

THE COURT ROLLS OF THE MANOR OF HIBBALDSTOW.

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Hibbaldstow is a parish in the parts of Lindsey in the county of Lincoln about three miles to the south west of Glanford Briggs. The manor, it is believed, does not extend over the whole of the parish but the greater part thereof is included in it. Of recent times it has gone by the name of Hibbaldstow Cornwall. The precise reason for this is not clear. It lies adjoining and perhaps in some degree intermixed with certain portions of the great manor of Kirton-in-Lindsey which extended over upwards of forty townships but it never was a part of that manor. Nothing in our local history is more certain than that no part of the manor of Kirton-in-Lindsey was ever subinfeudated. At the same time it must be remembered that for a long period that large franchise was a possession of the Earls and Dukes of Cornwall. It is to be feared that the greater part of the manorial documents has been lost. Some few of the court-rolls of the manor are still the property of Maximilian Hammond Dallison, Esq., of Hamptons, near Tunbridge who has kindly permitted me to read and make extracts from them.

The first roll at present known to exist is dated 11 Henry IV. William Plumtre, Chaplain and his companions "*sociorum suorum*" were the lords.

In the 13 of Henry VI Sir John Byron was Lord. The greater part of the roll is occupied with the surrender of copyholds noted in the usual manner, afterwards we find a memorandum that John Dedirby assaulted Thomas Norreis of Sturton¹ for which he was fined xx^d. Thomas Frost jun. brewed contrary to assize and was fined ij^d. That the same Thomas stopped up, probably for the purpose of getting water for making his beer, a certain

¹ Sturton is a hamlet in the adjoining parish of Scawby.

rivulet in a close belonging to the Prioress of Gokewell, so that the water flowed on the common way to the injury of the tenants of the manor. Time was given for removing the obstruction till the feast of All Saints. In case of non-removal by that time a fine of *iijs iiij^d* was to be levied. The little nunnery of Gokewell was situate in the parish of Broughton near Glanford Biggs, in a secluded place at the foot of the "Cliff" range of hills; who the prioress at that time was is not known. The imperfect list of the prioresses ends in 1395. In a minister's account of 32 Henry VIII we find that at that time the nunnery of Gokewell had lands in Hibbaldstow bringing in three pounds and nine shillings per annum.¹ In the same year an order was made that the manorial tenants should cleanse a common sewer called Fulcroftes Bek before Christmas on penalty of *xx^d* each.

23 Henry VI. John Frikyngham was ordered to repair his messuage before the feast of the purification of our Blessed Lady on pain of a fine of *xl^d*. This entry is noteworthy. We cannot tell whether John Frikyngham was a copyholder or a freeholder. In either case it would seem that the manor courts had power to compel the owners of buildings to keep them in good repair. In the rolls of other manors in the neighbourhood of a somewhat more recent date we have found orders of this kind which almost certainly related to freehold property. John Maidenwell of Kirton made chase and rechase within the manor of Hibaldstowe.

32 Henry VI. Nicholas Biron, Lord of the manor.

16 Edward VI. Lady Alice Byron, Lady of the Manor.

2 Elizabeth. Silvester Bellow, Lord of the manor "no ale howse keper shall tonne any ale before the ale fynder taiste the drynke & allowe yt, snb pena of every brewing *xij^d*." This is the first order that occurs in English.

3 Elizabeth. The wife of Robert Bakhouse and the wife of Richard Oldman are ale-brewers and bread-bakers, and have broken the assize; the former was fined *iiij^d* and the latter *ij^s* the jury further present that the wife of the aforesaid Richard Oldman "*deposuit virgam suam que fuit signum bracinæ*" and would not permit the ale taster

¹ *Antiquary* vol. xiv pp. 147-149. *Mon. Anglic.* vol. v, p. 721.

to taste her ale. The passage which I have permitted to remain in the original Latin means that she had pulled down the ale whisp, that is a bunch of green twigs or ivy which was the sign of her calling. Why she did so it is impossible to say. There seems to have been, in this neighbourhood at least, some objection on the part of the sellers of drink in the sixteenth century to hang out this sign of their calling. In the Court Roll of the manor of Scotter, near Kirton-in-Lindsey, for the year 1562, we find an order that Thomas Yong was either to immediately give up "the domum hospicii" which he held or take out recognizance and licence for keeping an alehouse and hang up "signum aut unum le ale wyspe ad hostium domus."² The ale-whisp was the sign of a place where drink was sold not only in England but in many parts of the continent. In Germany to this day a bunch of green twigs or a garland is a not uncommon mark of a village hostelry. Heine makes his suttlér sing:

Der grüne Kranz vor meinem Zelt,
Der lacht im Licht der Sonne;
Und heute schenk' ich Malbasier
Aus einer frischen Tonne.

In Cutts's *Scenes and Characters of the Middle Ages*, p. 543, there is an engraving of a mediæval inn with a bush hanging from the sign.¹ William Tyndale attacking the sacrament of extreme unction, says—"outward oil can neither heal the soul nor make her feel, save as a sign, or as a bush at a tavern door, quencheth a man's thirst."³ At Modbury in Devonshire, in the earlier part of this century, during Saint George's fair, which is held for nine days, it was the custom to hang out a bush of holly from private houses as a notice that drink was being sold there during the fair time.⁴ William Kytchyng and three other persons were fined iiij^d each, because they had not made their portions of "le ynghedge," that is the Ings hedge. Ings in the dialect of Lindsey means low lying grass land. Places called the Ings exist in many of the neighbouring parishes. Thomas

¹ *Archæologia* vol. xlvj. p. 381.

² Cf. Singer's Shakespeare, *As You Like It*, act v, sc. 4. Note—Ellis's Brand's *Popular Antiquities*, vol. ii, pp. 72, 246. Ridley, *Works* (Parker, Soc.), p. 10.

Dyer, *British Popular Customs*, p. 379.

³ *Expositions and Notes* (Parker, Soc.), p. 184.

⁴ Worth's *Popular Hist. of Devonshire*, p. 242.

Madlynwell, of Candney—a neighbouring village, was fined *vj*^d because he dug turves within the manor. Offences of this kind were very common when coal was almost an unknown article in Lincolnshire, and the people, the poor and rich alike, were almost entirely dependent on wood, turves and peats for fuel.

4 Elizabeth. The jury present that John Lambert, husbandman, has encroached upon "*lez marfur*." This word is still in common use. It is a form of *meere-furrow* and means a boundary furrow in an open field. John Lambert's offence was no light one. The land at Hibbaldstow and almost all the neighbouring parishes, was held in strips very long and very narrow. It is obvious that if care were not taken the more greedy of the manorial tenants by ploughing away the *meere-furrows* might much increase the width of their own strips to the loss of their neighbours on each side of them.

6 Elizabeth. Robert Poyntes was presented because his "*burcelles*" were insufficient in the Horsepasture Lays. The meaning of *burcell* has not been ascertained. It occurs in the court-rolls of Bottesford and Little Carlton in this county.

9 Elizabeth. Everyone was ordered to cleanse his portion of "*les Inge dyk ante die Elene virginis*," under pain of *xij*^d. Who was this Saint Elene the Virgin, is it a mere error of writing and are we to suppose that St. Helen the mother of Constantine is meant, or are we to conclude that the entry is correct, and that St. Helen the Virgin is either Helen of Auxerre or Helen of Troyes?¹ A Saint Helen, whether the Empress or the Virgin I know not had a holy well dedicated to her in the neighbouring parish of Wrawby. This well has been long considered to produce water of an exceptionally good quality. It has for many years supplied the greater part of the town of Brigg. The earliest mention of it which I have seen is in the *Diary of Abraham de la Pryme*, A.D. 1697, p. 129. No one to permit his animals to be in "*le bradmore*" without being tied on pain of *ij*^d. No one to gather wool in the field before the swinherd goes there with his pigs under penalty of *x*^s. This was to hinder persons catching the sheep and pulling the wool off their

¹ *Acta Sanctorum Maii*, I. 530. V. 132

backs, an offence by no means obsolete at the present day. If the persons who gathered the locks of wool which had been torn off by bush, hedge and briar were under the eye of the swineherd they would not be tempted to steal wool from the sheep. All who have "Gowelles" in the river Ankholme are to repair them within ten days under pain of $iijs\ iiij^d$. "Gowelles" in all probability means in this place holes through the river bank used for taking in water from the river for the cattle.

13 Elizabeth. Gerard Sonthyll Esq., Lord of the Manor. Randall Moore is presented because he entertains vagabonds contrary to the form of the statute.

16 Elizabeth. Thomas Hannay and Robert Poynter were fined vj^d each because they threw wood upon the highway, and John Smythe a like sum because he had not "unum le swynestie." Thomas Stedman and four other persons were fined $iiij^d$ each because they laid straw, flax, and other similar things near their hearths. Entries of this kind occur in the records of every Lincolnshire manor that I have examined. At a time when all except the most important houses in this part of England were constructed of "stud and mud," and covered with thatch; fires were even a more terrible calamity than they are at present, and it would seem that the manor-courts took strict precautions to compel all tenants, whether freeholders or copyholders, to employ such methods as were needful for the protection of themselves and others. Richard Ketchinge was fined $iiij^d$ because he had not buried an animal of his that had died.

17 Elizabeth. Richard Easton fined $iiij^d$ because he broke the soil on "le ynge" with his cart. Richard Ketchinge and others for trespassing with their cattle in the sown fields were fined ij^d each. This was a grave offence in times when nearly all the corn-land was unfenced. In many manors the fine for going over the sown fields with animals was very severe. There was in former days a very strong feeling against those who wantonly destroyed growing grain—an instinctive destestation, founded rather on religious and social sentiment, than on the supposed pecuniary loss that would follow. Famines are now a mere matter of history. At a time when, for want of inland communication, the

dwellers in one part of the kingdom might be dying of hunger, while in others there was an overflowing abundance, those who destroyed the future food of the people were not unnaturally objects of repugnance. In the section, *De modo inquirendi de peccatis venialibus*, in Myrc's *Instructions for Parish Priests* (E.E.T.S.) the penitent is asked—

“Hast þou I-struyd corn or gras,
Or oþer thyng þat sowen was?
Hast þou I-come in any sty
And cropped ȝerus of corne þe by?
Art þou I-wont ower corn to ryde
When þou myȝtest have go by syde.”
l. 1499.

19 Elizabeth. This is the first year we meet with the verdict of the jury in English. Some few of the entries are worth notice—

“Thomas Elles for that he mayd a fra vpon James Ketching ij^d.”

“Bryan Smythe for that he keped his cattele louse [loose] in the inges contrary to order ij^d.”

“Robart Ponton for his son carryng ij hors tyed to ȝether up the steche¹ ij^d.”

“Rychard Kytchyng for keeping sheep to half part contrary to order ij^d.” This means that the offender had joined at a purchase of sheep, with some other person, presumably what was called a foreigner, that is a person not a tenant of the manor. There was often a great temptation to do this, but it was contrary to good order in as much as it had a tendency to cause the pasture grounds to be overstocked. The manor courts were bound to jealously watch the intrusion of strangers under any pretence within the limits over which they had jurisdiction. The evil at Hibbaldstow seems to have become a serious one, for we find within a few lines of the entry above quoted.

“Payne layd that non shall take to half part no shepe, if he haue any of his own in payn of eury on so ofendeing V^{li} and also they that have any shall depart before martennes day next in payne of V^{li}.”

¹ The meaning of this word is not clear, perhaps it means a narrow lane.

"Ihon Lambart for lying line and other stofe neare unto his chimnay contrary [to] order vj^d."

"Ihon Turreynton for that he denyed Robert Stanean of alle contrary to order ij^d."

Persons who brewed beer for sale were bound, it would seem, to dispose of it to such of their neighbours as required it. When quarrels arose this was sometimes refused. We have met with other instances of small fines being inflicted for similar acts of churlishness.¹

20 Elizabeth "We say that Robart Broxholme hathe kept the shepe of his fathars contrary to ordar and tharfar he is armarsed xx^s."

"We say that Mr. Southell is the chief lorde of the weyst [waste] of Hibalstowe, as in his ryght of his mannar of Hibalstowe Byron and not in ye ryght of his manuar of Hibauldstow Cornewall, as by his auntyant courte rouses it doth planely appere."

"A payne layd that non of the lordes tennantes shall graue any hassockes of the lordes ground without the leue of the lord in payn of xx^d. A hassock is a large and thick tuft of coarse grass. Before the enclosures these hassocks were used by the poor for fuel.

"Thomas Stockdail for his fences not [being] lawful betwext Ihon Turrington and him vj^d." The jurisdiction which the manor-courts exercised over the fences within the manor must have been most useful. Since it has become obsolete there is no means within the reach of ordinary people by which the careless or improvident can be compelled to keep their fences in proper repair.

A presentiment made of "Thomas Whelpedale for that he hathe not brought in Ihon Whelpedale and Thomas Whelpedale his sonnes, being above the age of xii yeares, and haueing continued within the present of this leberty aboue on year and on day, to be sworne to be trew subjectes to our Soferent lady the quene." This is the only instance we have met with of the oath of allegiance being required to be taken at a manorial court. It is probable that these Whelpdales were Roman Catholics.

¹ In the court-roll of the manor of Scotter, under the year 1574, we find that the wife of Thomas Yonge, senior, of Butterwick was fined xij^d because

"dencgavit vendere sereviciam suam Thome Oliuer quando necesse fuit & quando egrotus fuit."—*Archæologia*, xlv, 382.

"A payne layd that all the layne endes shall be heged acording to ordar and in payn of iij^s. iiij^d."

11 James I. The following orders were made which we transcribe without abridgment.

"That none shall lett any gates¹ in the Inges but to those that haue gates of ther awne on payne of euerie beast iij^s. iiij^d."

"That none shall keepe towe Comons for one thing in payne of euerie month xx^s."

"That none shall keep comons but those that are resident of their house which they keep comons for, on paine of euerie month xx^s."

"That none shall keep comons but those that haue comons belonging to ther houses in paine of euerie month xx^s. That no servant shall keep mo sheepe then six vpon the comons, and that they shall put all the rest they have away betwixt this and the xvth day of this month vpon paine of euerie default xij^d."

"That euerie one shall keep vp his fence on the horse pasture hedge sufficiently betwixt this and the xxiiijth day of this month [May] in paine of euerie Rood iij^s iiij^d."

"That none shall tether within the corne in the west end of Middledayle² in payne of euerie beast xij^d. That none shall leave any [cattle] loose or hopled³ on the beck bank, the horse-pasture, or Middledayle nor the Ings, in the night tyme in payne of euerie beast vj^d."

"That euerie one shall make vp ther fence in the Inges hedge betwixt this & the xvth day of this month [May] in paine of euerie default xij^d."

"That none shall tether any thing betwixt the Robe Closes and Thomas Corbriges close in paine of euerie beast and horse xij^d."

¹ Gate signifies the right to depasture cattle on a common or open pasture. In 1613 Richard Plomer surrendered to Thomas Wells "a gate for a beast or horse in le seuerall pasture on Scotter" *Scotter Court Roll*. "On the north and south cliffs are several commons called Old Leys and Lodger Leys, which were formerly plowed; but by length of time are become unknown land and are therefore stocked by Gaits, like other common." *Survey of Manor of Kirton-in-Lindsey* 1787. "In all this country [Winterton, Lincolnshire] the common-gate for a cottager's cow is 2 acres for winter and

1½ for summer." Arthur Young, *Lincolnsh. Agric.* 1799, p. 413.

² Dale does not here mean a valley but a division in an open field. Norden's *Survey of the Manor of Kirton-in-Lindsey*, furnishes the names of many of these dales, as they were in 1616. In the parish of Messingham, before the enclosure when one owner had six lands altogether it was called a dale. See Mackinnon's *Acc. of Messingham* (written in 1825) 1880, p. 18.

³ To hopple means to tie together the hind legs of an animal.

"Wee do agree that all old paines belonging to the towne shall stand in force as they haue bene accustomed."

"We do make a paine that none shall keepe louse ther beastes in the cornefeild in paine of euerie beast vj^d. We do make a paine that none shall tether vnder the new hedge water furbanke and the Ings hedge in paine of euerie default ij^s. iiij^d."

"We do make a payne that none shall gleane¹ within six landes of the standing corne or mowne corne in paine of euerie default v^s."

"That none shall go & gather any woll before the Swinnard doth blowe in paine of euerie default xij^d."

"That no man shall put any horses or foles into Gainestrop² at any time betwixt this and Michaelmas next in paine of euerie default ij^s. iiij^d."

"That none shall tether any calves in the cornefield in paine of euerie default xij^d."

"That no man shall leave any oxen in the cornefield in gadding time of summer, but they shall bring them vp at eight of the clock' in the fore noone and carrye them downe at foure a clock in the afternoone, in paine of euerie default v^s."

"That euerie one shall scower³ North Carre⁴ dyke sufficiently against his owne ground betwixt this and Whitsontyde next coming in paine of euerie default xij^d."

Among the fines imposed this year we find Richard Corbrigge fined xij^d for putting his beasts upon the beck bank and in the Horse-pasture. It was the practice in all the adjoining parishes to prohibit the banks of streams and rivulets from being grazed by any animals except sheep on account of the damage done by the feet of horses and oxen to the banks. Widow Hewett was fined a like sum for putting cattle into Holme Fletes⁵ upon Easter day as was also Thomas Dent "for giving euell words against the Jury."

¹ This regulation was for the purpose of hindering the gleaners from stealing either from the standing or the mown corn. A similar rule is in force at present. Gleaners are not permitted to go into the stubble fields until the last load is carried.

² Gamblethorp or Gainstrop is a decayed village within the confines of Hibbaldstow. When Norden made his survey of

the Manor of Kirton-in-Lindsey in 1616 none of the houses were standing, but there were considerable ruins to be seen.

³ Scour, to cleanse. The word is yet in use in this sense.

⁴ Car signifies low uninclosed land liable to be flooded.

⁵ Fleet in the dialect of Lindsey means a drain.

We have observed nothing in these court-rolls which would lead us to infer that the custom of primogeniture did not prevail in this manor. From a loose memorandum dated 19 Elizabeth it seems, however, that Borough English was the custom here as in several other villages in Lindsey. The passage is as follows "It is found by the homage that Tho. Smith died seised of 10 ac., of land lately ... of Lords wast which he held of ye Lord by Copie of Cort Rolle according to ye Custom & that Brian Smith was his youngest sonn and now heire, who tooke these landes de novo paying 1s iii d yearly at the feast of St. Anthony and doing all other rent & services & ces' before dew, & accustomed and paid in the name of a fine for his enterance ii^s vj^d."

Along with the Court-rolls a few fine rolls of the Elizabethan period have been preserved; some passages are of sufficient interest to repay the trouble of transcription.

15 Elizabeth "Of Nycholas Androwe for bycause he wold not dyne with the Steward contrarie to the custome of the manor of ye Soke v^s."

"Of John Sheryffe for Lyinge his dunge in the highe waye iiij^d." This entry is noteworthy as showing that before the manor courts fell into disuse a cheap and quick means was always at hand for obtaining redress against those who annoyed their neighbours. At the present time legislation has only in part restored to us those common law rights which were lost when the manor courts died or became only a means of registering copy holds and providing revenue for the lords.

"Of Thomas Sledman for lying his haye nere vnto his chimney contrarie to a payne layde iiij^d."

"Of Robert firowe for the lyke with his eldyngge iiij^d."

The word elding though well nigh obsolete may still be occasionally heard. It is now employed to indicate small sticks used for lighting fires. In 1574 the manor court of Bottesford ordered that every cottager should provide four loads of turves called "eldyngge" before the feast of Saint Andrew under pain of vj^s viij^d. We have a proverb which says of something utterly worthless that it is "neither good for hedge-stake nor elding." The word is still used in Scotland.²

¹ Cess means in the dialect of Lindsey an assessment or local tax. *Notes and Queries* A 12 Series, vol. p. xj, 454. Atkinson, *Cleveland Gloss.* sub. voce.

² See Scott, *Black Dwarf* chap. IX.

"Of John Elsam for plowinge vpp the high waye iiij^d."

18 Elizabeth "of Richard Kechynge for takinge gyst¹ shepe in to this lordship contraire to payne vj^d." "Of Robert Broxholme for his wall lyinge downe ij^d." "Of John Harvie for his cowe lyinge out in the night ij^d." We fear that this fine was not inflicted out of any regard for the animal's comfort but because if it were not shut up at night there was danger of its getting into the corn-field.

19 Elizabeth "of William Barnard because he disclosed the counsale of the Jurie to Robert Stainton xx^d"

"Of William Whytelam for takinge his towle of the corne of the neighbors excessyvelie ij^s."

The above is the solitary fact that has come down to us relating to the village miller. Whether

"He was a jangler, and a goliardeis"

or a steady and sedate man we shall never know. That like Chaucer's companion on the Canterbury journey,

"Well coude he stelen corne, and tollen thries"

was the opinion of his neighbours who sat in judgment on him. Modern experience leads one to believe that the charge of taking excessive toll has often been made unjustly, on the other hand frauds of this sort are proverbially difficult to discover.

20 Elizabeth. Like other local bodies the Hibbaldstow manor court was careful to maintain its dignity. William Scupholme was fined x^s because "he did appeare at this court and did refuse to doo his services dewe, but departed, the courte syttinge, without lycence, in dispyte of the courte."

¹ Giste, as it is now commonly spelt, means the taking in to graze of another person's cattle. See Cowel, *Law Diet.* sub voce *Agist*. Du Fresne *Gloss. Med.* *Lat.* sub voce *Agistare*. This word is

sometimes spelt *joist*, thereby suggesting a false derivation. See Arthur Young, *General View of the Agriculture of the County of Lincoln*, 1799, p. 325.