

From the *Transactions* of the
Bristol and Gloucestershire Archaeological Society

Tenures - of Land, by the Customary Tenants in Cirencester

by E. A. Fuller
1877-78, Vol. 2, 285-319

© The Society and the Author(s)

TENURES OF LAND, BY THE CUSTOMARY TENANTS,
IN CIRENCESTER,

By Rev. E. A. FULLER, M.A.,
Vicar of S. Barnabas, Bristol.

I HAVE here printed, with translations, a series of documents, describing the tenure of land by the customary tenants in Cirencester, during a period of about 450 years, commencing 1086, and ending 1540; and I have made some comments on these documents, as illustrating the early system of tenures, and the gradual changes that took place in that system as the centuries passed along.

The documents next in order after the extract from Domesday, are from Volume A of the ancient Chartulary of the Abbey of Cirencester, which is among the manuscripts of the valuable library collected by the late Sir Thomas Phillips; and it is by the courtesy of his daughter, Mrs. Fenwick, the present possessor of that library, that I am allowed to print these documents. An Inquisition, identical with the second of these records, No. III., is also entered on the King's Bench Roll, Michs. 9, Hen. III. (1225), m. 6 d, and n. 20 d, of which there is an official copy among the Chancery County Placita, for Gloucestershire, 43 Edw. III. I. a, and exemplifications of it are on the Patent Rolls, 43 Edw. III. (1370) part ii. 14, and 1 Hen. V. (1413) part i, 14: this Inquisition being the standard of reference for determining the manorial rights of the Abbot over his tenants in Cirencester. The last of the documents printed at length is a portion of the pleadings before Sir Wm. Hankford and Sir Thos. Fitznicoll, the king's Justices of Assize at Gloucester, in August, 1413, in which are set forth how much of those ancient rights the lord of the manor still claimed.

I.¹—Terra Regis. In Cirecestre hundredo, habuit Rex Edwardus v, hidas terræ. Ibi in dominio v carucæ et xxxi villani cum x carucis. Ibi xiiij servi et x bordarii et iij molini de xxx solidis et prata et ij silvæ de l. solidis, et ibi ij liberi homines ij carucas habentes. Lanam ovium regina habebat. Tempore Regis Edwardi reddebat hoc manerium iij modios frumenti et dimidium et brasii iij modios et mellis vi sextarios et dimidium et ix libras et v solidos, et ter mille panes canibus. Modo reddit xx libras et v solidos xx vaccas xx porcos et pro panibus xvi solidos et de novo foro xx solidos quorum habet Sancta Maria tertium denarium.

TRANSLATION:—The King's land. In Cirecestre hundred, King Edward held 5 hides of land. There, in demesne, are 5 ploughs, and 31 villeins, with 10 ploughs. There are 13 serfs, and 10 bordars, and 3 mills worth 30 shillings, and meadows and two woods worth 50 shillings; and there are two free men having two ploughs. The Queen used to have the wool of the sheep. In the time of King Edward this manor paid three-and-a-half bushels of corn, and three bushels of malt, ten pints of honey, and £9 5s., and three thousand loaves for the dogs. Now it pays £20 5s., twenty cows, twenty pigs and for the loaves sixteen shillings, and from the new market 20 shillings, of which St. Mary (*i.e.*, the College of Canons) has the third penny.

II.²—Sewald Cut operare, Rembald Cut operare, Godefray Cuppe operare, Johannes faber operare, Heregrin fecit messionem sed quantum nesciunt, Robertus Hegrin operare, Segrin kariavit fenem et bladum et messivit i acram, Godefray Thuche metere iij acras et dimidiam et tribus diebus falcare et fenare et sarclare, Redegold operare, Robertus filius Segrin operare.

' Non est tam liber homo qui non debet arare et cariare cum plastro si habet vel cum biga, scilicet Willielmus de Saga, Willielmus Torel, Alred Pilie, Terra Edwardi filii Hune, Terra Acelini, presbyteri, Philippus i acram et ij dies fenationis, Alketillus de Tidret i acram et ij fenationes, Thurebert id ipsum, Eilmar id ipsum, Baron i die, Willielmus Croce id ipsum, Heriot id ipsum, Adam eriare et cariare, Robertus Gibet dimidiam acram, Hereward i acram et fenationem.

¹ Domesday Book, Gloucestershire, fo. 162, b.

² Cir Abb. Regist., A 13 a.

Aldic de la Barre tenet quadrantem terræ quæ fuit operaria tenendo carucam, Willielmus debet metere unam acram et fenagium, Vidua Wulfrici similiter, Alketillus id ipsum, Galfridi terra id ipsum, Terra Godefridi id ipsum, Robertus Hurt id ipsum, Alanus Rufus id ipsum, Robertus piger id ipsum, Terra Seman operare, Terra Thuche operare, Lunerici terra operare, Osbert de Waleburewe operare, Terra Wulverici cum porcis operare, terra puellarum operare.

Roger Hurt i.d., Vidua Galfridi i.d., Alketil i.d., Vidua Wulverici i.d., Johannes de Waleburewe i.d., Ailmar de Chirint i.d., Thurebert i.d., Alketill i.d., Unfridus Tredegod i.d., Philippus i.d., Staph' Willielmi i.d., Godefrai Thuke i.d., Willielmus filius Radulphi i.d., Johannes faber i.d. Ricardus Knit i.d., Godefray Corre i.d., Angod i.d.

TRANSLATION :—Sewald Cut, Rembald Cut, Godfray Cuppe, John the smith, were wont to labour ; Heregrim mowed corn, but they (*i.e.*, the jurors of the inquisition) know not how much ; Robert Heregrim laboured ; Segrim carried hay and corn, and mowed an acre ; Godfray Thuche used to mow three acres and a half of corn, and for three days to cut grass and make hay, and hoe ; Redegold, and Robert the son of Segrim used to labour.

There is no man so free, but he is bound to plough, and to carry with a waggon if he has one, or with a cart, as William de Saga, William Torel, Alred Pilie, the land of Edward the son of Hune, the land of Aeelin the priest ; Philip, and Alketil de Tidret, one acre and two days' haymaking ; Thurebert and Eilmar, the same ; Baron, one day ; William Croce and Heriot, the same ; Adam, to ear (plough) and carry ; Robert Gibet, half an acre ; Hereward, one acre and hay-making.

Aldic de la Barre holds a quarter of a virgate, that used to render labour service, by keeping a plough ; Wulfrie's widow, Alketil, Geoffrey's land, Godfrey's land, Robert Hurt, Alan Rufus, Robert the sluggard, ought each to mow an acre of corn and do hay-making work ; Seman's land, Thuche's land, Lunerie's land, to labour ; Osbert de Waleburewe to labour ; Wulverie's land to work among the swine ; the maiden's land to labour.

Roger Hurt, Geoffrey's widow, Alketil, Wulverie's widow, John of Waleburewe, Ailmar de Chirint, Thurebert, Alketill, Humphey Tredegod, Philip, Stephen the son of William, Godefrai Thuke, William the son of Ralph, John the smith, Richard Knit, Godefray, Corre, Angod, each pay a penny.

There can be no doubt but that this second document has some

reference to the first, that it is a partial extent of the king's demesne, in Cirencester, as described in Domesday, though not exactly of the same date.

When Henry I. transformed the ancient college of secular canons, which had existed from the time of Egbert, into a monastery of regular Augustinian canons, he took away all their old charters,¹ and gave them a new charter of foundation; accordingly when, in the reign of Henry III., the canons began to enrol their muniments, the first document entered in their chartulary was the new charter of foundation given by Henry I., in 1133, from which date the various charters, letters patent, inquisitions, &c., are continued in regular order to about 1250, all in the same hand writing of the first scribe. These are written in double columns, commencing at folio 14 a.² There are two indexes, one a long one of the whole contents of the volume, written by a later hand, and occupying folios 1-7, but the other, the original scribes' index to his enrolments, commences on the second column of folio 13 a, and in the first column he entered the extract from Domesday about the king's demesne given above (No. I), and immediately below, without any heading, the inquisition transcribed above (No. II). Now Henry the First's donation did not include the manor of which the abbey became first possessed at about 1155-6, 1 or 2, Hen. II., holding it then, not permanently by charter, but at the king's will, the king by letters patent having authorised the abbot to treat the manor as his own in aid of the building of the abbey church. The patent is undated, but in the Pipe Roll of 2 Hen. II., the Sheriff of Gloucester is allowed for lands, in Cirencester, given to the Canons of Cirencester, worth £29 a year; whereas, in the Pipe Roll of 31 Hen. I., the allowance to the Sheriff for the Canons' land is only £1 2s. 6d. It is clear, then, that this inquisition refers to some period before the manor thus passed into the hands of the Canons, or else it would have been entered in the regular series along with other documents

¹ Leland Collectanea, i. 84.

² There are three separate paginations in vol. A of the Register. I have followed the one at the bottom of the page.

relating to the manor while they thus held it "in commendam" during the reign of Henry II., and it is equally clear that it is of a later date than Domesday, for the prevalence of Norman names shews that it concerns a generation later than the Conquest; moreover it is impossible to make the two exactly tally with each other.

I am inclined to place it towards the middle of the reign of Stephen, or even in the first year of Henry II., there being no occasion between 1086 and 1141, as far as I know, when such an inquisition needed to be taken, and the only name which I can trace elsewhere, W. Torell, appears as witnessing a deed of gift concerning a mill in Cirencester, the confirmation of which by Henry II. was some time between 1154 and 1162, as the deed of confirmation is attested by Thomas-à-Becket, as Chancellor.¹ Cirencester seems to have formed, originally, part of the great Earldom of Hereford, created by the Conqueror for William Fitzosborn; for Earl William is named in Domesday as having made an alteration in the tenure of one of the freemen of the manor.² But by 1086 the manor was back again in the King's hand, Earl William being dead and his son Roger in prison as a rebel, and in the crown the manor continued till in 1141 the Empress Maud re-created the Earldom of Hereford in favour of her adherent Milo Fitzwalter. On his death in 1144 his son Roger succeeded him; but on Roger's death in 1154 Henry did not immediately grant confirmation of succession to Roger's brother Walter; the manor was again resumed by the Crown, and Henry, as already mentioned, gave it to the Abbey. This inquisition, then, might have been taken either in 1141, in order to ascertain the rights of the new lord Milo, or on the resumption by the Crown in 1154, and in either case it is presumably the one to which the King refers in his patent³ where he "bids the Abbot withdraw and hold all his demesnes of Cirencester as the worthy men of the town have sworn to them, and nameably the service and tenements of William of Cirencester,⁴ as that has been sworn to by the worthy men."

1 Monasticon, iii., 23. 2 Domesday, i., 162, b. 3 Cir. Abb. Reg. A 21 b.

4 William's land was wanted for the enlargement of the monastery, and the monks accordingly pulled the houses down, extirpated the garden, and threw it into the precincts.—Cir. Abb. Reg., A 17 a.

The document is interesting, for it seems to bear on its face a trace of the troubles and disorders of Stephen's reign, when, according to the Anglo-Saxon chronicle, "thou mightest well walk a whole day's journey, nor ever shouldst thou find a man seated in a town or its lands tilled." The jurors' ignorance as to how much mowing Heregrim formerly did points to a time when the lord's rights had been in abeyance, or could not be exacted when men were doing everyone that which was right in his own eyes. It is interesting also as describing a very early condition of services on the manor, for though taken in all probability sixty years after Domesday, yet the customs described are the ancient customs of the manor, the same apparently as performed by the tenants at the period of the conquest, if not in even earlier times.

It was mentioned above that there is an apparent discrepancy between the record of Domesday and this inquisition. Domesday mentions 31 villeins, 13 serfs, and 10 bordars, with presumably 3 millers, as there are three mills named, making a total of 57 tenancies. The total number of tenancies in the inquisition is equally 57, but the classes do not quite coincide. There are 12 described as "*operarii*," i.e. labourers, men that are of the humblest order, whose condition is described by Bracton, ii., c. 8 § 2, as rendering a service uncertain, and not determined, who did not know one evening what they might have to do on the morrow; they had to give their whole service to their lord if he required it. And besides these twelve, the tenure of one parcel of land is described as having been changed from the lower order of labour service to the higher one of maintaining a plough. These thirteen will correspond with the thirteen serfs of Domesday. It is the other classes that do not tally. One point of resemblance is in the ploughing services. Domesday mentions five ploughs on the demesne, and ten among the villeinage; while in the inquisition there are fifteen, besides Aldric de la Barre, named as being bound to plough. In the inquisition, however, there are only 27,¹ not counting Aldric de la Barre, who are described as holding by

1 It may be noted, however, that these two classes together, numbering forty, are just equal to the total number of tenants named in the next inquisition of the time of King John.

definite farm labour service corresponding to the villeins of Domesday, who are there said to be 31 in number, while no mention is made, as in the case of De la Barre, of any alteration of tenure. The explanation, in all probability, is that some of the villeins of Domesday are, in the inquisition, among those who pay a penny, and who appear to answer to the Bordarii. In the extents of manors in the Gloucester Chartulary,¹ about 1267, where the several services due from each tenant are set out with extreme minuteness, the value of each separate kind of work is also written down, and then the ploughing of an acre in the heavier land of the Vale of Severn was counted to be worth 4d. or 4½d., but up in the Cotswold 2½d. or 3d.; a day's manual labour was estimated at ½d. or ¾d.; a day's reaping, 2d. to 2½d.; a day's mowing, 2½d. to 3d.; a day's haymaking, 1d. In the Domesday of St. Paul's,² i.e., the Inquisition of the manors belonging to that Cathedral in 1222, in which each separate tenancy and its character is described, mention is made in a few instances of parcels of land formerly held on labour tenure and now on a money payment, and on the other hand, there are instances of just the reverse. Comparing the services and payments it would seem the value of a day's labour was estimated at about ½d. So in the similar elaborate Register of the manors belonging to the Priory of Worcester³ in 1240, in each case the condition of tenure of the villeins of every class, high or low, is set out, whether they held by money payment or labour service, it being apparently a matter of choice under which tenure they held, and a comparison between the two shews a similar estimate of the value of a day's labour. So, also, in some extents of manors belonging to the Cathedral of Ely, quoted in illustration by Archdeacon Hale in his notes on the Register of Worcester Priory, a day's labour is worth ½d., a day's ploughing, 1d., and the ploughing of an acre, 4d. It is easy to understand then when there is in the manor of Cirencester an instance of such a small service as that done by Robert Gibet, viz., of ploughing half an acre, that it is quite possible that a penny might be a fair equivalent, in some

¹ Master of the Rolls Series.

^{2 3} Publications of Camden Society, 1865.

instances, for services done on this manor by the tenants to the lord, especially when it is remembered that this valuation will have been estimated at a settlement made about 200 years earlier than the other extents to which we have been referring. Indeed, when this record is compared, in the matter of money payment in lieu of service, with the next in order of time, it will be seen that the first must either be a settlement of very early date, or else, if of later date, that it bears more marks than suggested before, of the great troubles and consequent depression of Stephen's reign, the penny payment being taken not as a real equivalent, but as all that could be obtained under the circumstances.

There are two writs of Henry II.¹ in the Abbey Chartulary A, bearing somewhat on this point; one, a writ to the King's officers everywhere, bidding them cause to be restored to his canons of Cirencester their fugitives and natives with their chattels, who had fled since the death of Henry I.; a writ which shews how completely out of gear the whole local and provincial machinery of authority had been during Stephen's reign; but the other writ, of protection to the men of Cirencester, seems quite to preclude the suggestion that the small money payment is due to the disorder of the last nineteen years: the King at Cirencester "bids the abbot not unjustly vex the King's men of Cirencester for their free tenements which they hold of the King, nor unjustly exact from them any other customs or services than those which they were bound to perform for their tenements when the King gave the town to the Abbey in alms, or than the men and their ancestors were wont to perform in the days of Henry I." The customs, therefore, of the first year of Henry II. were the same as those in the reign of Henry I., and the services of the tenants on the demesne, such as the worthy men of Cirencester had at some recent period sworn to them, were no new customs adopted perforce during the absence of authority in Stephen's reign, but the ancient customs existing in the previous reign of Henry I., and most likely, therefore, in the century preceding, possibly even in the time of

1 Cir. Abb. Reg. A 22 a.

the old English kings. I have dwelt upon this point at some length, because I believe that detailed inquisitions of such early date are not very common.

Taking this inquisition then as explanatory of the short summary of Domesday, we see that the lord had, without payment, the services of thirteen labourers, who everyday, if required, had to perform any manual labour which was set them; a swineherd; nine men bound to mow an acre of corn; one who mowed three acres; and one more who had to mow apparently throughout the whole season; only one who cut grass, but seventeen hay-makers for different periods; seven who carried the hay and corn with their own teams; and fifteen ploughmen bound to plough, either with their own or their lord's ploughs, but not all the same amount, one half an acre, eight of them an acre apiece, and six with no limit named; besides these, one man had to do some hoeing among the corn.

At the same time it must be remembered that this would not represent all the labour which was at the command of the lord of the manor without payment. I have already said that this inquisition is only a partial extent of the manor, dealing only with the labour services, or payment in lieu of service, due from ancient days from the customary tenants; it does not mention the universal custom of hay-making and harvest work affecting all the dwellers on the manor, customs which, as they were among the most ancient, were also, as we shall see, of the longest continuance; nor does it again embrace all the tenants, for it does not touch the assessed land, and the rents due from the tenants of such land. That the abbey had an income from assessed rents would be a matter of course, from the analogy of similar properties; and, accordingly, in the Pipe Roll of 33 Hen. II. (1187), where the profits of the abbey are entered during the vacancy after the death of Abbot Robert, their income from assessed rents is set down as over £153 a year, though there is nothing to show how much was derived from Cirencester itself. In four several taxations, however, of the latter half of the thirteenth century, viz.: in

1251,¹ 1252,² 1254,³ 1291,⁴ the value of the manor of Cirencester is set out under the two heads of the annual value of the land held by the abbey, and the assessed rent; the services of the customary tenants, or their money payments in commutation of service, with which the Abbot could hire labourers, entering no doubt into the estimated annual value of the land; and in the detailed accounts of the abbey property at the suppression in 1539, the rents of assize, and rents of the customary tenants in the manor, are entered separately. The only mention of a definite money rent that I can fix in very early times, is in the case of William of Cirencester, who is named in the writ of Henry II. transcribed above. He, and his father Hugh, in the reign of Henry I., are said⁵ to have held their land by payment of twenty shillings rent, and other services, and to have held their land in villeinage, for there were only two really free men on the manor who did not owe villein service of some kind or other to their lord. It may be that he is the William named in the inquisition among the customary tenants, holding other land on a different tenure, just as among these customary tenants on the manor there are five, at least, who held land under more than one class, a very frequent thing on all manors; but there will have been many others besides them holding lands of assize, and though some, like William, may also have held customary land, there must have been, we may be sure from the analogy of other manors, some who held assessed land alone. This illustrates the point, to which Archdeacon Hale drew attention in his Introduction to the Register of Worcester Priory, that Domesday is not exhaustive as regards population; for if the inquisition we have been considering represents, as has been suggested, the detailed account of the men named on the manor in Domesday, and it does not embrace as a rule the tenants of the assessed land, then there must be a certain number of payers of rent to be added to the customary tenants named in that survey; and this is the conclusion to which the Archdeacon came after a careful consideration of the extents of the Worcester

1 Antient Miscell. of Exchequer, 69

2 3 Cir. Abb. Reg. A., 127 a.-129 a.

4 Tax. P. Nichol., 234.

5 Cir. Abb. Reg. A, 17a.

manors in 1240. On the other hand, the fact to which I have drawn attention, that in five instances the same man holds under different classes, reduces any estimate we might otherwise frame; as the number of tenants named in Domesday is thereby shewn to be no certain guide to the number of households.

One other point to be noticed is that the services of the customary tenants were partly personal, *i.e.*, due from them because of their personal villeinage or serfdom, they being men who came of families that were, by birth, villeins or serfs before the Conquest, at the Conquest, and after; and partly were due from the land, of whatever personal condition as to freedom or serfdom the actual tenant might be. Of the forty tenants whose services are named, the land is said to owe the service in ten instances, equally divided originally between the classes of villeins and serfs, but at the time of the inquisition in the proportion of six and four; from the other thirty the service appears to be due personally.

Before the date of the next two documents, which belong to the reign of John, there has been a change in the relation of the manor to the king. The temporary grant of the town to the Abbey continued till the death of Abbot Robert in 1186, when, during the vacancy, the whole property of the canons was seized into the king's hands.¹ The vacancy lasted about three quarters of a year, but Henry retained the manor of Cirencester for half a year longer, at the end of which time the new Abbot Richard obtained a grant of the town on the same terms as before, but on king Richard's accession the abbot purchased from the king a charter, granting him the town in perpetuity with all the king's manorial rights. Henceforth too the standard is no longer the customs of the manor in the days of Henry I., but the customs, such as they were when Henry II. held the manor before he gave it to Abbot Richard, *i.e.*, the years 1187-8. This appears very definitely in No. IV.

III.—¹ Inquisitio facta per preceptum domini Johannis Regis de serviciis et consuetudinibus Cyrencestrie per Ricardum de Muchegros et Walterum de Verdun. Universis, &c.

Universitati vestre significandum nos mandatum domini Regis in hec verba suscepisse: Johannes dei gratia, &c., mandatum est vobis quod sine mora eatis usque Cyrencestriam et diligenter inquiratis quod servicium villati de Cyrencestria facere consueverunt Henrico patri nostro dum illa villa fuit in manu sua. Inquisita vero veritate servicium illum Abbati de Cyrencestria fieri faciatis. Venientes Cyrencestriam convocari fecimus coram nobis halimotum de Cyrencestria et ejusdem halimoti assensu fecimus eligi xvi. homines de senioribus et legalioribus de Cyrencestria, qui perut dicebatur magis sciebant consuetudines et servicia ville de Cyrencestria, ad dicendum et recognoscendum per juramentum suum quod servicium homines de Cyrencestria facere consueverunt pie memorie Henrico regi, patri domini nostri Johannis regis Anglie, dum illa villa fuit in manu sua. Hec sunt nomina eorundem xvi electorum:—Thomas de Mora, Johannes de Suthington, Willielmus Wrench, Willielmus Ascer, Ricardus Cervus, Ricardus filius Emme, Ricardus de felde, Robertus Wen, Robertus de loch, Henricus Wydie, Michael de mora, Aluric Penes, Hugh Bec, Rogerus filius Wymond, Gilbert Saneril, Hugh Rugge. Hi xvi homines in presentia nostra, tactis sacro sanctis evangeliiis, jurati super sacramentum sanctum, nobis recognoverunt et dixerunt illa servicia quae facere homines de Cyrencestria consueverunt memorato Henrico regi, cum ipse habuit Cyrencestriam in manu sua; et nos eadem servicia et consuetudines, quas memorati juratores coram nobis recognoverunt, hic in hunc modum fecimus subscribi. Terra Roberti Erkinbald se defendit per venatoriam; Terra Roberti de Pyrie se defendit conducendo thesaurarium domini regis infra comitatum ad custum suum et extra ad custum domini regis; Terra Willielmi Alad vi. d. pro omni servicio; terra Ricardi Francois xvi. d. pro omni servicio; Terra Baldwine v. s. et iij bederipas quolibet die iij homines et tres feneisuns et tholuetum et non potest sine licencia domini maritare filiam suam; Terra Thomas Everi, Wydim Blisse, Willielmi de ponte, Smyling,

Willielmi Kene, Hugonis Bec, Walteri Lund, omnes illi consueverunt servare boves domini regis tempore Henrici regis ad forragium domini regis; Terra Othulf solebat operare tribus diebus in ebdomada et iij bederipas et iij feneisuns et tholnetum et non potest sine licencia domini maritare filiam suam; Terra Willielmi Ascer iij s. et ij bederipas et non potest sine licencia domini maritare filiam suam; Terra Rembaldi de Preston eodem modo; Terra Willielmi Doggevel xxxii d. et per idem servicium; Terra Walteri le Brazieur ad operationem cum furca et flagello; (Virgata Lest v.s. et per idem servicium¹); Terra Johannis Sails iijs et per idem servicium; Terra Elie de Monasterio iiij s. et per idem servicium; Terra Aldwyn Claud iij s. et iij bederipas qualibet die duos homines et per idem servicium; Terra Alurici Penes ad furcam et flagellum; Terra Walteri de Ablington xvij d. et per idem servicium; Terra Rescent iij s. et per idem servicium; Virgata Warner ij s. et per idem servicium; Terra Athelgod, et terra Pari, et terra Vole ad furcam et flagellum; Terra Godway, ij s. et iij bederipas qualibet die iij homines et per idem servicium; Terra Michaelis de Suthington v.s. et iij bederipas qualibet die iij homines et per idem servicium; Terra Ricardi de Campeden ad operam cum furca et flagello ad grangian domini regis tempore Henrici regis; Terra Ernaldi Mattersdun iij s. et per idem servicium sic virgatarius; Terra Willielmi Somers ad operationem per jussum; Terra Ricardi Wrench iij s. et per idem servicium; Terra Pollard xij d. et per idem servicium; Terra Everard ij s. et per idem servicium; Virgata Karri iij s. et per idem servicium; Virgata Haregreve ij s. et per idem servicium; Virgata Troubrugge iij s. et per idem servicium; Terra Alwold vs. vi d. et per idem servicium; Tres virgate Foliot ix s. et bederipas et feneisuns; Terra Ricardi de Aqua vij s. et iij bederipas et feneisuns. Omnes alii qui manent super terram domini regis debent facere tres bederipas et iij feneisuns et dare gabellum et tholnetum et non possunt sine licencia domini maritare filiam suam, et cum faciunt bederipas dominus eos honorabiliter pascere debet. Omnes illi qui braeciaverint de waynagio suo quieti erunt de tholneto.

1 This entry is not in register A, but appears in the King's Bench Roll.

Hec sunt consuetudines et servicia hominum de Cyrenecestria per sacramentum predictorum xvj juratorum.

TRANSLATION.—An inquisition taken at the command of our lord John the King, concerning the services and customs of Cyrenecester, by Richard de Muehgras aud Walter de Verdun.

“To all, &c., Be it known to you all that we received an order from our lord the King, in these words :—‘John, by the grace of God, &c., You are ordered to go without delay to Cyrenecester, and diligently enquire what service the townsmen of Cyrenecester were wont to do to Henry, our father, while that town was in his hand. Having, however, found out the truth, cause that service to be rendered to the Abbot of Cyrenecester. Coming to Cyrenecester, we caused the halimot of Cyrenecester to be called together before us, and by the assent of the same halimot we caused to be chosen sixteen men of the elder and more lawful men of Cyrenecester, who, as was said, were best acquainted with the customs and services of the town of Cyrenecester, that they might tell and declare upon their oath what service the men of Cyrenecester were wont to perform to King Henry, of pious memory, the father of our lord John, King of England, while that town was in his hand. These are the names of the same sixteen chosen men :—Thomas of the moor, John of Suthington, William Wrench, William Ascer, Richard Stag, Richard the son of Emma, Richard of the field, Robert Wen, Robert of the lake, Henry Wydie, Michael of the moor, Alurie Penes, Hugh Bee, Roger the son of Wymond, Gilbert Saneril, Hugh Ruggge. These sixteen men in our presence, having touched the Holy Gospels, and having been sworn upon the Holy Sacrament, declared and told to us those services which the men of Cyrenecester were wont to do to the above named King Henry, when he had Cyrenecester in his hand, and we caused to be written down, as follows, the same services and customs which the above-named jurors declared before us.

The land of Robert Erkenbald is held on a hunting tenure ;¹ the land of Robert de Pyrie is held by escorting the treasurer of our lord the King throughout the county at his own cost, and outside at the King’s cost ; the land of William Alad, 6 pence in lieu of all service ; the land of Richard Francois, 16 pence in lieu of all service ; Baldwine’s land, 5 shillings and three harvestings, every day providing three men, and three haymakings,² and he pays toll,³ and cannot give his daughter in marriage without the leave of his lord ; the land of Thomas Everi, Wydin Blisse,

1 He was bound to provide two or three greyhounds for the King. Inq. p. m. 36. Hen. III. 42, b.

2 The word *feneissans*, in the county Placita for Gloucestershire, xlviij, written *feneissones*, I have not found in the glossaries ; it is probably a local expression ; in the parallel record in the King’s Bench Roll, 9 Hen. III., the equivalent word is “feneileva.”

3 *Tolnetum*, *Theoloncum*, *Thol*, seems to represent the general liability of a villein to pay toll, whether for grinding corn and malt, or for brewing beer for sale, or for any other cause. Compare Document v. further on, and Registry of Worcester Priory, 14 b, 22 a, 66 a.

William atte bridge, Smyling, William Kene, Hugh Bee, Walter Lund, all these were wont to keep the King's oxen in the time of King Henry, the King providing fodder; Othulf's land used to work three days a week, and do three harvestings and three haymakings, and pay toll, and cannot without his lord's leave give his daughter in marriage; the land of William Aseer, 3 shillings, and two harvestings, and he cannot without his lord's leave give his daughter in marriage; the land of Rembald of Preston in the same way; the land of William Doggevel 32 pence, and by the same service; the land of Walter the Brazier, by working with fork and flail; (the virgate of Lest, 5 shillings, and by the same service); the land of John Sails, 4 shillings, and by the same service; the land of Elias of the Monastery, 4 shillings, and by the same service; the land of Aldwyn Claud, 3 shillings, and three harvestings, on each day providing two men, and by the same service; the land of Alurie Penes by fork and flail; the land of Walter of Ablington, 18 pence, and by the same service; Rescent's land, 3 shillings, and by the same service; Warner's virgate, 2 shillings, and by the same service; Athelgod's land, Pari's land, and Vole's land, by fork and flail; Godways land, 2 shillings and three harvestings, each day with three men, and by the same service; the land of Michael of Suthington, 5 shillings and three harvestings, each day with three men, and by the same service; the land of Richard of Campeden with fork and flail at the grange of our lord the King in the time of King Henry; the land of Ernald of Mattersdun, 3 shillings, and by the same service as the holder of a virgate; the land of William Somers, by working as he is bid: the land of Richard Wrench, 3 shillings and by the same service; Pollard's land, 12 pence, and by the same service; Everard's land, 2 shillings, and by the same service; Karri's virgate, 3 shillings, and by the same service; Haregreve's virgate, 2 shillings, and by the same service; Troubrugge's virgate, 3 shillings, and by the same service; Alwold's land, 5 shillings and 6 pence, and by the same service; Foliot's three virgates, 9 shillings, and harvestings and haymakings; Richard of the water, 7 shillings, and three harvestings and haymakings. Everyone else who dwells on the land of our lord the King is bound to do three harvestings and three haymakings, and give market toll and beer toll, and cannot, without his lord's leave, give his daughter in marriage. And when they do their harvestings, their lord is bound to feed them honorably. All who brew from corn of their own growing shall be free from toll.

“These are the customs and services of the men of Cyrencester, by the oath of the aforesaid sixteen jurors.”

It will be seen at once how completely different this inquisition is from the last, though dealing with the same manor, different both in the number of tenants, and in the services and customs, and rent in commutation of services. The previous inquisition, though detailing 57 tenancies, shews them as held by 52 persons, there being five instances, as it seems, of double tenure. In the second inquisition, omitting the two free men who hold by serjeanty tenure,

and who are in all probability the representatives of the two free men named in Domesday as being on the King's land, there are 40 different tenants altogether.¹ The inquisitions are not full enough to enable us to give a certain explanation of this diminution, but one reason is apparent on the face of the document, the accumulation of land of the same class in one hand. Foliot is distinctly said to hold three virgates, while, judging from the extents of other manors, the highest amount ordinarily held by tenants in villeinage was a virgate, every virgate owing its certain services; nor is he the only one who seems thus to be holding more than one man's share of land. The commutation for a virgate, where that measure of land is here named, is either 2/- or 3/-, and judging by that standard there must have been a double or treble holding in the case of five others besides Foliot. We know too that, in the case of William of Cirencester, his holding had been absorbed into the demesne and precincts of the new Abbey, and there may have been other similar cases.

In comparing the tenures we find that the ploughing customs have all ceased, the tenants' teams are no longer used for the cultivation of the demesne; a point illustrated by a tallage roll preserved in the Record office, which from internal evidence appears to be of the year 1251.² In this it is stated that the Abbey has on the manor of Cirencester with its member Minety twelve plough-teams of ten beasts each. Then whereas formerly there were forty persons who held by labour service alone, there are now but sixteen who hold land on that condition, of whom only one is said to work at the lord's will, the equivalent of the service of the *operarii* or labourers of the former inquisition, and the *servi* of Domesday. The eight oxmen however will have been comparatively of a low class, judging from the description of them and their tenure in the extents of the Peterborough³ and Worcester⁴

¹ See note on the previous inquisition respecting the number of tenants bound to labour.

² Ant. Misc. of Exch. 81^o

³ Chronic. Petrob. Camden Society, 1849.

⁴ Regist. Prior. de Wigorn. Camden Society. 66-69.

manors, while the six who work with fork and flail, and whose work has no limit named as to number of days, are equally considered to be marked as villein by their labour, so that it has not been thought worth while to name the usual mark of villeinage, the necessity of the lord's leave for the daughter's marriage, and the payment of the beerseller's tax. The twenty tenants, either serfs or villeins of Domesday, whose service according to No. II had no limit but the requirements of the lord, are now reduced to fifteen. There is but one more who holds by weekly labour, working three days a week, and with him begins, therefore, the mention of certain definite hay and harvest work, with the marks of villeinage in being subject to *merchet* and *thol*. The other twenty-two have had their labour more or less commuted for a money payment; twenty, in addition to their rent, doing work in hay and harvest time, and being subject to *merchet* and *thol*, the mark of villeinage. Then come the two, who seem to be the largest holders, and who besides rent owe only definite service in hay time and harvest-tide, while the two others, who from the amount of their commutation would appear to have had but small holdings, have obtained a complete release from all services whatever. The money rent of the customary tenants has increased however from $\frac{1}{5}$ to £3 14s. 6d. This inquisition represents what in two manors under Worcester Priory¹ is described in 1240 as "the new assize of the villeins," which as compared with the "old assize" on the same manors shews a cessation of weekly work in ploughing, accompanied with a large increase of money payments in lieu of labour.

One other point is worth notice that in every instance, even in the lowest class, it was now the land that owed the service and not the person, the condition of the whole land of the manor was that of villeinage, so that without special exemption every dweller there had to perform certain services. This appears clearly from the clause "Omnes alii, &c." in No. III, and is emphasised strongly in No. IV, where it is declared that be any persons whatever free or not, be they man or woman, if they dwell in the

¹ Regist. Prior de Wigorn. Camden Society. 18, 66.

town they must do certain work in the harvest field, while a scribe of the fourteenth century has entered on a fly-leaf of the Abbey chartulary, evidently with approval as explanatory of the ordinary Cirencester tenure, the following passage which seems to be adapted from Bracton I. 11. "There are in the King's demesne certain small sokemen who hold their tenements in villeinage, and do therefrom servile works, and certain named services, who indeed are called 'ascribed to the soil,' but with free customs, because, though they perform servile works they do them not by reason of their persons, but by reason of their tenements, and so they shall not have an assize of *novel disseisin* because their tenement is a villein one though privileged, nor an assize of *mort d'ancestor*, yet they may have a writ of right according to the custom of the manor, and therefore they are called 'ascribed to the soil' because such persons enjoy the privilege that they cannot be removed from the soil as long as their life lasts." In the actual passage of Bracton this last phrase is "as long as they can pay the due pensions to whoever may be the existing holder of the King's demesne" and he adds "nor can they be compelled to hold such tenements unless they please." Although this last clause is not transcribed in the chartulary, it would seem to follow necessarily from the fact that the land, not the person, owed the service, and it appears also, that a tenant could quit his land, from the record of a suit in the manorial court of the years 1257-8, the question at issue being, whether a woman described as being of servile condition could transfer the land which she held on the manor to her daughter without the lord's consent. There was no question but that she could surrender her land to the lord if she liked. In the pleadings¹ the custom of the tenure of land on the manor is set forth, some of the local jury on that occasion, *e. g.*, William Ascer, William Ernold, and Nicholas Blisse, being either surviving tenants, or descendants of tenants who held land at the time of the inquisition III. in 1207-8. "Nullus potest alium feofare de aliquo tenemento quod sit infra libertatem dicti manerii, et si aliquis velit se dimmittere de aliquo tenemento infra predictum

1 Cir. Abb. Reg. A. 100. a. 101. b.

manerium debet tenementum illum reddere domino ejusdem manerii, et idem dominus tenementum illud cuicumque voluerit tradere Nulli warantia unquam facta fuit in predicto manerio nisi per dominum manerii, et hoc sine carta et salvo cuilibet jure. Et consuetudo manerii tale est, post visum terre tenentem ponere se in inquisitionem xij juratorum nisi breve per aliquam exceptionem cassari possit."

TRANSLATION :—“No one can enfeof another of any tenement within the liberty of the said manor, and if anyone wishes to quit any tenement within the said manor, he ought to give up that tenement to the lord of the same manor, and the same lord to give that tenement to whom he will. No warranty was ever given to anyone in the said manor but by the lord of the manor, and that without any deed and with reservation of anyone's rights. And the custom of the manor is as follows, that after the view of the land the tenant places himself upon the inquest of twelve jurors unless the writ (the writ of right mentioned above) can be quashed by reason of any exception.”

What tenure in pure villeinage might be, where all was absolutely at the will of the lord, without control of any custom is shewn in the account given by the Monk of Abingdon of the condition of the manors belonging to that Abbey, when Rainald was Abbot 1090-1100. ¹

“The law as it affected the rustics on the Abbey manors was such, that anyone who was envious of another, or coveted his possessions could easily get him turned out of his dwelling, by letting the provost of a good bargain. Then there was another disadvantage which touched the common people. A man might have wife and sons, be prosperous in cultivating fruitful fields, and regularly pay all dues to his lord, without giving offence, yet when he died no favour might be shewn to his wife or sons, but they being turned out, a stranger, upon payment of money, might be put in possession of all the deceased man's improvements.” It was a time when Bishops and Abbots where everywhere rebuilding Cathedrals and Minsters, and Abbot Rainald wished to do the same, but the Abbey was short of money for the purpose, as the men did not pay up their tithes properly. So the Abbot called the inhabitants of the villages together, told them how he pitied this hard servile condition of theirs, and promised them that if they would pay their tithes regularly, he would allow them liberty in this respect for the future. So while the men gained security of tenure, and a certain power of transference and bequest, the Abbot from that time had no lack of money for his building.

¹ Hist. Man. de Abingdon, li. 25.

At Cirencester the tenure was not in pure villeinage; there was a custom of the manor, and anyone who thought himself oppressed, or unjustly dispossessed of his tenements could obtain a writ of right from the King's court bidding the lord do justice in his manorial court, where the cause was tried before the lord's bailiff, and the rights of the matter were declared by the oath of twelve jurors chosen from the tenants. From this court an appeal would lie to the King's courts if either party thought that the jurors had forsworn themselves, upon which the Sheriff would go with a certain number of Knights of the neighbourhood, and in their presence the local jury would either avouch their former declaration and verdict, or deny it, as right might be, the jurors being liable to a penalty for false judgment, and what they thus finally declared to be the right to the land, and to be the custom of the manor, would be enforced by the King's writ.

But whatever right the lord had over the land, the men personally were free, of villein condition by origin but privileged villeins on the ancient demesne of the crown, not bound simply by reason of their birth to perform any services, but by the fact of residence or tenure; a higher condition than in the previous inquisition, where, of forty tenants, the services appear to attach personally to thirty of them, and only in ten instances to the land. This has some bearing upon the date of the new settlement. I quoted above a writ of Henry II., at the beginning of his reign, bidding his officers see that the Abbot's natives and fugitives, who had fled after the death of Henry I., were restored to him; a writ which clearly could have no reference to a state of things where the land, and not the person, owed the service. We have, therefore, here one limit of time, and the second limit is the time when Henry II. held the manor before he gave it to Abbot Richard, that is to say the limits are about 1155-87. Under what circumstances the new settlement was made does not appear, but there can be little doubt that it was for some consideration of money paid towards the building of the Abbey and its church, which was consecrated in 1176.¹ To help towards the building of

1 *Condict Abbatis*, i., 127.

the Abbey Church¹ was the reason why the King made the grant of the town in the first instance ; when the canons seem to have laid a heavy hand upon the people, judging from Henry's writ of protection, and they probably achieved the end they wished in inducing the townsfolk to offer a large sum of money in commutation of some of the irksome burdens under which they laboured. In the process of forty years, however, either this new settlement was felt to be oppressive, and was resisted, or the canons were trying to make some new exaction, which is likely enough, for they paid in 6 and 7 John² £100 to the King for leave to exclude the Sheriff from entering their hundreds except for pleas of the Crown : at any rate there was an appeal to the King's court on one side or other. The inquisition we have been considering was the outcome of a quarrel of some kind, the date being fixed by the Sheriff's name, Richard de Muscegros, who was Sheriff 9 John, (1207-8).

Matters were not settled, however, by this declaration of custom. These were the times of the King's quarrel with the clergy ; already, in 1206, he had, for some reason, ordered the Sheriff to seize the lands belonging to the Abbey in Gloucestershire,³ possibly with a view to put some pressure on the Abbot, though the order does not seem to have taken effect, as there is no entry in the succeeding Pipe Rolls of profits accruing to the King therefrom, and the Abbot was clearly in possession the following year. But within the next two years the quarrel was at its height ; the interdict had been proclaimed, the bishops had fled from the country, the King was laying hands right and left on the property of the Bishoprics and Abbeys, and in 1209 Gerard de Athyes, the Sheriff, had by the King's direction seized the seven hundreds of Cirencester, which were appertinent to the manor. The distress of the clergy seems to have been thought to be the townsfolk's opportunity, and though the customs relating to the tenure of land were not again disputed, yet an attempt was

1 Cir. Abb. Reg., A 21 b.

2 Pipe Rolls.

3 Rot. Claus., 7 John.

made by those who were not holders of land, younger men living at home, and sojourners in the town, for trading purposes very likely, to claim for themselves exemption from all services. And this brings us to the next inquisition, which is interesting both as an expansion of the clause "omnes alii" in No. III., and as shewing us the provincial machinery of justice at work.

IV.¹ Inquisitio facta de servitiis et consuetudinibus ville de Cyrencestria per Engeldardum Constabularium Gloucestrie de precepto Gerardi de Athyes, Vicecomitis Gloucestrescire.

Omnibus Christi fidelibus, &c. Sciatis quod juvenes quidem de Cyrencestria domini Regis nativi, et alii quidem extranei in eadem villa residentes, quidem eorum adventitii aliquamdiu ibidem perhendinantes, querelam fierunt vicecomiti in pleno comitatu Gloucestrescire de Abbate Ricardo de Cyrencestria, qui tunc temporis fuit feodofirmarius Regis de manerio de Cyrencestria, quod idem scilicet Abbas Ricardus singulis annis tres bederipas de consuetudine ab eis injuste exigebat.

Itaque propter predictorum conquerentium querimoniam missus a dicto Vicecomite Cyrencestriam ex precepto ipsius halimotum Cyrencestrie coram nobis fecimus convocari. Veniunt autem conquerentes memorati et eandem quod prius de dicto Abbate facientes querelam.

Abbas respondit se rationabiliter prefatus bederipas ab eis querere, eo quod ipsi eandem bederipas suscipere consueverunt, et debebant domino Regi facere, et ipse bederipas illas ab eis exigebat ex parte domini Regis sic feodofirmarius domini Regis de manerio de Cyrencestria.

Requisivi tandem tum conquerentes quam Abbatem memoratum an ponerent se super jusjuratum legalium hominum de Cyrencestria. Responderunt continuo conquerentes se hoc libenter velle facere. Abbas et pro se in idem consensit.

Igitur de consensu utriusque partis electi sunt xix. legales homines de senioribus ville de Cyrencestria, qui magis inde veritatem videbantur scire, qui sacramento recognoverunt coram nobis,

¹ Cir. Abb. Reg., A, 88 a

et coram Johanne Swerra de Estoll, et Willielmo Clerico de Castello de Gloucestria, et Ricardo Burgeis de Gloucestria, et Roberto filio Ercumbaldi, et Roberto de Cardunill, Jordano de Cyrencestria, Roberto Pyrie, Henrico Horcot, Ernaldo Barbast, et coram toto halimoto Cyrencestrie, et multis aliis de visneto, hanc esse consuetudinem de nativis domini Regis. Quod nativi scilicet domini Regis de Cyrencestria, dum fuerint sub virga et potestate patrum suorum, et ad manupastum patrum suorum et matrum, idem parentes eos adquietabant per bederipas quas ipsi faciunt domino Regi vel ejus firmario. Sed quo cite idem nativi liberam suam habuerint potestatem, et de ipsorum vixerint labore, et effecti fuerint sulfodes, tunc quilibet eorum tres debet domino Regi facere bederipas, et pro his tribus bederipis quilibet predictorum nativorum habebit licenciam et libertatem emendi et vendendi sine theoloneo quodcunque genus mercimonii invenerint in mercato Cyrencestrie per totum annum preterquam equos; dando scilicet omnino ad festum Sancti Michaelis Archangeli domino Regi vel ejus firmario ij. denarios et obolum de Chepingavel. Ad hæc si quis eorum nativorum alicubi per Angliam pro aliquo recto aut aliquo casu retentus fuerit, Dominus Rex sive firmarius ejus mittet servientes ipsius cum thelinga retenti ad ipsum replegiandum et manu tenendum quantum auctoritas ejus sese extendit. De extraneis inhabitantibus sive ad tempus in Cyrencestria perhendingantibus idem recognoverunt juratores hanc esse legem, quod si extraneus superverens jacuerit in nocte sancti Johannis Baptiste in Cyrencestria, et postea ibidem moram fecerit donec dominus Rex aut ejus firmarius faciat metere segetes suas, quicumque sit ille, sive liber, sive servus, sive masculus, sive femina, tres debet facere bederipas domino Regi pro communitate videlicet ville qua idem usus et gavisus usque ad diem illum. Recognoverunt et idem juratores se vidisse quod Regis nativi de Cyrencestria, qui erant sulfodes, et extranei perhendingantes seu residentes in Cyrencestria dictas bederipas fecerunt Henrici Regis feodo eo die quo idem Rex tenuit in manu sua manerium de Cyrencestria, et quod, postea quod idem Rex Henricus dimisit prefato Ricardo Abbati villam Cyrencestrie, illas bederipas idem fecerunt Abbati usque ad mor-

tem ejusdem Regis Henrici ; et postea toto tempore Regis Ricardi, et toto tempore Regis Johannis usque ad tempus hujus recognitionis eadem dicebant eos fecisse servicia.

Anno Regni Regis Johannis XI^o die Sancti Petri ad Vincula.

TRANSLATION :—An inquisition made concerning the services and customs of the town of Cyreneester, by Engclard, Constable of Gloucester, by order of Gerard de Athyes, the Sheriff of Gloucester.

To all the faithful in Christ, &c.—Know ye that certain young men of Cyreneester, by birth villeins of our lord the king, and certain others, strangers, residing in the same town, some of them chance-comers sojourning there for awhile, made complaint to the Sheriff, in the full county court of Gloucester, against Abbot Richard, of Cyreneester, who at that time was the king's fee-farmer of the manor of Cyreneester, because, forsooth, he every year unjustly exacted from them, as of custom, three days work in harvest. So by reason of the plaint of the said complainants being sent by the said Sheriff to Cyreneester, at his order we caused the halimot of Cyreneester to be called together before us. Moreover, the said complainants came, making the same accusation as before against the said Abbot.

The Abbot replied that he, with good reason, demanded the said bederipes from them because they were wont to undertake them, and were bound to perform them to the king, and he exacted those bederipes from them on the king's behalf, as being the king's fee-farmer of the manor of Cyreneester.

At length I asked both the complainants and the Abbot if they would place themselves upon the oath of the lawful men of Cyreneester. Forthwith the complainants replied that they were willing to do this ; the Abbot, too, agreed for himself.

Therefore, by the consent of both parties, there were chosen nineteen lawful men of the elders of the town of Cyreneester, who appeared most to know the truth of the matter, who, upon their oath, declared before us, and before John Swerra of Estoll, and William the clerk of Gloucester Castle, and Richard Burgess of Gloucester, and Robert the son of Ercumbald, and Robert de Cardunill, Jordan of Cyreneester, Robert Pyrie, Henry Horecot, Ernald Barbast, and before the whole halimot of Cyreneester, and many others of the neighbourhood, that this was the custom of the king's born villeins. That the king's natives of Cyreneester, while they were under the rod and power of their fathers, and were maintained by their fathers and mothers, were held quit by their parents by reason of the bederipes which they themselves did to the king or his fee-farmer. But as soon as these same natives had their own free power, and lived by their own labour, and were become sulfodes,¹ then each of them ought to do three bederipes to the king ; and for these three bederipes, everyone of the said natives shall have leave and liberty to buy and sell, without paying toll, any kind of merchandize which they may find in Cyreneester market throughout the whole

¹ The word is not in the glossaries. It has been suggested to derive the word from A.S. Sulh, a pough, and Foda, food.

year, except horses, paying forsooth, once for all, at Michaelmas to the king, or his fee-farmer, twopence half-penny as chepingavel. Besides this, if any one of these natives should be detained anywhere throughout England, upon any accusation, or by any mischance, the king, or his fee-farmer, shall send his servants with the tything of the detained man to replevy him, and support him, as far as his authority stretches. Concerning strangers, inhabiting or sojourning for a while in Cyrencester, the same jurors declared that this was the law, that if a stranger coming in slept in Cyrencester on midsummer night, and afterwards stayed there till the king, or his farmer, had his corn reaped, then whosoever he were, whether freeman or serf, whether male or female, he must do three bederipes to the king, or his farmer, for the fellowship that is of the town, which the same man had used and enjoyed up to that day. The same jurors declared, moreover, that they had seen the king's natives of Cyrencester, who were sulfodes, and strangers who were sojourning or residing in Cyrencester, performing the said bederipes to king Henry's fee on that day, when the same king held the manor of Cyrencester in his own hand, and, after that the same king Henry leased the town of Cyrencester to the aforesaid Abbot Richard, the same men did those bederipes to the Abbot up to the death of king Henry; and the jurors declared that afterwards, all through the time of king Richard, and the whole time of king John, up to the date of this recognition, these men had performed those services.¹

In the eleventh year of king John, on the day of St. Peter in chains, i.e., August 1, 1210.

Whatever expectation the young men, and the strangers residing in Cirencester, may have formed of being able to break down the abbot's rights over them, they were disappointed; but their exasperation remained, and the memory of those times continued for a long while with the townsmen, so that two hundred years later² forty-eight men were found to declare upon oath, that up to the year 10 John, the town of Cirencester had been independent of the manor, that the burgesses thereof had been wont to have the same liberties as the king's burgesses of Wynton, and that it was only in that year that the Abbot had accroached the town to himself, claiming it as parcel of the manor of Berton near Cirencester, and had constrained the burgesses to perform native services, like the villeins and sokemen who held of the manor of Berton. How untrue the declaration was is shewn

¹ In the Register of Worcester Priory, 15 a, it is said of the manor of Newenham, "Natives, when they come of age, unless they are actually working as servants to their father or mother, shall do these bederipes, and strangers the same."

² Inq. a. q. d., 1 Hen. iv., 36.

by the two official inquisitions we have been considering, and the evidence does not rest alone on these documents, which we have simply as entered in the Abbey Chartulary. Under what circumstances the townsmen moved again does not appear, but the King's Bench Roll of 9 Hen. III., (1225), contains an entry recording the summoning up to Westminster, before the justices, of a jury of twenty-four men, knights and free tenants of the king's demesne, to declare the customary services of the men of Cirencester, and just after the plaintiffs are styled "the burgesses." An inquisition is then given identical in all but one particular with No. III., there being one more tenant named, Lest, holding a virgate, and making forty-one tenancies instead of forty; either the abbey scribe made a mistake in transcribing the earlier inquisition by the sheriff, which is most likely,¹ or, in the eighteen years, the canons have created another holding on their demesne.

Between the inquisition taken in 1207-8 and again in 1225, and the next formal declaration of the services of the customary tenants, a period of nearly 200 years elapses, during which the conditions of tenure have still further changed. Then there were still sixteen whose tenure was that of weekly labour on the land; but now that has all passed away, and every tenant holds on a money rent, with only the obligation to so many days' work in making hay and gathering in the harvest, according to the tenure, whether of a messuage or a cottage. We are left to conjecture the date of this change, but I think it will have been effected by about 1300. For in an inquisition² respecting the exaction of tallage it was declared, that in the year 1313 all the tenants on the manor were sokemen, by which would be meant payers of rent without weekly labour; and amongst other accusations against the canons in 1342 one article was, that "Abbot Adam had in 1308 abated the court of provostry of the said borough to which the burgesses owed suit, and made the said burgesses do suit to his court of the manor." Now the provost though in one respect the lord's officer, as

¹ The real number of tenants would thus be 41 instead of 40. See previous note respecting the number of tenants.

² Cir. Abb. Reg. A. 46 b.

directing the weekly labour of the customary tenants, was not the lord's nominee, but was elected by the men, and by them presented to the lord who confirmed their nomination, and as regards the men he was their official head and representative, the protector of his fellows. Accordingly it was to the provost that Henry II. addressed his writ¹ enjoining obedience when he first of all handed over the manor to the abbey, and from that time up to about 1300 several men are found to whom the name of provost is attached, but after that date the name disappears. I have found no trace of a court of the provost; but of course in any town's-meeting he would be their chairman, so to say, and their head, and when the weekly labour ceased, and the manor therefore no longer needed the services of the provost, it may well be that the Abbots, wishing to strengthen their own hands as much as possible in their perpetual contests with the townsmen, refused to allow them any more to elect a provost; the practical result being to throw the town in every respect under the control of the lord's bailiff and high steward, who accordingly to this day is the official head of the town, the returning officer of the modern parliamentary borough, and the chairman of any town's-meeting, which he again summons. It is an encroachment upon ancient liberties, which I think could not be established by fair presumption, but it has had now an uninterrupted usage of 570 years, and might be difficult to upset. We may take it then that this second change in the system of tenure was settled by about 1300; and when in 1370 Abbot Nicholas obtained an official copy of the inquisition No. III.² from the King's Bench Rolls, it was not with a view of enforcing the now obsolete weekly labour services, but to maintain his right to the universal custom of work in getting in his hay and corn; special attention being drawn by a finger pointing to the clause "omnes alii," when the record was entered in the Abbey Chartulary. These were the times of the labour difficulties which arose after the Black Death, and lords of manors were not in the humour to make any relaxation of wonted services; while it

1 Cir. Abb, Reg. A. 21. b.

2 Pat, Roll. 43. Ed. iii. 2. 14.

was important for the Canons to maintain these rights in view of the large extent of land which they held in their own hands for tillage. The climax came in the year 1400, when, after their suppression of the revolt of Richard's adherents, the townsmen thought they might do as they pleased and successfully defied the Abbot throughout the reign of Henry IV. On the accession however of Henry V. the Abbot re-established his rights, and it is from his pleadings on that occasion that I have taken the following description of the tenures of the customary tenants, which, as the townsmen made no denial, we may consider to be a true account of the settlement which prevailed from about 1300 onwards.

V.¹ In villa de Cirencestria sunt diversi terram tenentes qui tenent de predicto Abbate ut de manerio predicto, et de jure ecclesie sue et per opera nativa, redditus, servicia, et consuetudines subscripta, videlicet Johannes Gyffard, Webbe, qui tenet in eadem villa unum messuagium cum pertinenciis, reddendo inde annuatim viii. solidos ad festum sancti Thome Apostoli, ad festum Annunciationis beate Marie Virginis, ad festum Nativitatis Sancti Johannis Baptiste, et ad festum Sancti Michaelis Archangeli, et faciendo annuatim dicto Abbati tres fenesones ad pratum dicti Abbatis de Bradenham in predicta villa de Cirencestria per tres dies, videlicet quolibet die per unum hominem habilem spargendo, uniendo, levando, et tassando fenem dicti Abbatis cum premunitur per ministrum dicti Abbatis modo consueto, nichil capiendo de dicto Abbate pro opere dicto faciendo; et faciendo etiam pro eodem messuagio annuatim dicto Abbati tres bederipas in autumnno, videlicet metendo, colligendo, ligando, et tassando blada dicti Abbatis per tres dies, videlicet in campis et clausuris ville Cirencestrie predictae, quolibet die predictorum trium dierum per unum hominem habilem, cum ad hoc premunitur, &c., capiendo inde de dicto Abbate quolibet die unum denarium et obolum sine prandio et potu. Et si braciaverit cerevisiam infra villam de Cirencestria, et cerevisiam illam exposuerit vendendam, solvet dicto Abbati de qualibet brasina ibidem vendendo exposita, pro Stakepenny, unum denarium:

faciet etiam dictus Johannes Gyffard annuatim sectam ad curiam dicti Abbatis apud Cirencestriam tentam de tribus septimanis in tres septimanas, necnon ad halimotum dicti Abbatis tentum infra Abbatiam de Cirencestria in quadam aula ibidem vocata Kyngeshalle bis per annum, videlicet ad halimotum tentum ibidem proximum post festum Sancti Michaelis, et ad halimotum tentum ibidem proximum post diem vocatum Hockeday; et predictus Johannes Gyffard ratione tenure sue predictae debet molere omnimoda grana et brasium suum ad molendinum dicti Abbatis et non alibi, solvendo eis inde tolnetum ibidem consuetum; et si idem Johannes teneat de dicto Abbate terras arabiles in campis de Cirencestria vel clausuris arabilibus ibidem, et obierit, dabit eidem Abbati melius animal quod habuerit pro hericto, si habeat animal, et si non habeat animal tunc dabit melius catallum suum nomine herietti; et idem Johannes placitabit in curia predicti Abbatis placita de vetito namio, debito, conventionem, et aliis quibuscunque contractibus infra villam predictam emergentibus, habitis, vel factis, et in nulla alia curia nisi fecerit inde sectam suam in curia domini Regis; faciet etiam idem Johannes sectam ad visum franciplegii Abbatis tentum infra villam predictam bis per annum, quodocunque per ministros dicti Abbatis ad hoc debito modo premunitus fuerit; ac etiam dictus Johannes erit decennarius testatorum et cadaverorum infra villam predictam quodocunque ad hoc electus fuerit per decennarios et decennam ville predictae: stabit etiam idem Johannes cum decennariis et decenna ville predictae ad quoscunque visus ibidem tenendos ad presentandum que ad visum pertinent, et si non juratus fuerit in decenna ad quemcunque visum ibidem tenendum, dabit dicto Abbati unum denarium vocatum Hedcpeny: et si idem Johannes fecerit vastum sive distructionem in predicto messuagio aut si redditus ejusdem messuagii fuerit a retro post aliquem terminum, quo solvi debet, per unum mensem, seu statum suum quem habet in eodem messuagio, seu partem ejusdem alicui tradiderit seu dimiserit sine licencia dicti Abbatis, aut si infra terminum, quem habet de dicto messuagio, decesserit, tunc bene liceat dicto Abbati in prefato messuagio reintrare, et messuagium predictum alteri dimittere tenendum ad voluntatem ejusdem, per

redditus et consuetudines, opera et servicia, secundum consuetudinem manerii predicti; et predictus Johannes eciam solvet eidem Abbati pro qualibet brasina serevisie quam fecerit infra eandem villam vendendum expositam duos denarios, et si idem Johannes fuerit electus in decennam, et non natus infra villam predictam, dabit dicto Abbati duodecim denarios de fine et licencia habenda intrandi in decennam predictam.

Then follow the names of twenty-six other tenants, holding thirty-three messuages at rents amounting to £16 8s. 10d.

Johannes Badecok tenet unum messuagium, &c., per viij solidos ij denarios, et per idem servitium preter le Stakepeny, et in loco de Stakepeny predictus Johannes Badecok solvet dicto Abbati pro qualibet brasina in villa predicta per annum facta, et vendicioni exponenda, unum toleestre, videlicet quatuor lagenas melioris cerevisie quam brasiaverit, et quatuor lagenas secunde cerevisie quam brasiaverit predictus Johannes.

Henricus Capron tenet unum cotagium, &c., de dicto Abbati per redditum trium solidorum et faciendo eciam dicto Abbati unam fenesonam et dimidiam ad pratum, &c., videlicet per unam diem et dimidium, utroque die cum uno homine, &c., secundum ordinationem dispositionem et limitationem per eosdem ministros inde faciendam, nichil capiendo, &c.; faciendo eciam pro eodem cotagio dicto Abbati unam bederipam et dimidiam, &c., per unam diem et dimidium, &c., per unum hominem, &c., capiendo inde per diem de dicto Abbate unum denarium et unum obolum sine prandio et potu et pro medietate die unum obolum et quadrantem, ac solvendo et faciendo inde eciam dicto Abbati annuatim integre omnia alia consimilia opera, servicia, et consuetudines sicut Johannes Gyffard ut predictum est.

Then follow the names of four other tenants, holding five cottages, at rents amounting to £1 4s.

Et quilibet alius tenens ipsius Abbatis infra villam de Cirencestria predicta faciet separatim pro quolibet messuagio quod tenet omnia consimilia opera, &c., sicut Johannes Gyffard, &c.; et

pro quolibet cotagio, &c., sicut Henricus Capron; præter libere tenentes feodi de Pyrye, et feodi de Erchebaud, qui non faciunt fenesones nec bederipes, nec solvunt Stakepeny et Tolcestre.

TRANSLATION.—There are, in the town of Cirencester, sundry men who hold land as of that manor, under the Abbot, in right of his Church, by “native” works, rents, services, and customs, as follows: for instance, John Gyffard, weaver, holds a messuage, with its appurtenances, by an annual payment of 8s., at the four usual terms, and doing to the Abbot three “fenesones” in his meadow of Bradenham, in Cirencester, for three days; every day with one man able to scatter, collect, pitch, and stack the Abbot’s hay, being warned in the usual way by the Abbot’s servants, but receiving nothing from the Abbot for that work; doing, moreover, to the Abbot yearly three “bederipes” in autumn, in reaping, gathering, binding, and stacking the Abbot’s corn, for three days in the fields and closes of Cirencester, every day by one fitting man, being warned for the service, and receiving thence from the Abbot everyday three-halfpence, without meat and drink; and if he shall brew beer within the town and expose it for sale, he shall pay to the Abbot for every brewing, a penny as Stakepeny; and the said John Gyffard shall yearly do suit to the Abbot’s court at Cirencester, held every three weeks, and to the Abbot’s halimot held within the Abbey, in a certain hall called Kyngeshalle, twice a year, at Michaelmas and Hokeday; and the said John, by reason of his tenure, is bound to grind all his grain of every kind, and his malt, at the Abbot’s mill, and not elsewhere, paying for them the accustomed toll; and if the same John holds of the Abbot any arable land in the fields or arable closes of Cirencester, and shall decease, he shall give his best animal to the Abbot as heriot, if he has an animal, otherwise he shall give his best chattel in the name of heriot; and the same John, by reason of his tenure, shall plead in the Abbot’s court, and in no other, all pleas concerning distress, debt, agreement, and any other contracts that arise or are made within the town of Cirencester, unless he shall have made suit concerning them in the King’s court; and the said John shall also do suit to the Abbot’s view of frankpledge, held within the town twice a year, being properly warned by the Abbot’s servants; moreover, the said John shall be tythingman of the alesters, and inspectors of carcases within the town, when he shall be elected thereto by the tything-men and the tything of Cirencester; and he shall stand with the tything men and the tything at every view held there, to present those things which belong to the view, and if he should not be sworn in a tything at any view, he shall give to the Abbot a penny, called Hedepeny; and if the same John shall cause waste or destruction in the said messuage, or if his rent shall be a month in arrear at any term, or if he shall have made over or let to another the interest which he has in that messuage, or any part thereof, without the Abbot’s leave, or if, within the term for which he holds it, he shall decease, then the Abbot may re-enter upon that messuage, &c., and let it to another, to be held at the Abbot’s will, by rent, and customs, labour, and services, according to the custom of the manor; and the said John shall also pay to the said Abbot for every brewing of beer which he makes within the town and exposes for sale,

twopence; and if the said John shall be elected into a tything and shall not have been born in the town, then he shall give to the Abbot twelvecence, as a fine for liberty to enter into that tything.

Then follow the names of twenty-six tenants holding thirty messuages and appurtenances at rents amounting to £16 8s. 10d.

John Badecok holds a messuage and appurtenances for 8s. 2d., and by the same service, with the exception of the Stakepeny, and in place of the Stakepeny the said John Badecok shall pay to the said Abbot, &c., for every brewing by him, in the said town, made and exposed for sale, a Tolcester; that is to say, six gallons of the best beer which he brews, and six gallons of the second beer.

Henry Capron holds a cottage, with its appurtenances, of the said Abbot, &c., by a rent of three shillings, and doing, moreover, to the Abbot one fenesone and a half in his meadow of Bradenham, &c., that is to say, through one day and a half, with one man able to scatter, collect, pitch, and stack the Abbot's hay, according to the orders, disposition, and limitation appointed by the said abbot's officers in this matter, but receiving nothing from the abbot for that work; doing, moreover, for that cottage to the abbot, &c., one bederipe and a half in autumn, in reaping, gathering, binding, and stacking the abbot's corn, in the fields and closes of Cirencester, every day, by one fitting man, being warned for that service, receiving from the abbot for that service three half-pence, without meat and drink, for one day, and for a half-day three farthings: and performing and doing for it also to the said abbot, &c., year by year, all and every the similar works, services, and customs, as John Gyffard, as has been aforesaid.

Then follow the names of four other tenants, holding five cottages, at rents amounting to £1 4s.

And every other tenant of the abbot himself within the town of Cirencester, does separately for every messuage that he holds all similar works, &c., like John Gyffard, and, for every cottage, like Henry Capron; with the exception of the free tenants of the fee of Pyrie, and the fee of Erchebaud, who do neither fenesones nor bederipes, nor do they pay Stakepeny or Tolcester.

There is still, as in the inquisition of 1225, the same stated number of single tenancies, viz.: forty-one, though now held by only twenty-nine separate tenants, but the conditions of tenure are quite changed. The old weekly labour services have ceased, as mentioned above, and the money rent has increased in turn to £18 12s. There is no difference now between the customary tenants and the other tenants of the manor, though the distinction of name was still kept up; they are all payers of rent, and all alike bound to perform certain work in the field at haytime and

harvest. This is shown also by another record of slightly earlier date. In the inquisition, a.q.d., 4 Hen. IV., No. 13, taken at the instance of the townsmen, who were praying the king that they might be allowed to have a gild merchant, it is said that with the exception of the two free tenants, W. Ercheband and the tenants of Pyrie,¹ all tenants of the manor held their lands and tenements by entry on the Court Roll (*per irrotulamentum curie*²), with no power of alienation or inheritance, but by surrender to the lord and re-grant at an arbitrary fine. All tenants thus holding their lands, &c., by entry on the Court Roll were bound to do for each tenement so held three fenesones and three bederipes; and the value of the customary services of the tenants on the whole manor, including Minety, is estimated at £30, this sum including, it would seem, the average annual value of the fines.

This settlement then, which I have suggested, is of about the year 1300 in its origin, was, after trial at Gloucester in 1413, re-affirmed by Chief Justice Hankford, judgment being given for the Abbot. How long it was maintained afterwards I cannot say; the existing abbey Registers³ practically terminate with the reign of Richard II., and I have met with no general document⁴ of

1 As early as the reign of John one moiety of the sub-manor of Pyrie had been alienated in small parcels; the other moiety came into the hands of the canons before the end of the thirteenth century.—Testa. de Nevil, f. 78.—Cir. Abb. Reg.—Inq. ad quod damnum, 1 Hen. IV., 36.

2 Still "Sine Carta."

3 The two volumes at Thirlstone House.

4 I have found one document, dealing with an individual, at the Bodleian. The Rawlinson MS., B. 326, is a register of presentations, &c., made by the Abbey from 1422 to the dissolution in 1539. It contains presentations to livings, grants of corrodies at the king's instance, grants of pensions to those who did the abbey good service politically, appointments of proctors to attend general chapters of their order, or to episcopal visitations, appointments to offices on their manors, and four manumissions, two of serfs, and two of villeins. One of these latter—(fol. 56)—relates to a Cirencester man, Abbot William George in 1460 manumits, and frees from the whole yoke of the servitude of villenage, Thomas Snell son of John Snell of Cirencester with his offspring and his goods and chattels. Taken by itself this document would seem to point to a condition of personal villeinage; but a difference is made in the manumissions—the serfs being said to be henceforth quit and free from service due *ratione nativitatis*, a phrase omitted in the manumissions of the villeins. Moreover John Snell is one of the tenants named in document V., holding in 1413 two messuages and a cottage, and the language of the documents printed above, Nos. III., IV., V., quite precludes the idea of personal villenage at Cirencester, the obligation to service being in all cases expressly laid upon the fact of residence on the manor, and not on personal condition. I conclude that this is an instance of what I have suggested was going on throughout the fifteenth century, viz.: the gradual release of individual tenants on the manor, and their descendants after them, from the old obligation to work at haytime and harvest-tide by reason of their tenure.

the fifteenth century, beyond those already quoted, bearing upon the point; but during that period, in all probability, the still remaining labour services were extinguished, either by some new general settlement with the customary tenants in a body, or by gradual commutation for increased rent, on each avoidance and the admission of a new tenant. Whichever was the case, the custom of *bederipes*, or harvest work, had ceased before 1535; for, in the summary of the abbey property¹ contained in the ecclesiastical valuation of that year, the value of the services of the customary tenants in Cirencester, in mowing grass, making hay, and other like work (*pro falcacione et fenisfactura et aliisconsimilibus operibus*) is estimated at £1, and the same at Minety.

These last remains of the ancient system of labour have, however, disappeared in Cirencester by 1540. In that year a complete account² of all the property of the lately-suppressed monastery was sent up to the Court of Augmentation, and in it is a detailed list of all the tenants, with their separate holdings, under the various headings of Rents of Assize, Rents of Customary Tenants, Rents at the will of the lord. Twenty-nine different persons, as customary tenants, held thirty messuages, one cottage, three tenements, six shops, and a toft, with curtilages, gardens, and certain closes, at rents amounting to £29 13s. 8d., all being now said to hold by copy of Court Roll (*per copiam curie*); but there is no longer any mention of profit derived from the labour of the tenants; the large extent of land in Cirencester, formerly retained by the canons, and tilled by them, had been let to farm, and the farmers, R. Basyng and W. Berners, had no claim for labour upon the tenants of the manor granted to them by their leases.³ The customary tenants in Cirencester have become ordinary copyholders. At Minety and Latton, however, in respect to the meadows kept in hand by the canons, along with their Cirencester granges, and afterwards let on lease with those granges to Basyng and Berners, the leases³ distinctly grant to these farmers the right to

¹ Valor Eccles. ii., 468.

² Minist. Acc., 31-22 Hen. viii., Glouc., No. 91.

³ Augment. Off. Misc. Books, No. 212, pages 128-140.

the customary tenants' labour in hay-making: "*Ac etiam omnia opera tenentium customariorum in Myntyte pro falsacione et factura predicti prati ac opera customariorum tenentium predictorum maneriorum de Latton et Esye pro falsacione et factura eorundem pratorun.*"

Accordingly, in the minister's accounts, already referred to, of the year 1540, while there is an entry under the heading of Myntyte of "Labour of the Customary Tenants," no value is attached, because, as is distinctly stated, such value is included in the amount of rent paid by R. Basyng. How long these services continued at Minety and Latton I do not know; my business has been with the actual tenants of Cirencester, where, as being a trading town, such services would, as we have seen, be likely to determine earlier than in a purely agricultural community, such as Minety and Latton. Mr. G. Poulett Scrope, in his history of the manor of Castlecombe, mentions, at page 347, that as late as the year 1680, one J. Blake, besides a half-yearly rent of 3s. 4d., undertook to provide the labour of one strong man at harvest-time, for eight days.

