

**FIVE COURT ROLLS OF
GREAT
CRESSINGHAM, IN THE
COUNTY OF NORFOLK**

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Five Court Rolls of Great Cressingham, in the County of Norfolk by Henry W. Chandler

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HENRY W. CHANDLER

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CORRECTIONS AND ADDITIONS.

p. iv. At the time this passage was written I knew nothing about the principles on which the Record Commissioners transliterated documents, and consequently my mode of transcription and theirs will be found to differ in several points; for instance, they rightly use the sign ρ only for the loop which generally stands for the syllable *us*, whereas I have used it wherever the scribe makes a turn with his pen. Thus in very many places where I have printed $r\rho$, the Commissioners would have printed *r*. Whether they are always consistent in their practice may be doubted; scribes themselves seem to vary a little.

p. 73, last paragraph, *for* To the court *read* To this court.

p. 89, last line but one, *for* grievous *read* grievous.

p. 128, second paragraph, *for* cobbler *read* cobbler. The editors of the Hundred Rolls read *Iveta*, vol. 2. p. 557, and *Ivetta*, vol. 2. 636; so that the name may be regarded as fairly certain. On a cursory inspection of the index to those invaluable documents I have not noticed either *Jus* or *Iva*.

p. 130, third paragraph, *for* The entry in *read* The entry is.

p. 135, last paragraph but one. The observation that *parcenarius* occurs in no book I have looked into is absurd; the word is common, and occurs in Ducange.

p. 135, last paragraph. I have been told that it is a mistake to write *Willielmus*, as I have done, or *Wilielmus*; it ought to be *Willelmus*; perhaps so, yet in the volume of plates issued by the Record Commissioners (Appendix to Reports from Record Commissioners, fol. 1800-1819) I find plate 35 called 'Sigillum *Willelmi* I. Regis Anglie,' the seal itself reads *Willelmvm*, and in the facsimile of the charter founding St. Martinus de Bello, *Willelmus* occurs four times written at length. Plate 37 is called 'Sigillum *Willelmi* II. Regis Anglie'—the seal itself, if it be correctly engraved, reads on both sides *Willelmvs*; the Commissioners themselves seem always to prefer *Willielmus*.

p. 138, third paragraph from the end, *for* two roods *read* three roods.

p. 155, *for* summonire *read* summonere.

Notes of other misprints and mistakes will be thankfully received.

FIVE COURT ROLLS
OF
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COUNTY OF NORFOLK.

TRANSLATED, WITH AN INTRODUCTION AND NOTES,

BY

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INTRODUCTION.

THE gradual dispersion and destruction of so many of our domestic records, though perhaps inevitable, must be regretted by all who know how valuable such documents often are. The number, however, of those who possess that knowledge is comparatively small; most men, even those who pass for men of intelligence and education, are so grossly ignorant, that they will rid themselves of what they consider lumber, without the faintest suspicion that they are guilty of an act as mean as it is foolish, as sordid as it is disgraceful. For many years past, manorial rolls have been sold by the cartload, and boiled down into size or gelatine, yet they contain materials of priceless value to the historian, to the topographer, to the genealogist, to the student of social life, and even to the philologist. The rolls of Cressingham once, I believe, extended from the reign of Henry the Third, down almost to the present day; what Vandal it was who broke up a series so curious I know not, or I would gladly gibbet his name; all that I possess are here printed, and no reasonable care has been spared to make the transcript scrupulously accurate. It should, however, be remembered that whenever manuscript is transliterated into type, there must of necessity be some interpretation; for instance the name which has been printed Euina is in the original five straight undotted strokes between an initial E and a final a; Engel might be read Engul, and so on. It would be sheer pedantry to print such words exactly as the scribe has written them, because it is perfectly clear what he meant his characters to stand for. Emna is not an English

name, nor is Enina nor Enma, and again had he intended us to read Eugel, he would have simply written Ugel, or with a mediæval contempt for aspirates, Hugel; however every case in which there could be even the shadow of a doubt has been mentioned in the notes. As regards contractions, my transcript imitated the vagaries and meanderings of the scribe's pen, as far as it seemed possible for existing type to represent them, and the printers (to whom my best thanks are due) have followed most gallantly and done wonders. The men who wrote the first two rolls are quite reckless; they frequently cut a word down to one or two letters, without using any signs of contraction at all, and then again they constantly employ such signs, sometimes when they are not wanted, and sometimes in defiance of all ordinary conventions; to take a single instance, the mark which concludes the name of Alice Rust (p. 6, first line) means in this place *ia*, yet at the end of Clovelek's name (p. 16, ninth line from the bottom) it either stands for *e*, or it is a mere freak of the pen; in neither instance is it used in accordance with the conventions usual in the days of Edward the Third.

Taken as a whole, these five rolls give a very fair notion of what such records usually contain, and he who is able to decipher them will meet with few difficulties in others; but if he needs further assistance, he will find help (though not all the help that could be desired) in the Roll of the Court Leet and the Court Baron in Kitchin's quaint and useful little book (*Le Court Leete et Court Baron collect per John Kitchin de Graies Inne vn Apprentice in Ley.* Lond. 1623. 8vo.) Most of the legal terms are fairly explained in Cowell's *Law Dictionary*, Lond. 1708. fol., which has been often quoted at length in the notes on the principle advocated by Menage

in his annotations to Diogenes Laertius; many do not possess the work, and of those who do, some are too lazy to verify a reference. Did I not live in a seat of learning, I should be astonished that this valuable old book should still be, on the whole, the best glossary of legal terms that we possess: in an age so ostentatiously devoted to research, one might have expected at least an extended and improved edition. A short glossarial index has been added containing the full forms of all the abbreviations likely to embarrass those who, though able to read Latin well enough may yet not know that *esson* is either *essonium* or *essonio*, or that *lutes'* has for its nominative case *lutesium*. I have also endeavoured to help beginners by writing out at length, in the notes, some of the more difficult passages of the text. For the reader who does not care to spell out the contracted Latin, I have given a translation which is, I trust, faithful, only, in self-defence, I should like to say, before going further, that charters and rolls, mediæval history, law and antiquities, are subjects as far out of my range as the minute anatomy of *Melolontha vulgaris* or the perturbations of Uranus, and I hereby formally disclaim all knowledge of such matters other than that somewhat worthless information, which every man unconsciously picks up, who does not rigidly confine his reading to one class of books only, and I desire that this disclaimer may, in common fairness, be borne in mind by everyone who reads either introduction, translation, or notes. If it be asked why, being so poorly equipped for the task, I presume to print, and, as far as I am able, to expound, these records, the answer is simple. The text is printed, because it may interest the topographer of the Eastern Counties, and also because I hold it to be the duty of all who possess such documents, to do everything in their power to preserve them, and to

make them as accessible as possible to all who are fit to use them. The translation and notes are printed in the hope of rousing many who are now sadly indifferent to take some care of, and to feel some intelligent interest in such lively memorials of the past: for me they have an inexpressible charm, and I should be glad, if others could feel towards them as I do.

Take the first roll, and consider for a moment what it does. It enables us to drop down suddenly on an obscure English village five hundred years ago, and almost to see with our eyes what its inhabitants are doing. The magic carpet in the Arabian Nights transported its possessor from one point of space to another in an instant; this strip of parchment carries us, in the twinkling of an eye, away from the oppressive present moment of time, five or six hundred years back into the past: we breathe a freer air, we are alive in the bright and picturesque reign of Edward the Third. What then are these country boors about on the twentieth of June 1328, five hundred and fifty seven years ago? They are busy doing justice between man and man: they are engaged in business which was done by their fathers, and their fathers' fathers before them time out of mind. In obedience to the precept of the steward, all the men in the tything are assembled, probably in the open air, in some well known field, where courts have traditionally been held. The steward has "charged" them, that is, has explained to them what their duties are, and how they are to perform them; he has told them not only what is expected of them by the custom of the manor, and the law of the land, but also what is required of them by the law of honor and conscience, and by the law of God. The charge delivered, absentees are formally excused, and at this point the entries on the roll begin; then after some other business

duly recorded, the jury is solemnly sworn. In the present day we understand by a jury, a body of men sworn to decide some question of fact in accordance with the evidence laid before them: this jury at Cressingham was, I think, a body of men supposed to be thoroughly acquainted with all the local events of the last six months, and who are sworn to "present," that is, to declare, on oath, that, to the certain knowledge of some or all of them, such and such things have been done, and such and such things require to be done. They "present" these matters openly in the face of day, and in the presence of every grown member of their little world; nothing is done in a corner, and all that is done is entered on the record. Such a court was a rough and homely kind of school, in which every man and woman present was trained to be open and honest, and taught by methods simple yet effective, perhaps the beauty, and certainly the advantage of justice, veracity, and regard for the common good,—things infinitely more valuable than any instruction that can be obtained nowadays in a board-school. Except the steward and the scribe (if, indeed, they were not one and the same person) none of these good people can read or write; judged by our modern and misleading lights, they are lamentably ignorant; they possess none of the modern appliances of civilization, and yet with all their defects they seem to me to contrast by no means unfavourably with the corresponding class now. First and foremost they are managing their own affairs for themselves; they do not shirk personal responsibility, they are not domineered over by boards, they ask for nothing from anybody, there is no whining appeal for help to "the state," there is not the least attempt to make the industry of one man supply the idleness of another; lastly, though ignorant and uneducated, they are most assuredly educated