Part 3 Discord, Reconciliation and Authority for Jurors in local society

7
The Hundred Jurors in Cambridgeshire in the 1260s

Introduction

It is well known that establishment of the jury system in the legal system of medieval England owed much to Henry II's reforms in the twelfth century[1]. The method in which local people, instead of justices, were made to present local troubles or render the verdict about various matters in the trial, has been occasionally considered a "democratic" legal system. In order to know whether it was a democratic system, we need to consider what kind of local people were working as jurors.

In 1933 in, *Self-Government at the King's Command*, A.B. White wrote as follows: 'the king had an anti-official bias, and many of the tasks demanded of amateurs were calculated to cut in upon or supplant officials, or else called for reports on their work'. He added: 'other tasks which he did not wish to give to officials he laid upon the people ... the people must choose people. It has become pretty well recognized that so-called popular election, the so prominent feature of modern democracy, came in this way.' 'The line of development which led to election to parliament, to election and representation as a feature of government, began with Henry II.' 'So, apparently from the start, these juries were removed one step from the shrieval choice. Four knights who were appointed presumably by the sheriff chose twelve or more knights, often including them-

selves.' 'The election of the hundred juries, the "dozens" so abundantly questioned in the general *iter*, was similar, but once further removed from the sheriff. The method was established in connection with the famous *iter* of 1194.' 'Perhaps here we have the first thing which may be termed popular election enjoined by the king to subserve his own interests.'[2]

One of the two main features of White's theory is that knights made up the social group from which hundred local officials such as juries, coroners or verderers were chosen. This is why he used the words of the Assize of Northampton of 1166 or Magna Carta of 1215 as evidence. Another feature is that his conception of 'popular election' was developed not by the intention of the people but for the king's interest. Do these features precisely reflect the real conditions of thirteenth–century English society? White mainly used as grounds of his theory *Bracton's Note Book* and some publications of the Selden Society. The rolls of eyre in which hundred jurors played their role are kept in the Public Record Office (N. A.) in London but only few of them have been published so far. To investigate the above-mentioned problems I would like to use the eyre rolls of Cambridgeshire in the 1260s.

1. Materials

As to the judicial work of the jurors, their names and activities are often recorded in the eyre rolls. One of the Standard Lists kept in the Public Record Office (N. A.) tells us that the first eyre roll of Cambridgeshire is that of the 19th year of Henry III's reign (Just 1/80). There are five other rolls (Just 1/81, 82, 83, 84 and 85) during Henry III's reign. Moreover eleven other eyre rolls during the reign of Edward I are extant

there. (Just 1/86, 87, 88, 89, 90, 91, 92, 93, 94, 95, and 96)[3] among these thirteenth century rolls ten of them contain jury calendars. As to Henry III's reign only two do. (Just 1/82 for 1261 and 83 for 1268/69) I have transcribed all the names of jurors in these thirteenth century rolls. A total of 2,000 names appear over a period of more than 60 years between the first and last roll. To save time only the first two rolls will be investigated in this chapter. There is another reason for the selection. These two eyre rolls are closely linked with the Barons' War. We may be able to discover how far local jurors were involved in the disturbances or how they were associated with those who were convicted in the eyres. Investigating these rolls will give us some clue as to how local jurors were concerned with the political issues raised in the conflicts between the king and magnates in 1260s.

The first one (Just 1/82) consists of 36 membranes of almost the same size[4]. The extant texts are bound at the top of each membrane. The first one begins recording litigation without headnote, namely the names of royal justices, place, and time which are usually written at the top of the first membrane. So we may assume this is not originally the first page of the rolls. Civil pleas are recorded in the roll from membrane number one to twenty, and then follow the essoin list and sheriffs' names. The twenty second membrane has a list of attorneys. Membranes number twenty three to thirty five contain crown pleas. In the last membrane we find the jury calendar. In this calendar is first written the name of each hundred, and then follows the bailiff's name and two electors' names that were also marked as jurors. Between the second and fifth line there are three columns, which contain ten of the jurors' names. The

number of jurors varies from hundred to hundred. For example ten for Flendish hundred and eleven for Whittlesford hundred, while fourteen are listed for the borough of Cambridge.

The second one (just 1/83) consists of 37 membranes. The jury calendar is written on the 34th membrane. Jurors' names are inscribed in the same manner as described above. The order of hundred names is different from that of the first one. Not a small number of the names have been crossed out and different names over-written by different hands. The number of jurors differs significantly from hundred to hundred. The number of jurors became so vast that all the names could not be contained in one membrane. An additional small membrane with jurors' names was affixed to the main one.

In the 1260s all fourteen of the hundreds in Cambridgeshire belonged to the king. The sheriffs of Cambridgeshire and their hundred bailiffs were responsible for fourteen hundreds and partly for the borough of Cambridge[5].

2. Hundred jurors

Classification by land holdings

What kind of persons were empanelled as hundred jurors? Several kinds of printed surveys could show us some informations about their tenements. In the second volume of the *Hundred Roll* of 1279 we can find a detailed survey of Cambridgeshire tenants and their holdings. Though it contains only brief information concerning some of the hundreds, it has been believed to be the most reliable source. In addition, the *Book of Fees, Feudal Aids, Feudal Cambridgeshire* and the *Victoria County History of Cambridgeshire* may be used as references. Jurors classified by scale of holdings are shown in table 1[6].

Some notes are necessary here[7]. Jurors holding more than two tenements are classified by their larger holdings. A Manor, including knight's fee, is regarded as the largest holding in the table. Then follow hide, virgate, acre, and rood holders, while jurors who hold messuage other than land are classified twice, first by tenements, and second by messuage. Numbers in parentheses refer to those messuage holders. Jurors whose holdings are of unknown size are grouped in land-holders. Manor-holders mean here holders of manors or knights-fee, or tenants by knight-services. The others not identified in the above mentioned references are included in 'others'.

What kind of features of the jurors can we read from the classification? In the case of Armingford Hundred three manor-holders, two hide-holders, one virgate-holder and three messuage-holders were among the jurors of the eyre of 1261. We can notice similar numbers of jurors among those of the 1268/69 eyre. There seems to be little difference between these two eyres. The same may be said of jurors of other hundreds. Because there were not a few unidentified jurors in any hundred, we cannot reach any concrete conclusion, but notwithstanding hundred jurors did not consist only of knights, judging from their scales of holding. The maximum number of manor-holders of each hundred is three in the hundreds of Armingford, Longstow and Thriplow in 1268/69. On the other hand the number is zero in four other hundreds[8]. The manor-holders, as mentioned above, are not always knights. No Juror who was titled '*miles*' or '*knyt*' could be found among the jurors of 1261 and only two among those of 1268/69. One of those two held half of a fee, but we cannot find any information about the size of the other's holding. Only eight jurors of 1268/69 were titled *Domi-*

table 1

hundred	Armingford		Chesterton		Cheveley		Chilford		Flendish		Northstow		Papworth	
year	1261	1268	1261	1268	1261	1268	1261	1268	1261	1268	1261	1268	1261	1268
A. holdings														
manor	3	4	1		2	1	1	2	2	2	2	3		1
hide	2	1	1	1			1	2					1	1
virgate	1							1		3		1	3	3
acre			1		2	1	5	2	1					
rood														
mesuage	3	2				2		1						
others				2				3	2	2	1	2	1	3
unknown	3	5	9	10	8	8	5	5	5	5	9	7	5	6
B. lords														
royal barons	1					2		1	2	3				2
reformist barons	2	1	2	1	2	1	3	5	2	2	3	4	1	2
unknown	5	3		1	2	1	2	3	1	1		1	5	4
no feudal information	5	9	11	11	9	9	8	7	7	7	10	9	7	8
C. patronage														
merits, protection		2					1		1	2			1	
office, others	1		1	2	1			1		1	2	2	1	

nus. So we may conclude that the hundred jury of Cambridgeshire in the 1260s did not consist only of knights, nor were occupied by holders of knightly status.

Next, the proportion of peasant-jurors, namely hide-holders, virgate-holders, acre-holders or rood-holders, varied from hundred to hundred, but were not high anywhere. The highest number of them is seven in Staploe hundred of 1261, and Wetherley hundred and the borough of Cambridge of 1268/69. In other hundreds there were two or three of them. It seems noteworthy that there was a cotter juror, or a juror who was held by labour service[9]. Perhaps this changes the image of the jury found in textbooks of legal history.

Radfield		Staine		Staplow		Longstoe		Thriplow		Wetherley		Whittlesford		Cambridge	
1261	1268	1261	1268	1261	1268	1261	1268	1261	1268	1261	1268	1261	1268	1261	1268
1	1		1		1	3	3	3	3	2	3		1	1	1
						1	1								
		1	2	1(1)				1		2	2				1
		2	3	4(4)	4(2)	1	2		1	1	4	1	1	2	6(4)
				2											
1	1	1	1	5	2		1							3	16
3	2				2	1	1	2	4	1	3	2	4	1	8(8)
8	10	8	6	5	5	6	5	6	4	6		8	3	7	7
1	1		1	1	3	2			1		4			1	1
2	2	1	3	2	2			1	5	1	1				3
	1	2	1	5	2	3	8	2	1	3	5	1	5	1	5
10	12	10	8	6	7	8	6	10	6	9	3	11	5	14	23
3	2			1							1			2	2
	1	1		2	1	1		3	2	1	3			6	12

There are a good number of jurors whose territorial information is not available in the above-mentioned references. Why are they unidentified? Some difficulty seems to be caused by time difference between the year of eyres and that of the *Hundred Rolls* survey. Eighteen years from the first eyre and eleven years from the second had lapsed before the *Hundred Rolls* survey was completed. Some jurors may have died during that time. Another difficulty lies in the *Hundred Rolls* themselves, for it printed the surveyors' report of eleven hundreds out of a total of fourteen in Cambridgeshire. It is also known that a few parts of the reports of those eleven hundreds were printed[10]. The tenth and the last volume of *Victoria County History of Cam-*

bridgeshire was published recently, which include the topography of four hundreds[11]. Although limited knowledge of jurors' holdings could be obtainable by using these titles, the lack of information itself seems to suggest something. *Feet of Fine* should record free holdings transferred in the royal court, or *Inquisitions Post Mortem* must have the records of tenants-in-chief's holdings when they died. If we cannot find any trace of their tenancy in these references, it seems that the title of their tenancy was not a military tenancy.

We have read three characteristics about juries from the table: first, there were few knights among the jury; second, there were cotters or holders by labour services; and third, 'others' could be non-knightly holders. We know that both the Assize of Clarendon of 1166 and the Assize of Northampton of 1176 defined how the jury should be empanelled. According to the former Assize, in the first place four lawful men were elected in each hundred, and then twelve elected by those four would form a presenting jury. According to the latter these twelve were considered to be selected from among knights of the hundred[12]. In the thirteenth century according to *Bracton, De Legibus et Consuetudinibus Angliae*, the presenting jury in each county should select twelve law-worthy persons as jurors, but we are not sure from the sentence whether those twelve were knights or not[13].

Maitland was also deliberate on this point and avoided deciding whether jurors were knights[14]. As we have already observed in the eyres of the 1260s, the hundred jury did not consist of knights exclusively. C.A.F. Meekings, interestingly enough, when he edited the eyre rolls of Surrey of 1235 and Wiltshire of 1249, wrote that the hundred jury was composed of

twelve free-holders including one knight or two[15].

Classification by parish

We can notice from jurors' names that there are several patterns in their composition. For example in Armingford hundred, the names like Thomas Rus de Mellrey or Ricardus Biboys de Habington have a christian name and family name pattern, or those with a place name pattern. In the case of Robertus Magister de Tadelow or Johannes filius Capellani de Littlethon, the name was composed of a christian name, occupation or title and place name. On the other hand some Christian names are not followed by family name nor occupation, such as Wydo de Crauden, Radulfus de Denton or Humpridus ad Ecclesia' de Granden. In some cases, as with Robertus Goudewyne, there is no sign of a place name. In relation to the information about their holdings, jurors with a family name tend to be holders of larger lands, while those for whom there is little property information come out only with a place name.

If we assume that the place element in a juror's name could represent his resident area, we might infer how much a hundred jury was composed of persons who represented their residing district. Of course it is possible that place elements in their names had no relation with their residing or land-holding districts. Nor is it certain that the concept of regional representation existed in thirteenth century Cambridgeshire. But if we can get any information about the jury's composition, it may be useful for the analysis of what a hundred jury was. So here an investigation will be made to determine the relation between the place element in the personal names and parish names in each hundred. The parish names used here are those found in the *Victoria County History of Cambridgeshire.* (See table 2) Under

table 2 Parishes of jurors

Armingford hundred			Chesterton			Cheveley			Chilford		
Parish	a	b	Parish	a	b	Parish	a	b	Parish	a	b
East Hateley			Chesterton	1	2	Cheveley		1	Great & Little-	1	2
Tadelow		1	Childerley	1	1	Wood Ditton	1	1	Abbinton		
Croydon Cum-	3	1	Cottenham	1	3	Kirtling		2	Babraham	1	
Clopton			Dry Drayton	2	2	Ashley cum-			Bartlow		
Wendy		1	Histon		1	Silverley			Castle Camps	1	1
Shingay	1	1	Westwick	2	2				Shudy Camps	1	3
Abbinton Pigat	2								Hildersham		
Gilden Mordon		2							Horseheath	2	3
Litlington	1	2							Linton		1
Whaddon	2	1							Pampisford		
Knesworth	1								West Wicham		
Meldreth											
Meldburn	1										
Other hundred	6	2		1			2	1		2	2
Other county	2	1		1			1	3		2	2
Unidentified	1	1		7	2		1	7		5	6

Flendish			Northstow			Papworth			Radfield		
Parish	a	b	Parish	a	b	Parish	a	b	Parish	a	b
Horingsea			Impington	1		Boxworth	3	1	Strechworth	1	
Fen Ditton			Girton	1	1	Conington	2	2	Dullingham	3	1
Teversham	1	3	Landbeach	1	2	Fen Drayton	2	2	Borough Green		
Cherry Hinton	3	3	Lolworth	1	1	Elsworth	1	2	Westley Waterless		
Fulboutn	3	4	Maddingley		1	Graveley	1		Brinkley	1	
			Milton		1	Knapwell	1		Carlton cum-		
			Oakington	2	2	Over	1	3	Willingham		
			Rampton			Papworth Everard	1	1	Weston Colville		
			Long Stanton	1	1	Papworth St Agnes			West Wratting	1	1
			WaterBeach			Swavesey	1	1	Balsham	2	
						Willingham		1			
Other hundred	1	1			2		4	3		4	2
Other county	1									1	1
Unidentified	5	6		10	8		2	1		1	10

Staine hundred			Staploe			(Long)stow			Thriplow		
Parish	a	b	Parish	a	b	Parish	a	b	Parish	a	b
Swaffham Prior	1	1	Soham	2	4	Croxton	1	1	Trumpington	2	4
Swaffham-Bulbeck			Isleham	2	4	Eltisley	1	1	Great Shelford		2
Bottisham	1	3	Wicken	1		Caxton		1	Little Shelford		1
Stow cum Quy			Fordam	1	2	Bourn	2	3	Hauxton		
Little Wilbraham	2	1	Burwell	1	1	Caldecote	1	1	Stapelford	1	
Great Wilbraham			Chippenham			Hardwick			Harston	3	3
			Snailwell	1	1	Toft	2	1	Newton		
			Kennett			Gamlingay	2	3	Foxton	1	2
						Little Gransden		1	Thriplow	1	
						Hotley St Gerge	1		Fowlmere	1	
						Longston	1	1			
						Kingston					
						Great Eversden	1	1			
						Little Eversden					
Other hundred	1	1		4	3					2	
Other county	1	1									1
Unidentified	7	6		5	4		2			6	2

Wetherley			Whittlesford			Cambridge		
Parish	a	b	Parish	a	b	Parish	a	b
Arrington			Sawston		1	St Giles		
Wimpole	1	2	Whittlesford		3	St Peter		1
Orwell			Duxford	1	2	All Saints (Castle)		
Barrington			Hinxton	2	2	St Clement		
Harlton		1	Ickleton			St Sepulcle		
Haselingfield	1	2				All Saints (Hospital)		1
Comberton						St Radegund		
Barton	1	5				St Michael		
Granchester	1	1				St Mary		
Coton						St Edmund		
						St John	1	1
						St Benet		1
						St Botolph		2
						St Peter (Gate)		
						St Andrew		
						Trinity		
						Barnwell		5
Other hundred	3	2		1	1		4	8
Other county								
Unidentified	7			9	4		11	14

Note. a:1261 b:1268

the head of 'other hundred' or 'other county' were included jurors who held land in some other hundred or county than the one in which he resided, or whose name had place names of other hundreds of the county. If their 'representing' districts are not known from their names, they are grouped in 'unknown'.

In 1268/69 more than one 'representative' jurors are empanelled from each parish of Chesterton hundred, and nine parishes out of eleven in Papworth hundred were represented by their jurors in 1261. On the other hand in some hundreds the degree of representation is rather low. For example in 1268/69 only two parishes out of nine were represented in Radfield hundred jury. A curious example is the case of Wetherley hundred, where five parishes out of ten were not represented at all, while as many as five persons were empanelled from Barton parish in 1268/69. In the jury of the borough of Cambridge we find fourteen jurors instead of the ordinary twelve, because the borough, including Barnwell in the suburbs, had seventeen parishes, and all of them could not be represented evenly. Considering these examples we cannot say that the regional representative principle was functioning strictly in panelling jurors. But I am not sure that those jurors grouped in 'other hundred', 'other county', or 'unknown' did not represent any district in Cambridgeshire. Could inhabitants or holders outside ever be a hundred juror? It is possible that more detailed investigation may find reasons to panell those who were in the group 'unknown' in a hundred jury. As we can see in the cases of some hundreds, the number of jurors of each parish in 1261 corresponds quite well to that of 1268/69, but in others not so well. In some hundreds or parishes there could be an tacit agreement concerning panelling locally.

Tenurial Relations between jurors and their lords

As we have seen, those who were panelled were local small land-holders. Their relation with the lords will be investigated as much as possible. Did their lords influence the jurors politically through feudal relationships? There are no contemporary documents which reveal those lords' or tenants' political ideas directly. Here we can take advantage of the special character of the 1268/69 eyre. According to the *Dictum of Kenilworth* of 1266, the disinherited who adhered to the cause of baronial reform movement could redeem their tenements under certain conditions. How much they had to pay was determined in correspondence with how much they were involved in the movement. Powicke wrote,

> 'panels of judicial investigators had been appointed in September 1267 when Henry was at Shrewsbury, and they seem to have got to work early in 1268/69 and continued their labours on and off until 1272; but of course the application of the *Dictum* did not depend on them alone.'[16]

In the special eyre of 1268/69 the hundred jury in the verdict answered the royal justices as to the extent of involvement of the disinherited. Again Powicke wrote,

> 'During the two years and more after the battle of Evesham England was still in a state of disturbance. Society was divided from top to bottom. On the other hand, the lands of rebels were distributed lavishly and with little or no discrimination by the king.'[17]

So if the verdict was favourable to the accused, it seems possible that the jury could have been be influenced by the jurors' lords who were adherents to the baronial cause. As far as jurors of Cambridgeshire are concerned, it is not easy to divide them into

two groups, royal side or rebels' side, for there was no leading magnate in thirteenth century Cambridgeshire. In the second volume of the *Victoria County History of Cambridgeshire* Professor Edward Miller listed the royalists and leading rebels[18]. Based on this list the jurors of 1261 and 1268/69 are grouped into four classes, i.e.: 1. jurors whose lords were royalist barons; 2. jurors whose lords were reformist barons; 3. jurors whose lords' names are unidentified; and 4. jurors whose feudal relationship is unidentified. (See table 1–B)

As we can see from table 1, there are very few jurors whose feudal relations with the lords are traced in the references[19]. In most hundreds more than half of the twelve jurors cannot be discovered in the context of their feudal relation with their lords. We may understand that most jurors were not landholders in the sense of feudal tenants. Whether jurors whose lords were royalists prevail in a hundred jury or not, seems to be indistinct as far as the table is concerned. In other words it varies from hundred to hundred. There were two hundreds in 1261 and four in 1268/69 where jurors with royalist lords prevailed, while hundreds in which jurors with rebel lords had a majority, numbered ten in 1261 and eight in 1268/69. As far as the number is concerned, jurors with rebel lords were predominant in this county, but the difference between the two groups amounts to one or two. From these numbers it is not clear whether the county was inclined to the rebels' side. Feudal lords' political influence upon their tenants through feudal relationships could work in the time of disturbance, but there seem to be only limited examples of feudal connections between baronial reformers and local jurors in Cambridgeshire.

Influence through patronage

Beside the feudal relationship, the king exercised influence through distribution of patronage, such as grants of land, money or office. Magnates did the same by giving their households or followers support, for example assistance in legal disputes. To what extent did the lords' patronage influence the political attitude of the jurors? When the king granted offices or money to someone, the act should be recorded in documents, such as the *Close Rolls* or *Patent Rolls*[20]. In the case of reformist barons' support of their households or subjects, the act sometimes may be discovered in judicial documents, but is rarely mentioned in the administrative records. So investigation is limited. Although there can be found very few examples of royal grants to the king's faithful subjects in *Patent Rolls* or *Close Rolls*, not a few cases of granting permits to former rebels in order to be accepted into the king's peace are in the king's judicial records. Besides, protection given to rebels to make them come to the king's court could be counted as an example of patronage. In table 1–C "Offices" here include not only those of sheriffs, hundred bailiffs and escheators, but those mentioned as "clerks", "buyers" and "assessors of fines". Magnates granted their subjects a title of attorney, bailiffs of manors or stewards of households. In addition commissioners of *Hundred Rolls* of 1279 and mayor of the borough of Cambridge are included as "offices" in table 1–C[21].

We can easily understand from the table how few jurors were granted patronage or offices by the king or magnates. In chapter five I undertook the same kind of survey concerning *custos pacis* or keepers of the peace of 1263 and 1264[22]. The result was as follows. Those who were nominated as *custos pacis*

were in many counties local landholders, and they were usually granted some offices, licences or interests by the king or magnates. Most of them were holders of manors or larger landholders. Although hundred jurors both of 1261 and of 1268/69, and *custos pacis* of 1263 and 1264 were local inhabitants in the same period, the latter belonged to the upper rank of society than the former. Panelled local jurors belonged to those who were seldom granted interests or offices by the king or magnates. Patronage may not be a helpful instrument through which king's political influence penetrated into the local landholders.

3. Panelling jurors

Electors of jurors

In the jury calendar of the eyre rolls the name of the hundred bailiff was written first in the first line of each hundred, then followed those of two persons written with a note of '*electores*'. After these come ten names with a note of 'jur' each[23]. If this order of names had any meaning, we can interpret as follows: a sheriff nominated a hundred bailiff, who nominated two electors, and the two nominated ten jurors to make up a hundred jury of twelve persons including themselves. W.M. Palmer, when he edited a part of the eyre rolls of 1261, investigated whether the electors were knightly persons. He concluded that in five hundreds out of fourteen, knights were mentioned as two electors, and that in Staploe hundred there were no knights among the electors or jurors, and that in five hundreds one of two electors was a knight. Palmer regarded holding of a manor as a sign of knightly status, but he did not pay attention to the holder's title nor whether the holding was a knight's fee[24] or

table 3 Classification of electors

holdings	1261	1268
manor, fee	5	7
hide	1	0
virgate	1	2
acre	4	1
rood	2	0
messuage	1	1
others	6	0
unidentified	10	17

not.

It seems to be difficult to decide whether each elector had a title of knight, so I tried to classify electors by the scale of holding. (See table 3) Only three persons acted as electors successively in 1261 and in 1268/69. The holdings of some electors in both of the eyre rolls are unknown. It is easy to read from the table that the proportion of manor holders is relatively high. But even acre holders were elected as electors. It seems that electors were not exclusively nominated from title holders nor large scale holders.

Panelled twice

The names of 179 persons in 1261 and 200 in 1268/69 were read as jurors in the eyre rolls. Identification is usually difficult, but no example has been found in either roll where a person of the same name appeared as a juror in at least two or in more than two of the hundreds. On the other hand as many as sixty-three persons were panelled twice, i.e., successively in 1261 and in 1268/69. Seven jurors out of twelve were panelled twice in the hundreds of Chesterton and Northstow, while the smallest number of double nominations is two in the hundreds of Chil-

ford and Staine[25]. There was a difference of seven years between two eyres, nevertheless not a few persons were panelled successively. What does this mean? One of the explanations could be that if the electors were the same in the two eyres, they nominated the same persons as jurors successively. But, as we have noticed, this explanation cannot be applied to all the hundreds, for only three electors of three different hundreds were nominated in both eyres[26]. From the eyre rolls it is not clear how the electors were nominated by bailiffs, nor by what standard electors chose jurors. What we can say about panelling is that the electors made a nomination among a relatively limited number of persons holding land in a hundred.

One remarkable thing about panelling is that among those panelled we can find the names of participants in the Barons' War[27]. To what extent they participated in the rebellion varied; some attacked the opponents, but others just harboured rebels. There was a juror who was attacked as an adherent during the war by local royalists, and presented in the eyre after the war. It is hard to understand why one who was accused as an adherent to the baronial cause was nominated as a juror who should best know the truth about the accused, and make a presentation of those participants to the justice of the eyre. Maitland, citing *Bracton*, wrote concerning the standard of panelling, 'the jurors must be free and lawful, impartial and disinterested, neither the enemies nor the too close friends of either litigant.'[28] Judging from this fact we have seen that this standard did not apply directly to the eyre of 1268/69. From the view point of public authority, impartial persons must be nominated as jurors in order to make an impartial presentation. But as is seen above, the electors of Cambridgeshire were panelled by a somewhat differ-

ent standard from that of *Bracton*. The distinctive feature of biased nomination can also be read in panelling even those who, having been attacked as enemies of reformist barons during the war, were full of vengeful enmity. It seems possible to read the local landholders' mind, or the considerations of each local small society in the way of panelling jurors by hundred electors.

4. Verdicts

According to J. Baker and C.A.F. Meekings the outline of the rules of criminal procedure in thirteenth-century England is explained as follows[29]. The cases heard at the court of crown pleas came before the court in three different ways: by presentment made by the jurors of districts in their *verdicta*, or answers to the articles of the eyre; by indictments made by the same jurors in their *privata*; by appeals of felony[30]. I am not sure the indictment was made by the hundred jury or *magna jurata*. For, interestingly, the names apparently of the *magna jurata* are written in the last membrane of the 1268/69 roll, while in the 1261 eyre roll they are not. It appears that the composition the *magna jurata* was made up by colleting one juror from each hundred. After the accused appeared in the court, he got a chance to plead. If he wanted to deny the charge, there had been, since 1218, virtually only one form of trial: trial by jury. Concerning the way of choosing jurors, the opinion of Baker seems to be different from that of Meekings. Baker explained that twelve jurors were selected among the list panelled by the sheriff, and that those twelve, when the verdict was guilty, had to be unanimous. On the other hand Meekings reported that in the Surrey roll there were found thirty cases where trial jury

was adopted, among which there were nine cases which were tried by one hundred jury and four neighbouring townships, one by a hundred jury and a township, six by just a hundred jury, and fourteen others. He concluded that there was no established rule to panel the trial jury in the thirteenth century. In the Cambridgeshire roll, townships were mentioned only in a few cases in the 1268/69 roll; all the other cases seem to have been tried by a hundred jury.

Professor Baker supposes that a trial jury must be different from a presenting jury, but Meekings did not think that those two were always separate[31]. As I wrote above, in Cambridgeshire there was no list of *magna jurata* of 1261, and some persons in the *magna jurata* of 1268/69 repeated names in hundred presenting juries. Even if an indictment was made by the *magna jurata*, each juror of it could also be a member of the hundred presenting jury. Local landholders' minds could have a route to reflect their intention in making an indictment as well as in making a verdict.

Were the verdicts rendered orally or by letter? There are published written verdicts of the Wiltshire eyre of 1281[32]. When we look at the Cambridgeshire rolls, we often see a trial jury 'dicunt super sacramentum suum quod'. Did the presenting jury do the same thing? In eleven hundreds out of fourteen in Cambridgeshire, we can see that at least one of the hundred jurors bore the name of *clericus*. I guess that the verdicts were written in Cambridgeshire, too.

When a trial jury decided the content of the verdicts, did they do it unanimously as Professor Baker said? Maitland supposed the possibility of a majority decision[33]. In the Cambridgeshire roll there is no such example. When there was a

conflict of opinion among jurors, how did they reach the unanimous decision? Majority decisions could solve the problem easily, but I suppose that it depended on equality of voice among the jurors. Did one of the jurors have the initiative to solve the conflict of opinion? Then who took it? Concerning this point we may think of the wide variety of jurors' holdings. As mentioned above, a hundred jury in the thirteenth century was composed not only of knights but also of freeholders. If we choose manor holders and hide holders among each hundred jury, the maximum number of those holders in 1261 is five of Armingford hundred and in 1268/69 five of Armingford and Longstow hundreds. On the other hand the minimum number in 1261 is zero in Staine, Staploe and Whittlesford hundreds, and in 1268/69 one in Radfield, Staine, Staploe, Whittlesford hundreds and the borough of Cambridge. Of course the scale of holdings cannot be directly linked with their voice in making a decision of the jury. But at least there may be some kind of variety in the influence, though the verdict was delivered to the justices by unanimous opinion of a jury.

Did the juror of large scale holdings enforce his opinion in making the verdict, or represent the local mind collectively. Or was the verdict made under the influence of someone other than jurors? The most likely outsiders' influence was that of feudal lords of the leading juror, or of the king or magnates whose manorial bailiff the juror was. We have already investigated feudal relationships or patron-subject relationships between jurors and magnates, and concluded that they were not so closely related. But when I investigated these relations not among all the jurors but only among leading jurors from hundred to hundred, I found that most of them had a close

relationship with the king or magnates. Did the king or magnates impose as a matter of fact their political influence on the hundred jury though their tenants, subjects or households? I suppose the answer will be negative. That is because all the jurors in a hundred jury were not always tenants nor manorial bailiffs of a lord. The king or a magnate could influence one or two jurors among twelve in a jury, but another magnate could also interfere with the jury through other jurors. In other words it seems difficult for a magnate to drive the opinion of a hundred jury to his purpose through his tenants or subjects.

Does this mean the verdict was formed by a leading juror's own idea, or was there a kind of collective idea of local minds? Meekings wrote, 'when we find the justices discovering that juries have not presented a plea or have omitted some substantial part of it, that then we shall generally find that some or all the jurors may have had an interest in concealing the matter.'[34] Jurors hesitated to present their neighbours. Other than influence from the outside, consideration of neighbours may have also worked in a local society. Each of the twelve jurors held a different size of land. Some of them held of the king or a magnate, but others did not. One juror enjoyed patronage of the king, while another one did not. Each of them came from different parishes. Nevertheless, because of that reason, a hundred jury may have formed their own consideration in making their verdict. As a result their verdict became independent of the pressure from the outside, like order from the king or support from magnates.

Some examples of the case similar to those which were explained by Meekings can also be found in the rolls of Cambridgeshire.

> Robertus Hubert, who had once been bailiff of the borough of Cambridge, was presented that he sent goods to those who depredated the surrounding area from the base of the Isle of Ely, and the borough jury refused to assess his property. The fact was disclosed in the court later, and the justice sentenced *misericordia* or amercement to the jury[35].

It may be gathered from this case that the borough jury supported the fellow burgess, and this indicates a sympathy for the accused neighbours among the jury. This kind of feeling might not be limited in the boundary of a borough or a hundred. See the next case:

> Hubertus Stapelfort, one of the hundred jury of Thriplow, was presented that he attacked a manor of a royalist during the Barons' War, but the verdict of Wittlesford Hundred was non-guilty, and the justice confirmed the verdict[36].

It is remarkable that the adherent to the baronial cause was panelled as a juror in the eyre, in which the accused who had participated in the rebellion were examined. It seems important that a verdict of not-guilty was delivered not by the hundred where he was panelled, but by the jury of another hundred. These two examples suggest to us that there was a kind of local landholders' consideration in each hundred independent of the influence from outside, and that a feeling of fellowship among the hundred jurors could cut across the boundary of hundreds.

Conclusion

What we have seen about hundred jurors in the eyre rolls is as follows.

1. We have been told the main body of the hundred jury consisted of knights, but in thirteenth century Cambridgeshire

medium-sized freeholders were the main.

2. Among the jurors there were few who were granted lands or goods from the king, or who got support from magnates.
3. The size of jurors' land holding and the experience of office holding varied.
4. Jurors represented a parish to some extent, but panelling was not ruled by this principle.
5. Each juror was not an individual representative like a modern MP, nor directly influenced by the king or his lord. He worked with local concerns in mind. So, the conception of A.B. White's 'self-government at the king's command' may not be applied to the hundred jury of Cambridgeshire in the 1260s.

Notes

1 F. Pollock and F.W. Maitland, *The History of English Law before the time of Edward I*, vol.2, Cambridge, 1968, p.621; J.H. Baker, *An Introduction to the English Legal History*, 3rd. ed., London, 1971, pp.88–90.

2 A.B. White, *Self Government at the King's Command*, Minneapolis, 1933, 88–90, cf. pp.57–69.

3 D. Crook, *Records of the General Eyre*, H.M.S.O., 1982, pp.128–9, 200.

4 Cf. W.M. Palmer, *The Assizes held at Cambridge*, Linton, 1930. xiii–xiv.

5 H.M. Cam, *The Hundred and the Hundred Rolls*, London, 1930, p.262.

6 *R(otuli) H(undredorum)*, ed. W. Illingworth & J. Caley, Record Commission, London, 1812–18; *The Book of Fees*, 3 vols, H.M.S.O., London, 1920; *Feudal Aids*, vol.1, H.M.S.O., London, 1899; *Calendar of Inquisitions Miscellaneous*, vol.1, H.M.S.O., London, 1915; *Feudal Cambridgeshire*, ed. W. Farrer, Cambridge, 1920; *Victoria History of the Counties of England: Cambridgeshire and Isle of Ely*, (*VCH*) 10 vols., reprinted, 1968–, London; *Liber Momorandorum Ecclesie de Bernewelle*, ed. J.W. Clark, Cambridge, 1907; *Annales of Cambridge*, vol.1, C.H. Cooper, Cambridge, 1842; *The Baronage of England*, ed. W. Dugdale, 2 vols, London, 1675–76.

7 Record concerning the hundreds of Armingford, Cheveley and Radfield were nor included in the printed *Hundered Rolls (R.H.)*

8 Those are the hundreds of Papworth, Staine, Staploe and Whittlesford.

9 Willelmus Godstone held a half virgate in Thriplow hundred of bishop of Ely in labour service (*R.H.*, ii, p.543); Eustaciuth de Herleston was recorded as a cotter in Little Shelford, Thriploe hundred (*R.H.*, ii, p.554).

10 According to the List of *Hundred Rolls*, Special Collection (SC5), Literary Search Room, 1930, (4–5) in the Public Record Office, the following membranes were not printed in the *Hundred Rolls*; Tower series: Cambridge, burgus, 7 Ed. I, Roll part 3 ms.36–40; Chesterton, m.5; Chilford, m.2; Northstow, m.13; Radfield, 2 membranes; Armingford, 16 ms; Cheveley, 1 m; Chapter House Series: Chilford, 3 Ed.I, 2 ms; Papworth, 3 ms; Wetherley, 2 ms; Whittlesford, 1 m. Those parts of membranes are dawaged.

11 Topography of the hundreds of Flendish, Staine, Stapeloe and Cheveley is now printed in the 10th volume of the *VCH, Cambridgeshire.*

12 A.B. White explained the grand jury and hundred jury in the thirteenth century had the same type of personal composition as those in the twelfth century. White, *op.cit.*, pp.89–90; *English Historical Documents*, vol.2, second ed., Oxford, 1981, pp.440, 444.

13 *Bracton: On the Laws and Customs of England,* ed. & revised by S.E. Thorne, 4 vols., Massachusetts, 1968–77, iv, pp.55, 58, ff.331.

14 Pollock & Maitland, *op.cit.*, vol.2, pp.644–5.

15 *The 1235 Surrey Eyre,* ed. C.A.F. Meekings, 2 vols., Surrey Record Society, Guildford, 1979, vol.1, pp.94–8; *Crown Pleas of the Wiltshire Eyre, 1249*, ed. C.A.F. Meekings, Wiltshire Record Society, Devizes, 1961, p.34.

16 F.M. Powicke, *King Henry III and the Lord Edward*, Oxford, 2nd ed., 1966, p.551.

17 *Ibid.*, p.513.

18 E. Miller, 'Political History', *VCH, Cambridgeshire,* vol.2, pp.389–397.

19 No juror has been found in Whittlesford hundred whose lords were magnates in 1261 nor in 1268/69. Only in two hundreds, Chilford and Thriplow in 1268/69, more than six jurors out of twelve whose lords

can be traced in other published sources.

20 *Close Rolls, Henry III,* 12 vols., H.M.S.O., London 1908–38; *Calendar of Close Rolls,* Edward I, 7 vols., H.M.S.O., London, 1900–6; *Calendar of Patent Rolls, Henry III,* 6 vols, H.M.S.O., London, 1893–1913; *Calendar of Liberate Rolls,* vol.5, H.M.S.O., London, 1961; *Calendar of Charter Rolls,* vols.1 & 2, H.M.S.O., London, 1903, 1906.

21 There are found two entries concerning grant of land, one concerning exemption from distraint, one about frankpledge, six cases of pardon out of court, and six persons given safe conduct. Two other cases in which jurors worked on behalf of magnates.

22 Asaji, K., 'Custos Pacis in 1264' in *Gentleman* (in Japanese), (Kyoto, 1987), pp.21–22, 28. See chapter 5 above.

23 Pollock and Maitland, *op.cit.*, vol.2, p.621; A.B. White, *op.cit.*, p.89; H.M. Cam, 'On the Material available in the Eyre Rolls', *Bulletin of the Institute of Historical Research,* vol.3, 1926, p.154; Cam, *Studies of the Hundred Rolls,* Oxford, 1921, pp.144–151; Meekings, *Wiltshire,* p.94.

24 Palmer, *op.cit.*, x–xi.

25 Some of them worked as a commissioner in the Inquest of *Hundred Rolls.* Seven persons worked three times (1261, 1268/69 and 1274/5), two persons worked both in 1261 and 1274/5, and twenty both in 1268/69 and 1274/5.

26 Those are hundreds of Wetherley and Flendish, and borough of Cambridge.

27 They are Henry Whaddon (Armingford), Robert de Maddingle (Cambridge), Johannes de Herleston (Thriploe), Thomas de Mulin (Wetherley), Brianus le Child (Wittlesford), and Simon le Sage (Whittlesford).

28 Maitland, *op.cit.*, p.621.

29 Baker, *op.cit.*, p.278; Meekings, *Surrey,* vol.1, p.97.

30 Baker, *op.cit.*, p.277; Meekings, *Surrey,* vol.1, p.87.

31 Meekings, *Wiltshire,* p.51; Meekings, *Surrey,* pp.96–7.

32 *Collectanea,* ed. N.J. Williams, Wiltshire Record Society, 1956. Cf. Meekings, *Surrey,* p.95.

33 Maitland, *op.cit.*, p.626.

34 Meekings, *Surrey,* p.97.

35 P.R.O., Just 1/83, m.24d.

36 P.R.O., Just 1/83, m.30.

8
The Barons' War and the Hundred Jurors in Cambridgeshire

The Barons' War, 1258–1267, has been regarded as a struggle fought between King Henry III and the barons over government reform. How were the people in local communities engaged in the reform movement? How did the reformist barons influence each local community? Were people in these communities discontented with the king's misrule, and were they eager to collaborate in the reform movement? Or did the reformist barons intend to absorb the demands for the reform of royal government from their feudal tenants as well as from local communities, and establish a new government? What kind of political ideas did the local people form, and how? How did the barons get to know their intentions?

E. F. Jacob once analysed the rolls of the eyre held in the period of the reform and rebellion, and came to the conclusion that distraint by the lords over their tenants was the main cause of the local people's involvement in the reform movement. Local people involved in the movement, however, were not always the feudal tenants of the reformist barons. Feudal relationships between reformist barons and local knights were not the sole motivation for the participation of the latter in the movement. It appears to be insufficient only to analyse the reform plans or statutes in order to answer these questions. I think we have to look for evidence in the documents which show the circumstances of the local community. In this chapter, *Hundred Rolls* and some other local records will be used along with the eyre rolls, to learn the local people's intentions and stances towards

the government.

1. Some of the studies concerning the relation between the Barons' War and the local people

In the Provisions of Oxford, the reform plan of the barons' government in 1258, it was stated that four knights of each shire should be elected in the county court to enquire into the complaints of the local people, and that these knights should prepare for the chief justiciar's eyre to redress those complaints. Moreover, according to the Provisions of Westminster, published in 1259, a new committee was to be established to investigate the offences of sheriffs or magnates' bailiffs against local people, and that a special eyre could redress those wrongs[1]. E.F. Jacob pointed out that, on close investigation of these two provisions and the eyre rolls, the discontent of local people, especially of the lesser landowners, was closely related to the reformists' plans: 'All we can safely conclude is that both in country and town new elements were arising and claiming some voice in local government, at first purely by way of defending themselves against the oppression of royal or seigniorial officials, and of the burghal aristocracies, and that the constitutional events of the years 1258–1265 are not to be regarded simply and solely as a prelude to the history of parliament but rather as the indication of important developments in the heart of the English social organism'. He also referred to 'the important part played by the mesne tenants of the larger baronies and honours', and concluded: 'it should be clearly recognized that thirteenth-century revolt of this kind is naturally feudal in its setting, and that a great number of persons were either distrained or terrorized into helping the baronial cause'[2].

According to the logic of Jacob, the focal point of local problems at the time of baronial reform movement resulted primarily from the feudal relation between barons and their tenants in each local society, and the problem was designed to be solved by the plans of reformist barons, in other words, the feudal lords of lesser landowners in local society. Indeed feudal problems were one of the main issues in the provisions proposed by the reformist barons. But were feudal problems the sole cause of the disturbance in local societies? Although Jacob pointed out that the tacit support to the barons' movement was forthcoming from communities and individuals not bound by a feudal lien to the principal baronial leaders, he did not clarify the importance of the role of the non-feudal setting of the reform movement or the rebellion. Studying the eyre rolls he used, we can see not only feudal tenants, but peasants, burgesses or even clerks were participants in the disturbance. It is not easy to know what made them participate in the movement, but it seems that feudal problems were not the sole cause for their uprising.

The special eyre rolls of 1268/69 reveal that quite a few peasants were involved in the disturbances between 1264 and 1267. Professor David Carpenter pointed out that these peasants were not only coerced to side with their lords, but also plunged into the movement to get a better solution for the problems of their own status, such as the lords' distraint of their property, or coercion of serfdom. Before Dr. Paul Brand discovered the real meaning of some terms in the Provisions of Westminster, it had been believed that none of Provisions had a clause in which the right of peasants was protected. *Beaupleader* was, according to Dr. Brand, a fine paid by tithings so as to avoid amercements for slips and omissions when giving their evidence. The fine was

imposed by lords when they held the view of frankpledge in manorial and hundred courts. The Provisions of Westminster abolished *beaupleader* fine[3]. So Professor Carpenter, adopting Dr. Brand's conclusion, thought that in 1268 peasants were aware that they should benefit from the new legislation (i.e. the Statute of Marlborough which was based on the Provisions of Westminster). What accelerated the peasants' participation into the reform movement was their voluntary intention to be freed from their lords' control, as well as from the coercion by their lords' distraint or violence. Professor Carpenter supposes that peasants were caught up in the common enterprise, thinking that the barons were working for the welfare of the community of the realm of which peasants were also members[4].

To suppose the baronial rebellion to be a reform movement of the community of the realm, which included peasants, is unusual. It is not, however, an easy job to prove it. Professor Carpenter showed us some examples of peasants' participation in the rebellion, but they are found sparsely and the number is not large. How and when did the reformer barons collect the complaints from peasants and make their reform plan? Is it possible to find the actual scenes where baronial leaders took the requests from the peasants? Professor Carpenter presented an important problem to be investigated.

In this chapter, in order to enquire into the relation of the baronial movement with the local people, the Cambridgeshire eyre rolls of 1261 and 1268/69 will be investigated. Those who acted as jurors in the eyre were local knights[5], free holders, burgesses and some villeins in the same county. The *Hundred Rolls* of 1279 can provide much information about those people[6]. So, I would like to consider these jurors as local people.

2. Feudal, household and patronage relation of jurors to the barons

Were there any local people who asked baronial leaders to adjust their reform plan for the solution of local problems? Did the reformist barons propagandize the local people for their support, or did their reform plan succeed in awakening the political consciousness of local people? We have no documents from which we can get answers to these questions directly. I suppose the possible documents for this purpose are the eyre rolls of 1261 and the rolls of special eyre of 1268/69, both of which recorded local people's intentions or behaviour during this period[7].

One such behaviour could be regarded as the support of local people for the baronial reformers during the war between the king and the barons in 1264–67. People who participated in the battles, such as those of Northampton in April 1264 or of Lewes in May 1264, or who were in the garrison of Kenilworth in 1265 and after, or who pillaged the surrounding area and people from their base in the Isle of Ely, or who helped them by giving or selling food to the rebels, were pronounced to be disinherited by the king, and their tenements were seized into the hands of the king and granted to the royal favourites. To suppress the disturbances which continued even after the battle of Evesham in August in 1265, King Henry III, on the advice of the magnates, decreed the *Dictum of Kenilworth* in the autumn of 1266, which permitted the disinherited to redeem their tenement by paying a fine. The amount of the fine was decided by how much the person was concerned in the disturbance. The heaviest were amerced at a seven-year value of the tenement[8]. The special eyre of 1268/69 was intended to judge to what extent

the person was involved. It is supposed that people who wanted to recover their tenements hoped to be judged as generously as possible. In the trial, the justices tended to confirm the verdicts given by the hundred jury. A grand jury decided who should be indicted, and in the trial a hundred jury was often asked to render the verdict on various issues. So those presented in the eyre of 1268 were those who were regarded by the local jury as participants in the disturbance or supporters of the baronial cause to some extent. Some were thought to have assaulted the local small landowners, who were looked upon as faithful subjects of the king. Some were charged as having harboured the disinherited. So the rolls can tell us some of the supporters of the baronial cause, and king's faithful subjects resident in the county.

These two eyre rolls (Just 1/ 82 and 1/83) are kept in the Public Record Office (National Archives) in London, and consist of thirty six and thirty seven parchments respectively. The names of the jurors are listed on the last parchment of each series. In thirteenth-century Cambridgeshire there were fourteen hundreds and one borough (Cambridge), in each of which twelve jurors were to be elected. Actually one hundred and seventy nine names are found in the lists in 1261, and two hundred in 1268/69. (sixty three jurors were counted twice). From these lists I selected the presented as supporters of the baronial cause, and the landholders assaulted by rebels of Ely as king's faithful subjects.

Concerning these names I have consulted the *Hundred Rolls, Feet of Fines, Inquisitions Miscellaneous*, and other sources to see if there were any routes through which the political influence of the barons passed to the local people. Three routes

seem to be evident[9]. The first of these routes was a feudal relationship between barons and their tenants. Did barons coerce the local jurors to support their cause? The second route was the landlord-household relation between magnates and their manorial officials. Third one was patronage between the king or magnates and their followers. Local landholders could expect *ex-officio* profits from being a member of royal administration, e.g. sheriffs, escheators, coroners, keepers of the peace, buyers, or commissioners of inquests. Barons sometimes gave support to their subjects and followers when they were involved in litigation.

Among the aforesaid 379 jurors of 1261 and 1268/69, thirty seven were accused as participants in the disturbances. Only two jurors had the king or his loyal magnates as their lords. Johannes de Martin[10], who held of the king, and Willelmus le Noreys[11], who held of the prior of Ely. They were accused as supporters of the barons, while the lords of three jurors (i.e. Willelmus Godsone[12], Radulfus de Teversham[13], and Hubertus Stapelfort[14]) were supporters of the baronial cause. On the other hand there were thirteen jurors who were assaulted as being on the king's side, but none of them held of the king, while Sempson de Frakenhoe[15] held of the earl of Oxford, anti-royal leader, and both Willelmus Bukesworth[16] and Robertus de Coninton[17] held some land from the fee of Ricardus Scalers[18], leading supporter of baronial cause in Cambridgeshire. From these facts two points arise. First, only a small percentage of jurors of 1261 and 1268/69 held directly of the king or barons. It can thus be inferred that neither the king nor the barons could wield great influence through the feudal relationship with their tenants. Second, judging from the variation of lords of the assaulted ju-

rors, whether the lords were on the king's side or not did not always coincide with the direction of jurors' support.

Did landlord-household relationship have any effect on mobilizing jurors? Professor Edward Miller once pointed out that the influence of the king or of the barons to mobilize those local lesser holders to their cause did not pass through feudal relationship but through the household relationships in thirteenth-century Cambridgeshire. He gave some examples: a steward or bailiff of a reformist barons' manor, and a member of *familia* of a baronial leader. But I have not found any example of a local official of royal manors in Miller's list. Indeed the influence of two baronial leaders, the earls of Leicester and Gloucester, on the aforementioned jurors can be recognized. Moreover, we can also see another two baronial leaders, Henry of Hastings and John de Vallibus, using their influence as lords for this purpose. Beside these four, all we can find in his list are names of local landlords in the county[19]. These local landlords also kept their own officials, but none of them acted as jurors in 1261 or 1268/69.

Was any juror who was politically influenced to participate in the movement by a household relationship? Among the jurors who were accused of supporting the baronial cause during the disturbance, only the following three had careers as local officials of the king or barons. Willelmus de Alberd de Stowe[20] was a bailiff of Abbot of Ramsey. Willelmus fitz Elye[21] was noted as one of the *executores* of the Bishop of Ely. Johannes de Clericus[22] worked for the king's manor. None of them was a feudal tenant of the king or those ecclesiastical barons. Among those assaulted by the rebels as being the king's faithful subjects, there was no juror who had any household relationship with the king or re-

formist barons. We can infer from these facts that the king's or barons' political influence on jurors through household relationships was limited one.

Finally we will check the effects of patronage. The king could win the support of people by granting money, office and permits, while magnates could command popular support by giving assistance in various situations, such as in lawsuits, to local people with whom they had no obvious or direct connection. We note four jurors among the accused who received preferential treatment from baronial leaders. As mentioned above Willelmus de Alberd de Stowe was elected as sheriff in 1256[23]. Johannes Portehors was a king's buyer of wool in 1298[24]. Radulfus fitz Radulfus was one of the assistants of forest justices in 1262, and also nominated as a *custos pacis* in 1263[25]. Also Stephanus de Shelford was assigned to assess the fine of the Borough of Cambridge which was levied for giving assistance to the rebels[26]. Of these four, two posts were granted after the rebellion, so we cannot conclude that patronage decided the side of these two jurors in the rebellion. The other two were appointed as sheriff or *custos pacis*, but nevertheless they were accused as being on the rebels' side. On the other hand among those assaulted in the disturbance, we can find only one example of royal patronage, where Willelmus Bukesworth[27] was appointed as escheator in 1246. Although he had such a career, judging from the fact that he was attacked by the local royalists just after the battle of Evesham, it seems that he was assumed by the local jurors to be on the side of baronial reformers.

Besides the grant of office, other examples of patronage, such as the grant of money or permits, have not been discovered as far as those jurors are concerned. After the battle of Evesham,

the king started to grant safe conducts, protection, pardon or replevin to these people. Before 1258, when the barons rose up in the reform movement, it seems that the king's patronage did not come down to the level of local jurors. In any case, grants of patronage do not seem to have played an important role in jurors' choice of which side they would support.

Although among the jurors of the 1261 and 1268/69 eyres thirty-seven were identified as the accused, so far we have found only five jurors who had feudal relationship with the king or the reformist barons, three who were in the household of the king or barons, and effectively two who were granted patronage from the king or barons of either side. On the other hand, among the thirteen assaulted jurors, three had a feudal relationship with the king or barons, and one was granted patronage, but none was in the household of the king or barons. We can, therefore, assume only a slight possibility that the king or the barons exercised their influence on jurors through these three routes. Influence only through these routes could not fully explain the fact that as many as thirty-seven jurors in a county were involved in the reform movement or in the disturbance. Those who involved themselves in the movement, or who were assaulted by the local people as the king's faithful subjects, were assumed to be persons who were active in local politics. What roused them to action? Each of these three routes is a vertical relationship between the king or barons and the local jurors, but we have not yet investigated the horizontal relationship among the jurors in the local society. So, let us look at their society from another viewpoint.

3. Jurors in the local politics

As one of the factors that decided whether jurors sided with or against the king in a time of rebellion, or whether they deprived the surrounding area and people from the base of Isle of Ely even after the defeat of Simon de Montfort at Evesham in 1265, or disseized those disinherited at the command or connivance of the king, there seems to be either a hostile or conciliatory relationship among the local people which existed habitually, even before the outbreak of the rebellion. We have already seen the example of hostility among them. Being a mainpernor or a pledge can be regarded as an example of conciliation. A mainpernor was a person who undertook responsibility to bring the accused to the spcified court on the appointed day. In the Cambridgeshire-eyre those accused, except those who were caught red-handed or outlaws, were sometimes assigned to two of their friends acting as mainpernors by the justices. Once judged as punishable by a fine, the judge usually appointed some of the friends of the person who lost the case, to be pledges who would make him pay the fine. When the mainpernors or the pledges did not carry out their mission in any way, they were punished with *misericordia*, usually a fine, by the judges[28]. In these cases we can trace friendship between the litigants and the mainpernors or pledges.

Among the jurors of 1261 and 1268 eyre in Cambridgeshire, thirty-two jurors were named as either mainpernors or pledges. Five of them were presented as siding with the reformist barons[29], while another five were assaulted by the other local persons during the disturbance[30]. Hostile feeling or conciliatory relations among the jurors are represented in these eyre rolls, together with their association with the reformist barons' move-

ment or king's order. Let us look at two examples.

The first one is the case of Robertus de Coninton, one of the jurors of Papworth hundred. His title in the roll is *Dominus*, holding some land in the parish of Coninton from Hardwin de Scalers' fee, and holding a knight fee in Graveley, in addition to a number of small land holdings all over the county[31]. It was noted in the roll that he sided with the king during the disturbance[32], and after the army of Simon de Montfort defeated the king's army in the battle of Lewes in 1264, his property in the county was devastated by Nicholas de Segrave, active Montfortian, and other adherents of the barons in Cambridgeshire[33]. Because he was attacked in such an early stage of the disturbance, he seems for some time to have been known and marked by the local people as the king's faithful subject. He was also attacked by Philip de Colevile, local landowner. Philip was not himself a juror, but there were some jurors who held of him, such as Robertus de Feugers, Henricus Stilbel and Simon Clericus de Magna Wilbraham[34]. Robertus was noted as neither mainpernor nor pledge for the other jurors, but others, like Robertus de Bokesworth and Edmundus filius Andre de Fendreyton, acted for him as pledges in his action of trespass in Stain hundred[35]. This case suggests that both Robertus and Philip had respectively some kind of friendship with people eminent in local politics, holding lands in some hundreds, and also being elected as jurors. Philip's influence seems to have run to other localities through the tenurial relationship, while the help to Robertus came from the fellow jurors of the other hundreds. Moreover we should not overlook Robertus's influence in 'his own' hundred. For instance, Galfridus de Bakere de St Jove was presented by the hundred jury for his purchase of goods de-

prived of Robertus, and received a judgement of fine of twenty *denarios*[36]. Presentment juries should consist of persons different from those of trial juries, but in the Cambridgeshire-eyre we can see the same persons acting as both kinds of juror. We could consider that Robertus utilized his position as juror to present the opponent. This inference can be drawn from the fact that the hundred where the presentment was made curiously coincide with the hundred where the assaulted jurors, in other words king's favourites, were elected as hundred jurors[37].

The second example is the case of Henricus de Waddon, juror of Armingford hundred. According to the *Hundred Rolls* of 1279, he held one hide in Pycotes fe of Papworth hundred, and in addition various sizes of land and houses in Cambridge, Trumpington, and Coninton as well as in Parkeston, Huntingdonshire[38]. After Thomas, his brother, sided with Simon de Montfort in the battle of Lewes, and died in the battle of Evesham in 1265, Henricus was disinherited, and a half virgate of his land in Waddon (Armingford hundred) was disseized by Roger Leybourn, the king's favourite. Henricus tried to regain the tenure of the land. In the course of time he redeemed the land under *Dictum of Kenilworth* and was recorded as a holder of a hide in 1279[39]. On the other hand, he was recorded as one of those who assaulted Nicholas le Fraunceys, juror of Whittlesford hundred[40], and deprived Nicholas of the chattels to the house of Henricus in Trumpington. Willelmus Muschet and Johannes le Chamberleng' were also recorded in the eyre roll as the accomplices in the depredation. Mainpernors of Henricus in this case were Eustachius de Arleston and Walterus le Avener de Cauntebre'. All of these people except the accomplices were jurors of 1261 or 1268/69[41]. It seems that Henricus had a circle

of friends in some hundreds of Cambridgshire. He held lands in Armingford hundred but the range of his acquaintances were not limited within the boundary there. For example, he was nominated as a pledge with Walterus de Papworth, juror of Papworth hundred, for Hamo le Tayllur of Flendish hundred[42]. He was also a pledge of Simon filius Henrici, juror of Papworth hundred, whose father, Henricus de Swaveshe (Swavesey), was also a juror of the same hundred, and in another case became one of the mainpernors for Henricus de Waddon with Robertus Maddingle (Madingley), juror of Cambridge[43].

It seems clear that there were a circle of friends among the jurors, or people of the same rank, who helped each other across the boundaries of hundreds. On the other hand, a hundred jury, as a territorial group, was not always bound with a common interest, but sometimes even contained hostility. For instance Nicholas Knesworth was accused of assaulting Nicholas Magister de Wendye by Armingford hundred jury. The trial was submitted to the hundred jury, which presented a verdict of innocence. The presenting jury was fined of *misericordia* for a faulty presentment[44]. It is noteworthy that Nicholas Magister, the assaulted, was not only a member of the presenting jury but also one of the *electores* of jurors of the hundred. Although being members of the same hundred jury, most jurors appeared not to be so eager to present Nicholas Knesworth as Nicholas Magister was. There were more than two groups in a hundred jury hostile to each other, and one group in a hundred had an close connection with another group across the boundary of hundreds, offering help to each other. It looks as if each group was headed by a certain influential juror, who responded promptly to a stimulus from the outside of the hundred.

It is not clear at this moment what made those groups hostile or close. The difference in opinion concerning the reform of the realm, i.e. between the king's side and the reformist barons' one, cannot be regarded as the sole factor which divided the legal attitudes of the Cambridgeshire jurors, as seen above. Some reason in their local society was probably present as a hidden factor, but so far no clue has been discovered in the eyre rolls. On the other hand, kinship, and matrimonial or territorial relations could be considered as the factors behind close links. I have found three example of father-and-son relation among jurors besides the aforementioned one. An example of sibling relation of jurors has also been found[45]. No matrimonial relation has been found. The eyre rolls tells us nothing of the effect of these relationships.

As for territorial relationships the hundred jury was not always united, as mentioned above. In spite of the differences of opinion, however, the hundred jury worked together in the proceedings of presentment, trial and verdict, and were then dismissed from their role. Next we have to see how they acted together in the course of trials.

The first case. The jury of Whittlesford hundred was fined in *misericordia* for their inappropriate procedure both in presenting the local rebels and in preparing for the trial[46]. It is curious that the entire sum of the fine, forty denarios, was paid by one of the jurors, Simon Sage. Why did not each juror share it?

The second case. The jury of Radfield hundred answered the justice that three of their colleagues, namely Hugh Deveneys, Willelmus Rubetot and Robertus Sewal, were in the Tower of London against the king, and that another three of the jury,

namely Walterus Aubre, Willelmus Noreys and Galfridus filius Hugonis, received some gift from Michael Kirkebi de Burgo, who was a rebel in the Tower. The jury was fined in *misericodia*[47]. It is astonishing that the six jurors out of twelve had an association of some kind with the rebellion, but more than that, it is interesting that this case is written on a small piece of parchment affixed to the main one. Seeing that the case was written by a different hand, this entry looks as if it was specially inserted after the main business of the court was completed. We may imagine that the jury at first concealed the facts. Astonishingly the electors of the jury were two of the abovementioned six jurors[48].

These cases suggest not that the hundred jury operated democraticaly, where each juror had equal voice on issues, but that the function or commission of the jury was utilized under the initiative of a leading juror. Simply because twelve belonged to the same hundred jury, it not mean that they always shared united political ideas, but it is likely that a leading juror or a group in a jury could work on the other members to make their interest the unanimous idea of that jury. When the legal procedure was proved to be abused, how did the justice cope with the case? In two cases the jurors were punished with a fine. In the other case the justice not only punished the jury with a fine, but also ordered another jury to be found[49]. The justice's measures against the jury's conduct in the eyre stopped here. They never cancelled the commission of electing jurors or delivering a verdict.

Robertus de Coninton, mentioned in the first example, was recorded as a faithful subject of the king in the eyre roll, but he was not a tenant in chief, nor was there any evidence found in

which he was granted patronage from the king. It is not clear from the printed sources how he came to be on the side of the king. The roll tells us that Henricus de Waddon, mentioned in the second example, was disinherited because his brother was a rebel, but it does not explain why the brother of Henricus sided with Simon de Montfort, or why Henricus himself was also active in the local disturbance and accused in the eyre. No evidence has been found that Henricus was a tenant or a household of a rebel lord, nor that any patronage was given to him. Considering what these examples show, the problems confronting local people like Robertus or Henricus are presumed to be different from those over which the barons conflicted with the king in Oxford or Westminster. Some clauses of Provisions of Oxford tell us that the king and the barons were struggling over the initiative of the central government. The Provisions of Westminster have some clauses which redress the complaints of local people under the authority of the chief justiciar, or the central government (the Council of fifteen magnates). Does the baronial cause explain why Henricus de Waddon was assaulted by the local people, or make clear why Henricus attacked a juror of a neighbouring hundred, Nicholas le Fraunceys? We can suppose that there were some tensions in the usual relationships of the local leading persons, and also some network of cooperation among them. Once some influence was given to these persons or groups from the outside, their political ideas and their influence would be delivered through the personal network.

Conclusion

The following four points have been demonstrated.

1. In Cambridgeshire in 1260s, local jurors had a relation with the king or the barons as feudal tenants, households or clients, but the extent of the connection was not very strong.
2. Among the jurors there was some relation of either hostility or cooperation which would appear on the occasion of eyre. This relation existed across the feudal relationship or political ideas about the reform of the realm. Political maps among the local people could be independent of the main programmes of baronial reform movement. No examples have been discovered in which the whole of a local community participated in the movement with a concrete political idea.
3. Some leading jurors or groups of jurors took the initiative to utilize the commission of the jury to their advantage. They seem to have formed personal networks under their own influence, and, once influenced from the outside, responded with their interest, and assuming the character of the king's or the reformist barons' followers.
4. When the abuse of the rules of the eyre was disclosed, the jury was punished and dismissed, but usually the justice in eyre affirmed the verdicts of the local jury and did not interfere with local affairs.

On the whole the eyre had the role of giving a decision about local conflicts and recording it in the rolls of the itinerant justices. For the Cambridgeshire jury the function of the central government was looked upon as that.

Notes

1 *Documents of the Baronial Movement of Reform and Rebellion 1258–1267*, ed. R.F. Treharne & I.J. Sanders (Oxford, 1973), pp.98–99, 150–155.

2 E.F. Jacob, *Studies in the Period of Reform and Rebellion 1258–1267* (Oxford, 1925), pp.143, 332.

3 D.A. Carpenter, 'English Peasants in Politics 1258–1267,' *Past and Present*, 136, 1992, pp.3–42; P.A. Brand, The Contribution of the Period of Baronial Reform (1258–67) to the Development of the Common Law in England, (unpublished PhD theis, University of Oxford, 1974), pp.266–9.

4 Carpenter, 'English Peasants', pp.4–6, 22–3, 26, 27–8, 30, 41–2.

5 *English Historical Documents*, Vol.2, ed. D.C. Douglas and G.W. Greenaway (Oxford, 1981), pp.440–1.

6 *Rotuli Hundredorum*, ed. W. Illingworth and J. Caley, 2 vols. (Record Commission, London, 1812–18).

7 Public Record Office, London, Just1/82, 1/83.

8 *Documents of the Baronial Movement*, pp.324–9, 332–5.

9 *Victoria County History of England: Cambridgeshire and The Isle of Ely*, vol.2, ed. L.F. Salzman (London, 1967), 389–97.

10 Public Record Office, Just1/83, membrane 28; *Feudal Aids*, vol.1 (Public Record Office, London, 1899), 145; *Victoria County History of England: Cambridgeshire*, vol.3, ed. J.C.P. Roach (London, 1967), 39; J.M. Grey, *Bibliographical Notes on the Mayors of Cambridge* (Cambridge), pp.7–8.

11 Just1/83, mm.15, 34; *Rotuli Hundredorum*, vol.2, pp.393, 455; Carpenter, 'English Peasants', p.20.

12 Just1/83, mm.24dorsum, 34d; *Rotuli Hundredorum*, vol.2, p.543. He held of bishop of Ely.

13 Just1/83, mm.16, 21d, 26d; *Rotuli Hundredorum*, vol.2, p.400, 356. He held of Earl Marshal.

14 Just1/83, mm.22, 22d, 30; *Rotuli Hundredorum*, vol.2, pp.542. 543. He held of bishop of Ely.

15 Just1/83, m.29; *Rotuli Hundredorum*, vol.2, pp.426–7, 429

16 Just1/83, m.17d; *Liber Memorandorum Ecclesie de Bernewell*, ed. J.W.Clark (Cambridge, 1907), p.204; *Victoria County History of England: Cambridgeshire*, vol.9, ed. A.P.M. Wright and C.P. Lewis (London, 1989), p.15.

17 Just1/83, mm.9d, 17d, 34; *Rotuli Hundredorum*, vol.2, pp.472, 482–3; *Liber Memorandorum*, p.239; *Feudal Aids*, vol.1, pp.147–8.

18 *Victoria County History of England: Cambridgeshire*, vol.9, p.390.
19 *Victoria County History of England: Cambridgeshire*, vol.9, p.394.
20 Just1/83, m.21d; *Rotuli Hundredorum*, vol.1, 54, vol.2, pp.535–6, see also pp.524, 538; *Liber Memorandorum*, p.244.
21 Just1/83, m.22; *Victoria County History of England: Cambridgeshire*, vol.2, p.64.
22 Just1/83, m.19d; *Rotuli Hundredorum*, vol.2, p.584–5; W. Farrer, *Feudal Cambridgeshire*, (Cambridge, 1920), p.263.
23 Public Record Office, *Lists and Indexes*, vol.9, (London, 1898), p.12.
24 *Victoria County History of England: Cambridgeshire*, vol.2, p.263.
25 *Calendar of Patent Rolls, Henry III*, vol.5 (Public Record Office, London, 1910), pp.205, 358.
26 Just1/83, m.24d.
27 *Calendar of Patent Rolls, Henry III*, vol.3 (London, 1906), p.483; Just1/83, m.17d.
28 F. Pollock and F.W. Maitland, *History of English Law before the time of Edward I*, 2nd ed., ed., S.F.C. Milsom, vol.2 (Cambridge, 1968), pp.584–90, 185.n.2.
29 Willelmus de Stevichesworth, Willelmus Alberd de Stowe, Walterus le Fremenger, Robertus de Maddingle, Henricus de Waddon de Eye.
30 Robertus de Bokesworth, Willelmus Bukesworth,Thomas Freman, Johannes Gynaunt de Lollewrth, Nicholas Magister de Wendye.
31 *The Book of Fees*. vol.2 (Public Record Office, 1920), pp.1181; Farrer, *Feudal Cambridgeshire*, p88; *Liber Memorandorum*, p239; *Feudal Aids*, vol.1, p.148; *Rotuli Hundredorum*, vol.2, p.482.
32 Just1/83, mm.34d, 18.
33 Farrer, *Feudal Cambridgeshire*, pp.86, 88; Just1/83, mm.17d, 18; *Rotuli Hundredorum*, vol.2, pp.471–2.
34 Robertus was a juror of Armingford hundred, Henricus was of Northstow, and Simon was of Staine. On the holdings of Philip, see *Rotuli Hundredorum*, vol.2, pp.448–50.
35 Just1/83, m.9.
36 Just1/83, m.18.
37 There has been discovered no case in which the damage of the juror of the barons' side was accused by the jury of the same hundred.
38 *Rotuli Hundredorum*, vol.2, p.468.

39 *Victoria County History of England: Cambridgeshire*, vol.8, ed. A.P.M. Wright (London, 1982), p.146.

40 Just1/83, m.22; Willelmus was elected later as a commissioner of *Hundred Rolls. Rotuli Hundredorum*, vol.2, 446, 542, 554. Johannes was a parson of the church of Beche, whose advowson was held by Gilbert de Peche, local leader on the barons' side. *Rotuli Hundredorum*, vol.2, p.453.

41 Moreover Henricus was accused on two cases; Just1/83, m.4, and *Calendar of Inquisitions Miscellaneous*, vol.1 (P.R.O., 1915), no.718.

42 Just1/83, m.23. Hamo was suspected that he sheltered persons from Isle of Ely.

43 Just1/83, m.2.

44 Just1/83, m.16d.

45 The examples of father-son relation can be found between Thomas de Barton and Warin filius Thomae de Barton (Wetherley hundred), Henricus de Hynton and Johannes filius Henrici Magister de Hynton (Flendich hundred), and Robertus de Maddingle and Willelmus filius Roberti de Maddingle (Cambridge, Northstow hundred). Willelmus Randolf (Cheveley hundred) was supposed to be a brother of Galfridus frater Willelmi Randolf.

46 Just1/83, m.30.

47 Just1/83, m.21, 21d.

48 Robertus Sewal and Willelmus de Rubetot.

49 Just1/83, m.24d.

9
The Hundred Jurors in Cambridgeshire in the 1260s: the case of Armingford Hundred

In the former chapters on the hundred jury of Cambridgeshire in the 1260s, I concluded that each juror was not an individual representative like a modern Member of Parliament, nor directly controlled by the king or his lord. I also mentioned that each juror worked with local concerns in mind[1]. However, as a matter of fact, I gave only a few examples from the eyre rolls in evidence.

Did the king or magnates impose as a matter of fact their exclusive political influence on the hundred jury through their tenants, subjects or households? I suppose the answer will be negative. The king or a magnate could influence one or two jurors among twelve in a jury, but another magnate could also interfere in the jury through other jurors. So, unanimity of jurors' opinion could not easily be expected. In the present chapter I would like to examine whether the influence from outside, that is from the king or magnates, on the jury could function in the case of the hundred jury of Armingford, Cambridgeshire, in the 1260s, through close review of the eyre rolls.

If the influence from outside did not work well, the verdict of the hundred jury had to be determined among the jurors consulting each other. That is another point to be investigated in this chapter. Of course the second point is closely related to the historical topic, self-government at the king's command.

I explored two eyre rolls of Cambridgeshire, namely those of the eyre in 1261 and of the eyre in 1268/69[2]. The 1261 eyre

was an ordinary one, while the 1268/69 eyre was a special one, because its rolls contain many judicial cases concerning the *Dictum of Kenilworth*. In other words the special eyre of 1268/69 was intended to judge to what extent a defendant was involved in the disturbance between 1264 and 1267, or was a supporter of Simon de Montfort's or the non-conformist barons' movement.

When we read the eyre rolls, we can see some tendencies in the jurors' presentment. Generally speaking, as Meekings once noted[3], hundred presenting jurors had a common tendency to avoid presenting their neighbours. However, although they concealed some cases from the eyes of the itinerant justices, in other cases they made presentment with a kind of factiously spirited intention. Were there factions among a hundred jury or the local landholders in each hundred? When they presented someone of their hundred, were they influenced by their lords or the king?

1. Who were the hundred jurors?

I have already written about their holdings in Cambridgeshire, and their feudal relationships in the former chapter[4]. Actually 179 names are found in the jurors' list of the 1261 rolls, and 200 names in 1268/69, while sixty three names appear twice. In 1268/69 besides ordinary hundred jurors, some thirteen persons were selected as '*juratores hundredorum de Comitatu Cantebrigie*' who were to present the '*seisiatores*' (those who seized the land of the Disinherited into the king's hand). I will call them 'select jurors'. (See table 3.) Let us take an example of the jury of Armingford hundred. There are twelve names in the 1261's juror list and twelve names in the 1268/69's juror list. (See tables 1 and 2) Among these 24 names two men

table 1 Jurors of Armingford hundred (1261)

Abbington / Willelmus de
Monasterio / Humfridus de
Fugerus / Robertus de
Trayley / Willelmus le
Ruffus / Thomas / de Meldeburn
Tadelowe / Robertus de / Magister
Clopton / Humfridus de
Crauden / Wydo de
Fugers / Walterus de
Denton / Radulfus de
Johannis /Alanus filius / de Mordon
Ripariis / Simon de la

table 2 Jurors of Armingford hundred (1268/69)

Rus / Thomas le / de Melrey
Payne / Willelmus / de Meldborn
Eye / Henricus le / de Waddon
Wendye / Hugo de
Biboys / Ricardus / de Habington
Goudwyne / Robertus
Hugonis / Thomas filius / de Geldenemord
Capellini / Johannes filius / de Littlingthon
Tadelowe / Baldwinus de
Wendye / Nicholaus Magister de
Ripariis / Simon de / de Seneg
Ad Ecclesiam / Humfridus / de Granden

table 3 Select jurors (1268/69)

Bogerwrth / Willelmus de
Cunnington / Robertus de
Abington / Willelmus de
Bokesworre / Willelmus de / Dominus
Coninton / Robertus de / Dominus
Abinton / Willemus de / Dominus
Subdir / Willelmus de / Dominus
Rosey / Baudewynus / Dominus
Ochele/ Simon de / Dominus
Furneus / Simon de / Dominus
Scalarius / Johannes de / Dominus
Harveys / Philippus filius
Bokeswrth / Robertus de
Barbedor / Willelmus de
Fugers / Robertus le
More / Simon de la

appear 1261 and then again in 1268/69. (Humphridus de Monasterio, Simon de Ripariis) Seven names are found in *Feet of Fines, Cambridgeshire*[5], (Thomas le Rus, Henricus de Waddon, Willelmus de Abington, Humphridus de Clopton, Geofridus de Crowden, Richardus de Biboys, Nicholas de Wendye). None of them was an active buyer (defender) nor seller (plaintiff) of land. Only two of them (Thomas Rus and William of Abington) left evidence of trade in lands.

Using Farrer's *Feudal Cambridgeshire*[6], I made a list of landlords and jurors in the 1260s of each parish in Armingford hundred. Some jurors in the list were holders of lands or messuages, but others were not.

There were fourteen parishes in Armingford hundred in the 1260s.

(1) In the parish of Staple Mordon (Steeple Morden), in 1260s, the largest landowner was the king. From him through three mesne lords, William de Abington held a half knight fee; the church of Staple also kept some land from the king[7]. Geoffrey de Scalers held one hide, from whom William de Abington also held one knight fee[8]. William de Abington was one of the hundred jurors in 1261, and in 1268/69 was selected as one of the jurors who were to present *seisiatores* after the battle of Evesham.

(2) In Abington Pigot (Pigotts) parish the king was the largest landowner. From the king William de Abington held one knight fee[9]. In 1261 William was a juror and in 1261 Richard Biboys was a juror, who held half a knight fee from the earl of Gloucester[10].

(3) In Tadelow (Tadlow) parish in 1242, Fulk fitz Warin held one knight fee. After the battle of Evesham, the earl of Glouces-

ter seized his land[11], but in 1276 the same land was held by another Fulk fitz Warin. He was a Marcher lord, so not resident in Cambridgeshire, and in 1268–69 he was presented twice by the hundred jury[12]. In 1261 Magister Robertus de Tadelow was a juror of the parish[13] and in 1268/69 Baldwin de Tadelow was a juror, who is also one of the two electors of the hundred jurors then.

(4) In the parish of Clopton in 1261 two main landlords were Alexander Aundevill[14] and Geoffrey de Rus[15], who held half a knight's fee each, and both of them were resident. A juror of the 1261 eyre was Humphridus de Clopton[16], and he was also an elector of jurors, but in 1268/69 there was no name bearing Tadelow on the jurors list.

(5) In East Hatley there were two landlords, John de Quye, holding a quarter of a knight's fee[17], and Walter Hoo, holding a quarter of a fee[18]. There was no juror bearing the parish name in 1261 nor in 1268/69.

(6) In Croydon Gilbert de Peche, a barony holder, held one knight's fee. The family of Feugers held half a fee. Robert de Feugers, juror in 1261, held a significant amount of land in several hundreds of Cambridgeshire and was also one of the select jurors in 1268/69[19]. On the other hand Walter de Feugers was also one of the jurors in 1261 but not from this parish. In 1261 Wydo de Crowden was empanelled as a juror. There seems to have been no juror from Croydon in 1268/69.

(7) In Wendye (Wendy) the main landlord was Ralph fitz Fulk, but he was attached during the course of disturbance at Kenilworth Castle in 1267. He was disinherited. Under the *Dictum of Kenilworth* some arrangement was made for the benefit of his wife[20]. But the king granted the land to Peter of Savoy, his rela-

tive. In 1268/69 the select jury presented Peter of Savoy as a *seisiator*, who seized the land before the king granted it to him. In 1268/69 Magister Nicholas de Wendye and Hugo de Wendye were jurors. The former was also an elector, holding land in the parish of Guilden Mordon (Guilden Morden), too.

(8) In Waddon Geoffrey de Scalers held two knights fees of land from the king[21]. Geoffrey enfeoffed some small land to Thomas Waddon (Whaddon), Ralph Saham and the abbot of Lawenden. Thomas was a supporter of Simon de Montfort and killed at Evesham. His brother Henricus was a juror in 1268/69 and was presented several times at various hundreds in 1268/69.

(9) In Meldreth the main landlord was the king. Some part of the land was held by Warin de Bassingbourn, a local royalist[22], but he also seems to have some feudal relation with the earl of Gloucester, because in 1262 the earl took some rent for his land. In1268/69 the juror of Meldreth parish was Thomas le Rus, but he did not hold any of land in the parish[23].

(10) In Meldbourn (Melbourn) the largest landlord was Giles de Argentin, a baron and a supporter of Simon de Montfort. He was presented in the eyres several times[24]. Neither of the jurors (Thomas Ruffus and William Paynel de Meldbourn) held land in the parish.

(11) In Littlington the main landlord, Robert Loring held one and a half knight's fees from the earl of Gloucester[25]. A juror in 1268/69, John fits Capellani, did not hold land from the earl[26].

(12) In Guilden Mordon land holding information in 1261 is not enough to know who was the main landlord[27]. In 1261, the jurors were Alanus fitz Johannnes de Mordon[28] and in 1268 Thomas fits Hugonis de Guilden Mordon.

(13) In Shingay[29] Alanus de Shingay held one hide of land,

while Simon Ripariis de Shingay was a juror both in 1261 and in 1268/69.

(14) The parish of Bassingbourn will be discussed later.

Generally speaking there was no magnate who held land predominantly in this hundred in the 1260s. Except for the king, the largest landowners were Giles de Argentin, holding one and three quarters of knights' fees, and Robert Loring who held one and a half fees[30]. Excepting these two, each parish had three or four landlords who held a half of a knight fee each. Not all of them were resident in the parish. These leading landlords of each parish were not always panelled as jurors. Jurors were in general lesser landholders or messuage (toft) holders. The only two exceptions were William de Abington, juror of Abington Pigot in 1261, who held one knight fee in the same parish from the king[31], and Richard Biboys, juror of the same parish in 1268/69, who there held half a fee from the earl of Gloucester[32]. The other jurors held only minute pieces of land or a messuage in this hundred. Of course we should not forget that some of them had a small landholding in this hundred, while holding tenements in another hundred or county.

I have noted that some of the jurors were presented by a hundred jury of other hundred than Armingford, or a select jury in 1268/69 for trespass or seizure, (just as was the case of Henry de Waddon or Baldwin de Tadelow). But these were rare cases. Resident landlords were rarely presented by a hundred jury. On the other hand, non-resident large scale landlords were sometimes presented, as in the cases of Peter of Savoy[33], Fulk fitz Warin or Giles de Argentin[34]. The earl of Gloucester was presented as a *seisiator* several times by the select jury in

1268/69. He was of course a non-resident magnate and once a supporter of Simon de Montfort, and also had many sub-tenants in Cambridgeshire[35]. It is interesting to consider why a hundred jury might have presented a magnate who was a lord of fellow jurors.

2. Was there self-government in Armingford hundred?

The eyre roll, Just 1/83, consists of thirty four membranes. Membrane 33 includes twenty nine cases of seizure of the land of the disinherited after the battle of Evesham. Among the twenty nine cases, only three concerned the land in Armingford hundred[36].

Case 1 The earl of Gloucester seized the land of Ralph fitz Ralph fitz Fulk[37] after the battle of Evesham. Later King Henry III granted the same land to one of his favourites, William Giffard[38]. Therefore, Ralph had to pay the redemption fine not to the earl but to William Giffard.

Case 2 Warin de Bassingbourn, the king's favourite[39], seized the land of Giles de Argentin[40], Simon's supporter, in Melbourne, after the battle of Evesham.

Case 3 Roger Leybourne, the king's favourite[41], seized the land of Thomas de Waddon after Thomas was killed at Evesham. His brother Henricus[42] had to work to redeem the land from Roger.

Warin de Bassingbourn, who was presented by the select jury in 1268/69, was a local landlord and was active on the side of King Henry's army[43] against that of Simon de Montfort during the years 1264–65. So he was not always resident in Armingford hundred but travelled a lot away from home. In the eyre of 1261 he appealed as a plaintiff in the roll[44]. Geoffrey de

Luton, servant of Warin, appealed in the county court eight persons of robbery committed against Warin in his manor of Bassingbourn, and of his wife being ravished and abducted by them, and the king's peace broken[45]. Geoffrey did not appear in the court. The defendants denied robbery and were outlawed. At the same court he also appealed four other persons of instigating and abetting. In the county court, only one of the defendants appeared, denying the accusation, and put themselves on the country (that is, the jury's verdict). The hundred jury said that they were not guilty.

The fact that his servant appealed at the court means that the hundred jury had not presented the matter. Did the jurors have any bad feelings against Warin? Warin was presented by the jury of the borough of Cambridge. He was also presented by the juries of Radfield, Stow, and Stane hundreds of the receipt of rent from the land of the disinherited. In Triplow (Thriplow) hundred his name appeared as a victim of trespass[46].

In the case of Radfield hundred, the earl of Gloucester was presented because he seized the land of Philip Colevill, one of his adherents, immediately after the battle of Evesham. But later the king granted the land to Warin de Bassingbourn, so Philip had to pay the redemption fine to Warin[47]. As Professor Altschul mentions in his book on the earl of Gloucester, the earl seized his adherents' lands immediately after the battle of Evesham and later he returned to them those lands. His act of seizure was meant as a kind of help to his adherents against the avarice of royalists[48]. If the theory is true[49], the earl's interest was against that of Warin in Cambridgeshire. And from the view point of the select jury in 1268/69, those jurors noted the antagonism of interests between the earl and Warin in their

presentment. Guilt or innocence depended on the verdict of the trial jury, but the presenting jury dared to express their own feelings in their presentment. The role of the select jury was supposed to present the seizure cases in which the disinherited were disseised after the battle of Evesham, while the hundred jury was to present other cases. But the select jury seemed to have depended on the memorandum made by the hundred jury, just as the presentment made by the hundred jury of Chilford hundred, which coincided with that of the select jury.

Though Warin, too, held lands in the same hundred, it looks as if the jurors preferred to protect the tenements of their neighbours rather than to be silent about Warin's interruption who relyed upon the royal authority. The same thing happened in Armingford hundred. The earl of Gloucester was ordered by the justice to return the land seized by him into the king's hand instead of returning it to his adherents[50].

Warin was an active royalist and not always resident in Cambridgeshire nor in Armingford hundred. How was he looked upon by the hundred jurors? In the 1260s there were three large landowners in the parish of Bassingbourn. Peter of Savoy, one of the king's relatives, held seven and a half hides[51], while Warin held one hide, and Geoffrey de Rus, a local landowner, held one hide. Among these three, only the house of Rus produced a hundred juror in the 1260s. Thomas de Rus was empanelled both in 1261 and 1268/69. He was never presented by the fellow jury. Warin, as I mentioned before, was presented several times. Peter was presented once in 1261. He died in 1268. Thomas de Rus was resident but the other two, non resident, were presented. The hundred jury preferred the interest of resident local landowners. We may note that there was a

feeling of local interest expressed in the presentment. Does this mean there was self-government in the local society?

3. Did the pressure from outside control the hundred jury?

As we saw in Warin's case, one of the pressures from outside was that of the king. The king could influence the local society through two routes. One was through his sheriffs and other officials, and the other was through jurors affected by royal authority.

First the pressures through sheriffs and officials are examined. Between 1258 and 1268 there were eight persons acting as sheriffs in Cambridgeshire[52]. (See tables 4 and 5.) Among them, William de Stow, John de Scalers and Sayer de Frevill were adherents of rebellious barons[53]. On the other hand royal sheriffs were William le Moine, John Luvel, John le Moine, and Almaric Peche. Robert de Estre's side is not clear from the rolls. Though Sayer de Frevill was appointed as a sheriff not by the council but by the king, he was presented as an adherent of the rebel barons. The king's intention seems to have been ineffective through this route. On the contrary John de Scalers was appointed by the reformist council and his servants were presented of trespass, but he could afford the judgement of *misericordia*[54]. The king granted a lot of patronage to persons who were empanelled as jurors. For example, giving them an office such as escheators (John Luvel, Almaric Peche), constable (William de Stow), justice of the eyre (John Luvel, John le Moine)[55]. However any clear evidence of those juror's commitment into the trial or verdict as a king's agent, could not have been found in the eyre rolls.

How about the bailiffs? There can be found nineteen names

table 4 Bailiffs of Armingford hundred

Muleswurth / Godefridus de (1261)
Dun / Johannes / de Grandene (1268/69)

table 5 Sheriffs of Cambridgeshire (1256–1270)

William de Stow	1256/5/11–
William le Moyne of Ravat	1258/11/3–
John de Scalariis	1259/9/29–
John Luvel	1261/7/9–
Sayer de Frevill	1262/2/26–
John Luvel	1262/10/8–
John de Scalariis	1264/6/18–
John le Moyne	1265/8/24–
Almaric Peche	1265/9/29–
Baldwin de Sancto Georgio	1267/11/23–
Sayer de Frevill	1267/12/25–
Robert de Estre	1270/8/5–

of bailiffs in the Cambridgeshire eyre rolls in 1261 and 1268/69. I consulted several sources (*Feet of Fines, Hundred Rolls, Charter rolls, Inquisitions Miscellaneous, Liberate rolls*), but only seven bailiffs' names appear in these sources, and only four of them can be traced in the eyre rolls[56]. Hundred bailiffs were nominated by sheriffs whether they had tenement in the hundred or not. One person was often nominated for having two hundreds in charge. They should have been the representatives of the public authority, but only two exact examples of such cases are found in the roll[57]. Besides these two I have not found any example in which hundred bailiffs interfered in the trial as a king's agent.

Next we examine the second route, that is the route through jurors. How many of king's tenants were there among hundred jurors? Jurors who held land *in capite* numbered only nine in the rolls[58]. I could not find any example of their acting

as a king's agent in the local society at least in the presentment.

Some of the hundred jurors were presented by the hundred jury. Nicholas le Rus, juror in 1261 and also bailiff of Cheveley hundred in 1268/69, was presented of fraudulent appeal in 1268/69 by the hundred jury[59]. John de Portehorse, juror in 1261 and bailiff of borough of Cambridge in 1268/69[60], was presented as a buyer from robbers in 1268/69. He held lands in several hundreds in Cambridgeshire and was active as a pledge or a mainpernor. Both of these two jurors used the office for their own sake, not for the king.

Through these routes the king's intention does not seem to have penetrated into local society. Didn't the king interfere with local affairs? Yes, he did. He granted the seized land of the rebels to his favourites, major and minor. He also recognized his favourite's personal seizure of the disinherited's lands afterwards as a matter of fact. He tried to keep his authority in local society by appointing his local officials. For example in 1261, he complained about the council's nomination of local officials, or in 1264 he insisted on his free nomination of stewards and other ministers. The king seems to have kept his authority of granting land, office and other benefit to his favourites[61]. By using this power he interfered with the local affairs. But the king's intention was not always successful, because other factors worked against his will.

4. The earl of Gloucester's interest in local affairs

There were twenty cases of seizure of rebels' land in membrane 33 of the eyre rolls. Out of twenty nine cases the king ordered the sheriff to seize the lands of five rebels. Five

separate seizures were made under the guidance of the earl of Gloucester. Warin de Bassingbourn was seized in three cases, Alan la Zuche in two cases, and Prince Edward in one case.

The king ordered the sheriff to seize the lands of rebels, but the name of the actual *seisiatores* did not appear in the rolls. The earl of Gloucester gave his order to seize some of the disinhereted's lands and put them into the hand of his local servants, John le Merk, Radulfus Litlington, Richard le Brustlere (the earl had another two local agents in the county: Ralph fits Fulk and William Scumdmur). Alan la Zuche made the same order to William Cuthbert. Warin de Bassingbourn also placed the same order, but his agent's name has not been found. Out of five cases where the earl seized rebels' land, four lands were later granted to other landholders by the king. The interests of the earl of Gloucester and the king were directed toward the opposite ends.

Against Warin de Bassingbourn, who used the royal favour for his own interest to take other person's land into his use, the hundred jury or the select jury felt some hate as I said before. Peter of Savoy, the king's relative, who was granted lands in Cambridgeshire by the king and had many feudal tenants in the county, used his patronage for his own interest not for local people. Then he found that his servant was presented by the hundred jury[62]. Alan la Zuche, the king's favourite, who was also granted land by the king, had his own agent in Cambridgeshire. His brother was also successful in keeping land granted by the king.

Both King and magnates influenced the local society through their own local agents or connections. William de Abington, a predominant juror in Armingford hundred, was a

tenant of the king. On the other hand Richard Biboys, the second predominant juror of Armingford hundred, was a tenant of the earl of Gloucester. Both of them may have worked for the king or the earl. Patronage was a useful policy not only for the king but also for magnates[63] in these cases.

Conclusion

If self government means autonomy by which local people can decide their vital affairs themselves, there was no self government in Cambridgeshire in the 1260s. Hundred juries may have been influenced not only by the king's patronage, but also by that of magnates. The king did not command them but interfered in what they did.

Notes

1 Chapter eight above.
2 London, P(ublic) R(ecord) O(ffice), Just 1/82 and 83.
3 *Crown Pleas of Wiltshire Eyre 1249*, ed. by C.A.F. Meekings, Wiltshire Record Society, Devizes, 1961, pp.24–36; *The 1235 Surrey Eyre*, ed. by C.A.F. Meekings, Surrey Record Society, xxxi, Guildford, 1979, pp.94–98.
4 Chapter 7.
5 *Pedes Finium or Fines, relating to the county of Cambridge*, ed. by W. Rye, Cambridge, Cambridge Antiquarian Society, 1891; *Fines, sive Pedes Finium, sive Finales Concordiae in Curia Domini Regis*, Record Commission, ed. by J. Hunter, 1835–44.
6 Farrer, W., *Feudal Cambridgeshire*, Cambridge, 1920.
7 *(The) B(ook of) F(ees)*, ii, 1923, p.902; *C(halendar of) Ch(arter) R(olls)*, i, 1895, p.331; *C(lose) R(olls)*, 1242–47, 1916, p.527.
8 *BF*, ii, no.924; *C(alendar of) I(nquisition) P(ost) M(ortem)*, ii, 1906, p.45.
9 *CIPM*, i, 1904, no.96, ii, no.66; Just 1/83. m26d.
10 *Liber (Memorandorum Ecclesie de) Bern(ewelle)*, ed. by J.W. Clark,

Cambridge, 1907, p.248; Just 1/83. m34.

11 Just 1/83, m28; *C(alendar of) P(atent) R(olls)*, 1258–66, p.338, 534, 446; *R(otuli) H(undredorum)*, ed. by W. Illingworth & J. Caley, Record Commission, i, 1812, pp.9, 11, 16.

12 *RH*, i, p.50.

13 *RH*, ii, 1818, p.436.

14 *Liber Bern.*, p.246.

15 *Plac(itorum) Abb(rebiatio)*, ed. by G. Ross, 1811, p.160.

16 Just 1/82, m36.

17 *Liber Bern.*, pp.246–7; *BF*, ii, p.222; PRO, CP25 (1)/25/16, no.25; B(ritish) L(ibrary), Additional Charters, Ch 6293; Lansd., M.S., 863, f.61v; *RH*, i, p.51, ii, pp.492–6, 502.

18 PRO, E150/88, no.3; C142/122, no.14; *Liber Bern.*, pp.246, 261.

19 *Liber Bern.*, pp.246, 254; *Cur(ia) Re(gis) R(olls)*, v, pp.139–40.

20 *Liber Bern.*, pp.246, 248, 273; *CPR*, 1266–72, pp.92, 147; *CIPM*, ii, nos.340, 381; *RH*, ii, pp.475, 561.

21 *BF*, ii, p.924; *CPR*, 1247–58, p.626, cf. p.117.

22 *Robert of Gloucester*, RS, ii, pp.751–2; *Flores Historiarum*, RS, ii, p.503; F.M. Powicke, *King Henry III and the Lord Edward*, Oxford, 1947, pp.486–7; *Royal Letters, Henry III*, RS, ed. by W. Shirley, ii, 1862, p.252; Treharne & Sanders, ed., *Docments of Baronial Movement of Reform and Rebellion*, Oxford, 1973, pp.318–9; *CIPM*, i, nos.712, 790; *CPR*, 1266–72, pp.7, 43, 61, 77; *CChR*, ii, p.56; Just 1/83, mm20d, 23, 24d (bis); *CR*, 1251–53, p.491; PRO, CP 25(1)/26/42, no.21.

23 *CIPM*, i, no.661; *V(ictoria) C(ounty) H(istory of Cambridgeshire and Isle of Ely)*, ed., by A.P.M. Wright, Oxford, 1982, vol.8, p.35; *RH*, ii, p.504.

24 Just 1/83, mm19d, 22d, 31,33; *CIPM*, ii, no.463; *Ex(cerpta e) Rot(ulis) Fin(ium in Turri Londoniensi)*, ed. by C. Roberts, ii, 1836, p.470.

25 *CR*, 1261–64, p.287.

26 Just 1/83, m17. John Capellanus filius Johannis capellani is mentioned as the father of one of the Ely depredators.

27 He held a half knight's fee from the barony of Earl Marshal. *BF*, ii. p.930, cf. p.921.

28 *RH*, ii, pp.486, 565.

29 *P(lacita de) Q(uo) W(arranto)*, ed. by W. Illingworth, 1818, Record

Commission, p.99; *VCH*, vol.8, p.124; *(The) Comp(lete) Peer(age)*, ed. by G.E. Cokayne, 2nd ed., 1910–59, v, pp.685–6.

30 *CIPM*, i, p.159.

31 *C(alendar of) L(iberate) R(olls)*, 1267–72, 1964, p.205.

32 *Liber Bern.*, p.248.

33 *RH*, i, p.51; Powicke, *King Henry III*, p.515n.

34 *BF*, ii, p.924; *Liber Bern.*, p.249; *CIPM*, ii, p.194; Just 1/83, m33, cf. mm7, 19, 22d; *Ex. Rot. Fin*, ii, p.5.

35 *RH*, i, pp.50–1; *CIPM*, i, p.160; *PQW*, p.100; PRO, SC 2/214/6 & 11, SC 2/213/57, SC 2/155/64–66; Just 1/82, mm26, 27, 27d; *Liber Bern.*, p.129.

36 Just 1/83, m33.

37 He was one of the earl of Gloucester's bachelors. *CPR*, 1267–72, p.147; 1258–67, p.526; *RH*, ii, 475.

38 *F(eudal) A(ids)*, 1899, i, p.151; *RH*, ii, pp.430, 445.

39 *Calendar of Inquisitions Miscellaneous*, i, nos.225, 712, 790; *CPR*, 1258–66, pp.7, 43, 61; 1267–72, p.77.

40 *CIPM*, ii, no.463; *Rotuli Selecti*, ed. by J. Hunter, Record Commission, 1834, p.249.

41 *CPR*, 1247–58, p.438; 1258–66, p.567.

42 *RH*, ii, 467–9.

43 See note 21 above.

44 Just 1/82, m26d.

45 Just 1/82, mm26d, 27; Just 1/83, m28d.

46 Just 1/83, mm20d, 23, 24d.

47 Just 1/83, mm10, 11, 12, 13, 15d.

48 Just 1/83, mm9d, 10, 11d, 12, 13, 15d.

49 M. Altschul, *A Baronial Family in Medieval England: The Clares*, Baltimore, 1965, pp.110–121.

50 *CPR*, 1266–72, pp.42, 147; 1258–66, p.526; Just 1/83, m33. Concerning the earl's reconciliation with the king see Just 1/83, m20d; *CPR*, 1266–72, pp.166. 281. About king's pardon see *CIM*, i, no.777.

51 *CChR*, i, p.259; *CR*, 1261–64, p.370; *PQW*, p.100; *FA*, i, pp.150,156; Powicke, *King Henry III*, p.512n.

52 *Lists and Indexes*, PRO, 1898, ix, p.12.

53 About William de Stow see Just 1/83, mm12, 21d. About John de

Scalers see *CPR*, 1258–66, pp.202, 325; Just 1/83, mm11, 12, 30. About Sayer de Frevill see *CPR*, 1272–81, p.50; Just 1/83, m28d.

54 Just 1/83, m31. Cf. m31.

55 About John Luvel see *CPR*, 1258–66, pp.114, 202, 304, 491, 537; 1266–72, pp.113, 160. About Almaric Peche see *CPR*, 1258–66, pp.443, 490. About William de Stow see *Calendar of Fine Rolls*, i, p.107. About John le Moyne see *CPR*, 1258–66, pp.287, 444, 445, 517, 657; 1266–72, pp.161, 186, 307, 327, 379, 477.

56 About Nicholas le Rus see *Ex. Rot. Finum*, ii, p.370; *RH*, i, pp.49, 52. About Robert Hubert see *RH*, ii, pp.360, 361, 368, 372, 373, 378, 385; *Liber Bern.*, pp.115, 116; *CChR*, ii, p.54; *Ex. Rot. Finium*, ii, p.315. About William de Luke see *Liber Bern.*, pp.168, 211, 285; *RH*, ii, pp.362–3, 364, 366, 373, 375, 380, 383, 385, 402, 405, 406.

57 Just 1/82, m33d; 1/83, m15.

58 William de Abington (*RH*, i, p.51), John de Martin (*FA*, i, p.145), Henry Pikerel (*RH*, ii, p.371), Robert Pentefeld (*RH*, ii, pp.422, 428), Adam del Hilk (*RH*, ii, pp.163, 168), William Noreys de Burgo (*RH*, ii, pp,393, 505), Peter Pikot (*FA*, i, p.137), Robert Heredenyk (*RH*, ii, pp.517–20), Warin fil Thomas de Berton (*Ex. Rot. Finium*, ii, p.278).

59 Just 1/82, m31 (Rus); mm19d, 24d (Portefors), cf. *RH*, i, pp.49, 52.

60 Maitland, F.W., *Township and Borough*, Cambridge, 1898, pp.134–5.

61 *CLibR*, 1267–72, p.205.

62 *RH*, i, p.51; Powicke, *King Henry III*, p.515n. Cf. *RH*, ii, p.221; Just 1/82, m26d.

63 Just 1/83, mm9d, 10, 12, 13, 15d. About the earl's letter see Just 1/83, m11d. About the king's confirmation see m9d.

10

The Hundred Jurors in Cambridgeshire in the 1260s: the case of Thriplow Hundred

Introduction

In the previous chapter, "The Hundred Jurors in Cambridgeshire in 1260s: the case of Armingford Hundred," I investigated how much the hundred jurors were influenced by their lords or other outsiders, when they made presentments and when they gave their verdicts[1,2]. I concluded that as far as presentments are concerned, influence from outside did not overpower the local people's mind, but it coexisted with the latter competing with each other. I also noted, mainly from the evidences of the eyre rolls of 1268/69, that the hundred jury, as a group of local small landholders, had an intention of providing their neighbours with protection against forfeiture of holdings after the battle of Evesham in 1265[3]. I have read two eyre rolls of Cambridgeshire, the first being the rolls of eyre in 1261 and the second being those of 1268/69. After the battle near Ely, the Disinherited were permitted to redeem their holdings by paying a redemption fine, subject to the regulations of the *Dictum of Kenilworth*. In 1268 some justices in eyre were named by the King Henry III. At the end of that year the justices in eyre started their work in the court set up at Barnwell Priory, outside of Cambridge. The jury of each hundred presented the cases of misbehaviour committed by the rebels and their adherents hundred by hundred, and the special select jury presented some '*seisitores*' who seized the land of the disinherited in this county after the battle of Evesham under the tacit permission of the king. So this eyre was a special eyre, and its rolls recorded a

special situation of the local landholders. On the other hand investigation of the eyre rolls of 1261 will show us the complicated internal relationship of local people in the time of peace. In the former chapter I also examined some private jurisdiction in Armingford hundred, and gained information about the potential influence of the earl of Gloucester in five villages out of fifteen in that hundred. So in this chapter I will examine how the local landholders' private jurisdiction was working in the neighbouring hundred, Thriplow.

1. Presentment by the hundred jury

(1) Presentment in 1261

The two eyre rolls are now kept in the Public Record Office (N. A.), London. The first one, Just 1/82, consists of thirty six membranes, recording civil, foreign and crown pleas with a list of jurors. Crown plea presentments of Thriplow hundred, recorded in membranes 24, 24d and 25, include thirty cases. Five of these are cases of appeal, another five are responses of the jury to the justices, and the rest are one indictment and nineteen presentments by jury[4].

Homicide is most frequent of the recorded cases in the rolls, whether it is by presentment or appeal. One of the remarkable features concerning these cases of homicide is the high proportion that end in a judgement of *misadventure*. In five cases out of nineteen the judgement is *misadventure* or *suicide*. The jury presentment is usually recorded as follows: X was found dead in Y village, and the first finder is Z. In the eyre court after the first finder appeared, the trial followed, and the justices declared the judgement in the end. 'No one is suspected, *misadventure*', or '*suicide*.' Additionally the justices punish the

hundred for not presenting Englishiry, for which the hundred should pay the murdrum fine.[5] The second feature of the crown plea cases was the jury's attitude to outsiders. There are three presentments of an '*extraneus*' man or '*ignoti*' malefactors. When the alleged outside malefactors fled from the place of a death, they were outlawed, while the village was amerced for the negligence of pursuit or hue and cry. So in these eight cases mentioned above no villagers living in this hundred were judged to be responsible for a death. Murderum fine and amercement were fixed as money payments. On the one hand the hundred or a village was charged with those payments; on the other hand individual responsibility appeared to be tolerated. These eight cases seem to indicate the intention of presenting jury.

In the third place, the judge's clerk wrote that the jury was amerced for the concealment of three cases of appeal.[6] If there occurred a case of felony in the hundred, the jury should have reported it to the justices in its presentment. But for one reason or another it sometimes left out some cases from the presentment, even though the victim had tried to get remedy by appeal at the county court. Because the hundred jury of Thriplow was amerced for concealment of three cases of appeals, we can infer that the jury did not present all the cases that had happened in the hundred. The hundred jurors were not willing to present all the crimes in their neighbourhood at all. They selected the cases for presentment.

(2) Presentment in 1268/69

The crown plea cases of Thriplow hundred are recorded in membranes 22 and 22d of the eyre rolls, Just 1/83, kept in P.R.O. Seventeen cases are recorded there. Fourteen cases are concerned with local involvement in the baronial rebellion and

three cases are the presentment of local residents' purchases from the rebels of the depredated goods. In the same rolls is also recorded one presentment by a select jury concerning the seizure of the land of John le Breton in Harleston by Pagan de Chawrth after the battle of Evesham.[7] Twelve out of fourteen presentments by the jury are concerned with the depredation, arson and violence by the adherents to the rebels' cause in the hundred during the time of disturbance. Those people judged guilty in one of these offences were ordered to pay the redemption fine equal to one year's value of their land according to chapter twenty-seven of the *Dictum of Kenilworth*[8]. In addition to these fourteen cases, there is one case of presentment of an adherent's entry to the Isle of Ely, where the rebels' fortress was, and another case is an accusation of an inhabitant by two neighbours of his support for the rebels[9]. Also recorded are three replies to the articles of the eyre. One of them is an entry presenting residents who bought the depredated goods from the rebels. Subject to chapter twenty-eight of the *Dictum of Kenilworth*, those purchasers were to be amerced (*in misericordia domini Regis*). As many as nineteen persons were presented in the matter. Among them was the name of one of the hundred jurors, John de Godfrey. The second reply was the report of Simon de Montfort's bailiff before his death. The third is a presentment of five defaulters, one of whom was a juror of this hundred, Hubert Stapelford[10]. So all of these replies were concerned with the baronial rebellion between 1264 and 1268. There is no entry of felony or trespass of issues unrelated to the rebellion. The special articles of the eyre were introduced in this special eyre[11].

(3) Characteristics of presentment

Next, we examine some characteristics of the jury's presentment. First: the people named in the presentments were not necessarily landholders in Thriplow hundred. The jury named persons from neighbouring hundreds and other counties, too. Second: the same people could be presented more than twice for different occasions and causes[12]. One person was presented for purchase of deprived goods who then appealed another of involvement in the original taking of the goods.[13] Another person who had also been presented for purchasing such goods was listed as one of pledges for someone else[14]. Third: no substantial landholder in the hundred was presented of participation in the rebel cause; however, some substantial landholders in the hundred were recorded as victims of the rebels, namely John le Moine, John de Scalers and Nicholas Fraunceys. One of them, Roger of Trumpington, appealed some people of purchasing deprived goods in other hundreds, but his name never appeared in the rolls of Thriplow hundred, either as an appellor or a victim. Fourth: as I mentioned above, amazingly the hundred jury dared to present two of their colleagues, John le Godfrey and Hubert Stapelford. Fifth: jurors in the eyre of 1268/69 also acted as pledges and mainpernors. No similar case was recorded in the rolls of 1261 eyre[15].

Since several names appeared more than once in such a limited number of cases of the hundred, either as an offender or as a pledge, we can assume that the range of persons presented by the hundred jury was rather narrow. I dare say they were neither among the lowest rank of the holders, nor the substantial holders. We can also assume that the selection of jurors was not done neutrally but with some intention seen from the case of

Hubert Stapelford, who was not only a juror, but was also appealed by a royalist in the county court. When John le Moine appealed him in the county court of his supporting the depredators, two electors of this hundred should have known Hubert's legal status. If he was elected as a juror, the hundred jury that was assigned to identify the adherents of the rebels, dared to include one who was presented as an adherent. By what standard did the two electors, John Arnold and Ralph de Kersey, choose him as a juror? Other than political consideration, there could be local considerations in selection of jurors. In that sense the selection was made intentionally[16].

The hundred jury presented particular people several times and avoided presenting others like Roger of Trumpington who was presented by the jury of the other hundred.[17] Presenting was not mechanical. The jury presented nineteen residents in the hundred for purchase of rebels' goods in one of the entries, because the jury had full knowledge beforehand for coping with the decree of the *Dictum of Kenilworth*. That kind of purchase could be redeemed by money payment. As far as jurors' intention to protect their neighbour's holdings and properties is concerned, both of the juries from these hundreds had the same motivation.

2. Private Jurisdiction and Jury Presentments

According to the *Hundred Rolls* in five villages out of fifteen in Armingford hundred, and the neighbouring hundred of Thriplow, the earl of Gloucester held a court leet (the view of frankpledge) in the 1260s. The hundred jury in 1261 also recognised the real existence of the earl's court leet in the villages of Mordon, Picot and Tadelow.[18] In the case of Thriplow hundred

the *Hundred Rolls* tell us that the Bishop and Prior of Ely held the privilege of the view of frankpledge, assize of bread and ale, gallows and return of writ in some village of Thriplow hundred. The *Hundred Rolls* also mention some other privileged holders, such as Chatteris abbess, holders of the Honour of Richmond and the tenants of William de Valence who claimed the view of frankpledge in each of their estates.[19] Were these liberties exercised? Jurors made presentment when an illegal act occurred in the hundred, so that the jury did not always name people living or holding lands in the same hundred. So I have investigated the cases of Thriplow hundred village by village, in order to see how the jurisdiction of crown pleas was distributed in each village.

There were eight cases concerning the villages of Great Shelford and Little Shelford. The Bishop of Ely exercised his crown plea jurisdiction in a part of Great Shelford in the 1260s. There is an entry of a crown plea in the eyre rolls of 1261, in which the Bishop's part of the village arrested a person on suspicion of a man's death. The judge's clerk recorded that the village in the Bishop's liberty was responsible for the chattels of the accused felon. In this case the hundred jury's presentment was not a first step of the trial procedure, but a kind of report of a case which occurred and had been judged under the Bishop's authority. So the jury recognized that the Bishop's jurisdiction functioned in that part of the village[20]. Since 1109 the Bishop of Ely held land in the village. In 1260 John le Moine, sheriff after the Battle of Evesham in 1265, held the remainder of the village[21]. There is also a record of a crown plea case from his territory. A one-year-old boy was found drowned in Shelford, and the case was judged as an accident. So the first

finder, his mother, was quit. But one of the four neighbouring villagers was not at the court, so he was amerced[22]. In this case the presentment was made by the hundred jury, and the justice in eyre gave a judgement. John le Moine did not have any part in the procedure.

From the neighbouring village of Little Shelford, there two presentments and three appeals are recorded: three assault cases and one homicide. In the presentments, the accused were outlawed, and sheriff was responsible for their chattels. The head of the tithing was amerced, and the village was also amerced because it failed to produce a spade as evidence[23]. According to the *Hundred Rolls* the local landlord was Richard de Freville. There was no trace in which he practiced crown plea jurisdiction.

Considering these cases we can assume that the Bishop of Ely held and regularly exercised his crown plea jurisdiction in a part of Shelford, and that local landlords, John le Moine and Richard Freville, who claimed assize and a gallows each, did not practice their jurisdiction over crown pleas[24]. Crown pleas from the territories of John and Richard were presented by the hundred jury, and judged by the justice in eyre. Local communities, for example tithings and neighbouring villages, bore the joint responsibility for the arrest of felons and the keeping of order in the localities. As far as crown pleas are concerned, the village of Shelford consisted of two parts, one under the royal jurisdiction and the other under the Bishop's jurisdiction.

Seven cases from the village of Trumpington are all presented by jury. The *Hundred Rolls* tell us that Roger of Trumpington claimed '*emendas de brachiatrichus suis*' (the right to fine the brewer?), Stephen de Hauxton through the honour of

Boulogne claimed a gallows and Simon Caily claimed the view of frankpledge[25]. Were these liberties exercised? In one of these seven cases, concerning a murder committed by an outsider, the part of the village outside the honour of Boulogne was recorded as responsible for the escape of the malefactor. So we can see the crown plea jurisdiction of the village was divided into two, one part assigned to the honour of Boulgne. In another case a local lord, William de Bussey, a steward of the Valences, was keeping his own prison in the village, but the malefactors confined in the prison by him escaped[26]. It is noteworthy that the justice punished the village of Trumpington for the escape, showing that the justice did not see William having any of legal responsibility, although he kept a prison. The responsibility to arrest and make the malefactor appear at court was charged on the tithing. So the crown plea jurisdiction in Trumpington consisted of two parts, one belongs to the honour of Boulogne, and the other to royal authority. Though there were no royal officials in the village, the hundred jury presented the case, the tithing was charged with arresting and imprisoning the person, and the royal justices in eyre judged the case.

Four cases of crown pleas were recorded concerning the village of Fowlmere (Fulmere). The Hundred Rolls do not tell us about the jurisdiction of the village in the 1260s[27]. In the eyre rolls we can find two presentments of homicide. The sheriff took the responsibility for the felons' chattels. Judgement was given by the justice in eyre. Four neighbouring villages were amerced for failing to fulfil their joint responsibility to come to court[28]. As the information is so limited, it is not clear enough to understand the jurisdictional state of the village in the 1260s. But there is one interesting crown plea, in which the person

presented was pardoned by the king's charter at the instance of a king's knight[29].

In one of the two cases involving the village of Stapelford, a villager stole corn from the barn of the Prior of Ely, and was captured and imprisoned in the Prior's '*curia*'. But later he fled. The justice in eyre gave judgment against the Prior for the escape and also charged him with responsibility for the chattels of the malefactor. So the Prior seems to have held an independent jurisdiction for crown pleas in his own territory, but when the case was not completed there, the king's justice took the initiative to judge the case henceforth[30]. The other case was a homicide found on the king's highway. The case was regarded as belonging to the king' jurisdiction[31].

Only one case was recorded regarding the village of Thriplow. The *Hundred Rolls* reveal some holders of private jurisdictions, but in the eyre rolls of 1261, there is no example of crown pleas held by local landlords. A murder case was presented by the jury in which the neighbours were charged with responsibility and the justice in eyre gave a judgement of *misadventure*[32].

The only one case from the village of Newton was a quarrel and a consequent death. The part of the village under the Bishop of Ely (*infra libertate episcopi Eliensi*) arrested the malefactor and hanged him. The justice in eyre did not interfere in the Bishop's jurisdiction. The jury reported to the justice that the case had been in the Bishop's authority. The only thing that the justice did was to amerce the neighbouring village for non-attendance[33].

Interestingly, there is no entry about three villages in this hundred, namely Foxton, Harston and Hauxton. Their names

appeared among neighbouring villages that were amerced, so they were not excluded from the jurisdiction of the justice in eyre. Incidentally, according to *Victoria County History of Cambridgeshire*, in the villages of Foxton and Harston, Peter of Savoy, holder of Richmond honour and also an uncle of the queen consort, had a privilege of exemption from the sheriff's tourn, and the Prior of Ely claimed the view of frankpledge in the village of Hauxton[34].

The hundred jury has been supposed to present all the cases of crown pleas that occurred in the hundred and if it failed in doing so, it must have been punished by the justices. But did the jury really do so? It seems that the jurors knew the due process of the trial and the results beforehand. Then, when presenting, they dared to select which cases to present. The cases arising from areas under the Bishop's and the Prior's jurisdiction were recorded separately from the rest, and the justice in eyre punished only the part outside their jurisdiction. Neither the jury nor the justices interfered in these private jurisdictions.

3. Presentment, trial and the results

(1) The jury's presentment

As mentioned above, the hundred jury presented cases subject to the articles of the eyre to the justice in eyre. Through reading the trial process and the result of the cases we can reconstruct the jury's intention when it decided to present a particular case. There are recorded nineteen cases of presentment by jury, five appeals, one indictment and five replies to the articles of the eyre. According to Professors Musson and Ormrod, by 1300 the crown pleas were classified into four categories,

namely treason, felony, trespass, and misdemeanour. We cannot, however, see in the rolls of the 1260s, evidence of any such classification[35]. What we can read there is cases of homicide, other crimes of violence, and larceny. Musson and Ormrod also showed us that in the fourteenth century, felony was punishable by death and confiscation of estates for a year and a day, and that trespass was almost always punishable by money payment[36]. In the rolls of the 1261 eyre, if the person suspected (*malecreditur*), fled, he was outlawed and his chattels were confiscated. When the person named in the presentment had moved, he was to be sought at the court appropriate to his new location.

Next let us examine the characteristics of the jury's presentment. First: as many as five out of nineteen cases of crown pleas were committed by outsiders (*extraneus*) as aforementioned. In two of these cases the accused felons were outlawed and in the other two they fled from the hundred[37]. Though the jury presented nineteen cases which occurred in this hundred, it seems to have avoided naming residents or landholders in the hundred. In some cases the clerk of the justices did not write the village name after the names of the persons presented. It is not clear whether they were residents or outsiders in such cases. In only five cases can we recognize that they were residents or landholders in the hundred. In another three cases we can assume from the context that they were residents. Residents in neighbouring hundreds were presented in four cases, but in two cases we cannot find any clue of local identification.

Among five cases involving residents of Thriplow hundred, only two were presented by jury. The other three cases were a kind of report of cases in the jurisdiction of the Bishop and the Prior of Ely. Among the four cases concerning residents from

neighbouring hundreds, one is a jury's report of the case in the Bishop's jurisdiction. So, the hundred jury presented only eight cases accusing the residents of Thriplow or neighbouring hundreds. They avoided sending their neighbours to the court.

Second: the result of each presentment is even more interesting. In the six of these eight cases the justices recognized the death as misadventure or suicide, and the accused or the first finder of the body became quit[38]. Concerning the other two cases, one involved a quarrel and resulted in outlawry, and the other case presented William de Bussey's servants in the death of a man in his private prison. These two are the only cases where the persons named in the presentment were judged guilty. Local residents, if they were presented, tended to be judged not guilty in consequence. Were these guilty verdicts what the jury expected?

Among the five cases in which the accused were outsiders, except the illegible one, two resulted in outlawry as mentioned above, and in the other two cases, the presented fled to other jurisdictions. So in the hundrend of Thriplow outsiders were all outlawed. Two cases without local identification are recorded. One of them was concluded without specifying a suspect by name. The second one was a homicide in which the accused were pardoned through a royal charter as mentioned above[39]. These two cases are recorded at the beginning of the cases of Thriplow hundred. The clerk of the justice might have rearranged or classified the cases and placed the two cases (i.e. cases concluded without judgement) at the top of the record.

Third: some communal or joint responsibility rested on tithings, villages and hundreds even if those named in the presentment were judged not guilty in consequence. The word

'*mia*' (*misericordia*) in the left margin of each membrane is lined through with a later hand indicating that these amercement fines were paid by the communities. But for what?

(2) Private jurisdiction and the presentment by jury

Besides the presentment, the jury reported the practice and the outcome of the case in the jurisdiction of the Bishop and the Prior of Ely. Moreover ecclesiastical jurisdiction that covered local clerks living in the hundred was also reported by the hundred jury to the justices in eyre.

Case 1 A thief was arrested in Stapelford and imprisoned in the '*curia*' of the Prior of Ely there. Soon he escaped to a church in Thriplow where he abjured the realm. As the Prior was recorded in the rolls as responsible for the chattels of the criminal, it can be said that he held and exercised his jurisdictional privilege in Stapelford. In the case which follows this, two villagers of Stapelford were presented by the jury for aiding the criminal to escape. The justice acquitted them, following the trial jury's verdict of not guilty, but he gave judgement against the Prior because the criminal escaped from his prison[40].

Case 2 A villager in Stapelford was murdered. Another villager of Shelford was suspected, arrested and hanged in the liberty of the Bishop of Ely. Those villagers in the Bishop's jurisdiction of Shelford were supposed to answer for his chattels. As mentioned above, the Bishop of Ely held the view of frankpledge in the greater part of Great Shelford. From this case we can conclude that he did exercise his jurisdiction and royal justices did not interfere in it[41].

Case 3 Two villagers of Whittlesford in a neighbouring hundred, quarrelled with each other in the village of Newton, and one was beaten to death by the other. The village of Newton

captured the offender and hanged him in the liberty of the Bishop (*infra libertate episcopi Eliensi*). The justices were informed of this case by the jury but did not interfere in the Bishop's jurisdiction[42].

We cannot know the details of the procedure in these three cases under the jurisdiction of the Bishop or the Prior. But the procedure there seems to have been more severe for the offenders than the procedure upon the presentment by the hundred jury. The eyre justices did not meddle in the private jurisdiction of the Bishop and the Prior in any of the cases in the rolls. But in the following case the jurisdiction of the justices in eyre was followed closely on the heels of the Bishop.

Case 4 Two villagers of Trumpington were arrested for redemption of a theft from a chaplain there. When one of them appeared in the eyre court, an official of the Bishop claimed that he should be under the Bishop's jurisdiction, because he was a clerk. The justices accepted the claim, but stated that the case of redemption should be inquired in the county. The trial jury gave a verdict of not guilty and the lay person was acquitted[43]. The justice in eyre did not interfere with the Bishop's jurisdiction over the clerk. A villager, even after he was presented by the hundred jury, could be freed through the verdict of the trial jury.

(3) Private jurisdiction of William de Bussey and the hundred jury's presentment

Case 5 According to the hundred jury's presentment, John Disce, an outsider but known to the jury by name, burgled a miller's house held of William de Bussey in Trumpington and was captured and imprisoned in that miller's house. While the

miller was absent, John escaped after killing the miller's son. Since the jury testified that John was a suspected malefactor, he was outlawed. The village of Trumpington except that part in the honour of Boulogne was held responsible for his escape. Because he was an outsider, the tithing was quit.

As mentioned above the jury was not sympathetic to outsiders, but why did the jury provide such detail in this presentment of an outsider? Why should the village be punished for his escape from William's prison? As far as crown pleas were concerned, in the 1260s the village of Trumpington consisted of two parts: one being held by John Arnold in the honour of Boulogne, and the other held by John Caily of the earl of Winchester. The former territory used to be a part of William Marshal's land. Later William de Valence, marrying the Marshal's heiress, claimed the holdings through his wife's right. William de Bussey, steward of the Valences, began to hold half a knight's fee in Trumpington of the Valences in the early 1250s[44]. So for the hundred jury in 1261, William was a newcomer. William's servant was ordered to keep a malefactor in prison, but the prisoner escaped under the insufficient guard. This case looks like that of the Prior of Ely's prison, but William did not hang the prisoner, and was not judged for the escape. He seems not to have been permitted to keep his private jurisdiction there. There is another case about William in the record.

Case 6 Ralph de Alstede and Mabel, his wife, stole a sheep from Isabel de Scalers and were captured and imprisoned in the Trumpington prison of William de Bussey. William's two servants, Richard and Adam, subjected Ralph to violence caus-

ing his death in prison. As the jury presented, they hanged Ralph to death before he was convicted of felony. Richard had fled immediately, so he was outlawed. He did not have chattels in the county but it was ordered that he should be exacted (*exigatur*) in Huntingdonshire. Mabel had escaped from the prison and William was named as responsible for the escape. Later she was captured for larceny in the borough of Cambridge and hanged there. Adam was arrested by William de Ebrocis and was brought to Cambridge by William. But he fled to a church in town and abjured the realm before the coroner, and William de Ebrocis was held responsible for his chattels. When the justice asked the jury if Ralph was imprisoned and so violently injured that it caused his death by the order of William de Bussey, the jury answered '*sic*'. Then William de Bussey should be given a judgement. (Henceforward by a later hand) Later it was testified that Adam was arrested after the death of Ralph..., he belonged to the tithing of Henry le Palmer, who was amerced because of the non-attendance of Adam. Later Richard appeared in court and would pay a fine to stand at court in order to return to the king's peace. The pledge of his fine was the sheriff, John de Scalers. (some remaining words are illegible)[45]

The couple, Ralph and Mabel, look like villagers, but nevertheless both of them were hanged for only a sheep. The important passage in this case is the judgement of William de Bussey, and the jury's verdict. After the jury had presented the incident, which happened in William's territory, the justices became aware that William held insufficient authority to have a prisoner hanged to death, so they punished William. In the jury's presentment we can see its ill feeling against William. Still several points are not clear about the record of the case. For

example, there appeared two different explanations about the arrest of Adam. Richard, even though he was once outlawed, appeared in court later and the sheriff pledged for him. (I have not discovered any further information.) The hundred jury was not hostile to the jurisdiction of the Bishop or of the Prior, but presented against the unqualified action of William de Bussey.

(4) Appeal

The word '*appelavit*' appears in five cases in the record of Thriplow hundred. In these cases the jury was amerced for concealing an appeal three times. The first case was a murder of a villager of Wethersfield, Essex, that occurred in the field of Little Shelford. The plaintiff, probably the victim's brother, appealed four villagers of Little Shelford in the county court. The trial jury stated in their verdict that the jurors were not unanimous about the culpability of the defendants. So the judgement was 'all quit'. The plaintiff also appealed twelve other villagers for aiding the offenders, but the jurors' verdict again was not unanimous, resulting in an acquittal for all except one person. The jury was amerced for concealing the appeal.[46] Why did the jury conceal the appeal? Was it because the verdict was not unanimous?[47] Unfortunetely there is not enough evidence to answer the question.

In the second case a shepherd, Willelmus Bercarius of Little Shelford, appealed in the county court Eustaciuth de Harleston of blows and breaking of the king's peace. But the plaintiff appeared in court and did not wish to pursue his appeal, so his pledges were amerced. When the justices asked the jury about the matter, it answered that the jury had not been unanimous. The plaintiff paid a fine.[48] But they was amerced for concealment of the appeal. This case seems to be a case of a settlement out-

side of the court, but the important point about the case is that the defendant, Eustsaciuth, was also a juror of the presenting jury. He was elected to be a juror in 1261 as well as in 1268/69. So it appears that the presenting jury did not want to send its colleague to the court. The third case followed the second one. John son of Richard, *prepositus* of Shelford, appealed Eustaciuth de Hildemer for blows and breaking of the king's peace did not pursue his appeal. The jury concealed this case, too. Because of lack of information, I cannot know the reason.[49]

In three cases out of five appeals the plaintiffs were villagers of Shelford. In the fourth case the murder occurred in Little Shelford and the defendants were also villagers of Little Shelford. In the names of the litigants we can read their occupations, such as shepherd, reeve, chaplain, cook, carter and carpenter. In Shelford, as shown earlier, the justices in eyre did not interfere in the private jurisdiction of the Bishop of Ely. Four out of five appeals were related to Shelford. Were the people in Shelford fully satisfied with the Bishop's jurisdiction? Those litigants were not substantial landholders judging from the occupation names.

One illegible case is also an appeal about violence and breaking of the king's peace. Four appeals out of five concerned violence. The jury was required to present every felony, but it seems that they hesitated to present cases of assault. The jury tried to lessen the number of appeals. Including them in their presentments meant sending their neighbours to the eyre court where they might be outlawed and their chattels forfeited. The jury did not interfere into the private jurisdiction of the Bishop and the Prior, and the ecclesiastical jurisdiction respected by the justices in eyre.

When the trial jury was introduced, in most cases it gave a verdict of not guilty. The only exception was the case of William de Bussey in which they answered 'yes'. Both the presenting and the trial jury prioritized the protection of their neighbours.

But what we should not forget before we conclude that the jury protected the village community, is that a hundred or a village was not a community of people with united interests. Between individuals, and also between the communities, there were conflicts of interest. What the jury could do and did was to manage what had already happened among their neighbours through its role of making presentments and giving verdicts. In the case of the eyre in 1268/69, we can see many examples of conflicts and the compromises among the villagers.[50]

4. Comparison between two eyre rolls, 1261 and 1268/69

We have so far focused on the attitude of the presenting jury of Thriplow hundred in the eyre rolls of 1261 and 1268/69. Investigation of the 1268/69 eyre cases lead to the conclusion that the jury decided that the disinherited could recover the holdings from their neighbours so that they might return to their proper position that they had enjoyed before the rebellion. The judgement of the itinerant justices had the role of confirming the land settlement between *seisitores,* the royalists, and the disinherited, the rebels. Second: in the 1261 eyre rolls we can find nineteen cases of presentment and five cases of appeal. The jury presented cases occurring in the hundred to the justices with considerable care so that their neighbours might not lose their life and estates. I also noted the private jurisdictions in the hundred. When a crown plea arose in the territory within private jurisdiction, like the Bishop's and the Prior of Ely's, the jury's

presentment did not interfere with it. But if the lord holding the liberty did not observe the limit of his jurisdiction, the jury checked the infringement by presenting the case to the royal justices. The justices responded to these signs from the jury and questioned the trial jury, and gave a judgement against the lords. I also noted that the jury dared to avoid presenting cases that could be harmful to the life and the property of the fellow villagers.

The eyre in 1268/69 was a special one. The *Dictum of Kenilworth* was published in the autumn of 1267 to calm the hostility of rebels still fighting in various parts of the country. Most of the rebels or their adherents could be pardoned and restored to the king's peace by paying the redemption fine ordained in the *Dictum of Kenilworth*. The eyre's purpose was to make the jury present rebels' transgressions and to judge how far they had adhered to the baronial cause. So all the trespasses in the rolls of that year were related to the rebellion and disputes concerning the Barons' War. On the other hand, the eyre in 1261 was an ordinary one, usually held once in seven years. Both civil pleas and crown pleas were recorded in the rolls. As long as the purpose and the issue are concerned, the eyre in 1268/69 looks quite different from that in 1261.[51] Though the immediate pacification of the rebels after the battle of Evesham was the main concern of the king, it was not so for the hundred jury nor fellow villagers. The cases in the eyre rolls of 1268/69 could also be interpreted from the view of the local community with a different purpose and concerns. I will make a comparison between the jurors in the two eyre rolls with this in mind.

The first characteristic of the two eyres was the election of the jurors. Five persons were elected as jurors in both of the

eyres.[52] Is it realistic to think that the hundred jury of 1268/69 could have a completely different opinion when deciding their presentment from that of the jury of 1261 with so many re-elected jurors? In 1261 when the hundred jury concealed the case in which Eustaciuth de Harleston, a juror, was appealed, it was amerced by the justices. This is the only case in which a juror became a defendant in the rolls of 1261. No juror was presented by his fellow jurors in that year. But in 1268/69 the jury presented two of its members.[53] Had the attitude of the jurors, or the principle of presentment, changed since 1261? Judging from their concealment in 1261, the jurors' attitude of presentment had not changed, and it was rather firmly established, even if implicitly. 'Not to present the fellow jurors' was the standard for them. The two cases in which they presented their fellow jurors in 1268/69 were exceptional. One of the presented jurors, Hubert Stapelford, was later judged not guilty, and the presenting jury was amerced by the justices for '*falso presentatione*'.

The second characteristic of the two eyres was the duality of their role as pledges, sureties and mainpernors. In 1261 jurors served neither as a pledge nor a mainpernor for those who were presented by the jury, nor as sureties of payment of fine for any litigant. In 1268/69, however, five of the jurors acted as a pledge for those accused in jury presentments.[54] In the latter cases whenever the hundred jury made a presentment that named a holder in the hundred, one or two of them supported them in one of those roles. In 1268/69 presentment did not mean the exclusion of a person from local society, as I mentioned above. On the contrary, it initiated a necessary legal procedure to nullify what he had committed and to return him

to his proper status in the local landholders' society. The jurors were also members of the society and they provided him aid.

The third characteristic was the size of the jurors' holdings. It seems that there was no big difference in the size of holdings between the two groups of jurors. Regarding the jurors of Thriplow hundred, the number of jurors who held more than half a knight's fee was three in each of the groups. Moreover two of the three were the same.[55] About some jurors there is as yet no information of landholding. But there were no great landholders called '*dominus*' or with the title as 'knight'.[56]

The fourth characteristic was the social status of those people named in the presentments. What level of the villagers in the hundred was presented by the jury? Here appears a big difference between the two eyres. In order to ensure the appearance of litigants in court, they were sometimes exacted (*exigenda*) or distrained. The clerks of the justices recorded the property of those litigants to be distrained in the rolls. As far as this information is concerned, there are entries of their chattels, but no record of their having estates in the rolls of 1261. All the litigants were distrained or exacted by their chattels. Five of them had no chattels. The most expensive fine in 1261 was six marks paid by Richard de Elyngton, a servant of William de Bussey. This was higher than the current farm of this hundred, five marks. The other servant of William, Adam the reeve, paid a fine of 43 shillings. This was also higher than the former fine of this hundred, 40 shillings. There is no evidence of any land held by these two servants of William de Bussey who were levied the highest fines in 1261. Most other litigants paid fines of less than half a mark.[57] On the other hand in the case of persons presented in 1268/69, namely the adherents of the rebels who

would like to be pardoned to the king's peace and to redeem their holdings, the size of their property varied from huge territories scattered in several counties to a tiny single holding. Not a few of them were holders of a knight's fee, more or less.[58] Certainly some people who had no land were also presented and sometimes they were pardoned because of being paupers. Generally speaking this group included landholders of any size. But in 1261 the presented persons were rather holders of movable goods than land. So the status of litigants was quite different between the two eyres, and I should also note that the jury in 1261 did not present any of the large landholders in the hundred.

I have examined four of the characteristics of the jurors and the litigants in the eyres of 1261 and 1268/69. In some respects the two groups of jurors look different from each other, but there are some common points with regards to their attitude in presenting the people in the hundred. The size of holdings of the jurors was similar between the two groups. Any influence from their lords does not seem to have changed in seven years between 1261 and 1268. There was no change of the feudal lords of the hundred jurors, though the information is quite limited. Both groups of jurors assisted those whom they presented in different ways: they concealed a case from the justices, and they became pledges for the presented. In 1261 they presented their neighbours in an effort to protect their life and property, whilst in 1268/69 they presented the rebel adherents to give them a chance to come back to their proper position in the local landholders' society. Although there is certainly a difference between the two groups in various points, there is no or little difference in their attitude or opinion in presenting their

neighbours.

Conclusion

The jurors of Thriplow Hundred took a great deal of care in presenting their neighbours in order to help them or sustain them in the local community. Trial juries also gave verdicts favourable to the villagers. The community also paid amercements and fines, while the individuals were acquitted.

Neither juries nor the justices in eyre interfered with private jurisdictions in the hundred. But when the lord of the private jurisdiction did deviate from the range of the liberty, the jury dared to present the case, and the justices gave a judgement against the lord holding private jurisdiction. When the people under private jurisdiction were not contented with its justice, the jury reported the case to the royal justices. In contrast to the cases of Armingford hundred, the jury of Thriplow hundred did not live in harmony with the private jurisdiction of the Bishop or the Prior.

In 1254 the articles of the eyre were revised and some new articles were added to include cases of trespass as well as felony. Historians have explained this revision from the perspective of the king's interest. It seems that the king had become so powerful that he could now swallow more private jurisdictions.[59] I think it is necessary to add to this explanation the attitude of juries and the interest of local landholders, whose intention was to maintain the existing local landed society by availing themselves of the king's new policy.

Notes

1 The paper was read at Late Medieval Seminar, Institute of Historical

Research, University of London, 2001.

2 Above chapter 9.

3 Most of the pleadings and judgements were made in 1269.

4 P(ublic) R(ecord) O(ffice), London, Just 1/82; Standard List in the PRO; Cam H.M., *Studies in the Hundred Rolls*, Oxford, 1921, Appendix II; Musson A. and Ormrod, W.M., *The Evolution of English Justice*, London, 1999, ch. 3.

5 Crown plea; felony and trespass in 1260s.

6 P.R.O., Just 1/82, mm24, 24d

7 Just 1/83, m33.

8 Just 1/83, mm22, 22d; Dictum of Kenilworth, cl. 27, in *Document of the Baronial Movement of Reform and Rebellion 1258–1267*, (henceforward *DBM*) ed. by Treharne, R.F., and Sanders, I. J., Oxford 1973, pp. 332–333.

9 Just 1/83, m22d; *DBM*, pp.324–325. 332–333.

10 Just 1/83, m22d; *DBM*, pp.332–333.

11 *De Antiqibus Liber: Cronica Maiorum et Vicecomitum Londoniarum*, ed. by T. Stapleton, Camden Society, xxxiv, London 1846, p.96. Jacob, E.F., *Studies in the Period of Reform and Rebellion*, Oxford, 1925, pp.182–3.

12 Henry Faber, Henry Waddon, William Muschat, Hubert Stapelford, Salomon de Hauxton(thrice), William de Ely, Baldwin de Akeny, William de Newton (twice).

13 Alan Wolsy.

14 Ralph Brun.

15 Henry Orwell, John le Clerk, Henry Martin, John de Paris, Eustace de Harleston.

16 I read a paper at Durham on this theme in 1995. See chapter seven.

17 He was presented in Pappworth hundred.

18 *R(otuli) H(undredorum)*, Record Commission, ed., by W. Illingworth & J. Caley, 2 vols, 1812–18, vol. 1, pp. 50–1; *P(lacita de) Q(uo) W(arranto)*, Record Commission, ed., by W. Illingworth, 1818, p.100; Pollock & Maitland, *History of English Law before the time of Edward I*, 2nd ed., II, p.580; Just 1/82, m27. See chapter nine.

19 *V(ictoria) C(ounty) H(istory of England); Cambridgeshire and Isle of Ely*, vol.8, ed., by A.P.M. Wright, Oxford, 1982, pp.152–3; R.H. I, p.52,

p.524–54; *PQW.*, pp.100,102–4; PRO., SC 2/155, No.64.

20 Just 1/82, m24d.

21 *Liber Eliensis,* p.300; *Regesta Anglo Normanorum*, iii, p.51.

22 Just 1/82, m24d.

23 Just 1/82, m24d.

24 *R.H.*, i, p.52, ii, p.545; *Ibid*, i, p.52

25 *R.H.*, ii, p.548.

26 Just 1/82, m24d.

27 *VCH.*, vol.8, p.161; *R.H.*, i, p.52.

28 Just 1/82, m24d.

29 Ibid.

30 Ibid;

31 Pollock & Maitland, *op. cit.*, II, pp.455, 464.

32 Just 1/82, m24.

33 *R.H.*, i, p.52; ii. p.550, PQO, p.104.

34 *VCH.*, vol.8, p.153.

35 Musson and Ormrod, *op. cit.*, p.18.

36 Pollock and Maitland, *op. cit.*, I, pp.519, 580–3; J. Baker, *An Introduction to English Legal History*, 3rd ed., London, 1990, p.572; Musson and Ormrod, *op. cit.*, p.18.

37 The latter half is illegible. Just 1/82, m24d.

38 Just 1/82, mm24, 24d, 25.

39 Just 1/82, m24.

40 Just 1/82, m24d. Peter of Savoy, who claimed the view of frankpledge in a village in Armingford hundred, was not given any judgement by the justice in the same type of the case.

41 Just 1/82, m24d; *R.H.*, i, p.52.

42 Just 1/82, m24d. According to the *Hundred Rolls*, it was not the Bishop of Ely, but the Prior of Ely who claimed the view of frankpledge in the villages of Newton and Hauxton. *R.H.*, i, p.52. ii. p.550; *P.Q.W.*, p.104; *Liber Eliensis*, pp.263, 300, 304. On the other hand in the other half of the twin village of Newton-Hauxton, Serlo de Haukeston held of the Bishop of Ely, and the manor kept court baron. *Liber Bernewell*, ed., by Clark, p.250; *V.C.H.*, vol. 8(Ely Diocesan Record), p.202.

43 Just 1/82, m24d.

44 *V.C.H.*, vol.8, p.258; (*Calendar of) C(lose) R(olls)*, 1339–41, p.38;*C.R.*,

1251–3, p.402; 1256–7, p.473; 1259–61, p.17; 1261–4, p.93; A. Hershey, 'The Rise and Fall of William de Bussey: A mid-thirteenth century Steward', *Nottingham medieval Studies*, XLIV, 2000, pp.104–22.

45 Just 1/82, m24d.

46 Just 1/82, m24.

47 Baker, *op. cit.*, 1971, p.89.

48 Just 1/82, m25.

49 Just 1/82, m25.

50 My former article, 'Barons' War and the hundred jurors in Cambridgeshire', in *Journal of Medieval History*, 21, 1995. See chapter eight.

51 D. Crook, *Record of the General Eyre*, H.M.S.O., 1982, p.200.

52 Ralph de Kerser de Foxton, Henry Martin, Eustace fitz Adam de Harleston, John le Clerk de Harleston, Henry Caily de Trumpington.

53 Hubert was presented for his aid for the depredators, and John was presented for purchase of the depredated goods.

54 Eustace de Harleston, Henry de Orwell, John le Clerk, Henry Martin, John de Paris.

55 In 1261, Henry de Caily, Walter Clement, John le Clerk de Harleston. In 1268, Henry de caily, John le Clerk de Harleston, John Paris de Great Shelford.

56 I read a paper on this theme in Durham in 1995. See chapter seven.

57 Just 1/82, m24d.

58 Ralph de Berneus, Robert le Bultede, Baldwin de Akeny, William de Muschat, John de Chamberlain.

59 Musson and Ormrod, *op. cit.*, p.44.