were to be dealt with only by royal judges.

The court baron was the lord's court for a single manor for his free tenants. In addition to declaring and sometimes creating the law of the manor, it was also concerned with the interpretation and enforcement of feudal services owed to the lord, as well as with disputes between free tenants, especially over title to freehold land, at least until the late twelfth century. At that point these courts began to feel the weight of the competition of new procedures and remedies afforded to free tenants by the growth of the king's justice.

The court customary, often known as the halmote or halimote, was the court for the lord's unfree tenants, presided over by the lord's steward or his deputy, or, more commonly, by the bailiff. This court exercised 'domanial' jurisdiction, enforcing the duties of villein tenants to perform their feudal services, declaring and applying the custom of the manor in relation to the proper cultivation of the manorial land, and in particular to the rights of unfree tenants over their land, including the legal recognition of land transfers. In addition the halmote punished breaches of manorial custom, including anti-social behaviour and minor moral offences. It also dealt with civil litigation subject to the forty-shilling limit[15] imposed by the Statute of Gloucester of 1278, including pleas of trespass, debt and slander.

This categorisation of the seignorial courts into honour courts, court baron and court customary (or halmote), however, was, to a great extent, an *ex post facto* rationalisation, made in retrospect by commentators in the fifteenth and sixteenth centuries. In reality, the distinctions between the courts were far from clear cut and although in later theory the court baron was solely for free tenants and the court customary (or halmote) for unfree, the distinction was often unclear in medieval practice.

The lord's franchise jurisdiction was different in kind from his seigniorial jurisdiction over his tenants, since his entitlement to hold such a court did not belong to him by right but had to be vested in him or his ancestors by the monarch,[16] delegating some of the Crown's prerogative jurisdiction over what would now be categorised as minor criminal offences and thus permitting the

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lord to exercise such jurisdiction free of intervention from the king or his officers. The usual franchise jurisdiction was equivalent to that of the sheriff in the tourn – the twice-yearly session of the hundred. The common name given to hundred courts is the leet (*leta*) and sometimes *magna leta*. However, it is also often described in the rolls as *visus francpledgi/francipledgii* (view of frankpledge), since one of the first duties of these courts was originally to ensure that every male over the age of twelve was in frankpledge – i.e. a member of a tithing. The leet met twice a year and was particularly concerned with day-to-day matters relating to law and order in the manorial community and with minor crimes, especially blood letting, and breaches of the assizes of bread and beer. The leet's jurisdiction over crime did not extend to the most serious felonies, unless the franchise gave to the lord extended rights such as the rights of 'infangthief', 'outfangthief' and gallows, entitling him to hang thieves and other malefactors caught red-handed on the manor or outside it – rights which, by the middle of the fourteenth century, were reserved to the royal justices.[17] Although trial procedure differed in some respects between leet jurisdiction and seignorial jurisdiction, it is not always easy to distinguish between them, especially when the courts were dealing with conduct which was punishable both as a manorial transgression and as a leet offence.[18] Moreover, the manorial rolls reveal a constant overlap between the proceedings of the halmote and those of the court leet, both of which were often conducted at the same session. The proceedings of the two courts often appear on the same court roll.[19]

It was the procedural advantages of the king's justice which attracted free tenants and disputes over freehold land away from the lord's court to the king's court, particularly through the development of the writ. After Henry II's assertion of the principle that 'no man need answer for his freehold land without the king's writ',[20] it became necessary for the claimant in a dispute over freehold land to obtain a writ of right patent before he could compel his opponent to answer in the lord's court. Even where such a case was commenced in the lord's court, it could be removed at the parties' behest to the county court by the process of *tolt*, whence it could be removed for a hearing by the king or his justices by obtaining a writ of *pone* from the Exchequer. The introduction by Henry II of the writ of Grand Assize, available to defendants to a writ of right patent, further weakened the jurisdiction of the seignorial court over freehold land disputes, since few defendants would prefer the lottery of trial by battle in the lord's court to the rational procedure of an inquest of knights of the shire held before the royal justices. Further, the issue of *praecipe* writs by the Exchequer, even where the case was strictly for the lord's court, encouraged litigants to seek the king's rather than the lord's justice in a dispute over freehold land. The stricture in Magna Carta, to the effect that the writ *praecipe* should not issue so as to deprive a man of his court,[21] had only a minimal effect, since by the early thirteenth century the possessory assizes gave freeholders a quick and effective way of testing rights to seisin,

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enforced by the power of the king, through the sheriff, and tried before the royal justices by an 'inquest jury' of neighbours. These trial procedures, offered by the king's courts, were undoubtedly popular. For free tenants, whose tenure might range from the grander kind of military service – such as the provision of armour or fighting men – to the provision of a minor service such as two capons, the attraction of the king's justice to decide disputes over land was considerable. By the reign of Edward I, the remedies available from the king's courts, further strengthened by the writs of entry, had made the lord's court less and less attractive to these litigants. When the Statute of Malborough in 1267 removed the general duty of free men to attend court under pain of fine, it further undermined the jurisdiction of the manorial court, at least in relation to freehold land. Also, the monetary value to the lord of holding a court for free tenants became ever less and it seems likely that – in addition to better procedures – freeholders' increasing recourse to the king's justice can be at least partly attributed to a belief that royal justice would be more impartial and more effective than that of the manor.

The manorial court rolls show a decrease in activity of the manorial courts, both halmotes and courts baron, in the fourteenth and fifteenth centuries. But the decline of manorial jurisdiction should not be exaggerated. Numerous meetings of the court baron and of the halmote, were still being recorded in the manorial rolls and court books of the fourteenth and fifteenth centuries. The duty of the villeins to attend the manorial court continued and the manor remained the usual forum for the settlement of their disputes.[22] Further, and most importantly, until the courts of common law began to recognise and enforce title to land 'by copy of the court roll', title to land and transfers of land held by unfree tenure were dealt with solely by the court of the manor.

In the late medieval period many free tenants, too, were still being bidden to attend the manorial court.[23] This might be because, although free, they held unfree (villein) land or because they owed suit by custom of the manor or by the terms of their tenancy.[24] Even in the fourteenth century knights might still be obliged to attend the court as, for example, Robert de Nevill, knight, who in 1348 was amerced in the Wakefield manorial court for non-attendance.[25] Free tenants might also choose to avail themselves of manorial justice in minor matters, for the convenience of quick and cheap litigation. In addition, social change weakened the strict hierarchy of the countryside and manor which was affected drastically both by great cataclysms, such as the Black Death,[26] and by steady demographic, social and economic changes in town and countryside. By the fifteenth century there is little evidence in the court rolls as to which parties are free and which unfree, and theoretical procedural rules as to status no longer seemed important.[27] The main importance of the manorial courts in relation to manorial land faded after the common law courts finally recognised copyhold title[28] but the seignorial courts survived in many manors – albeit in a severely weakened form – after the

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fifteenth century. The leet jurisdiction was the sturdiest of all the manorial jurisdictions to survive and was still active in many manors well into the nineteenth century, though much of its work was taken over by the petty sessions of the justices of the peace.

I Trial procedure in manorial courts

This chapter is concerned specifically with the procedure of the medieval manorial courts. It is characteristic of medieval English law that the courts did not recognise a strict separation between substantive and procedural law, and that substantive law was neither separate from nor more important than procedure. In the manorial, as in the common law courts, proper procedure was not merely an adjunct to a just hearing but, as in the American doctrine of due process, was integral to it. Whether the material under examination consists of the 'dull and monotonous material' which Maitland warned was necessary for a proper understanding of the manorial courts, or the more individual cases of 'curiosities' collected by Poos and Bonfield, the procedure of the courts, as reproduced in the court rolls and court books, is worthy of study in itself. For 'any attempt to understand law in the manor court must logically include consideration of how business was brought to the tribunal, how cases proceeded once they came before the court, and by what mode of proof they were resolved'.[29]

The court baron and the halmote were originally held every three weeks, though their sittings became increasingly irregular during the fourteenth century and by the fifteenth were often held only twice yearly, at the same time as the court leet. Manorial procedure followed certain well-established forms and a typical case in the court baron or the halmote was governed in accordance with manorial law and custom, which usually prescribed the following stages.

Summons

The proceedings were commenced by summons, often announced in church on Sunday or nailed to the church door, telling the tenants and suitors of the court of the date and time of the sitting. Reasonable notice had to be given,[30] which commonly was three days' or might be as little as one day's notice.

Attendance and essoins

Since suit of court was a duty, albeit after 1267 an obligation which could generally be enforced only on unfree tenants,[31] non-attendance was a breach of feudal duty for which tenants could be amerced.[32] Virtually every court session began with amercements for non-attendance and, if the recalcitrant person failed to attend on a further occasion without excuse, the steward would order distraint or attachment of their person or their chattels. A regular aspect of the procedure of these courts was the use of 'pledging' where X's

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friend or relation attended the court and acted as surety for his future attendance. The social pressures of the small community which was the manor were sufficient to ensure the court attendance of a party to litigation or even a party accused of a crime by the court's accepting another person as 'pledge'. Every manorial court roll contains a regular list of 'pledges' who were often recorded on the roll elsewhere as jurors, as affeerors or even as parties before the court in a different case. In many manors free tenants were allowed to appoint attorneys to represent them.

The custom of the manor, like the common law, allowed a party to put in a plea, known as an 'essoin', to excuse non-attendance or delay, and, if the essoin was acceptable to the court, the party concerned was excused, usually subject to a pledge that the absentee would appear at a later court to warrant or confirm that his essoin was genuine. Certain standard essoins were recognised as excusing attendance at court. In addition to the common essoin (*de malo veniendi*) which applied when the party summoned could not attend because of illness or infirmity, there were bed sickness (*de malo lecti*), serving in the king's wars (*de servitio Regis*), absence over the seas (*de ultra mare*), and absence on pilgrimage or at the Crusades (*in Terram Sanctam*), but the courts of the manor may have accepted lesser excuses. Essoins were always available to free tenants in the manor and by the fourteenth century unfree tenants could also essoin. Increasingly essoins were made by friends or relatives on behalf of absent suitors and were entered at the beginning of the roll, together with the list of amercements for non-attendance.

Election of the jury

The next stage recorded in the court rolls was the swearing-in of the suitors, pledges or jury.[33] At first, in the honour court and the court baron, the 'homage', consisting of all the suitors of the court, acted as presenters and finders of fact; later, juries were chosen from the personnel present in the court. The rolls do not explain how they were elected or on what criteria, but they were often elected from the 'chief pledges', especially in the court leet.

The functions of the jury in manorial trials were to declare – and even on occasions to create – manorial custom, to present parties to the court baron, the halmote and the leet, and sometimes to decide issues of fact before the court. This 'jury of inquest' was a procedural institution borrowed from the king's courts, and adopted with enthusiasm by the manorial courts. Here the number of jurors varied and was not limited to twelve but might be a larger or smaller number, on occasion consisting of as many as twenty-four, or even forty-eight, and as few as six.[34] This use of the jury or inquest proved popular – a popularity demonstrated by the willingness of manorial litigants, whether 'plaintiffs' or 'defendants', to pay the lord or his representative for the privilege of having a jury to decide a case. Payment would usually be a modest sum of money but occasionally might be in kind. Thus it was reported in 1249 that

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> Adam Moses gives half a sextary of wine to have an inquest as to whether Henry Ayulf accused him of the crime of larceny and used opprobrious and contumelious words of him. [35]

The alleged rule that there could not be a manorial jury without the presence of at least two free tenants was evidently no longer observed by the fourteenth century and manorial juries were frequently composed entirely of villeins. Indeed there were cases in several manors where free men chosen to serve on a jury objected to doing so on the grounds that they were free.[36] Generally, however, free and unfree men served as jurors together and the rolls do not seem to record that free tenants before the court objected to being tried by villeins, although in theory such an objection could be made by a free man on the ground that he should only be tried by his peers (*per paros suos*).

The duty of serving as a juror must have been onerous on occasions, since jurors could be amerced for failing to perform their duty properly (which might mean failing to present or wrongly doing so), or even for a lesser fault, as in Sandal in 1348, when the jury were amerced for putting their verdict 'in the mouth of one insufficiently knowledgeable'. They could also be punished by attaint[37] for wrongful verdicts. It is perhaps not surprising that in the manor court of Wakefield in 1316 John Swerd gave 6*d* for leave to retire from the inquest jury.[38]

It is received wisdom that the jury was a salutary counterbalance to the power of the steward in the manorial courts and that the power of the jury decreased in the fourteenth century, as the steward became more powerful, and the use of special juries, summoned to decide a question of the lord's interests, increased. However the jury was still a living and important part of manorial justice in the fourteenth and fifteenth centuries, when the rolls continue to report juries exerting their influence over the steward and instances of parties paying for an inquest to decide their case, especially in disputes involving land.[39]

In the court leet, the jury might consist of the same individuals as the halmote jury, composed of free and unfree men. Unlike the jury in the court baron and halmote, however, since the leet was exercising 'criminal' jurisdiction under powers delegated by the king, free men could be compelled to serve at the twice-yearly session of that court. The leet jury was principally a jury of presentment and by the fourteenth century such presentments were non-traversable, i.e. not open to challenge by the persons presented. This suggests that the charges, once made, were regarded as proved and therefore that 'trials' in the leet hardly fulfilled the requirements of a judicial process.[40] The rolls do not reveal whether the person charged had any opportunity to address the court or raise a defence, but even if he had no such opportunity, leet procedure was not noticeably more oppressive than the alternatives of the tourn and, from the fourteenth century, the courts of the justices of the peace.

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Presentment

Presentment was at the heart of the manorial system of justice and in the sense that it initiated a case it was the equivalent of the statement of claim or writ. In the classic model of the court baron,[41] the homage (and later the jury) presented issues for the court's consideration. They also presented individuals for breaches of feudal services, though by the fourteenth century, at least in relation to free tenants, such services had usually been commuted to money payments and the court was in effect simply enforcing payments to the lord. In the halmote, tenants were presented for failing to fulfil the work which they owed on the manor as villeins and for failing to pay feudal payments or penalties such as merchet,[42] leyerwite,[43] chevage[44] or multure.[45] They were also presented for failing in their duties relating to the proper care of the manorial land, such as the neglect of weeds or ditches, or for allowing beasts to stray on to a neighbour's strip of land, or to eat or damage crops. In addition they might be presented for minor offences such as assault or slander, or for anti-social conduct such as being a 'common night walker', 'an alehouse haunter' or 'a common player at cards and tables in alehouses', or for immorality where the jurisdiction of the manor overlapped with that of church courts.

In the court leet the jury presented those accused of minor offences, especially breaches of the assizes of bread and beer and offences related to public order, such as assaults, gossiping, night prowling or leaving foul rubbish in the street. Another regular cause of presentment was an offence regarding the hue and cry – either the raising of it unnecessarily or the failure to raise it when required. As in the halmote, the presentments were made by a jury, elected by the court at the beginning of its session. This sworn body of respected members of the manor was extremely powerful in the leet, especially in the late fourteenth and in the fifteenth centuries when presentments were non-traversable.

Litigation

The common law courts were growing throughout the fourteenth and fifteenth centuries, expanding their jurisdiction over civil litigation through the development of the forms of action, but they did not provide quick, simple and accessible justice in minor local disputes. With the decline of the eyre by the fourteenth century, the ability of poor local residents to obtain justice without formality or expense declined, since they would usually lack the means to buy a writ or to cope with the technicalities of the common law, with all its complexities, without legal representation. A case in the manorial court could be commenced by a simple oral plaint or plea, whereas at common law the complainant would need to obtain the correct writ in accordance with the developing knowledge of the forms of action. The immediate and effective course for a manorial resident to recover small debts or to recover damages from a neighbour who had assaulted or slandered him was therefore to take

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his complaint to the three-weekly court baron or halmote, where the matter would be dealt with speedily and effectively. Although litigation in the manorial courts decreased in the later Middle Ages, it was still an important part of their work, at least until the sixteenth century; the rolls reveal many cases of minor litigation, especially in disputes over land, but also many cases of debt, trespass and slander,[46] subject to the forty-shilling limit, which was a substantial sum for an agricultural worker or peasant.[47]

Land law

The most long-lasting and significant function of the manorial courts was, perhaps, their role in dealing with land held by unfree tenure. It was a basic tenet of the common law that freehold land was the concern of the common law courts alone and that the whole paraphernalia of land actions, including the rules relating to inheritance and transfer of freehold land, were unavailable to tenants of unfree land, which was governed simply by the law and custom of the manor. Transfer of unfree land was untrammelled by the rigid formalities of the common law and was achieved in the manorial court (usually on payment of a 'fine')[48] by a simple surrender of the land into the lord's hands and a re-grant by the court on his behalf; this 'tenure by the will of the lord according to the custom of the manor' was duly entered on the court roll. By the fourteenth century a flourishing market in peasant land had developed, enhanced by the changing social and economic conditions of many peasants on the manor, whether or not technically unfree. In addition to conveyancing the manorial courts decided complex issues of title and inheritance and entry on the court rolls became proof of title. The common law did not accept title registered in this way as binding until the fifteenth century, but once that momentous step had been taken, tenure by copy of the court roll ('copyhold')[49] became a standard form of landholding in English law.

Proof

A basic issue in any trial is how the issue is to be decided. Whether the procedure is inquisitorial or adversarial, ultimately the procedural rules of a tribunal will dictate who makes the decision and by what method. Proof was all-important in medieval law courts, and much of the court's work was concerned with deciding in what ways the parties should be allowed or required to prove their case. By the twelfth century, the old Saxon trial by ordeal was no longer used and the Norman innovation of trial by battle had faded away from disputes over freehold land, after the introduction by Henry II of the Grand Assize as an alternative to battle. Trial by combat survived in the old procedure of appeal of felony, but this too had fallen into disuse after the reign of Henry II. Of the ancient methods of proof which still survived by the fourteenth century, compurgation remained as part of the machinery of the manorial courts and, as late as the fifteenth century, the rolls often reveal a party being allowed or required to 'make his law' (*fecit legem*) or to 'go to the law six

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(or twelve) handed',[50] but the records show that, although compurgation was still being used in the fifteenth-century manor, it had become less popular and the jury more popular as a mode of proof, particularly in issues relating to land.[51] The reasons for this are not revealed in the rolls but perhaps respect for the oath declined or the community believed that a shady character might logically be supposed to have a number of unscrupulous and unreliable friends. So in a small community such as the manor, knowledge and local prejudice would make compurgation unsatisfactory in the case of a person of poor reputation. There is also clear evidence of xenophobia in that strangers or 'foreigners', being any persons from outside the manor, were regarded with suspicion and might be unable to find local oath helpers. It seems as if the defendants could usually choose the mode of trial and that if they were unable to do so, the court would decide for them.[52] Whatever the reasons, the trial jury is frequently mentioned in the court rolls and the fact that parties before the court sought this privilege and were prepared to pay for it demonstrates its popularity as a superior mode of proof.

The use of written records or other written evidence became widespread during the fourteenth century and a typical example from the Croxley Court Book suggests a surprisingly high degree of literacy and sophistication in the twelve jurors who had to decide whether a deed of feoffment, produced by a plaintiff to prove his claim to land, was genuine.[53] The court rolls themselves became an important source of reference for the court of the manor in its later deliberations.[54]

Verdicts and sanctions

A trial on completion results in a verdict and afterwards a definitive and binding judgment. Where the manorial court gave judgment against the person presented, he or she was said to be 'in mercy' (*in misericordia*) and therefore subject to the court's sanction, usually an amercement, a monetary penalty, usually 6*d*, 12*d*, multiples of a shilling, 18*d* or often 6*s*–8*d* (1 mark). Amercements were imposed by both the halmote and the leet, but the court frequently reduced the amount or pardoned the offender on the equitable ground that he or she was poor,[55] and sometimes on other grounds such as youth or sickness. Amercements were levied for multifarious causes – for allowing beasts to stray, for failing to clear ditches, for fighting, for receiving strangers and for marrying without permission or without paying merchet. Both men and women were amerced for adultery but perhaps the most startling penalty for a modern commentator was the leyerwite – a fine levied on an unmarried woman who had had sexual relations, consensual or not, with a man. This was principally imposed on the woman but occasionally imposed also on her father. Such moral offences were also within the purview of the ecclesiastical courts.

In addition to amercements, a sanction, akin to an injunction, was an order by the court to a tenant to perform his feudal duties, e.g. to clear a ditch,

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to cut a hedge, to keep his pigs in, to remove weeds or to cease to co-habit with a certain woman or to harbour a 'stranger'. In cases of civil litigation, such as assault, debt or slander, the court might order payment to be made by the defendant to the plaintiff or order what was in effect specific performance, as in the case in the Wakefield manor court in 1350 when the defendant was ordered to complete the sale of a horse.[56]

In the leet, amercements were levied for anti-social behaviour, for nuisances, especially those which might be regarded as affecting community health, such as 'dumping' of carcasses or rubbish, and especially for failing to be in frankpledge and for breaking the assizes of bread and ale. The leet's punishments were often harsh, typically including stocks, pillory, tumbrel (exposure to ridicule and shame by being made to ride round in a dung cart), and, on some manors, imprisonment, but it could not take life nor could it mutilate unless the lord's grant included infangthief, outfangthief and gallows.[57] By the fourteenth century its powers had been limited by legislation, removing to the royal justices cases of burglary, robbery, theft, counterfeiting, homicide and arson. However, the leet survived long after its counterpart in the country – the sheriff's tourn – had given way to the justices of the peace as a court of lesser criminal jurisdiction. As late as the nineteenth century, courts leet were still dealing with minor offences of public order, especially where the manorial court survived to become the court of one of the towns which developed within a manor.[58]

Contempt of court

The authority of the court, symbolic of the power of the lord, was enforced by court officials, especially the steward, whose powers to punish disrespect or disobedience were extensive. The most serious contempt of court was committed by a tenant who sued in another court than that of his or her lord[59] – an easy offence to commit when there were overlapping jurisdictions, not only between different adjoining manors but also between different judicial systems. Medieval man and woman lived in a society of interlocking and co-existent legal systems,[60] each of which jealously guarded its rights. A person who had suffered a trespass might bring his case before the local court, his manorial court or, with a writ of trespass, before the common law courts, but woe betide him if he sued in a court of another lord and another manor. Conflicts might also arise where the manor court and the church court both claimed jurisdiction – as, for example, in cases of adultery or breach of faith where a judgment by the church court might result in the villein, and therefore his lord, being deprived of chattels.

In addition to jurisdictional challenges, the steward had extensive power to punish conduct regarded as insulting, disrespectful or threatening to the order of the court proceedings, e.g. by fines imposed on tenants for cursing the jury or making a noise in court. In the fourteenth and fifteenth centuries the rolls reveal a new spirit of rebelliousness and unwillingness to accept the

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court's authority. Thus in Wakefield manor court in 1348 the tenants from Warley were amerced 12*d* for tumult in court and at the same session the sub-bailiff was in mercy because he 'took counsel with men murmuring in court'.[61] In a fifteenth-century case, Richard Smyth and his sons were amerced £100 – a mighty penalty – for addressing opprobrious words to the steward and assaulting him.[62] In 1350–52, in a Wakefield manor court, seventy-two people failed to come to court or to essoin when summoned and even the reeve (always called the grave in Wakefield) was absent, and in many English manors the court increasingly was unable to enforce attendance or payment of rents.

Conciliation and settlement

The rolls reveal plentiful examples of manorial courts providing opportunities for alternative means of settling disputes, even where proceedings had started. Where there was litigation between A and B, the court often appointed a 'love day' at a date in the near future when the parties would be able to settle their differences and such settlement, similar to the modern practice of conciliation, frequently achieved a compromise. Sometimes, also, informal arbitration outside the court achieved an accommodation between the parties.[63] The desire of the courts to encourage such arrangements where possible has a curiously modern flavour, and reveals that the justice of the manor was more flexible than the common law.

II The personnel of the manorial court

A striking feature of the courts and of their trials was the high level of community participation – at least of the respectable members of the community. They sometimes appear in the rolls as pledges, sometimes as jurors (whether declaring custom, presenting, or deciding between two parties) and sometimes as affeerors.[64] A pledge or juror at a halmote might be presented at the next court for a manorial offence or for failing to pay a debt; a juror at the leet might be presented at another session, perhaps for breaches of the assizes of bread and ale or for a nuisance. As early as the fourteenth century, when the social distinctions between free and unfree tenants became blurred, the manorial court was attended by both villeins and free tenants together.[65] Both were subject to the same procedures and penalties and by the fifteenth century it is no longer evident from the rolls which tenants were free and which unfree. As the concept of villeinage died away gradually, without formal enactment, the court ceased to be much concerned with villeins leaving the manor, though chevage remained payable. Free and unfree tenants alike were suitors to the court, sat on juries, acted as pledges and were subject to the same trial procedures. There was still deep suspicion of 'foreigners' and 'strangers', these being persons from outside the manor, though the fourteenth and fifteenth-century rolls reveal a new kind of outsider who, although

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not originally from the manor, became an influential local figure in the court and in the community.[66]

The position of women before the manorial court was paradoxical. Women were often litigants or claimants before the courts, often seeking to assert their property rights to unfree land. They brought pleas of trespass and debt and were sued in their turn for the same kind of wrongs. They could not serve on juries but they brought complaints against other women and against men. A wife's consent was necessary before her husband could surrender their estate in the manorial court.[67] Yet although in some ways they were equal before the court, women were subject to particular feudal dues and disadvantages; they were liable to pay merchet if they wished to marry and amerced if they married without the necessary licence. Perhaps most startling to a modern mind is the liability of a woman who had been raped or seduced to pay leyerwite and the fact that a woman could lose her land if she was found to have committed adultery or fornication.[68]

The steward

The steward (*dapifer*, later *senescallus*) was the representative of the lord and exercised functions on his behalf. Although initially a modest appointment, the office of steward was, as early as the fourteenth century, held by important figures in local and even in national society, such as Adam de Stratton in Wiltshire, and Sir Robert Shireburn, later an M.P., in the honour court of Clitheroe, Lancashire. By the fourteenth century the steward was usually a lawyer, often using a manorial appointment as a stepping stone to higher things in the law.[69]

The estate steward was a powerful and prestigious figure who travelled round the estate, holding courts in each manor, assisted by his deputy and by the bailiff. As free tenants gradually became less significant in the manor court, the steward increasingly replaced the suitors in making decisions and in the fourteenth century he became the presiding judge in the court, though the rolls reveal that the suitors and jurors were far from being mere docile ciphers as has sometimes been suggested. Even though he was in authority and subject to few controls in the exercise of his office, other than financial accountability, he was not able to act with impunity and records of manorial hearings reveal examples of stewards being censured for oppression and injustice.[70]

The bailiff

The bailiff (*ballivus*, *serviens*) was a more lowly figure who bore the brunt of executing the orders of the court. He often presided in the halmote or the court baron, though not usually in the leet, in place of the steward. He had the task of summoning the suitors to the court, of taking the essoins and swearing in the jurors, and also of executing the orders of the court by distraining persons or property and collecting amercements. Unlike the steward,

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the bailiff was not usually a person of rank in the community though, unlike the reeve and the hayward, he was not a villein and was not obliged, as they were, to accept election by the court. He was usually paid.

The reeve and the hayward

The reeve (*prepositus*) or grave, was elected by the manorial court once a year, from the unfree tenants of the lord, and his duties were many. In return for minor favours, such as being permitted to eat at the lord's table at harvest time, he was responsible for the organisation of the manor and its agriculture. His office and that of his colleague, the hayward, were onerous and the retribution for inefficiency harsh. So in *Modus tenendi curias*,[71] Robert the reeve is sentenced to forfeit his goods and to be put in the stocks because he is always 'haunting fairs and taverns'. The office of reeve was so unwelcome that there are examples in many manorial courts of tenants paying amounts ranging from 1*s* to 20*s* to be relieved of it.[72]

Affeerors

These officials were elected annually by the court to decide the amounts to be paid to the court by way of amercements, required by Magna Carta to be assessed 'by the oaths of the honest men of the neighbourhood'.[73] Affeerors were frequently unfree tenants, but this does not seem to have prevented them from deciding amercements for free tenants, nor does there appear to be evidence of protest or appeal against the amounts fixed, a list of which appears in the margin of each court roll.

III Publicity – openness

The notion of openness is deeply ingrained in our ordinary notions of trial, and secret trials are regarded with suspicion in a free society, unless there is an overriding reason for secrecy.[74] Trials in the manorial courts fulfilled the condition of openness as they were held in the heart of the manor, in a place prescribed by manorial custom. Sometimes it was the somewhat romantic location of a tree in the manor,[75] but more usually the court would be held in the great hall of the manor house or sometimes in church.[76] Suit of court was not only a duty but also a right; hence in their essence these courts were open to all the lord's tenants. Long after the attendance of free tenants could no longer be compelled, villeins still owed suit of court and were amerced for failing to attend. Free tenants also continued to appear in the manorial court, either as tenants of unfree land or in relation to personal disputes with other tenants, including villeins, as the distinctions of status diminished. The proceedings of the manorial court continued to remain open to the inhabitants of the manor, though the fifteenth century saw the decline of manorial justice – a decline evidenced by the fact that courts ceased to be held at

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regular three-weekly intervals and the rolls show an increasingly long list of non-attenders, including even court officials such as the reeve.

IV Impartiality – independence and freedom from bias

The manorial court was the only realistic forum of justice for the majority of dwellers on the manor and, viewed with the eyes of the twenty-first century, that justice may seem to have been rough and its impartiality suspect. The court was, after all, the lord's court; the presiding officer, the steward, was the lord's representative and the other officials of the court were the lord's tenants and therefore beholden to him. It is tempting to see the courts of the manor as the essence of feudal oppression; how could tenants, and particularly villeins, obtain even-handed justice? Yet it is clear from the manorial records that the court and its proceedings were subject to the law and custom of the manor. The manor was not a despotism. Just as the realm was governed by the king according to law and to feudal principles, the manor was regulated by manorial law. The suitors, pledges and jury of the manor courts were fellow tenants, many of them important members of the community, and even in his most powerful period the steward could not override the judgments of the court completely. On occasion the court rose up against an unjust official and, in the case of an elected office, replaced him.[77]

Of course it would be naïve and unrealistic to assert that there was no bias, injustice or corruption; experience of human nature makes it inevitable that there would be oppression in many manors by the lord's representatives – indeed there is evidence of such conduct and of the robust response of some manorial communities. There must have been prejudice and unfairness in the judgments of the court on occasions. The rolls simply state the presentments and by the fifteenth century these were non-traversable. Further, a person of ill repute, or someone regarded as an 'outsider' or 'foreigner' probably stood little chance of a fair trial, being generally viewed with suspicion and even with hostility. However, the ideal of justice remained in the procedures of the court; it is clear from the court keeper's manuals that a party could complain if he showed that he would be prejudiced because of the jury's bias against him.[78]

V The late Middle Ages – unrest and decline

Despite the ravages of the Black Death, the manorial courts continued their sessions and the rolls reveal little of the drama and tragedy of 'the great dying', though deaths are frequently reported in the rolls when the court meets. There was, however, an increase in villeins absconding from the manor, whether because of plague or an ability to work on other manors for payment, or general social unrest. During the fourteenth century there were many outbreaks of resentment among tenants, especially villein tenants, against

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the lord's courts. In the abbey of Vale Royal in 1329 and 1336 the abbot was faced with two minor peasants' revolts which were typical of a wave of disturbances on many manors, such as the struggles on the manor of Thornbury, Essex in 1339.[79] The manorial rolls reveal a new spirit of defiance and of resistance to the power of the steward and his officers in a society 'seething with discontent'.[80] Whether this resentment was a symptom of a desire for personal freedom,[81] of anti-government feeling or merely of discontent with feudal burdens which were at their most onerous in the fourteenth century, resistance to the manorial court, and to manorial services, was widespread. It is not surprising that in the Peasants' Revolt in 1381 manorial court rolls were burned by the rebels as a sign of defiance.[82]

The manorial court rolls of the fifteenth century, too, reveal increasing examples of disorder and of the inability of stewards to control the proceedings or enforce the court's will. In the revolt of 1450, Jack Cade famously proposed to kill all the lawyers – a sentiment which probably also encompassed the manorial stewards of his day. The rolls demonstrate incidences of increased lawlessness – a phenomenon which may, perhaps, be linked with the increase of violence associated with fifteenth-century life, though in many manors court business seems to have continued as usual throughout the upheavals broadly associated with the Wars of the Roses. There were in the manorial courts, as in society generally, upheavals caused by disorder and quarrels between magnates and others, and manorial justice was sometimes a casualty of these power struggles. The manorial court was not only a forum for the administration of justice and the regulation of manorial society, it was also a powerful affirmation and symbol of the community of the manor and an assertion of the property rights and influence of the lord. Thus, in the Paston letters, the wife of John Paston describes her determination to hold a manorial court to assert her family's rights in the face of armed opposition from her husband's enemies.[83]

VI Language and meaning

The late medieval court rolls provide little information about the parties involved in proceedings other than their names, their occupations and the matter which brought them before the court, but there are occasionally vivid pictures of medieval manorial society. The manor is evidently a litigious society, quarrelsome, fiercely protective of land, family and custom, hierarchical, misogynistic and xenophobic. In the fourteenth and fifteenth centuries there is a new resentment of the burdens of villeinage and perhaps a new political will to express that resentment. As Mary Laven warns in her chapter, the formal language reported should not too readily be taken at face value[84] and the historian must be cautious in interpreting the meaning of the language of court rolls. For example, the regular imposition of fines for breaches of the assizes of bread and beer, despite its penal appearance, may

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well have been a form of licensing; brewing was an important local service (mainly performed by women) and the repeated imposition of modest fines on the same individuals suggests a tolerance of the activity rather than a desire to outlaw it. Similarly merchet may have become more a marriage licence fee than a penalty. The many cases of leyerwite may demonstrate a lawless, brutal and misogynistic society – indeed some of the cases must have involved rape in the true sense of violation – but sometimes the stories behind the case may really tell of a couple defying the wishes of the lord or of their families or of a passionate local consensual relationship. Again, the details of trespass, especially assaults and batteries, may not be literal. As in common law cases of trespass, we should be wary of deducing that the allegations of damage are literally true.[85] A look at one membrane of the fifteenth-century Dunham Massey court rolls startles the reader with details of the fierce attacks committed by several neighbours on one another. But are these true or are they conventional allegations cloaking family rivalries or property disputes?[86]

Long after the lords of the manor and their more prosperous tenants had turned to the common law courts to deal with their own litigation, the manorial courts continued to provide a cockpit for the settlement of local issues and an expression of local community values. For centuries they were the most important judicial and regulatory tribunals in the lives of the ordinary people of England, and after their decline there was little cheap, accessible justice in civil claims until the advent of the county courts in 1846, or perhaps even until the introduction of small claims procedure in the late twentieth century.

Notes

1 The development of the literature of manorial court history is well encapsulated in the editors' introduction, 'The historiography of the manor court rolls', in Z. Razi and R. Smith (eds), *Medieval Society and the Manor Court* (Oxford, 1996), pp. 1–35.

2 F. W. Maitland (ed.), *Select Pleas in Manorial and other Seignorial Courts*, Selden Society, 2, 1889.

3 *Ibid.*, p. xii.

4 J. S. Beckerman, 'Customary Law in English Manorial Courts in the Thirteenth and Fourteenth Centuries', Ph.D. thesis, University of London, 1972; J. S. Beckerman, 'Procedural innovation and institutional change in medieval English manorial courts', *Law and History Review*, 10 (1992), 197–252.

5 L. R. Poos and L. Bonfield (eds), *Select Cases in Manorial Courts, 1250–1550*, Selden Society, 114, 1998.

6 Maitland (ed.), *Select Pleas*; W. O. Ault, *Private Jurisdiction in England* (New Haven, Connecticut, 1923).

7 P. D. A. Harvey in his Introduction to *Manorial Records of Cuxham, Oxfordshire, circa 1200–1359* (London, 1976), pp. 12–57, gives a comprehensive survey of the compilation of manorial accounts, including court proceeds.

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8 See P. D. A. Harvey, *Manorial Records* (London, 1984).
9 F. W. Maitland and W. P. Baildon (eds), *The Court Baron [being precedents for use in seignorial and other local courts] together with Select Pleas from the Bishop of Ely's Court of Littleport*, Selden Society, 4, 1890.
10 See J. H. Baker, 'The changing concept of a court', in his *The Legal Profession and the Common Law: Historical Essays* (London, 1986), pp. 153–69.
11 See n. 4 above.
12 Poos and Bonfield (eds), *Select Cases.*
13 Special considerations and privileges applied to those manors held by ancient demesne whose mesne lord was the monarch or his consort.
14 Though honour courts survived, on some estates (e.g. Broughton, Clitheroe).
15 Although the statute applied to trespass pleas in the communal courts, it was also applied in the manorial courts.
16 The *Quo Warranto* inquiry under Edward I and subsequent applications of the principle questioned the validity of individual lords' franchises and controlled the undue extension of private courts.
17 Though in some great estates the lord retained extensive jurisdiction.
18 Leet offences were sixty in number, manorial approximately forty, but there were overlaps between them, e.g. offences related to the hue and cry, and nuisance.
19 As in the fifteenth-century manor court rolls of Dunham Massey, Cheshire.
20 Probably not a new principle but one revived and re-asserted.
21 *C.* 34.
22 The whole question of the status of villeinage is complex and the fluidity of the notion of servility makes rigid categorisation impossible. See P. Hyams, 'What did Edwardian villagers understand by "law"?' in Razi and Smith (eds), *Medieval Society*, pp. 70–1.
23 Poos and Bonfield (eds), *Select Cases*, see especially the Introduction, pp. xv–cxcii.
24 In the thirteenth century a lord often stipulated that a free tenant should owe suit of court. Also lords sometimes made a special bargain with freeholders to come to 'afforce' the court for baronial business.
25 H. M. Jewell (ed.), *Court Rolls of the Manor of Wakefield 1348–50* (Leeds, 1981), pp. 20, 37.
26 Perhaps surprisingly, the manorial courts system seems to continue without a break during 1348–50, though many deaths are reported. Some rolls show an increase in villeins absconding from the manor. See Jewell (ed.) *Court Rolls*, Introduction, pp. xviii–xxi; A. E. Levett, *Studies in Manorial History* (Oxford, 1938), p. 248.
27 See below, pp. 93–4.
28 See A. W. B. Simpson, *A History of the Land Law* (Oxford, 1986), pp. 162–5.
29 Poos and Bonfield (eds), *Select Cases*, p. xxxv.
30 A 'reasonable summons' is referred to in the cartularies of Ramsey Abbey and Gloucester. Other manors required three days' notice but one day's notice was common. William Paston ordered that his tenants should be notified on Sunday about a court on the following Friday. See J. Gairdner (ed.) *The Paston Letters* (6 vols, London and Exeter, 1904), VI, p. 3, no. 938, 17 October 1478.
31 There were exceptions to this general rule, e.g. if the free tenant's duty of suit of court dated from before 1230 or was provided for in his charter.
32 An amercement was a money penalty imposed by the court.

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33 See also M. Mulholland, 'The jury in English manorial courts', in J. W. Cairns and G. Mcleod (eds), *'The Dearest Birthright of the People of England.' The Jury in the History of the Common Law* (Oxford and Portland, Oregon, 2002), pp. 63–73.
34 Levett, *Studies*, p. 149.
35 Court rolls of the Abbey of Bec in Maitland, *Select Pleas*, p. 19.
36 E.g. the refusal by six men of Barnet to be sworn in as part of the inquisition, on the ground that they were free. See the Barnet Court Book, quoted by Levett in *Studies*, p. 146.
37 A procedure for trying a jury for 'false judgment' – in effect for perjury – before another, larger jury.
38 For the Sandal case see Jewell (ed.), *Court Rolls*, p. 4; for John Swerd's case, see J. Lister (ed.) *Court Rolls of the Manor of Wakefield (1315–17)*, Yorkshire Archaeological Society Record Series, 78, 1930, p. 72.
39 Poos and Bonfield, *Select Pleas*.
40 See *Colebrooke* v. *Elliott* 3 Burr.1859 [1766].
41 Maitland and Baildon (eds), *Court Baron*, *passim*.
42 An amount payable to the manorial lord by an unfree woman or her father for permission to marry.
43 Sometimes payable by the woman's father 'for inadequate guarding of his daughter ('*pro custodita sua mala*)'.
44 A payment due from a tenant for leaving the manor.
45 A toll for grinding corn at the lord's mill.
46 Damages were given for defamation and informal contracts enforced centuries before the common law. See J. P. Dawson, *A History of Lay Judges* (Cambridge, Massachusetts, 1960), p. 199.
47 C. Dyer, *Standards of Living in the Later Middle Ages* (Cambridge, 1986).
48 Here not a penalty but a monetary payment to the lord.
49 See Simpson, *History*, pp. 162–5.
50 I.e. to bring five (or eleven) 'oath helpers' with him to support his word. In some manors, villeins, women and lepers were disqualified from acting as oath helpers.
51 Juries were the usual mode of proof in the manor courts in disputes involving land. See Poos and Bonfield (eds), *Select Cases*, Introduction, p. lx.
52 Beckerman, 'Procedural innovation and institutional change', p. 214, n. 81.
53 Levett, *Studies*, p. 149.
54 Poos and Bonfield (eds), *Select Cases*, Introduction, p. lxvi.
55 E.g. Maitland, *Select Pleas*, pp. 42, 114; Jewell (ed.), *Court Rolls*, pp. 29, 109.
56 See M. Habberjam, M. O'Regan and B. Hale (eds), *Court Rolls of the Manor of Wakefield (1350–1352)* (Leeds, 1985), pp. 87–8.
57 A startling example of manorial power occurs in the court guide *Modus tenendi curias* ('The Manner of Holding Courts'), where the presenters decree that John Fox (a murderer) is to be beheaded. See Maitland and Baildon, *The Court Baron*, p. 99.
58 Such as Altrincham, Cheshire, which developed from the manor of Dunham Massey.
59 Jewell (ed.), *Court Rolls*, pp. 155–7.
60 See A. Musson, *Medieval Law in Context. The Growth of Legal Consciousness from Magna Carta to the Peasants' Revolt* (Manchester and New York, 2001), pp. 85–120, 217–27.

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61 Jewell (ed.), *Court Rolls*, pp. 3–4.
62 C. Dyer, *Lords and Peasants in a Changing Society: The Estates of the Bishopric of Winchester* (Cambridge, 1980), p. 268.
63 See e.g. McIntosh, *Autonomy*, p. 198.
64 See *Affeerors*, below, p. 95.
65 In some manors a tenant could do suit by attorney.
66 Levett, *Studies*, pp. 191–2 (St Albans); Ault, *Private Jurisdiction*, pp. 315–18 (barony of Manchester).
67 Jewell (ed.), *Court Rolls*, p. 6.
68 Poos and Bonfield (eds), *Select Cases*, pp. 83, 97.
69 E.g. Robert Belknap , appointed steward of Battle Abbey in 1352, later a serjeant-at-law. See J. H. Baker, *The Common Law Tradition* (London, 2000), p. 268. Robert of Madingley (1304–10) and John of Cambridge (1328–35) were stewards who later became judges in the common law courts.
70 As in the Ramsey court. See Ault, *Private Jurisdiction*, p. 175.
71 'The manner of holding courts', in Maitland and Baildon (eds), *Court Baron*, p. 103.
72 E.g. Henry Fisher paid 6*s* 8*d* to be released from office as reeve, and John Fox and his son paid 18*d* and 2*s*, respectively, to be released from service as hayward for the Bishop of Ely's court at Littleport. See Maitland and Baildon (eds), *Court Baron*, p. 128.
73 *C.* 20.
74 See J. Jaconelli, Chapter 1, above.
75 As under the ash tree in the courts of the abbey of St Albans. See Levett, *Studies*, pp. 137–42.
76 A practice not approved of by the bishops. See H. S. Bennett, *The Pastons and their England: Studies in an Age of Transition* (Cambridge, 1990, reprint 1991), p. 208.
77 Ault, *Private jurisdiction*, p. 175.
78 As in Maitland and Baildon (eds), *Court Baron*, p. 63, where William denies that the jury will give him a fair hearing because of hostility towards him, 'these men have their hearts big against me and hate me much (*ils sunt les uns que ount le quer gros envers moi e mult me hoent*)'.
79 P. Franklin, 'Politics in manorial court rolls: the tactics, social composition and aims of a pre-1381 peasant movement', in Z. Razi and R. Smith (eds), *Medieval Society and the Manor Court* (Oxford, 1996), pp. 162–98: at p. 195. See also Levett, *Studies*, pp. 203–5.
80 Franklin, 'Politics', p. 162.
81 See especially the work of R. H. Hilton, including *The Decline of Serfdom in Medieval England* (second edition, London, 1983).
82 Musson, *Medieval Law*, pp. 244–6.
83 Gairdner (ed.), *Paston Letters*, IV, p. 169, no. 599, 7 August 1465.
84 See Mary Laven, below, Chapter 8.
85 E.g. in the writ of trespass the allegation that the defendant beat the plaintiff with sticks and swords and grievously wounded him so that his life was despaired of.
86 Dunham Manorial Court Rolls (1403), Grey (Stamford) of Dunham Massey Papers, John Rylands University Library of Manchester. The author acknowledges the assistance of the John Rylands Research Institute with this material.

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