

COURT ROLLS OF COLCHESTER.

BY I. H. JEAYES.

THE extract given below is taken from one of the Court Rolls of the Corporation of Colchester. The town possesses a wonderful set of rolls, nearly complete from the beginning of the fourteenth century. The earliest are made up of ten or a dozen membranes or skins of vellum, but, by the time the end of that century is reached, the number of skins has risen to between thirty and forty. Entered on these rolls are the complaints, the pleadings, distrains on parties who do not appear, the punishment (always by fine) of the guilty, who is said to be in mercy, or if a defendant is found not guilty the plaintiff is in mercy for his unjust complaint, or again, if the parties come to terms and settle the matter out of court they are in mercy for their "licencia concordandi," and other proceedings from Michaelmas to Michaelmas at the weekly courts. But twice in the year a Law Hundred was held before what we should to-day, I suppose, call a Grand Jury, when matters affecting the town and the rights of the burgesses, the trade of the town, *etc.*, were heard.

It has been suggested that a full report of one of these Law Hundreds might be of interest, and the particulars below are from Court Roll 35, of which the date is Michaelmas 1405—Michaelmas 1406 (6-7 Henry IV.).

The rolls, of course, are in Latin, except occasionally where an English word has puzzled the clerk, and in despair he has written it in that language, spelling it as well as he could and as it was sounded. The Corporation is having English abstracts made of these rolls, of which thirty-five have been treated, and the work is proceeding. It is their intention to print them by degrees, and, in fact, the first seven are already in print, under the direction of Mr. Gurney Benham, and will in due course be issued in a volume. The Town Council has kindly consented to my contributing this specimen to the *Transactions*.

It will be seen that the town, as governed in these early times by the two bailiffs and the commonalty, was very jealous of its privileges and the rights of the burgesses, and though the offences which came before the hundred each half year are very similar,

yet there are special points of interest in each. For instance, in the present list there is the case of a woman, Alice Erle, accused of stealing wool, and ordered to pay 40*d.* She had apparently tried to square matters with one of the persons from whom she had stolen the wool, John Shipman, having offered him, among other things, an "ouche" (probably a brooch, or, at any rate, a jewel of some kind), a silver cross, *etc.*, valued at 40*d.*, the amount of her fine. John was quite ready to take the articles, but the court would have suffered, so they fined him 20*s.* for his share in the conspiracy, a large sum in those days.

The abbots, prioresses, *etc.*, whose names appear in the first paragraph, never put in appearances, as they figure in every list as absentees. Presumably it was more economical to pay the small fine than to journey up from Kent or Suffolk. The town was, no doubt, just as glad to have their money as their presence.

Persons who encroached on the common lands, or who obstructed the right of the burgesses to pasture their cattle on the common lands by enclosures or otherwise, were severely fined, as well as owners of dirty ditches, perverters of water-courses, forstallers, litigious persons, brawlers, dice-placers, *etc.*

The worst offender was the abbot of St. John's, who was always in trouble. In this single Law Hundred he appears no less than twelve times, his fines amounting to 2*l.* 6*s.* 4*d.*, rather more than half the total sum of the hundred. The prior of St. Botolph's is found guilty of four offences, one being of overcrowding the common pasture with 4,000 sheep. The fine for this was 5*s.*, about the price of a sheep.

The long lists of fraudulent brewsters, wine-sellers, and millers occur in list after list, the fines, which varied from 3*d.* to 2*s.*, being insufficient to deter them from repeating their offence. This must, I think, have been winked at by the authorities in consideration of the regular increase to the town revenues.

LAWHUNDRED OF COLCHESTER, HELD ON MONDAY AFTER HOKEDAY
[26 APR], IN THE 7th YEAR OF HENRY IV. [1406].

In mercy for not coming to do suit:

The Abbot of St. Edmund's Bery,¹ 40*d.*

The Abbot of Coggyshale,² 2*s.*

The Abbess of Berkyng,³ 2*s.*

The Abbess of Mallyng,³ 2*s.*

¹ Benedictine Abbey, Bury St. Edmunds.

² Cistercian Abbey, Coggeshall.

³ Benedictine Nunnery.

The Prioress of Retheryngfeld¹ [Redlingfield, co. Suff.], 2s.
 The Prioress of Wykes,¹ 12d.
 The Lord Fitz Wauter, 2od.
 Hugh de Nevill, 12d.
 John Mauncer, 12d.
 The Prioress of Campeseye,² 2s.

In mercy for not coming to warrant their essoigns :

The tenant of Alexander Coggere's land, 6d.
 John Goode (afterwards adjourned by the bailiffs).
 The Rector of Holy Trinity, Colchester, 6d.
 Clement Spice, 18d.
 John Pod, dyer, 6d.

Presentments of the Jury :

Thomas Sadelere, John Prymerolle, William Coupere, William Bardolf, Richard Byggyngge, John Bysshop, jun., cordewaner, John Wangford, Robert Pyppard, John Rothyingge, ferrouer, Joan Neyland, John Brokhole, John Brown, bladsmyth, and the widow of Richard Barbour, tenants of the gardens opposite the Castle Ditch, because, in repairs to their gardens all along the ditch and further by setting up fences they have appropriated the soil of the commonalty about 12ft. in breadth, and have planted trees there where before there, were none, without licence, to the grave loss of the whole commonalty, in mercy 18d. each, in all 19s. 6d.

The Abbot of St. John's, Colchester, for taking on himself to support and maintain the field called Seyntjonesfeld, as his several, whereas it is common pasture for the burgesses in common time, and so the burgesses are disturbed in communing their cattle, in mercy 4s.

The same Abbot and the Convent, for holding various lands which were formerly James de Bures', William Fermery's and others, as their several, when by right they should be common pasture for the Burgesses, and when any animal is pastured there they are accustomed to impound them to the grave loss, etc., in mercy 13s. 4d.

Robert Horkeslegh, for having a ditch not scoured opposite the meadow of the Abbot of St. John's, near Balkeherne, 20 perches long, in mercy 3s.

The Abbot of St. John's, for continuously occupying a certain part of the soil of the commonalty, and building a stone tower upon it opposite the tenement of Edm. Haverlond, in mercy 13s. 4d.

John Warde, bochier, for setting up on common ground a fence at the end of Estokkewellestrete, whereby the King's street is narrowed and damaged, in mercy 2od.

The Abbot of St. John's, for appropriating common ground for enlarging his garden outside the gate of Northsherde, 40ft. long by 8ft. broad, in mercy 5s.

John Sebern, for appropriating the soil of the commonalty, 40ft. wide by 30ft. long, opposite the lane called Loddereslane, by setting up a paling without licence of the Bailiffs, in mercy 15d.

The Abbot of St. John's, for having a ditch not scoured at Pratteswelle in Old Heth (Hithe), 10 perches long, in mercy 18d.

¹ Benedictine Nunnery.

² Austin Nunnery, Campsey, co. Suff.

The Rector of Estdonylond and the tenant of the land of Batailleswyk, for having a ditch not scoured between Bataillesmerssh and the rectory of Donyland, in mercy 2*s.* 4*d.* each.

The Abbot of St. John's, for stopping up the common bank between Neweland and Collesland, so that the neighbours' banks are there badly submerged, in mercy 2*S.* 6*d.*

John Goode, for holding a field called Bulbekkys, enclosed as his several, when it ought to be common, in mercy 3*s.*

Richard Stodle, for occupying and encroaching on the common ground in New Heth (Hithe) with a dungheap and timber, much more than he should do by right as the Bailiffs and Commonalty consider, 40ft. long by 40ft. broad, whereby the King's way is badly obstructed and flooded so that no one can pass or return, in mercy 7*s.*

Philip Neggemere's widow, for not supporting and maintaining a certain King's way between the tenement of William Owaynes and her own tenement, as by right she should do, in mercy 8*d.*

That Benedict Wollemongere, John Stace, John Tannere, Thomas Blowere, and Richard Markaunt, of Billerica, buyers of wool, have several times come to the town market and carried off, each one for himself, wool, mangy and watery, which they expose for sale to the burgesses as well as to foreigners to the great deception, and against the ordinances, of the town, in mercy 12*d.* each.

That Richard Petresburgh continually puts various offal of his beasts, with the dung of the same, near the wall of Northsherde, and thus occupies the King's way there, in mercy 2*od.*

John Mereseye, in mercy 2*od.*, and John Pernell, in mercy 8*d.*, for the same offence.

Richard Warner, for occupying three acres of land at Bournepondys as his several when it ought to be common, in mercy 2*s.* 6*d.*

That Richard Byggyng, whereas of old his tenement, which he now inhabits, had a stream passing under his ground to the Castle ditch, he has stopped it up and made it issue openly into the King's street to the great nuisance, *etc.*, in mercy 9*d.*

That William Cotell, whereas from times beyond memory, all the waters issuing from the King's street towards Seynt Elenepet were wont to have their course up to the common stream leading to the Castle ditch, has stopped up the course of the aforesaid water to the grave damage of all the neighbours residing near, in mercy 18*d.*

The Prior of St. Botulph's, for occupying and setting up "camos Anglice travys,"¹ in the King's street outside Southgate, on common ground near Matthew Dyere's tenement, not having obtained permission, and without paying anything for it to the town, in mercy 2*s.*

John Curteys, for enclosing a common way, *viz.* : outside Maydenburghstrete in the Castle bailiwick, near John Bartelot's tenement, eight feet broad, which of old was kept open for men who wished to pass by the same, in mercy 12*d.*

¹ Camus = a curb, or bridle : trave, or travis = a wooden frame to confine a horse while the smith is shoeing *him* (from trabs, a beam). The meaning of the passage is doubtful.

Richard Band, for having a ditch not scoured towards Spitemanswassh, 30 perches long, in mercy *8d.*

Richard Stodele, for occupying common soil behind the tenement which he inhabits at Heth with timber, in mercy *8d.*

In mercy, John Phelyp, hosteler, *12d.*; Henry Doune, *12d.*; John Ayllemere, brewere, *6d.*; John Bartelot, fullere, *6d.*; Robert Flysp, *6d.*; Richard Bakere, *3d.*; and William Thrum, tenants of various inns, because each one, in his own house, is accustomed to bake horsebread, for sale to their various guests, not having the weight as demanded by the statute, and not being sealed.

In mercy, Richard Petresburgh, *4d.*; Robert Flysp, *6d.*; John Bochier, *6d.*; John Pernel, *4d.*; Robert Cachare, *6d.*; Robert Cutsone, *6d.*; John Mereseye, *4d.*; John Roger, *6d.*; John Freman, bochier, *6d.*; Geoffrey Straunge, *3d.*; John Pypere, *3d.*; Richard Goodewene, *3d.*; Robert Pryour, *3d.*; Robert Gurdon, *12d.*; Richard Salcote, *3d.*; William Horn, *4d.*; Thomas Bochier, of Heth, *3d.*; John Sharp, of Stratford, *4d.*; Walter Whytyng, of Lalleford, *6d.*; Geoffrey Veye, of Manytre, *3d.*; and Gilbert Wylye of Dedham, butchers, because continually throughout the year they are accustomed to come with their meat into Colchester market, those from the country on Saturdays and the others living within the town every meat day during the year, not having or taking away the hides of the same as is ordered, but for the greater part selling the said hides secretly to tanners and glovers before they are brought into market, so that no one can know if the beasts from which the said hides came were stolen or not, to the grave loss and prejudice of the town and contrary to the ordinances.

In mercy, Robert Barkere, *16d.*; Roger Barkere, *4d.*; John Sykerlyng, *8d.*; Miles Leche, of Stratford, *2s.*; Edmund Barkere, of the same, *2s.*; Laurence Barkere, of Thorytonstrete, *6d.*; William Mervail, *8d.*; William Barkere, of Neyland, *6d.*; John Gode, *3d.*; and Nicholas Barkere, of Copford, *12d.* tanners for coming secretly to the abovenamed butchers and buying the said hides.

m. 26 verso.

In mercy, John Chercheman, *3d.*, and Richard Buk, *3d.*, glovers, for the same offence.

In mercy, John Barkere, of Cogyshale, *12d.*; John Stone, *6d.*; Laurence Barkere, of Thorytonstrete, *6d.*, for continually coming to Colchester market with leather ill tanned, and exposing the same for sale.

John Arewesmyth, for having a stream in Eststrete near Thomas Kentyssh's tenement, lying broken so that men and horses passing there are badly obstructed and troubled, in mercy *6d.*

William Coupere, of the parish of St. Peter's, and Robert Bakere, for occupying the King's way in Culverlane with dung, and making there a great dunghheap, in mercy *12d.*

Marion Fordham, for having a ditch not scoured near St. Katharine's Hospital, 20 perches long, in mercy *6d.*

John Fordham, for a similar offence, under Tenacres, opposite Lyerdlane, 10 perches long, in mercy *3d.*

The Abbot of St. John's, for similar offences near land called Charyteland, on both sides of the way, 20 perches long, in mercy *6d.*; and at Throwerstye, opposite Songewood, 30ft. long, in mercy, *12d.*

Clement Spice, for commoning with his beasts in Borowefeld, he not being a burghess, in mercy 12*d*.

Richard Parker, of Lexeden, for retailing divers victuals within the liberty of Colchester, he not being a burghess, in mercy 2*s*.

The same Richard, for making a great pond before his gate in the King's way at Lexeden, and for enclosing it with a hedge, and planting trees round it, without licence, in mercy 5*s*.

The Prior of St. Botolph's, for commoning on the pasture of the burghesses with 4,000 sheep, much in excess of his rights, in mercy 5*s*.

The Abbot of St. John's, for having a ditch not scoured in Reynerslane, which destroys the whole way there, in mercy 8*d*.

William Polstede, for making a new ditch in his garden coming out in Reynerslane, and similarly destroying the whole way there, in mercy

Augustine Bonefaunt, Philip Wodereve, John Bakere, William Hoppere, Philip Southoo, John Costantyn, Richard Lyard, John Wylve and John Craft, for occupying the King's way with dung at Eldeland, making there, on the town wall, a huge dungheap which will destroy the said wall in a short time unless provision be quickly made for remedying, *etc.*, in mercy 6*d*. each.

In mercy, Godfrey Taillour, 4*d*.; Thomas Mustarder, 3*d*.; John Cook, in the market, 4*d*.; John Savey, 6*d*.; Robert Benale, 6*d*.; Margaret Veer, 4*d*.; William Notyngham, 6*d*.; John Ive, taillour, 4*d*.; James Taverner, 3*d*.; and Robert Lyghtewene, 4*d*. for occupying the King's way with dung near the gate of John Beche, opposite the stone wall of the town in Holy Trinity parish, making there a huge dungheap so that pedestrians and horsemen cannot pass there, *etc.*

Thomas Mustarder, Robert Sweyn, Lettice Rakebold, and John Peyntour's wife, near St. Nicholas, for making mustard mixed with bad liquor, contrary to the town ordinances, *etc.*, in mercy 3*d*. each.

John Dyere, merchant, for appropriating common ground with a fence in Reynerslane, opposite Rob. Horkeslegh's garden, in mercy.

Robert Adam, for being a common disturber of the peace of our lord the King, in mercy 3*d*.

Richard Parker, for having a cart passing within the liberty of Colchester for carrying away from Hithe, barley and other grain coming to Hithe, contrary to the ordinances, he not being a burghess, in mercy 2*s*.

Stephen Flisp and Joan Budde ought by right to scour the salt ditch at Hithe, opposite the common meadow, but fail to do so, in mercy 18*d*.

In mercy, Henry Bosse, half a mark; John Caunceler, half a mark; John Kymerlee, half a mark, Robert Gurdon, half a mark; and William Samptone, 1*os*., because when a certain ship was plying to the port of Colchester full of fish, *viz.*: "Plays" and "Ryghys," in Lent last past, they came to the proprietors of the said ship and bought the said fish in gross from them, so that when any Burgess wished to get a portion, they would not agree to it until anyone wishing to have a portion, should put down, for gain or loss as it might happen, 2*od*. in gold or silver, so that the rest of the indigent men of the commonalty could get nothing, to the great scarcity of the fish and to the grave loss of the whole commonalty, *etc.*

¹ Plaice and Rays.

Alice Erle, for being a common thief of wool of John Shipman and Thomas Gamaney, and others, in mercy 40*d*.

John Shipman, for taking from the said Alice "par precum"¹ with one "ouche"² and a silver cross, valued at 40*d*., and a coverlet, valued at half a mark, for the various thefts which Alice had made from the said John, taking the articles for a fine, otherwise than he should by right, not having obtained the licence of the bailiffs and of the court of the liberty of the town, to the grave prejudice of the said liberty, in mercy 20*s*.

Henry Cardemaker's wife, for being a common thief of wool of Thomas Smyth and others, in mercy 6*d*.

Margaret Bowe, for being a common thief of wool of John Sebern and others, in mercy 6*d*.

William Polstede, for lying in wait at Northbregge by night and there making an assault on John Thursteyn, in mercy 12*d*.

Henry Cardemakere, for stopping up the King's way at the house where he dwells in Northstrete, in mercy 3*d*.

Joan Skyunner, for unlawfully taking half a dozen of wool from John Mouncey's wool, in mercy 13*s*. 4*d*.

John Fens's wife, for being a common thief of hens, calling them into her house and then catching them and selling them as her own, in mercy 12*d*.

The Prior of St. Botolph's, for having hedges overgrowing the King's way leading from the plot of Margery Goldys to the Cross of Fovvreway, so that no one can pass by there, in mercy 3*d*.

The Abbot of St. John's, for having a ditch not scoured in Webbestret, 30 perches long, in mercy.

Godfrey Dalaver and Thomas Mustarder, for occupying the King's way at Colchester market with straw and dung drawn from their houses near the gate of the Common Hall, in mercy 9*d*.

John Cook, for putting dung under the poys³ in Colchester market at the house where he dwells, to the great nuisance and disgust of the whole market, in mercy 12*d*.

John Spyllyng and Margery Grove, for keeping their fields behind their tenements enclosed after autumn as their severals, which ought to be by right common, so that no other burgess can common there, in mercy 4*d*. each.

Thomas Fraunceys, for having a ditch not scoured at Gloveres in Hakeneylane, 40 perches long, in mercy 12*d*.

The Prior of St. Botolph's, for having a ditch not scoured in Hakeneylane on both sides of the way, 20 perches long, in mercy 12*d*.

The Abbot of St. John's, for having a ditch not scoured under Kedene, towards Sownewode, which floods the common there, in mercy 12*d*.

The same Abbot, for a similar offence in Grenestedestrete, leading from the hedge there towards Kyngysoke, 60ft. long, in mercy 2*s*.

¹ A pair of prayers (?) It is doubtfully suggested that this article may be a charm or amulet.

² Ouche = jewel or brooch.

³ Poy = a terrace or gallery outside a house with rails to lean upon.

The same Abbot and his convent, for letting their boundaries be open in Grenestede and elsewhere, and refusing to shut them, whereby if the beasts of the burgesses enter there they cause them to be impounded, in mercy 2s.

Matilda Dryvere and John Clyfton's wife, for being common scolds, in mercy 6d. each.

Roger Bryght, for an assault on John Baldok, and striking him on the head severely, in mercy 12d.

Alexander Coupere for an assault on John Newman, in mercy 2d.

Richard Hykeman, for unlawfully taking custom from the servant of Thomas Fullere, contrary, *etc.*, in mercy 3d.

In mercy, for being common forstallers :

Lettice Ayllewen, 3d.

Petronilla Bayer, 6d.

Godfrey Dalaver's wife, 3d.

Thomas Mustarder's wife, 3d.

John Peyntour's wife, near St. Nicholas, 3d.

John Cook's wife, in the market, 6d.

John Caunceler, 12d.

John Peny's wife, 12d.

Agnes Wente, 6d.

Sellers of wine, for withdrawing the measure in selling their wine, in mercy :

Robert Pyppard, 12d. ; John Kymberlee, for 2 taverns, 18d. ; John Phelyp, hostyler, 12d. ; John Grygge, 12d. ; William Galochemaker, 12d. ; John Scaldere, 12d.

Millers, for taking excessive toll of various corn, in mercy :

Simon Neweland, farmer of Estmell, 12d.

John Salmon, at Lexedenmelle, 20d.

John Porton, at the Windmill, 2s.

John Borham, farmer of the mill in the wood, 12d

John Potton, miller, at Bournemelle, 16d.

Ditto miller, at Canewykemelle, 12d.

Richard Pakke, farmer of Middelmelle, 6d.

m. 27 recto.

In mercy for selling beer contrary to the assize¹

HEAD WARD.

Brewsters .. 42. Reqrators² .. 17.

¹ The names are given.

² "Regr." in the Roll. I presume regrator is meant signifying a person who buys to sell again in the same market. In the two or three preceding Rolls the smaller lists were headed "Gannokreys," that is, tavern-keepers. In the earlier Rolls they were lumped together as Brewsters.

NORTH WARD.

Brewsters ..	35.	Regrators ..	12.
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SOUTH WARD.

Brewsters ..	50.	Regrators ..	23.
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EAST WARD.

Brewsters ..	44.	Regrators ..	19
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Four persons in Head Ward, eleven in North Ward, nine in East Ward, and two in South Ward for not coming when summoned for the Lawehundred Inquisition, in mercy 3*d.* each.

Admissions of three Burgesses:

Thomas de Berte, of Aldham, entered the Burgate, taking the oaths prescribed in the Red Book, paying fine on entry, 23*s.* 4*d.*, and finding sureties, Roger Lyllye, John Mouncey, William Perye, and Robert Flysp.

William Fulbourne, of co. Cambs., entered the Burgate, taking the usual oaths, paying fine on entry, 20*s.*, and finding sureties, Robert Slade, John Pod, merchant, Roger Lyllye, and John Mouncey.

John Wodefen, of Horkeslegh, entered the Burgate, taking the usual oaths, paying fine 20*s.*, and finding sureties, John Arewesmyth, John Webbe, of Lexeden, Roger Lyllye, and Thomas Knyght.

Sum of the Hundred, 4*l.* 3*s.* 1*d.*

(Proved.)