

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

## **Manorial Records**

by C. B. Fry  
1932, Vol. 54, 75-83

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## MANORIAL RECORDS

by CLAUDE B. FRY, *President**read at Bristol 12 July 1932*

THOSE who were present at the Council House this morning had the opportunity of seeing some of the City Records, including a volume of court rolls relating to manors belonging to the Corporation of Bristol.

There can be no question that the preservation of Manorial Records is of great importance to members of Societies like our own, for the early court rolls not only give us an insight into the life of the community but they are of value to the genealogist and the local historian.

The volumes of our *Transactions* bear witness to the researches made by our members into the history of various manors, and include extracts from court rolls. In 1923 the late Rev. Charles Swynnerton, F.S.A., contributed 'Some early court rolls of the Manors of Stonehouse, Kings Stanley, Woodchester and Achards'<sup>1</sup> and in volume 53 issued last month Mr H. Jenner-Fust has given us some extracts from the court rolls of the manor of Hill.

The attention of our members has already been drawn by Mr Roland Austin in our *Transactions* for 1924 and 1925 to the importance of the preservation of Manorial Records<sup>2</sup> and in letters to the press in 1925 he invited lords of manors in Gloucestershire to deposit their court rolls and other documents at the Public Library, Gloucester. The response to this invitation has I believe been disappointing, so I need make no apology for returning again to the subject.

<sup>1</sup> *Transactions*, XLV, 203-51.

<sup>2</sup> Vols. XLVI, 368-70 and XLVII, 359.

The changes in the law affecting Real Property brought about by the Law of Property Acts 1922 and 1925 with the object of simplifying land tenure have passed almost unnoticed outside legal circles. On 1 January 1926 copyhold land ceased to exist ; it had become enfranchised, subject to the payment of manorial dues to the lord and steward. It only remained for the owner, by complying with certain formalities and redeeming these dues according to a schedule of the amounts to be paid contained in the Act of 1922, to obtain a free title, though the Act still preserved the lord's sporting and mineral rights (if any) unless they were bought outright. By the end of 1935 the provisions of the Law of Property Act which relate to the extinguishing of manorial dues will have taken effect and the Manor Court will be a thing of the past ; its work will be finished. In a few instances possibly a court may be summoned as a picturesque survival, but the functions of the court will no longer exist. It was in these circumstances thought necessary by Parliament to make provision for the safe custody of court rolls and other manorial records.

The Law of Property Act 1922 as amended by the Law of Property (Amendment) Act 1924 places all manorial documents under the charge and superintendence of the Master of the Rolls. The term manorial documents is defined as meaning court rolls, surveys, maps, terriers, documents and books of every description relating to the boundaries, franchises, wastes, and customs or courts of a manor, but the term does not include the deeds for evidencing the title to a manor. The Master of the Rolls was empowered by the Act to make enquiries for the purpose of ascertaining that manorial documents are in proper custody and are being properly preserved, and if in his opinion any are not being properly preserved he may direct that they shall be transferred to the Public Record Office or other place approved by him and he was given authority to make rules for giving effect to the provisions

of the Act. Rules known as the Manorial Documents Rules 1926, which settle the conditions under which manorial documents shall be kept, have accordingly been drawn up. One of these rules (no. 5) to which I should like to draw attention directs that 'whenever a change occurs in the ownership of manorial documents, that change must be notified to the Deputy-Keeper of the Public Records'.

Places for the deposit of manorial records have been approved for each County. These include libraries, museums and the offices of County Councils. In Bristol, there are two, one being the University Library, which is authorized to receive manorial records of Wiltshire and Somerset. In 1926 the Gloucester Public Library was appointed as the place of deposit for Gloucestershire records and recently the Archives Department of the Corporation of Bristol at the Council House has also been authorized to receive such. Owners of court rolls and other documents may deposit them at the approved places for the county to which they relate. They may present them or place them on permanent loan and I should like to express the hope that they will adopt one of these courses.

There are court rolls and other interesting documents in the charge of firms of solicitors throughout the country which are now only of value from an antiquarian point of view. The existence of some may even be unknown and they lie forgotten beneath the accumulations of many years and await discovery. In Bristol, I think, there must be many such documents. I would ask those in whose custody these documents are, wherever possible to do what they can to facilitate their removal to the places approved by the Master of the Rolls for their reception, knowing that they will be carefully preserved under satisfactory conditions, and that a list of the documents deposited will be sent to the Deputy-Keeper of the Public Records.

At the Public Record Office they have knowledge of

about 20,000 manors. In many cases it is known where the manorial records are kept and any information adding to the number of these will be of value. This country is rich in records, unequalled by those of any other country for their historical interest and value. The national archives, since the erection of the Public Record Office, have been made readily accessible, but there is much still to be done in connexion with our local records. I hope that the steps taken by Lord Hanworth, the Master of the Rolls, for the preservation of manorial documents, and the personal interest he shows in the matter will bear fruit, and that in the future the approved places for each county will become storehouses of documents relating to them.

I understand that the response that has been made to the invitation to deposit manorial records has on the whole been good. The results for Gloucestershire as I have said have been disappointing, and as our Society is specially interested in Gloucestershire records I hope it will be remembered that both the Gloucester Public Library and the Archives Department of the Bristol Corporation at the Council House are willing to receive manorial records relating to the County. It is interesting to note that Bristol was the first municipality in England outside London to set up an archives department.

In the past manorial documents have travelled far from the manors to which they relate, in some instances they have found a home across the Atlantic. This is now illegal, for as I have said 'manorial documents are under the charge and superintendence of the Master of the Rolls' and as his jurisdiction does not extend beyond England and Wales, it is obvious that they must not be taken out of this country where they would be beyond his jurisdiction.

Besides manorial documents as legally defined by the Law of Property Act, there are many interesting deeds relating to the land which should be carefully preserved. There have been instances in the past when these have

been cleared out and destroyed and I have no doubt that court rolls have suffered the same fate, while others have been injured through neglect. A short time ago I heard of a number of documents belonging to the owner of a large estate which were kept on the floor of a room on the top storey of his house. The house was an old building and the rain coming through the roof caused considerable damage to the documents.

I have referred to the possibility of manorial documents being lost sight of and forgotten and will relate one or two of my own experiences in tracing and recovering old records.

Some time ago I became interested in the history of the manor of Hannington in Wiltshire, which was visited by the Society last year, and I made enquiries about the court rolls. The first volume of these marked Court Book c was forthcoming, containing the record of the manor court commencing in 1757. It seemed obvious that there were two previous volumes A and B, but enquiries of three firms of solicitors who I thought might be able to give some information about them were fruitless. Some years passed, when I received a note from one of these firms saying that the two volumes of court rolls had been discovered. They were found quite by chance among the papers of a deceased clergyman. They were evidently in his possession at the time of his death, and must have been sent by his executors to their solicitors and had been put away with papers relating to his estate and forgotten. These two volumes carried the court rolls back to 1628.

It has been impossible to trace the existence of the earlier court rolls of this manor, but as some compensation for their loss, a sheet of paper was found with extracts from certain rolls of the fourteenth and fifteenth centuries. These extracts were compiled in 1651 and are in the handwriting of the owner of the manor at that time. The writing is small and the contracted Latin does not take

up much space, but when translated the extracts cover fifteen pages of foolscap paper. The earliest roll quoted is 35 Edward III (1361-62), followed by 2 Richard II (1378-79). Twenty-one rolls of the reign of Henry VI are mentioned, others of 2 and 3 Richard III and 2, 5 and 7 Henry VII. The extracts are arranged under headings, some of these being in English. They throw an interesting light upon life in the village during the Middle Ages. Free warren, nuisances, estrays, poundfald, licences of the lord, widowhood according to the custom, tenements in decay and heriots are among the subjects dealt with. Perhaps the most interesting entry appears under the heading Goods of Felons.

In 23 Henry VI a man who had committed a felony fled to the church and secured the protection of sanctuary. Having confessed his crime, the felon who took sanctuary was required to take an oath before the coroner abjuring the realm, that is he swore to quit the kingdom. Upon confession of his crime all his goods were forfeited.

From the same source as the extracts from the early court rolls came a bundle of copies of court rolls of the manor, which were the tenants' titles to their land. These documents are not usually of great importance but in the bundle were some which bear the signatures of two men who have a place in history and were in different ways connected with the fortunes of Mary, Queen of Scots. In the reign of Queen Elizabeth, both were successively farmers of the manor, at that time part of the estates of the Duchy of Lancaster. The first was Edward Abington or Habington, son of the queen's cofferer, or under treasurer. He spent some time at court where he made the acquaintance of Anthony Babington, a Roman Catholic courtier who was planning a rising of the Catholics. Abington joined the conspiracy, which had for its object the murder of Queen Elizabeth and the liberation of the Queen of Scots. The plot was discovered and Abington was arrested and imprisoned in the Tower. He was

found guilty of treason and executed in 1586. Edward Abington was followed as farmer of the Manor by John Wolley, Latin Secretary to Queen Elizabeth, a member of the Privy Council and Chancellor of the Order of the Garter. He was one of the commissioners appointed to try Mary Queen of Scots after the discovery of Babington's conspiracy.

Some other documents refer to an attempt to take possession of a house in Hannington early in the seventeenth century. It would appear that the difficulties to be surmounted and the unwillingness of the tenant to give up possession have a parallel in our own times three hundred years later. In 1628 Richard Swayne, the lord of the manor, wished to obtain possession of a house and some land in the occupation of William Edwards whose term had expired. A warrant was prepared which was signed and sealed by the lord in the presence of two witnesses authorizing one John Butcher to take possession on his behalf. So that everything might be done in order the following instructions were prepared for Butcher's guidance:—

When you goe to requier the possession you must carry w<sup>th</sup> you three or twoe at the least of credible and understanding witnesses that may testifie the place day and time of your demand of possession and his answer to your demand. And yf he refuse to deliver it or if he will not be spoken w<sup>th</sup>all then those witnesses may in writing sett downe the place, the day and time of your entrie into the grounds by virtue of this your authoritie. Yf when you come to the house the dores be kept shutt against you then goe to the dore and take hold therof and say to the witnesses beare you witnes that I doe here enter upon this house and take possession of it and all the rest of the grounds, and make alsoe your entrie in like manner into some one of the grounds in the name of the wholle to the use of Mr Richard

Swaine Lord of the Mannor, and of such your proceeding lett them be sett downe in writing and subscribed by your witnesses under their hands that Councell may see what is done and therafter proceeding will be advised by them. Take such witnesses as may be convenientlye had to the assizes or elsewhere this matter may come to triall at my charge

Richard Swayne

On Wednesday 27 August 1628 Butcher, accompanied by his four witnesses, went to Edwards' house to demand the house and land. Edwards would not open the door and refused to give up possession, his reason being that he knew not whither to go and was unwilling to lie without doors. Butcher therefore took possession by taking hold of the door as instructed, and also of a piece of land in the name of the whole. It will be seen that on this first attempt the tenant remained in possession of the house, but from another document it appears he afterwards surrendered. A statement of what took place on this occasion was drawn up and signed by the four witnesses, one of whom was William Marsh, father of Narcissus Marsh, Archbishop of Armagh, a native of Hannington. Documents relating to the fines imposed by the manor court at a later date show that while they were inflicted so freely they were not always paid as promptly as our modern courts require. In 1670 there were 262 unpaid fines varying in amount from 2*d* to £5, some of them dating back to 1661. The collection of these fines was entrusted to the bailiff of the Hundred, who was enjoined 'not to faile'.

It would be easy for me to mention other documents of some interest which were found in the same solicitors' office as the court rolls, but I will only give one more example. It is a document which has a local interest for us in Bristol as it bears the signature of Sir George Snygge, Recorder of Bristol in 1592, whose monument

in St. Stephen's church we shall have the opportunity of seeing on Thursday morning. This monument has been described and illustrated by Miss Ida M. Roper in 'The Monumental Effigies of Gloucestershire and Bristol' a valuable and important work upon the completion of which I should like to congratulate her.

In drawing attention to the steps which have been taken for the preservation of manorial records and other documents I have endeavoured by the examples I have given to point out the interest which attaches to them. They have an historical and a human interest and should be carefully preserved.