

ON THE RIGHT OF WARDSHIP
AND THE
CEREMONY OF HOMAGE & FEALTY IN THE FEUDAL TIMES.

BY

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I some time since read before the Committee two or three excerpts from an old Court Book of the Manor of Rowdham in Shropham Hundred, and was requested to give the Society a copy of them as illustrative of the manners and customs of the period. With this request I have now the pleasure to comply, with the addition of a few prefatory observations.

It is well known to all who have any acquaintance with our early institutions, that before the Great Rebellion all the land in this country was parcel of some manor, and that the greater part of it was held by military tenure or knight-service, either of the crown or of some intermediate tenant who held of the crown. Each successive holder of such lands was bound to take an oath of fealty or profession of faith to his superior lord, and also to perform *homage*, a ceremony which Blackstone describes as "openly and humbly kneeling, being ungirt, uncovered, and holding up his hands both together between those of the lord, who sate before him, and then professing that he did become his *man* from that day forth of life and limb and worldly honour," and then he received a kiss from the lord. Such tenant was also bound, in recompense for the land he held, not only to attend his lord to

the field, accompanied by a force commensurate with the extent of his holding, but in time of peace to do *suit* at his court: if a tenant of the king, to attend his High Court of Parliament; if of a subject, to attend his Court Baron or Manor Court. Besides other burthens to which this tenure was subject, were what were called *Reliefs*, which were fines payable to the lord by an heir on taking up the land after the death of the last tenant. This, however, was not payable unless and until the heir was of full age. If he were under age, the lord was entitled to his guardianship or wardship, which consisted in having the custody of the body and lands for his own profit during the minority, and not only that, but the right of disposing of him in marriage. This perquisite was made a source of great profit, as the lord was at liberty to sell the marriage of his ward. The custom is very happily referred to by our learned Vice-president, Mr. Turner, in a late number of our Papers* in allusion to the expression of buying a ward for her son, contained in Margaret Paston's will. When the heir came of full age he was obliged, if his lands were of sufficient extent and held of the king, to take upon himself the honour of knighthood, and in no case was he entitled to have possession or *livery* of his patrimony until he had taken the Oath of Fealty, performed his homage, and paid his fine or relief. These consequences form the subject of the present communication.

The Manor of Rowdham was part of the possessions of the Priory of Westacre; and in the 26th Henry VI. I find that the demesne lands, with all the rents and services (from which wardships and marriages and the advowson of the church were expressly excepted), were held under lease from the prior for the term of five years, by one William Payne, at the annual rent of £8. 10s. This William Payne held a considerable freehold estate of this manor by the tenure of knight-service. His death was found in the 7th Edward IV.,

* Vol. III., p. 171, n. 56.

and William Payne, his eldest son and next heir also dying, was succeeded by Peter Payne, the next son, whose death was also found in the 20th Henry VII. In that year, it is recorded in Latin on the Court Rolls, that William Payne, son and heir of Peter Payne, attended a court held at Rowdham on Friday next after the Feast of St. Edmund the Martyr (Nov. 20, 1505), in his own proper person, before Mr. Thomas Clerke, Prior of Westacre, the lord of the manor, Will. Syre, the steward of the manor, and the tenants there, and acknowledged to hold of the Lord Prior certain freehold messuages, lands, &c., by knight-service.

In a subsequent entry it is mentioned that William Payne died in the 2nd Henry VIII., and that he held on the day of his death divers freehold lands and tenements by knight-service of that manor, and that John Payne, his eldest son and next heir, was of the age of four years and upwards, and the lord being then and there present, took the said John Payne as his ward, &c.

John Payne attained his age of twenty-one years sometime in the 19th year of Henry VIII., and appears to have considered that he was entitled to the possession of his estates without the necessity of complying with the legal requisites, and that he was justified in using forcible means; for at a court held on Saturday, on the Feast of St. Edmund, King and Martyr, in the 22nd year of that monarch, a presentment was made by the jurors there that, on a certain day, which is illegible, John Parishe, William Whitlow, John Cok, John Wetyng, John Watts, Thomas Lely, Thomas Chamber, being copyhold tenants of the manor, together with Lawrence Gascony, and other evil-doers and disturbers of the peace of our Lord the King, with force and arms, viz., (*baculis, gladiis, fustibus, & le pycheforks,*) with sticks, swords, clubs, and pitchforks, the house and freesoil of the lord of this manor . . . broke and entered; viz., upon a garden (*ortum*) of the lord of the said manor

in *Rougdam*, and a seal (*ceram*) upon the door of the said house affixed; under pretext whereof, John Payne, Gent., together with Thomas Bell, were put in possession in the said manor, viz., in one granary (*oreo*) of the said manor. And, moreover, that by the aiding and abetting (*supportaco'em et comfortaco'em*) of the said John, Will., John, John, John, Thos. and Thos. Chamber, and Lawrence Gascony and others, these same John Payne and Tho. Bell made assault and affray upon William Wyngfield, Prior of Westacre, lord of that manor, and with a sword held in the hand of the said John Payne then and there struck the said Prior, so that his life and mutilation of his limbs were almost despaired of, and others, servants of the said Prior, of their lives then and there were likewise despaired of, against the peace of our Lord the King, and to the bad example of others, &c.

The same presentment was made at two subsequent courts; but afterwards, at a court held for the purpose in the 25th year of the same reign, John Payne, having been better advised, appeared and did his homage. A cotemporary minute, in English, descriptive of these transactions, is written in the Court Book, transcribed literatim as follows:—

“ Fyrst yt ys to be knowen, y^t ye Pryowre & covent of Westakere had a lordshyp in Rowdhm̄, & therto apperteynyd a coorte w^t dyvers tenaunts, both fre & copy, and also y^e patronage & parsonage impropyed, & also y^e gefte of y^e vykerage; Also y^e seyde pryoure & covent had ther dyvers aryable londs w^t a sheeps coors. Second, yt ys to be knowne, y^t y^e howse callyd Paynce, w^t y^e londs ther to pteynnyng in Rowdhm̄ holdyth of y^e seyde Westaker Maner, & y^t be Knyghts s^rvece, as ytt aperyth both by sealyd evydence & also by coorte rowles; and in y^e thryde yere of Kyng Henry y^e vij^t, on Payn deputed, and lefte hys sonne, a yonge chyld in ye cradyll, whych was ye last Payn, & y^s yonge chyld was takyne ward, and so by y^e Pryours s^vants & hys noors browhgt to Westaker, and ther

was kept in y^e *Deyhouse** sztene weeks, tyll hys mother came & bowght hys nonage & hys maryage of y^e pryoure and covent of Westakere, ye pryour then beinge callyd Mast^r Thom^s Clerk, bachelor in Devynyte; and when y^e seyde yonge Payne was come to hys full age, and hys mother y^e wyffe of S^r Wyllm Peñyg, Knyghte, deptyd, y^e seyde yong Payne at y^e entrynge of hys londs, denyed hys feawte and omage & paying of hys Knyghts ffee, whervpon by lernyd councell, on Mast^r Wyngfylde then being Pryoure of Westaker, & John Clere, Sellerere, & Ambrose Potter then being Steward, kept a sett coorte for y^e same purpose, & ther y^e omage by y^e Records of y^e lord's evydence, y^e coorte rowles, & ther owne knolege, fownde be verdyct y^t y^e seyde Payne held al y^t he had in Rowdhm̄ be feawte, omage, & knyghts srvece, of y^e lordshepe of Westaker; & then y^e seyde Payne came to y^e seyde coorte, w^t spoors on hys heels, & kneelyng, layd hys hands betwexct y^e hands of y^e pryour & prayd to be admyttyd his Tenant, and knolegyd y^t he helde of Westakere manere by y^t omage of Knyghts srvece, & so agreeede to pay y^e ffyne theroff, a hundred; † and so he was admyttyd for a tenaunte, wher^e yf he had denyed, so be lernyd councell, al y^t he held in Rowdhm̄ had been seased at y^e same coorte to y^e pryowre of Westaker, then lord of maner."

It would appear from Blomefield, that the mother of John Payne, after her widowhood, first became the wife of William Rammesbury, Esq., who died in 1515, having given to Elizabeth his wife the wardship of John Payne her son and Catherine Payne her daughter, which he lately bought of Thomas Clerk, Prior of Westacre. In 1526 I find from the Court Rolls that she was the wife of Sir William Penyngton.

* The dairy-house, probably the dwelling-house of the *Deye* or farm servant, who had the charge of the dairy belonging to the monastery.

† Pounds, marks, or shillings?

I do not learn the family name of the lady whom she selected for her son's wife, and he did not survive many years; as, at a court holden as usual on St. Edmund's day in 1537, his death was presented by the homage; also that he held by knight-service; that his annual rent was 28s., 1½ lb. of pepper, and 8 lbs. of cummin; and that Alice, late wife of John Payn, held, together with her late husband, an estate in the lands for her life, and she had till the next court given her to exhibit her feoffment. The homage also said that John died without heirs of his body.

There was another manor in Rowdham, called Newhall alias Trussebutts, whereof the Paynes had the lordship; and the Court Books of this manor show that Alice, the widow of John, re-married one Dereslie, and that on her death, 23rd Eliz., Katherine, the only sister and heir of John, then the widow of Brian Holland, Esq., ancestor of the Hollands of Quidenham, succeeded to the inheritance.

