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A FARNBOROUGH (KENT) COURT ROLL OF 1408.

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THE Court Roll printed below is the first of a series which has recently been deposited in the Museum of Beaumont College, Old Windsor, Berks. It is printed separately here because it stands apart from the remaining rolls both in date and in interest. It belongs to the year 1408, whereas all but one of the remainder date from 1617 to 1755, and it represents the manorial court in possession of real judicial and administrative powers whereas the later rolls tell of desuetude with a final "Gothic Revival".

In 1408 the Court is given the name of "View of Frankpledge". This name refers to the practice dating at least from the eleventh century,¹ by which all men were bound to form themselves into groups of ten, and each group to have a Headman or "bors-ealdor". If one man broke the law the other nine were held responsible for his production in court. The supervision and maintenance of these groups became one of the chief duties of the local court of petty criminal jurisdiction which was consequently given the name of "View of Frankpledge", even after the actual grouping had ceased and the Headman was simply the village constable.²

The Farnborough roll depicts firstly the appearance of the Headman with all those who owe suit of court.³ He pays the "common fine"—a contribution towards the expenses of holding the court, and then presents to the Court those who have neither appeared in person nor made their excuses for non-appearance. After these have been fined the criminal cases are heard: one man has been brawling, another has overcharged for leather or the use of his mill; women have been breaking the Assize of Ale. They are all fined by the common judgment of the suitors⁴ and the sums they are to pay are fixed by the "Afferers" whose names are added at the foot of the Roll.

The Roll thus reveals the normal working of mediæval village life. As Vinogradoff has said, "The local unity does not act through the personality of the lord of the manor, but through chosen or customary representatives of a community . . . there is no question of enforcing

¹ See *Select Pleas in Manorial Courts*, Vol. I, ed. F. W. Maitland, Introduction, p. xxxvi.

² At the end of the Middle Ages, and still more in the seventeenth century under the influence of Coke, the title "View of Frankpledge" yielded to the title of "Court Leet", cf. *op. cit.*, Appendix A.

³ This, in spite of the fact that normally either the chief pledges or the reeve and four men represented the township (*op. cit.*, p. xxx).

⁴ Maitland's considered view was that "the whole body of suitors both free and unfree found the judgments".

the rule of a local potentate".¹ Although serfdom was in many ways rigorous yet the mediæval peasants did form a self-governing community and the laws and customs they enforced were carefully designed to protect the peasant from oppression. There is more to be said for the "Golden Middle Age" than some modern writers allow, and this Court Roll is but one further fragment of evidence for the communal as opposed to the tyrannical element in mediæval life.

The Roll contains entries for seven townships or boroughs within which there lay some estate over which the Liberty of the Duchy of Lancaster claimed jurisdiction² but in addition there appear Common Fines of 8d. and 2½d. paid by borsholders without any township or borough being mentioned. This quite extensive franchise had been annexed to the Manor of Farnborough from an early date and was held by the Duke of Lancaster since the reign of Edward I.

I am indebted to the owner of the Roll, Brian Tolhurst, Esq., for permission to print this transcription, and to Dr. E. Jaffé, of Girton College, Cambridge, and H. W. Knocker, Esq., F.S.A., of Westerham, Kent, for most generous help in deciphering and interpreting it.

FARNEBERGH (modern, FARNBOROUGH).

Visus Franceplegii tentus Die Jovis proximo post festum Pasche Anno Regni regis Henrici quarti nono.

Willielmus Haselherh Borghealdir³ cum tota secta sua ibidem presentat communem finem v s.⁴

Item presentat quod Thomas Colgate⁵ (ii d.), Henricus Leche (iid), Ingwardus Jacob (iid), Johannes Barnewell (iid), Robertus Drye (iid), Robertus Betford (iid), Johannes Sergeant (iid), Johannes Shelle (iid), et Johannes Swetemouth (iid) fecerunt defaltum huius visus.

Item Deonisius stake (ixd.) et Johannes Fesdyng (iiid) quia pandoxerunt⁶ panem equinam.

¹ In *The Growth of the Manor*, 2nd edition, p. 361. (1911.)

² See the map, "The Territorial Interest of John, Duke of Lancaster", in *John of Gaunt* by S. Armitage-Smith, 1904. This, however, only shows three of the seven townships mentioned in the Roll—Ash near Farnborough, Strood near Rochester, and Goodnestone near Sandwich. The other manors forming parcel of the Duchy then were Cliffe, Queenborough, Horton, Brabourne and Hastingley.

³ The more usual word for Headman was "borgesaldrus".

⁴ The roll is possibly a series of extracts of the most important business only. The later Farnborough rolls, unless they are marked "Extracts", open with the swearing in of the Jury and a list of names of those excused attendance (Essoins).

⁵ The figures after each name here and elsewhere in the roll represent the fine imposed.

⁶ "Pandoxere" means "to brew", but here presumably the meaning of the phrase is that they "baked horse bread". Horse bread was simply loaves given to horses. Jurors were regularly charged to present those who baked it unlawfully and by 21 Jac. 1, c. 2, ostlers were forbidden to bake it and were subjected to the jurisdiction of the court leet (see *passim*, Hearnshaw, *Leet Jurisdiction in England*).

Item presentat quod Philippus White (iid) fecit insultum Roberto Cagot contra pacem.

Item presentat quod Robertus Halle (iid) leuauit utesium¹ in matildam White contra pacem.

Item presentat quod Ricardus Cok leuauit utesium in Johannem Flemyng iniuste contra pacem.

Thomas Mokedyssh tastator² seruicie ibidem presentat quod Cristina Hankyng³ (iiiid)—II, Johanna Mayster (iid)—I, Agnes Haselherssh (iid)—I, katerina kemsyng (vid)—III, Johanna Leche (iid)—I, Agnes Albard (iid)—I, Agnes Smale (iid)—I, Isabella Andrewwe (iiiid)—II, Matilda Atte Welle (iid)—I, Isabella Cox (iiiid)—II, Margarette Flemyng (iiiid)—II, Isabella Cat (iiiid)—II, Agnes Cok (iid)—I, Johanna Verdying (vid)—C, Dionisia Stake (vid)—C, brasiauerunt et fregerunt Assisam.⁴

Johannes Bolle Borghealdir ibidem presentat Communem finem viiid.

Item presentat quod Walterus Geter (iid), Ricardus Walbrond (iid), Willielmus Horn (iid), Ricardus Carpenter (iid), Johannes Turnour (iid), Ricardus Turnour (iid), Thomas Theghe (iid), Ricardus Cook (iid), Georgius Hankeslond (iid), Ricardus Godyng (iid) et Rotulandus Foghill (iid) fecerunt Defaltum huius visus.

Summa huius visus (xivs vid—deleted)

xvs iiiid.

Afferatores Ricardus Lorens

Ricardus atte Broke.

POWLESCRAY (ST. PAULS CRAY).

Visus Franciplegii tentus ibidem Die Lune proximo post festum sancti marci Ewangeliste Anno supradicto.

Willielmus Hokynden Borghealdir ibidem cum tota secta sua presentat communem finem xiid.

Item presentat quod Willielmus Danvers (iid), Ricardus Drye (iid) et Johannes Walkelyn (iid) faciunt defaltum huius visus

Item presentat quod Andreus mellere (iiiid) molendinarius de Dyngellsmyle cepit tholneum exescive⁵

¹ "Leuauit utesium" (for the more usual "l. huthesium")—"he raised the hue and cry". Under a series of twelfth and thirteenth century statutes all the inhabitants of a township were obliged to pursue a criminal when the hue and cry had been raised. In this case the hue and cry had been raised falsely; in other words, slander had been committed.

² More normally "gustator", meaning "ale-taster" or "ale-conner".

³ The Roman numerals following the fine immediately indicate how many times the offence had been committed—C (Centum) meaning "very often".

⁴ They "brewed and broke the Assize" (of Ale), either by overcharging or by brewing "flat" beer—or both.

⁵ The miller "took an excessive toll", but "exescive" is unusual. Ducange, *Gloss. Med. et Inf. Lat.*, gives only "excessivus" adj.

Item presentat quod Ricardus Yonge (iiiiid) molendinarius de Scottesmylle facere eadem.

Item presentat quod Thomas Ropere fecit insultum Johanni Breche¹ contra pacem.

Item presentat quod Idem Thomas (iid) leuauit utesium in prefatum Johannem iniuste contra pacem.

Summa huius Visus iis vid.

Afferatores Willielmus mawerne

Johannes Bokere²

LULLYNGSTON (LULLINGSTONE).

Visus Franciplegii tentus ibidem die martis proximo Ante festum Apostolorum Philippi et Jacobi Anno supradicto.

Johannes atte Wode Borghealdir ibidem cum tota secta sua presentat communem finem iis.

Item presentat quod Johannes Randolf (iid) molendinarius ibidem capit tholneum exescive

Item presentat quod Johanna Porter (iid)—I, Johanna Carter (iiiid)—II Roberta (iid)—I brasiauerunt et fregerunt Assisam.

Summa huius Visus iis iid.

Afferatores Johannes Porter

Thomas atte Stone.

ESSHE (ASH).

Visus Franceplegii tentus ibidem die et Anno supradictis

Johannes Pascall Borghealdir ibidem presentat communem finem viiid iob.

Item presentat Ricardus Jaspar Borghealdir ibidem communem finem iid iob.³

Item presentat quod Alicia atte Wood (iid)—I, Alicia Gnat (iiiid)—II, Uxor Johannis Clement (iid)—I brasiauerunt et fregerunt assisam.

Summa huius Visus xix d.

Afferatores Robertus Gnat

Johannes Carles.

STRODE (STROOD).

Visus franceplegii tentus ibidem die veneris proximo Ante festum Apostolorum Philippi et Jacobi Anno supradicto.

Johannes Neweman Borghealdir ibidem cum tota secta sua presentat communem finem xiid.

¹ He "assaulted John Breche".

² Possibly "Botcere".

³ i.e. unus obolus (one halfpenny).

Item *presentat quod Johannes Warner (vid) molendinarius de Cobham mille capit tholneum exescive etc.*

Item *presentat Simon Rede tastator seruicie ibidem quod Johanna Horewold (iiid)—II, Johanna Trepitt (vid)—C, Alicia Pilgrym (vid)—C, Alicia Scodynton (vid)—C, Johanna Grove (vid)—C, Johanna Badecok (vid)—C, Johanna Reade (vid)—C, (Johanna atte Grove—II, deleted) brasiauerunt et fregerunt Assisam.*

Summa huius Visus iiis xd.

*Afferatores Johannes Pilgrym
Henricus Hert.*

ESTSUTTON (EAST SUTTON).

Visus Franceplegii tentus ibidem die Jovis proximo post festum sancti Marci Ewangeliste Anno supradicto.

Robertus atte Welle Borghealdir ibidem presentat quod Radulfus Grove (iiid) et Johannes Donne (iiid) sunt frunitores¹ et vendunt correa² exescive.

Item presentat quod Johannes Charcheweye (iid) et Johannes Glovere (id) sunt Whittowres.³

Item presentat quod Johanna Coupere (vd)—V, Johanna atte Hille (iiid)—III.⁴

Summa huius Visus xviid.

*Afferatores Thomas Reygnold.
Johannes Robyn.*

GODNESTON (GOODNESTONE).

Visus Franceplegii tentus ibidem die mercurii proximo post festum sancte Trinitatis Anno supradicto.

Willielmus Salman Borghealdir ibidem presentat quod Johanna atte hamme (iiid) est regatrix seruicie.⁵

Summa huius visus iiid.

Afferatores.

NOTE.—Letters in italics have been supplied as extensions of abbreviations and contractions in the manuscript.

¹ "Are tanners", from "frunire", to tan.

² "Hides", from "corium", a hide.

³ "Whittowres" is clearly "White tawyers" or "tanners of White Leather" (see Murray's *English Dictionary*, sub. "Tawer"). They, too, have probably overcharged.

⁴ This entry suggests the regular listing of offences against the Assize of Ale, with the number of offences after the fine, but there may simply be assumed some such phrase as "have offended also", which would make the two women Tawyers.

⁵ She is "a regrator of beer". Regrating was a major offence in mediæval commerce and signified the purchase of large quantities of a commodity in order to resell them at a higher price.