



## *Account of Purley on Thames*

# Mediaeval Courts

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### *Introduction*

It was the Courts which administered England until the development of local authorities in the nineteenth century. They essentially made judgements on rights and obligations and settled disputes which previously had been settled by force of arms.

After the retreat of Roman administration in the fifth century force of arms was about the only means of control, if you were strong, your word was law was the dictum. The result was several centuries of warfare and contest for power and it was only at the lowest level that matters could be decided by other means.

In early Saxon times village affairs were dealt with at a village meeting known as a witangemoot. This was called whenever there were matters to decide, for example to elect a village chief, to settle a dispute or to commence a common venture such as harvest. They started out as meetings at which all had an equal say but as time went by the need for the development of specialist skills and for strong guidance resulted in the development of the social order which we would nowadays recognise as essentially feudal.

As Christianity spread, a quite different approach to land ownership emerged. It was argued that as God created Heaven and Earth, it was all in his ownership, but it could be 'held' in His name. At the same time the concept of Kingship emerged and it was the King who held all land in his realm and who could allow his underlings in the social order to hold it from him and enjoy the benefits and privileges that landholding conveyed. But this also entailed obligations to the king. These obligations generally took one of three forms:-

To pay taxes or provide goods when the king wanted extra resources.

To support the king when the king was threatened or wished to wage war.

To provide hospitality when the king was touring his realm.

The underlings (Earls) could then do likewise and allow lesser lords to hold the land of them and so on down the social order until one reached the lowest level of society. Thus towards the end of the Saxon period, it was the village lord who had the last say and the earlier more democratic meetings ceased; to be replaced by manorial courts presided over by the lord of the manor, or more likely his steward.

There was one snag in this system and that was the role of the church. If the king held land of God where did the church fit in? It had been a Christian obligation since earliest times that one should give ten percent or a tithe of one's income to God, whether that was money or produce, and King Edmund in 909 had decreed that this was to be used only to support the local church (the lesser tithe) or for pilgrims and the poor (the greater tithe). But the church, centred on Rome, also claimed that it could hold land directly from God and thus avoid obligations like taxes or providing men at arms. Over the years it became very convenient for lords to pass holdings on to the church, especially if it meant a shorter time in purgatory for their souls so that by the start of the sixteenth century the church held around 40% of the land in England. But that's another story

## *The Manor*

It was the manor rather than the village which eventually formed the basis of local administration. The manor could embrace several villages and hamlets, or one village could contain several manors. In Purley's case we can distinguish three manors, Purley Magna, Purley Parva and La Hyde and there may have been parcels of land which did not form part of any of these, being 'held' by someone entirely unconnected with the manors, for example a far away monastery, who were jealous to preserve their own rights.

The essential characteristic of the manor was that it had a 'lord'. The manor was then divided between Demesne land and Village land. The lord could usually expect the people of the village to either perform certain duties, for example to do a days work every week on the Demesne land or to pay a rental, usual in kind in return for the protection that the lord offered. In this simple model the lord held the rights and privileges and the obligations and was answerable to his overlords and eventually to the king.

## *The Origins of the Court*

However the practice was often very different. There were two sides to the problem often referred to as Sake and Soke. The sake was the up-side as far as the villager was concerned. If a lord held the sake over him then it was the lord who had to speak up for him, pay his fines and taxes and generally protect him from those higher up the social order.

The Soke was a matter of jurisdiction. It could be exercised over land or a person. Thus if a person committed an offence there could be a great argument as to where the trial should take place. The principal options were:-

At the court of the lord who held soke over the offender

At the court of the lord who held sake of the offended party

At the court of the lord who held soke over the place where the offence was committed

At the court of the lord who held soke over the place where the offender was apprehended.

It is interesting to note the Domesday entries for Purley. In what we may take as the origins of Purley Magna and Purley Parva we see a distinction between the lands held in desmesne and by the villagers. But because no exception is recorded we may assume that Sake and soke went with the land and therefore to the two named holders and overlords. However in the three odd hides (recorded as being in Burley) which were held in two case of the queen and in the other case by the king. Alward, Harding and Leofwin were recorded as being free to go where they wished to look for a lord, ie for someone to hold sake and soke over them.

As a general rule people felt that they got a fairer hearing by the case being heard in the court of a person as high up the social order as possible. The lord would preside and make sure justice was done, the verdict was decided by a jury and the punishment, usually a fine was then decided by the court. The profits of the court depended upon who had the soke over the offender. The penalty was usually a fine which was determined by the status of the offended party. This was known as weregeld. This could be paid to the offended person's relatives, his lord, or more usually the lord of the person who held the soke over the offender.

The fine would be paid by the lord who held sake over the wrongdoer and he would make sure he got it back in work or otherwise at a later date. This actually protected wrongdoers from some of the practices of other countries and times such as death or mutilation. It was in no-ones interet for the wrongdoer to lose the power of working and paying off his fine. His lord would not want to lose a good worker and a hanging would not profit the holder of the wronged person's sake.

There were three principal levels of court - The manor court, the hundred court and the shire court. On the whole the manor court was the preserve of the lord of the manor, the hundred court of his overlord and the county court of an earl or duke. The usual basis for the decision as to where to hear a case was its value, eg the weregeld of the offended person. Thus a manor court would for example hear cases with a fine of up to 4d, the hundred court from 4d to a shilling and the shire court hear the more valuable cases. Where a manor was small or the lord lived a long way away he was usually quite content to send cases to the hundred court and collect his part of a fine in due course.

At a purely local level the lord would hold his manorial court (The Court Baron), usually presided over by his steward or other representative, to transact the business previously transacted in the village moot. This usually related to local customs, issues to do with land holdings and the appointment of officers. While there was often ample opportunity for discussion, matters were settled more by precedence and diktat rather than by common consent or the sort of democratic procedures which we understand today. There was usually a small jury consisting of two or three freeholders who adjudicated upon information presented to them; but it was the lord who ultimately exercised the power and generally his voice and his alone prevailed.

Where matters of wrongdoing were involved however a different structure emerged. Originally the matter would have been dealt with by the lord who held soke over the accused in his Court Baron. However over the centuries the Court Leet took over. This supposedly met twice a year and its scope was rarely restricted to the manor or even the parish, rather it would be held jointly to cover several adjacent parishes. In this court the jury decided the guilt or otherwise of the accused. The jury was formed from upstanding local citizens and was selected and sworn in at the start of the meeting. It was this court which later appointed constables and made local by-laws.

For more serious matters there were the Hundred Courts, which covered an area roughly of 100 hides and the Shire Courts covering the whole county. These were presided over by on behalf of the lord who held the appropriate soke and on the whole they worked very well and provided a very efficient administration which was well in advance of anything known elsewhere.

A later innovation was the idea of the Court Eyre which provided a check on the activities of the Shire and Hundred Courts. These were run by the king's Justiciars who visited the Shires and offered an alternative opportunity for plaintiffs, especially for those who had been hard done by local magnates. When cases of abuse of power came to light some very firm action could be taken and the Sheriffs and local lords could be severely dealt with. This made them extremely careful and added greatly to the quality of justice that was dispensed.

The major architect of this system was Alfred the Great but many other kings and statesmen played their parts, adding to, refining and enforcing the laws and customs and quietly dropping those that were ineffective.

### ***The Norman Conquest and its Effects***

The essential structure was well established by the tenth century. After the Normans invaded in 1066 King William saw it as the means of consolidating his gains and so the system remained virtually unchanged, lasting for another seven or eight hundred years. What did change at the time of the Conquest were the lords. The Saxon lords were almost all displaced by Normans, although within the following two hundred years the processes of intermarriage and social mobility meant that almost every 13th century lord could claim both Norman and Saxon ancestry and all thought themselves English. When King William did make a gift of a manor he usually also made sure that soke and soke were clearly defined and included as part of the gift. However as the Domesday Survey was to show this was often overlooked and the commissioners dutifully recorded the exceptions.

King William was very careful not to repeat the mistakes of the later Saxon kings by allowing his

barons to become too powerful. He made sure that the manors of any given baron were well scattered around the country so that there was little opportunity for them to build a large power base. They were not allowed to control large blocks of land. The result was also seen very clearly in the Domesday Survey and Berkshire had well over 60 major landholders.

To make sure that the country, and the king's interests, were well protected a network of castles was built around the country. The surrounding manors were grouped in what became known as an 'Honour'. Purley belonged to the Honour of Wallingford, and thus any military or personal services due would normally be served at Wallingford Castle. The holders of the Honours were thus able to exercise considerable influence over the other landholders.

The Domesday Survey is a unique document, there is nothing like it in any other part of the world and at no other time in history until the Censuses began to appear in the early part of the 19th Century. It is the first systematic record on a national scale.

### *The Influence of Henry I*

Medieval administration would have been impossible without proper written records. It was Henry I who began the process of making an accurate record of the business of his courts. His clerks began the series of records we know today as the Court Rolls many of which have managed to survive the years to provide an immense amount of detail of activities and transactions of the Royal Courts.

Unfortunately the survival of mediaeval records has been very much a matter of luck and few court records relating to Purley have survived. Those that have survived are of three main types:-

Records of Courts Baron for Purley Magna for the end of the eighteenth century when the system had all but finished.

Records of Court Leets for the earlier part of the eighteenth century.

Records of the Hundred Court for the Hundred of Theale in the 14, 15th and 16th Centuries. In addition there are national records, many of which have now been printed which include details from Berkshire and the Purley area.

### *The Berkshire Eyre*

The best documented Eyre is that of 1248. The Roll and Writ File has been printed and the cases can be studied in a fair amount of detail. Several are of interest to Purley eg :-

The dispute between John, vicar of Purley over grazing rights.

The disputes between the Sifrewast brothers over their inheritance

In addition the document gives a full list of the jurors for the Theale Assize. There were only 11 of them instead of the usual 12. They were:-

Johannes Reynbaud (John Rainbow)

Johannes Banestr' (John Bannister)

Alexander de Crundwell (Alexander Crundwell)

Johannes Neyrnuyt (John Neyrnut)

Galfridus Reymund (Alfred Raymond)

Henricus Ilger (Henry Ilger)

Radulphus de Mora (Ralph Moore)

Ricardus Wudeward (Richard Woodward)

Robertus le Venur (Robert Venner)

Henricus Abbe (Henry Abbot)

Petrus Amis (Peter Amice)

The modern forms of the names must be somewhat speculative. In addition Richard de Sifrewast

and Roger of Purley were named as jurors at the Shottesbrooke Assize

### ***Courts Baron***

There are some records of The Courts Baron of Purley Parva for the period 1624 to 1848.

A copy of the Court Baron for Purley Magna has survived in the British Library. It is for the court held at the Red Lyon on October 23rd 1786 and is mainly concerned with recording the beating of the bounds of the parish and identifying the properties of the manor. It is interesting in that it seems to associate the whole of the parish with the manor and refers to the claims of Philip Lybbe Powys to the manor of little Purley almost as an afterthought.

### ***Courts Leet***

Records of Courts Leet for Purley were found among the records of the Honour of Ewelme in the Oxfordshire Record Office. The courts met at the Greyhound Inn in Tidmarsh between 1790 and 1847 and covered the parishes of Purley, Sulham, Tidmarsh and Burghfield.

They appointed Constables, Tithing men and Haywards for each parish and established a jury. The jury was picked from lists submitted by each parish containing the names of a number of men over the years or 12 or 16 who had a right of settlement in the parish. From these lists the jury was appointed with roughly the same number (3 or 4) from each parish. The records also give the names of those who didn't attend and so were fined for non-attendance. In addition they recorded the total amount of fines levied from each parish. Unfortunately they do not record any details of the cases or offences considered.

### ***Hundred Courts***

Several records for the Courts of the Hundred of Theale are preserved in the Public Record Office. They are contained on parchment sheets made up into rolls dating from the 14th and 15th centuries.

The Hundred of Theale was formed by a split of the Hundred of Reading. In the Domesday Book the parishes in the joint Hundred were :-

Hartridge, Ufton Robert, Pangbourne , Sheffield, Purley, Burghfield, Langley, Hartley Sulham, Woolhampton, Reading, Padworth, Bradfield, Ufton Nervet, Englefield Aldermaston, Southcote , Stratfield Mortimer, Whitley, Wokefield

The pieces available at the record office which pertain to Purley are:-

SC2/154 - 51 (Tynnkwell, Nunhide, Wolhampton, Bradfield, Purley, Hartley Ainyce, Wokfield, Englefield, Hrt..., Hartley Diunere, Padworth, Southcote,

SC2/212 - 2 (3 Edw VI) (Purley, Tidmarsh, Burghfield, Sulham)

SC2/212 - 10 (Purley, Tidmarsh, Burghfield, Sulham)

SC2/212 - 7 (Purley, Tidmarsh, Burghfield, Sulham)

SC2/212 - 14

SC2/212 - 18 (Purley, Finchampstead, Burghfield, Sulham)

SC2/212 - 19

SC2/212 - 20

SC2/212 - 21

Parishes also mentioned in these rolls are noted:-

### ***Manorial Courts***

Manorial courts were clearly in the hands of the Lords of the Manor. In their Manorial Courts they dealt with cases ranging from neighbourly disputes to murder. There was often rich pickings to be

had when the fines and confiscations found their way into the pockets of the local Lords.

There were many different types of court ranging from Parish or manor level, through Hundred and Shire to the Royal Courts. In addition there were the various Church Courts and both they and the civil courts jealously guarded their own particular preserves.

Purley started off as part of Reading Hundred but this soon split into two and Purley became part of the Hundred of Theale where it remained until the Hundreds withered away and were forgotten.

Administration such as it was would be handled on a day to day basis by Clerks and Bailiffs and a complex pattern emerged based upon ancient rights and privileges which tempered the very onerous obligations which characterised the social relationships within the feudal system.

### ***Shire Courts***

Shire courts were where the sheriff meted out the King's justice. Originally this was done by the king himself moving around and holding court where he stayed but this was formalised by King's justiciars holding scheduled Assize Courts in principal towns around the country. Then on a more regular basis the Shire Reeve (or sheriff) would deal with the minor matters leaving the more serious business to wait for the next Assize.

At a National level Parliament had emerged in the 12th and 13th centuries as a force paralleling the powers of the other two estates of the Realm, the King and his Court and the Church.

### ***Parish Vestries***

By the 16th Century things were beginning to change and the parishes were obliged to appoint officers to carry out certain duties on behalf of the community at large, there were Constables, Haywards, Surveyors and Overseers of the Poor and provision was made for their expenses to be paid out of monies collected from local landowners.