

COURTS AND URBANISATION: JURISDICTION IN LATE MEDIEVAL SEIGNEURIAL BOROUGHES AND TOWNS

CHRISTOPHER DYER

This chapter will begin with a consideration of the variety of courts and procedures which regulated medieval urban societies. The different courts reflect the absence of uniformity among the towns themselves, which sometimes gives rise to uncertainties in defining towns and boroughs. Close attention will then be given to a series of court records documenting two towns belonging to a single lord, Worcester Cathedral Priory, with a view to answering the question, did the institutional framework of lordship reflected in the courts help or hinder urban development?

Historians should keep in mind ideal types of towns and boroughs, as long as these do not become rigid models: the exceptions and varieties of forms must be recognised. In the case of towns, specific legal privileges, walls, or a large population (five thousand, for example) are no longer regarded as defining characteristics. The essence of a town has become the existence of a permanent and dense settlement in which a majority of the inhabitants gained their living from a variety of non-agricultural occupations.¹ Such places often had a sense of a separate identity, a distinctive plan with a marketplace, streets

¹ Susan Reynolds, *An Introduction to the History of English Medieval Towns* (Oxford, 1977), pp. ix–x; Rodney H. Hilton, ‘Small town society in England before the Black Death’, *Past and Present*, 105 (1984), pp. 53–78, at pp. 56–7. I am grateful for the help of archivists, especially in Worcester Cathedral Library. Paul Hargreaves and Simon Penn helped with their transcripts of the Bromsgrove court rolls. Mr A.T. Foley kindly gave me permission to consult his Kinver archives.

and narrow building plots, or an association with an institution such as a hospital or religious fraternity.² But these additional characteristics were not essential. Doubts arise when we find a place with many crafts and trades, but with a majority of households occupied by peasants living from agrarian production. And though the size of the settlement ought not to be of crucial importance, can we really describe as a town a place with a population of two hundred, at a time when villages could have been three times as large?³ We are dealing with complex and inconsistent past societies, and we cannot impose on them precise and dogmatic modern schemes.

An ideal type of borough should have more certain and straightforward characteristics, because its privileges were defined in law. Even if the inhabitants had not received a borough charter, they would have understood that they held their plots by burgage tenure. The burgage plots would have been liable to pay a fixed annual money rent (often between 6d and 12d per annum), and the land would have been held freely, without any of the disadvantages of servility such as heavy labour services, tallage or restrictions on movement. The plots could be sold, sublet, divided or mortgaged without needing the lord's permission. The burgesses had free access to the market and would attend a borough court to settle disputes, define customs and deal with trading offences.⁴ Boroughs came in many forms, however, and burgages could be held by customary tenure with the appropriate dues, such as entry fines on first taking the holding. In many cases there was no separate borough court, but the burgesses attended a manor court.

In a world of ideal types, the borough and town should have neatly coincided. The borough was supposed to provide the institutional framework for urban development. The burgage plots gave their tenants a practical basis for conducting business, as the front of the plot faced on to the street or marketplace, and space behind the houses could be used for workshops and storage sheds. The tenants' legal rights over their burgages meant that land could be used to raise capital, by negotiating a loan or dividing the plot and selling part of it. The privileges of boroughs encouraged urban growth because they would attract migrants who could bring skills, connections and capital into the community.⁵

In the real world, the towns and boroughs were not aligned so neatly. Many towns had no claim to be counted as boroughs, and their tenants were

² T. Slater, 'Understanding the landscape of towns', in Della Hooke (ed.), *Landscape: The Richest Historical Record*, Society for Landscape Studies, supplementary ser., 1 (2000), pp. 97–108.

³ H. S. A. Fox, 'Medieval urban development', in Roger J. P. Kain and William L. D. Ravenhill (eds), *An Historical Atlas of South-West England* (Exeter, 1999), pp. 424–31.

⁴ Reynolds, *English Medieval Towns*, p. 93; Maurice W. Beresford, *New Towns of the Middle Ages: Town Plantations in England, Wales and Gascony*, 2nd edn (London, 1988), pp. 198–219.

⁵ Peter McClure, 'Patterns of migration in the late Middle Ages: the evidence of English place-name surnames', *Economic History Review*, 2nd ser., 32 (1979), pp. 167–82.

not always easily distinguished from those occupying land on manors. In the eastern counties of England, towns which lacked borough status were especially common: late medieval Norfolk had six boroughs but at least twenty-four towns.⁶ To the west, in counties such as Warwickshire and Staffordshire, the non-urban borough is more likely to be encountered. Here a lord would have granted burgage tenure to villagers, expecting to change their way of life; or perhaps the borough was planned on a greenfield site, and migrants were expected to flow in to take up the burgage plots. They had either trickled in so gradually as not to form the critical mass necessary for a functioning town, or they had arrived but then departed.⁷ The result would be that the borough's few inhabitants made their living from farming. Lords sometimes introduced burgage tenure gradually but were not encouraged to continue the process, and we find settlements with no more than ten to twenty burgage plots, associated with rural tenements, which cannot be rated confidently as either boroughs or towns.⁸

Courts for Towns

Did the courts held in towns or boroughs provide a framework of law helpful for the growth of an urban community? The generalisations made so far were based mainly on surveys and rentals, which list the tenants, indicate their tenure and state the rent owed. The terms of tenure and the privileges of the tenants are known mainly from the borough charters issued by lords. The charters, rentals and surveys can all be regarded as providing an unreal picture of early towns, as the charters offer ideal privileges and the surveys give orderly lists of tenants paying rents, who may have sublet their holdings. The court records seem to contain the best insights into the government of the towns, and the economy and daily life of the townspeople. That does not mean that they convey an objective picture of a real world. The court rolls are full of formulae and conventions relating to legal procedures, using technical language which distances the court processes from the practices of the real inhabitants. For example, in reporting assaults, of which there might be six in a year in some towns, the lawyers needed to know if blood was shed, and to decide which of the parties should be amerced. The reason for the outbreak of violence, which could have arisen from a property or trade dispute, or simply as a result of a spontaneous outburst, is never explained.

⁶ Christopher Dyer, 'Small towns, 1270–1540', in David Palliser (ed.), *The Cambridge Urban History of Britain: 600–1540*, vol. 1 (Cambridge, 2000), pp. 507–10.

⁷ Beresford, *New Towns*, pp. 290–307.

⁸ Richard Goddard, 'Small boroughs and the manorial economy: enterprise zones or urban failures?', *Past and Present*, 210 (2011), pp. 3–31, at pp. 12–14.

This analysis of court records derives from twenty-two towns for which adequate numbers of court rolls survive.⁹ The focus is on seigneurial towns and the sample is biased towards smaller towns, though the populations of a few may have edged over two thousand. Fifteen of the towns are from the Midlands, four from the south-west, one in the north and the rest from the south and east. The majority had ecclesiastical lords, most of them monastic, but ten of them belonged to laymen. The clerks observed no uniform convention when they chose the title of the court. Only three of them employed the term that we expect, 'court of the borough of...', but the majority preferred to use 'court' for routine sessions, with a 'view of frankpledge' (sometimes called the court leet) once or twice each year. The view at Leek (Staffordshire) was called a 'great court', and in 1424 at the same place a court was headed 'the court of the town (*ville*)'.¹⁰ The view could be called the 'hundred', and the term *curia legalis* or legal court occurred at Shaftesbury (Dorset), Tiverton (Devon) and Thornbury (Gloucestershire).¹¹ The court equivalent to the court leet at the borough of Crossgates, which formed part of the complex of boroughs that made up the city of Durham, was called the *capitalis curia* or head court.¹² Courts in four places were known by the distinctive English title of portmoot.¹³

Seventeen of the towns or boroughs were served by a distinct and separate court, but that leaves a significant minority in which a manorial court covered both the town and its rural surroundings. Some boroughs looked like very small elements within a large manor. The borough of Brewood (Staffordshire) formed one of the nine tithings in the major rural manor of the same name, on the estate of the bishops of Coventry and Lichfield.¹⁴ However, the Brewood tithing stands out with its distinctive business, such as forestalling and various offences committed by those selling meat and fish or keeping inns. The tanners were brought before the court for polluting the water course with their efflu-

⁹ The sample: Alcester (Warwickshire), Alton (Hants.), Bretford (Warwickshire), Brewood (Staffordshire), Bromsgrove (Worcestershire), Crossgates (Durham), Eynsham (Oxfordshire), Halesowen (Shropshire, now Worcestershire), Henley-on-Thames (Oxfordshire), Highworth (Wiltshire), Kinver (Staffordshire), Leek (Staffordshire), Orford (Suffolk), Pershore in two parts (Worcestershire), Shaftesbury (Dorset), Shipston-on-Stour (Worcestershire, now Warwickshire), Stratford-upon-Avon (Warwickshire), Tiverton (Devon), Thornbury (Gloucestershire), Uttoxeter (Staffordshire), Wimborne (Dorset).

¹⁰ Staffordshire Record Office (hereafter SRO), D1333/1, D1333/2, D1337/3.

¹¹ Dorset Record Office, DC/SYB/B1, B2; Devon Record Office, CR 227; SRO, D641/1/4E/2.

¹² Richard H. Britnell (ed.), *Records of the Borough of Crossgate, Durham 1312–1531*, Surtees Society, 212 (2008), pp. xix–xxv.

¹³ Eynsham: British Library (hereafter BL), Harleian Roll F21; Highworth: R. B. Pugh (ed.), *Court Rolls of the Wiltshire Manors of Adam de Stratton*, Wiltshire Record Society, 24 (1970), pp. 111–63; Pershore (Westminster part): Westminster Abbey Muniments (hereafter WAM), 21937, 21938, 21939; Tutbury: TNA, DL30 109/1615.

¹⁴ SRO, D590/4331, 2, 3. The court of the other lord, the dean of Lichfield, was also distinctive: SRO, D590/434.

ents. There was also a larger number of 'hue and cry' cases and assaults with bloodshed than in the other tithings. The best generic term for these courts, whether held just for the urban settlement or for the urban tithing within a larger manor, is the title used at Leek: the 'town court'. In some places, the business of the town is almost hidden from view; for example, at Winslow (Buckinghamshire), where we know of a group of burgages and a marketplace, but in the manor court the tiny borough was given no special space at all.¹⁵

Many town courts differed from manor courts because much of the tenant land was held by burgage tenure. Burgages were only mentioned occasionally as they were transferable without reference to the court, except in special circumstances such as an escheat resulting from a break in the line of inheritance, or a forfeiture when a tenant had been convicted of a felony. A dispute over inheritance might bring a burgage under the scrutiny of the court. A not uncommon situation was for a town to have holdings in different tenures. For example, shops and selds at Uttoxeter (Staffordshire), or cottages at Kinver (Staffordshire), were not held in burgage tenure.¹⁶ Sometimes the original core of the town consisted of burgages, but later additions were held under another tenure.

In some towns a vocabulary was applied to tenant holdings that seems more appropriate for a rural manor, such as the 'tenements' at Orford in Suffolk, and the 'messuages' and 'cottages' that appear in the records of the two jurisdictions at Pershore (which was divided between Pershore Abbey and Westminster Abbey). Pershore holdings were not very privileged, leading to an entry fine of one hundred shillings being paid in 1337 for 'a messuage and a curtilage' in Westminster's part of the town, while Pershore Abbey's tenants could be required (like any customary tenant) to build on their plots.¹⁷ Naming a holding 'burgage' did not necessarily mean that it enjoyed the normal advantageous terms. At Brewwood, it was said that burgages were held 'according to the form of this tenure of the manor of Brewwood, by services and customs owed', which could include paying an entry fine of five shillings.¹⁸ Though burgage tenants generally enjoyed the usual privileges, the lord still wished to maintain a record of those who came into the borough by inheritance, gift or purchase, so new tenants were expected to present themselves to the court, acknowledge the lord, do fealty, show a charter if one had been granted, and pay at least a small token relief of 4d, which was the custom

¹⁵ David Noy (ed.), *Winslow Manor Court Book*, Buckinghamshire Record Society, 35 (2011), part 1, pp. x, xiv, 5, 17.

¹⁶ BL, Add MS 46460; Herefordshire Record Office (hereafter HRO), E12, FS/I/3, 4.

¹⁷ Suffolk Record Office (Ipswich branch), HD64/1/2, 28, 29; WAM 21942; TNA, SC2/210/71, 72.

¹⁸ SRO, D590/433/6.

at Kinver in Staffordshire.¹⁹ The new tenants' names therefore appear in the court roll, but their reluctance to go through the formalities is apparent on occasion, from the interval between their acquisition of their holding and appearance in court.

Litigation appears prominently in the records of town courts. The cases followed the familiar pattern, beginning with a plaint by an individual alleging that a debt had not been paid, a trespass had been committed, or goods had not been returned. The other party would often not attend court, and a pledge would be required to secure a response. Eventually the defendant would accept an obligation, or a judgement came from a jury, and payment was enforced by the court. Often the parties would obtain a 'licence to agree' and arrive at a compromise. These procedures meant that each case came before the court a number of times.²⁰

Statistical comparisons between town courts and manor courts are difficult to make, because the populations varied so much, because the number of cases coming before the court depended on the state of the economy, and even because courts were deemed to have varied effectiveness in dealing with unpaid debts.²¹ Nonetheless, we gain the impression that town courts dealt with a greater volume of litigation, and this reflected the complexity and pressure of the urban way of life. Townspeople frequently made contracts with partners and customers, and in the urban economy there were more payments in money for goods and services, and habitual use of credit to enable transactions to proceed in a period when actual coin was in short supply. Traders and artisans who made up a high proportion of the town's population operated in a commercial world in which raw materials, transport, equipment and labour were obtained without immediate payment, and in which customers acquired manufactures or services on the basis of a promise to pay the full amount at an agreed date in the future.²² This network of obligations could only work if the various parties trusted one another, or if they could have recourse to a legal system that would enable them to recover the money owed. Townspeople needed a court strong enough to enforce its decisions, but it ought to be fair and reasonable so that its judgements were respected, and the parties to the disputes could settle their differences and return to normal relationships.

The town court could attract litigants because it was run by its suitors, who acted as jurors and tithing men or chief pledges. These officials of the court

¹⁹ HRO, E12, F/S/I/4, 5.

²⁰ John Baker, *The Oxford History of the Laws of England: 1483–1558*, vol. 6 (Oxford, 2003), pp. 308–9.

²¹ Chris Briggs, 'Manor court procedures, debt litigation levels, and rural credit provision in England, c. 1290 – c. 1380', *Law and History Review*, 24 (2006), pp. 519–58.

²² James Bolton, 'Was there a crisis of credit in fifteenth-century England?', *British Numismatic Journal*, 81 (2011), pp. 144–64.

had the technical knowledge to deal with the cases that were put before it. To take an example from the court of Pershore in 1388, John Stoke pleaded against William Colyns in a plea of broken contract. John had delivered to William 7lbs of linen yarn, and William (a weaver) agreed to make fourteen ells (16.8 yards) of cloth by a given date. As William failed to keep to his contract, John claimed damages of 6s 8d. The jury of townspeople would know if the yarn was sufficient to make the cloth and could judge whether the damages claim was reasonable – to a modern observer the sum seems to be too high, and the jurors probably made the same judgement.²³

In the manor courts, the number of pleas diminished drastically in the fifteenth century. Town courts differed in that they continued to hear cases, though there was a tendency for numbers to fall in the long term, and in particular to dip in the early years of the sixteenth century.²⁴ This meant that those seeking to settle disputes went to other courts, such as the Westminster courts (which tended to attract major cases involving larger sums of money) or the church courts. More often the parties entered into private arbitrations which were sometimes organised by religious fraternities, but might sometimes have been promoted by neighbourly pressure.

Finally, the important specific needs of town dwellers were served by the views of frankpledge, as is apparent from the business recorded. The views in rural manors heard the presentments of the tithing men, which included agrarian offences such as the maintenance of hedges and ditches, enclosures, and offences in the harvest field. The assize of ale was enforced, by which brewers and ale-sellers were amerced for breaking the regulations and, in particular, for charging too high a price. The brewers also appear in views held in town courts, but more often than in the manor courts bakers were also presented for breaking the assize of bread (that is, for selling loaves below the weight fixed by the authorities). Views held for towns often heard of offences by butchers, fishmongers, and occasionally sellers of candles, oats, hay or leather goods, sometimes for selling low quality goods, but often for taking too much profit. Commercial offences might also include forestalling and regrating (that is, intervening in the market to buy goods before they went on sale, in order to dispose of them for a higher price). Huxters were also subject to regulation.²⁵ The suspicion must be that these 'rogue traders' were not thought to be serious offenders, especially as 'taking excessive profit' must have been difficult to define, but that the lord was using the opportunity to take a few pence for himself when he saw money changing hands. In the same spirit,

²³ TNA, SC2/210/72.

²⁴ Baker, *History of the Laws*, p. 311; Britnell (ed.), *Borough of Crossgate*, pp. xxvi–xxvii.

²⁵ James Davis, *Medieval Market Morality: Life, Law and Ethics in the English Marketplace, 1200–1500* (Cambridge, 2012), pp. 274–409.

the offenders accepted the payments as necessary overheads. Occasionally, habitual brewers, instead of paying 2d, 3d or 4d every time a brew was sold, would buy a licence to trade for a year, untroubled by repeated amercements. In the mid fifteenth century at Eynsham in Oxfordshire, brewers (many of them women) paid an amercement of 2d for breaking the assize when each brew was sold. Some brewed often, one of them fifteen times in a year, but it can be suspected that they were not always observed and amerced. In 1475 and 1476, seven brewers each paid a 12d fine to brew for a year, while others who brewed occasionally continued to pay 2d for each offence.²⁶

Regulation could have been important for the well-being of the town, because on occasion the presentment was not just a means of collecting a routine tax, but dealt with a serious infringement such as selling bad ale, burnt or seriously underweight loaves, measly pork or rotten fish. This meaningful element of consumer protection made the jurors and other officials willing to play their part in identifying and punishing wrong-doers. Internal social relations within the town would be damaged if consumers, especially of foodstuffs, believed that they were being cheated and exploited, and a town's external reputation for honesty and fairness also needed to be protected. One persistent group of offenders, for example, were the innkeepers, who – according to the presentments – sold fodder (oats, hay, horsebread) at high prices, and took excessive profits from food sold to their customers. Inns made an important contribution to a town's economy by attracting visitors, and they helped some places to become 'thoroughfare towns' where a stream of travellers visited and stayed overnight. It was important that outsiders should be able to trust these establishments.²⁷

Like their manorial counterparts, town courts issued by-laws. They were often just repeating well-known rules to keep them in the mind of those charged with presenting and punishing the offenders. They would seek to regulate trade and were concerned with the improvement of the urban environment, such as removing dunghills from the streets and mending roads. Both manorial and town authorities show a growing concern in the fifteenth century with various types of anti-social behaviour, such as the playing of illicit games. At Tutbury (Staffordshire) in 1424, 'no-one henceforth should tell dishonest stories or spread scandalous talk about their neighbours', which carried a potential penalty of twenty shillings, the same as could be incurred by taking geese, ducks, capons, hens and pullets from neighbours.²⁸ There were also prohibitions on residents receiving suspicious strangers and harbour-

²⁶ Judith M. Bennett, *Ale, Beer, and Brewsters in England: Women's Work in a Changing World, 1300–1600* (New York, 1996), pp. 99, 100, 106–7; BL, Harleian Roll F21, F35.

²⁷ John Hare, 'Inns, innkeepers and the society of late medieval England, 1350–1600', *Journal of Medieval History*, 39 (2013), pp. 477–97.

²⁸ TNA, DL30/111/1662.

ing prostitutes. These attempts to reform manners (to use a phrase from the eighteenth century) seem to have been more frequent in courts dealing with towns than those held in rural manors.²⁹ Town courts could be concerned with agricultural matters – not just dealing with wandering pigs, which was an urban problem, but also the regulation of common grazing. They are a reminder of the agricultural dimension in every town, not just those that were embedded within a rural manor.

By-laws reflect the different interest groups contributing to the court and its proceedings. The lord and his officials had the authority to make laws and often chose the subjects of legislation. For example, one reason for the restrictions on games such as cards and dice was the threat that they posed to public order. Another was the widespread anxiety about idleness, which connected with problems of vagrancy and migrations of strangers of dubious character. The underworld of indolence, mendicancy and petty criminality was linked in the minds of those in authority with the shortage of labour. Royal proclamations and parliamentary statutes show that these were regarded as problems on a national scale. In the local context, the jurors and other leading townsmen were making recommendations to the court for measures both to control behaviour and to improve the urban environment. The reputation of the town was again at issue, and the worthies of a town like Alcester in 1469 and 1475 did not wish it to be known in its locality for its potholed streets and flooding gutters, with steaming piles of dung at every corner, inhabited by disorderly youths liable to become involved in fights, and traders who sold rotten fish and substandard leather.³⁰

This brief survey suggests that, although the urban societies of the Middle Ages cannot always be easily disentangled from their rural environments, the townspeople seem to have had their own concerns. In devising the jurisdictions for their estates and in operating their court system, lords and their officials had to adapt to economic and social circumstances and take some account of the needs and preferences of their subordinates. They must all have been aware of the widespread customs associated with towns and boroughs, but they did not apply a standard legal and institutional template. The traders, artisans and other inhabitants, who no doubt would have preferred a stronger involvement in the government of their town, attempted to make the courts work in their interests. Any series of town records reveals many people who failed to observe the rules, by selling underweight loaves or dumping rubbish in public places, but harmony seems to prevail, in which lord and leading townspeople had a common purpose. If there

²⁹ Marjorie Keniston McIntosh, *Controlling Misbehavior in England, 1370–1600* (Cambridge, 1998) – though this lacks a clear sense of an urban/rural divide.

³⁰ Warwickshire County Record Office, CR1886/172, 173D.

were serious discontents, the lord's court was not the place to air them, as the court would decide in favour of the lord, and did not in any case have the power to make fundamental changes.

Worcester Cathedral Priory and its Towns

Worcester Cathedral Priory, a major Benedictine monastery worth more than £1,400 per annum in the later Middle Ages, has left a rich archive, especially of court rolls. Most of its income derived from twenty-six rural manors, many of them large, distributed over all parts of Worcestershire with one in adjoining Warwickshire.³¹

The monks of the priory became involved in urban development in the mid thirteenth century because new sources of income were becoming harder to acquire, yet the institution was costly to manage and the cathedral was being embellished with a new and elaborate east end and choir between about 1224 and 1260.³² Its last major endowment, the very lucrative rectory of Bromsgrove, came in 1232 to 1237 as a result of King John's choice of Worcester Cathedral as his burial place.³³ New income also came from the pilgrims attracted by the cult of St Wulfstan, who was canonised in 1203 and translated into an ornate shrine in 1218.³⁴ Land was being assarted in the woodlands, but eventually only limited areas were left for clearing new land.³⁵ During the first half of the thirteenth century, the demesnes were taken back from the farmers who had previously paid a fixed rent, and the land was brought under the management of estate officials, giving the priory the opportunity to profit from the higher prices of grain, wool and livestock.³⁶ As peasants were selling more produce, they could make increased rent payments – including of course the cash obtained through the courts, from amercements and from entry fines when holdings changed hands. New mills could be built to generate income, including four new fulling mills recorded for the first time in 1240, three of them within reach of a town where cloth was made.³⁷ Increased income from demesnes, rents and mills needed much hard administrative work and some investment.

³¹ Rodney H. Hilton, *A Medieval Society: The West Midlands at the End of the Thirteenth Century* (London, 1966), pp. 26, 33, 77, 79.

³² Alan Brooks and Nicholas Pevsner, *The Buildings of England: Worcestershire* (New Haven and London, 2007), p. 683.

³³ Reginald R. Darlington (ed.), *The Cartulary of Worcester Cathedral Priory*, Pipe Roll Society, new ser., 38 (1968), pp. 176–8.

³⁴ Reginald R. Darlington (ed.), *The Vita Wulfstani of William of Malmesbury*, Camden Society, 40 (1928), p. xlviii.

³⁵ William H. Hale (ed.), *Registrum Sive Liber Irrotularius ... Prioratus Beatae Mariae Wigorniensis*, Camden Society, 91 (1865), pp. 12a, 17a, 17b, 18a, 42b, 49a, 51a.

³⁶ Hilton, *A Medieval Society*, pp. 78–9.

³⁷ Hilton, *A Medieval Society*, pp. 207–12.

The monks had experience of urban tenants from their portfolio of properties in the city of Worcester. From the mid thirteenth century onwards, they pursued a successful policy of enhancing their income from houses and land in the city. They disposed of houses which produced only a small fixed rent income and acquired new properties which could be rented profitably. As donations diminished, monks made purchases to acquire houses around the cathedral itself and in the suburbs.³⁸ At the end of the Middle Ages they were drawing an income of more than £100 from Worcester tenants, many of them leaseholders. Through the Guestenhall court, they exercised lordship over their Worcester city tenants.³⁹

New towns offered a chance to raise income from rent for houses, market tolls, mill revenues and court profits. Manorial lords of all kinds saw benefits in urban development, because their peasant tenants could pay rents in cash more easily if they had ready access to an active market. The lords' motives were not entirely and narrowly economic. The town plans, with their long main streets or grids, impressed visitors who realised they were entering a special place with an important lord.⁴⁰

Some monastic lords were reluctant to embark on town foundations. They were aware that granting advantageous terms to tenants could be seen as alienating a monastery's assets, and gave the tenants ideas above their station. Worcester Cathedral Priory made a very small beginning by allowing the development of the hamlet of Bridgetown on the manor of Alveston in the early thirteenth century, as an unofficial suburb of the new borough of Stratford-upon-Avon, founded by the bishops of Worcester in 1196.⁴¹ They hesitated to go further, and then founded two towns in about 1260 at Shipston-on-Stour and Bromsgrove. The prior at that time, Richard de Dumbleton, enjoyed a good reputation subsequently, so perhaps the monks were persuaded that he had made a wise move.⁴²

Shipston-on-Stour and its Court

The town of Shipston was laid out on a site designed to catch trade on two main roads: that from Chipping Campden to Banbury, which crossed the River Stour by a bridge, and the route from Stratford-upon-Avon to Oxford. Around 1260, Worcester Cathedral Priory established a new town with a planned

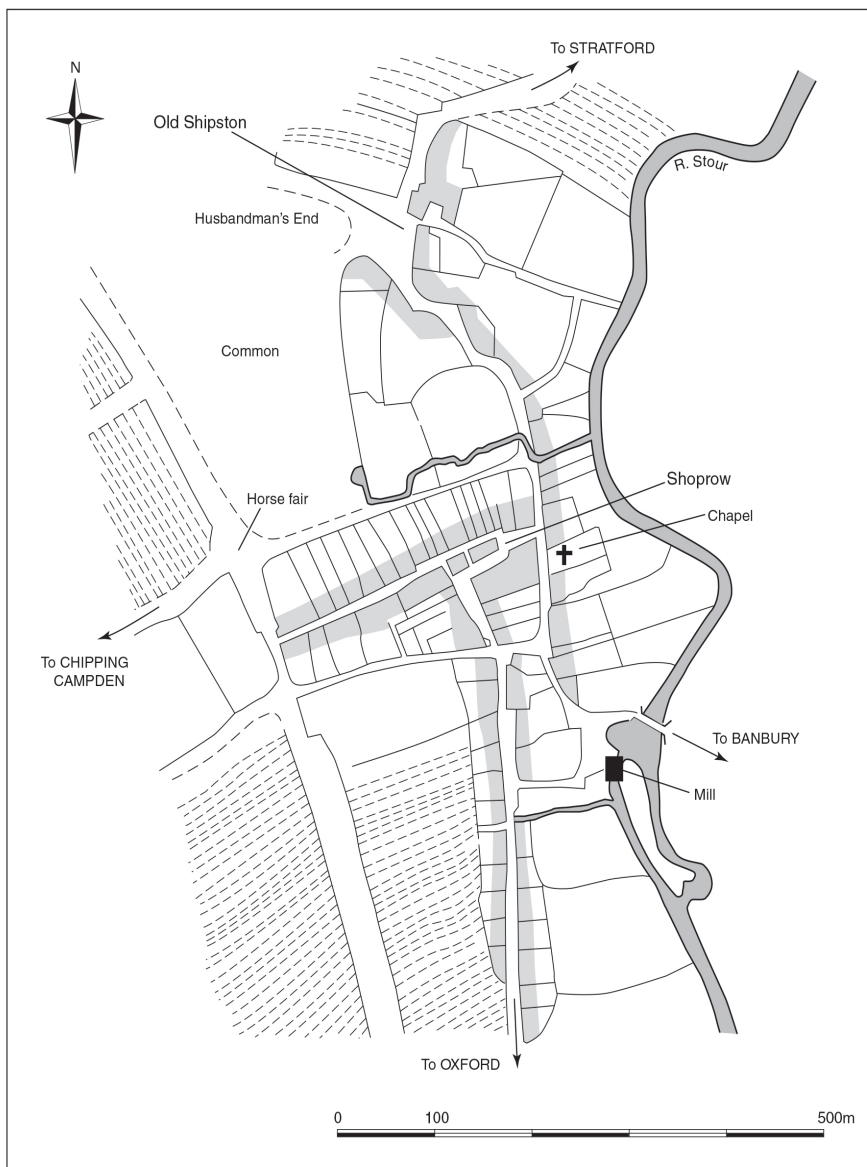
³⁸ Nigel Baker and Richard Holt, *Urban Growth and the Medieval Church: Gloucester and Worcester* (Aldershot, 2004), pp. 267–77.

³⁹ Baker and Holt, *Urban Growth*, pp. 297–301.

⁴⁰ Keith D. Lilley, *City and Cosmos: The Medieval World in Urban Form* (London, 2009), pp. 77–85.

⁴¹ Hale (ed.), *Registrum ... Prioratus*, p. 83a.

⁴² Joan Greatrex, *Biographical Register of the English Cathedral Priories of the Province of Canterbury, c. 1066–1540* (Oxford, 1997), p. 801.



MAP 5.1: MEDIEVAL SHIPSTON-ON-STOUR

grid of streets and burgage plots, sometimes called New Shipston, alongside a village with an entirely agricultural economy, henceforth called Old Shipston (though it appears on later maps as Husbandman's End). People from both Old and New Shipston attended the manor court at Blackwell, another manor of

the priory.⁴³ This arrangement went back before 1260 and was entirely for the administrative convenience of the priory's officials, who could deal with the business of two manors in a single court session. For the inhabitants of both Old and New Shipston, this was peculiarly inconvenient as they had to travel two miles to reach Blackwell. The priory's court records were headed 'Blackwell'. Sometimes 'Shipston' appears as a subheading, and sometimes Blackwell and Shipston were entered separately, as if on occasion a court was actually held in Shipston. The impression must be that, for most court sessions, dozens of Shipston tenants had to make the journey to Blackwell. The larger number of people living at Shipston, and the existence of two settlements at Shipston, was acknowledged in 1325 when a jury of twelve in the Blackwell court contained four representatives of Blackwell and eight for Shipston, presumably with four from Old Shipston and four from New Shipston.⁴⁴ Much of the business of the court was dealing with agrarian matters and the transfer of customary holdings, and one can imagine the frustration of the Shipston townsmen, sitting (or more likely standing) through time-consuming business which had little relevance for them. The modern reader of the court records can speculate about the prevailing mood and atmosphere, because the clerks provided more detail than is usually encountered: they even reported speech and offered explanatory words such as 'voluntarily' or 'maliciously'.

The priory's two manors of Blackwell and Shipston were in turn embedded in the large parish of Tredington, which had its own church court, and in secular jurisdiction they were subject to the bishop of Worcester's private hundred court of Winburntree.⁴⁵ Between 1315 and 1325, Shipston tenants were amerced for incurring financial penalties for moral offences in the church court, and the Blackwell court also dealt with defamation cases which overlapped with the concerns of the church court.⁴⁶ Such rivalries were not uncommon.

Some institutions were exclusively for the use of Shipston people, notably their chapel, which in 1319 had a cemetery – though properly Tredington church retained burial rights, and the priory was suspicious of the chapel's independence.⁴⁷ The town also had a separate court for the market and fair, revealed in 1314 when it was farmed out to two New Shipston tenants, Richard Baret and Robert le Taylor, together with a row of new shops, for forty shillings. They were to profit from 'all the small amercements of the

⁴³ Christopher Dyer, 'Small-town conflict in the later Middle Ages: events at Shipston-on-Stour', *Urban History*, 19 (1992), pp. 184–210.

⁴⁴ Worcester Cathedral Library (hereafter WCL), E10.

⁴⁵ Worcestershire Archives, ref. 009:1 BA 2636 177/92504, 92508, record proceedings of the hundred court in the early sixteenth century.

⁴⁶ WCL, E7, E8, E9, E10.

⁴⁷ Dyer, 'Small-town conflict', pp. 196–7.

market of Shipston from the piepowder pleadings (*placitis pepoudrose*) and from the weighing of bread, saving to the lord all the great profits of the same market'. The implication must be that the two tenants would hold the piepowder court for a limited range of matters, perhaps with the participation of the priory's local reeve or bailiff, but without a visiting steward or official from Worcester – nor, unfortunately, with any written record of the proceedings.⁴⁸ The lord's court held at Blackwell seems to have recognised Shipston's separate institutional identity when it referred to urban tenants holding land 'according to the custom of the manor of Shipston'. A difficult problem of customary law arose in 1341, when Isabell Robynnes asked for a judgement concerning a half burgage held by Geoffrey Robynnes. 'The whole homage of New Shipston', in accordance with 'the custom of New Shipston', said that she had no right because John Robynnes, Isabell's deceased husband, had sold the property by the lord's licence. The whole vill could also act as a pledge on behalf of a tenant – as, for example, when it was decided on the death of Isabell Rondewy in 1333 that her heir would not be her son John, who had departed from the lordship for a long time, but her daughter Joan.⁴⁹

It was entirely appropriate that, in dealing with property in the Blackwell court, burgages in New Shipston were transferred alongside rural customary holdings. Burgages in the town were held by customary tenure, with the usual financial liabilities and restrictions. In 1315 John Campion acquired a burgage from the lord, and the entry in the court roll tells us that it was 'to him and his heirs', 'for service and customs due' (phrases used in relation to customary holdings), for which he paid an entry fine of 16s 8d.⁵⁰ In 1321 it was said in court that two burgages were held 'in bondage', and in 1337 the same phrase was used again for a burgage and to describe the tenure of a shop.⁵¹ Shipston tenants, like customary tenants on most manors, were not allowed to sell their burgages without the lord's permission. The same conditions governed their ability to sublet land. If they neglected their buildings, the court could order them to carry out repairs. Some of the terms applied to New Shipston customary tenants seem to have been devised to meet their special circumstances. In 1333, Thomas le Gurdeler took on a cottage holding 'by the custom the new vill'.⁵² This seems to have changed when William de Mongwode took a burgage holding in 1341 and the court used the phrases normally employed for customary tenants: that he would hold 'to him and his brood (*sequele*)' 'of the lord in bondage for services owed according to the custom of the manor of Shipston', and subsequently 'the custom of the

⁴⁸ WCL, E7.

⁴⁹ WCL, E1, E11a.

⁵⁰ WCL, E7.

⁵¹ WCL, E9, E13.

⁵² WCL, E11a.

manor' was habitually used, as if the priory had decided not to give the town's customs special recognition.⁵³ Occasionally we are told that a tenant, such as Richard Baret in 1321, was a *nativus* (also known as a *neif* or born serf), showing that, for Worcester Cathedral Priory, 'town air' did not 'make free'.⁵⁴

The monastic lord attempted to enforce the traditional seigneurial monopolies, perhaps because of their value in an urban context, or perhaps in pursuit of a principle. Campaigns in the court were mounted occasionally against those who failed to do suit of mill – for example, by taking their corn to the bishop of Worcester's mill at Tredington. When a new tenant took over the Shipston mill in 1377, the court roll record of the grant mentioned the suit of mill of both free and *neifs*, evidently as an asset to the miller.⁵⁵ The oven monopoly was taken seriously, and attempts were made to enforce it in the court. In 1325, 'all men and their tenants' (presumably including sub-tenants) were said to be liable to suit of oven, and in 1334 three people were amerced for 'baking elsewhere'. As late as 1518 and 1519, two Shipston innkeepers (one of whom kept the Swan) applied to the court to pay a rent for permission to bake bread in their own oven for their guests, on condition that the loaves were not offered for general sale.⁵⁶ The idea that chartered markets in England exercised some form of monopoly on trade was sometimes voiced, but not much enforced. It was typical of Worcester Cathedral Priory's ambition that it attempted in 1342 through the court to force those selling cattle to do so in Shipston market: 'None of the lord's tenants should sell avers nor any other cattle before they were offered in Shipston market', though no cases are recorded as being brought against offenders.⁵⁷

Many borough courts gave limited financial benefits for the lord, but the manor court of Blackwell (which the townspeople of New Shipston had to attend) was helping to enforce rent payments, because the inheritance and transfers of burgages were administered by the court. The original rents of 16d per annum for a burgage seemed rather low to priory officials by the fourteenth century, and when three new cottage holdings were granted out through the court in 1333 their rents were near to the market rate, at 3s 6d, 4s 6d and 5s 6d per annum.⁵⁸ The entry fines levied by the court when holdings were acquired by new tenants again reflected the rising land values of an active urban centre, leading to a burgage being granted for £6 13s 4d in 1401.⁵⁹

⁵³ WCL, E1.

⁵⁴ WCL, E9.

⁵⁵ WCL, E9, E27.

⁵⁶ WCL, E10, E11a, E95.

⁵⁷ Adolphus Ballard and James Tait (eds), *British Borough Charters: 1216–1307* (Cambridge, 1923), pp. 241–6, 285–9; WCL, E2.

⁵⁸ WCL, E11a.

⁵⁹ WCL, E14, E41.

Heriots (death duties) were demanded from burgage tenants, as happened in some other boroughs, and the item taken and its value were entered in the court roll. On the death of a tenant who was entirely dependent on petty trade or work as an artisan, the heriot would be a kitchen utensil or article of clothing of modest value, but in 1343 a valuable ox was paid when the tenant of a burgage died, and another for the same tenant's shop. A tenant with a messuage, and a number of cottages and stalls, yielded in heriots in 1367 an ox and three horses worth more than £2.⁶⁰

The priory's instinct to enforce strict discipline led to its imposition through the court of high collective penalties of ten, twenty and even one hundred shillings for such serious offences as concealment of trespasses, appointing a priest to the chapel without permission, and attacks on the lord's officials.⁶¹ These sums of money were scarcely affordable, as one hundred shillings represented more than five years' wages for a labourer, and were to some extent symbolic. They were designed to threaten the tenants and were not actually collected.

The inhabitants of small towns should not be regarded merely as low status artisans and petty traders. Some Shipston people could obtain at least a minimal education locally, presuming that the surname 'Scolemaster' (which appears in the court records around 1400) tells us his occupation.⁶² The courts refer occasionally to apprenticeship, and young people who did not receive a formal training will have gained experience by working in the households of established traders and craftsmen. Leading townspeople were expected to take on demanding administrative tasks, like John Lomberd, who was 'elected' in the court in 1347 to be reeve of the tolls and alestaster, so he collected market tolls and regulated the town's many brewers. In the same year, he was appointed with three others to 'supervise all the stalls and customs of the market'.⁶³ The administrative talents and powers of persuasion needed in public office were presumably acquired from running private businesses. Among the tenants there was much worldly experience, which would influence the way that they approached their lord and his courts.

The Shipston tenants knew that their court, based in Blackwell, with their lord's steward in charge, was very different from the arrangements at nearby Stratford-upon-Avon. There the borough court was separated from the manorial court for Old Stratford, and the free burgesses could transfer land by charter.⁶⁴ In spite of their disadvantages, however, the Shipston townspeople

⁶⁰ WCL, E14, E22.

⁶¹ WCL, E9, E10, E14.

⁶² WCL, E45: John Scolemaster appears in 1406.

⁶³ WCL, E15.

⁶⁴ Centre for Kentish Studies, Maidstone, Sackville of Knole U269 M73; Shakespeare Centre Library and Archives, Stratford-upon-Avon, DR 75/4, 7, 8.

were drawn into the whole system of seigneurial courts which worked by cooperation with the assembled suitors, who provided information, made declarations about custom and sometimes influenced decisions. They presumably valued the facilities that the court provided to pursue pleas of debt and trespass, though the courts met only four times each year, which limited the speed with which problems could be resolved.

Perhaps the town dwellers of Shipston derived some benefit from the courts, but they were fundamentally distrustful of the lord and his supervision of their affairs, as was demonstrated when suitors persistently concealed matters from the court. In the 1360s and 1370s, the townspeople were transferring burgages outside the court without obtaining the lord's permission, and much trouble ensued in 1376 when this evasion was discovered.⁶⁵ As well as practising their own conveyancing of property, the townspeople were also evading the high fines and heriots levied on burgages, which were imposed because the lord's officials realised that the tenants had the capacity to pay. Of course, townspeople in places where the lord could not demand large entry fines were able to keep more of their profits to fund consumption and investment.

Occasionally, overt discontent was expressed – for example, when Robert Gervays in 1320 accused the steward of falsehood (*falcitatem*), or when the reeve was assaulted in 1325.⁶⁶ Grumbling frictions were probably seething below the surface, but when the Shipston tenants turned to rebellious agitations they were voiced not in the manor court at Blackwell, but in the royal court of King's Bench in 1398. The tenants brought a case in which they put forward a coherent alternative to the priory's version of Shipston's legal status. They argued that Shipston was an ancient royal borough held at fee farm by the priory. They believed that they should have a degree of self-government, by having two catchpolls. They had gained ideas (and no doubt advice) from contacts with other towns such as Cirencester, which was held by its monastic lord at fee farm, and Stratford, which had two catchpolls (under bailiffs). Their plea to King's Bench included a complaint about the narrowing of a road caused by the building of market stalls, which went back to 1382 and shows that they had been nursing grievances for many years before 1395. Their claim to be a royal borough, though it gained only small plausibility from a charter of King Edgar of 964, was crucial for their legal argument, because it entitled them to royal protection and proved that they were free men. Otherwise, the monastery could reassert that it alone had jurisdiction over the bondsmen of Shipston, and as they had no right to plead before the king's judges, the priory's court of Blackwell should reign unchallenged.⁶⁷

⁶⁵ WCL, E27. Nine offenders had their burgages seized and were excluded from any claim to them.

⁶⁶ WCL, E9, E10.

⁶⁷ Dyer, 'Small-town conflict', pp. 202–7.

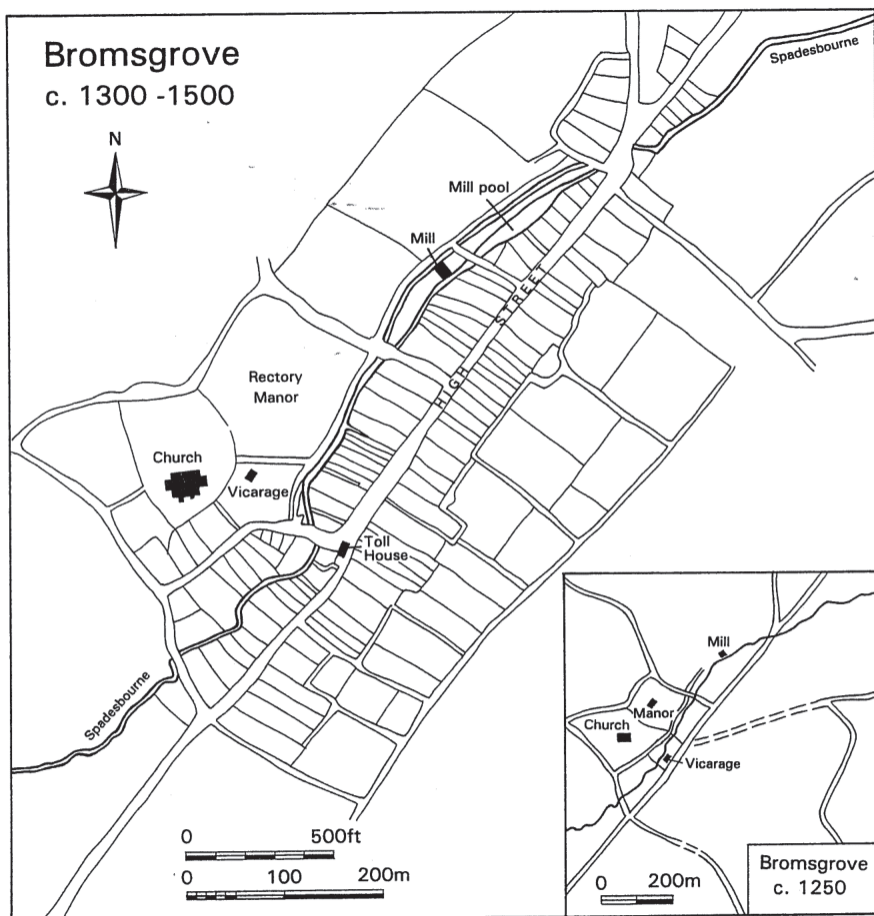
The Shipston rebels' claims to borough status had been encouraged by the rector of Tredington, who would gain more valuable mortuary payments if the tenants were judged to be exempt from heriots as burgesses. The Blackwell court became an issue in the conflict when, in 1399 to 1400, the townspeople did not pay brewing fines and mill tolls, setting up their own malt mills, and in 1403 the priory complained that they prevented the view of frankpledge at Blackwell from being held.⁶⁸ Agitations continued, but were resolved with a one-sided arbitration and the release (after a period of imprisonment) of some of the leading rebels. The priory hoped that it would resolve the problems by withdrawing all reference to burgages in Shipston in the manor court, after which the standard tenant holding was called 'a messuage and a curtilage'.

Bromsgrove and its Courts

In the 1260s, the town of Bromsgrove was established near the prominent parish church as the most important settlement in the extensive royal lordship of Bromsgrove and King's Norton (covering in excess of 23,000 acres). Worcester Cathedral Priory had acquired control of the rectory of Bromsgrove in the 1230s as a gift from the crown. It was a valuable asset with a large revenue from tithes, but its territory was small and its tenants few. In the 1260s the priory embarked on its town-planning scheme, perhaps in coordination with the estate managers of the royal manor, and by 1311 forty priory tenants occupied a row of messuages and cottages on the west side of the High Street, standing on plots running down to the stream (the Spadebourne) that ran parallel to the street. The court for the rectory manor of Bromsgrove was presumably held at the priory manor house near the church, as the priory had now taken over the role of rector. Its records are quite brief, and mainly consist of records of non-attendance and short records of changes of tenancy of holdings situated along the High Street.

The High Street was originally a Roman road, and in the Middle Ages it was the main route from Worcester to Lichfield. Around the time that the priory manor was setting up its new tenants along the west side of this important highway, the authorities in charge of the royal manor (probably local administrators rather than Henry III himself) were recruiting tenants to build their houses in plots arranged along the eastern side of the street, resulting in a conventional town plan with two rows of houses facing one another, with all the appearance of a single community under a unified authority. The route of the road from west to east, from Kidderminster to Coventry, was manipulated so that travellers would have to use a section of the main street and provide

⁶⁸ WCL, Reg. A IV, fols 427–428.



MAP 5.1: MEDIEVAL BROMSGROVE

the town's retailers with opportunities for sales.⁶⁹ For the royal manor the court was held on a remote hill at Lickey, and the separate and distinct character of the town was only apparent at the view of frankpledge. Among the ten or more tithings making their presentments, the Bromsgrove tithing stands out for the quantity of business, and especially the concentration of sellers of ale, bread, meat and fish. Its importance as a centre of industry is suggested by the complaints that tanners were polluting the Spadebourne.⁷⁰

⁶⁹ Christopher Dyer, *Bromsgrove: A Small Town in Worcestershire in the Middle Ages*, Worcestershire Historical Society Occasional Publication, 9 (2000), pp. 12–27.

⁷⁰ A. F. C. Baber (ed.), *The Court Rolls of the Manor of Bromsgrove and King's Norton 1494–1504*, Worcestershire Historical Society, new ser., 2 (1963).

By about 1300 Bromsgrove was a single, quite prosperous town, under two lords, and each lordship dealt with business arising from its tenants in the town in its own courts. Neither of these two courts was a borough court, and indeed Bromsgrove in surviving documents was only once (by accident) called a borough. The royal tenants from the town attended the Bromsgrove manor court at Lickey. This had a greater authority than the Worcester Cathedral Priory court because, after some disputes in the early days of the town, the royal court held the view of frankpledge, so that, for example, offences under the assize of bread and ale committed on both sides of the High Street were reported to the royal court. We are primarily concerned with the manor court for the rectory manor, held by the priory, as it offers a comparison with the court of Blackwell attended by the townspeople of Shipston. In contrast with the full and detailed writing of the Blackwell and Shipston court records, the Bromsgrove rolls contained relatively terse entries reflecting the priory's limited powers of jurisdiction over a place acquired at a late date and overshadowed by the royal manor. There were no serfs among the priory's Bromsgrove tenants, and customary tenure is not mentioned. However, the new holdings were not called burgages, but were described as 'a messuage', 'a messuage and curtilage', 'a messuage and appurtenances', 'a cottage' or 'a cottage and curtilage'. The record does not describe them as free, but they have some of the characteristics of freeholdings as they paid a cash rent and were only rarely expected to do labour service. New tenants did not pay entry fines. There was no standard rent, as found in a borough, but apparently as holdings were granted in the late thirteenth century varied rents were agreed, mostly between 21d and 2s 8d per annum, and they remained fixed at that level for the next two centuries. Heriots were due at the end of a tenancy; most of these reflected the urban nature of the economy, because they were paid in cash or the lord took an article of clothing or a chattel. Of fifty recorded heriots, nine cattle were levied and eight horses. The lord expected in the early fourteenth century to be involved in transfers of land, and complained in 1342 that a tenant had sold a holding 'against the custom of the manor'.⁷¹

Eventually a procedure developed that holdings could be inherited or transferred outside the court, but the lord should be informed and the new tenants should attend the court and do fealty. The court made decisions about tenancy in complicated cases of inheritance, as (for example) when it was found in 1374 that a tenant had been a bastard and there were doubts about who should succeed him. The succession to a holding was disputed in the following year, in which a 'sealed indenture' was quoted as evidence that Richard Noreyse had a life interest in a messuage and curtilage.⁷² The court heard about enfeoffments,

⁷¹ WCL, E2.

⁷² WCL, E26.

subdivisions between heirs, and what appears to be a mortgage arrangement leading to repossession of a holding in 1396.⁷³ The priory was anxious to be kept informed of changes, and insisted that its tenants should acknowledge the monks' lordship and pay their rents and dues. The nightmare of all lords was the disappearance of a holding, as happened to the Bromsgrove guild-hall. After it was converted into dwellings, its tenants ceased to pay rent, and it took some time for the responsible person to be discovered.⁷⁴ From the point of view of seigneurial revenues, Bromsgrove generated an income of a few pounds in rents and a gradual trickle of heriots, but the profits of justice were negligible, as the royal manor gained most of the income from enforcing the assize of bread and ale, and (apart from a period in the early fourteenth century when the priory court dealt with pleas between tenants) received most of the litigation.

The court business reflects a certain amount of friction between the priory and its tenants. The most serious episode of antagonism was recorded in 1342, when Walter le Fleshewer (whose surname suggests that he was a butcher by trade) sold a holding, concealed the horse that should have been paid as heriot, and beat and ill-treated the miller. Five members of the jury were amerced in the same court for quarrelling among themselves.⁷⁵ In 1364, tenants appear to have boycotted the court and only two suitors attended. They arrived late.⁷⁶ The tenants perhaps expressed alienation – or at least indifference – by regularly defaulting (that is, they did not attend the court), or were essoined (sending an excuse for absence). The priory had to pursue tenants for heriot payments and to compel them to do fealty. In all, the priory did not exercise a close control over its Bromsgrove tenants, and to some extent it was an observer of their activities rather than being an assertive lord. As the court did not have the range of functions and powers practised in other towns, the tenants had no strong motive to assert themselves, and the lord could be indifferent to their low level of attendance and activity.

The tenants of the priory's manor were not just surly avoiders of obligations, as they belonged to an urban community in which they lived and traded alongside their counterparts across the main street. Some conflicts broke out between the two manors, especially over matters of jurisdiction, such as the obligation of the priory tenants to attend the view of frankpledge held by the royal manor. In 1307, the priory won the right to hold the assize of bread and ale for its own tenants, but this seems to have been a temporary victory.⁷⁷ These disputes were resolved and did not have major consequences for

⁷³ WCL, E38.

⁷⁴ WCL, E17, E32, E38, C897.

⁷⁵ WCL, E2.

⁷⁶ WCL, E21.

⁷⁷ Dyer, *Bromsgrove*, pp. 15–16.

the inhabitants. They lacked urban institutions after the guildhall had fallen into decay by 1352, and no 'guild' appears in the documents.⁷⁸ The leading townspeople from both sides of the High Street probably met in advance of the view of frankpledge to decide the town's presentments, and could have used this unofficial and undocumented 'town meeting' outside the court to discuss matters of common interest. All of those living in the town were parishioners of the church of St John the Baptist, but it could not be regarded as an expression of civic unity because it also served the very large rural population, rather as the Lickey court was attended by the whole population of the royal manor. A chantry (the priest of which would have said his masses in the parish church) was endowed with rents and managed by local worthies (called feoffees); though not recorded until 1548, it probably had much earlier origins. It funded a school, paid for useful local causes such as repairing roads and bridges, and may have been involved in other matters of town business. We do not know how the paving of the High Street and the building of the High Cross were organised, but the building that stood in the marketplace, called a prison and sold (for market stalls) in 1427 and a tollhouse in 1467, was the responsibility of the royal manor.⁷⁹

Conclusion

Was lordship as expressed in the jurisdiction of seigneurial courts a help or a hindrance for the development of towns? Lords, even conservative monasteries, appreciated the advantages of having towns on their estates. Worcester Cathedral Priory gained about a tenth of its income from urban rents, and it was able to expand its revenues from urban sources at times when other types of growth had slowed. Medieval lords, however, were not just rent collectors, but sought to extend their authority over their subordinates – partly to protect their incomes, but also because they regarded lordship as a positive good. Their courts were instruments of government, not just sources of profit or means of disciplining tenants. To some extent, they received support from those attending their courts. The institutions worked with an element of consent – the court could only operate if it was receiving information from the suitors, and the decisions made and penalties levied needed cooperation. It was in the interests of the townspeople to have access to a body that could legislate for the good of the community, and which could help to maintain law and order. They made use of facilities for solving disputes and recovering debts. Individuals played a prominent role as officials – partly, no doubt, because they were helping to improve their communities, but also because they gained in status

⁷⁸ WCL, E17.

⁷⁹ Dyer, *Bromsgrove*, pp. 43–4.

and even in material terms from their association with authority. Seignorial towns encouraged the growth of oligarchy through such institutions as the jury at the view of frankpledge, even if the employers and landholders who made up the oligarchy would have preferred more independence.

The adverse consequences of the rule of lords are readily apparent from the examples given. The reluctance of some lords to establish a separate court for the townspeople must have caused many inconveniences, not least the time spent travelling to distant venues, and more seriously the lack of time and expertise enabling the court to deal with the complexities of urban business. Lords also jealously guarded their imagined monopoly of jurisdiction and sought to prevent townspeople taking cases to alternative tribunals, which must sometimes have included the royal courts as well as local church and hundred courts.

Lords imposed the rule of their courts, partly because it enabled them to raise revenue. Entry fines, collective financial penalties, heriots, and amercements enforcing the assizes of ale and bread could add pounds each year to the income collected through the lord's court, and in turn reduced the incomes of the townspeople. Other obligations were not very costly, but servile status, customary tenure and seignorial monopolies were constant humiliations for those who were subject to them. In most villages the lord's oven had ceased to trouble the inhabitants by 1400, but at Shipston-on-Stour bread was still being taken to the lord's baker well into the reign of Henry VIII. A much more serious example of the exercise of lordly power was the withdrawal of the use of the term 'burgage' at Shipston – in effect, the cancellation of burgage tenure.

The lords could exercise a strong influence over the urban property market. After the initial planning of the urban space, the creation of new plots or permanent market stalls needed action by the lord, with or without advice or requests from the townspeople. The transfer of holdings, if conducted in the court, was subject to the lord's approval and could involve payments for entry or for the heriot of a predecessor. The normal urban devices of investment in property to secure income, or the use of land as security for a loan, had to take into account the lord's role. Access to land was linked with migration, as new tenants often came in from outside; though little is said about selection, we suspect that occasionally the lord chose new tenants or discouraged those he regarded as undesirable.

The frictions that developed between lords and townspeople often resulted in minor acts of protest, but they could also flare into serious rebellion. Insurrections were most likely in the larger seignorial towns, such as Bury St Edmunds, but at Shipston and also Abingdon (Berkshire), small towns could launch stout resistance, and similar issues were raised in both large and small towns. Rebellious towns commonly demanded more say in the appointment of officials, such as bailiffs. They protested about aspects of the conduct of

the courts, such as the administration of the assize of bread and ale, and the view of frankpledge. They wished to form associations (that is, guilds and fraternities). They complained about levies in cash and kind, including milling tolls and heriots. There was also controversy about the use of space, such as the location of marketplaces, and the use of waste land, pastures and woods.⁸⁰ They demanded reforms and modifications of lords' powers, rather than planning the abolition of unjust lordship, as if they accepted the validity of the seigneurial regime.

If we focus our attention on the evidence of the courts attended by townspeople, we are in danger of examining urban life through the narrow prism of the lord's documents. Towns of all kinds could organise themselves with minimal involvement by lords or courts. Bromsgrove was a single town, though divided between two lords, and there are other examples of towns with three or more lords forming a single community. Bromsgrove could organise the space and buildings for a dignified marketplace,⁸¹ and such small-scale town planning did not always require the intervention of a lord. When a fraternity developed into an alternative means of government, the lord sometimes resisted, but more often accepted the new institution and allowed it to run parallel with his administration.⁸² Higher authorities expected the inhabitants of towns and villages alike to take on complex administrative roles outside the framework of seigneurial power, such as tax-gathering for the state or managing the parish church fabric for the ecclesiastical hierarchy. In devising their own methods of government and social cooperation, the inhabitants were not acting subversively. They were by-passing the lord and his court, rather than confronting or undermining seigneurial institutions.

⁸⁰ Samuel K. Cohn, *Popular Protest in Late Medieval English Towns* (Cambridge, 2013), pp. 203–62.

⁸¹ Lucy Toulmin Smith (ed.), *Leland's Itinerary in England and Wales* (London, 1906), p. 95.

⁸² Gervase Rosser, *The Art of Solidarity in the Middle Ages: Guilds in England 1250–1550* (Oxford, 2015), pp. 187–213.