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Chapter Two
THE MIDDLE AGES

The sources for medieval local history outlined here are rather different in character from those described later in the book. Firstly, the vast majority are in central rather than local custody: although there was an elementary system of local administration in England from before the Norman Conquest, there are no corresponding archives of local records to illustrate its workings, as there are for later centuries. Most of what is known about the activities of local representatives of the crown derives from records either created at the centre or transmitted from the localities and preserved centrally. Only since the sixteenth century has there been sufficient continuity in local administration for documents to accumulate in each county and remain in local custody. Medieval local archives are chiefly those created by institutions that were in part private, even if they were also partly public in character and function. Into this category fall the boroughs of England and Wales, some of which survived to be incorporated into the modern system of local government; the dioceses, chapters and archdeaconries of the Church; and, more tenuously, the manors held by individuals and corporations.

Other local archives might have survived had the sixteenth-century changes in government and society not been so sweeping. Thus, although the records of the three palatinate jurisdictions – Durham, Chester and Lancaster – retained their separate identity long after the institutions themselves had lost their quasi-independence, those of the marcher lordships of medieval Wales abolished by Henry VIII did not and are now largely lost, with surviving documents widely dispersed. Similarly, the destruction of the religious houses and the subsequent sale by the crown of their lands and other possessions led to the break-up of their muniments. Thus, since only a few private landowners have flourished without interruption since the middle ages, the continuity of ownership desirable, if not essential, to the creation and preservation of long series of documents recording the acquisition and management of landed estates has been largely restricted to a limited number of institutional owners, chiefly the Crown and the Church, together with Oxford and Cambridge colleges and a few other corporate bodies.

The second consideration is more practical. The study of medieval records requires technical skills that will never be universal among professional historians, much less those for whom history is an amateur pursuit. It is a commonplace that one cannot make

effective use of records without knowing something of the history and working of the institutions which created them and, whilst the mechanics of a nineteenth-century department of state may seem complex, its records normally present few problems of language or legibility. They may be formidable in their bulk (although so may some medieval material) but are rarely difficult to read. Even sixteenth- and seventeenth-century documents are, for the most part, written in English in a hand that can be mastered with a little practice. This is not true of earlier records, many of which, whether of central or local provenance, are written in Latin (or less commonly French) in a hand that requires considerable practice. Even then, most people can still only read such documents comparatively slowly, looking at each word or phrase for items of interest, rather than quickly scanning each membrane of a roll in the way in which one can turn the leaves of a modern file. There may still be those who, like J.H. Round, can sit down with a medieval account roll and browse through it as though it were this morning's newspaper but they must now be few, added to which modern medievalists rarely have the leisure to devote to searches at the PRO which Round appears to have enjoyed.

This problem is especially relevant to local history for two reasons. One is the point already made that much of the source material is in central custody and thus relates to the entire kingdom. In some cases, the documents may be arranged by county or in some other way that makes it fairly simple to locate references to a particular place. If not, the class may not be worth searching, since its bulk will make such a task impractical except for someone with unlimited opportunities to visit the PRO or a bottomless purse from which to buy microfilm to read at home. Almost by definition, the local historian is unlikely to qualify under either heading. If a searcher is interested in a particular person or family then proportionately less material will generally be worth examining. For example, there is a reasonable chance that an assize roll will mention most places of any size in the county in which the justices were sitting, but only if the object of a genealogical or biographical enquiry is already known to have had criminal tendencies and to have been living in that county at about the right date will it be worth struggling through the roll. Closely related to this is the problem of comprehension, since so many local searches amongst the records of central government, at whatever date, involve trawling large numbers of documents in the hope of finding material of interest. Ten boxes of departmental files arranged by subject may not seem, from their description in the class-list, to be of much value for a particular topic but they can be searched in a day or two; a similar quantity of fifteenth-century King's Bench plea rolls, which may be of just as much potential interest, will take far longer to check. Neither document is arranged to facilitate local searches but the greater difficulty of reading a plea roll means that

such documents will always be less fully exploited than more recent classes.

Conversely, medieval history, whether local or general, has been far better served than later studies by the publication of documents in full, calendars and other finding-aids. It was natural that the early nineteenth-century Record Commissioners should direct most of their energies towards the printing of some of the oldest public records, a policy continued by the PRO until well into this century. In some respects, the scope of official publishing remained narrow, concentrating especially on the administrative, rather than judicial or financial, activities of the medieval crown, but one can also discern some response to the needs of those with topographical or genealogical interests, as in the publication of inquisitions *post mortem.* Similarly, while non-official editorial work at national level also tended to deal with records of crucial importance to an understanding of the machinery of government, as illustrated most obviously by the work of the Pipe Roll Society, local societies did much to make available, not always in impeccable editions, documents of value to their members interested in people and places. As a result of a century of enterprise of this kind, a greater proportion of medieval public records are accessible in print than those of later centuries, generally in a form that makes local searches straightforward (i.e. they are competently indexed) and makes recourse to the original unnecessary (i.e. they are either transcripts or calendars). On the other hand, one should not underestimate the sheer volume of medieval material, much of it of considerable local interest, that remains largely inaccessible for reasons already suggested, including, for instance, many of the detailed accounts submitted to the Exchequer or the records of the courts which heard pleas either at Westminster or in the localities.[1]

Alongside the work of editing and publication, there also developed in the late nineteenth century the modern scholarly study of medieval administrative and legal history, the products of which may be offputting to the reader with a lay interest in local history but which nonetheless have provided a fairly full picture of the mechanics of government. Few branches of the administration have not been studied in detail, either at the centre or in the localities. The same cannot be said of more recent times: some of the departments mentioned in Chapters 5 and 6 have yet to be the subject of full-scale histories and there are few general studies of modern local authorities. A century of scholarship has also made it possible to produce reliable textbooks on medieval central government that provide local historians with sufficient background to understand references to topics in which they are interested amongst central government records.[2]

This chapter has thus been included with the modest aim of providing a simple guide to those classes of the medieval public records which are likely to be of interest for local studies and are

relatively easy of access. As in the rest of the book, the material is arranged by administrative provenance, with the historical background to the documents explained as briefly as possible, together with an indication of where one can discover more. Finally, I have said something of medieval material in local custody, or at least of local origin.[3]

The Chancery

Although the Exchequer was the first branch of the *curia regis* to become a sedentary department, rather than constantly attendant on the king, it was the Chancery that stood at the centre of the fully developed medieval administration.[4] The Chancellor, the keeper of the Great Seal used to authenticate written expressions of royal will, and his staff of clerks were gradually distinguished from the king's immediate household and in the fourteenth century became domiciled in Chancery Lane. The Great Seal was thus no longer immediately available to the court and was superseded in everyday use first by the privy seal and later by the signet seal, whose keeper evolved in the sixteenth century from king's secretary into secretary of state (p. 52). The use of the Great Seal became increasingly formal and the Chancery accordingly ceased to be the central organ of royal administration. Decline in this respect was compensated for by the increasing jurisdiction exercised by the Chancellor in matters for which the common law could not provide a remedy. Although originating in the fourteenth century, the Chancery's equitable jurisdiction did not fully blossom until the sixteenth, from which date it became the court's most important function, overshadowing both its administrative duties and its common law jurisdiction. Since most surviving equity records date from the reign of Elizabeth and later, they are described in the next chapter (p. 73).[5]

From the reign of King John, the Chancery adopted the practice of enrolling copies of documents issued under the Great Seal and the parallel series of records thus created are amongst the best known and most accessible sources for medieval local history. As in later centuries, much that happened in the localities was the consequence of action taken at the centre, whether it was the appointment or dismissal of royal officials, the issue of instructions to such men, the granting of privileges or lands to corporations or individuals, the granting of pardons to wrongdoers or a wide range of other expressions of royal will.

The most solemn Chancery instrument was that entered on the Charter Rolls (C 53), which extend from the beginning of John's reign to the early sixteenth century. They include grants of land and privileges and, as well as original grants to boroughs, confirmations or inspeximuses of previous grants. Although a comparatively short series (there are only 200 rolls, compared with more than 5,000 patent rolls and over 20,000 close rolls), the charter rolls should be

searched in any thorough local study since they are all in print: those for John's reign were published by the Record Commission in 1837 and the remainder in six volumes of PRO calendars between 1903 and 1927.

Renewals of privileges not found on the charter rolls may be entered on either the Cartae Antiquae Rolls (C 52) or the Confirmation Rolls (C 56). The former consist of transcripts of documents from the reign of Richard I to that of Edward II on a series of 46 rolls, the first ten of which were printed by the Pipe Roll Society (New Series, 17); for the remainder there is a descriptive list on the Round Room shelves. The Confirmation Rolls (1483-1625) contain a considerable number of entries of local interest but the only published calendar is that for 1509-14 included in the *Calendar of Letters and Papers, Henry VIII.* Otherwise, one has to search a manuscript list, reasonably well indexed, in the Round Room.

Before the establishment of the Confirmation Rolls renewals may be found on either the Charter Rolls or the Patent Rolls (C 66), one of the two major series of Chancery enrolments, whose name derives from the letters whose texts are recorded being issued 'open', addressed to all. During the middle ages the Patent Rolls contain a wide range of entries concerned both with public business and grants to individuals and corporations. After 1516 grants formerly enrolled on the Charter Rolls were transferred entirely to the Patent Rolls, although the documents were still known as 'charters'. Until the Civil War commissions of the peace, of sewers, of oyer and terminer and those for charitable uses, as well as various special commissions, were also enrolled, adding to the wealth of local detail. From the seventeenth century the rolls ceased to contain the breadth of material of earlier periods, although the series continues almost to the present day. For John's reign and the start of Henry III's (to 1232), a complete transcript was published by the Record Commission and then the PRO; thereafter a series of PRO calendars is complete to 1558, apart from the reign of Henry VIII, when the Patent Rolls were included in *Letters and Papers.* The series will continue on traditional lines to the end of Elizabeth's reign but no further, in view of the diminishing importance of the rolls for mainstream government. For the period 1580-94 an index of grantees named on the rolls has been issued by the List & Index Society (141, 167), which has also printed a calendar for the first 15 years of James I, with an index (97, 98, 109, 121, 122, 133, 134, 157, 164, 187, 193). Apart from these, the main finding-aid for the later rolls is a series of volumes in the Long Room, together with numerous pieces from the IND group (see LIS 166). Some 93 additional rolls form the separate class of Patent Rolls (Supplementary) (C 67), some, but not all of which, are included in the published calendars.

Gaol delivery, assize and similar commissions entered on the back of the patent rolls are generally excluded from the published

calendars but are of some value to local historians. Otherwise, these volumes, and the parallel series for the other Chancery enrolments, can usually be relied upon as a summary of the original documents, although in the past (but not today) the accuracy with which personal names were transcribed and, more important, place-names identified, sometimes left a good deal to be desired.

The Close Rolls (C 54) were, as their name implies, originally intended for royal acts of a more private nature. From early in the fourteenth century business of this kind was diverted to the Privy Seal and under the Tudors the Close Rolls ceased entirely to be used for the enrolment of administrative instruments. Their use as a registry for private deeds, however, grew during the same period and continued until 1903 (p. 57). For the earlier period, when, like the Patent Rolls, the series contains a wide range of documents, many of them of local interest, there are published transcripts for 1204-72 and then a calendar which ends at 1509, the latter including (to 1435) the small class of Close Rolls (Supplementary) (C 55).

The other series of enrolments in the medieval Chancery worth checking for local references are the Fine Rolls (C 60), recording payments to the crown in return for the renewal of charters or grants, or the enjoyment of lands, office or some other privilege. The rolls begin in John's reign and end in 1641; there is a published transcript for John's reign, continued as excerpts for Henry III, then a series of calendars to 1471, while for the years 1547-53 the Fine Rolls are included in the published calendar of Patent Rolls. For other periods there are calendars, with indexes, in IND 17350-52, for which see LIS 166.

Apart from the enrolments, the best known Chancery classes are probably the inquisitions taken locally by the escheators following the death or lunacy of those who held lands in chief, i.e. directly of the king, or who were believed to do so, with the purpose of establishing the terms on which the land was held, the name and age of the heir and, most important, what benefits might accrue to the crown. In particular, if the heir was a minor, the lands remained in wardship until he came of age. The documents, which survive from the reign of Henry III down to the abolition of feudal tenures in 1660, are principally inquisitions *post mortem,* which have been used by genealogists since at least the seventeenth century, with collections of abstracts for particular counties or families often appearing in antiquarian collections under the older name of 'escheats'. Several other kinds of inquisition were originally intermixed with the IPMs, notably inquisitions *ad quod damnum,* taken to establish whether the crown would suffer any loss if a proposed grant of a market or fair, alienation of land or other privilege, were allowed. In addition, other material once among the IPMs has been placed in a class of Miscellaneous Inquisitions.

Because of their genealogical interest, the inquisitions are accessible in print. Those now grouped as IPMs, Series I (C 132 to C

141), from Henry III to Richard III, are calendared either in Record Commission publications or PRO volumes; the remainder, Series II (C 142), are listed in alphabetical order of tenant in *Lists and Indexes* 23, 26, 31 and 33. These bring together references not only to inquisitions filed in the Chancery but also the copies transmitted during certain periods to the Exchequer (E 150) and the Court of Wards (WARD 7; cf. p. 68), both of which are often easier to read, having been subject to less handling and (in the *Guide's* memorable phrase) 'the injudicious use of restorative fluids'. The lists also include inquisitions taken by the escheators in the palatine counties and the Duchy of Lancaster (p. 38). A more detailed calendar of the Series II IPMs was later published by the PRO for Henry VII's reign. Both these volumes and the earlier ones have been criticised for omitting two features of the original documents of local interest: the extents of land held by the deceased sometimes returned by the jury and the names of the jurors themselves.[6] The PRO have now relented in the first case but resisted in the second, arguing that the indexes to the volumes would be hopelessly overloaded if thousands of additional names were abstracted. It is worth remembering, therefore, that a photocopy of an original IPM may yield more local detail than even a modern calendar entry. It is also important to bear in mind that valuations placed on estates in IPMs are artificially low and not a reliable guide to landed wealth.

For the inquisitions *ad quod damnum* (C 143) from Henry III to Richard III (later ones being generally intermixed with the IPMs) there is a calendar in *Lists and Indexes* 17 and 22; for the Miscellaneous Inquisitions (C 145) for the same period a series of calendars is in progress; and for the small class of Criminal Inquisitions (C 144), which goes down to Henry VI's reign, a list in the Round Room identifies the counties represented in each bundle and piece.

Although the common law jurisdiction of the Chancery was never extensive the earlier proceedings are worth checking for cases of local interest. Both C 44 (Edward I to Richard III) and C 43 (Henry VII to James I) have published lists (List & Index Society 67), which give the names of the parties, a brief indication of the matter at issue and the county involved. The later proceedings (C 206), which continue to the nineteenth century, are not listed topographically.[7]

Another type of document of potential interest, arising either from the court's common law jurisdiction or proceedings under the law merchant, are the extents, returned usually by the sheriffs, of lands and goods belonging to debtors, which date from the early fourteenth century to the Civil War and are now grouped into two classes, C 131 and C 239, of which the second has been re-assembled from debris in C 47, Chancery Miscellanea, and included with several other such classes in List & Index Society 130. For C 131 there is only a searchroom list but for neither is there an index of

names. Chancery Miscellanea itself, which has been reduced in bulk as some of the documents have been identified and re-classified, is briefly described in the *Guide* (vol. I, pp. 36-8) and more fully in LIS 7, 15, 26, 38, 49, 81, 105 and 145, the last containing a key to new references for documents transferred. Among material of topographical interest still in C 47 are the certificates returned in 1388-9 by gilds and chantries, listing their ordinances and, in some cases, their lands. Where a detailed return survives, it is likely to add greatly to what is known from locally preserved documents of the history of a small town or parish fraternity (p. 42).[8]

Finally, the group contains a large collection of deeds, arranged in four classes (C 146 to C 149), of which the last are modern (from 1603), for which there is no list. The first 8,060 deeds in C 146 are included in the *Catalogue of Ancient Deeds* (vols. I-III, VI), with the remainder described in two typescript volumes in the Round Room that might usefully be issued by the List & Index Society. There is a card index to persons and places mentioned in this list (which includes C 148 as well as C 146 but not C 147) in the Long Room, where there is also an index to C 147.

The Exchequer

The Exchequer was in origin the *curia regis* sitting for the transaction of revenue business, a gathering from which officers of state with no special function there gradually withdrew, leaving the Treasurer to preside, with the Chancellor represented by a clerk who ultimately became Chancellor of the Exchequer. The department was the first branch of the court to acquire its own institutional identity and its own premises, where the proceedings were divided into two parts, an Upper Exchequer, in which crown debtors were called to account, and a Lower Exchequer, or Exchequer of Receipt, where money due from accountants was actually paid in. Like the Chancery, the Exchequer had jurisdiction over those who had dealings with it and was thus a court of law as well as an administrative department.

Originally, the only accountants who came to the Exchequer were the sheriffs of counties and bailiffs of liberties and franchises; by the early fourteenth century, as other source of crown revenue developed, the court became responsible for these also. During the later middle ages and the early Tudor period, the crown also relied on a more personal system of financial organisation, the Chamber, which grew up alongside the Exchequer, whereby money was received, spent and accounted for without passing through the older procedure. The developments, culminating in the creation of the Court of Augmentations (p. 64), were brought to an end when that court was abolished in 1554 and its activities absorbed into the Exchequer. Some elements of Augmentations practice survived, however, adding another layer to an already elaborate structure.

The sixteenth century also saw the growth of equity jurisdiction in the Exchequer, possibly as an inheritance from Augmentations, while from the seventeenth century the department was increasingly superseded as the mainspring of central government finance by the Treasury (p. 58), a process formally completed in 1833. Exchequer equity jurisdiction was merged with that of the Chancery (which had always been more important) in 1841, while the common law side survived to be absorbed into the reformed High Court in 1873 (pp. 76, 180).

Because of the great antiquity of the Exchequer and the successive reorganisations of its structure over a long period, the department's records are not only voluminous but immensely complex, added to which comparatively few have been published. This section attempts to do no more than suggest some classes of medieval material in which documents of local interest can be located without excessive searching.

The group includes, of course, the oldest items amongst the public records, the five volumes of Domesday Book (E 31), compiled in 1086-7, the text of which is readily accessible in modern facsimiles and translations, together with an enormous interpretative literature.[9] Two centuries later, in the 1270s, somewhat similar enquiries were instigated by Edward I after his accession to establish what privileges private lords held throughout the kingdom, which resulted in the compilation of the Hundred Rolls (so-called since the information was supplied initially by juries for the hundreds or wapentakes of each county) and the resultant Quo Warranto proceedings, intended to determine 'by what warrant' privileges were enjoyed. Both sets of returns were published in full by the Record Commission, the fullest being the Hundred Rolls of 1279 for several counties in central England, where the amount of detail is comparable to that in Domesday.[10]

The earliest continuous series of documents is also to be found amongst the Exchequer records, the pipe rolls (E 372), of which the first dates from 31 Henry I (1130-31), with an almost continuous sequence from 2 Henry II (1155-6) to the abolition of the Pipe Office in 1832. The rolls are a record of accounts audited in the Upper Exchequer, at which each sheriff or other accountant had to appear. They are not, as has often been stressed, a complete record of either crown income or, much less, expenditure, but rather of money received from one class of accountant and expenditure authorised against that income. They are, however, the only public records to span a large part of the twelfth century, until the Chancery enrolments begin in John's reign, and, moreover, have now been published down to the early years of Henry III.[11] They may thus be checked easily enough for references to local communities, especially those which were on the royal demesne; for many parishes they supply the earliest post-Domesday place-name form.

Of more value for most local studies than the primary accounting

records, of which the pipe rolls are the oldest class, are the subsidiary documents returned by sheriffs and others in support of their accounts, which are often themselves buttressed by further vouchers. The bulk of these are arranged in one of the best known Exchequer classes, E 101, aptly named Accounts, Various, which is described in fair detail in *Lists and Indexes* 35, *L&I Supplementary* 9, Part 1, and various typescript lists in the Round Room. The class is subdivided into a number of sections, of which those relating to works and buildings, the army and ordnance, and the royal forests are probably the most promising for local historians. Classified separately but similar in purpose are the accounts rendered by sheriffs of the income from manors and other property in their hands (E 199), to which may be attached writs and returns, extents, inquisitions and other documents. The class is listed by county in List & Index Society 127. Until the reign of Henry III the sheriffs were also responsible for income from lands temporarily in crown hands as a result of forfeit or escheat; from the 1230s separate officials, known as escheators, were appointed for individual counties or pairs of counties.[12] Their accounts form E 136, with subsidiary documents in E 153 and E 137, all of which are listed by county or escheatry in the class-list. The inquisitions *post mortem* sent in with the accounts are now filed separately (E 149), to form Series I of the Exchequer IPMs. Series II are duplicates transmitted from the Chancery from the reign of Henry VII onwards (E 150); both are included in the published calendars and lists (pp. 27-8). Other inquisitions returned to the Exchequer, which now form E 151 and E 152, are described in *Lists and Indexes* 22.

Receipts from customs duties levied on imports and exports from the reign of Edward I were accounted for by local collectors and other officials, whose records (E 122) are the main source for the medieval history of individual ports. After 1565 the class contains only subsidiary documents as the accounts themselves were superseded by the port books (pp. 58-60) as the primary record of the movement of goods and shipping.[13] Of wider local interest are the accounts returned to the Exchequer in connection with various medieval taxes, including the hidage and carucage levied on lands not held by military service; tallage paid by estates forming part of the ancient demesne of the crown and by boroughs; scutage paid for non-performance by those who held land by military service; subsidies of a tenth, fifteenth or some other fraction of moveable wealth granted at different dates by parliament; and poll taxes, also levied with parliamentary authority.[14] All the documents surviving from these various impositions are grouped together as E 179, which is arranged by county and then date and listed in LIS 44, 54, 63, 75 and 87, in which pieces supplying the names of individuals as well as the total assessment on each vill are identified. The class continues into the Tudor period and beyond, ending with the hearth tax and other experiments of the later Stuarts (pp. 60-62).

Documents returned by the sheriffs, escheators and other local officials range from simple summary accounts, through detailed nominal lists to those which are, in effect, estate records relating to property permanently or temporarily in crown hands. Several classes of this kind are to be found in the Exchequer group, others were removed early this century to the 'Special Collections' of material arranged by type rather than administrative provenance. The latter includes court rolls (SC 2), rentals and surveys (SC 11 and SC 12) and ministers' accounts (SC 6), some of which in each case belonged originally to the Exchequer, some to other departments. The court rolls are listed in *Lists and Indexes* 6, the rentals and surveys in *L&I* 25 and *L&I Supplementary* 14, and the ministers' accounts in *L&I* 5, 8 and 34. Other material of the same sort can be found in the palatinate and Duchy of Lancaster groups (pp. 36-9); the Augmentations and Land Revenue sub-departments of the post-medieval Exchequer (pp. 64-7); and the records of several modern departments concerned with crown lands (pp. 167-9). Medieval material still kept amongst the King's Remembrancer's records include two classes of extents and inquisitions (E 142 and E 143), of which the former is included in *L&I* 25, whereas for the latter there is only a summary in LIS 108, while a small collection of extents of the possessions of foreign religious houses in England in the thirteenth and fourteenth centuries is now E 106 (see LIS 91). Two other classes (E 119, E 120) contain some Duchy of Cornwall records of similar date.

The Exchequer group also includes the most important of several classes relating to the administration of the medieval royal forests. The documents in E 32 include records of forest eyres, inspections and inquisitions and are listed by county in LIS 32. For an overall view of what is available relating to the forests between the thirteenth and eighteenth centuries a more valuable means of reference is an unprinted compilation in the Round Room which brings together documents from E 32, E 36, C 47, C 99, C 154, C 205, CHES 33 and DL 39 in a single list also arranged by county.[15]

The largest class of deeds in the group is E 210, comprising over 11,000 pieces, about a tenth of which are described in the *Catalogue of Ancient Deeds,* vol. III, the remainder in typed lists in the Round Room, which are also the means of reference to E 212, E 213 and E 214, the last a small collection of post-1603 conveyances. A calendar of E 211 has been printed as LIS 200; it would be helpful if those for neighbouring classes could be treated likewise. Amongst the Treasury of Receipt records are five other series (E 40 to E 44), of which most of E 40 is included in the *Catalogue* and the rest in LIS 151, 152, 158 and typescript lists. There are also a handful of deeds in the Pipe Office sub-group, of which E 354 has a typed list, while E 355 is uncatalogued.

The Exchequer was the smallest of the medieval common law courts, although the plea rolls begin in the 1230s and its separate

jurisdiction survived until 1875 (p. 180). Files of bills and writs exist from the early fourteenth century and from the sixteenth there are a number of subsidiary classes. Finding-aids can be found on open shelves in the Long Room but not in print. In the post-medieval period the Exchequer of Pleas was used particularly for suits concerning tithe (cf. p. 165) and a list of cases of this kind, which may be of particular interest to local historians, was printed in the second *Deputy Keeper's Report:* a copy of this is in the Round Room.[16]

Like the other older departments, the Exchequer group includes a collection of bound volumes now classed as 'Miscellaneous Books' (E 164, the contents of which is summarised in the *Guide* vol. 1, pp. 62-3). Among the most useful for local studies are two containing details of a tax levied on churches in England and Wales in 1291 by Pope Nicholas, which was printed in full by the Record Commission as *Taxatio Ecclesiastica* (1802) and in many cases provides the earliest reference to the existence of a particular parish church.

Administration of Justice

The general framework within which justice was dispensed by the crown in the middle ages is well known.[17] From the mid-twelfth century the work of the *curia regis* was divided into pleas heard by justices sitting at Westminster, those heard by itinerant justices and those heard, notionally, before the king himself, of which the last evolved into the court of King's Bench, the highest court of the realm other than parliament. In its developed form, King's Bench heard both criminal cases, especially those concerning breaches of the king's peace, and personal actions between individuals, although the records of the 'Crown' and 'Plea' sides of the court are themselves only separated from the reign of Queen Anne. From the late twelfth century, when the records begin, to the end of Henry III's reign, plea rolls from what later became the separate court of Common Pleas and some of those of the justices itinerant, as well as those of the court *coram rege,* are grouped together as Curia Regis Rolls (KB 26). The class is summarised in *Lists & Indexes* 4 and *L&I Supplementary* 1 and a number of rolls (or selections therefrom) have been printed by the Record Commission, Pipe Roll Society and Selden Society. Publication has been continued by the PRO in a series of transcripts which has now reached the 1240s.[18]

From the reign of Edward I King's Bench plea rolls form a separate class (KB 27), which continues without a break until the death of William III, with a roll for each term the court sat in which cases are divided into civil and criminal (i.e. the 'Crown Side' or 'Rex Roll'). From 1702 the two types of business are kept on separate Crown Rolls (KB 28) and Plea or Judgment Books (KB 122), of which the former continue to 1911 and the latter to 1875 (p. 180). For the post-medieval period there are a number of subsidiary

classes on both the Crown and Plea sides of the court, whereas before the sixteenth century the rolls are flanked by only four other types of document: indictments (KB 8 to KB 12), controlment rolls (KB 29), writs (KB 136, KB 138) and essoins (KB 121). The first include indictments, presentments and convictions removed into King's Bench from quarter sessions or other inferior courts, while the controlment rolls are in the nature of memoranda kept by the king's attorney to note the progress and outcome of crown cases.

It would be unrealistic to suggest that King's Bench records are easily accessible for local studies except for the period, chiefly in the twelfth and thirteenth centuries, when much of the material has been published. The court heard cases from all parts of the kingdom and thus the number relating to any particular county in a given term or year will inevitably be small. There are, however, various manuscript indexes to the cases in the IND series, described in List & Index Society 180, which make it possible to search for cases involving particular individuals or families. List & Index Society 106 contains a class-list for the group as a whole.

A separate royal court of justice sitting at Westminster may be traced from Henry II's reign. Although originally its jurisdiction was unlimited, from the reign of Edward I the work of the court was increasingly restricted to common law actions between private subjects and and thus became known as the court of Common Pleas. The earliest plea rolls are included with the Curia Regis Rolls (KB 26) but from the accession of Edward I to the reform of 1873, when Common Pleas became a division of the High Court (p. 180), there is an unbroken series of Placita de Banco or de Banco Rolls (CP 40). Except for a couple of years at the start of Edward III's reign (1327-8), for which the rolls are indexed topographically in *Lists & Indexes* 32, there are no published finding-aids for CP 40. The manuscript indexes are described in List & Index Society 180. From the sixteenth century the plea rolls, and their accompanying essoin rolls (CP 21) are joined by an increasing number of subsidiary classes.[19]

Although the plea rolls are of limited usefulness for local studies, the records of the court include another series of documents which, together with the inquisitions *post mortem* (p. 27), are amongst the public records most heavily used by antiquaries for centuries. The fine, or final concord, was an agreement drawn up to mark the conclusion of a fictitious suit between private parties, the true purpose of which was to effect the conveyance of real property. The parties were given leave to terminate the suit by a fine, a document prepared in triplicate recording the sale and purchase of an estate. Two copies of the agreement were handed to the parties while the third, the 'foot', was retained by the court, thus preserving a record of the transaction in case a dispute over title should arise. Conveyancing by fine offered greater security than the use of private deeds, which might be lost, and was therefore judged in

many cases to be worth the additional expense. The resulting archive of feet of fines (CP 25), with subsidiary material in CP 24 and CP 26 to CP 30, extends from the late twelfth century to 1834, when fines, and a somewhat similar post-medieval device, the 'recovery' (p. 69), were abolished. Although thousands of indentures of fines can be found in family and estate collections in local record offices, it is the series preserved centrally that is of greatest value and has been most heavily exploited. Fines contain rather less topographical detail than some other types of conveyance but provide a considerable amount of genealogical information, especially for the lesser medieval gentry, whose own estate papers only occasionally survive. A few of the documents have been published either by the Pipe Roll Society or the Record Commission; far more have been put into print by local societies, at least for the middle ages. There are, in addition, unpublished finding-aids in the IND series (see LIS 180), making it possible to use the material even for counties where local enterprise has been lacking.[20]

Fines and recoveries were also executed in the courts of the palatinate counties, the Duchy of Lancaster and the Welsh Great Sessions (pp. 36-40, 73), creating additional series which either supplement or replace those in Common Pleas for certain parts of the country.

The third major category of medieval common law records in the PRO are those making up the JUST group, which contains rolls from various types of itinerant court. The earliest of these was the general eyre, a court held locally at intervals of several years by royal justices, dealing mainly with serious crimes or other matters which had arisen since the last such hearing; the rolls thus have criminal and civil sides in the same way as those of King's Bench (p. 33). The earliest eyre from which records survive is that of 1194 and for all counties except Cheshire at least one roll exists for some date between then and 1294, when the system came to an end, apart from an attempted revival in 1329-31, and a few isolated eyres in particular counties, notably Kent. The eyre rolls, like other material in JUST 1, were included in *Lists & Indexes* 4, where the documents are listed topographically, and will generally be the earliest record that survives of the sitting of a royal court in a particular county. The records of the general eyre have recently been the subject of a PRO Handbook and an increasing number have been published, often through the combined efforts of the late C.A.F. Meekings, his successors at the PRO and local societies.[21]

JUST 1 also contains rolls from assize hearings between the early thirteenth century and later fifteenth, the predecessors of the material preserved by the clerks of assize from Elizabeth's reign (pp. 69-71), and from oyer and terminer hearings, a type of jurisdiction later merged with assize commissions. Both are examples of professional justices visiting the provinces to review the work of

local peace officers and to hear criminal and civil pleas which could not be dealt with locally. Alongside the plea rolls are gaol delivery rolls (JUST 3), a class which also includes indictments, lists of jurors and other subsidiary documents, and the main class of coroners' rolls in the PRO (JUST 2).

The Counties Palatine, Duchy of Lancaster and Wales

Three areas of northern England stood partly, but not wholly, outside mainstream royal administration in the middle ages. The oldest of the exempt jurisdictions was the palatinate of Durham, held by the bishops of that see from the time of Anthony Bek (1283-1311), which extended over a considerably greater area than the modern county. The judicial supremacy of the bishops was ended in 1536 (27 Hen. VIII, c.24), but the courts remained in their hands until the 1830s (6 & 7 Will. IV, c.19). Even then, the Court of Pleas and the Palatine Court of Chancery continued as separate institutions, the former being merged into the High Court in 1873-5 (p. 180) and the latter surviving until the Courts Act, 1971.[22]

The records of the palatinate were initially transferred to the PRO in 1868. A few years later, material relating to the administration of the episcopal estate, as distinct from the courts, was passed to the Ecclesiastical Commissioners, who had succeeded the bishops in the immense possessions long held by the see. Most of these muniments have since been returned to Durham and are now at the Prior's Kitchen, a repository maintained by the university. Other palatinate records were scheduled for destruction in 1912, some of which were instead transferred to Gateshead Public Library, where they remain.

The documents now making up the Palatinate of Durham group at the PRO are judicial, rather than administrative, and mirror in miniature some, but not all, the elements of central government. Thus the Chancery classes include inquisitions *post mortem* and enrolments on patent and close rolls as well as records arising from the separate equity jurisdiction of the Durham Chancery. The judgment rolls contain both pleas heard by the Court of Pleas and also recoveries (p. 69) and enrolled private deeds. The group also includes material relating to the sitting of assize judges at Durham from the sixteenth century down to the reorganisation of circuits in 1876 (p. 70).

The earldom of Chester, which included both the modern county and Flint, was annexed to the crown in 1327 but remained a separate palatine jurisdiction throughout the middle ages.[23] The Act of 1543 establishing the courts of Great Sessions in Wales (34 & 35 Hen. VIII, c.26; cf. p. 72), placed Flint, Denbigh and Montgomery, together with Chester itself, in a Chester circuit of that court, presided over by the Justice of Chester, an office which survived until the abolition of Great Sessions in 1830. Although in a few cases Welsh

material is to be found in the Palatine of Chester group at Chancery Lane or palatinate documents among Great Sessions records now at the National Library of Wales (p. 72), in general the two archives were kept separate from the mid-sixteenth century.

The records of the palatinate were removed from Chester to the PRO in 1854; those that are now in the CHES group are listed in *Lists & Indexes* 40, while others have been placed in four of the Special Collections classes: ministers' accounts (SC 6), court rolls (SC 2), rentals (SC 11) and surveys (SC 12), or in E 101, Accounts, Various. The palatinate group itself chiefly contain judicial material, either from the Exchequer Court which, like its counterpart in London, had both a common law jurisdiction over debtors (cf. p. 33) and equity jurisdiction (p. 76), or from common law hearings before the Justice of Chester. The equity material mostly dates from the sixteenth century and includes a range of documents similar to those found on the equity side of the Exchequer in London; the common law pleadings extend from the mid-thirteenth century to 1830. Besides the main series of rolls, there are separate eyre rolls, recording pleas heard by the justices at itinerant courts, as well as subsidiary classes, such as gaol files, indictments and fines. Administrative classes include enrolments of charters, letters patent and other documents from the early fourteenth century to 1830 and inquisitions *post mortem* for both Chester and Flint from the late thirteenth.

The third of the palatine counties was Lancaster, raised to this status in 1351 when Henry, Earl of Lancaster, was created duke, with power to have his own chancery and appoint justices to hear common law pleas. The palatinate was extinguished by Henry's death in 1361 but revived by a grant to John of Gaunt in 1377. Since the accession of Henry IV in 1399 the dukedom has remained in royal hands but has retained a separate administrative structure to the present day. The distinct judicial system also survived, the common law and criminal jurisdiction until 1873 and the chancery court until 1971. Records of the palatinate and of the Duchy of Lancaster are grouped separately at the PRO, on the grounds that the former are essentially 'public' but relate only to the palatine county, while the remainder are 'private', consisting either of estate muniments or the proceedings of a duchy court which had equity jurisdiction in all matters affecting lands belonging to the duchy, not merely those in the county. This division has been criticised by the modern historian of the duchy, who argues that the records of the Duchy Chamber are no less public than those of the palatine courts. Sir Robert Somerville also questions the traditional view that the records of the duchy, which had estates in almost every county in England and Wales and a correspondingly complex administration, replicate in miniature those of the kingdom, since there was no separate exchequer.[24]

Whatever view one takes of the present classification, it is clear

that while palatinate records (listed in *Lists & Indexes* 40) are mainly of interest to local historians in Lancashire, those in the duchy group (*L&I* 14) include a wealth of material on all parts of the country. The palatinate group is similar to those for Durham and Chester, in that some classes, such as close and patent rolls or inquisitions *post mortem,* are administrative, and some judicial. As well as pleadings in both the chancery and common law courts, there are various subsidiary classes, including feet of fines from 1362 to 1834. From 1422 until the nineteenth century there is also a separate series of assize rolls for the county. Some of the classes in the Duchy of Lancaster group also relate mainly, if not wholly, to the palatinate, such as the plea rolls from the Duchy Bench for 1351-60 (DL 35), chancery enrolments of the fourteenth and fifteenth centuries (DL 37), or papers relating to the appointment of sheriffs (DL 21) or justices (DL 20) in Lancashire.

The duchy records of most local value are those relating to the administration of its estates and litigation arising therefrom in the Court of Duchy Chamber, which evolved from an administrative Duchy Council. The latter are similar to those on the equity side of the Exchequer (p. 76) and begin in the reign of Henry VII; the former include court rolls (DL 30) (listed with those in SC 2 in *L&I* 6), deeds (DL 25 to DL 27), ministers' accounts (DL 29, for which see *L&I* 5, 8 and 34), rentals and surveys (DL 43: *L&I* 25), leases (DL 14, DL 15), and maps and plans (DL 31). Apart from the last two categories, all these series run from the middle ages down to the nineteenth century and should contain some material, possibly a great deal, relating to any estate held by the duchy. Even today, when other crown lands are in the hands of either the Forestry Commission or the Crown Estate Commissioners (pp. 167-9), those of the duchy are separately managed. Other duchy records are similar to those found on the King's Remembrancer side of the Exchequer or the Chancery, such as extents for debt (DL 23; cf. p. 28), chantry certificates (DL 38; cf. p. 65), parliamentary surveys (DL 32; cf. p. 66), forest proceedings (DL 39; cf. p. 32), inquisitions *post mortem* (DL 27; cf. p. 27), special commissions (DL 44; cf. p. 77) or enclosure awards (DL 45; cf. pp. 89, 166). Most of these are post-medieval, but may conveniently be mentioned here; several reflect the greater intensity with which Henry VII and Henry VIII sought to exploit the land revenues of the crown, of which the duchy was an important part. Further archival legacies of this policy are considered in the next chapter (p. 64).

The other royal dukedom which has survived as a separate unit with extensive landed possessions is Cornwall. In this case, however, most of the records remain in the hands of the Duchy Office, although they are accessible. They relate chiefly, but not exclusively, to Cornwall and the West Country. There are a few medieval estate records at the PRO in E 119 and E 120 and later material in E 306, while the present duke has presented some muniments relating to

Welsh estates to the National Library.[25]

Record sources for the history of medieval Wales are widely scattered, complex in character and have suffered an unhappy archival history.[26] While in some respects the principality has benefited from its close proximity to England, in other respects the reverse is true. At the beginning of this century, after most material previously stored in unsatisfactory conditons in different places in Wales had been gathered together at the PRO, Welsh records were grouped with English documents of similar type (for example, medieval plea rolls), without respect to their separate provenance, while other items were transferred to the Special Collections. More recently, the division of the Principality of Wales group into two, with the bulk of the records transferred to the National Library at Aberystwyth, far from cognate English material and inaccessible to most potential readers, has created fresh problems. In the case of private muniments, whether of families or corporations, the situation is complicated by the overlapping activities of the disproportionately large number of repositories with which the country is now burdened (p. 17).

Sources prior to the Edwardian conquest are few: only after the Statute of Rhuddlan of 1284 is there any quantity of material or any systematic survival of distinct classes. The statute divided the principality into three areas: in the south and east control was left in the hands of the marcher lords, whose administrative, financial and judicial powers excluded almost wholly those of the crown. In consequence, English central government records are of little help for the study of this region before the abolition of their separate jurisdictions in 1536. Although the lordships survived into modern times as great estates, they were shorn of their chanceries, exchequers and courts, the records of which are for the most part lost, with surviving material widely dispersed as the estates have changed hands and been broken up. Some documents have reached the PRO, as have thousands of other private muniments by various routes, others are in the British Library Department of Manuscripts, but a large proportion are in either local repositories (in both England and Wales) or at the National Library, with little in the way of published finding-aids.

North and west Wales were brought more closely under royal control. The county of Flint was annexed to the palatine liberty of Chester (p. 36), while the rest of the region became the principality of Wales, a crown possession normally enjoyed by the heir to the throne. The principality was divided into five counties, of which Cardigan and Carmarthen formed West Wales and Anglesey, Caernarfon and Merioneth formed North Wales. The administrative hub of these shires was not London, however, but Caernarfon in the north and either Cardigan or Carmarthen in the west. Despite this, a considerable quantity of financial records survive for the later medieval principality, although the chancery

enrolments are almost wholly lost and the plea rolls, recording hearings before Welsh justices prior to the establishment of the Great Sessions in 1543 (p. 71) are comparatively few in number. Most of this material is in the PRO, chiefly divided between the Exchequer, Duchy of Lancaster and Special Collections groups, with the plea rolls included in *Lists & Indexes* 4. For the principality, if not the March, many of the classes of English central government records mentioned earlier in the chapter contain some material on Wales, although generally it is no easier to locate references to Welsh communities, except where they have been separately calendared.

Local Administration

The rudimentary system of local government through royal officials which existed in most of England before the Norman Conquest was extended and improved in the twelfth and thirteenth centuries.[27] Outside the counties palatine, Wales, London and the larger provincial towns, the basic unit remained the shire, in which the principal official was the sheriff, responsible for the implementation of policy and collection of revenue. He was also a law officer, presiding over the county court. From 1194 the sheriff was joined by a new official, the coroner, appointed primarily to enquire into causes of sudden or unexplained death, who gradually became more widely involved in local administration. During the thirteenth century another official emerged, the escheator, who undertook duties connected with the forfeit of lands of the crown as a result of treason, felony or lack of an heir and with wardship, the administration of an estate on behalf of the crown during the minority of an heir. A further development of the same period was the appointment of collectors of customs at each port around the coast and, in each county, of assessors or commissioners who assisted the sheriff in the collection of taxes.[28]

The main feaures of this structure are familiar. None of the officials, however, can normally be studied from material surviving locally, and their activities have to be reconstructed from the records of central government. Thus the Chancery enrolments (p. 25) contain numerous letters addressed to the sheriffs, either seeking information or giving instructions, while the Exchequer records include the accounts submitted by sheriffs, customs officers, tax collectors, escheators and other accountants (p. 31). Local officials also returned information to the Chancery or Exchequer in response to writs issued either in the course of routine business or on special occasions. The inquisitions *post mortem* held by the escheator on the death of a tenant holding in chief are an example of the first kind of enquiry; the Quo Warranto proceedings (p. 30) are an instance of a major investigation into conditions in many counties throughout the kingdom.

The local administration of justice must also be studied mainly

from records preserved centrally. Besides the itinerant justices travelling the country to conduct either eyre or assize hearings (p. 35), the crown also, from the fourteenth century, appointed local lay justices to hear pleas and deliver gaols between sitting of the assize justices. These 'keepers of the peace', the predecessors of the justices who dominate local government between the sixteenth century and late nineteenth, would have kept some record of their proceedings. Such rolls, however, are not preserved with those of later periods after the court of quarter sessions was fully established (p. 86); the handful that survive have usually done so because the justices' decisions were reviewed by a higher court. Much the same is true of the work of the medieval coroner, details of whose inquests are most commonly to be found on rolls handed to the eyre or assize justices or, while it remained itinerant, those of King's Bench. Even much more recent coroners' records tend to be poorly preserved, since only in 1958 were they given the protection of the Public Records Act (p. 161).[29]

The two institutions, other than those of the Church (p. 48), whose medieval records may survive in local custody are the borough and manor. Both, especially the second, were only partly public in character, unlike those concerned with royal administration or peace-keeping.

A number of towns throughout England appear in Domesday Book as boroughs, wholly or partly distinct from the tenurial pattern in the rest of the county in which they were situated. During the following two centuries many more communities made the transition from rural vill to borough, while others tried and failed.[30] Some successful medieval towns later decayed and lost some or all of their special status, emerging into modern times merely as parishes (p. 91). Most, however, survived to be treated separately in the nineteenth-century statutes which created the modern local government system (pp. 99-102). The municipal corporations reformed in 1835 and 1882 could thus claim continuity from medieval institutions and, by the end of the century, most were showing some sign of interest in their history and records. Some, whether or not they formally provide an archive service, are still in possession of medieval documents; others have handed them over to county record offices, which may also have acquired items from boroughs which have no successors among modern local authorities.

All towns, including those already in existence in the eleventh century, received grants establishing or confirming their privileges during the middle ages, as they did in the sixteenth and seventeenth centuries and after 1835. Whereas later grants of this kind were invariably made by the crown, many small boroughs, including most in Wales, were established by private lords, from whom the burgesses received an initial grant of liberties. Such seigneurial boroughs usually then sought royal confirmation of their privileges. All grants of this kind tend to be called 'borough charters', although,

in the case of those emanating from the royal chancery, only the earlier ones were enrolled on the charter rolls (p. 25). Later grants, which often merely confirmed rather than extended privileges, were usually entered on the patent roll. Where a borough has retained a measure of institutional identity since the middle ages the burgesses have usually managed to preserve their copies of such documents; alternatively a grant may be traced through its enrolment in Chancery. There may be a few instances where the grant was not enrolled and so the copy now in the hands of the grantees' successors forms a unique record. This is the case also with charters issued by private lords since, even if the grantor possessed a properly organised writing-office, the chances of its records surviving to the present day are slight. Thus many of the grants made by the marcher lords of South Wales (p. 39) are known only from copies preserved by the burgesses, whereas post-1536 renewals can normally be traced from Chancery enrolments.[31]

In some towns, the only medieval muniments inherited by the modern burgesses are a series of charters. Others, however, have a wider range of records similar to those found more commonly from the sixteenth century (p. 100). The proceedings of the common council or sittings of the borough court, including attendance lists and orders made by the council, may survive for the later middle ages, or there may be lists of admissions to the freedom of the borough. If the townsmen owned any land there may be leases, rentals or other estate records. The borough may also have enrolled for safekeeping private deeds executed by burgesses. Material of this kind is reasonably plentiful for the larger towns and cities but for smaller places (including the Welsh boroughs) little or nothing survives, if indeed the documents ever existed in the first place.[32]

Alongside the borough records themselves there may be material from the gilds, chantries and other fraternities which flourished in most medieval towns. The term 'gild' was used loosely in medieval communities to mean almost any kind of religious, craft, trade or social organisation; in small towns there may be little or no difference between the 'gild' (or gild merchant) and the 'borough'. Alternatively, a post-medieval corporation may have evolved from an earlier gild, on which the townsmen had previously relied for a measure of institutional identity. Most fraternities were in part religious organisations and suffered accordingly during the reign of Henry VIII or, more commonly, that of Edward VI, a period in which something of their activities can be discovered from the *Valor Ecclesiasticus* of 1535 and the records of the Court of Augmentations (p. 64). Before then, the crown conducted only one major enquiry into the local gilds, in 1388, the returns for which have already been mentioned (p. 29). Where gild muniments themselves survive they will most commonly be in the nature of estate records, including rentals and surveys of their possessions, deeds recording the gift of land in the first place and leases showing something of its subsequent

management. It is also posible to find agreements between the gild brethren and priests who served them and statements of gild ordinances. For the craft gilds in the greater cities there may also be records of admissions, which are less commonly found for the typical parish gild in a market town. Conversely, where a small fraternity was dominated by a single family, some of its muniments may have survived in that family's own archives, especially if it inherited part or all of the gild estate after 1548.[33]

Manorial and Estate Records

Outside the larger towns the ubiquitous territorial unit throughout the middle ages was the manor, a term which referred both to a large house and to an administrative institution.[34] In its second sense, the word could apply to a great variety of estate, ranging in size from a few acres to over a hundred square miles. Although those responsible for the compilation of Domesday Book viewed the whole country as being divided into territories to which the name 'manor' could be applied, in reality there was already great diversity in size, value and structure. Nor was a manor necessarily rural: in many small towns the institution survived the establishment of a borough in the twelfth or thirteenth century and the two existed alongside until modern times. The complexities increased in later centuries as the manor ceased, in many parts of the country, to be an administrative entity while remaining a legal institution. Gradually the word acquired its modern meaning of a piece of landed property, with tenants, over whom the landlord exercised jurisdiction through a manor court. Such courts had been held long before but they now served to define the institution itself: if there was no court, there was no manor. Because of this shift in meaning, which the most recent account of the subject places in the mid-sixteenth century, the records can be viewed differently before and after this divide. In the middle ages, the manor was a unit of estate management and all documents produced as part of that process may be seen as 'manorial records'; from about 1540 only the proceedings of the manor court are so regarded and other material is placed in that omnibus category which dominates deposits in local record offices: 'estate papers'. This distinction is not without objections but serves to stress a shift in the character of the manor corresponding with the economic and social changes of the sixteenth century.

It is important to appreciate that, simply because the nature of estate management altered, the manor did not cease to exist. Even if courts were no longer held, the institution still existed in law and was unaffected, for example, by the abolition of military tenures in 1660. Nor were manors affected by the reform of land law in 1922, when copyhold tenure came to an end, although since that date there has been little reason for most manor courts to sit. The

consequent threat to records, which might still be needed as evidence of title to former copyhold land, was appreciated at the time and by an amending Act of 1924 the documents were placed 'under the charge and superintendence' of the Master of the Rolls. Successive holders of that office have issued statutory rules for their control and custody: they must either remain in the hands of the lord of the manor or his steward (usually a solicitor) or be deposited in an approved repository; they may not leave England and Wales without the Master of the Rolls' consent, which in practice has never been given; they must be accessible to searchers and, if deposited, listed in prescribed form and a copy of the list passed to the Historical Manuscripts Commision. From these the HMC maintains, on behalf of the Master of the Rolls, a register covering the whole of England and Wales, indexed by parish, which also names the last known lord or his steward. These entries are often the best clue to the whereabouts of other estate records, especially in the case of material in local offices.

A large number of manors have in the past been held by the crown for either short or long periods; a rather smaller number still are. For these records may be found in the PRO, both in the Special Collections classes (p. 32), several of which consist specifically of court rolls, rentals and surveys, ministers' accounts and the like, or amongst the records of the Duchy of Lancaster (p. 37), or elsewhere (pp. 64-7, 167-9). Other manorial and estate records are in the British Library Department of Manuscripts, chiefly as a result of the break-up of estates in the sixteenth and seventeenth centuries and the dispersal of documents. In both cases, the material is included in the HMC's register and can easily be located. In this respect, manorial records are more fortunate than most other kinds of private muniment, since there is some degree of public control over them. In particular, it has been possible to prevent the removal of documents from the country by overseas purchasers of manors.

Professor Harvey's authoritative new account avoids the older, legalistic approach by turning first to estate records rather than court rolls. For many manors, both in the middle ages and later, there are documents known generically as 'surveys', the oldest (apart from a handful which predate the Conquest) in some instances being developed from information collected for Domesday. In the thirteenth century surveys of demesne lands (i.e. those parts of the manor farmed by the lord himself, rather than his tenants) were joined by 'extents', the essence of which was the inclusion of valuations of each part of the estate, including tenants' as well as demesne land. Extents were drawn up not merely in the course of day-to-day management but also, for example, as a preliminary to the leasing of a manor, especially by the crown or a corporate landowner, or in connection with an inquisition taken by the escheator after the death of a tenant in chief (p. 27). A more detailed later medieval survey was the 'terrier', a description following a

topographical arrangement, giving as much attention to land held by tenants as to the demesne. Finally, a rental lists both parcels of land and income due therefrom, thus bridging the distinction between surveys and accounts.

The latter survive from the thirteenth century and are basically a record of transactions between the lord and his officials, who were responsible for income received and disbursements. The scale of record keeping obviously varied, depending on the size of the manor, whether it was held by a local resident or an absentee, and whether it formed part of a large estate, possibly with land in several counties. Manors which were part of larger units, especially those held by the crown or other institutional owners, are more likely to have detailed and well preserved records than those held by a country squire, whose steward may have had little need (or even the skill) to draw up elaborate accounts. At the opposite extreme, a great estate might have three levels of accountant: the bailiff of the individual manor, a local receiver to whom he was responsible, and a receiver-general who finally channelled the net income to his employer.

Better known and often better preserved than other muniments are the proceedings of seigneurial courts. Most relate to a single manor, less commonly to a court held for an honour, an estate made up of a number of separate manors, or to the court of a private hundred or wapentake. The popular term 'court rolls' is sometimes misleading: from the seventeenth century many stewards preferred to use bound volumes rather than membranes sewn into a roll. For some manors, both in the middle ages and more recently, there are long runs of well kept court records, especially where the estate was in institutional hands; for others there may be little or nothing. The keeping of manor courts declined during the sixteenth century, as agrarian and tenurial practices changed and local administration was taken over by the parish or township (p. 91), but in some areas, where, for example, customary tenures survived until 1922 or manorial commons were closely controlled, courts continued to sit into this century. A handful still do.

The privilege of holding a court to which tenants, free and unfree, could be summoned, was a basic right enjoyed by all lords of manors. The court administered the customs of the manor, which affected the villein tenants more than freemen, who could, if they wished, turn to the common law dispensed by the royal courts. In particular, tenements held 'according to the custom of the manor' (i.e. customaryhold or copyhold tenure) changed hands in the manor court: if a tenant died his heir would be admitted to the property there, or if he wished to acquire further land by purchase or exchange, or engage in any other kind of transaction, he could do so only with the consent of the lord given at the court. Thus manor court records of any date down to this century may provide considerable information about the history of individual properties.

Free tenants, on the other hand, were able to convey land without consent from their lord and dealings of this kind, whether in the middle ages or later, were recorded not in court rolls but in individual deeds which, for the most part, were not registered in any court, royal or seigneurial, local or central (cf. p. 47).

The other work of a manor court, which explains the survival of the institution in a few places today, concerned the organisation of farming and community life generally. Where the manor had extensive common lands, whether arable, meadow or pasture, there had to be some machinery for regulating the farming year, keeping animals off some areas at certain times and limiting the numbers allowed to graze at others, preventing the encroachment of private holdings on the commons, and appointing officials to administer the court's orders and by-laws, including a constable, who was to survive (as a parish officer) into modern times (p. 92), as well as those, such as haywards, whose functions disappeared with the decline of common-field farming.

Besides the right to hold a court customary, manor courts also enjoyed a wider jurisdiction which belonged to the crown but was granted to private lords. This privilege generally took the form of the right to hold a court leet, the term used in recent centuries, although in the middle ages the most common phrase in court rolls was 'view of frankpledge'. This referred merely to one part of the bundle of rights making up the frankpledge system, a network of mutual sureties between tenants which was already in decline by the thirteenth century, except as legal jargon. Some of the associated rights lived on far longer, such as that to try minor breaches of the peace, to maintain gallows and hang thieves caught red-handed, and to enforce the law relating to the sale of bread and ale. In theory, the court leet, with or without view of frankpledge, and the court baron were two separate institutions; in practice, on many manors a single court was held at which the two kinds of jurisdiction were exercised together.

Although the enclosure of common fields and wastes, the substitution of rack-renting and leasing for copyhold, and the rise of the parish as an agency of local government took away much of the work of the court baron, both it and leet not merely survived but in some areas flourished in the early modern period. Customaryhold continued to be administered by the court baron, while in many small towns the leet was, right up to 1835 or occasionally beyond, the only effective institution of local government, with elementary powers to control public health and trading standards which the post-medieval borough often lacked (p. 100). Manuals for stewards and guides to copyhold were published and, from 1733, the proceedings, like those of other courts, were recorded in English. On the other hand, even fewer manorial records of this period have been published than for the middle ages, since the material is so bulky and often relates to only a small area.

In many collections in local offices, as well as classes of the public records concerned with the modern crown estate (p. 167), manor court records are to be found alongside surveys, maps, rentals and other papers relating to the acquisition, management and (sometimes) disposal of a landed estate. It is thus slightly artificial to treat such material as 'manorial' only if it pre-dates 1540, since, for example, a nineteenth-century rent roll had exactly the same function as a similar thirteenth-century document, while many eighteenth-century estate maps are explicitly said to be plans of a particular manor, not a parish or some other area. The form the records take may change but their purpose does not, nor, generally, does their location.

An important constituent of such collections are title deeds, which also fill numerous classes at the PRO. It is impossible here to deal fully with deeds and their importance – indeed, a specialised work is badly overdue – but it is worth stressing that communities for which manorial records are poor may, conversely, be relatively rich in early deeds. In upland areas, where copyhold tenure and common-field farming were neither widespread nor long-lived, much of the land may have been held by free tenants whose manorial obligations were nominal and who from an early date conveyed land by deed of gift or some other instrument. Where they chose to proceed by fine in the court of Common Pleas, some record of the transaction should be preserved centrally (p. 34), but otherwise the only clue to thousands upon thousands of similar land deals is to be found in deeds now in local record offices, deposited there by landowners and solicitors; in old public library collections, where the arrangement is often very unsatisfactory; in the PRO, in the various classes of 'Ancient Deeds'; or in the British Library, where the documents are catalogued as 'Charters', mostly Additional Charters; or another national collection. Numerous calendars have been produced, either officially for the PRO or BL collections or privately, but the great bulk remains unpublished. The documents abound in topographical and genealogical detail but have received less attention from record society editors than manor court rolls. In any local study it is always worth checking available indexes for places, persons or families in which one is interested.[35]

There are a relatively small quantity of land charters surviving from before the Norman Conquest, mostly preserved in central custody. These have long been the subject of study and are well known for the inclusion in many of detailed descriptions of the bounds of the estate being conveyed. All known material of this kind has been listed and a full-scale corpus is in course of publication.[36]

From the sixteenth century to the late nineteenth deeds become bulkier and, it seems, more and more documents were needed to effect a transaction which in the middle ages required only a single item. Proportionately fewer deeds of this period have been

published, or even listed: both in local offices and the PRO modern deeds lurk uncatalogued by the boxful, as they do in the deed registries of government departments and other public bodies, although their usefulness for topography and genealogy, as well as the history of individual properties or whole estates remains undiminished (cf. pp. 169-70). The necessity for such elaborate conveyancing would not have arisen had the state not tried, at various dates from the reign of Henry VIII, to devise a system of registration of title and had lawyers not successfully circumvented such efforts until the advent of modern registration in 1862. Some private deeds were enrolled in both local and central courts but only in a few counties was a universal system of registration adopted before this date (pp. 89-90).[37]

The Church

The records of the medieval church fall into two main groups. Firstly, there are those produced by the administrative and judicial hierachy of archdeaconries, dioceses and provinces, together with cathedral chapters, a structure which survived the Reformation and continues to the present day. Secondly, there are those belonging to the religious houses, great and small, which flourished in England and Wales in the middle ages but were swept away by Henry VIII, with their muniments lost or dispersed.

In general, the lowest tier of church organisation, the parish, did not create records before the mid-sixteenth century. Registers of baptism, marriage and burial were initated in 1538 and other material stems from Elizabethan legislation (pp. 94-99). For a few parishes churchwardens' accounts exist from as early as the fourteenth or fifteenth century, but these are exceptional; mostly they are found only from after 1550 or indeed much later (p. 95).[38]

Diocesan and capitular records, on the other hand, survive in England from the twelfth or thirteenth century, although in Wales only St Davids has any quantity of medieval material.[39] The administrative acts of the bishop in each see were recorded in a series of registers, volumes which sometimes replaced earlier rolls. They record, amongst other matters, the ordination of clergy, their institution to livings, the appropriation of benefices to religious houses and the receipt and return of writs from the royal chancery. A separate section of each volume may be concerned with the temporalities of the see and there may also be copies of orders made after episcopal visitations. By the late fifteenth century, the growing complexity of diocesan administration led to the subdivision of work between different officials whose records henceforth accrued separately; in addition, the practice arose of filing loose documents in support of acts noted in the registers, which marks the beginning of record keeping on more modern lines and was developed further in the century after the Reformation.

Medieval bishops' registers, like most other diocesan records, are now in archival custody (p. 107) and for many there are either published transcripts or typescript calendars in local record offices, so that recourse to the original in search of reference to a particular parish may not be necessary. The material as a whole has been fully described in a Royal Historical Society handbook.[40]

From a very early date archbishops, bishops and archdeacons exercised jurisdiction over their fellow clergy and, to some extent, the laity, which only finally ended in the mid-nineteenth century (p. 179). A series of courts extended from archdeaconry to province, with ultimate appeal until the Reformation to the Pope. Records of this jurisdiction in the middle ages survive for some dioceses, either in the bishops' registers or separate volumes. Like other judicial material of this period, the records of church courts are difficult to use for local studies unless they are published or calendared, although where finding-aids are available they are obviously worth checking. As in later centuries, it is the church's exclusive jurisdiction in testamentary matters that is perhaps most likely to yield documents of interest. In some dioceses wills proved in the bishop's court in the middle ages were entered in the registers before the main series of probate act books and filed wills begin, usually in the sixteenth century, and should be indexed, if not printed. The registered wills of the Prerogative Court of Canterbury, the highest probate court in the southern province, begin in 1383, although the documents do not become numerous until the sixteenth century (p. 81). There is, however, a published index for the early period, as there is for the smaller collection of medieval wills recorded in the archbishops' registers at Lambeth Palace. The earliest probate records of the Prerogative Court of York also date from the late fourteenth century.[41]

Documents relating to the temporalities of dioceses and chapters are broadly similar to other manorial and estate material (p. 43), but often better preserved. Besides the different types of estate material, there should be references to the administration of the capitular possessions in the chapter act books and, as well as loose deeds and leases, there may be a cartulary into which such items were copied for safekeeping.[42]

In the case of a religious house, of whatever size or order, the document most likely to have survived the vicissitudes of the Dissolution and later will likewise be a cartulary. The term is so often associated with monasteries, abbeys and similar foundations that it is perhaps as well to point out that other medieval landowners, lay and ecclesiastical, also compiled registers of the same kind, and that religious houses, again like their fellow landowners, would, at the time of their dissolution, have had a great mass of other estate records besides those considered sufficiently important to enter in a cartulary. Much of this material has disappeared since the Reformation, although for some houses there

are surveys, rentals and other muniments, some of which owe their preservation to families who acquired former monastic estates to which the documents relate. The same is also true of some cartularies, although more commonly these passed into the hands of antiquaries after 1540 and have found their way into central, rather than local, custody, chiefly the British Library and Bodleian. There are complete lists of both religious houses and their cartularies, while short descriptions of the houses in each county are a standard feature of the *Victoria County History*, where this has been published. These accounts usually make use of the cartulary, if one survives, and many others are accessible through published editions.[43]

A cartulary, lay or monastic, was basically a register into which title deeds were copied, usually in somewhat abbreviated form, together with other important documents, such as surveys of the whole estate or records of legal proceedings concerning the property. The cartularies of religious houses generally record gifts, rather than purchases, whether of entire manors, individual pieces of land or spiritual possessions, such as benefices and tithes. Very often they begin with a major deed of gift from the founder, who provided the site and an initial endowment. They may also contain transcripts of royal or papal grants, bulls and similar items. For local historians interested in a particular parish, rather than the house itself, cartularies are a useful additional source of title deeds: sometimes, the original documents survive as well as the cartulary abstract and provide slightly more information; good modern editions where possible collate the register with loose deeds.

Cartularies are less commonly found for the gilds, hospitals and chantries established in most medieval boroughs. Here, however, there may be muniments incorporated into borough archives (p. 42) or a return to the crown enquiry into gilds of 1388 (p. 29).