Manorial Regulation and Negotiation in a Late Medieval Environment: Land and Community at Herstmonceux, 1308-1440

by

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Author's Declaration

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.

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Abstract

This dissertation examines the role that environment played in the negotiation of rights and responsibilities on a fundamental socioeconomic institution of rural communities in late medieval England — the manor. It analyzes all of the extant documentation generated by the manor, especially a series of fourteenth-century court rolls, and uses it as a lens through which to observe this process. What emerges is a picture of continuous negotiation of power that affected, and was affected by, the environment. Some effects of this process included the creation of new bureaucracies, the increasing standardization of procedure and documentation, and regulations promoting intensive, rather than extensive, land use. This occurred during a period of significant environmental crises, including marshland flooding, disease, and the increasingly unsustainable clearing of woodlands. The manor of Herstmonceux is an especially useful case study for an analysis of the relationship between communities and their environment, as it administered a broad landscape that straddled distinctly different environments, from lowland marshes to upland woods.

Prescriptive, often written, initiatives from the seigneurial administration conflicted with custom, much of it oral, and local memory. In this way, the manor court acted as a mechanism of enforcement for the seigneurial administration. Geography also played a crucial role in Herstmonceux manor's imposition of authority in its periphery. Though much of the demesne utilized lower elevations and wetlands near the manor house, the tenants lived in clustered communities dispersed widely throughout an upland, wooded region. In practice, the court wielded little influence on tenant behaviour over great distances, and especially in dense woodlands, and acted mostly as a source of record-keeping and revenue generation. People grazed their animals widely and trespassed on the demesne frequently, for which the court generally levied a minor access fee, and utilized wood for many purposes, though the sheer lack of prosecutions indicate a lack of enforcement in the manor's distant woodlands. In contrast, the lord wielded greater control over access to nearby marshland, wherein much of his demesne was located. This influence only grew as royal bureaucracies imposed standardized, written procedures to ameliorate flooding; unsurprisingly, tenants exerted increasingly less autonomy in matters of water management.

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Abbreviations

BL	= British Library
CPR	= Calendar of Patent Rolls
CIPM	= Calendar of *inquisitiones post mortem*
CUCAP	= Cambridge University Collection of Aerial Photography
ESRO	= East Sussex Record Office
HLS	= Harvard Law School
IPM	= *Inquisition post mortem*
KHLC	= Kent History and Library Centre

Currency

£	= pound
s.	= solidus (shilling), 20 *s.* per £
d.	= denarius (penny), 12 *d.* per *s.*
mark	= 13 *s.* 4 *d.*
obolus	= farthing, 4 ob. per *d.*

Chapter 1: Introduction

1.1 Introduction and Argument

A man comes to the Herstmonceux manor court; he has travelled many miles from his distant woodland property near the Kent border. His house had earlier been damaged in "a great wind," and the steward, the manor lord's lieutenant, had compelled him to make adequate repairs or face severe financial penalty. The man's peers now testify that his home stands once more in good condition; at the same time, they accuse him of cutting down a large oak on his tenement – an act he has no customary right to do. He can freely gather firewood and use fallen branches for fencing, but oak timber is an exclusive commodity. In his remote corner of the manor, the felling of a single tree might have gone unnoticed by officials, had his neighbours not reported him. In this case, they noticed his transgression. The court accepts his house repairs without reproach, but fines him two shillings for the oak. He goes on his merry way. Balance is restored and court business continues.

Another tenant appears in front of the assembled jurors of the homage; his horse was accused of trampling a neighbour's crops. To make matters worse for the tenant, the animal, a black equine worth many times his annual rent, is now desperately sick. The neighbour has brought trespass charges against him, no doubt hoping to recover his losses, or at least ensure justice is done and a nominal fee paid. In response, the tenant claims, in front of his peers, that he actually had an arrangement with another man — he could pasture his livestock in the other man's paddock in exchange for a part of the grain harvest. That man must have forgotten to close the gate! The horse then wandered out and became "gravely injured." Not only was the trespass the fault of the other man, so too was the negligent care of his prized animal. The steward dispatches two men, respected in the community, to investigate and report back. They find that

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no crops show signs of damage, but that the horse does appear ill and on the verge of death. The court fines the negligent man one shilling, far more severe than the standard trespass penalty, but little compared to the value of the moribund horse. The claimants disperse but the animosity will likely lead to further disputes.

On another day, some officials travel down from London. They have come to investigate claims that the local watercourses keep overflowing. Regional infrastructure, maintained collaboratively by the community for decades, is allegedly now insufficient to drain the marsh or hold back the powerful Channel waves. Storm activity has only exacerbated the problem in recent years. These commissioners summon local landholders to respond to their alleged negligence — some appear, others decline. The royal officials present written documents, statutory orders, legal precedent. They declare that the old methods are defunct; new construction projects must be initiated, new administrative offices developed. The community raise their voices in protest. Their customary ways have worked since "time immemorial." They have little need for this new, centralized bureaucracy. And besides, any disputes could always be settled in their local seigneurial courts with little need to bother Westminster. The debate rages on for some time, but, in the end, does little to prevent the breaking of new ground. The voices and memory have become muffled beneath piles of paperwork.

These episodes, amalgamations of several different events in the Herstmonceux manor court, encapsulate the whole process of managing complex and, sometimes, volatile environments in fourteenth-century England.[1] Perceptions of the fourteenth century have long devolved into visions of chaos and disaster. A new "ice age," rising and stormy seas,

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[1] While some events and people were combined for narrative purposes, each singular detail appears exactly as it does in the manorial, or contemporary royal, documentation.

unprecedented famine, waves of world-upending plague, and the fires of popular revolt have all

captivated, rightly or wrongly, the popular imagination. These phenomena certainly all occurred,

and they have a place in any story of the later medieval era. Overall, climatological

reconstructions for England and the North Sea region, more broadly, demonstrate increasing

wetness and more variable seasonal weather after 1200, and maybe as early as 1150 in southern

England, and much cooler temperatures from about 1300 and after. The era also witnessed a

notable increase in the frequency and severity of storms.[2] It is perhaps no wonder that Bruce

Campbell labelled the era from 1270-1470 as a "Great Transition" in both environmental and

human conditions.[3] By the fourteenth century, then, people near Herstmonceux had to contend

with a more unpredictable climate and increasingly unfavourable agricultural conditions. But

what effect did these dramatic upheavals, and also more gradual climatic changes, have on

communities who had their own local environments, cultural traditions, and social relationships?

In fact, medieval people generally demonstrated resilience as they weathered each crisis and

adapted their landscapes and institutions in response. Though influenced by changing

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[2] Recent large-scale regional climatological studies, thus far, demonstrate an increasingly volatile climate, though one that affected each region differently. More research, however, still needs to be done on historical temperature and precipitation at a regional level for south-eastern England specifically. Other studies have focused on different regions of southern England and have achieved different results from each other. For example, a recent dendrochronological study, using oaks, of summer precipitation in East Anglia finds that some of the wettest years on record occurred between 1169 and 1316. Another contemporaneous tree-ring analysis of oaks for south-central England, however, concludes that the era from roughly 1300 until the seventeenth century was a drier period overall, with 1295-1314 being especially noteworthy. Richard J. Cooper et al., "A Tree-Ring Reconstruction of East Anglian (UK) Hydroclimate Variability over the Last Millennium, "*Climate Dynamics* 40, no. 3-4 (2013): 1019-1039; Rob Wilson et al., "A Millennial Long March-July Precipitation Reconstruction for Southern-Central England," *Climate Dynamics* 40, no. 3-4 (2013): 997-1017. See also: Astrid Ogilvie and Graham Farmer, "Documenting the Medieval Climate," in *Climates of the British Isles: Past, Present and Future*, ed. Mike Hulme and Elaine Barrow (London: Routledge, 1997), 112-133; Rudolf Brázdil et al., "Historical Climatology in Europe – The State of the Art," *Climatic Change* 70, no. 3 (2005): 363-430; M.E. Mann et al., "Global Signatures and Dynamical Origins of the Little Ice Age and Medieval Climate Anomaly," *Science* 326, no. 5957 (2009): 1256-1260; Fredrik Charpentier Ljungqvist, "A New Reconstruction of Temperature Variability in the Extra-Tropical Northern Hemisphere during the Last Two Millennia," *Geografiska Annaler* 92, no. 3 (2010): 339-351. See Chapter 4 for discussion of the "Age of Storms."

[3] Bruce M.S. Campbell, *The Great Transition: Climate, Disease and Society in the Late-Medieval World* (Cambridge: Cambridge University Press, 2016).

environmental conditions, many shifts in settlement and administration occurred long after the onset of volatile climatic conditions and were influenced by other factors, both social and economic, as well.

This thesis argues that, in the midst of broad climatic shifts in the North Sea region, we can observe, on local and regional scales, a continuous process of negotiating the rights and responsibilities of managing environments both terrestrial and aquatic. Access to, and the use of, flora and fauna fit fundamentally into this negotiation of power. In general, the fourteenth century marks an increasing trend for elites (and elite institutions) to exert authority over, or restrict access to, local environments. Some effects of this process included the creation of new bureaucracies, the increasing standardization of procedure and documentation, and regulations promoting intensive, rather than extensive, land use. This occurred during a period of significant environmental crises, such as the flooding of marshlands, rampant epizootics, and the increasingly unsustainable clearing of woodlands. We must also consider, though, that most of those initiatives to consolidate control occurred long after those paradigmatic crises began, and continued incessantly even as they ebbed and flowed. The manor of Herstmonceux is an especially useful case study for an analysis of the relationship between communities and their environment, as it administered a broad landscape that straddled distinctly different environments, from lowland marshes to upland woods.

The Herstmonceux estate, with its history of politically well-connected lords and the architectural appeal of its brick castle,[4] has long fascinated antiquarians, artists, and tourists

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[4] For an overview of the park, and the estate itself, where it features prominently and is even used for the opening anecdote, see S.A. Mileson, *Parks in Medieval England* (Oxford: Oxford University Press, 2009). For a discussion of the lords' fame — infamy for some – and involvement in royal politics and legislative changes, see E.W. Ives, "The genesis of the Statute of Uses," *The English Historical Review* 82, no. 325 (1967): 673-697. See also, Nigel Saul, *Scenes from Provincial Life: Knightly Families in Sussex, 1280-1400* (Oxford: Clarendon Press, 1986).

alike. Eighteenth- and nineteenth-century travel accounts and local histories narrated the estate's

lineage and described the then-ruined state of the property.[5] The story of life and land at

Herstmonceux does not begin, however, with the 1441 construction of the castle and

enlargement of the deer park;[6] a thriving medieval community long predated those aristocratic

transformations of the landscape. Some research has been conducted, most notably by Mark

Gardiner, on land use and settlements in the Weald, including Herstmonceux, but no modern

scholarship has studied Herstmonceux to the degree that this thesis does.[7]

The fourteenth-century estate spanned a large geographical area and included nearly one

hundred tenant households, all monitored and administered by that fundamental institution of the

rural English economy – a manor. The geographical composition of Herstmonceux's manor

allows for a focused case study that illuminates social regulations of very different environments;

it occupied a vast and disparate landscape, broadly divided into two distinct regions. The first,

the Sussex Weald, encompassed a large upland region of dense forests, within which small

communities, who defended proudly long-established cultural traditions, had cleared space in the

woodlands. The second, the Pevensey Levels, a once-tidal lagoon and large marshland, had been

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[5] Edmund Venables, *The Castle of Herstmonceux and its Lords* (London: John Russell Smith, 1851); J.D. Parry, *An Historical and Descriptive Account of the Coast of Sussex* (London: Longman & Co., 1833); Horace Walpole, *The Correspondence of Horace Walpole with George Montagu, Esq., [and others]: 1735-1759.* Vol. 1 (London: Henry Colburn, 1837), 174-176. In 1776, Lord Dacre even commissioned high-quality drawings of Herstmonceux Castle, by James Lambert and his son, before the interior of the building was demolished. A portfolio of the drawings is now housed at the East Sussex Record Office (ESRO): ACC 9374. See also, John H. Farrant, "The drawings of Herstmonceux Castle by James Lambert, senior and junior, 1776-1777," *Sussex Archaeological Collections* 148 (2010): 177-181. L.F. Salzman consulted Herstmonceux records for numerous studies in the SAC, which are discussed throughout the thesis.
[6] The National Archives [TNA]: C53/187.
[7] Gardiner consulted the Herstmonceux court rolls in his broad survey of Wealden settlements, but since he was conducting an overview of manors throughout the Weald, he did not study Herstmonceux as comprehensively as I do. He also focused more on socioeconomic elements in the region, rather than the environment itself. This thesis then tests and elaborates on certain key elements of his work, but with a different perspective. Mark Francis Gardiner, "Medieval Settlement and Society in the Eastern Sussex Weald before 1420," (PhD diss., University College London, 1995); Mark Gardiner, "The geography and peasant rural economy of the eastern Sussex High Weald, 1300-1420," *Sussex Archaeological Collections* 134 (1996): 123-139.

transformed extensively for human occupation over the course of just several generations. The

manor straddled these two regions, both geographically and jurisdictionally. As Catlin et al.

explain for Bodiam Castle, a very similar site in the eastern Sussex Weald,

> Bodiam's position, between the Weald and the marsh, made it not just an ideal location
> for trade and commerce between the two regions, but also continued a long history of
> negotiations between people and their landscape, as the push and pull between wetland,
> floodplain, and woodland both shaped and was managed by the human occupation of this
> dynamic landscape at the convergence of ecological zones.[8]

The site of the present castle, presumably near the original manor house, stands about 13m above

sea level. The ground just to the north, where the deer park was located, sloped up to 50m, and

manorial land in Heathfield, 10km away, rested at 150m. Recently drained land on the Levels,

located immediately south of the manor house, stood only 0.5-1m above sea level, in many

places, and below it in others; much of the manor's demesne lands occupied that landscape.

Many of the manor's tenants, on the other hand, lived in clustered communities dispersed far

throughout the Weald.

Prescriptive, often written, initiatives from Herstmonceux's seigneurial administration

conflicted with custom, much of it oral, and local memory. In this way, the manor court acted as

a mechanism of enforcement for the seigneurial administration. Unsurprisingly, cases involving

the lord's authority far outnumber inter-tenant disputes. Herstmonceux inhabitants probably

relied on their own traditional means of collaboration and dispute resolution. Geography also

played a crucial role in Herstmonceux manor's imposition of authority in its periphery. Though

much of the demesne utilized lower elevations and wetlands near the manor house, the tenants

lived in clustered communities dispersed widely throughout an upland, wooded region. In

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[8] Kathryn A. Catlin, Penny Copeland, Matthew Johnson, Rob Scaife, "The Environment of Bodiam: Land, Vegetation, and Human Impacts," in *Lived experience in the Later Middle Ages: studies of Bodiam and other elite landscapes in south-eastern England,* ed. Matthew Johnson (Highfield Press, 2017), 94.

practice, the court wielded little influence on tenant behaviour over great distances and acted mostly as a source of record-keeping and revenue generation. People grazed their animals widely and trespassed on the demesne frequently, for which the court generally levied a minor access fee, and utilized wood for many purposes, though the sheer lack of prosecutions indicate a lack of enforcement in the manor's distant woodlands. In contrast, the lord wielded greater control over access to nearby marshland, wherein much of the demesne was located. This influence only grew as royal bureaucracies imposed standardized, written procedures to ameliorate flooding; unsurprisingly, tenants exerted increasingly less autonomy in matters of water management.

1.2 Manors and Environmental History

Most medieval people in rural England belonged not only to social communities, as villagers, but also to legal-economic groupings of households for agricultural purposes, specifically, as tenants who lived and worked on manorial land. The manor represented the most common and paradigmatic form of agricultural organization for the average medieval person in England.[9] Reference to a "manor" – the general focus of investigation in this thesis – does not imply, however, the existence of one static, clearly defined physical location. A *manerium* denotes a single administrative unit of a landed estate, whether or not the landowner actually resided there. A very large estate (often called an honour) could include potentially more than one hundred manors, while smaller estates, like fourteenth-century Herstmonceux, might only have one. Some manors could include multiple settlements, and some villages contained multiple manors. Sometimes manors had unclear boundaries or even overlapped.[10] A manor is thus an administrative term – an abstraction – superimposed over pre-existing communities; as Maitland

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[9] Edward Miller and John Hatcher, *Medieval England: Rural Society and Economic Change 1086-1348* (London and New York: Longman Group Limited, 1984), 184.
[10] P.D.A. Harvey, *Manorial Records* (British Records Association, 1984), 1.

observed long ago, "Manorial and fiscal geography interferes with physical and villar geography."[11] As Bailey explains, "The marked variety in manorial size and composition in the later Middle Ages, and the importance of location and lordship in influencing such variations, means that manors should not be regarded as static and immutable entities."[12] This is important to understand for Herstmonceux's situation, as its manorial jurisdiction spanned a broad and disparate landscape, and it constantly lost and acquired new tenurial holdings. This mirrors the trend for manors in Kent, a largely similar landscape to Wealden Sussex, where demesnes tended to include scattered areas of arable and appurtenances with "sometimes distant pasture in marsh and forest," and most tenants lived on properties far removed from the court and even each other.[13] The dynamic and dispersed nature of the Herstmonceux manor, thus, directly shaped who interacted with it and how.

Manorial lords in the fourteenth century used the economic and legal power vested in them to profit economically from direct management of their landholdings and to draw upon the legal obligations of their tenants for rents and supplementary labour duties. The manor provided the framework for those activities on the estate and its personal court enforced the subsequent regulations. Lords and their officials thus desired detailed documents to track the goods produced and the services required on the manor. While English society in the late-thirteenth and early-fourteenth centuries continued to function primarily in an oral medium, significant pressure to produce written accounts and to demonstrate proof on parchment led to an unprecedented surge of manuscript production at the local level. Beginning in Edward I's reign (1272-1307), the

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[11] Frederic William Maitland, *Domesday Book and Beyond: Three Essays in the Early History of England* (New York: W. W. Norton & Company Inc., 1966; originally published Cambridge, 1897), 13.

[12] Mark Bailey, ed., *The English Manor c. 1200 – c. 1500* (Manchester and New York: Manchester University Press, 2002), 9.

[13] Miller and Hatcher, *Medieval England: Rural Society and Economic Change*, 186.

Crown increasingly expected all levels of society to maintain some form of written proof for status and property ownership; it also required seigneurial officers to keep written lists of all adult males to be read aloud twice annually for the view of frankpledge. By 1300, some villeins actively used written documents themselves.[14] Written manorial records thus increasingly occupied an essential, if prescriptive, role in rural communities' economic accounting, as well as general conflict resolution and legal arbitration in the manorial court.

Medieval English manors and, by extension, rural life have a long and complex historiography. Manorialism was one of the first topics to attract the interest of professional historians.[15] Few institutions or themes can claim such a list of detailed and illustrious studies. Most of the manors examined, however, belonged to large and powerful ecclesiastical estates. Numerous monographs in the second half of the twentieth century, many of them focused on the long-term economics of single estates, provided detailed studies of such abbeys as Battle, Westminster, and Ramsey, among many others.[16] This should not surprise, as those institutions tend to have extensive collections of extant records;[17] many historians over the years have lent

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[14] M.T. Clanchy, *From Memory to Written Record: England, 1066-1307* (London: Edward Arnold, 1979), 31-33.

[15] Frederic Seebohm, *The English Village Community,* 4th ed. (London, New York, and Bombay: Longmans, Green, and Co., 1896); F.W. Maitland, ed., *Select Pleas in Manorial and other Seignorial Courts*, Selden Society vol. 2 (London: B. Quaritch, 1889); Paul Vinogradoff, *Villainage in England: Essays in English Mediaeval History* (London: Oxford University Press, 1892); Paul Vinogradoff, *The Growth of the Manor,* 2nd ed. (London: George Allen & Company, Ltd., 1911); H.S. Bennett, *Life on the English Manor: A Study of Peasant Conditions 1150-1400* (Cambridge: Cambridge University Press, 1937). See also the discussion in Zvi Razi and Richard M. Smith, "The Historiography of Manorial Court Rolls," in *Medieval Society and the Manor Court,* eds. Zvi Razi and Richard Smith (Oxford: Clarendon Press, 1996), 1-15.

[16] See, for example, Eleanor Searle, *Lordship and Community: Battle Abbey and its Banlieu, 1066-1538* (Toronto: Pontifical Institute of Mediaeval Studies, 1974); Barbara Harvey, *Westminster Abbey and its Estates in the Middle Ages* (Oxford: Clarendon Press, 1977); J. Ambrose Raftis, *The Estates of Ramsey Abbey: A Study in Economic Growth and Organization* (Toronto: Pontifical Institute of Mediaeval Studies, 1957); R.A.L. Smith, *Canterbury Cathedral Priory: A Study in Monastic Administration* (Cambridge: Cambridge University Press, 1943); Christopher Dyer, *Lords and Peasants in a Changing Society: the Estates of the Bishopric of Worcester, 680-1540* (Cambridge: Cambridge University Press, 1980).

[17] According to Campbell, the annual income of lay manors c. 1300 accounted for 66.1% of all manors in England, compared to the 29.3% of ecclesiastical manors; however, in London region, 73.8% of extant accounts come from ecclesiastical manors, and only 16.3% from lay manors. Bruce M.S. Campbell, "Measuring the commercialisation of seigneurial agriculture c. 1300," in *A Commercialising Economy: England 1086 to c. 1300*, eds. Richard H. Britnell and Bruce M.S. Campbell (Manchester and New York: Manchester University Press, 1995), 140.

their expertise to the records of the bishopric of Winchester, for example, which possessed the richest estate in England and the most extensive extant documentation.[18] The quality of the documentation from large, ecclesiastical institutions has skewed research disproportionately toward conclusions favouring those extensive, multifaceted corporations, even though they did not necessarily oversee the majority of rural society. Most manor houses, in contrast to the more ostentatious and fortified buildings on great estates, belonged to lords of lesser status who resided in relatively humble structures. The majority of manors covered less than six square miles and approximately 65% included less than 500 acres of total land, in both demesne and tenant holdings.[19] Herstmonceux can likely be considered a "medium-sized" manor, with a demesne of approximately 600 acres, but one that covered an uncharacteristically large geographical area.

In addition to the size of the manor on a national scale, it is important also to consider it within its regional context, as the composition of manors could vary widely from region to region. As one example, Brandon's survey of coastal Sussex manors, which illustrated their relative wealth, intensive cultivation, large-scale growing of cereals, and consistent series of extant documents, focused on large ecclesiastical manors of the Battle Abbey estate located on comparatively fertile land to the south-west of Herstmonceux.[20] The typical arable acreage of a regional Benedictine demesne, at over 500 acres, roughly twice exceeded that of Herstmonceux's

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[18] See the discussion in John Hare, "The Bishop and the Prior: Demesne Agriculture in Medieval Hampshire," *The Agricultural History Review* 54, no. 2 (2006): 187-190.

[19] Of the manors documented in the 1279 Hundred Rolls, 65% of manors were "small," with less than 500 acres, and typically associated with a gentry lord or lesser monastic house. 21% were "medium" manors of 500 – 1000 acres and 14% were "large" manors of over 1000 acres, The total aggregate area of medium (30%) and large manors (41%), however, exceeded that of small manors (29%). Large manors tended to be held by the upper nobility, including bishoprics and powerful monasteries. Mark Bailey, *The Decline of Serfdom in Late Medieval England: From Bondage to Freedom* (Woodbridge: The Boydell Press, 2016), 97; Bailey, *The English Manor*, 4-6.

[20] P.F. Brandon, "Demesne Arable Farming in Coastal Sussex during the Later Middle Ages," *The Agricultural History Review* 19, no. 2 (1971): 113-134.

cultivation in 1308. Even in the Weald, where demesnes and crop rotations remained highly

variable, and fields tended to be small and focused more on pasture for livestock, local Battle

Abbey manors dwarfed the Herstmonceux estate.[21] Some Battle Abbey manors in the Weald

benefitted from the logistics of the large, multifaceted institution, since they could focus on

pasturage and leave intensive arable farming to other demesnes within carting distance.[22] In

contrast to such large estates, individual demesnes on a national level tended to be relatively

small; for example, the average cultivated acreage of twenty-one Peterborough estates in 1301

was 234,[23] and thus noticeably comparable to the 250-acre sown arable demesne of

contemporary Herstmonceux. As an underrepresented example of a medium-sized, lay manor,

Herstmonceux can be used to corroborate or contradict established models on a local scale,

especially since the prevalence and precise nature of direct farming fluctuated from region to

region, and even from manor to manor within regions.

Furthermore, scholars have tended to study manors through lenses of legal, economic, or

social history, which necessarily include environment, but as an incidental, not intentional,

perspective. These studies adopted groundbreaking methods from social sciences, and included

important analyses of demographics, feudal relationships, familial bonds, agricultural regimes,

and land markets.[24] In general, historians have either portrayed the manor court primarily as a

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[21] Marley, as one Wealden example, sowed 404.5 acres in 1309-1310, or 162% of Herstmonceux demesne's sown acreage in 1308. Searle concludes that the entire demesne likely contained 728.5 acres, but admits that the fallow acreage can only be estimated based on the extant documentation. The 1308 Herstmonceux inventory similarly does not include specific mentions of fallow, so this calculation compares relative sown acreage only. Searle, *Lordship and Community*, 279, 459; Brandon, "Demesne Arable Farming in Coastal Sussex," 118.

[22] Searle, *Lordship and Community,* 285-286.

[23] Even the largest of those estates had only cultivated 560 acres. R.H. Britnell, *Britain and Ireland 1050-1530: economy and society* (Oxford: Oxford University Press, 2004), 198.

[24] Zvi Razi, *Life, Marriage and Death in a Medieval Parish: Economy, Society and Demography in Halesowen, 1270-1400* (Cambridge: Cambridge University Press, 1980); Edwin Brezette DeWindt, *Land and People in Holywell-cum-Needingworth: Structures of Tenure and Patterns of Social Organization in an East Midlands Village, 1252-1457* (Toronto: Pontifical Institute of Mediaeval Studies, 1972); Edward Britton, *The Community of the Vill: A Study in the History and Village Life in Fourteenth-Century England* (Toronto: Macmillan, 1977); J.

powerful, potentially exploitative, seigneurial tool or as a window into the daily lives and agency

of regular people, and they have labelled court rolls as either fundamentally problematic or

helpfully informative.[25] Decades of scholarly interest and debate in the role of the manor court

culminated in the 1996 publication of the edited volume, *Medieval Society and the Manor Court*,

a collection noteworthy both for its exhaustive research on certain themes and its significant

omission of some important authors and perspectives.[26] Though a consensus of compromise has

largely settled the bitter debate,[27] there has yet been little focus on the English manor court as a

nexus for the negotiation of rights and responsibilities between lords and their tenants.

    The court functioned as an arbitrator and regulator, the locus where met the interests of

the manor's seigneurial apparatus and its tenants. Whereas scholars of England have tended to

view the manor court as either top-down or bottom-up, the intermediary function of courts and

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Ambrose Raftis, *Tenure and Mobility: Studies in the Social History of the English Village* (Toronto: Pontifical Institute of Mediaeval Studies, 1964); Judith M. Bennett, *Women in the Medieval English Countryside: Gender and Household in Brigstock before the Plague* (New York: Oxford University Press, 1987); J.Z. Titow, *Winchester Yields: A Study in Medieval Agricultural Productivity* (Cambridge: Cambridge University Press, 1972); P.D.A. Harvey, ed., *The Peasant Land Market in Medieval England* (Oxford: Clarendon Press, 1984); Phillipp R. Schofield, *Peasant and Community in Medieval England, 1200-1500* (New York: Palgrave Macmillan, 2003).

[25] Consider, for example, the first line of Evans' paper, which states that "The essence of a manorial lord's relationship with his tenants, most especially his unfree tenants, was exploitation" and his explanation that "Court rolls are of course a uniquely informative source for English medieval rural society, but they are not without difficulties of interpretation." Compare this with Raftis' observation that "the individual peasant has been brought into the light of history, especially through the study of local court rolls, so that the socio-economic life of the peasant could begin to be seen from the peasant's own perspective." Ralph Evans, "Whose was the manorial court?" in *Lordship and Learning: Studies in memory of Trevor Aston*, ed. Ralph Evans (Woodbridge: The Boydell Press, 2004), 155; J.A. Raftis, *Peasant Economic Development within the English Manorial System* (Montreal & Kingston: McGill-Queen's University Press, 1996), 3.

[26] Most notably, the collection surprisingly lacks contributions by women, non-British authors, or historians from the "other side" of the debate. Zvi Razi and Richard M. Smith, eds. *Medieval Society and the Manor Court* (Oxford: Clarendon Press, 1996). Edwin DeWindt, "Review of *Medieval Society and the Manor Court,* eds. Zvi Razi and Richard M. Smith," *The American Journal of Legal History* 42, no. 1 (Jan., 1998): 90-95.

[27] For perhaps its most acrimonious iteration, see Zvi Razi, "The Toronto School's reconstitution of medieval peasant society: a critical view," *Past & Present* 85 (1979): 141-157. In response, Edwin DeWindt defended that their methodology "deliberately defies neat categorization" and dismissed the "Toronto School" label as one that "has subsequently taken on a life of its own that seems impervious even to silver bullets and garlic." Edwin Brezette DeWindt, ed., *The Salt of Common Life: Individuality and Choice in the Medieval Town, Countryside, and Church, Essays Presented to J. Ambrose Raftis* (Kalamazoo, MI: Medieval Institute Publications, 1995), xiii-xiv. For the current state of the largely-dormant debate, see John Hatcher, "Lordship and Villeinage before the Black Death: From Karl Marx to the Marxists and Back Again," in *Peasants and Lords in the Medieval English Economy: Essays in Honour of Bruce M.S. Campbell* (Turnhout: Brepols, 2015), 113-146.

other sociolegal institutions has been the focus of recent and compelling discussion for

Mediterranean communities.[28] As Steven Bednarski explains for this "bifocal" way of studying

the criminal court in Manosque, "just as individuals attempted to use the court for their own

ends, they were in turn, drawn in and exploited by court owners and operators. When this

happened, those same individuals who sometimes rushed to the municipal judge for justice

balked."[29] Very recently, scholars of English manor courts have also begun to turn their attention

to the collaborative processes between lords and tenants; this recent trend includes studies of

procedural evolution that demonstrate how legislative change was initiated not just by external

influences or top-down pressures, but also by tenants and jurors, in a process Briggs and

Schofield call "convergence."[30] This all fits into a broader historiographical trend, currently

popular, about how the negotiation of status and the regulation of behaviour influenced the

establishment and enforcement of borders and boundaries.[31]

Methods and perspectives from environmental history also provide many useful lines of

inquiry, though until fairly recently, most of those studies have tended to be modern in focus.

Medievalists, already so prolific in other fields of inquiry, have turned their attention, over the

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[28] See especially the works of Daniel Lord Smail and Steven Bednarski. Daniel Lord Smail, *Imaginary Cartographies: Possession and Identity in Late Medieval Marseille* (Ithaca and London: Cornell University Press, 1999); Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264-1423* (Ithaca and London: Cornell University Press, 2013); Daniel Lord Smail, *Legal Plunder: Households and Debt Collection in Late Medieval Europe* (Cambridge, MA and London: Harvard University Press, 2016); Steven Bednarski, *Curia: A Social History of a Provençal Criminal Court in the Fourteenth Century* (Presses universitaires de la Méditerranée, 2013); Steven Bednarski, *A Poisoned Past: The Life and Times of Margarida de Portu, a Fourteenth-Century Accused Poisoner* (Toronto: University of Toronto Press, 2014).

[29] Bednarski, *Curia,* 22. Though Herstmonceux itself had neither a criminal nor municipal court, and, I argue, did not act generally as an effective regulator of behaviour, this "bifocal" perspective bears great utility for studying the role of the manor court in the community.

[30] Spike Gibbs, "Lords, tenants and attitudes to manorial office-holding, c.1300 – c. 1600," *Agricultural History Review* 67, no. 2 (2019): 155-174; Chris Briggs and Phillipp R. Schofield, "The Evolution of Manor Courts in Medieval England, c. 1250-1350: The Evidence of the Personal Actions," *The Journal of Legal History* 41, no. 1 (2020): 1-28.

[31] Sara M. Butler and Krista J. Kesselring, eds., *Crossing Borders: Boundaries and Margins in Medieval and Ealy Modern Britain: Essays in Honour of Cynthia J. Neville* (Leiden: Brill, 2018).

past couple decades, to environmental history as well.[32] Premodern environmental histories of the regulation of rights and responsibilities, and imposition of power, over environments have focused generally on early modern[33] or urban[34] subjects. A few exceptions have looked at some of these detailed aspects for rural medieval society, but on a broad scale.[35] Recent scholarship has begun to focus more on regional examples or the experience of institutions, most notably Ellen Arnold's work on the relationship of a Benedictine community to its Ardennes environment.[36]

This thesis draws on concepts developed by environmental historians, in order to elucidate the regulation and management of medieval communities' interaction with their local environments. My analysis of land use and adaptability in the midst of environmental change draws inspiration from Donald Worster's three levels of analysis in environmental history: the dynamics of natural ecosystems in time (nature); the political economies that people erect within those natural ecosystems (modes of production); and the cognitive lenses through which people

[32] Ellen F. Arnold, "An Introduction to Medieval Environmental History," *History Compass* 6, no. 3 (2008): 901. See also, John R. McNeill, "Observations on the nature and culture of environmental history," *History and Theory* 42, no. 4 (2003): 5-43.

[33] For example, see Cynthia Radding, *Landscapes of Power and Identity: Comparative Histories in the Sonoran Desert and the Forests of Amazonia from Colony to Republic* (Durham and London: Duke University Press, 2005); Alexandra Walsham, *The Reformation of the Landscape: Religion, Identity, and Memory in Early Modern Britain and Ireland* (Oxford: Oxford University Press, 2011); John Emrys Morgan, "The Micro-Politics of Water Management in Early Modern England: Regulation and Representation in Commissions of Sewers," *Environment and History* 23 (2017): 409-430.

[34] See, especially, Dolly Jørgensen, "Cooperative sanitation: managing streets and gutters in late medieval England and Scandinavia," *Technology and Culture* 49, no. 3 (2008): 547-567. More examples are provided in Chapter 4 of this thesis.

[35] See, for example, Birrell's indispensable overview of medieval woodland commons or Hoffmann's valuable work on aquatic ecosystems. Jean Birrell, "Common rights in the medieval forest," *Past & Present* 117 (1987): 22-49; Richard C. Hoffmann, "Economic development and aquatic ecosystems in medieval Europe," *The American Historical Review* 101, no. 3 (1996): 631-669.

[36] Ellen F. Arnold, *Negotiating the Landscape: Environment and Monastic Identity in the Medieval Ardennes* (Philadelphia: University of Pennsylvania Press, 2013). For a regional example, located near to Herstmonceux, of the exercise of power over the landscape, see Eric D. Johnson, "Moated sites and the production of authority in the eastern Weald of England," *Medieval Archaeology* 59, no. 1 (2015): 233-254.

perceive their relationships to the other two (belief).[37] This framework bears a noticeable similarity to Fernand Braudel's three levels of time — geographical, social, and individual.[38] Analysis of the environment, socioeconomic structures, and culture of the medieval Herstmonceux manor demonstrates the clear multicausal developments and symbiotic relationships by which each sphere influenced the others. Some medieval historians have since nuanced the distinctions between such levels, and thus provided a conceptual lens that focuses on the extent to which humans and their environments interact with each other and develop in tandem.[39]

    Environmental histories of medieval society and local studies of individual communities have allowed scholars to problematize or disprove certain paradigmatic theories of land use. They have allowed us to move beyond broad assumptions of a "tragedy of the commons" and to understand better the complex uses of open and enclosed spaces on a medieval manor.[40] The

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[37] Donald Worster, "Transformations of the Earth: Toward an Agroecological Perspective in History," *The Journal of American History* 76, no. 4 (March 1990): 1087-1106; William Cronon, "Modes of Prophecy and Production: Placing Nature in History," *The Journal of American History* 76, no. 4 (March 1990): 1122-1131.

[38] "Ainsi sommes-nous arrivé à une décomposition de l'histoire en plans étagés. Ou, si l'on veut, à la distinction, dans le temps de l'histoire, d'un temps géographique, d'un temps social, d'un temps individuel. Ou si l'on préferè encore, à la decomposition de l'homme en un cortège de personnages." Fernand Braudel, *Le Méditerranée et le monde Méditerranéen a l'époque de Philippe II*, 2nd ed. (Paris: Librairie Armand Colin, 1966), 17.

[39] Bruce M. S. Campbell, "Nature as historical protagonist: environment and society in pre-industrial England," *The Economic History Review* 63, no. 2 (2010): 281-314; Richard C. Hoffmann, *An Environmental History of Medieval Europe* (Cambridge: Cambridge University Press, 2014), 1-20. For an earlier formulation of Hoffmann's ideas, see Richard C. Hoffmann, "*Homo et natura, homo in natura*: Ecological Perspectives on the European Middle Ages," in *Engaging with Nature: Essays on the Natural World in Medieval and Early Modern Europe,* ed. Barbara A. Hanawalt and Lisa J. Kisers (Notre Dame, IN: University of Notre Dame Press, 2008), 11-38.

[40] Garrett Hardin famously argued that the public nature of the commons dooms itself to failure, on the basis that self-interest will influence every individual to seek their own maximum gain. If taken to its logical conclusion, by assuming that everyone will do that, then such unchecked exploitation would overpower resource limits. He even went so far as to say that, "Freedom in a commons brings ruin to all." Hardin's arguments for inevitable failure rested on assumptions based upon two broad aspects of resource regulation: excludability (control over access) and subtractibility (each user can subtract from the welfare of others). Garrett Hardin, "The Tragedy of the Commons," *Science* 162, no. 3859 (1968): 1243-1248; Garrett Hardin, "Extensions of 'The Tragedy of the Commons,'" *Science,* New Series, 280 no. 5364 (May 1998): 682-683; David Feeny, et al., "The Tragedy of the Commons: Twenty-Two Years Later," *Human Ecology* 18, no. 1 (1990): 3-4. These ideas have faced many challenges since then, especially for his misguided conceptions of how commons functioned and his conflation of common rights with open access. See, for example, A.T. Grove and Oliver Rackham, *The Nature of Mediterranean Europe: An Ecological History* (New Haven and London: Yale University Press, 2001), 88; Susan Jane Buck Cox, "No Tragedy of the Commons,"

negotiation of access to and use of common spaces and resources exemplifies some of the issues

navigated by medieval communities. Extensive examples of regulation and arbitration on

medieval England estates, encapsulated so clearly in court rolls and other manorial documents,

illustrate the ways preindustrial people managed effectively to minimize the potential pitfalls of

shared resource depletion.[41] Detailed regional and local studies have, furthermore, problematized

and nuanced perceived national trends and a deterministic relationship between demographic

expansion and settlement of "marginal" lands.[42] In reality, soils difficult to cultivate were not

abandoned earlier than "better" soils in the midst of late medieval population declines; other

factors, such as distances from markets or centres of operations influenced land-use decisions as

much as edaphic considerations did.[43] As Barbara Harvey explains, research on land-use changes

and settlement patterns showed the importance of regional and local factors, as well as the

general inadequacy of general explanations.[44] An environmental history of a sociolegal

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Environmental Ethics 7, no. 1 (Spring 1985): 41-69; Hoffmann, *An Environmental History of Medieval Europe,* 241-243.

[41] In reality, common lands rarely deteriorate so tragically because over-use of resources tends either to be self-limiting or averted by the efforts of commoners' regulations; only certain people who owned land or had grants to use it could gain access to the resources of the commons, and even then their behaviour faced clear regulation. Grove and Rackham, *The Nature of Mediterranean Europe,* 88; Cox, "No Tragedy of the Commons," 55.

[42] M.M. Postan famously argued that population pressures force humans to expand existing agrarian systems without corresponding economic or technological improvement, even as they cultivate land based on the strength of their agricultural assets. He argued that people farmed rich arable first and "marginal" last, and they then presumably abandoned land in the reverse order as the marginal areas failed and created subsequent demographic crises. M.M. Postan, "Some Economic Evidence of Declining Population in the Later Middle Ages," *The Economic History Review,* New Series 2, no. 3 (1950): 221-246; M.M. Postan, *The Medieval Economy and Society: An Economic History of Britain in the Middle Ages* (London: Weidenfeld & Nicholson, 1972). According to this model, expansion into marginal areas constituted an important "safety valve" in the thirteenth century, but no longer had a necessary role as demographic pressures eased in the fourteenth and fifteenth, and so general retreat of settlements would be most dramatic at the margins. Mark Bailey, "The concept of the margin in the medieval English economy," *The Economic History Review,* New Series 42, no. 1 (Feb., 1989): 2.

[43] Christopher Dyer, "'The retreat from marginal land': the growth and decline of medieval rural settlements," in *The Rural Settlements of Medieval England,* eds. M. Aston, D. Austin, and C. Dyer (Oxford: Oxford University Press, 1989), 48-57; Bailey, "The concept of the margin," 1-17; Barbara F. Harvey, "Introduction: the 'crisis' of the early fourteenth century," in *Before the Black Death: Studies in the 'crisis' of the early fourteenth century,* ed. Bruce M.S. Campbell (Manchester and New York: Manchester University Press, 1991), 1-24.

[44] Harvey, "The 'crisis' of the early fourteenth century," 10. As Alan Baker once wrote, "Generalised answers need to be based on particular questions." Baker, "Field Systems of Southeast England," 429.

institution, studied closely, can thus illustrate how broad societal or environmental changes manifest on a local level and can demonstrate how individual communities regulated the use of their environments.

1.3 Sources and Methodology

This dissertation utilizes all of the extant documentation generated by the medieval manor of Herstmonceux, especially series of court rolls,[45] to interrogate the interaction between the manorial administration and the tenancy, including how both negotiated power and sought to regulate use of the manor's environment. To compare the experience of Herstmonceux with neighbouring manors, I have also consulted contemporary court rolls from nearby Wartling.[46] Because the court rolls only include certain details from the operations of the demesne and the lives of tenants, and due to some documentary lacunae, this thesis supplements those manorial records with other sources whenever necessary. This includes, for example, cross-referencing tenants' names with contemporary royal tax records, comparing demesne records with agricultural models developed by Bruce Campbell and others, documenting land transmission through charters, and investigating the impact of royal commissions through patent rolls.

The timing of the extant medieval Herstmonceux court rolls occurs during one of the most tumultuous centuries — the fourteenth — in European history. The rolls appear between several paradigmatic events and phenomena: the first series of extant documents (1327 – 1346) coincides with period between the Great European Famine and the Black Death; the second series (1379 – 1392) covers a period, more than a generation after the plague, which witnessed

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[45] These records are dispersed through a number of institutions, including the Folger Shakespeare Library, British Library (BL), the library of the Harvard Law School (HLS) and, especially, the East Sussex Record Office (ESRO). ESRO also houses images of rolls archived at a number of other US and UK institutions, which are included in this bibliography under the AMS 7060 series.

[46] The extensive Wartling records are housed in the Additional Rolls collection of the British Library (BL).

an institutional evolution wherein manors transitioned away from certain places, like flood-prone marshlands, and procedures, like direct farming of estates.

The manorial documents coincide chronologically with the decline, throughout much of England, of the once-widespread movement of direct, "demesne" farming, a system wherein the lord managed properties directly, through a hierarchy of manorial officials, rather than leasing it to another party for a fixed sum. During times of high prices, the increased profits from direct farming more than justified the extra costs, especially in manors that could utilize customary (i.e. free) labour. In general, this propensity for direct farming became widespread during the thirteenth century and reached its apex between 1240 and 1300, though high prices relative to wages continued through the mid-fourteenth century.[47] Direct farming did not long survive, however, downturns in prices and a decreased customary workforce after the Black Death. Between 1370 and 1420, monetary and fiscal factors, such as a drop in all nominal agricultural prices, combined with demographic changes, convinced most manorial lords to switch from direct farming to leasing.[48] The Herstmonceux records allow us to observe the manor on both

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[47] Britnell, *Britain and Ireland*, 198. Mayhew's study of average national wheat prices demonstrates a general increase in prices throughout the thirteenth century. Even when prices dropped (1283-1302), they remained higher than pre-1232 levels and with less elasticity. Consensus shows a significant increase in the price of all commodities from roughly 1305-1332, though with varied and widely debated causes. N.J. Mayhew, "Money and Prices in England from Henry II to Edward III," *The Agricultural History Review* 35, no. 2 (1987): 126-128; Mavis Mate, "High Prices in Early Fourteenth-Century England: Causes and Consequences," *The Economic History Review* 28, no. 1 (Feb., 1975): 1-16. David Farmer explains that long-term trends from 1180-1330 reflect a general increase in prices to four or five times the pre-1180 rates, and that it took two decades after the Black Death for wages to catch up to pre-plague prices. David L. Farmer, "Prices and Wages," in *The Agrarian History of England and Wales,* vol. 2, ed. H. E. Hallam (Cambridge: Cambridge University Press, 1988), 718.

[48] John Munro, "The Late Medieval Decline of English Demesne Agriculture: Demographic, Monetary, and Political- Fiscal Factors," in *Town and Countryside in the Age of the Black Death: Essays in Honour of John Hatcher,* ed. Mark Bailey and Stephen Rigby (Turnhout: Brepols, 2012), 299, 303-306. On some estates, like Norwich Cathedral Priory, low prices in the 1330s stimulated a shift to leasing. The Black Death accelerated this trend further and the transformation was complete on almost all English manors by the mid-fifteenth century. Bruce M.S. Campbell, *English Seigniorial Agriculture, 1250-1450* (Cambridge: Cambridge University Press, 2000), 59. Raftis shows that even on Ramsey Abbey estates that remained relatively uniform after the Black Death, a significant economic depression in the 1390s ultimately forced extensive agricultural change as manors amassed more and more deficits and long-term debts. Ambrose Raftis, "Peasants and the collapse of the manorial economy on some Ramsey Abbey estates," in *Progress and problems in medieval England: essays in honour of Edward Miller,* eds. Richard Britnell and John Hatcher (Cambridge: Cambridge University Press, 1996), 196. Mavis Mate

sides of this precipice: the first series of records occurs during the height of seigneurial management of estates before the Black Death; the second series illustrates the era a generation after the plague, when lords all over England were abandoning direct farming and instituting managerial changes on their properties.

These sources provide a window into the role that the manor court played in regulating its environs. Herstmonceux's manor court acted as the only unifying force — legally and institutionally, at least — between the demesne, relatively static and centralized, and the numerous tenant holdings, spread throughout vastly different regions. This attempted unifier does not imply, however, that all parties accepted its judgements or respected its authority. Tenants, throughout the fourteenth century, expressed continually, both physically and orally, resistance to authority.. In an exceptional case from November 1334, John de Fiennes, newly established as lord of Herstmonceux, complained to the Crown that more than seventeen people, many of them his tenants, broke his close at Herstmonceux, stole seven oxen and ten cows worth £20, imprisoned his servants, and assaulted his steward and prevented him from holding court.[49] Resistance to holding manorial positions also occurred frequently; the homages of both "Herst" and "Foxham" paid heavy fees to be exonerated from the office of reeve.[50] Tenants also reacted with oral expressions of resistance while in court. These spoken transgressions were threatened with more severe punishment than the physical acts of transgression, likely on account of the spectacle and the setting, namely, the very court whose authority they were rejecting. Richard,

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posits that if not for the pervasive high prices of the early fourteenth century, the widespread transition from direct farming to leasing, hastened so quickly by the Black Death, could have occurred sooner. Mate, "High Prices in Early Fourteenth-Century England," 16.

[49] The Patent Roll entry does not mention Fiennes' status as lord or which transgressors were tenants, but I know this from manorial context. Calendar of Patent Rolls [CPR], 1334-1338, 70.

[50] At Michaelmas (29 October) 1383, the "whole homage of Herst with the homage of Foukesham" came to court and gave fees of 40 *s.* and 13 *s.* 4 *d,.* respectively, to be exonerated from the office for one year. East Sussex Record Office [ESRO]: SAS-X/5/1/17. The homage paid 40 *s.* again in December 1385 for the same exoneration. Harvard Law School [HLS]: 76.

son of Adam Pettel spoke ill of the lord in the October 1328 court and was held in custody by the

homage, under penalty of 100 *s.*; the issue was resolved at the next court when he agreed to

behave, pay chevage, and make an oath of villeinage.[51] In October 1387, Robert Mabuly came to

the court, even though he was not summoned, to "disturb the peace there" (*ad perturbandum*

pacem ibidem) and "chattered and disparaged the steward" (*garulavit et dispravit senescallum*)

so much that "the suitors, with one voice, asked the steward to force Robert to be quiet

(*sectatores una voce rogaverunt senescallum ut compelletur ipsum Robertum ad pacem*)."

Despite a significant threat of penalty, Robert refused three times and continued to disparage the

steward until forced to pay the fine.[52]

　　I do not mean to imply, however, by including those anecdotes, that I consider tenants'

customary rights and seigneurial authority, as manifested in the manor court, to be necessarily

antithetical; just as it could invoke scenes of conflict, so too did it serve often as a forum of

collaboration. This thesis presents, a picture of both conflict and cooperation. The manor court

acts, thus, as an effective lens to consider the changing discourse of rights and responsibilities on

the manor, as well as access to power and resources, and the interplay of seigneurial and tenant

adaptations of their environments. This dissertation is therefore, first and foremost, the study of a

socioeconomic institution, a legal entity, a cultural construct. It attempts to use the records of this

fundamentally socioeconomic institution to access attitudes toward and interactions with an

environment as a concept of which they never actually conceived.[53] "Environment," then, is an

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[51] ESRO: AMS 7060/1/1.
[52] The fine levied was 40 *d.* ESRO: SAS-X/5/1/22.
[53] For discussion of the ways that ancient and medieval people did conceive of "Nature," see: Steven A. Epstein, *The Medieval Discovery of Nature* (Cambridge: Cambridge University Press, 2012); Clarence J. Glacken, *Traces on the Rhodian Shore: Nature and Culture in Western Thought from Ancient Times to the End of the Eighteenth Century* (Berkeley and Los Angeles: University of California Press, 1967).

analytical concept used to reconstruct an essential aspect of medieval society often obscured by the priorities of extant records.

1.4 Structure of Thesis

This thesis is divided broadly into two sections: the first, using a variety of Herstmonceux manorial documentation cross-referenced with other contemporary sources and compared to national and regional trends, establishes the geography of the manor and an overview of its settlement patterns and land-use operations; the second, focusing more closely on the official documents of bureaucracies, both manorial and royal, illustrates the negotiation of rights and responsibilities between tenants and lords on the Herstmonceux manor. The first chapter of Section I compares Herstmonceux manorial documentation of tenants, including a c. 1337 rental and contemporary court rolls, to a comprehensive dataset, compiled for the Lay Subsidy taxes of 1327 and 1332, of households in eastern Sussex. This provides a representative view of where most Herstmonceux tenants families resided primarily and demonstrates that most lived in clustered communities dispersed throughout the entire Weald. The second chapter of Section I compares demesne records from the manor, including a previously unstudied demesne inventory from 1308 and *inquisitiones post mortem* (*IPM*) data from fourteenth-century lords of Herstmonceux, to land-use models developed by Bruce Campbell and others. This comparison establishes that the Herstmonceux demesne utilized significant areas of the Pevensey marshes and emulated prosperous operations elsewhere on the Sussex coast. Taken together, both chapters of Section I present an overview of the manor's composition and geography in the first half of the fourteenth century.

Section II investigates how such a manor functioned and evolved over the course of the fourteenth century. Each of its three chapters focuses on an environmental theme: water, fauna,

and flora, or more specifically, drainage, livestock movements, and the use of woodland. Chapter 4 argues that collaborative efforts between local landholders drove much of the initial drainage and maintenance of infrastructure in the Pevensey Levels, but increasingly standardized, written, and bureaucratized initiatives, during a time of unprecedented storm volatility, influenced a change in jurisdiction from local to royal power brokers. Chapter 5 examines animals on the manor, and determines that demesne and tenant livestock differed both from each other and from other parts of Sussex. The general movements of animals demonstrate that tenants trespassed frequently and showed little regard for seigneurial boundaries; penalties from the manor court exerted little influence on transgressive behaviour, and the frequency of fines indicates that they largely functioned as a form of access fee and revenue generation for the lord. Chapter 6 investigates the ways that Herstmonceux tenants used wood and the extent to which they retained access to woodlands. There appears a disconnect between the prescriptive demands of the manor court and the actual implementation of its authority in distant Wealden tenements. For example, manorial officials pressured tenants to repair buildings, which required timber they had no right to take, but showed relatively little consistency in enforcement; penalties for felling trees – more severe than for most other transgressions – appear notably less often than expected.

The regulations that medieval communities developed reveal their cultural priorities. This thesis examines the life of a manor, which managed not just people but also environments; like people, the environment too could be unruly in the eyes of the institution.

Section I: The Manor's Geography and Land Use

"The house having a fair prospect towards the sea, and the castle and level of Pevensey to the south, the other three parts thereof are environed about with hills and woods, parcel of the said park." – Herstmonceux manorial survey (1570), as quoted in Parry (1833).

Chapter 2: The Dispersed Wealden Geography of the Tenants

2.1 Introduction

This chapter reconstructs the approximate locations of Herstmonceux manor's fourteenth-century tenements to provide a representative depiction of settlement patterns. Analysis of royal tax rolls and manorial documentation, including court rolls and a rental, reveals that tenants were spread across a much larger space than has otherwise been assumed. Contrary to some published claims, no evidence indicates a nucleated "village" in the traditional sense; tenants of Herstmonceux instead inhabited clustered communities dispersed widely throughout the High Wealden region of Sussex. The majority of fourteenth-century Herstmonceux tenants, thus, occupied a dissimilar landscape to the manor house and demesne and were subject to largely different environmental concerns. While many tenants lived generally in higher-elevation, wooded regions to the north-east of the manor house, the demesne largely occupied lower-elevation, wetter lands closer to the Pevensey Levels.

The precise nature of medieval settlement at Herstmonceux has eluded historians, in part, because of certain chronological gaps and a general lack of geographical information in the extant primary documentation, and, in part, because no maps or detailed surveys exist for Herstmonceux manor before 1570.[54] Manorial records like rentals and court rolls, however, include details on sizes of properties, names of tenants, and transfer of ownership, though not always with consistency or specificity. Although historians have used both retrogressive analysis and data from court records to reconstruct demographics in medieval England, both methodologies present limitations to the current study. Mark Gardiner effectively reconstructed

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[54] The earliest known detailed survey of the Herstmonceux estate, from 1570, is well attested and transcribed in several nineteenth-century works, but the original has since become lost. See Chapter 3 for more detail.

the demographics of several medieval Herstmonceux tenements using retrogressive analysis.[55] As Gardiner has acknowledged, however, evidence derived from this methodology relies largely on a continuous sequence of documentation and should be considered secondary to contemporary sources.[56] Since there are several documentary lacunae for the period under consideration here, retrogressive analysis would present too many limitations to the reconstruction of population distribution. Reconstructing demographics from court rolls alone, in addition, encounters several well-known limitations. These include potential biases of using legal records to observe social and demographic trends, variations in the quality and quantity of roll series between different communities, and the underrepresentation of some segments of the population.[57] Unlike these studies, furthermore, the point of this chapter is not to show how many people absolutely inhabited each region, or to provide a definitive overview of tenements, but to demonstrate general locations in a representative way, by using a broad variety of sources.

In order to estimate the general locations of fourteenth-century Herstmonceux tenants and the extent of the manor's dispersed settlement, this chapter cross-references a comprehensive variety of institutional documentation, both manorial and royal, from 1327–1337. These dates encapsulate, coincidentally, the earliest extant Herstmonceux rolls and the most complete set of surviving tax surveys of individuals.[58] Each of these types of documents has its own advantages

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[55] Gardiner did this effectively for individual tenements, including tracing an example from Mayfield manor from 1590 back to 1498 and then comparing an identical family name in a 1285 rental. Mark Francis Gardiner, "Medieval Settlement and Society in the Eastern Sussex Weald before 1420." (PhD diss., University College London, 1995), 21-22. Such analysis, however, does not lend itself well for a more general reconstruction of Herstmonceux tenement locations, especially in the fourteenth century. Chronological gaps in the extant manorial documentation, sometimes for several decades at a time, obscure the historical transmission of most tenements in question.

[56] Gardiner, "Medieval Settlement and Society," 34.

[57] See debate in L. R. Poos, Zvi Razi, and Richard M. Smith, "The Population History of Medieval English Villages: A Debate on the Use of Manor Court Records," in Zvi Razi and Richard Smith, eds., *Medieval Society and the Manor Court* (Oxford: Clarendon Press, 1996), 298-368. All three authors emphasize the importance of integrating different categories of sources, such as the lay subsidy records of the early fourteenth century. See pp. 323-324, 334.

[58] Beginning in 1327, legislative reforms decreed that one copy of each survey must be deposited at the Exchequer, thereby ensuring unprecedented survival of the documents. The records from 1334 on, while still comprehensive

and disadvantages for such a study but, taken together, they allow for a representative picture of settlement on the Herstmonceux manor.[59] First, royal tax records, namely the 1327 and 1332 Lay Subsidies for the county of Sussex, form a baseline of over three thousand individuals' names with the accompanying vills wherein they were assessed. This allows a certain level of uniformity and specificity, otherwise missing in manorial documents, across a wide geographical area for eastern Sussex. This chapter then compares manorial documentation for Herstmonceux specifically to the broader database of names in order to provide further geographical insights. Second, close examination of a 1337 rental for the manor provides a reasonably comprehensive view of the manorial tenants at a single point in time, albeit one that occurs five and ten years after the tax records analyzed. Third, a list of every name from the extant Herstmonceux court rolls from 1327–1337 tracks over three hundred individuals interacting with the manor court over the entire period between the first tax record (1327) and the rental (1337). Cross-referenced data extracted from the tax records, rental, and court rolls, together, demonstrate a representative approximation of the manor's settlement patterns in the early fourteenth century.

Despite clear regional trends to the contrary, some writers have referred to Herstmonceux as a deserted medieval village (DMV) based on the assumption that a nucleated village once occupied the location now dominated by the brick castle. Local histories perpetuate this notion. John E. Vigar includes Herstmonceux in his *The Lost Villages of Sussex,* and even states that, "From the Domesday Survey and later tax returns we find a sizeable population, and it seems

geographically, ceased to document each individual's return, and instead listed only total valuations by vill. J.F. Hadwin, "The Medieval Lay Subsidies and Economic History," *The Economic History Review,* New Series vol. 36, no. 2 (May 1983): 205.

[59] Peter Franklin employed a similar methodology, comparing a 1322 manorial extent, the 1327 subsidy roll, and court rolls from 1328-1352, in order to analyze naming patterns among fourteenth-century peasants of Thornbury estate in Gloucestershire. Peter Franklin, "Normans, Saints, and Politics: Forename Choice among Fourteenth-Century Gloucestershire Peasants," *Local Population Studies* 36 (1986): 19-26.

likely that this would have been a nucleated community situated near the church."[60] He provides

no evidence or citations to support the latter claim, despite no clear signs of nucleated settlement.

G. R. Burleigh describes Herstmonceux as one of twenty-eight deserted medieval villages in East

Sussex, based on three criteria: more than five households; probably nucleated; and eventually

losing at least the majority of its population. He describes this figure of five households as

"arbitrary but convenient."[61] Burleigh assumes that the enlargement of the park must have forced

the medieval village to migrate to its present site, two miles north of the parish church, but

concedes that no traces of former houses are visible near the church.[62] Mark Gardiner argues,

however, that the presence of a church does not necessarily imply the existence of an adjoining

village; as a comparative example, nearby Bucksteep chapel, stood isolated, surrounded by

pasture. He rightfully concludes that, "There is no reason to believe, as has been suggested, that

Herstmonceux is the site of a deserted medieval village."[63] Common assumptions about the

displacement of a nucleated settlement, furthermore, do not withstand analysis of a range of

documentary sources, as shown in this chapter.

The overview of fourteenth-century tenant locations presented here challenges the very

existence of a once-vibrant and now-lost Herstmonceux village and illustrates the extent of the

manor's dispersed settlement. Undoubtedly, some kind of community – "Herst" in the tax

records – existed near the manor house, but no evidence suggests the presence of a nucleated

village, and the analysis here of tenants' locations reveals that at least half of the people who

appear in the manorial documentation were dispersed widely throughout eastern Sussex. The

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[60] John E. Vigar, *The Lost Villages of Sussex* (The Dovecote Press Ltd., 1994), 54.
[61] G. R. Burleigh, "An Introduction to Deserted Medieval Villages in East Sussex," *Sussex Archaeological Collections* 111 (1973), 45-47.
[62] Burleigh, "Deserted Medieval Villages in East Sussex," 68.
[63] Gardiner, "Medieval Settlement and Society in the Eastern Sussex Weald," 225.

manor of Herstmonceux, thus, supervised and arbitrated the activities of hundreds of individuals from a variety of locations, each with its own environmental conditions.
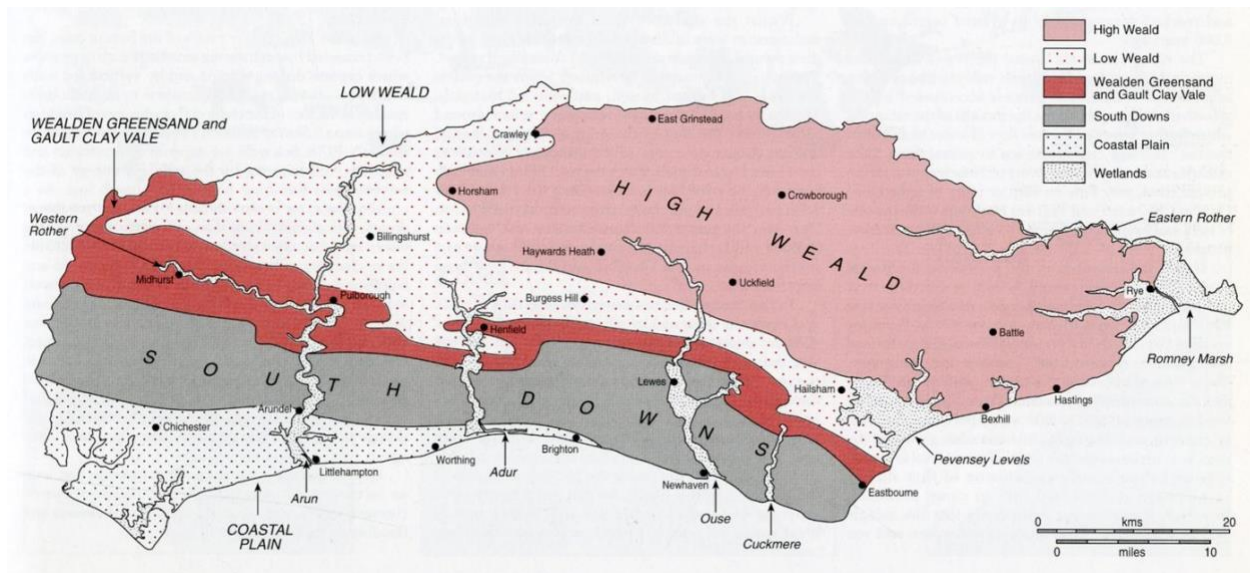
During the early fourteenth century, the vast majority of the estate's tenants lived in clustered Wealden settlements, with at least half dispersed in the High Weald (see Figure 1), despite the fact that land reclamation in the surrounding Pevensey Levels converted marshland to arable farmland and extended considerably the shoreline.[64] Since most tenants lived in the Weald, this explains why, despite thousands of total acres lost to flooding between 1291 and 1342, the inundation seems to have had little effect overall on tenant wellbeing and arable productivity. Flooding during those years had an inconsistent effect in general for communities on the edges of the marsh: Wartling tenants experienced no real decline in prosperity; people in Hooe and Ninfield had abandoned upland, as well as lowland, fields; and other areas not flooded

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[64] This also illuminates why Herstmonceux tenants contributed little to driving the drainage of the Pevensey marshes. See Chapter 4 for further discussion of drainage in the region.

at all still declined in prosperity. In fact, farms in the Weald experienced a period of general

stability.[65] The evidence presented in this chapter clarifies why flooding in the Pevensey Levels

had little direct effect on Herstmonceux tenants.

2.2 Historical settlement trends in the Weald and at Herstmonceux

2.2.1 The Weald and Herstmonceux before the fourteenth century

The geography of the Weald, including its geology, topography, and ecology, shaped the

communities that developed within it. The Weald is an upland area in south-east England

situated between the chalk escarpments of the North and South Downs. The rocks of the region's

central part include hard sandstones, and these form the hills of the High Weald. The peripheral

areas mostly consist of softer sandstones and clays that form a gentler rolling landscape, known

as the Low Weald.[66] The composition of tenements in the Weald thus developed differently than

in typical open field systems common, for example, throughout the Midlands; Wealden plots of

land tended to be irregular in shape, relatively heavily wooded, and often enclosed earlier. The

nucleated villages found throughout areas of open fields, thus, were extremely rare in the

Wealden region of Sussex, where most medieval people lived instead in dispersed settlements,

either small hamlets or single farms.[67]

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[65] Alan R. H. Baker, "Some evidence of a reduction in the acreage of cultivated lands in Sussex during the early fourteenth century," *Sussex Archaeological Collections* 104 (1964): 2, 4.

[66] For more, see Peter Brandon, *The Kent and Sussex Weald* (Phillimore, 2003).

[67] The Weald represents an outlier that complicates conventional models of English settlement patterns and the development of medieval field systems. Outside of England's central regions, where nucleated villages predominated, settlements tended to be dispersed in small hamlets or individual farms. See the introductions in David Hall, *The Open Fields of England* (Oxford: Oxford University Press, 2014) and Tom Williamson, *Shaping Medieval Landscapes: Settlement, Society, Environment* (Windgather Press, 2003). See the helpful simplified map on p. 20 of Christopher Dyer, *Making a Living in the Middle Ages: The People of Britain 850-1520* (New Haven and London: Yale University Press, 2002), as well as the more nuanced ones on p. 4 of Williamson, *Shaping Medieval Landscapes*. Herstmonceux and surrounding Wealden manors follow closely the settlement and land-use patterns of what Oliver Rackham called "Ancient" countryside. Rackham distinguished the lowland areas of England and Wales as either "Ancient" or "Planned" countryside. He referred to the former as "an intricate land of mystery and surprise" and the latter as "a predictable land of wide views, sweeping sameness and straight lines." Oliver Rackham, *The History of the Countryside* (London: J. M. Dent & Sons Ltd., 1986), 3-5. For an argument that

Dispersed communities in the Weald developed from widely scattered, woodland

settlements, in which inhabitants relied heavily on pannage and pasturage rather than just arable

cultivation. The entire region was originally heavily wooded, and still remains one of the more

heavily wooded areas of England today. According to the ninth-century *Anglo-Saxon Chronicle*,

the Weald then measured at least 120 miles by thirty miles.[68] Oliver Rackham estimates that, in

1086, possibly 70% of the Weald was wooded, including wood-pasture.[69] The Anglo-Saxons

referred to the woodland as *Andredesweald*, the "forest of Andred," after Anderida, the Roman

name for present-day Pevensey. An earlier name for the region, *Andredesleah,* contains a suffix

that means "wood" or "clearing." Della Hooke believes this represents specifically open

woodland used as wood-pasture. Such place names, combined with widespread physical

evidence of droveways as well as charters for pannage and swine pasture,[70] give strong

indication of early modes of production in the Weald. Entries for local manors in the Domesday

Book record meticulously similar details, often distinguishing between the amount of pannage

and pasturage available for pigs. Due to the region's dense woodland, most locals had followed,

at least by the eleventh century, a well-developed tradition of swineherding and mixed-use land.

These fourteenth-century settlement patterns and land-use models have clear historical

antecedents in earlier centuries. The manors belonging to the Count of Eu in 1086, including

Herstmonceux, clearly followed this pattern of dispersed settlement and mixed-use farming in

Rackham's approach oversimplifies, see Christopher Dyer, "'The Retreat from Marginal Land': The Growth and Decline of Medieval Rural Settlements," in *The Rural Settlements of Medieval England: Studies Dedicated to Maurice Beresford and John Hurst*, eds. Michael Aston, David Austin, and Christopher Dyer (Oxford: Basil Blackwell, 1989), 50. Despite that criticism, the conceptual framework of "Ancient" and "Planned" landscapes in general bears, from an environmental history perspective, conceptual utility.

[68] M.J. Swanton, trans. *The Anglo-Saxon Chronicle* (New York: Routledge, 1998), 84. Oliver Rackham believes that the chronicle exaggerates, and that the Weald was closer to eighty miles by thirty. Rackham, *The History of the Countryside,* 23.

[69] Rackham, *The History of the Countryside,* 78.

[70] Della Hooke, "The Woodland Landscape of Early Medieval England," in *Place-Names, Language and the Anglo-Saxon Landscape*, eds. Nicholas J. Higham and Martin J. Ryan (Woodbridge: The Boydell Press, 2011), 150-151.

the Wealden region. At that time, officials assessed "Herste" at five hides, with land for twelve

ploughs and three carucates held in demesne. The area included a church, only seven acres of

meadow, and woodland for two pigs. Sixteen carucates supported thirty villein and twelve

cottager households.[71] The proportion of households to carucates seems low in general, but the

extent of contemporary cultivation in the Weald may give further insight. The multitude of small,

scattered settlements held by free tenants, mentioned in Domesday, may have been the result of

new, assart tenures. They tended to be assessed at a lower level (i.e. more virgates allowed per

hide) than more established communities. Eleanor Searle examined the ambiguity of hide-virgate

ratios in Sussex, and while she hesitates to argue for a universal ratio, she does find in the

Wealden region of Hastings Rape (administrative sub-divisions of the county and the basis for

local government) a correlation between new, barely settled land at an eight- virgate hide and

established settlements at the four-virgate hide.[72] The Domesday assessors gave Herstmonceux

an evaluation similar to the standard rating, but the ratio of ploughlands to tenant households

indicates less productive or newly settled land. The forty-two households on five hides of land

more closely echoes the eight-virgate hide than the four. This raises the likely possibility that

eleventh-century Herstmonceux tenements occupied lightly cultivated plots of land. Manorial

records, when cross-referenced with tax records, indicate that the situation may have differed

little in the fourteenth century.

2.2.2 Late medieval decline and Sussex enclosure

Late medieval English records portray an era of long-term population decline and arable

stagnation. Rural communities bemoaned decades of land abandonment and neglect of buildings

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[71] *Domesday Book,* edited by John Morris, vol. 2: Sussex (Chichester: Phillimore, 1976), 18a.
[72] Eleanor Searle, "Hides, Virgates and Tenant Settlement at Battle Abbey," *The Economic History Review,* New Series vol. 16, no. 2 (1963): 295.

and arable fields. In the words of Ian Blanchard, "this dilapidation, a permanent feature of rural life since the fourteenth century, caused great alarm to manorial lords who saw the assets of their estates wasting away, and manorial court rolls echo over and over again this concern about disrepair."[73] The same phenomenon permeates the fourteenth-century Herstmonceux court rolls.[74] Many lords attempted to ameliorate – or perhaps profit from – the perceived ruin of the tenements by transforming the function of the properties, whether this constituted a shift to pasturage, emparkment, or simply abandonment to minimize liability. In 1441, for example, Roger Fiennes enlarged the enclosed deer park on his Herstmonceux estate, presumably onto land that had once been largely arable and mixed-use.

Although the fifteenth-century land transformation at Herstmonceux could represent an example of tenant displacement for emparkment, it would be an uncharacteristically early occurrence for that phenomenon, and an especially notable outlier for the region's dispersed settlements. Although such enclosures occurred much more often beginning in the seventeenth and eighteenth centuries, landlords in some areas initiated enclosure during the late-fifteenth.[75] Numerous post-medieval examples provide evidence for the removal of villages in the path of emparkment, in a strategy which Oliver Creighton calls elite "polite landscape redesign." Medieval occurrences, however, tended to result more from the establishment of monastic

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[73] Ian Blanchard, "Population Change, Enclosure, and the Early Tudor Economy," *The Economic History Review* 23, no. 3 (1970): 436.

[74] The first extant instances come from 9 October 1336, when three tenants (Lucas Payn, Richard Karseie, Justin Birchet) were distrained to repair their ruinous buildings. On the same day, Agatha de Stonacre was accused of ruining buildings, among other charges, and pled not guilty. ESRO: SAS-X/5/1/7. References to ruinous buildings appear on several other occasions during the 1330s and 1340s. In the 1379-1392 series of rolls, concern for the issue increases exponentially, with hundreds of distraints and amercements.

[75] Wordie has argued that the most significant century for enclosure was the seventeenth and that, by 1760, three-quarters of English fields had been enclosed. By 1500, on a national level, roughly 45% was enclosed. J.R. Wordie, "The Chronology of English Enclosure, 1500-1914," *The Economic History Review,* Second Series, 36, no. 4 (Nov., 1983): 483-488, 501-503.

houses, settlement clearances from royal forests, or changes in land use.[76] In fact, despite some

instances in continental Europe, there appears little evidence that active seigneurial

reorganization of settlements played a major role in medieval English village desertion.[77]

Significantly, whereas during the sixteenth century the impetus shifted to include other factors,

such as emparkment, most enclosure examples before 1520 converted arable land to pasture.[78]

Regional variations in enclosure and settlement patterns were important factors in the

extent of medieval displacement. In areas with a prevalence of nucleated villages and densely

populated communities, enclosures displaced more people; in less densely settled areas, the

effects were less dramatic. In some upland, less fertile areas of England with larger farms and

fewer people, enclosures gained traction as powerful magnates coerced submission from smaller

landholders.[79] In the case of Sussex, enclosures had long filled the landscape. By 1600, enclosed

land, roughly 700 square miles, constituted almost half of total land in Sussex, and landowners

had largely enclosed it in the preceding centuries.[80] The Wealden region of Sussex, largely

devoid of nucleated settlement, in particular experienced very little medieval depopulation or

desertion.[81] As one of the earliest enclosed areas, Sussex, thus, later avoided much of the

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[76] Oliver H. Creighton, *Designs upon the Land: Elite Landscapes of the Middle Ages* (Woodbridge: The Boydell Press, 2009), 155. In another section, he uses Herstmonceux Castle to present the paradox that, after c. 1350, as owners opened many existing parks to less visibly "elite" land uses like grazing, new parks often consciously followed layouts based on aesthetic designs. See p. 127.

[77] Christopher Dyer mentions examples from Italy in "Deserted Medieval Villages in the West Midlands," *The Economic History Review,* New Series, 35, no. 1 (Feb., 1982): 27. For some examples from east of the Rhine, see Maurice Beresford and John G. Hurst, eds. *Deserted Medieval Villages: Studies* (New York: St. Martin's Press, 1971), 27.

[78] Wordie, "The Chronology of English Enclosure, 1500-1914," 492, n. 23. See also the discussion in Blanchard, "Population Change, Enclosure, and the Early Tudor Economy," 434-435.

[79] For example, in the chalk wolds, and the limestone and Cotswold hills of the Midlands. Joan Thirsk, *The Rural Economy of England: Collected Essays* (London: The Hambledon Press, 1984), 79-80.

[80] Wordie, "The Chronology of English Enclosure, 1500-1914," 489-490.

[81] Some examples exist but they are very few in number. Emparkment, furthermore, was a relatively minor cause of displacement in eastern Sussex. Burleigh, "Deserted Medieval Villages in East Sussex," 47-48. In Sussex more generally, thirty-four villages reportedly contained fewer than ten households in 1428. Even of those numerous small communities, almost all still survive to the modern day. Maurice Beresford, *The Lost Villages of England* (London: Lutterworth Press, 1954; 1963), 387-388.

depopulation that early modern enclosure later wrought elsewhere.[82] Herstmonceux court rolls, though alone insufficient to determine the extent of dispersed settlement, document a well-established tradition of individual enclosures in the fourteenth century.[83] Though enclosure was therefore nothing new to Sussex and even predated similar movements elsewhere, it tended to be enacted on an individual basis and did not displace medieval inhabitants to any great extent. Taken together, the traditional methods of enclosure, combined with the lack of dense population in the region, render it highly improbable that the fifteenth-century emparkment caused the desertion of a medieval village at Herstmonceux.

2.2.3 Physical evidence for medieval Herstmonceux

The Herstmonceux site itself lacks clear archaeological or documentary evidence to support the existence of a densely populated, nucleated settlement, despite the clear existence of dozens of households attached to the manor throughout the fourteenth century. Several methods familiar to archaeologists can be used to locate potential deserted settlements. Aerial photography can help illuminate partially obscured features on the ground. As early as 1951, Beresford remarked on the efficacy of aerial photographs for work on the famous deserted village of Wharram Percy, made especially possible by the availability of the RAF print library to researchers after the Second World War.[84] Beresford could clearly discern the boundary between crofts and open

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[82] Beresford, *The Lost Villages of England,* 42, 220.

[83] The court rolls contain frequent and early references to some of the lord's enclosures, including his severalty at Baille (Heathfield), his park at Glesham (Foxham), and unspecified closes. From at least 1340, tenants themselves engaged in enclosure. For example, on 5 August 1340, John de Ballegh conceded two acres and a rood to William atte Berghe to marl for a ten-year term in return for a tenth of the crops and pasturage rights. During the term, John would continue to perform the customary duties and also close the land with ditches (*fossis*) and hedges (*sepibus).* ESRO: SAS-X/5/1/9.

[84] M.W. Beresford, "The Lost Villages of Medieval England," *The Geographical Journal* CXVII, pt. 2 (June 1951), 130.

fields in all the photographs he analyzed, and sometimes found it to be the clearest detail of all

(see Figure 2).[85]
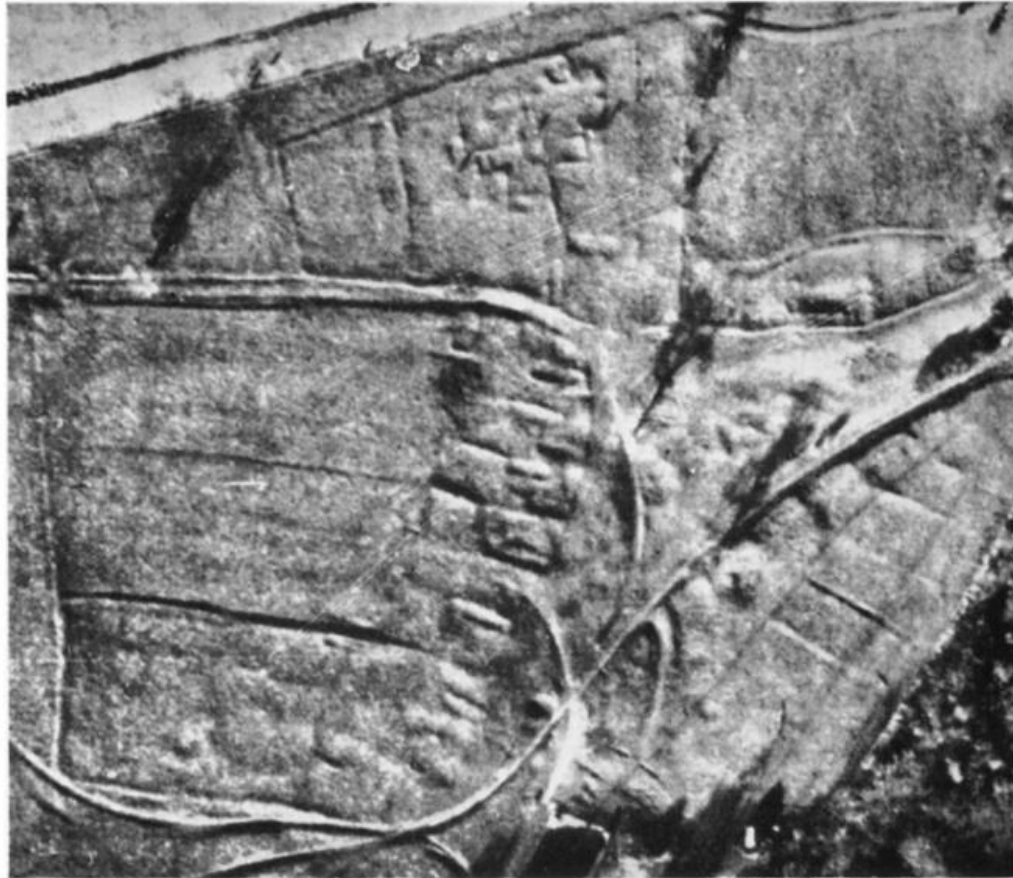
Phot. CPE.UK 2593/3030

Series of aerial photographs at the Cambridge University Collection of Aerial

Photographs that show the present Herstmonceux Castle and surrounding areas,[86] although not

taken strictly for archaeological purposes, do not provide clear examples of the types of field

markings that Beresford described. LiDAR surveys of the area similarly fail to illuminate

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[85] Beresford, "The Lost Villages of Medieval England," 130.
[86] Cambridge University Collection of Aerial Photographs [CUCAP]: CNR 47-53; RC8-CJ 137-139; RC8-11 35-36; ST 40-44; AQZ 84-87; AJ 32-33; AR 23-24; RC8-B92.

medieval building foundations surrounding the parish church (see Figure 3). The modern castle

occupies the centre right of the image. A modern residence complex sits at the bottom of the

image, slightly to the left of centre, with the medieval church just above and to the left of it. The

foundations on the left side of the image, near the middle, show modern farm buildings. Some

features could plausibly indicate earlier foundations, but with little sign of any extensive

premodern nucleated inhabitation.
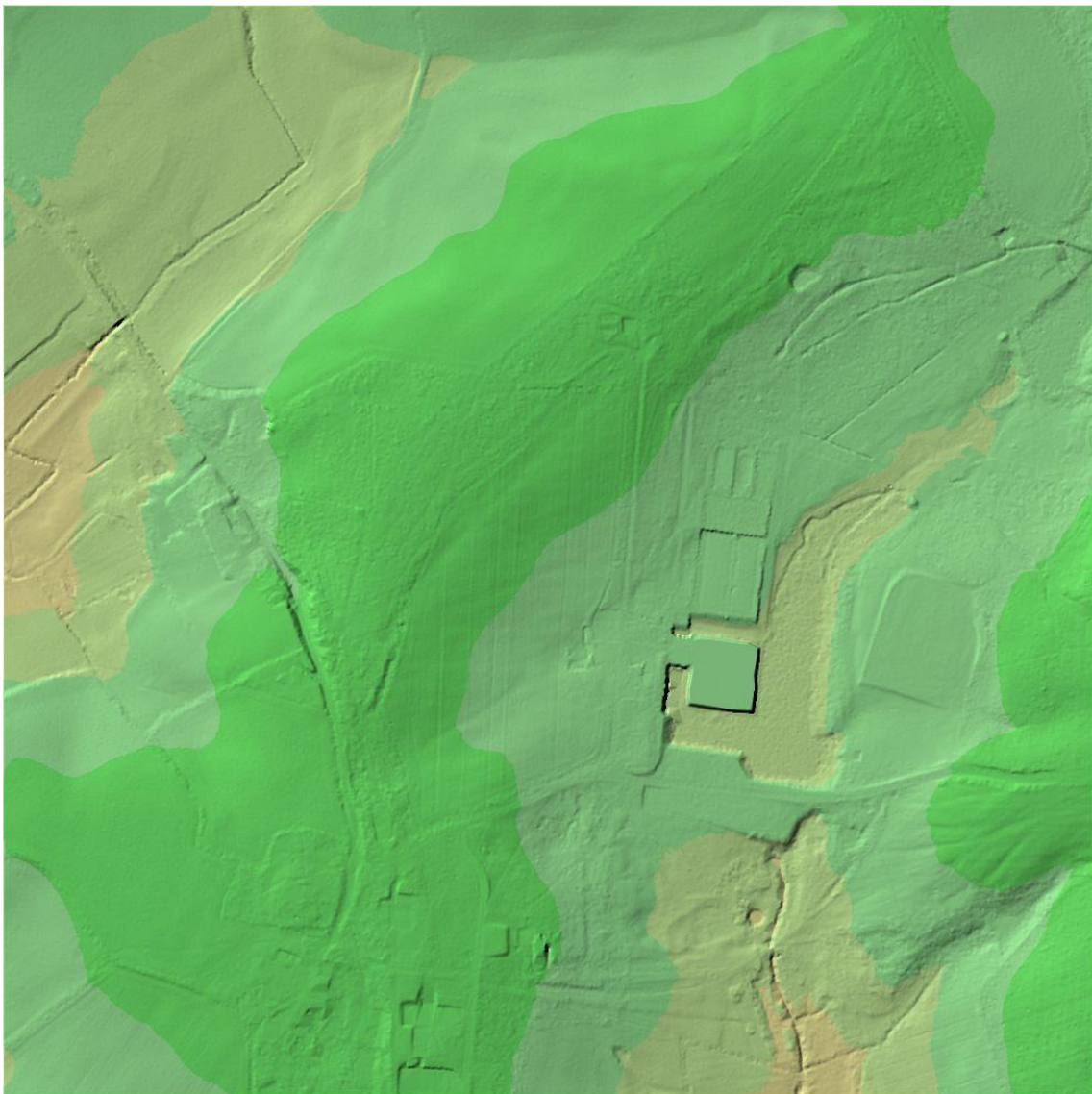
Figure 3: Lidar image of Herstmonceux Castle and surrounding fields.

The aerial photographs do demonstrate, however, the distinctive, irregular field systems of the Wealden region, which challenge the very notion of a nucleated village located near the parish church of Herstmonceux (see Figure 4).

Figure 4: Aerial photo of area surrounding Herstmonceux Castle.
The castle is located near bottom left. The top of the image points south. The medieval church, near where one might expect a nucleated medieval village, is located just slightly left of the middle of the image. Modern farm buildings and a residence complex lie just to the south of the church, but the photo shows no other evidence of historical foundations. Note also the distinctive, irregular field patterns.
CUCAP RC8CJ139.

Evidence contained within the extant documentation can give some insight into the locations of Herstmonceux inhabitants. Land transfers among the customary tenants – the most populous sector of rural society in general – required ratification at the manorial court level. The surviving court rolls thus contain extensive descriptions of tenements under the purview of the manor. These references can then be cross-referenced with the names contained in other contemporary sources, such as royal tax records and the fragmentary rentals that survive from the Herstmonceux estate.

2.3 Cross-referencing locations of Herstmonceux tenants (1327-1337)

2.3.1 Baseline of head of household names for eastern Sussex (1327 and 1332)

This section utilizes data from royal tax records, specifically Sussex's returns for the 1327 and 1332 national lay subsidies on moveable wealth,[87] to compile a representative overview of landholders throughout the eastern regions of the county. Medieval English tax records have long fulfilled an important function for historians to reconstruct the demographics, socioeconomics, and geography of past settlements. Scholars have employed the lay subsidies of 1296, 1327, 1332, and 1334, along with the 1279 Hundred Rolls and the 1377 poll tax returns, to analyze

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[87] *The Three Earliest Subsidies for the County of Sussex in the Years 1296, 1327, 1332*, ed. Rev. William Hudson (Sussex Record Society, 1910).

subjects as varied as the geography of dispersed settlement,[88] geographical and social mobility,[89] wealth distribution among tenants,[90] and demographics and extent of urbanization.[91]

The lay subsidy records provide an informative lens into the general makeup of rural settlement. They allow a glimpse into the economics of the largest segment of the rural population, the tenant farmers, which contrasts with traditional manorial account roll studies that focus necessarily on the demesne. During the assessment, moreover, auditors moved from house to house tracking individuals and their wealth.[92] Unlike much of the manorial documentation, therefore, they also include, for the purposes of the tax audit, a relatively standardized system of locational data, based on vills, hundreds, and counties.

Despite some limitations in the breadth of society included in the records, the lay subsidies serve as a valuable tool to investigate the occurrence of specific names throughout the wider region. As David Postles discusses, "Although the lay subsidies are imperfect sources, since they were wealth-specific and thus probably excluded up to 66 per cent of households, they do provide some indication of the concentration of forenames."[93] Franklin has shown that comparing manorial extents (which include rentals), court rolls, and subsidy records provide

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[88] J.B. Harley, "The Settlement Geography of Early Medieval Warwickshire," *Transactions and Papers (Institute of British Geographers)*, no. 34 (Jun. 1964): 115-130; M.W. Beresford, "Dispersed and Grouped Settlement in Medieval Cornwall," *The Agricultural History Review* 12, no. 1 (1964): 13-27.

[89] J.A. Raftis, "Geographical mobility in lay subsidy rolls," *Mediaeval Studies* 38 (1976): 385-403; J. Ambrose Raftis and Mary Patricia Hogan, *Early Huntingdonshire lay subsidy rolls* (Toronto: Pontifical Institute of Mediaeval Studies, 1976); Anne Reiber DeWindt, "Redefining the Peasant Community in Medieval England: The Regional Perspective," *Journal of British Studies* 26, no. 2 (Apr., 1987): 163-207.

[90] Pamela Nightingale, "The Lay Subsidies and the Distribution of Wealth in Medieval England, 1275-1334," *The Economic History Review* 57, no. 1 (Feb. 2004): 1-32; Kathleen Biddick, "Missing Links: Taxable Wealth, Markets, and Stratification among Medieval English Peasants," *The Journal of Interdisciplinary History* 18, no. 2 (Autumn 1987): 277-298.

[91] Stephen H. Rigby, "Urban population in late medieval England: the evidence of the lay subsidies," *The Economic History Review* 63, no 2 (2010): 393-417.

[92] They followed a similar procedure for rents and frankpledge fines. J.A. Raftis, *Peasant Economic Development within the English Manorial System* (Montreal & Kingston: McGill-Queen's University Press, 1996), 28.

[93] David Postles, "The Changing Pattern of Male Forenames in Medieval Leicestershire and Rutland to c. 1350," *Local Population Studies* 51 (1993): 57.

generally accurate information about the proportion of men's names. While women's names are harder to access in general, especially in manorial extents, using the subsidy rolls over a wide area may give some indication of their representation as well.[94]

Analysis of this documentation comes with two limitations for this study. First, the tax records underrepresent women, children, and poorer tenants. In the case of Herstmonceux, for example, the 1337 rental includes a list of twenty-two cottagers but only three of them can be traced in the contemporaneous tax records. By cross-referencing a wide variety of manorial and royal records, including a survey, a decade of court rolls, and two national tax audits, there should be significant overlap of data, especially for the numerous customary tenants. Second, in geographic terms, the tax records include a significant omission for the purposes of this study; they do not include marshland regions of Sussex such as the Pevensey Levels. Those regions fell under other jurisdictions, for example the Cinque Ports and the Liberty of Pevensey, that had different reporting expectations. While this limits the ability to track any marshland Herstmonceux tenants in the subsidy records alone, the comprehensive overview of manorial documentation from 1327-1337 should flag any significant gaps. The manor's records give little indication of any such marshland Herstmonceux community. The 1337 rental describes only two tenements in marshland.[95] The Herstmonceux court rolls mention marshland only eight times in the entire corpus of documentation, and not at all between 1327 and 1337.[96] Wealden references, in contrast, occur much more frequently. The lack of marshland references in the manorial records casts serious doubt on any significant proportion of Herstmonceux tenants living in the Pevensey Levels during the fourteenth century.

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[94] Franklin, "Normans, Saints, and Politics," 25.
[95] ESRO: SAS/C 250. John Dyklond and John le Bedel hold land that was once John Herbard's in Wartling and Manxey. The heir of Richard Russel holds marshland that was once Robert Coci's.
[96] See discussion in Chapter 4.

Due to perceived limitations of the tax records, scholars like L.F. Salzman have criticized their use, sometimes unfairly. Salzman challenged the validity of the subsidy documents, since the actual scope and uniformity of taxation remains unclear. Salzman did raise the important issue that the official records of taxation underrepresented the number of households, whether through ignorance, negligence, or the poverty of the families. He even used Herstmonceux as an example, stating that, of forty names in court rolls from 1330, he could only trace eight directly, and another four individuals with related surnames.[97] Salzman's conclusion, that only two out of five households appear in the records, has mistakenly led to overestimations of the density of Herstmonceux's medieval population.[98] Salzman must not have known, however, about two important factors: the surprising presence of extant Herstmonceux documents in dispersed repositories[99] and the great extent to which tenants mentioned in the court rolls were located widely throughout eastern Sussex. Without careful study of numerous court rolls and cross-referencing with broader supporting documentation, it may not be immediately clear that many tenants lived quite far from the manor house and thus would not show up in tax lists from local vills.[100]

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[97] L.F. Salzman, "Early Taxation in Sussex, pt. 1," *Sussex Archaeological Collections* XCVIII (1960), 42. Note: some of the secondary scholarship uses the more accurate term "byname," rather than "surname," but, for consistency, this chapter uses only the latter.

[98] Salzman, "Early Taxation in Sussex," 43. See, especially, Burleigh, "An Introduction to Deserted Medieval Villages," 52.

[99] The dispersed archive of Herstmonceux manorial documents has been painstakingly reconstituted by staff at the East Sussex Record Office, primarily through the efforts of Christopher Whittick, formerly senior archivist there. Extant records are also housed at the British Library, the Bodleian at Oxford, the Essex Record Office, Harvard Law School, the Folger Library in Washington DC, and the University of Kansas. Salzman likely did not have awareness of, or have access to, HLS: 68, for example.

[100] Some notable examples of distant tenants include: William Aylward from Brede; Stephen de Bereglind, John de Lodelegh, and John de Glesham from Foxham; and regional magnates with widespread holdings – including some within Herstmonceux manor – who appear frequently, such as John Fillol, Edmund de Pashley, Henry Alard, and Sir Andrew Sackville.

My own analysis, utilizing the same basic methodology but incorporating all of the extant court rolls from 1330 and a broader geographical collection of data from the tax records, demonstrates that Salzman underestimated significantly the occurrence of names from Herstmonceux manor in the lay subsidy documents. A comparative investigation of the four extant rolls from 1330 – including six court days, 154 total entries, and 118 individual names – with the lay subsidy records for eastern Sussex reveals twenty-nine identical names, seven ambiguous but closely related names, and twenty-seven more with common surnames.[101] These sixty-three individuals, correlated using the same body of documentation, far outnumber the twelve names found by Salzman and comprise 53% of all individuals in the 1330 court rolls. This list of names demonstrates that the tax records can be used to provide a compelling representative sample of the dispersed settlement patterns for Herstmonceux tenants.[102]

To cross-reference the location of tenants named in the manorial documentation, I compiled all the names of individuals listed in the 1327 and 1332 surveys within broad geographic parameters for eastern Sussex. The scope of this analysis included, thus, all the hundreds in the Rape of Hastings and the hundreds in the eastern half of the Rape of Pevensey. The relevant hundreds from the two surveys included a total of 3,023 names – 1,576 in 1327 and

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[101] ESRO: SAS-X/5/3-5; HLS: 68. Identical or very similar names are: William Bergh; Robert Gensyng; Andrew Sakevile; William Aylward; Thomas Birchet; William Payn; John atte Sneppe; William Rode; Ralph Bothel; Adam Smale; William Fronkewell; John atte Beche; John Michel; Richard Notebroun (heirs of); Edmund Passelegh (heirs of, listed as lord of Passelegh); Stephen Donnyng; Robert Colkyn; Alexander Bakere; Adam Bakere; John Bakere (daughter of); Jacob Stoddenne; Richard Crul; Richard Pettel; Walter Fynch; John de Glesham; John de Lodelegh; Stephen de Bereglind; John Corde; John Parker; William atte Welde (or Welle); John Stonere (or Stonakre); Agnes Goodeth (or Godelove); William Platter (or Playtere); Henry Augur (or Algar); William de Fonte (or Ponte); and Elias de Onyngham (or Noningham). Common surnames include: Fogel; Fraunceys; Bryd; de Legh; Shirloc; Dyne; Payn (for two Herstmonceux tenants in addition to William Payn); Alard; Byngelegh; Grove; Pollard; Rokkere; Adam; atte Grene; Wynel; de Gotele; and Bedel.

[102] Merely counting names in the court rolls, of course, indicates inadequately either the landholding status of parties involved or whether the people represent a comprehensive view of the manorial tenants. People who appear in the records may not have been landholders themselves and others may make no appearance in proceedings during that year. The court rolls and tax records alone give little indication, thus, how comprehensive the list of tenants is for the entire manor. To counter that limitation, this study analyzes also an extant rental from 1337 to ensure one consistent and comprehensive list of manorial landholders.

1,447 in 1332 – along with corresponding vills and assessments of moveable wealth for each. One must consider potential ambiguity with names in the documents; by the later thirteenth century, Continental forenames had proliferated widely and become highly concentrated, with just a few dozen variations among hundreds or even thousands of people.[103] The spelling of surnames, often fluid and toponymic with little standardized spelling, could present some ambiguity when tracking people over time. Very rarely in this study, however, do instances occur of identical name repetition or significant ambiguity in each survey, especially within one hundred. The few names that appear more than once within the same year retain their own separate entries in this chapter's database. The documents, unfortunately, do not permit unambiguous conclusions whether multiple mentions indicate different people or the same person with land in different hundreds. Much of this ambiguity stemmed from regional scribal practices of the auditors. For example, John Fillol, a prominent local figure, held land throughout eastern Sussex and appears three times in the 1327 survey and twice in 1332. Other examples involve more common names, such as two different men named John le Taillour in both surveys, and two individuals named Jacob le Taillour in 1327 Hailsham. For clarity and consistency, this study records the details from each survey as originally conceived.

The data from both surveys were then cross-referenced. In 811 cases (27%), out of 3,023 total names, the same person could be identified definitively in both years. In those examples, the same name, with similar wealth, is clearly referenced within the same vill in both 1327 and

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[103] This was especially true for male children, whose names were chosen from a small list reused over multiple generations. Female names were sometimes chosen more idiosyncratically. Judith M. Bennett, *Women in the Medieval English Countryside: Gender and Household in Brigstock before the Plague* (Oxford: Oxford University Press, 1987), 69. For data from other regions, see Postles, "The Changing Pattern of Male Forenames in Medieval Leicestershire and Rutland to c. 1350," 54-61.

1332.[104] Even in cases where prominent landlords held land in different areas, they could often be linked clearly between the two years.[105] In examples where the name was very similar but appeared in distant regions or with vastly different wealth, then the entries remained separate with notes describing the similar nomenclature. The remainder of the names (73%) appeared in just one year or the other. This analysis thus resulted in a cross-referenced list of 2,212 individuals, along with the vills wherein each person was assessed. Comprehensive tabulation of all the data for those two surveys demonstrates significantly little overlap of names within the same region during the same year. The vast majority of the names, thus, indicate individual people rather than multiple references to the same person.

2.3.2 Overview of tenant locations at a single time (1337)

Herstmonceux's 1337 rental, its only such extant document from the fourteenth century, provides a comprehensive overview of all manorial tenants that year.[106] This document, compiled by auditors, preserves a table of tenants and their rents owed. Typically in such records, rental entries had no standard descriptions and tended to be brief.[107] While the Herstmonceux rental is useful, thus, it lacks detail. It lists eighty-nine tenements held by sixty different tenants and an additional twenty-two cottages. Of those total entries, forty-two (38%) give some indication of the size of holding, but only twenty (18%) list the actual acreage of the tenement. The rest of the descriptions vary widely, including references to fees, cottages, a gavellond, a way (via), etc. In

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[104] In a few cases, the names appear in different vills because the 1332 survey included more variety of vills in some hundreds. For example, two men in 1327 Eastbourne are listed more specifically in Opertone and Lamport in 1332. In all cases, the 1332 names were only linked if still contained within the same hundred and with similar wealth as 1327.

[105] This seems especially the case in Willingdon hundred. For example: Nichola de Aldham appears in Excete and Jevington in both 1327 and 1332; Andrew de Mested in Excete and Willingdon in both years; John Fillol in Excete and Willingdon in 1327 and Excete in 1332. Fillol also appears in Herstmonceux for both years.

[106] ESRO: SAS/C 250. The document itself is undated, though the date can be estimated around 1337 based on names included or absent. It would more properly be listed as c. 1337, like it is in the archive catalogue, but is described as 1337 throughout this chapter for simplicity.

[107] P.D.A. Harvey, *Manorial Records* (British Records Association, 1984), 22-23.

terms of geographic information, only entries for fourteen of the sixty tenants (23%) contain

internal reference to a specific location known today, such as Cowbeech, Wartling, or

Heathfield. The majority of the entries do not specify location at all or include only vague

reference to past landholders, such as, for example, the land called "Surtecroft", the tenement

once held by William Melleward, or a tenement in Pettel land. A study of this document

provides, thus, a valuable overview of the cumulative manorial tenants at a single time, but one

that alone lacks the level of geographic detail required for this investigation.

To reconstruct the general locations of Herstmonceux tenants, I cross-referenced the

names listed on the 1337 rental with the Lay Subsidy tax records of 1327 and 1332. The cross-

referenced list of names from the subsidy records fills in some geographic gaps when correlated

with the Herstmonceux rental. Of the eighty-two tenants and cottagers from 1337, seven of the

individuals appear in 1327, six in 1332, and eleven in both surveys. This allows a reconstruction

of the general locations for twenty-four tenants (29%), based on where auditors assessed their

holdings. Five of those tenants could already be located based on internal references in the rental,

but the remaining nineteen supplement the pre-existing information.

Taken together, the rental and the subsidy records provide clear reference to the vills

where thirty-three tenants (40%) of the Herstmonceux manor lived in 1337. If we excluded

cottagers from the total, since they are underrepresented in the tax records and described vaguely

in the rental – only three appear in the lay subsidies and none contain internal geographical

references in the rental – then 50% of tenants, admittedly predominantly larger landholders, can

be located.

To supplement the locational and household information from the tax rolls and the rental,

I compared the cross-referenced list of tenants with data from extant Herstmonceux manorial

court rolls. This corpus includes all of the 1327–1346 rolls, as well as the rolls from 1379, which

contain extensive descriptive details of fealty as the lord attempted to survey his lands.[108] I was

mindful when correlating these various data points to the 1379 rolls, as they date from after the

Black Death and describe the manor from more than a generation after the earlier rolls. Still, the

impact of the Black Death on the number of messuages and identification of locations can be

overstated; Beresford found for three manors in the Duchy of Cornwall, for example, no

significant differences in village nomenclature or total numbers of households between data in

the 1337 Caption of Seisin and the 1357 Assession Roll.[109] In this case, the 1379 rolls have been

consulted only to supplement information from the rental, subsidy records, and earlier court rolls,

and only when the transmission of the tenement can be tracked over time.

Investigation of the supplementary court roll evidence reveals the general locations of a

further twelve tenants, for a total of forty-five (55%) out of eighty-two tenants in the 1337 rental,

or 70%, if excluding cottagers.[110] Table 1, thus, shows a representative approximation of

settlement distribution for the Herstmonceux manor, divided into vills and hundreds.[111]

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[108] Thirty court days spread over eighteen rolls from 1327-1346. ESRO: SAS-X/5/1/1 – 14; AMS 7054/1; AMS 7060/1/1; HLS: 68 – 69. 1379 was the first year that William Fiennes ruled the manor. ESRO: SAS-X/5/1/15; AMS 7060/1/6; HLS: 70 – 71.

[109] Beresford, "Settlement in Medieval Cornwall," 16-17.

[110] Eight others could plausibly be located but insufficient evidence survives. References, either too ambiguous or only from post-1378, indicate that four tenants likely lived near "Herst." Three men, all "holding part of the same tenement", likely occupied Wealden land either in Hawksborough or Shoyswell hundreds, based on similar names to one of the men in the 1332 tax record. The eighth, John Fillol, a powerful landlord in his own right, held land throughout Sussex and so cannot be located in just one specific area.

[111] Note that only vills and hundreds with Herstmonceux tenants are included in the table. Manxey in Pevensey Liberty is not included in the tax rolls, but is included here based on one clear internal reference in the rental. Some communities such as Foxham, understood locally in the Middle Ages but not defined in the national tax rolls and now lost to us, are included as an undefined vill in their respective hundred. Wherever possible, the modern names and Ordnance Survey grid references have been used for each vill; those details have been much informed by Robin Glasscock, ed., *The Lay Subsidy of 1334* (London: Oxford University Press, 1975).

Table 1: Locations of Herstmonceux tenants listed in 1337 rental

Hundred	Vill	Grid Ref.	Dist from Herst (approx. kms)	# of Herst tenants
Foxearle				
	Unspecified			1
	Herstmonceux	TQ/642102	0	10
	Wartling	TQ/658092	2	4
	Lewstrode	Uncertain		4
	Cowbeech	TQ/619146	7	3
	Ashburnham	TQ/689145	9	1
Total				**23**
Pevensey Liberty				
	Manxey	TQ/651451	5	1
Total				**1**
Dill				
	Hailsham	TQ/592094	6	1
	Boggelegh	Uncertain		1
Total				**2**
Hawksborough				
	Warbleton	TQ/609182	13	2
	Horam	TQ/577173	14	1
	Heathfield	TQ/581215	16	4
Total				**7**
Staple				
	Sedlescombe	TQ/777188	18	1
	Ewhurst	TQ/795246	23	1
	Goatley	Uncertain		2
Total				**4**
Goldspur				
	Foxham	Uncertain		4
	Great Knelle	TQ/853257	32	1
	Wivelridge	Uncertain		1
	Peasmarsh	TQ/888227	33	2
Total				**8**
Total				**45**

Cross-referencing the names from the 1337 rental and those of the subsidy tax records and contemporaneous court rolls suggests several important geographical trends for the Herstmonceux manor. First, more than half (51%) of the tenants who could be located

definitively lived in the same hundred (Foxearle) as the location of the manor house. This indicates a relatively substantial community of tenants within ten kilometres of the manor house. More than half of those, however, lived closer to other vills than Herst, located at least several kilometres distant. This indicates, even in the Low Wealden environment of Foxearle hundred, some level of dispersed settlement among Herstmonceux tenants. Second, at least ten to fourteen households were located in the vicinity of the manor house, or at least close enough to be identified plausibly as a "Herst" resident. As discussed above, however, no other evidence, including regional trends, extant roadways or field patterns, or aerial photography, indicates the presence of a nucleated village in the traditional sense. Third, the rest of the tenants who could be located, roughly half of the total, inhabited areas spread throughout eastern Sussex. In almost all those cases, with the exception of just three households, the families lived far to the north and north-east in High Wealden areas (Hawksborough, Staple, and Goldspur hundreds), with distances ranging from roughly thirteen to thirty-three kilometres away from the manor house. While the lack of lay subsidy documentation for the Pevensey marshes could obscure some tenants in those sparsely settled areas, the Low Weald and downlands to the west of the manor house had the same level of reporting as the High Weald; those latter areas show remarkably few Herstmonceux tenants in 1327 and 1332. The manor of Herstmonceux, thus, contended with two very different halves of its tenancy: the first, a semi-clustered community of families living within ten kilometres of the lord in an area of heavy soil, gently rolling hills, and sparse woodland; and the second, a widely dispersed network of households, located anywhere from thirteen to thirty-three kilometres away, spread throughout a region of thin soil, steeper elevation, and dense woodland.

It is possible to determine broadly who utilized the Herstmonceux manor court and where they

lived. The cross-reference analysis of the 1337 rental provides a representative overview of the

settlement distribution for the manor, though its scope is limited since it represents the tenancy at

only a single point in time. To broaden the analysis, I cross-indexed each of the 312 individuals

mentioned in the 1327 – 1337 court rolls with the database of people taxed by the lay

subsidies.[112] This approach, as noted earlier, also nuances Salzman's criticism of the paucity of

Herstmonceux names in such records. By using a more extensive corpus of documentation – in

this case, all extant rolls from one decade – and by comparing it to a broader geographic region, I

am able to identify sixty-nine individuals (22%) with identical or very similar names and a

further fifty-three (17%) with common surnames. At first glance, the proportion of identified

individuals to total names (39%) roughly matches Salzman's estimates. The denominators of

these figures, however, are incommensurate. Unlike manorial documents, which record

individuals and contain ambiguous repetition, the tax records focus only on *heads of households*.

This means that Table 2 presents a representative overview of where households, rather than

where individuals, resided.

One must consider, as some historians have highlighted, possible limitations posed by the

ambiguity of names, especially surnames, for such a reconstruction of village life.[113] This study

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[112] The actual denominator is probably much lower than this number due to ambiguity of descriptions. For example, references to John Michel, John Michel atte Hale, John Michel junior, John Michel of Shorham, John Michel senior, John Michel the reeve, John Muchel, and John Muchel junior called tailor (cissor) connote likely several individuals only, but the uncertainty necessitates eight separate entries. The description of others changes over time. Details in court roll entries reveal that Lucia the widow of Thomas Pollard and Lucia the wife of Stephen Donnyng are in fact the same person. This correlation could be true for numerous other people, especially women and children, who are described in different ways at different times. For examples without any corroborating evidence, the names are all included as separate entries.

[113] Franklin cautions that, if trying to avoid any repetition of individuals, one cannot simply count names as they appear in the manorial documentation, since many people used multiple surnames and many outsiders brought business to the court. Franklin, "Normans, Saints, and Politics," 20. Both DeWindt and Bennett have highlighted the

presents a representative view of individuals in a specific region during one decade and does not

seek to track specific individuals over time to show mobility or familial behaviour. Rather than

focusing on forenames, as did Franklin, or kin groups, as did DeWindt, Table 2 includes only

manorial references that match tax records in both forename and surname. In this way, although

common occupational surnames generally cannot be included, some exceptions can be made. For

example, Simon Shepherde appears in Herstmonceux court rolls and the lay subsidy records

include only one contemporary Simon Shepherde in all of eastern Sussex. It also means that,

despite ambiguity regarding name repetition in the manorial documents, each individual is only

included once based on appearance in the tax documents. So, although Stephen de Bereglind,

Stephen de Bereglind senior of Foxham, and Stephen of Foxham are likely, but not certainly, the

same individual, only one name is counted for Wivelridge in Goldspur hundred. Even using

Franklin's more restrictive methodology, which only counts death and merchet entries, in order

to prevent any possible repetition, the proportions are similar.[114] In several instances, names or

titles from the court rolls do not appear in the tax records explicitly but contain enough internal

reference to be included in Table 2.[115]

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difficulties with distinguishing specific families based on surnames alone, especially for common occupational names. See DeWindt, "Redefining the Peasant Community," 169-170; Judith Bennett, "Spouses, Siblings and Surnames: Reconstructing Families from Medieval Village Court Rolls," *Journal of British Studies* 23, no. 1 (1983): 26-46.

[114] Franklin counted only deaths and merchet fines, based on the safe assumption that a person would only do each once and therefore could be ruled out as appearing under another alias at a different time. Franklin, "Normans, Saints, and Politics," 20. Herstmonceux manor court documented thirty deaths and merchets from 1328 to 1337. Of those, six could be located based on the tax record database. Three lived in Herst, one in Cowbeech, and two in Wivelridge. While admittedly a very small sample size, the proportions (50% in Herst, 17% within a 10km periphery to the north of Herst, and 33% near the Kent border) roughly match the findings in the rest of this chapter.

[115] For example, "the lord of Warbleton" and "the vicar of Heathfield". The court rolls' "tenant of Hostiler tenement" is named as Philip atte Esthouse in the 1337 rental, so he has been included for Warbleton based on his presence in the tax records.

Table 2: Approx. locations of individuals from 1327-1337 Herstmonceux court rolls (based on 1327 and 1332 lay subsidy records)

Hundred	Vill	Grid Ref.	Dist. from Herst (approx. kms)	# of Herst tenants
Foxearle				
	Unspecified			1
	Herstmonceux	TQ/642102	0	10
	Wartling	TQ/658092	2	3
	Cowbeech	TQ/619146	7	5
	Ashburnham	TQ/689145	9	1
Total				*20*
Ninfield				
	Hooe	TV/689092	4	2
	Ninfield	TQ/704123	7	1
Total				*3*
Dill				
	Hailsham	TQ/592094	6	7
Total				*7*
Bexhill				
	Bexhill	TQ/739075	11	1
Total				*1*
Hawksborough				
	Warbleton	TQ/609182	13	3
	Horam	TQ/577173	14	1
	Heathfield	TQ/581215	16	2
	Burwash	TQ/677247	18	1
	Bivelham	TQ/631263	18	1
Total				*8*
Netherfield				
	Brightling	TQ/683210	13	1
Total				*1*
Battle				
	Unspecified			1
	Telham	TQ/756149	14	1
Total				*2*
Baldslow				
	Wilting	TQ/772109	15	1
Total				*1*
Eastbourne				
	Upperton	TQ/605998	14	1
Total				*1*
Willingdon				
	Willingdon	TQ/588025	13	1
	Exceat	TV/518995	23	1
Total				*2*
Longbridge				
	Berwick	TQ/519050	20	1
Total				*1*
Shiplake				
	Chiddingly	TQ/544141	17	1
	Laughton	TQ/501126	18	2
	Ripe	TQ/513099	19	1

	East Hoathly	TQ/520162	20	1
Total				*5*
Staple				
	Sedlescombe	TQ/777188	18	1
	Ewhurst	TQ/795246	23	1
Total				*2*
Henhurst				
	Glottenham	TQ/729222	20	1
	Salehurst	TQ/749242	21	1
Total				*2*
Shoyswell				
	Ticehurst	TQ/689301	23	2
	Pashley	TQ/706291	26	1
Total				*3*
Alciston				
	East Blachington and Alfriston	TQ/483998 and TQ/521030	24	1
Total				*1*
Gostrow				
	Brede	TQ/825182	23	3
Total				*3*
Guestling				
	Pett	TQ/872139	26	1
Total				*1*
Goldspur				
	Great Knelle	TQ/853257	32	3
	Wivelridge	Uncertain		5
Total				*8*
TOTAL				**69**

Tabulating the names from the court roll corpus corroborates and nuances observations from the previous analysis of the rental. Once visualized cartographically, the locations of households reveal several significant details about settlement patterns in the area and, subsequently, relationships between lord, tenant, and environment.

2.4 Dispersed Wealden geography of Herstmonceux tenants

Taken together, data from the rental and the court rolls, when cross-referenced with the royal tax records, illustrate the vast extent of Herstmonceux manor's dispersed settlement. Understanding the Wealden geography of Herstmonceux's tenancy, with its environmental context, illuminates important social aspects of the manor's administration. Great distances from the central manor

house encouraged the persistent semi-independence of sub-manors, such as Foxham. Some locations fostered a relatively high degree of freedom from labour duties for some tenants, especially in those wooded areas close to the Kent border. Each community's ancient custom, especially regarding inheritance, continued to thrive throughout the manor during the fourteenth century. In all these cases, custom, reinforced by distance and location, exerted a greater influence on administration than any prescriptive standard coming from the manor court.

Many of the tenements were quite far from the central manor house of Herstmonceux, which brings into question how effectively the lord could monitor and influence such tenants. Those in Goldspur hundred, for example, occupied lands roughly 32km to the north-east of the manor house. That phenomenon should not surprise, however, as a notable characteristic of Sussex landholdings in the Weald include detached pieces far removed from their parish.[116] The Pevensey Levels, undrained for much of the medieval period, presented a natural obstacle to land transportation into the Weald for surrounding manors. In response, some of those estates operated outlying holdings deeper in the Weald, usually to the north-east.[117] The reconstruction of Herstmonceux's holdings, presented above, reveals that it followed an identical pattern.

The majority of fourteenth-century Herstmonceux tenants lived in clustered communities throughout the Weald, at least half in the High Weald, in many cases quite far from the manor house. Just as with the rental, the approximate locations of individuals from the 1327–1337 court rolls indicate the clear and consistent presence of two distinct communities: the first, often called "Herst" in the records, of at least ten households in relatively close proximity to the manor house and a similar number spread throughout the rest of the hundred; and the second, which the

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[116] Hall, *The Open Fields of England*, 11.
[117] The orientations of extant droveways mirror the north-east pattern of detached holdings. Gardiner, "Medieval Settlement and Society in the Eastern Sussex Weald," 45.

manorial court and tenants consistently call "Foxham"[118] but of which the royal auditors seemed unaware, where a dozen households or more inhabited High Wealden land over twenty kilometres away, in Staple and Goldspur hundreds near the border with Kent. Further court roll evidence, discussed below, demonstrates that these two communities – Herst and Foxham – functioned essentially as two separate sub-manors under the jurisdiction of Herstmonceux and self-governed for most quotidian activities.

Repeated references, in the manorial records, to the now-lost homage of "Foxham" indicate a significant, and somewhat illusory, feature of the Herstmonceux manorial structure. Details surrounding the origin of Foxham and how Herstmonceux acquired it remain a mystery. According to Mawer and Stenton, the lost settlement likely once formed one of the pre-Conquest outliers of Bexhill manor and, by the mid-fifteenth century, had been assumed by Crowhurst manor.[119] Regardless of its provenance, during the fourteenth century it constituted a significant part of Herstmonceux's manorial structure. The earliest extant court rolls, from 1327, reference tenants "de Fugsham." In one June 1328 entry, the reeve is ordered to "seize all the customary land at Foukesham;"[120] while certainly a symbolic feudal gesture, that pronouncement does indicate some degree of tenurial jurisdiction, and concern about control, over the community. The earlier connection to Bexhill manor implies that Foxham likely came into Herstmonceux's possession as a tenurial acquisition, not an assart settlement.[121] Reconstructions of where the tenants actually lived, based on manorial documentation and the tax records, show that Foxham

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[118] This spelling is an early modern creation and is used throughout this chapter for consistency. Medieval sources usually call it "Fugsham," "Foukesham," or some similar variation.

[119] A. Mawer and F. M. Stenton, with the assistance of J. E. B. Gover. *The place-names of Sussex, pt. II: the rapes of Lewes, Pevensey and Hastings*. English Place-Name Society, vol. 7 (Cambridge: Cambridge University Press, 1930), 502-503.

[120] *Presentus est preposito quod seisiat in manum domini totam terram nativam apud Foukesham in manibus quorumcumque fuerit.* ESRO: SAS-X/5/1/2.

[121] Christopher Whittick, email correspondence with author, 17 March 2017.

was located, throughout its history, far to the north-east of its series of overlord manors – approximately 23km from Crowhurst, 27km from Bexhill, and 32km from Herstmonceux. It therefore always functioned as a detached and semi-independent community.

The Foxham inhabitants clearly self-identified and self-governed in many respects, especially from the later fourteenth century. A number of them appear at the court in February 1379 as "the tenants of the tenements of Fugsham" to release themselves from court suits until Michaelmas.[122] Foxham, at least near the end of the fourteenth century, even elected its own manorial officials and acted in court proceedings as a separate homage than Herst.[123] As a semi-independent homage, inhabitants of Foxham continued to practise different cultural traditions than their Low Wealden colleagues living near the Herstmonceux manor house. Most significantly, Foxham customary tenants resisted adopting the ultimogeniture more common throughout Sussex and instead retained the partible inheritance practices of their Kentish neighbours.[124] By the later fourteenth century, they were exercising ever greater autonomy, and, eventually, Herstmonceux lost jurisdictional control over the community.

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[122] HLS: 70.

[123] Foxham had its own beadle throughout at least the 1380s and 1390s and held its own elections for reeve, though sometimes as a formality before requesting to be discharged from that office. The beadle was John de Legh in 1380, Benedict Gerves in 1381, John Sextayn in 1386, John de Combes in 1387, and an unspecified person in 1392. The reeve election, held concurrently with Herstmonceux's, on 4 October 1391 chose John Stevene but then he and the rest of the homage (including Herstmonceux presumably) paid a fine of 20 *s.* to be discharged from the office for that year. On 29 October 1383, both homages came together to pay fines in order to exonerate themselves from holding a reeveship for a year. *Totum homagium de Herst cum homagio de Foukesham ad istam veniunt et dant domino de fine xl. s. ut exonerati sunt de officio prepositi usque festum sancti Michaelis proximum futurum unde parte homagii de Foukesham j. marca* [mark= 13 *s.* 4 *d.*]. ESRO: SAS-X/5/1/17.

[124] On 25 April 1334, at the Herstmonceux manor court, inheritance claims from two different regions, both resolved "based on the custom of the manor," have completely opposite results. One of them, from Herstmonceux, appeals to ultimogeniture, whereas two brothers from Foxham receive partible inheritance. In both cases, the court orders an inquiry into the customs of each manor. The jury comes and says that William Pettel, not his brother Richard, is the youngest son of Adam Pettel and so is the proper heir based on custom of the manor. Immediately afterward, John and Richard, sons of Stephen de Bereglinde "of Fugsham" split their father's tenement according to the customs of the manor "that the land is partible as they said." ESRO: SAS-X/5/1/6.
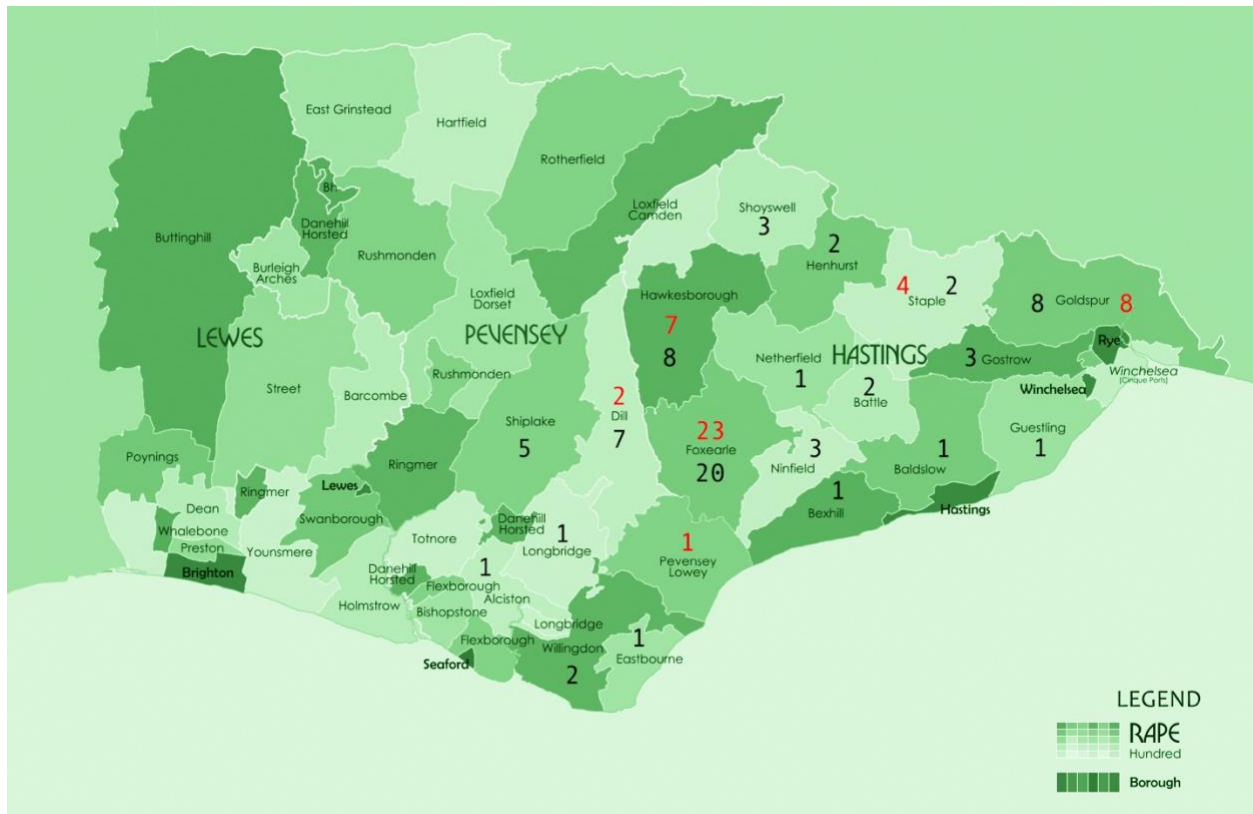
Figure 5: Map of individuals referenced in manorial documentation, 1327-1337.
Red numbers indicate names from the 1337 rental that could be located in contemporaneous tax survey and court roll records. Black numbers indicate names from 1327-1337 court rolls that could be located based on contemporaneous tax survey records.

Tracking and mapping names in the rolls provides insight into the locations of people using the manor court (see Figure 5). The rental of tenants lists individuals located in only six different hundreds, with all but three individuals residing in Foxearle, Hawkesborough, Staple, and Goldspur. The court rolls tell a slightly different story. In those areas of Herst, Foxham, and the hundred of Hawkesborough (where the fourteenth-century lords of Herstmonceux also held extensive parkland), the numbers remain quite similar, with only slight variations. Clearly, people in relatively close to proximity to one of the "sub-manors" or other demesne land used consistently the central manor court to settle most grievances and tenurial issues. From those areas, despite the known presence of other proximal manors, the Herstmonceux court recorded

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few, if any, external claimants or defendants.[125] One can only speculate whether tenants had so

few outside disputes because the close proximity of their own manorial infrastructure allowed

quicker and more informal arbitration; whether the close proximity and oversight of landlords

encouraged fewer neighbourly transgressions in general; or whether the officials in those areas

had more accurate knowledge of local tenants when creating rentals. At least twenty-seven

additional people, from other hundreds and absent from the rental, appear, however, in the

Herstmonceux court rolls during the same time period. Figure 5 shows that these individuals

travelled from locations all over eastern Sussex, including a significant number from areas west

of the Herstmonceux manor house. This differs notably from the 1337 rental's overview of

tenants clustered in three separate Wealden areas. The manor court must have fulfilled an

important legal and socioeconomic function for people throughout the region, even beyond a

clear tenant–landlord relationship. The manor of Herstmonceux thus encountered, investigated,

and arbitrated situations within a wide geographical range.

Tracking the transmission of these tenements requires an understanding of their

geographical and customary context, especially regarding varied inheritance practices. For

example, a post-mortem transfer of land to a male heir based on ultimogeniture, as practiced by

the customary tenants living near Herstmonceux, can be tracked quite clearly. So, in May 1338,

when Richard Rocker died, his son and heir William inherited the messuage and thirty acres of

land after payment of a fine and the heriot of a horse was given to the lord.[126] The dower of a

widow or, in the case of no male heirs, her moiety along with land inherited by daughters and

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[125] Some major examples include de St. Leger's manor of Wartling in Foxearle, the Batesfords' Warbleton estate in Hawkesborough, or the Pashley's Iden manor, known as Mote, in Goldspur. For more on the manor of Mote, see Mark Gardiner and Christopher Whittick, *Accounts and Records of the Manor of Mote in Iden, 1442-1551, 1673.* Vol. 92. (Sussex Record Society, 2008).

[126] HLS: 69.

eventually passed on through sons-in-laws, could fragment a holding, or at least complicate

tracking it. As an added element of variability, those tenants living farther away from the manor

house, in the areas closer to Kent, divided their lands with partible inheritance, thereby

fragmenting each holding into numerous tenements. Some scholars have pointed to such partible

inheritance traditions to explain why Kentish holdings tended to be smaller and to extrapolate

that they caused the scattering of open fields;[127] the free alienation of land *inter-vivos* acted,

however, as an effective counterweight to the effects of partible fragmentation, since it

stimulated the land market and allowed successful tenants to enlarge holdings.[128] John de

Glesham of Foxham, for example, had amassed an extensive variety of tenements by the time he

died in June 1346, including sixteen acres of free land, nearly thirty-five acres of customary land

from four previous tenants, and almost two acres of meadow once held by someone else.[129]

Assessments of settlements patterns must, thus, consider how each community occupied and

transferred land, whether through ultimogeniture or partible inheritance and to what extent *inter-

vivos* surrenders occurred.

Location played an important role in the proportion and semi-independence of free

tenants. In distant areas considered more "marginal," seigneurial oversight tended to be less

onerous and inhabitants of those areas exercised greater degrees of independence from the

manorial infrastructure. Tom Williamson argues for topography as a significant factor in the

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[127] Joan Thirsk, "The common fields," *Past & Present* 29 (1964): 9. For more, see the discussion in Carl J. Dahlman, *The Open Field System and Beyond: A property rights analysis of an economic institution* (Cambridge: Cambridge University Press, 1980), 30-35.

[128] Alan R.H. Baker, "Field systems of southeast England," in *Studies of field systems in the British Isles,* eds. Alan R.H. Baker and Robin A. Butlin (Cambridge: Cambridge University Press, 1973), 409. Although *post-mortem* inheritances, especially favourable for larger family holdings, tended to involve more land overall, *inter-vivos* transfers formed an integral part of an active peasant land market. Exponentially more *inter-vivos* transfers of land occurred than *post-mortem*, and they generated much greater revenue for the lords. Philipp R. Schofield, *Peasant and Community in Medieval England, 1200-1500* (Palgrave Macmillan, 2003), 67.

[129] ESRO: SAS-X/5/1/14; SAS/C 250.

relatively high volume of free tenants. For England in general, this was especially true in areas of clay soil and around marshes, where wide areas of high ground separated the well-watered valleys that formed the nuclei of many estates. Free tenants in those areas found themselves too far from the centre to be swept up in manorial organization or to be called upon regularly for labour services.[130] For Herstmonceux, the pattern remains the same, although the conceptualization of what was marginal differed; most of the manor houses in the region occupied the relatively more lucrative clay soil areas bordering marshes, and so many of the free tenants clustered in the distant and more "marginal" High Wealden regions to the north-east. This distance and decentralization may have allowed them a relatively high degree of sociolegal agency, as well as some freedom from the customary duties more common in areas closer to the central manor house. The tenants of Foxham exemplify this trend and often would substitute payments to the lord of Herstmonceux instead of services owed. They also paid their rent frequently in chickens and eggs, rather than the cash in which tenants in areas closer to the manor house paid.

The free tenants who can be traced in these records lived disproportionately in the further removed, decentralized communities. The low rents, relatively weak seigneurial power, and plentiful timber may have provided a tempting alternative to highly fertile land that tended to come with more extensive labour services.[131] These factors allowed them to amass large holdings and remain somewhat independent. Gardiner calculates that at least half of the total acreage of Wartling manor was held freely, and he estimates a similar situation at Herstmonceux.[132] Once a

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[130] Williamson, *Shaping Medieval Landscapes*, 50-52.
[131] Mavis Mate, "The agrarian economy of south-east England before the Black Death: depressed or buoyant?" in *Before the Black Death: Studies in the 'crisis' of the early fourteenth century,* ed. Bruce M.S. Campbell (Manchester and New York: Manchester University Press, 1991), 104.
[132] Gardiner, "Medieval settlement and society in the eastern Sussex Weald," 228.

new lord inherited the manor, they often made a concerted effort to summon all free tenants to the manor court in order to swear fealty. These occasions, most notably in 1330 and 1379, give insight into the manor's settlement patterns and proportions of free and customary tenants. The Herstmonceux court on 17 January 1379, the first held after William Fiennes inherited the estate, records carefully much of the tenurial composition of the manor. The beginning of the roll documents cases, including fealty, court summons, and a death, among nine tenants from far afield, namely Foxham.[133] The court then distrained a significant number of local tenants and recorded their tenurial status. It lists twenty-one free tenants and only fourteen customary tenants (stated directly or implied), but also includes thirty-one cottagers.[134]

2.5 Conclusion

The historical foundations for the dispersed nature of the Herstmonceux manor lie in its geographical and environmental context, namely in the Wealden region of Sussex. This chapter has demonstrated that the vast majority of fourteenth-century tenant households lived in clustered Wealden communities. At least half of those households occupied land in the High Weald, dozens of kilometres from the central manor house. No physical or documentary evidence indicates the presence of nucleated villages or significant marshland communities belonging to the manor. A broad variety of people, spread even more widely throughout eastern Sussex, utilized the manor court, which suggests that it fulfilled an important and widespread arbitrative function. Location, whether topography, ecology, or just distance from the manor house, played an important role in the relationships between people, the lord, and the manorial

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[133] Of these Foxham tenants, five were customary, two unspecified, one free, and one held both customary and free land. HLS: 71. While these numbers alone hint at a disproportionate number of customary tenants at Foxham, the relative lack here of Foxham tenants compared to local ones (nine to thirty-five) indicates, instead, the more likely possibility that the free tenants from far afield were less inclined to appear for summons as quickly as the customary tenants did.
[134] HLS: 71.

administration in general. These conclusions necessarily derive from the records themselves and, thus, can give a somewhat illusory picture of "settlement patterns." Herstmonceux did not, in general, settle vast new areas or dislocate villages; these Wealden communities largely predated the manor and persisted after seigneurial status changed. This chapter has reconstructed how widespread and flexible the *manorial administration* had to be in order to oversee such a disparate collection of communities. Knowing the manor's geographical context will then allow, in the following chapters, a more detailed analysis of how people in those different areas interacted with their environment and how the manorial administration managed those interactions.

Chapter 3: Reconstructing Land Use on the Demesne

3.1 Introduction

Evidence from a previously unstudied inventory[135] reveals that during the early fourteenth century, the lord of Herstmonceux farmed land in both the Sussex Weald and the Pevensey Levels — something previous documentation only suggested.[136] The inventory illustrates that the arable demesne operated broadly within a "Wealden" agricultural framework but also emulated intensive arable operations on the Sussex coast. The manor showed, for example, a clear preference for wheat when conditions permitted. Due to topography and soil characteristics, had the demesne been based entirely in the Weald, it would not have sustained such proportions of certain crops and animals itself, and so must have utilized at least some highly fertile arable marshland on the Levels. This explains why the Herstmonceux carpentry workshop in 1308 contained two "ploughs for upland" and two "ploughs for marshland."[137] Regional expertise and custom, especially regarding sowing rates and choice of crops, had widespread acceptance and implementation on the demesne, and also showed clear understanding of local conditions and environmental limitations. Research has shown, in fact, that local practice and tenant experience often influenced much of the managerial knowledge used on demesnes.[138] Evidence from the inventory, when compared to court rolls and custumals, furthermore, presents the first chance to

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[135] The recent attention to this document owes a debt to Dr. Philip Slavin, who identified it at the Kent History and Library Centre (KHLC), where it had been filed in a bundle of documents from another manor (U 1384/M2). My thanks to Christopher Whittick for his helpful comments on the translation of the document.

[136] Mark Gardiner, for example, posits correctly, based on *IPM* evidence, that most of the demesne fields, especially the most productive ones, were located on the Levels. Mark Francis Gardiner, "Medieval Settlement and Society in the Eastern Sussex Weald before 1420," (PhD Diss., University College London, 1995), 215-216. Without a document like the 1308 inventory, however, he had little evidence for how the demesne actually functioned.

[137] *...ij. carucarie pro susannis terris cum ij. vomeris et ij. cultris. Item—ij. carucarie pro terris mariscis. cum ij. vomeris et cum. ij. cultris...* KHLC: U 1384/M2.

[138] Bruce M.S. Campbell, *English Seigniorial Agriculture, 1250-1450* (Cambridge: Cambridge University Press, 2000)*,* 1; Mavis Mate, "Medieval Agrarian Practices: The Determining Factors?" *The Agricultural History Review* 33, no. 1 (1985): 31.

investigate possible agricultural differences, especially regarding livestock, between the demesne and tenants of the manor.[139] The possession of different animals demonstrates varied priorities among their owners; for example, plough-horses and sheep indicate, respectively, active and passive utilization of the land itself.

Specific details of the Herstmonceux estate's composition and agricultural operations, especially during the fourteenth century, remain scarce. Sporadic mentions of buildings, livestock, and goods appear in some documents, such as manorial court rolls and land grants, though they provide scant insight into actual farming and husbandry practices. From 1302 until at least 1360, the size and overall ecology of the estate changed little. The *inquisition post mortem* (*IPM*) of John de Monceux in August 1302 describes, for Herstmonceux, 380 acres of arable marsh, 200 acres of arable land, twenty acres of meadow, a wood, and a windmill.[140] The 1360 *IPM* of William de Fiennes depicts a largely identical situation at Herstmonceux, though with access to thirty fewer acres of arable marshland and only ten acres of meadow – often flooded – remaining.[141] This gives some indication that the estate began to suffer the effects of flooding more acutely in the second half of the fourteenth century, though whether from environmental change, a labour shortage affecting drainage efforts, or some other cause, is impossible to know from this evidence alone. The *IPM*s provide important and detailed insights into proportions of land-type and the values ascribed to different areas. They should be analyzed

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[139] Scholarship has just recently turned to this question of differentiation between demesne and non-demesne agricultural operations. See, for example, Philip Slavin, "Peasant Livestock Husbandry in Late Thirteenth-Century Suffolk: Economy, Environment, and Society," 3-26; John Langdon, "Bare Ruined Farms? Extents for Debt as a Source for Landlord versus Non-Landlord Agricultural Performance in Fourteenth-Century England," 59-82; Christopher Dyer, "Peasant Farming in Late Medieval England: Evidence from the Tithe Estimations by Worcester Cathedral Priory," 83-109; all in *Peasants and Lords in the Medieval English Economy,* eds., Maryanne Kowaleski, John Langdon, and Phillipp R. Schofield (Turnhout: Brepols, 2015).
[140] The National Archives (TNA): C133/106/4; *Calendar of Inquisitions Post Mortem* (CIPM), vol. 4 (London: H. M. Stationery Office, 1913), 68.
[141] TNA: C135/151/14; CIPM, vol. 10 (London: H. M. Stationery Office, 1921), 496.

with care, though, due to regional variation in customary measures, as well as significant

omissions of certain datasets: ecclesiastical properties; communal resources; some areas like

woodland that generated little revenue; and especially, non-demesne land.[142] Most importantly

for the purposes of this chapter, the *IPM*s give little indication of how landowners *used* the land

on the demesne at any given point in time.

   This chapter analyzes an unstudied inventory from 1308 to illuminate land use on the

Herstmonceux demesne during the early fourteenth century. While acknowledging P.F.

Brandon's warning that "records of the single manor examined in isolation, however

comprehensive, are obviously of limited value, and can positively mislead enquirers into general

trends,"[143] this single document can still be compared with regional and historical trends to

determine whether it fits with, or deviates from, expected patterns. This analysis also utilizes,

whenever possible, supplementary documentation from court rolls and custumals. R. H. Britnell,

when anticipating "inevitable objection to all minute research in agrarian history," defended his

use of a single case-study because, "it implies a set of general technical considerations. It

illustrates a pattern of events which may have repeated itself in many places and on many

different types of soil…"[144] He grounded his analysis in well-established principles of

agricultural and economic theory. Britnell, furthermore, considered it important to analyze the

proportions sown of each grain, especially a relatively capricious crop like wheat, to analyze

cultivation change at the "intensive margin."[145] This study of the inventory from Herstmonceux,

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[142] Ken Bartley and Bruce M. S. Campbell, "*Inquisitiones Post Mortem,* GIS, and the creation of a land-use map of medieval England," *Transactions in GIS* 2, no. 4 (1997): 335-336.

[143] P. F. Brandon, "Late-medieval weather in Sussex and its agricultural significance," *Transactions of the Institute of British Geographers,* no. 54 (Nov., 1971): 1.

[144] R. H. Britnell, "Agricultural Technology and the Margin of Cultivation in the Fourteenth Century," *The Economic History Review,* New Series, vol. 30, no. 1 (Feb., 1977): 53.

[145] Britnell, "Agricultural Technology and the Margin of Cultivation," 53-54.

based on a similar premise, tests more recent and transposable proportional land-use models, namely those developed by Bruce Campbell and others, to gain insight into unclear settlement patterns and environmental adaptation in the local area – a transitional region between the upland, wooded Weald and the low-lying marshy Pevensey Levels – rather than an attempt to establish broad general trends.

3.2 Methods and Sources

The descriptions and quantities of flora and fauna in the inventory illuminate the extent to which the economic composition of the demesne fits with or contradicts national and regional trends. In an important study, John Power and Bruce Campbell used cluster analysis to classify English demesne-farming systems between 1250 and 1349. They surveyed 1000 manorial accounts to analyze 388 demesnes throughout the country. Of that sample, their cluster analysis organized a "core" group of 261 demesnes into eight broad categories, and then discriminant analysis grouped the remaining 127 into the same eight categories.[146] The authors created a transposable methodology for national classifications that can be replicated, even on a smaller scale, for other manors not included in their sample.[147] Although contemporary quantitative documentation for Herstmonceux comes mostly from a static inventory (and a series of court rolls), not the sort of dynamic accounts utilized by Power and Campbell, it nonetheless provides important insights into the nature of the demesne in 1308.[148]

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[146] John P. Power and Bruce M. S. Campbell, "Cluster Analysis and the Classification of Medieval Demesne-Farming Systems," *Transactions of the Institute of British Geographers* 17, no. 2 (1992): 227-245.
[147] Power and Campbell, "Medieval Demesne-Farming Systems," 227-229.
[148] Giorgio Riello clearly articulates this distinction between "static" inventories and more dynamic accounts. Giorgio Riello, "'Things Seen and Unseen': The material culture of early modern inventories and their representation of domestic interiors," in *Early Modern Things: Objects and their Histories, 1500-1800,* ed. Paula Findlen (London and New York: Routledge, 2013), 136.

The proportions of crops and livestock on the Herstmonceux demesne in 1308 correspond well on a macro-level to the typical "arable husbandry with swine" farming regimes so common to other Wealden manors. Many of Power and Campbell's qualitative descriptions of "arable husbandry with swine" demesnes seem applicable to the situation at Herstmonceux; their model includes low stocking density, high ratio of working to non-working animals, favourable number of horses compared to oxen, reliance on pigs as the major non-working animal, and also heavy legume sowing.[149] The authors' methodology has great efficacy for contextualizing smaller datasets. It allows conclusions to be drawn about Herstmonceux's broadly "Wealden" agricultural framework in the early fourteenth century.

Micro-comparisons on an individual level show some marked differences, notably in a relative underproduction of oats and overemphasis on wheat and legumes. This discrepancy seems partly to reflect cultural priorities and a possible attempt to emulate manors further afield, specifically prosperous manors on the Sussex coast. For example, cultivation of wheat resembles national levels but the amount of oats does not match regional ones. The large-scale sowing of legumes indicates a need to replenish nitrogen-depleted soil in an environment less suited to wheat than to oats, as well as for weed control and animal fodder. The extensive fields of wheat and legumes imply that the demesne had a well-established presence in at least part of the Pevensey Levels in 1308. The ratios of livestock most clearly resemble "arable husbandry with swine," reflected in that system's typical numbers of horses relative to oxen and significant numbers of swine. The probable lack of sheep on the demesne in 1308, despite plentiful access to alluvial fields and pasture, may reflect the omnipresent risk of flooding at that time. The lords of Herstmonceux in the early fourteenth century, beginning with a typically "Wealden" approach

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[149] Power and Campbell, "Medieval demesne-farming systems," 237.

and influenced by the availability of labour and the economic value of certain crops, sowed at least part of the nearby marsh with intensity. Not until long after the Black Death did they begin to embrace the use of sheep-pasture and enclosure on the Pevensey Levels.

The inventory, one of the only financial records for the medieval manor of Herstmonceux and the earliest extant manorial document for the estate in general, offers valuable insight into the contemporary environmental context of the region.[150] Nearby estates with plentifully extant documentary archives generally did not occupy the same topographical and ecological space, and thus had different environmental concerns. Extensive collections of documents exist for some large institutions in Sussex, most notably Battle Abbey, but many of its manors occupied different landscapes and soil types than did Herstmonceux. Account rolls do not survive for Herstmonceux manor and so one cannot calculate comprehensive quantitative yield data. Analysis of the 1308 inventory, based on proportions of crops sown, intensity of sowing, and amounts stored, does reveal much, however, about local land-use choices in the context of cultural expectations on a regional, or even national, level. Such conclusions give valuable insights into how contemporary people in the area viewed their circumstances and contemporary environmental pressures.

Manorial records, containing detailed information, were essential tools for lords actively managing estates through elected and appointed officials. Inventories were a lord's economic safeguard, and provided a steward and auditors with important oversight over the effectiveness of manorial operations. Widespread direct farming practices, which ushered in an era of unprecedented document production, gave rise to a greater emphasis on uniformity and detailed

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[150] The East Sussex Record Office (ESRO) houses an extensive collection of manorial court rolls, and varied repositories in the UK and US have acquired others, but the earliest of them dates from April 1327 (ESRO: AMS 7054/1).

information in such practical records. Manorial officials, to present their claims to auditors, chose local clerks to produce the relevant written accounts. Such documents include all relevant details and follow certain established conventions, including the strict order of items listed.[151] The 1308 inventory from Herstmonceux, though not a full manorial account since it does not include yields and debts, follows exactly the standard sequence of descriptions, including the ages of livestock.[152] The inventory lists carefully and in detail, for a newly elected reeve, all the goods within the purview of the manorial demesne at Michaelmas, 1308. It includes a range of items, from personal tools and commodities stored in buildings to livestock in paddocks and crops planted in fields. In contrast with fairly ubiquitous manorial accounts that record grain and animals, inventories like this, which also record equipment, occur far more irregularly in medieval England.[153]

Details in the inventory illuminate the methods of direct farming used on the demesne and the scale and intensity of agricultural operations in the surrounding landscape. The 250 sown acres listed in the inventory establish the Herstmonceux demesne in 1308 as a fairly major cropping operation with sown acreage that surpassed national mean averages for the time period, though not beyond the scale of most comparative Wealden manors. That acreage easily surpasses even national mean averages for the time period.[154] The presence of two barns (*grangiae*), large structures for storing grain in sheaves, as well as a granary (*granarium*), a smaller building used for threshed grain, further indicates substantial agricultural production on the Herstmonceux

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[151] Harvey, *Manorial Records*, 31-35.

[152] Harvey, *Manorial Records*, 32; KHLC: U 1384/M2.

[153] The occasional ones that do survive include excellent technical details. Mark Bailey, ed., *The English Manor c.1200-c.1500* (Manchester and New York: Manchester University Press, 2002), 60; Campbell, *English Seigniorial Agriculture,* 26, 30, 40.

[154] The mean average sown acreage in manorial accounts from 1250-1349 was 199.5 and the majority of demesnes were under 200 acres. Just over 9% sowed between 250 and 299 acres and only 17% over 300 acres, according to manorial accounts. Campbell, *English Seigniorial Agriculture,* 68-69.

demesne.[155] Ownership of *grangiae,* though not necessarily restricted to landlords, often conferred a sense of seigneurial status based on the cost of construction and maintenance compared to cheap outdoor ricks.[156] The inventory thus provides a valuable insight into the economics of the demesne and the lifestyle of the lord before the wealthy and politically powerful Fiennes family inherited the property and transformed its landscape.

3.3 Crops Sown on the Demesne

The crops listed in the inventory (see Table 3) provide important evidence for the framework of demesne agriculture on the Herstmonceux estate in 1308.

Table 3: Crops in Herstmonceux inventory 1308

Crop	Sown acres	Stored in barn (quarters)	In seed (quarters)	Remaining (quarters)
Wheat	80	30	34.75	5
Rye	15	15	6	9
Wheat/dredge mixture	0	0	0	1.5
Beans	45	20	20	0
Vetches	20	20	6.5	13.5
Oats	50	120	37.5	82.5*
Dredge (mixed oats/barley)	40	40	30	10
Total	250	245	165.75	90.5

*51.5 + 25 for fodder + 6 of meal for kitchen
KHLC: U 1384/M2

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[155] The medieval English countryside contained significant numbers of barns, some of which could be quite large. One estimate gives a median volume of 1,700 cubic metres. Granaries, though used often in smaller urban households, show up less commonly in the rural seigneurial documents from lay landlords. Jordan Claridge and John Langdon, "Storage in medieval England: the evidence from purveyance accounts, 1295-1349," *The Economic History Review* 64, no. 4 (2011): 1244-1245, 1251-1253.
[156] Niall Brady, "The Gothic Barn of England: Icon of Prestige and Authority," in *Technology and Resource Use in Medieval Europe: Cathedrals, Mills, and Mines,* eds., Elizabeth Bradford Smith and Michael Wolfe (Ashgate: 1997), 92-95.

The inventory contains enough descriptive detail, both quantitative and qualitative, to analyze ratios of crops in accordance with Power and Campbell's models. Preliminary comparisons and historical regional expectations eliminate half of the eight potential clusters with fundamentally different compositions. Table 4 compares the proportion of sown acres at Herstmonceux with the mean percentages of the four most similar demesne classifications outlined by Power and Campbell.[157] The proportion of sown crops by acre at Herstmonceux in 1308 fits most consistently with "arable husbandry with swine" for several reasons discussed below.

Table 4: Herstmonceux sown acres % compared to 4 categories

Crop	Herst-monceux	Variation	Mixed-Farming with Cattle	Var.	Arable Husbandry with Swine	Var.	Sheep-corn Husbandry	Var.	Extensive mixed-farming	Var.
Wheat	32	-	34	-2	33	-1	36	-4	33	-1
Rye	6	-	7	-1	3	+3	2	+4	2	+4
Winter mix	0	-	6	-6	1	-1	5	-5	1	-1
Barley	0	-	4	-4	16	-16	12	-12	13	-13
Oats	20	-	42	-22	28	-8	26	-6	43	-23
Spring mix	16	-	2	+14	6	+10	9	+7	2	+14
Legumes	26	-	4	+22	14	+12	10	+16	5	+21

KHLC: U 1384/M2; Campbell, "Economic Rent," 231; Power and Campbell, "Medieval Demesne-Farming Systems," 234.

3.3.1 Winter grains

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[157] This table also draws upon the simplified version from Bruce Campbell, "Economic rent and the intensification of English agriculture, 1086-1350," in *Medieval farming and technology: The impact of agricultural change in Northwest Europe*. vol. 1, eds., Grenville Astill and John Langdon (Leiden: Brill, 1997), 231. For the original, which includes standard deviation, see Power and Campbell, "Medieval Demesne-Farming Systems," 234.

The similarities regarding winter grains (wheat, rye, and the winter mixture) between the

Herstmonceux case study and the four models indicate at least some shared national cultural

priorities. The percentage of wheat sown shows very little variation from Herstmonceux across

all four comparative clusters. Herstmonceux sowed 32% wheat and each demesne model

featured in Table 4 consistently devotes about one-third of all crops to wheat. This correlates

well with national totals for wheat sowing in that time period, which averaged just over 36%

between 1275 and 1324, before reaching a peak mean of almost 40% throughout the first half of

the fourteenth century.[158] An abundance of evidence shows how people in medieval England

prioritized wheat as their premier food crop. As described in *Piers Plowman,* "Nor no beggar eat

bread that had beans therein, But asked for the best white, made of clean wheat."[159]

Herstmonceux clearly followed a well-established growing tradition of wheat, the most lucrative

and socially valued food crop in medieval England.

Rye cultivation occupies a predictably low share for all the demesne classifications

analyzed, including Herstmonceux. Contemporary farmers generally considered rye inferior to

wheat, despite its comparable nutritional value and viable alternative as a bread source. Rye

fetched a lower price at market and thus tended to be consumed mostly on the manor itself.

Manorial workers increasingly requested in-kind wheat payments instead of rye, which also

seems never to have been malted.[160] The 1308 inventory allocates nine quarters of rye and ten

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[158] Bruce M. S. Campbell, "Land, labour, livestock, and productivity trends in English seignorial agriculture, 1208-1450," in *Land, labour and livestock: historical studies in European agricultural productivity*, eds. Bruce M. S. Campbell and Mark Overton (Manchester and New York: Manchester University Press, 1991), 166-167.

[159] "*Ne no beggere ete breed that benes inne were, But of coket or clermatyn or ellis of clene whete,*" fol. 40v, B version. William Langland, *Piers Plowman*, edited by A. V. C. Schmidt, in *A Parallel-Text Edition of the A, B, C and Z Versions*, vol. I (Western Michigan University: Kalamazoo, 2011), 310. Modern English taken from William Langland, *The Book Concerning Piers the Plowman*, trans. Donald and Rachel Attwater, ed. Rachel Attwater (Everyman, 1957) http://sites.fas.harvard.edu/~chaucer/special/authors/langland/pp-pass6.html [Last modified May 2, 2006].

[160] Campbell, *English Seigniorial Agriculture,* 219-220. At the Battle Abbey manor of Marley, skilled workers insisted upon grain compensation that included, or even solely consisted of, wheat. This seems at that manor,

quarters of dredge *ad liberationem famulorum*, though thirty years later customary tenants ate

lunches of wheat bread, meat, cheese, pottage, and ale while ploughing the demesne.[161] The

fifteen acres, or 6%, of rye sown on the Herstmonceux demesne correlates closely to the 7% of a

"mixed-farming with cattle" manor, but that comparison misses the possibility of skewed

proportions when considering also a winter mixture of wheat and rye.[162] If one considers a

common winter mixture of wheat and rye, also known as maslin, in addition to the strictly rye

fields, then the proportions of "arable husbandry with swine" and "sheep-corn husbandry" line

up much more closely to the example of Herstmonceux.[163] In general however, the winter grains

show insufficient variation to make definitive conclusions.

3.3.2 Spring grains

The ratio of spring to winter grains illuminates far more significantly the agricultural operations

on the Herstmonceux estate in 1308, especially regarding plausible crop rotation. Spring grains

(barley, oats, and dredge) consistently dominated shares of agricultural regimes throughout

medieval England. They also experienced the greatest proportional change over time.[164] The

demanding winter crops (wheat, rye, and winter barley), well-suited for bread and most highly

valued at market, had the strictest nitrogen requirements and so were generally sown first.

Farmers then planted the premier brewing (barley and dredge) and pottage/fodder (oats and

legumes) crops in the spring. In soils able to handle the added requirements, the increased

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however, to be prevalent after the Black Death and almost unheard of before, when rye constituted the crop for *famuli*. Eleanor Searle, *Lordship and Community: Battle Abbey and its Banlieu*, *1066-1538* (Toronto: Pontifical Institute of Mediaeval Studies, 1974), 290-291.

[161] KHLC: U 1384/M2. [Johannes de Onyngeham] *debet arare solus cum caruca sua per i diem quantum potest vel dabit iij d. et habebit prandium suum semel in die vel panem de frumento et carnes et caseum ad companagium et potagium et cervisiam ad potum.* ESRO: SAS/C 250.

[162] The Herstmonceux inventory does not specify any winter mixture, apart from a negligible mention of some mixed wheat and dredge.

[163] The average "mixed-farming with cattle" demesne contained 6% mixture as well as 7% rye, which would nearly double the proportion of all possible rye on the Herstmonceux demesne.

[164] Campbell, "Land, labour, livestock, and productivity trends," 167.

intensity of the three-course rotation (winter, spring, fallow) generated far higher output than the more flexible two-course system.[165] Farming regimes that heavily favoured spring grains, especially when combined with extensive legume cultivation, thus strongly indicate a system of intensive cropping and limited fallowing. Some areas with environmental conditions not conducive to grain harvesting, however, skew those ratios due to their forced reliance primarily on oats.[166] Some other Wealden demesnes, such as at Battle Abbey's manor of Marley, highlight the presence of the oats-reliant type. In contrast, the ratio of winter to spring grains on the Herstmonceux demesne in 1308 demonstrates compellingly a three-course system of relatively intensive cropping.
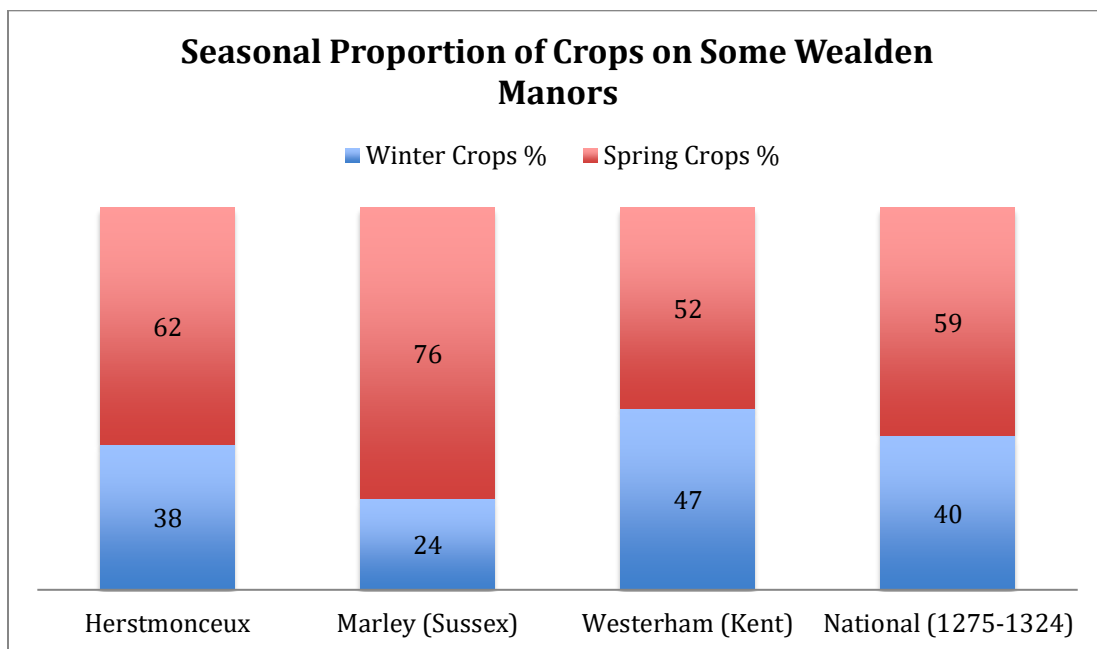
Figure 6: Comparison of Herstmonceux (1308) with two Wealden manors (early fourteenth century averages)
KHLC: U 1384/M2; Searle, *Lordship and Community***, 285; Campbell,** *English Seigniorial Agriculture***, 240.**

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[165] Campbell, *English Seigniorial Agriculture,* 230-231.
[166] Campbell, *English Seigniorial Agriculture,* 231.

Three factors provide much-needed context for the environmental and agricultural considerations affecting Herstmonceux and the broader region. First, the surprising lack of barley grown on the estate; second, the proportion and use of oats; and third, the uncommonly high prevalence of legumes grown on the demesne.

The Herstmonceux demesne apparently grew no barley in 1308, or at least sowed none in dedicated fields. Since medieval brewers favoured barley, its absence, on the surface, surprises. Herstmonceux brewers seem to have used oats and wheat instead. The inventory lists four bushels of malted wheat and two quarters of malted oats stored in the granary.[167] The practice continued until at least 1337, as customary tenants were still malting oats for the lord to sell.[168] Soil conditions and farming practices at Herstmonceux explain plausibly the lack of barley on the demesne in 1308. Barley's sensitivity to excessive nitrogen meant that it mainly found popularity with farmers on medium to light soils.[169] The relatively heavy clay soil around Herstmonceux would not provide ideal conditions for barley, nor would the excessive nitrogen from the demesne's intensive legume sowing lend itself well to such a crop.

The demesne appears to have avoided barley for at least several decades after 1308. The extant Herstmonceux court rolls from 1327–1346 include 206 reported instances of trespass in the demesne.[170] Not a single one mentions barley (*hordeum*) specifically. This could be a matter of selective trespass or documentary omission, but it seems unlikely that the transgressors or the scribes would be so discriminatory. The court roll entries most commonly refer to *bladum* (53%),

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[167] KHLC: U 1384/M2.
[168] *Et debet facere dimidium _ avene ad braseum quam dominus venire faciat ad domum suam et queret dictum braseum ibidem.* ESRO: SAS/C 250.
[169] Campbell, *English Seigniorial Agriculture*, 222-223. For example, the manor of Dedisham, also in the Weald, similarly avoided barley. A. E. Wilson, ed. *Custumals of the Manors of Laughton, Willingdon and Goring* (Sussex Record Society, 1961), xxviii.
[170] ESRO: AMS 7054/1; AMS 7060/1/1; SAS-X/5/1/1 – 14. HLS: 68 – 69.

followed by *pastura* (29%), and *boscum* (9%). Admittedly, scribes often used *bladum* as a generic term for grain crops, though especially to describe wheat.[171] Herstmonceux court rolls do demonstrate an inclusive use of the term on several occasions. One claim from October 1340 accuses the warrener of taking a grain cart containing ten measures of the lord's grain from diverse grains.[172] On 9 October 1336, John de Stonacre sued Agatha de Stonacre for damage in his grain to the value of five bushels, namely of vetches, beans, and peas.[173] Even among entries that do reference specific crops more explicitly, none mention barley. Oats (*avena)* appear four times, rye (*siligo)* three times, beans (*faba)* once, and even rushes (*sirpi)* once. The rolls also include specific references to locations such as warrens, closes, severalty, a mill, and the park. Scribes could conceivably have included demesne barley in the *bladum* terminology, but the lack of any specific mention is noteworthy and bears further significance considering the omission of the crop from the earlier inventory. The overall lack of barley on the Herstmonceux estate in 1308 provides potential insight into poor soil conditions on parts of the demesne, as well as climatic factors like increased winter precipitation and summer volatility.

Sowing strategies for barley cultivation also point to possible anthropogenic environmental adaptation. Farmers, in places with relatively harsh winters or less fertile soils,

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[171] R. E. Latham, ed. *Dictionary of Medieval Latin from British Sources*, vol. 1 (London: Oxford University Press, 1975), s.v. "bladum." Manorial accounts needed to be much more specific, using *frumentum* exclusively for wheat. D. J. Stone, "The Consumption of Field Crops," in *Food in Medieval England: Diet and Nutrition*, eds. C. M. Woolgar, D. Serjeantson, and T. Waldron (Oxford: Oxford University Press, 2006), 12. The inventory uses *frumentum* for wheat, but none of the trespass cases include that term. The 1337 custumal does use *bladum* to denote grains in general and *frumentum* for wheat. ESRO: SAS/C 250. See Chapter 5 for further discussion of crop terminology.
[172] *Item dicunt quod Warrennarius abduxit quamdam carectatam bladi continentem .x. hepes de blado domini de diversis bladis.* ESRO: SAS-X/5/1/10.
[173] *Johannes dicit quod Agatta fecit dampna in blado suo ad valenciam v. busselli videlicet vescorum et fabarum et pisarum etc.* ESRO: SAS-X/5/1/7.

normally plant barley in the spring to maximize the milder summers and avoid some "climate-related stress factors."[174] Medieval English farmers generally followed this strategy.

Why, then, in light of this overwhelming tendency, did Herstmonceux manor not rely on a significant concentration of spring barley? Recent studies of yield data for wheat and barley, despite a common belief that barley is less susceptible than wheat to climatic variation, show that, in fact, barley is similarly vulnerable to climatic instability. Another study shows that while CO_2 fertilization and earlier sowing of barley might increase yields, this is untrue in times of extreme weather conditions or in growing areas of poor soil quality. To compound the issue, one of the most significant impediments to a successful barley harvest, especially in northern climates, occurs with excess rain during the sowing season.[175]

Medieval chroniclers in eastern England generally considered harvests extremely poor in the era from 1289–1326 due to unprecedented wet weather.[176] In the summer, barley can normally cope with some wet conditions, but is particularly adverse to drought. Recent research has shown extremely dry summers from 1297–1313 and particularly wet autumns in 1307 and 1308.[177] The volatility of climate in the early fourteenth century thus made crop rotation adaptations, especially for barley, difficult.[178]

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[174] Ian K. Dawson, et al., "Barley: a translational model for adaptation to climate change," *New Phytologist* 206 (2015): 913-916, 919.

[175] Dawson et al., "Barley," 917, 923.

[176] H. E. Hallam argues that account rolls from the era corroborate some of this anecdotal evidence, though with much more accuracy regarding seasonal variability and less extreme dearth over the whole period. H. E. Hallam, "The Climate of Eastern England, 1250-1350," *Agricultural History Review* 32, no. 2 (1984): 124, 130-132. J. Titow echoes this conclusion about the relative effectiveness of account records. J. Titow, "Evidence of Weather in the Account Rolls of the Bishopric of Winchester 1209-1350," *The Economic History Review,* New Series, 12, no. 3 (1960): 360. More recent research has shown that the Great European Famine in fact did have more drastic effects than Hallam's accounts showed for East Anglia. William Chester Jordan, *The Great Famine: Northern Europe in the Early Fourteenth Century* (Princeton: Princeton University Press, 1996), 25-33.

[177] Astrid Ogilvie and Graham Farmer, "Documenting the Medieval Climate," in *Climates of the British Isles: Present, Past and Future,* eds. Mike Hulme and Elaine Barrow (London and New York: Routledge, 1997), 126.

[178] A common solution to the spread of epidemic crop disease, which heavy rainfall can exacerbate, involves a focus on planting mixed seeds instead of monocultural fields. Dawson et al., "Barley," 926. The inventory does list forty sown acres of dredge (mixed oats and barley), so this may account for some limited barley production on the estate.

The overall absence of barley on the demesne in 1308 demonstrates a clear understanding of the local soil characteristics and climatic limitations; the lack of oats relative to wheat does not. On a national level, oats constituted an average acreage of almost 36% between 1275 and 1324 and fell to just over 30% over the first half of the fourteenth century.[179] For many Wealden manors on relatively infertile soils, however, this figure was even higher. The Herstmonceux demesne sowed oats on only 20% of its acres in 1308, an amount lower than national averages and far below comparative manors in the Weald.[180]

The Herstmonceux demesne sowed more wheat, eighty acres, than oats, fifty acres; despite this, the inventory records a far greater quantity of stored oats than stored wheat. The demesne, in fact, disproportionately stockpiled oats to a far greater extent than any other crop. Manorial officials accounted a total (including crops still in seed) of 240 quarters of oats, allocated for a variety of uses, such as fodder, kitchen meal, and payments to labourers.[181] The yields of wheat and oat crops, though not always correlated easily, do not support such a discrepancy. Wheat fields, especially before 1349, consistently yielded more grain per seed than oats did.[182] We must thus account for the discrepancy between stored wheat and stored oats; while it is possible that the wheat crops at Herstmonceux yielded less than the oat crops because the soil was not suited to wheat, it is more likely that the absence of wheat is a result of a greater

KHLC: U 1384/M2. This practice is not without precedent. The Ramsey Abbey manor of Houghton, for example, mixed barley entirely with dredge for several years after 1316. J. Ambrose Raftis, *The Estates of Ramsey Abbey: A Study in Economic Growth and Organization* (Toronto: Pontifical Institute of Medieval Studies, 1957), 170. Consideration for some barley in the spring mixture potentially presents a different comparison for Herstmonceux; "arable husbandry with swine" demesnes, for example, with such similar numbers for wheat and rye, typically contains much lower amounts of both barley and spring mixture.

[179] Campbell, "Land, labour, livestock, and productivity trends," 167.
[180] Table 4 shows that it falls somewhat lower than typical "arable husbandry with swine" and "sheep-corn husbandry" manors, though this differential could be offset by the relatively high proportion of the spring mixture of oats and barley, referenced in the document by the common name of dredge.
[181] KHLC: U 1384/M2.
[182] Campbell, *English Seigniorial Agriculture*, 342, 370-372.

demand for wheat at market, a demand that reflects the social status ascribed to wheat in this period. The relative price of certain crops as commodities explains the managerial tendency to store and consume oats (and rye) on-site in much greater amounts than wheat. From 1275 to 1324, the national average price of oats was just 40% that of wheat, and even rye managed only 78% compared to the price of wheat.[183] Manorial officials likely made the conscious effort to sell a larger proportion of wheat at market.

The disparity in the relative acreage and storage of the two crops at Herstmonceux can be explained partly by the general medieval preference for consuming wheat rather than oats. Bread formed the basis of even the most wealthy diets, and aristocratic households reserved wheat bread especially for those of higher status.[184] Although oats were the most versatile of crops, serving as fodder for animals and food and drink for humans, contemporaries widely considered it an inferior grain both in taste and social status, due to its widespread use as livestock feed.[185] Oats originally dominated the spring crop sector of medieval English manors, but over time became superseded by the more socially valued barley. Farmers traditionally planted oats – along with rye – on poorer soils.[186] Wheat, by contrast, required far more effort to grow, especially regarding a high nitrogen requirement, the unsuitability of its cultivation on sandy and acidic soils, and significant growing problems in low temperatures.[187] Herstmonceux demesne's relative lack of oat acreage compared to wheat, though indicative culturally of national trends, defies expectations based on the probable location of its manor in 1308. This observation

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[183] Campbell, *English Seigniorial Agriculture*, 239.
[184] Christopher Dyer, *Standards of living in the later Middle Ages: Social change in England c.1200-1520* (Cambridge: Cambridge University Press, 1989), 55-57.
[185] Campbell, *English Seigniorial Agriculture*, 224.
[186] Campbell, "Land, labour, livestock, and productivity trends," 167. This may explain why tenant farmers, in general, grew far smaller amounts of wheat than that grown on demesne fields. Stone, "The Consumption of Field Crops," 19.
[187] Campbell, *English Seigniorial Agriculture*, 218.

suggests two possibilities: either prior assumptions about the demesne's geography and soil

quality require reconsideration; or that social and financial values had as great, or even greater,

effect on the manor's land-use decisions than did environmental concerns.

3.3.3 Legumes

The Herstmonceux demesne in 1308 devoted a significant proportion of acres to the cultivation

of legumes, namely forty-five acres of beans and twenty acres of vetches. Table 4 shows the

drastic difference between Herstmonceux's legume regime and any of the other models, though

"arable husbandry with swine" lines up most closely in comparison. Legumes occupied just over

a quarter of the sown acres of the Herstmonceux demesne, but a tenth or less on most of the

clusters identified by Power and Campbell. By this criterion alone, Herstmonceux resembles

more closely the most intensive mixed-farming regimes.[188] Broadly speaking, the authors' three

distinguishing observations about "intensive mixed-farming" resonate clearly with the cropping

regime at Herstmonceux: higher priority given to commercially lucrative crops; disproportionate

harvesting of spring grains; and large-scale sowing of legumes to replenish nitrogen to the

soil.[189]

Legume cultivation increased noticeably in England beginning in the late thirteenth

century and especially in the early fourteenth. Coastal areas in Sussex along the South Downs

spearheaded this change early. Legumes, especially vetches, consistently occupied up to 20% or

even 30% of these fields.[190] 26% of Herstmonceux's demesne similarly grew legumes in 1308,

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[188] Power and Campbell, "Medieval demesne-farming systems," 234. "Intensive mixed-farming" is not included in Table 4 due to high variance in most other criteria, and is used here only to provide context for the uncommonly high prevalence of legumes.

[189] Power and Campbell, "Medieval demesne-farming systems," 233. Herstmonceux clearly prefers wheat to rye, though it does not follow the trend with regards to barley over oats. However, if one includes dredge and compares it to the "arable husbandry with swine" cluster, then it does show a similar variation.

[190] P.F. Brandon, "Demesne Arable Farming in Coastal Sussex during the Later Middle Ages," *Agricultural History Review* 19, no. 2 (1971): 123.

though beans rather than vetches occupied the majority of those fields. High proportions of legumes suited a variety of farming systems and cropping intensities, except for extensive areas that practiced natural grazing of animals. Beans, specifically, had particular success in heavy soils, even more than peas or vetches did.[191] Cultivation on the heavy clay soil of the Low Weald explains Herstmonceux's otherwise surprisingly strong dependence on beans.

Cultivation of vetches continued to spread from the south-east to other regions of England during the fourteenth century, though on a national scale they always remained secondary to peas and constituted acreage of only 4% or less of total crops.[192] Farmers in Sussex and other coastal areas of the south-east, especially in the chalk and limestone uplands, however, often sowed more acres of vetches than any other legume, even peas. In the Isle of Wight, Sussex, and Kent, vetches occupied up to 9% of total fields sown.[193] Herstmonceux's demesne follows this pattern closely with 8% of acreage devoted to the cultivation of vetches.

The proportion of legumes sown, especially vetches, give insight into a lack of meadow on the demesne. Vetches' exclusive use as a fodder crop, plus their nitrogen-replenishing and weed-stifling qualities, ensured that they dominated legume sowing in arable areas that contained relatively scarce meadow.[194] An extensive national survey, using *IPM*s from 1300-1309, demonstrates clear correlation between extensive cultivation of vetches and limited availability of meadow. In many of those vetch-producing regions, meadow constituted less than 5% of the arable acreage. In Sussex, the average was less than 7.5%.[195] The Herstmonceux inventory does

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[191] Campbell, *English Seigniorial Agriculture,* 230.

[192] Bruce M. S. Campbell, "The Diffusion of Vetches in Medieval England," *The Economic History Review* 41, no. 2 (May, 1988): 195.

[193] Campbell, "Diffusion of Vetches in Medieval England," 195-198. See also Brandon, "Demesne Farming in Coastal Sussex," 123.

[194] Campbell, "Diffusion of Vetches in Medieval England," 195; Brandon, "Demesne Farming in Coastal Sussex," 123.

[195] The survey analyzed the extents from 1,179 *IPM*s. Campbell, "Diffusion of Vetches in Medieval England," 205.

not state the amount of meadow explicitly, but it is reasonable to assume based on such a high proportion of vetches sown, that the demesne had relatively little viable meadow for livestock. Sporadic mentions of the meadow in the demesne appear in court rolls from the 1330s. In 1336, for example, a tenant named Simon de Pineglegh, in exchange for use of another tenant's land, agreed to perform his customary mowing and binding services on a one-half acre of the lord's meadow.[196] The *IPM*s from 1302 and 1360 corroborate the limited meadow on the Herstmonceux demesne in the fourteenth century.[197]

An important fodder crop such as vetches played an essential role in areas increasingly focused on the use of horses for draught power and contributed to technological innovations in what Campbell calls "a relatively intensive arable-based pastoral regime."[198] Brandon argues "that much of the demesne arable of coastal Sussex was cultivated much more intensively and flexibly than most other districts in England during the late thirteenth and fourteenth centuries, if not before."[199] Previous evidence showed that cultivation of legumes, despite a general increase in Sussex from the 1270s and after, took longer to spread into the Weald. For example, farmers at Chalvington and Laughton, on the southern edge of the Weald, grew legumes only experimentally and in small amounts until at least 1339 and 1341.[200] The extensive and well-established legume production at Herstmonceux by 1308 clearly predates this trend. Brandon argued that larger coastal manors, after exhausting "internal conquests" by the late thirteenth century, expanded into "marginal" areas like the "heavier clays in distant 'outliers' within the

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[196] *Et dictus Simon falcavit et colliget in prato domini dimidiam acram pro predicto Willelmo …* ESRO: SAS-X/5/1/8
[197] TNA: C133/106/4; C135/151/14.
[198] Campbell, "Diffusion of Vetches in Medieval England," 205-206.
[199] Brandon, "Demesne Farming in Coastal Sussex," 129.
[200] Brandon, "Demesne Farming in Coastal Sussex," 123.

Weald," and was thus a "natural development" based on the circumstances.[201] Manorial

agriculture at Herstmonceux long predates the late thirteenth century. The long-term stability and

agricultural success of an independent lay manor like Herstmonceux challenges some of these

pre-existing assumptions about settlement and land use in the Sussex Weald.

3.3.4 Sowing intensity

High rates of sowing, exemplified so clearly by those coastal Sussex manors, occurred also at

Herstmonceux. These manors generally sowed wheat between three to four bushels to the acre

and spring grains even more intensively; they sowed barley around six bushels per acre and oats

between five and six.[202] The Herstmonceux demesne sowed wheat at 3.5, rye at 3.2, beans at 3.6,

and vetches at 2.6. Just like other Sussex manors, both coastal and Wealden, Herstmonceux

sowed oats and dredge at six bushels per acre.[203] As Searle notes, Marley's oats sowing of six to

one highlights more intensive sowing than other areas of England; she also concedes that this

was probably local custom and discusses how coastal Barnhorne sowed oats between five and six

bushels per acre.[204] Searle understates, however, the extent to which many demesnes sowed

intensively. While some manors elsewhere, such as those of Ramsey Abbey, sowed oats at four

bushels per acre, in other areas of high sowing like Eastern Norfolk, the mean rate was closer to

five.[205] Herstmonceux followed suit in 1308 with an overall average of 4.3 bushels per acre,

though that figure weighted more heavily to the spring grains.

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[201] Brandon, "Demesne Farming in Coastal Sussex," 124.
[202] Brandon, "Demesne Farming in Coastal Sussex," 125. On the Laughton, Willingdon, and Goring manors, they sowed three bushels of wheat, peas, or vetches per acre, and six bushels of beans, barley, or oats per acre. Wilson, ed., *Custumals of Laughton, Willingdon, and Goring*, xxviii.
[203] KHLC: U 1384/M2.
[204] Searle, *Lordship and Community,* 287.
[205] Raftis, *Estates of Ramsey Abbey*, 185. On Battle Abbey's manor of Alciston, located on Sussex downland below the scarp foot, oats were sown at four bushels per acre in the 1430s. P.F. Brandon, "Arable Farming in a Sussex Scarp-Foot Parish During the Late Middle Ages," *Sussex Archaeological Collections* 100 (1962): 64. The Alciston numbers, however, come from an era of reduced arable cultivation and lower seeding rates. Brandon, "Demesne

Seeding rates, in fact, correspond more closely to local practices than overall estate strategies and represent one of the most variable farming practices geographically.[206] Lords, both lay and ecclesiastical, used different rates based on the location within their estates. For example, the Priory of Christ Church, Canterbury, sowed more highly in Kent than elsewhere. Battle Abbey likewise used lower sowing rates in areas outside of Kent and Sussex.[207] Environmental conditions meant that intensive sowing, especially of spring grains, generally persisted throughout south-eastern England, regardless of estate administration.

Intensive sowing does not necessarily represent merely a regional idiosyncrasy or a strategic mistake that could deplete the soil; as Campbell has shown, such heavy rates of sowing could generate higher yields in the right conditions.[208] Mavis Mate cautions, however, that we should not overemphasize the extent to which this rationale influenced landlords' sowing regimes; they instead relied on local knowledge about crop types and rotations, which explains the strong regional variation.[209] Medieval farmers, especially in the spring, often preferred to cover ground with crops, like legumes, that could replace or even destroy weeds, rather than using manual tools or plough teams to upend the soil. Manors in eastern Kent and coastal Sussex, for example, sowed a quarter to a third of total sown acreage with legumes partly for this reason.[210] The Herstmonceux demesne, with 26% legumes, follows this trend closely.

Farming in Coastal Sussex," 125. For Eastern Norfolk, see Bruce M. S. Campbell, "Arable Productivity in Medieval England: Some Evidence from Norfolk," *The Journal of Economic History* 43, no. 2 (Jun., 1983): 387.

[206] Campbell, *English Seigniorial Agriculture*, 310.

[207] Mate, "Medieval Agrarian Practices," 25; P. F. Brandon, "Cereal Yields on the Sussex Estates of Battle Abbey during the Later Middle Ages," *The Economic History Review* 25, no. 3 (Aug., 1972): 408.

[208] Campbell, *English Seigniorial Agriculture*, 14; Campbell, "Arable Productivity," 385-392. See also Mate, "Medieval Agrarian Practices," 25. Brandon agreed that it had some success but within certain limits. Brandon, "Cereal Yields," 406-407; Brandon, "Demesne Farming in Coastal Sussex," 125.

[209] Mate, "Medieval Agrarian Practices," 31.

[210] Mate, "Medieval Agrarian Practices," 25-27.

General observations of regional trends cast some doubt on a completely "intensive mixed-farming" framework at Herstmonceux. That type of regime tended to be implemented in areas with highly fertile loam soils, located close to numerous local markets and with access to major trading ports.[211] Some areas along the south coast in Sussex exhibited similar methods of intensive agriculture, especially on the estates of large manors, though they predominately occupied soils of loam and chalk.[212] Many other coastal Sussex manors used a system of what Power and Campbell call "extensive mixed-farming,"[213] which has some similarities to Herstmonceux but significantly lower proportions of oats and legumes. Coastal Sussex farmers unsurprisingly valued wheat more than rye, and, in fact, more than any other crop. Oats tended to be limited to the heavier clay soils, such as those in the Low Weald.[214] The proportion of some crops sown at Herstmonceux, though located on clay at the edge of the Weald, resembles more closely the intensive fields of the fertile coast than nearby Wealden manors that focused more on oats. Take, for example, the coastal manor of Goring, which sowed one hundred acres of wheat, sixty acres of legumes, and sixty acres of oats compared to sixty-eight acres of wheat, less than forty acres of legumes, and over 270 acres of oats at Marley, near Battle, in the Weald.[215]

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[211] Power and Campbell, "Medieval demesne-farming systems," 233.
[212] Brandon, "Demesne Farming in Coastal Sussex," 113-116.
[213] Power and Campbell, "Medieval demesne-farming systems," 237-238.
[214] Brandon, "Demesne Farming in Coastal Sussex," 122.
[215] L. F. Salzman, "Tregoz," *Sussex Archaeological Collections* 93 (1955): 51; Searle, *Lordship and Community*, 460.

Table 5: Comparison of sown acreage on two Wealden and two coastal manors

Manor	Year	Wheat	Rye	Barley	Oats	Dredge	Legumes	Total
Herstmonceux (Weald)	1308	80	15	-	50	40	65 (45 beans, 20 vetch)	250
% of Total		32	6	-	20	16	26	100
Marley (Weald)	1309-1310	68	26.5	-	270.5	-	39.5 (11 beans, 13 vetch, 15.5 peas)	404.5
% of Total		17	7	-	67	-	10	100
Stoke (by Bosham) (coastal)#	1307*	24	-	41	35	-	35	135
% of Total		18	-	30	26	-	26	100
West Thorney (coastal)	1307*	26	-	16	5	-	42	89
% of Total		29	-	18	6	-	47	100
National Average**	1275-1324	64	10.8	28.6	62.9	6.2	16.7	193.4
% of Total		33	6	15	33	3	9	100

 # Customary acres
* Date of survey. Sowings were in 1301 and 1297 respectively.
** National averages for each crop tabulated from two of Campbell's tables. Table 4.07 on pages 174-175 of English Seigniorial Agriculture lists the national mean sown acreage as 193.4 and mean grain acreage as 176.7. From this basis, the difference of 16.7 acres is assumed to denote legume sowing. The proportions of grain crops from Table 6.3 on page 167 of "Land, labour, livestock, and productivity trends" were then compared to the 176.7 mean grain value to get a representative acreage for each crop. Maslin constitutes 1.3% of the total sown acreage but is not included here due to lack of mention in other examples. Percentages are rounded here to the nearest percent.
KHLC: U 1384/M2; Searle, *Lordship and Community*, 460; Brandon, "Demesne Arable Farming in Coastal Sussex," 127; Campbell, *English Seigniorial Agriculture*, 174-175; Campbell, "Land, labour, livestock, and productivity trends," 167.

Neither the thin, infertile sands of the High Weald, nor the wet, sticky clays of the Low Weald are well suited to intensive arable farming. The soil, further complicated by topography, has traditionally made the Weald a difficult space in which to manage farmland.[216] Local demesnes adapted to these limitations with a preference for mixed-use systems, comprising pasturage, wood for timber and charcoal, pannage, and some farming, rather than predominately arable land.[217] The heavy and damp soils of the Low Weald suited the cultivation of oats better

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[216] E.M. Yates, "The Nonae Rolls and Soil Fertility," *Sussex Notes and Queries* XV, no. 10 (Nov., 1962): 325.
[217] Baker, "Field Systems of Southeast England," 416.

than the more highly valued wheat and barley. Demesne fields in that area grew a notable

proportion of oats primarily, wheat secondarily, and generally little barley.[218]

Seigneurial operations may have counteracted some of the limitations of Wealden soils

on part of the demesne by cultivating separately from tenant holdings. Thirteenth-century

demesnes in Wealden Kent, for example, were not typically intermingled with tenant holdings,

as more often found in the Midlands. Even if not always separated physically, these plots tended

to be cultivated in severalty,[219] in other words, sole, separate, and exclusive ownership by one

person. Fields and dwellings in the Wealden districts of Sussex and Surrey evolved very

similarly to communities in the Kentish Weald.[220] Numerous entries in the fourteenth-century

Herstmonceux court rolls, for example, refer to the lord's severalty at Bayley in Heathfield and

seek to distrain those who use it.[221] Cultivation in severalty allowed for a flexible rotation of land

between arable and pasture, so that poorer Wealden soils could be farmed for as long as possible

and then reverted to grass. Mark Gardiner argues this may be why 199 acres of the

Herstmonceux demesne in 1361 had a value of 4 *d.* an acre when sown and 3 *d.* an acre when

used as pasturage.[222]

3.4 Animals on the Herstmonceux Demesne

The proportions of animals on the Herstmonceux demesne (see Table 6), especially in the

numbers of horses and swine, correlate even more closely with the "arable husbandry with

swine" type of farming system than it did for crops. They may also indicate variations between

the demesne and known details about tenancy holdings.

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[218] Mark Gardiner, "The geography and peasant rural economy of the eastern Sussex High Weald, 1300-1420," *Sussex Archaeological Collections* 134 (1996): 130; Baker, "Field Systems of Southeast England," 416.
[219] Baker, "Field Systems of Southeast England," 411.
[220] Baker, "Field Systems of Southeast England," 424.
[221] ESRO: AMS 7054/1; SAS-X/5/1/2. The issue is raised in the court five times in 1327-1328.
[222] Gardiner, "The geography and peasant rural economy of the eastern Sussex High Weald," 130.

Table 6: Livestock in Herstmonceux inventory 1308

Animal	Adult Male	Adult Female	Infant	Unspecified	Total
Horses (stots)	13	2	3	-	18
Oxen	10 (6 oxen, 1 steer, 3 bullocks)	-	-	-	10
Mature Cattle	1	3	-	-	4
Immature Cattle	-	-	5 (1 male, 4 female)	-	5
Sheep	0	1	0	-	1
Pigs	2	2	55	27 (21 for larder, 6 sustained by moiety)	86
Peacocks	2	3	2	-	7
Geese	3	5	-	15	23
Capons	25	-	-	-	25

KHLC: U 1384/M2

Table 7 compares the ratios of livestock in the Herstmonceux demesne to the same four categories outlined in the earlier section on crops. For the sake of consistency, the table converts the absolute numbers of livestock into "livestock units" based on the same formula used by Power and Campbell. These relative values, calculated based on feeding requirements, allow comparison of dissimilar units, such as acreage of crops and size of herds.[223]

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[223] Power and Campbell, "Medieval demesne-farming systems," 229.

Table 7: Herstmonceux's total livestock units % compared to 4 categories

Animal	Herst.	Var.	Mixed-farming with Cattle	Var.	Arable husbandry with Swine	Var.	Sheep-corn Husbandry	Var.	Extensive mixed-Farming	Var.
Horses	38	-	18	+20	33	+5	12	+26	7.5	+31.5
Oxen	25	-	36	-11	39	-14	39	-14	32	-7
Mature Cattle	10	-	22	-12	5	+5	1	+9	18.5	-8.5
Immature Cattle	8	-	15	-7	0	+8	0	+8	12	-4
Sheep	<0.1#	-	6	-6	5	-5	48	-48	27	-27
Swine	18	-	3	+15	17	+1	2	+16	2.5	+15.5
Total Livestock Units*	47.5	-	57	-9.5	28	+19.5	51	-3.5	110	-62.5
% Stocking Density	19	-	27	-6	19	<1	32	-13	61	-42

The significant sale of sheep to pay debts prior to the inventory's creation skew the ratios for Herstmonceux, though not irreconcilably for this specific exercise

* This table adopts the same formula developed by Power and Campbell to denote relative "livestock units": (horses x 1.0) + ([oxen + mature cattle] x 1.2) + (immature cattle x 0.8) + ([sheep + swine] x 0.1)

KHLC: U 1384/M2; Power and Campbell, "Medieval Demesne-Farming Systems," 234.

3.4.1 Non-working animals

The lord of Herstmonceux in 1308, John de Monceux, had sold all of his lambs to cover various debts prior to the creation of the inventory.[224] The complete absence of lambs, and general lack of sheep listed in the document, thus, potentially skews the ratios of livestock for this chapter's particular exercise. Regional trends and clear correlation to other categories, however, allow some assumptions to be made regarding the scale of sheep herds on the demesne in general.

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[224] *De agnis- nichil. quia vendebantur in estate pro diversis debitis aquietandis.* KHLC: U 1384/M2.

Compared to "arable husbandry with swine" demesnes, Herstmonceux contained much higher numbers of livestock units but an almost identical density, which implies a similar stocking regime but on a larger demesne than the Wealden average. "Arable husbandry with swine" demesnes, in fact, sowed a mean average of 171 acres between 1250 and 1349,[225] well below the 250 acres at Herstmonceux in 1308. If the lord had sold an enormous flock of sheep to cover his debts, then it would skew the density of livestock on the demesne to levels incompatible with the otherwise consistent correlations for other categories. That would also raise the question of why no mention of such a significant debt appeared elsewhere or why the lord would have paid only with sheep.

The lords of Herstmonceux consistently owned some sheep, but the evidence suggests not as a significant element in their stocking operations, especially not compared to the numbers of swine. On 19 October 1340, the whole homage swore that the lord experienced grave damage due to the negligent custody of the bailiff. The inquiry, after passing and vague mention of losses regarding wool and lambs, both for the lord and others, then discusses in great detail the poor treatment of fifteen sows and forty-eight piglets.[226] The lack of attention given to sheep on the demesne differs noticeably from the presence of sizeable flocks owned by some tenants of the manor.

In general, data for non-demesne flocks pale in comparison to demesne accounts, though evidence suggests some differences in the scale and effectiveness of sheep management between

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[225] Campbell, *English Seigniorial Agriculture,* 178.

[226] *Inquisitio capta per totum homagium. Qui dicunt per sacramentum suum quod dominus habuit grave dampnum de ovibus tam de alienis quam de propriis videlicet de alienis per amissionem composti et porcionis sue lane et agnorum et amissione propriorum ovium et hoc per defectum custodie ballivi. Item dicunt quod ubi Ballivus recepit de domino per indenturam .xv. sues quod illis fecit castrari tres quorum? statim moriebantur et una sus moriebatur per defectum Ballivi. Item dicunt quod de porcis de etate unius anni et ultra moriebantur quinque ob defectum ballivi Item quod de porcum de .xlviij. porculis moriebantur .xxxiij. ob defectum ballivi.* ESRO: SAS-X/5/1/10.

the two domains.[227] Herstmonceux court rolls from 1327–1346, specifically, mention at least

eighteen different tenants with sheep, some of whom owned significant numbers. Simon

Shepherde led a flock of at least 200 sheep in 1336 and Robert Sire had 100 or more in 1343.[228]

Large flocks of sheep were, thus, by no means restricted to powerful landlords. Ovine references

in the custumal of the manor of Bishopstone, held by the Bishop of Chichester, exemplify the

sizeable flocks held by villeins and cottagers in some areas close to Herstmonceux. The

Bishopstone custumal, dated to later 1250s, lists one tenant with 400 sheep, another with

seventy-five, and several others with between twenty-five and forty.[229] The contrast between

demesne and tenant references regarding sheep at Herstmonceux demonstrates significant

difference in stocking operations between the two demesne and some tenants, though most

Herstonceux tenants did not own sheep either (see Chapter 5).

The number of sheep on the Herstmonceux manor does not meet expectations for other

non-Wealden parts of Sussex. The county, as a whole, contained large and numerous flocks of

sheep, approximately 110,000 mature sheep in 1341, though mostly located in the chalk

downlands.[230] Some manors geographically close to Herstmonceux, such as Alciston, Laughton,

Bishopstone, and Alfriston, owned thousands of sheep, but they generally occupied different soil

and topographical conditions. The Weald itself suited poorly the extensive grazing of sheep.[231]

For example, the custumal for Heathfield, located in the Weald and written concurrently with

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[227] David Stone, "The Productivity and Management of Sheep in Late Medieval England," *The Agricultural History Review* 51, no. 1 (2003): 21. This trend becomes increasingly noticeable after the Black Death.

[228] ESRO: SAS-X/5/1/7; SAS-X/5/1/12. Note that manorial records chronically underreport sheep numbers, including on the demesne, and often round to the nearest hundred those flocks that do appear. Campbell, *English Seigniorial Agriculture,* 151-152.

[229] W. D. Peckham, ed. *Thirteen Custumals of the Sussex Manors of the Bishop of Chichester* (Sussex Record Society 31, 1925), 90-95; R. A. Pelham, "The Distribution of Sheep in Sussex in the Early Fourteenth Century," *Sussex Archaeological Collections* LXXV (1934): 134.

[230] Pelham, "Distribution of Sheep in Sussex," 128-130.

[231] Although not necessarily due to soil conditions alone, as some flocks to the west pastured on clay. Pelham, "Distribution of Sheep in Sussex," 130-131.

coastal Bishopstone, does not contain similar mentions of sheep.[232] The alluvial soil of the

Pevensey Levels, by contrast, may have represented one of the few viable locations for

widespread sheep grazing close to Herstmonceux, especially as the area became increasingly

drained. Manxey, situated right on the levels, pastured over one thousand sheep in 1341.[233]

Within the Weald generally, mixed farming practices focused animal husbandry more on cattle

than sheep.[234] The presence or absence of sheep in an area can provide valuable clues regarding

its landscape, including soil type, topography, and tree density, and is an indicator of how

actively or passively humans exploited the land.

Herstmonceux, like most Wealden manors, kept large herds of swine. Eighty-six pigs

lived on the demesne in 1308; the vast majority either infants or those already reserved for the

larder. Large swine herds, combined with grazing rights and pannage in common woods, formed

an integral part of agricultural activity in the Weald for the demesne, as well as for tenants.[235]

Widespread evidence, both physical and documentary, demonstrates a very long tradition of such

practices in the Weald from at least the Anglo-Saxon period.[236] The Herstmonceux demesne

clearly followed a "Wealden" strategy of land use regarding quantities of swine in 1308. In this

way, it functioned similarly to tenants' operations.

3.4.2 Working animals

The Herstmonceux demesne utilized a significant number of draught animals, especially horses,

compared to other livestock; this shows a focus primarily on land cultivation rather than grazing.

The ratio of working animals to sown acreage, however, falls below national averages.

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[232] Peckham, ed. *Thirteen Custumals of the Sussex Manors of the Bishop of Chichester,* 96-98.
[233] Pelham, "Distribution of Sheep in Sussex," 131.
[234] Baker, "Field Systems of Southeast England," 416.
[235] Baker, "Field Systems of Southeast England," 416.
[236] Hooke, "The Woodland Landscape of Early Medieval England," 150-151.

Demesnes in this period generally stocked about one working animal for every six acres.[237] The

ratio at Herstmonceux in 1308 was 1:9, though this low figure corresponds closely to the

expected stocking density of an "arable husbandry with swine" demesne. The ratio of working to

non-working animals, furthermore, matches well with, and even exceeds, national averages. At

the beginning of the fourteenth century, before most farms shifted to a more pastoral framework,

working animals constituted approximately 40% of the "livestock units" on an average

demesne.[238] Horses and oxen actually comprised a remarkable 63% of "livestock units" in

Herstmonceux's herds on the 1308 demesne, which relates similarly to other "arable husbandry

with swine" manors.[239]

Horses became used most extensively in the eastern and south-eastern regions of England

during the thirteenth and fourteenth centuries.[240] Herstmonceux was no exception. In 1308, the

lord held the reeve responsible for thirteen "stots,"[241] two mares, and three foals. The Battle

Abbey manor of Marley, in the Weald, also references using stots, rather than *equi.* The

terminology likely does indicate some relatively inferior quality, but one that should not be

overemphasized. "Stots" generally just referred to work horses, primarily for ploughing. At

Marley, they even worked in teams with oxen.[242] The Herstmonceux court rolls overwhelmingly

refer to the *equi* of tenants, but this almost certainly denotes the same kind of horse used on the

demesne.

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[237] Campbell, *English Seigniorial Agriculture,* 133.
[238] Campbell, *English Seigniorial Agriculture,* 133.
[239] This figure actually falls below 68.5% working livestock units on standard "arable husbandry with swine" manors, though the missing lambs in the Herstmonceux inventory could skew the numbers to some extent. See Campbell, *English Seigniorial Agriculture,* 178.
[240] Campbell, *English Seigniorial Agriculture*, 127.
[241] The common term for plough-horses used in the south-eastern part of the country. Other regions referred to them as "affers." Campbell, *English Seigniorial Agriculture*, 124, 126.
[242] Marley sergeants distinguish clearly that they used oxen, led by stots, for ploughing, and mares for harrowing. Searle, *Lordship and Community*, 289, 292.

By the early fourteenth century, horses as draught animals had become widespread

relatively recently, but they became popular in some areas due to the versatility of their uses and

the speed of ploughing.[243] On a national scale, however, most demesnes continued to favour the

use of oxen. Despite horses' advantages in speed and versatility, the higher costs of maintaining

them, especially due to shoeing and their higher consumption of relatively expensive oat fodder,

meant that many cost-conscious landlords continued to rely on oxen. The mixed-plough teams of

the southeast, however, represent a notable exception to this trend.[244] Perhaps contrary to

expectations, despite the predominance of oxen on most demesnes, tenants in many areas relied

primarily on horses instead. John Langdon has shown that, despite conventional medieval

wisdom, the price disparity was not so great after all; oxen could cost at least 70% that of

plough-horses, like the stots of the southeast.[245] For many tenants, the versatile benefits of the

horse for carting, quick ploughing, and perhaps even riding, must have outweighed the

marginally higher costs. Studies of lay subsidies for other regions of England, as well as heriots

for the south and east, demonstrate, in general, that demesnes favoured oxen and tenants

preferred horses.[246]

Evidence indicates that, in contrast to most manors nationally, the Herstmonceux

demesne primarily utilized horsepower for ploughing. Limited space for meadow and pasture,

plus some economic benefits, must have influenced this choice despite complicated

environmental conditions for such a ploughing strategy. The Herstmonceux demesne contained

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[243] Horses could plough up to 50% faster than oxen. John Langdon, *Horses, Oxen, and Technological Innovation: The Use of Draught Animals in English Farming from 1066 to 1500* (Cambridge: Cambridge University Press, 1986), 158-159. See also Campbell, *English Seigniorial Agriculture,* 123; John Langdon, "The Economics of Horses and Oxen in Medieval England," *Agricultural History Review* 30, no. 1 (1982): 40.
[244] Langdon, "Horses and Oxen in Medieval England," 31, 37.
[245] Walter of Henley, for example, considered horses to be four times more expensive than oxen, though he failed to distinguish between cart-horses and plough-horses. Langdon, "Horses and Oxen in Medieval England," 32, 36.
[246] Langdon, "Horses and Oxen in Medieval England," 32.

eighteen horses in total compared to ten oxen.[247] The average lay demesne in the south of England from 1270–1320 utilized horses as 14% of the total working animals, and in Sussex, generally, the numbers were even lower.[248] At Herstmonceux in 1308, horses comprised over 64%. Only in East Anglia, after 1350, do the typical numbers of work horses (59.3%) on lay demesnes approach the level demonstrated at Herstmonceux.[249] Horses tended to struggle when ploughing areas of heavy clay soil or in extremely wet conditions, although their high-grain diet allowed them to achieve more success compared to oxen in regions with relatively little pasture.[250] Manorial officials at Herstmonceux, faced with limited grazing space and a surplus of oats, seized upon the added benefits of horses to haul crops and plough quickly in smaller teams.[251] For these officials, the benefits outweighed the added costs compared to oxen. This use of horses also implies that most ploughing areas were relatively stable, dry, and level.

Tenants, by contrast, seem to have relied more heavily on oxen and, especially, cattle. Out of thirty-seven heriots between 1327 and 1346, Herstmonceux tenants surrendered seven horses, eight oxen, thirteen cows, and six pigs.[252] These figures, while admittedly an imperfect

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[247] KHLC: U 1384/M2.

[248] In Sussex, horses constituted only 11.3% on the average lay demesne during that time period. The average ecclesiastical demesne in the south used horses for more than 28% of the working animals. Langdon, *Horses, Oxen and Technological Innovation*, 88-93.

[249] Although over the course of the fourteenth century, the used of mixed plough teams continued to spread and some manors began to adopt all-horse demesnes. Langdon, *Horses, Oxen and Technological Innovation*, 93, 100-105.

[250] Langdon, *Horses, Oxen and Technological Innovation*, 159-160.

[251] The limited meadow, described in *IPM*s and inferred from the inventory, means that hay for oxen would have been limited. The surplus of oats in the barn, however, would have been perfect for horses. Mixed-animal or some all-horse plough teams would explain how the demesne only had only twenty-eight total working animals and four ploughs. KHLC: U 1384/M2. Eight animals formed the standard plough team, usually composed of oxen, in medieval England. Langdon, *Horses, Oxen and Technological Innovation,* 119.

[252] ESRO: AMS 7054/1; AMS 7060/1/1; SAS-X/5/1/1 – 14. HLS: 68 – 69. While any conclusions drawn from heriots alone will be imperfect, they do indicate some level of proportionality, especially between the "best" animals like horses and oxen. Someone who gives for heriot a horse, for example, could have more horses and a variety of other animals, but someone who provides a "lesser" animal like a pig must not have had any horses or oxen. Note, these numbers total 34; one other heriot was a sheep, a second gave nothing because they had no animals, and a third gave a cash amount instead.

measure of overall tenant stocking proportions, indicate that only roughly a fifth of

Herstmonceux tenants had horses, and over a third relied on non-working cattle as their primary

livestock. This may indicate either a relative level of poverty among Herstmonceux's Wealden

tenants, or different agricultural practices, centred around grazing animals and passive land use,

than more intensive demesne farming practices. Trespass instances further give insight into local

livestock proportions. Between 1327 and 1346, the Herstmonceux manor court heard of twenty-

two people who trespassed with horses, twenty who did so with cattle, and only thirteen with

oxen.[253] Absolute numbers of tenants can mislead, however; most tenants who trespassed with

horses had only between one and three, probably used primarily for carting goods. Tenants

moved around far greater numbers of other animals each time. Richard Keresy led twelve

bullocks into the lord's pasture in 1343, and, three years later, John ate Beche took an impressive

twenty-six cows and bullocks through the lord's woods.[254] While many local tenant farmers may

have had a horse or two (see Chapter 5), they generally did not employ the sort of large horse-led

plough teams used on the demesne.

3.5 Conclusion

The next surviving document that details comprehensively the Herstmonceux demesne does not

appear until 1360. The *IPM* of William de Fiennes, Lord of Herstmonceux, describes a demesne

with some noticeable similarities to the 1308 inventory, but also significant differences. The

extent included with the IPM lists the following:

> At Herstmonceux there is a capital messuage with garden adjoining, which is worth
> nothing a year, beyond the reprises; that there are 350 acres of arable land lying in marsh,
> of which two parts can be sowed yearly, and that an acre is worth 9*d.* a year, beyond the
> reprises, producing altogether £13. 2*s.* 6*d.*; there are 199 acres of arable land, two-thirds
> of which can be sowed every year, of which each acre is worth 4*d.* when sown, when not

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[253] ESRO: AMS 7054/1; AMS 7060/1/1; SAS-X-5/1/1 – 14; HLS: 68 – 69.
[254] ESRO: SAS-X/5/1/12; SAS-X/5/1/14.

sown 3*d.*, as pasturage for beasts; the other third is worth 2*d.* an acre as pasture; there are 10 acres of meadow, worth 10*s.* a year; the value of an acre is 12*d.* and no more, because it is often flooded, and cannot be mown except in a dry season; 20 acres of bush, worth 3*s.* 4*d.* a year, for pasturage of sheep and other beasts; 8 acres of bush called *Bemsell*, worth nothing because they are copse, and were cut down before William's death; 80 acres of arable called Lewstrode, worth 20*s.* a year; the price of an acre is 3*d.* for pasture, because it cannot be sown and 'is overgrown with heath;' 20 acres of bush called Bokage in Lewstrode, worth nothing because they are copse…[255]

Like the estate at the beginning of the fourteenth century, the 1360 demesne utilized a three-field system of crop rotation and contained relatively little meadow compared to other manors in general. The minimal value ascribed to the meadow, furthermore, indicates the limited utility it held for manorial officials. Extents for the Sussex manors of Laughton, Willingdon, and Goring evaluated meadow at Goring, East Preston, and Hayton as high as 3 *s.* per acre. Only at Willingdon, stretching out onto reclaimed marshland near Pevensey, did meadow match the meager 1 *s.* assessment at Herstmonceux.[256]

The amount of total arable land remained mostly constant since 1302. This consistency could be somewhat unanticipated considering the general reduction in demesne sizes and shift in priorities toward animal farming after the Black Death.[257] Even more importantly, a significant 350 out of 549 arable acres, lying in marshland, represented the most valuable arable land per acre in the lord's demesne. The meadow, the only area of the estate worth more comparatively, was undervalued at only 1 *s.* per acre due to constant flooding. The 350 acres of arable marshland at Herstmonceux, though assessed far lower than the acreage of estates on the coastal plains, received valuations similar to some downland manors and much higher than on nearby

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[255] As quoted in Edmund Venables, *The Castle of Herstmonceux and its Lords* (London: John Russell Smith, 1851), 27. TNA: 135/151/14.

[256] Wilson, ed. *Custumals of Laughton, Willingdon, and Goring,* xxvii-xxviii. Those extents were written in the 1290s and affirmed for Laughton in later surveys from 1325 and 1338. While the composition of such landscapes changed gradually after the Black Death, these earlier extents provide a useful comparison for Herstmonceux's demesne.

[257] For Bourchier Hall in Essex, see Britnell, "Agricultural Technology and the Margin of Cultivation," 62-63.

Wealden demesnes. The Wealden manors of Laughton and Dedisham, for example, fluctuated between 2 *d.* and 6 *d.* per acre.[258] 199 acres of arable land at Herstmonceux in 1360, valued between 2 *d.* as unsown pasture and 4 *d.* when sown, must have been located in the Weald. If those fields comprised much of the 250 sown acres on the 1308 demesne, this would explain the clear "arable husbandry with swine" characteristics of the manor at that time.

Woodland formed a significant portion of the estate, but did not play as important role in demesne operations as intensive farming in the marshland. The *IPM* does list some scattered areas of woodland, including nearly thirty acres of coppiced wood, but not nearly proportional to the mixed-use tenements of the lord's customary tenants, who have been shown to live primarily in the Weald. The lords of Herstmonceux had also held 200 acres of wood and heathland at Bayley, in Heathfield, since at least 1292.[259] The seigneurial administration utilized customary obligations to acquire wood from some of those scattered woodlands. For example, the custumal from c.1337 includes a labour service of transporting wood from "distant" Bayley, in Heathfield.[260] For more on tenants' use of woodland, see Chapter 6.

This chapter has demonstrated how comparing limited records to well-established models can help us to understand better the geographical and environmental context of a manor's land-use operations. The Herstmonceux demesne seems to have been located separately and operated differently than its tenancy. By the fourteenth century, it had transformed from a mostly typical mixed-use "Wealden" manor, with some culturally-influenced variations, to an increasingly

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[258] Wilson, ed. *Custumals of Laughton, Willingdon and Goring*, xviii. Bargham, on the downland, had acres that varied between 6 *d.* and 8 *d.*
[259] Roy Pryce, *Heathfield Park: A private estate and a Wealden town* (Heathfield, 1996), 20.
[260] *Item debet querere duas carrias bosci in longinquiore loco de Bayle.* ESRO: SAS/C 250. Gardiner, "The geography and peasant rural economy of the eastern Sussex High Weald," 128. Tenants of the Bishop of Chichester's Heathfield manor owed a similar wood-delivery service to that lord. Peckham, ed. *Thirteen Custumals of the Sussex Manors of the Bishop of Chichester,* 98.

arable structure focused on the newly drained marshland to the south. It maintained this dual

land-use framework throughout the fourteenth century, even as storms and rising sea levels

threatened to overcome the whole enterprise.

Section II: Manorial Regulation of Environments

Quicumque habet terram in marisco tenetur facere wallam contra mare.
Black Book of St. Augustine's Abbey, Canterbury

Et ego Isabella et heredes mei Warantizabimus et defendemus predicto Salomon et heredibus suis … contra omnes homines et omnes feminas et contra mare.
Isabella daughter of Robert of Horse Eye, to Solomon son of Simon of Horse Eye, c. 1250

4.1 Introduction

Control over water dominated the priorities of many medieval people, especially in agricultural settings. Too much or too little water could be equally fatal. The health and wellbeing of the community relied on steady access to freshwater and stable defence against tidal or fluvial inundation. Inhabitants of waterlogged areas or ones prone to periodic floods understood this struggle all too vividly. The flow of water exacerbated the threat of disease, as from malaria in a stagnant bog or effluence carried downstream.[262] Since water does not obey property boundaries, its use requires consistent and cohesive regulation for the wellbeing of human communities. Who had the rights and responsibilities to regulate the aquatic environment, especially as it crossed human-made barriers, both physical and imagined? Studies into historical water management demonstrate how humans conceptualize and control physical boundaries, social obligations, and access to decision-making regarding environmental challenges, and how they respond when resources, such as water, do not align with their cultural constructs.

This chapter argues that environmental, and consequently, economic pressures provoked changes in jurisdiction, from local to royal, over water management in late medieval Sussex; with it came a transition from traditional, oral authority to written power. From the twelfth until

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[261] Some parts of this chapter appear in Andrew Moore and Steven Bednarski, "Draining the Swamp: National and Local Regulation of Drainage in a 1396 English Sewer Commission Report," *Speculum* (forthcoming, April 2022).

[262] Though beyond the scope of this research, studies of English urban regulations shed further light on medieval waste and water management. See, especially, the work of Dolly Jørgensen: "Cooperative sanitation: managing streets and gutters in late medieval England and Scandinavia," *Technology and Culture* 49, no. 3 (2008): 547-567; "'All Good Rule of the Citee': Sanitation and Civic Government in England, 1400-1600," *Journal of Urban History* 36, no. 3 (2010): 300-315; and "Local government responses to urban river pollution in late medieval England" *Water History* 2, no. 1 (2010): 35-52. See also Derek Keene, "Issues of water in medieval London to c. 1300," *Urban History* 28, no. 2 (2001): 161-179; David R. Carr, "Controlling the butchers in late medieval English towns," *The Historian* 70, no. 3 (2008): 450-461; Carole Rawcliffe, *Urban Bodies: Communal Health in Late Medieval English Towns and Cities* (Woodbridge, The Boydell Press, 2013); John S. Lee, "Piped water supplies managed by civic bodies in medieval English towns," *Urban History* 41, no. 3 (2014): 369-393.

the early fourteenth centuries, collaborative efforts between local landholders, combined with

natural processes, drove much of the late medieval drainage of the Pevensey Levels; by the later

fourteenth century, however, the Crown increasingly sought to standardize and regulate local

water management through commissions, even as the local community – resisting the loss of

collective memory and communal agency – advocated for adherence to traditional drainage

systems. Local landowners, especially well-connected aristocrats, continued to play a role,

although the Crown increasingly co-opted and directed their authority. This chapter illustrates

that the lords of Herstmonceux, for example, participated frequently in Pevensey marsh drainage,

occupation, and regulation; their tenants did so far less often. Although drainage of the Levels

and farming in the reclaimed area persisted for almost two centuries, including during a period of

especially unstable climate between 1343 and 1355,[263] human exploitation of the marshland

waned quickly as royal control over water management waxed.

The documents produced by local landholder agreements and royal commissions each

provide a valuable mechanism to illuminate premodern conceptions of power and responsibility,

especially conflicting notions of the "greater good" versus personal liability.[264] This is no

surprise, since, according to Richard Hoffmann, "the interplay of private and collective rights is

most emphatically to be seen in the management of fluid water on agrarian landscapes."[265] As

storms increased during the later thirteenth century, Sussex began to receive regular royal

commissions for the creation and maintenance of embankments and sewer systems. The written

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[263] For data on that decade in particular, see Bruce Campbell, *The Great Transition: Climate, Disease and Society in the Late-Medieval World* (Cambridge: Cambridge University Press, 2016), 277-279.

[264] As Morgan explains, "The Commissions of Sewers – highly localised legal fora in which local people acted with the power of the state to compel and coerce their neighbours – should pique the interest of political and social as well as environmental historians." John Emrys Morgan, "The Micro-Politics of Water Management in Early Modern England: Regulation and Representation in Commissions of Sewers," *Environment and History* 23 (2017): 415.

[265] Richard C. Hoffmann, *An Environmental History of Medieval Europe* (Cambridge: Cambridge University Press, 2014), 258.

documentation created by commissioners portrays the Crown imposing its will on localities for the greater good, *pro salvatione totius marisici.* Local inhabitants, however, already had a successful customary tradition of drainage agreements between individuals. They banded together in protection against a mutual antagonist, the sea. Land deeds and agreements show that communal drainage efforts long predated royal commissions. Those initiatives, originating within local communities, continued throughout the fourteenth century, even as the Crown increasingly exerted its authority. The divergent priorities and perspectives of those two spheres, local and royal, culminated in the later fourteenth century; Sussex tenants challenged commission inquiries, arguing that they should not have to create new drainage systems, as they customarily maintained other successful sewers *a tempore quo non existit memoria.*

The coastal marsh of Pevensey provides a compelling case study for this chapter, due not only to its proximity to, and historical relationship with, Herstmonceux manor, but for its specific story of land reclamation in later medieval England. Drainage efforts occurred there later than in the Fens or Romney Marsh, and were much more individualized and ad hoc than in contemporary Somerset. The Pevensey Levels (see Figure 7),[266] furthermore, experienced widespread flooding throughout the fourteenth century that threatened numerous settlements.

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[266] The name connotes roughly the marshland between Eastbourne and Bexhill, including its major sub-divisions (also called Levels). Each sub-Level is defined by the common route through which its water drains; for example, Mountney Level drained through the Mountney Sewer. L.F. Salzmann, "The Inning of Pevensey Levels," *Sussex Archaeological Collections* 53 (1910): 35-37.
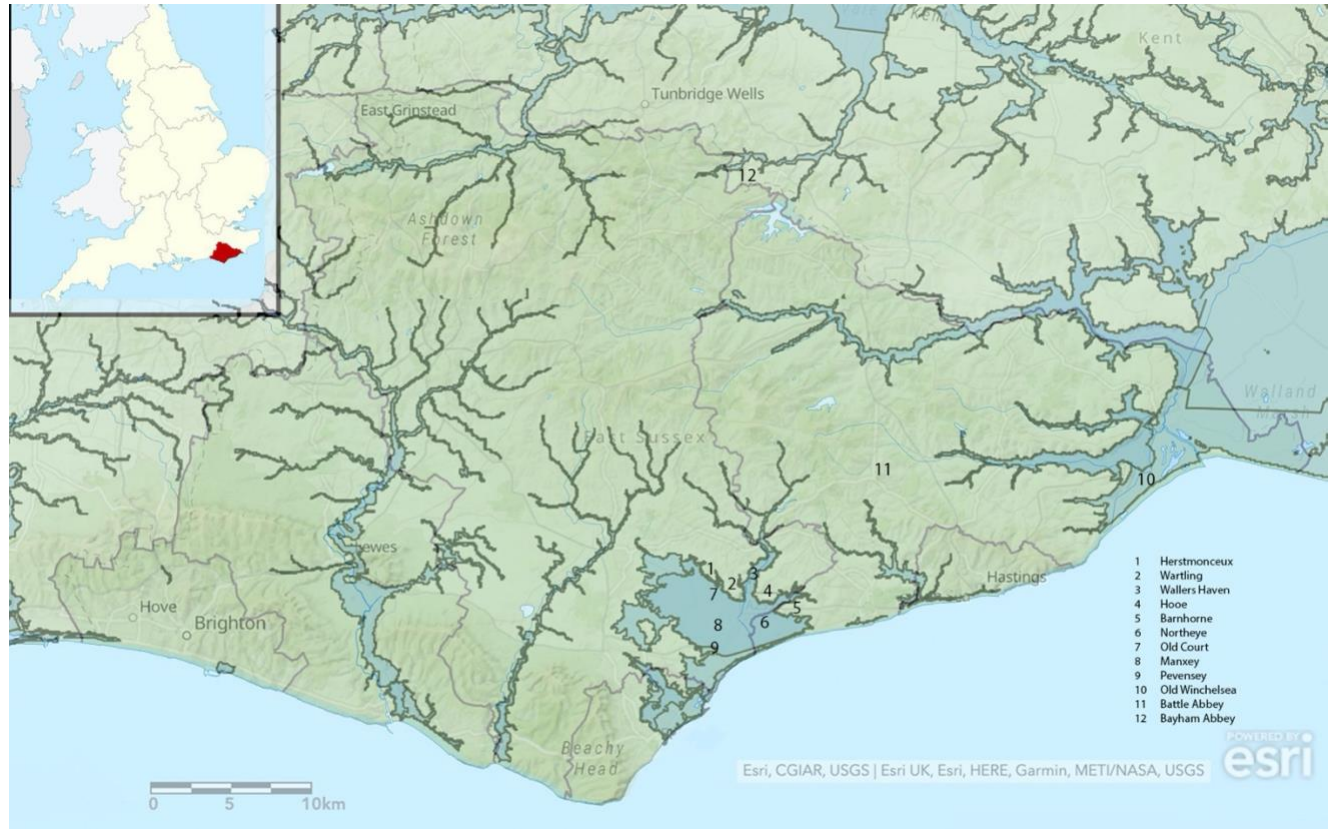
Figure 7: Location of Pevensey Levels with principal places mentioned in this chapter
Modified from: East Sussex UK relief location map, author Nilfanion. Contains Ordnance Survey data © Crown copyright and database right. https://creativecommons.org/licenses/by-sa/3.0/deed.en; "Flood Alert Areas" UK Environment Agency, last modified by ESRI UK on March 9, 2017, arcgis.com.

Recent approaches developed by premodern environmental historians help illuminate the complex interplay between government bodies and local communities throughout Europe, considering especially the significance of environmental regulation; much of this scholarship, however, focuses on the early modern period to the detriment of earlier medieval contexts.[267] In

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[267] See, for example, Piet van Cruyningen, "Dealing with drainage: state regulation of drainage projects in the Dutch Republic, France, and England during the sixteenth and seventeenth centuries," *The Economic History Review* 68, no. 2 (2015): 420-440; John Emrys Morgan, "Ruling Climate: The Theory and Practice of Environmental Governmentality, 1500-1800," *Exchanges: The Warwick Research Journal* 3, no. 1 (2015): 128-137; Milja van Tielhof, "Regional Planning in a Decentralised State: How Administrative Practices contributed to Consensus-Building in Sixteenth-Century Holland," *Environment and History* 23 (2017): 431-453; Milja van Tielhof, "Forced Solidarity: Maintenance of Coastal Defences Along the North Sea Coast in the Early Modern Period," *Environment and History* 21 (2015): 319-350; Pierre Claude Reynard, "Public Order and Privilege: Eighteenth-Century French Roots of Environmental Regulation," *Technology and Culture* 43, no. 1 (Jan., 2002): 1-28.

the case of water management, such approaches highlight the tensions that existed between local priorities and top-down, centralized attempts at regulation. When considering the effects of, and responses to, flooding, therefore, one must examine who had authority over whom, and how the latter reacted to prescribed countermeasures. The first half of the chapter adopts a bottom-up perspective that analyzes local regulations and inter-landholder agreements captured in charters, custumals, and court rolls. To show a turning point in top-down royal efforts to standardize commissions, the second half of this chapter uses a case study of a significant commission, from 1396, in the midst of long-term royal drainage inquiries in the Pevensey Levels.

4.2 Environmental Context

Prior to the Middle Ages, the Pevensey Levels region was a saltmarsh with no known evidence of human intervention or inhabitation. The Mid-Holocene epoch (7000 – 3000 BCE) marked for south-east England a general accumulation of fine-grain minerogenic and organogenic sediments, rising sea levels, and natural development of coastal barriers. Conditions shifted during the Late Holocene (3000 BCE – present) until c. 1000 CE, with an era of widespread inundation and a return to primarily minerogenic sedimentation. In the long term during that period, there were comparatively low rates of relative sea level rise, coastal barrier instability, and reworking of sediment.[268] Human exploitation of the Pevensey marshland remained so minimal that, remarkably, evidence of even pre-medieval salt production does not exist.[269]

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[268] Martyn P. Waller and Antony J. Long, "Holocene coastal evolution and sea-level change on the southern coast of England: a review," *Journal of Quaternary Science* 18, no. 3-4 (2003): 351-359.
[269] This lack of evidence could also be due to the region being relatively understudied and underdeveloped in the modern era. Dulley commented that one mound near Boreham Bridge was not a typical medieval saltern seen in the region, which Rippon speculates could be an early example of briquetage. Stephen Rippon, *The Transformation of Coastal Wetlands: Exploitation and Management of Marshland Landscapes in North West Europe during the Roman and Medieval Periods* (Oxford: Oxford University Press, 2000), 59; J. F. Dulley, "The Level and Port of Pevensey in the Middle Ages," *Sussex Archaeological Collections* 104 (1966): 28.

Prior to the thirteenth century, the Pevensey shoreline stood much further inland than today, which meant that the seawater of the Channel approached the slopes of the Weald itself. Two extant Anglo-Saxon charters describe the marsh. A 772 grant from King Offa of Mercia for certain lands on the edge of the Levels, including Barnhorne, describes the saltmarsh extending up to Hooe Stream.[270] A later charter, from 947, describes the marsh boundaries through the northern area of Willingdon Level, through the marsh near Horse Eye, and joining a river called "Landfleot" (Pevensey Haven) (see Figure 8).[271] When William the Conqueror landed on the shores of England in 1066, he did so at the now-landlocked port of Pevensey, which guarded a great harbour. A. Ballard describes that inlet, the largest then in Sussex, as "an inland sea, seven miles in length and three in width, stretching from Hailsham on the west to Hooe and Barnhorne on the east, and from Hurstmonceaux [sic] and Wartling on the north to Pevensey on the south."[272]

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[270] Eric Barker, "Sussex Anglo-Saxon Charters," *Sussex Archaeological Collections* 86 (1947): 90-95.
[271] Dulley, "The Level and Port of Pevensey," 27; Rippon, *The Transformation of Coastal Wetlands*, 157.
[272] A. Ballard, "The Sussex Coast Line," *Sussex Archaeological Collections* 53 (1910): 13.
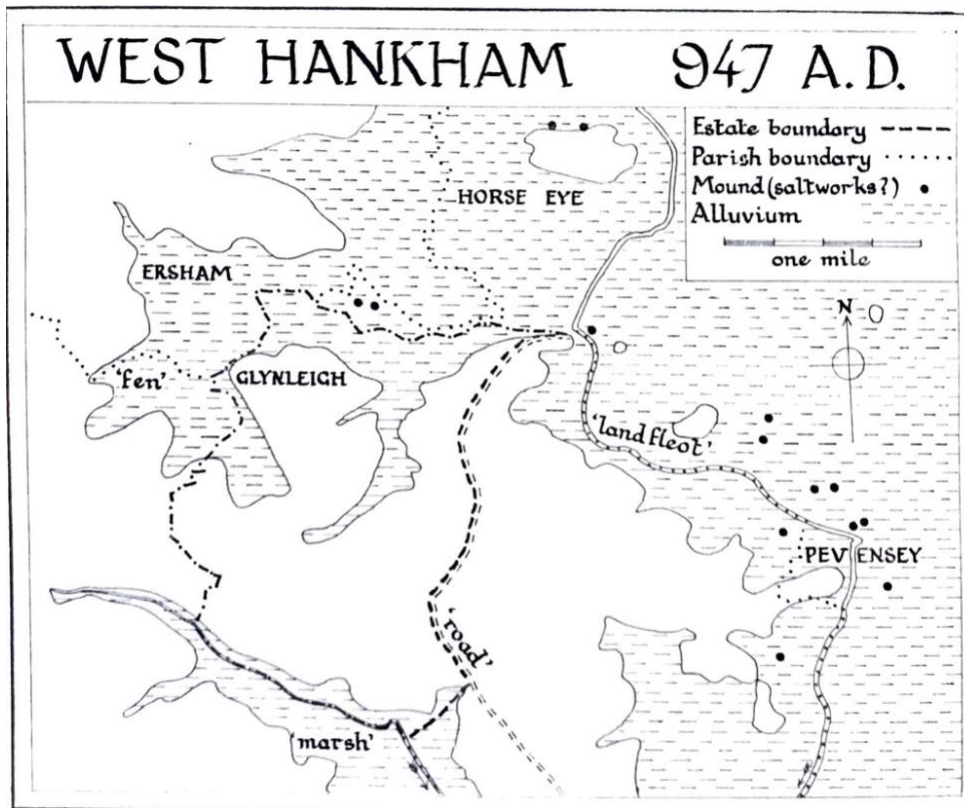
Figure 8: Marsh near Pevensey (947 CE)
Taken from Dulley, "The Level and Port of Pevensey," 27.

The extant locations of medieval salt pans provide further insight into historical coastlines, since salt production of that kind required constant saline inundation. Extensive salt pan placement described in the Domesday survey of 1086 demonstrate further the pre-drainage shoreline around Pevensey. At the Count of Eu's manor of Hooe, not far from Herstmonceux, thirty salt-houses operated at a total value of 33 *s.* The Count of Mortain held four more salt-houses there worth 20 *s.* total.[273] In fact, Domesday lists over one hundred saltworks in use by nearby manors, including the thirty-four at Hooe, sixteen at Eastbourne, thirteen at Hailsham,

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[273] Domesday Book, 18a, 22a.

and eleven at Willingdon.[274] Powerful regional landholders recognized the economic opportunity early; overlords of the rapes controlled three-quarters of production.[275]

Overlaying the eleventh-century pre-drainage shoreline onto satellite imagery reveals, perhaps predictably, that medieval salt pans were located along the historical coastline. Ballard and Salzmann each reconstructed, in the early twentieth century, a broad outline of the historical coast based upon elevation data from the nineteenth-century Ordnance Surveys, documentary references, and an intimate knowledge of local geography.[276] The modern flood risk to any lands marked at below 10ft. in elevation on the Ordnance Surveys, and possibly as high as 12ft. historically, represents the shoreline as it appeared during the Roman and early medieval periods.[277] Modern flood risk data, visualized using ArcGIS, correlate remarkably closely with these estimates (see Figure 9). The eleventh-century communities of Herstmonceux and others, thus, occupied relatively high-elevation areas throughout the Weald, which, at that time, was largely coastal, and their socioeconomic conditions developed accordingly.

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[274] S. H. King, "Sussex," in *The Domesday Geography of South-East England*, eds. H. C. Darby and E. M. J. Campbell (Cambridge: Cambridge University Press, 1962), 456.
[275] Dulley, "The Level and Port of Pevensey," 29.
[276] Ballard, "The Sussex Coast Line"; L. F. Salzmann, "The Inning of the Pevensey Levels," 32-60.
[277] Salzmann, "The Inning of the Pevensey Levels," 32.
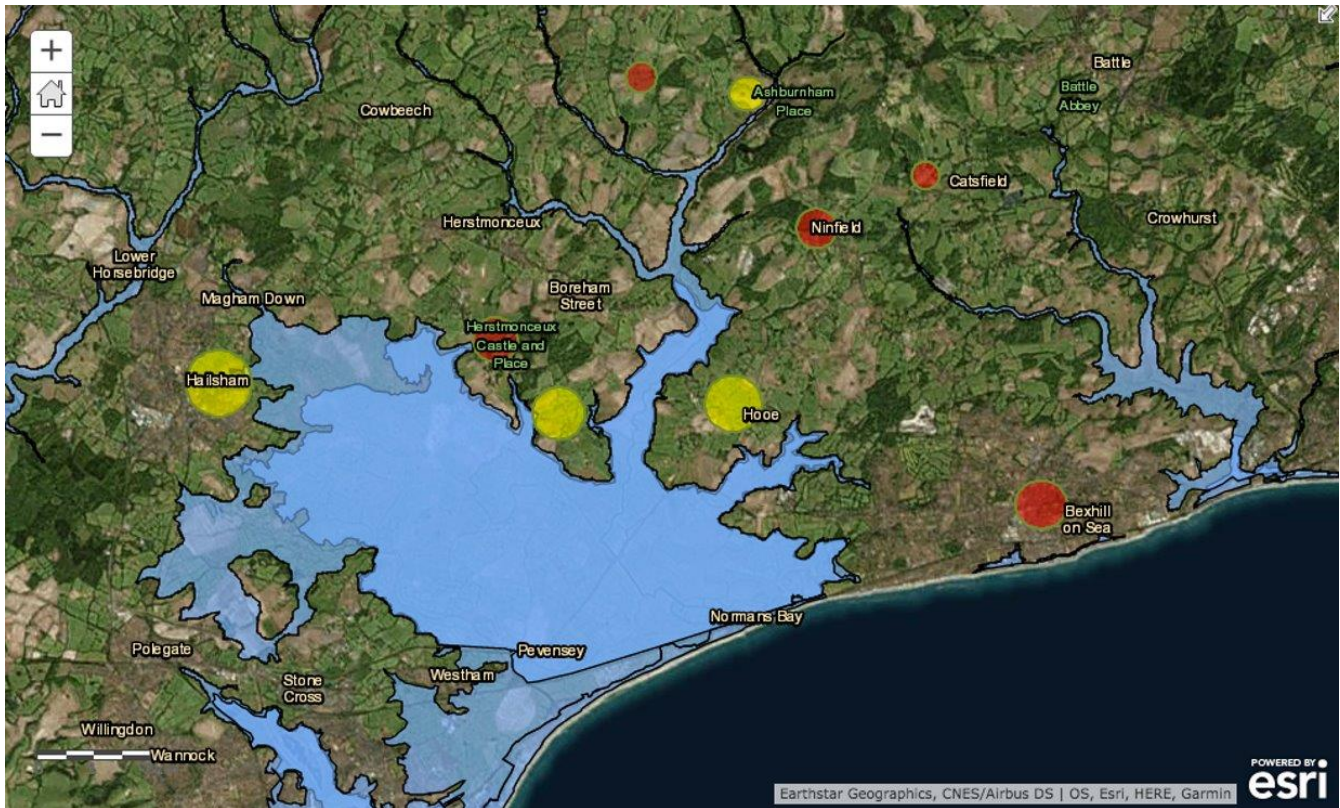
Figure 9: Estimated 11th century shoreline with Domesday salt pan locations
Modern flood risk data overlaid onto Google Earth corresponds closely with shoreline reconstructions based upon historical documentation.
Yellow circles connote manors with salt pans, red circles show those without any known salt production. Note proximity of saltworks to depiction of eleventh-century coastline. Size of circles illustrates approximate relative size of manors. "Flood Alert Areas" UK Environment Agency, last modified by ESRI UK on March 9, 2017, arcgis.com; Domesday Book, 18a, 22a.

Unlike most other major marshland regions of England, the Pevensey Levels remained

mostly submerged throughout the eleventh and twelfth centuries. Natural ocean currents slowly

deposited an embankment of shingle along the edge of the Levels over time, but no evidence

points to anthropogenic drainage actions during either the Roman or early medieval periods.[278]

The chronology of drainage in the Pevensey Levels illustrates striking parallels to the Somerset

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[278] Salzmann, "The Inning of the Pevensey Levels," 34.

Levels. Similarly, in Somerset, no draining occurred until the early thirteenth century. Neither Roman nor early medieval communities paid much attention to either region.[279]

This chronology stands in contrast to the scale of operations in the Fens or in Romney Marsh. The Romans launched engineering projects to dig canals in the Fens, but the region remained an intertidal marsh, used mostly for transportation, and settlements remained confined to the silt fen.[280] Despite sparse evidence for continuous settlement from the Roman era, abundant sources show widespread occupation of the Fens from the fifth to ninth centuries.[281] Substantial embankment of occurred by the tenth century, which allowed for increased population and economic growth.[282] Birth rates and migration ensured significant population increase in the region during the twelfth and thirteenth centuries so that, by 1348, the area was densely populated.[283] Fenland demesnes, such as the Bishop of Ely's, acquired great wealth and exhibited traits that Stone calls "highly commercial."[284] By the fourteenth century, the Fens became one of the richest regions in the entire country.

Settlement in Romney Marsh also developed earlier and more extensively than in the Pevensey Levels. The natural formation of a shingle barrier and alteration of major river routes, attested in Anglo-Saxon charters from the eighth to tenth centuries, served as a catalyst for

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[279] Iron Age people seemingly considered the Somerset Levels an undesirable swamp, wherein people fished, but their "semi-aquatic existence" required no reclamation or settlement. Williams claims that the Romans avoided it completely due to severe flooding c. 250. Rippon mentions an exception that Romans established some settlements in the northern Somerset Levels, specifically around the Severn estuary. In general, early medieval people did not attempt to drain the Somerset Levels, though a number of monastic communities settled there due to its isolation. Glastonbury was the first and most famous. Like the abbots of Battle and Bayham near Pevensey, its abbots were frequently included in later commissions of sewers. Williams, *The Draining of the Somerset Levels,* 17-21; Rippon, *The Transformation of Coastal Wetlands*, 118-121.
[280] Rippon, *The Transformation of Coastal Wetlands,* 128-129.
[281] Rippon, *The Transformation of Coastal Wetlands*, 169-174.
[282] James A. Galloway, "Coastal Flooding and Socioeconomic Change in Eastern England in the Later Middle Ages," *Environment and History* 19 (2013): 177-179; Rippon, *The Transformation of Coastal Wetlands*, 175.
[283] David Stone, "The Black Death and its Immediate Aftermath: Crisis and Change in the Fenland Economy, 1346–1353," in *Town and Countryside in the Age of the Black Death: Essays in Honour of John Hatcher,* eds. Mark Bailey and Stephen Rigby (Turnhout: Brepols, 2012)*,* 218.
[284] Stone, "The Black Death and its Immediate Aftermath," 220.

drainage of the marsh.[285] By the tenth century, Romney Marsh showed evidence of significant

drainage and settlement, including numerous estates with extensive arable land and road

networks. Domesday and other sources show that the marsh contained numerous churches and

was well populated by the eleventh century.[286] The twelfth-century construction of a major sea

wall, in adjoining Walland Marsh, illustrates the extent to which medieval people sought to resist

environmental change; the wall was likely created in an attempt to avoid harbours silting up.[287]

Early medieval people, unlike in later eras, did not construct the earliest embankments

directly against the sea. Since they generally sought only to limit spring tides and not to defend

from extreme conditions, they constructed embankments on a small-scale, further inland, and

behind natural barriers. Eventually, they began to construct more substantial embankments, often

called "walls" (*wallia*), which were inextricably tied to arable agriculture because they allowed

permanent drainage and protection from the sea.[288] Recent archaeological work illustrates how,

for hundreds of years, people used saltmarshes passively to graze flocks of animals, especially

sheep. Shepherds operated in unenclosed marshland and even established some field patterns

before embanking occurred. The construction of another large wall in Walland Marsh, c. 1200,

likely occurred in an attempt to drain the pasture land for farming.[289]

By the thirteenth century, individual manors in Romney Marsh, were spending significant

sums on the construction and maintenance of large-scale embankments. The Priory of Eastry, for

example, spent on average between 10–14% of its annual revenue on embankment, which then

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[285] Rippon, *The Transformation of Coastal Wetlands*, 159-161.
[286] None of these observations preclude that parts of the marsh did not continue as saltmarsh, regularly inundated. Rippon, *The Transformation of Coastal Wetlands*, 161-163.
[287] Rippon, *The Transformation of Coastal Wetlands*, 197-198.
[288] Mark Gardiner, "Archaeological evidence for the exploitation, reclamation and flooding of salt marshes," *Památky Archeologické: Ruralia* 5 (2005): 77-78.
[289] Gardiner, "Archaeological evidence," 76-78.

helped expand its manorial economy.[290] Manors belonging to Canterbury Cathedral Priory spent

significantly to defend their properties against the sea. Its manor of Ebony spent an average of

14% of its revenue on embankment maintenance, although as much as 60% in volatile years,

such as 1287–1288. Floods threatening the neighbouring manor of Appledore in 1293–1294

compelled officials there to invest almost twice its annual revenue on embankments.[291]

At the same time, inhabitants of Romney Marsh established one of the most sophisticated

systems for infrastructure maintenance based on mutual cooperation. Codified in the 1250s, it

quickly became the benchmark for similar initiatives throughout the country.[292] Such systems of

regulation became known as "marsh law" (*lex marisci).* When royal officials drafted statutes for

Pevensey in the early fifteenth century, they adopted the Romney framework.

4.3 Medieval Drainage and Land Reclamation in the Pevensey Levels

Drainage of the Pevensey Levels began in earnest in the thirteenth century. Individual and

sporadic reclamations on either side of existing waterways created embanked rivers with canal-

like features, unlike in the Fens and the Hull valley where people consciously constructed series

of canals to traverse the wetlands.[293] These embankments spread out slowly from a series of

nuclei. Some evidence from surviving sea walls shows that Bestenover may have constituted one

of the early nuclei of reclamation operations, and a rare occurrence of a pre-drainage human-

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[290] R.A.L. Smith, "Marsh Embankment and Sea Defence in Medieval Kent," *The Economic History Review* 10, no. 1 (Feb., 1940): 36-37.

[291] Roughly £129 compared to £74. R. A. L. Smith, *Canterbury Cathedral Priory: a study in monastic administration* (Cambridge: Cambridge University Press, 1943), 173, 178; Martin Stephenson, "Risk and Capital Formation: Seigneurial Investment in an Age of Adversity," in *Town and Countryside in the Age of the Black Death*, 196.

[292] Maryanne Kowaleski, "Peasants and the Sea in Medieval England," in *Peasants and Lords in the Medieval English Economy: Essays in Honour of Bruce M. S. Campbell,* eds. Maryanne Kowaleski, John Langdon, and Philipp R. Schofield (Turnhout: Brepols, 2015), 368.

[293] Stephen Rippon, "Waterways and Water Transport on Reclaimed Coastal Marshlands: The Somerset Levels and Beyond," in *Waterways and Canal-Building in Medieval England*, ed. John Blair (Oxford: Oxford University Press, 2014), 213.

made enclosure, though probably for animal stock and not settlement.[294] These small bedrock

"islands," named with the Anglo-Saxon "-ey" suffix, included Northeye, Manxey, Hydneye, and

Chilley, and were the nuclei from which land reclamation originated.[295] The list of witnesses in a

charter from c. 1230 includes, in addition to the lord of Herstmonceux, a number of prominent

landholders with toponymic surnames from those Pevensey "islands."[296] Drainage in the region

was enabled by both private agreements and communal customs, like the Pevensey Custumal.[297]

The lack of major embankments and sluices, before the construction of a sluice across Pevensey

Haven in the late thirteenth century, as well as limited evidence of any substantial medieval

settlement, illustrates the sporadic and small-scale nature of land reclamation in Pevensey.[298]

Rippon speculates that this may have been due to highly fragmented landholding in the region,

since no single landholder dominated as did Glastonbury in Somerset.[299]

Historians have traditionally portrayed elites avoiding expensive and potentially risky

economic investment, such as drainage, on their estates, while preferring instead to pursue high-

stakes political agendas.[300] Regarding the drivers of economic expansion, J.A. Raftis famously

reevaluated the extent of tenant capital and argued for a more active peasant role in changes to

the rural economy. For Raftis, English lords consciously avoided meddling in the relatively

productive village economy, the wider considerations of supply and demand, and the market

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[294] Dulley, "The Level and Port of Pevensey," 30-31; Rippon, *The Transformation of Coastal Wetlands*, 189.
[295] Michael Williams, *The Draining of the Somerset Levels* (Cambridge: Cambridge University Press, 1970), 17-21.
[296] Specifically, Sir William de Monceux, Robert de Manekesye, Thomas de Bestenovere, Hervey de Chillye, and Adam de Horseye. East Sussex Record Office [ESRO]: AMS 5592/56.
[297] Lambert B. Larkin, ed. "The Custumal of Pevensey, as delivered to the Lord Warden at Dover Castle, in 1356," *Sussex Archaeological Collections* 4 (1851): 209-218; Rippon, *The Transformation of Coastal Wetlands*, 188.
[298] Rippon, *The Transformation of Coastal Wetlands,"* 188-189. On 15 July 1290, a commission was ordered to investigate that embankment and sluice, which previous commissioners had begun to prevent freshwater reaching the sea. Amid concerns that marsh settlements would flood, the commissioners had the authority to dismantle the infrastructure, which they must not have decided to do. Calendar of Patent Rolls [CPR], 1281-1292, 404.
[299] Rippon, *The Transformation of Coastal Wetlands*, 188-189. See Chapter 2 of this thesis for dispersed settlement patterns of Herstmonceux tenants.
[300] Stephenson, "Risk and Capital Formation," 175-176.

system in general. In his view, lords confined themselves mostly to licensing profits and allowing changes to occur "under the lordship umbrella."[301] These claims fit into a broader debate, both long-running and contentious. Only recently did historians reach a general consensus that thirteenth-century lordship did not trample custom, at least economically.[302] Despite admittedly limited twelfth-century sources, Raftis concluded that, "By and large, however, the peasant seems to have moved with the "frontier" action and advanced his economic status through net increases of revenues and lands."[303] While a compelling argument for manorial economies in general, it does not necessarily apply to all aspects of medieval infrastructure.

The majority of English society, comprised of smallholders, did not have the means to initiate large-scale engineering projects or withstand dramatic environmental changes.[304] As Campbell explains, although tenant initiatives influenced widespread arable expansion during the demographic growth of the twelfth and thirteenth centuries, lords took an active and leading role in certain spheres. This occurred most notably with wetland reclamation, wherein their vaster administrative networks and capital resources proved advantageous. Clear examples of this process include drainage and embanking efforts in the Romney and Walland marshes in Kent,

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[301] J.A. Raftis, *Peasant Economic Development within the English Manorial System* (Montreal and Kingston: McGill-Queen's University Press, 1996), 10.

[302] John Hatcher, "Lordship and Villeinage before the Black Death: From Karl Marx to the Marxists and Back Again," in *Peasants and Lords in the Medieval English Economy,* 135-136.

[303] Raftis, *Peasant Economic Development,* 4.

[304] Smallholders and non-agricultural low-income people comprised 69% of the population, but only possessed 40% of the income and 33% of the arable land. Campbell, *The Great Transition,* 169. As Dyer articulates, "To focus on medieval peasants, although they enjoyed more independence and confidence than was once supposed, they were nonetheless living in an insecure world in which they were buffeted not just by the environment but by the demands of government and the exactions of lords." Christopher Dyer, "Peasant Farming in Late Medieval England: Evidence from the Tithe Estimations by Worcester Cathedral Priory," in *Peasants and Lords in the Medieval English Economy,* 83.

the Essex marshes, the Somerset Levels, and especially, the Fens.[305] The construction and

maintenance of infrastructure did require extensive collaboration between many people, since

walls and ditches could often reach up to 20m wide and over 1.5km in length.[306] As Kowaleski

has shown, many drainage ventures formed originally out of cooperative institutions spearheaded

by peasant initiatives to reclaim land. The interests of lords, however, tended to dominate by the

thirteenth century, and the Crown increasingly imposed royal commissions during the

fourteenth.[307] Developments in the Pevensey Levels, significantly, followed this pattern closely.

Constant maintenance expenses and the risk of periodic flooding made arable marshland

a costly investment for landlords; the economic value of the land, for example, could plummet

when drained ineffectively. The frequency of inundation determined where the land fell on

Williams' "'hierarchy' of usefulness," from least to most valued: water-covered areas like pools

and natural watercourses for fishing; periodically wet lands used for peat-digging and pasture (or

meadow if dry enough); and arable lands that escaped most flooding.[308] In 1307, thirty-six acres

of arable marshland at Ylond was valued 33% higher than an entire 400 acres in marshland just

across the Levels at Bestenover (or twenty times higher per acre). This disparity was due to the

extent of enclosures to protect from the sea: the Ylond acres were fully enclosed within walls,

whereas only half of the Bestenover marshlands adjoining the sea were even protected by beach

and shingle.[309] Land values on the Herstmonceux demesne, especially the meadow, fluctuated

wildly depending on the extent and frequency of flooding.[310] This contrast exemplifies the

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[305] Bruce M.S. Campbell, *English Seigniorial Agriculture, 1250-1450* (Cambridge: Cambridge University Press, 2000), 11.
[306] Galloway, "Coastal Flooding and Socioeconomic Change," 200-201.
[307] Kowaleski, "Peasants and the Sea in Medieval England," 367-368.
[308] Williams, *The Draining of the Somerset Levels,* 25.
[309] Salzmann, "The Inning of the Pevensey Levels," 42-43.
[310] See Chapter 3 of this thesis for differing land values expressed in several Herstmonceux *IPM*s.

gamble for lords who sought to drain and enclose marshland. Sometimes, the land remained almost worthless. Other times, however, it proved exceedingly profitable.

Changes in climate and declines in population during the later Middle Ages did not necessarily cause widespread abandonment of those low-lying coastal areas, despite what some theorists have posited.[311] Dyer and Bailey have both shown that medieval English people did not, generally, abandon newly settled "marginal" areas any sooner than they did older, "settled" areas.[312] As Rippon and others have demonstrated, farmers instead proved remarkably adaptable and resilient in the wake of crises.[313] The Fens, though less productive than neighbouring upland regions in 1086, had the greatest concentration of agricultural wealth in the country by the early fourteenth century.[314] Medieval religious houses in the Fens, the Somerset Levels, and the Hull valley, originally located for isolation and later at the forefront of drainage projects, became some of the wealthiest in all of England.[315] Even for the medieval Winchester estates that Postan researched, newly reclaimed lands often had higher yields than earlier holdings, and overuse of soil fertility did not always occur on "marginal" lands.[316] The following evidence suggests that expansion onto marshland on the Pevensey Levels did not occur due to population pressures, and furthermore, that abandonment of land during crises affected each area differently.

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[311] See broader discussion of the "marginal lands" debate in Introduction.

[312] Christopher Dyer, "The retreat from marginal land: the growth and decline of medieval rural settlements," in *The rural settlements of medieval England: studies dedicated to Maurice Beresford and John Hurst* (Oxford: 1989): 45-57; Mark Bailey, "The concept of the margin in the medieval economy," *The Economic History Review* 42 (1989): 1-17; Daniel R. Curtis, *Coping with Crisis: The Resilience and Vulnerability of Pre-Industrial Settlements* (Farnham: Ashgate, 2014), 106.

[313] Stephen Rippon, "Adaptation to a changing environment: the response of marshland communities to the late medieval 'crisis'," *Journal of Wetland Archaeology* 1 (2001): 15-39; see also, Christopher M. Gerrard and David N. Petley, "A risk society? Environmental hazards, risk and resilience in the later Middle Ages in Europe," *Natural Hazards* 69 (2013): 1051-1079.

[314] Oliver Rackham, *The History of the Countryside* (London: J. M. Dent & Sons Ltd., 1986), 387.

[315] Williams, *The Draining of the Somerset Levels*, 4.

[316] M. M. Postan, "Investment in Medieval Agriculture," *The Economic History Review* 27, no. 4: The Tasks of Economic History (Dec., 1967): 576-587; Sidney Pollard, *Marginal Europe: The Contribution of Marginal Lands since the Middle Ages* (Oxford: Clarendon Press, 1997), 23.

The soils of the coastal plain, such as in the Pevensey Levels, consistently produced good

yields overall, except when flooded by marine water.[317] Since land reclamation proved a costly

venture, both in terms of initial investment and subsequent maintenance, and the area faced a

constant threat of flooding thereafter (both tidal and inland runoff from upland regions), Stephen

Rippon calls it a "high-risk approach to landscape utilization."[318] He argues that marshland

farming must have produced considerable returns to justify the costs and risks. Medieval estate

records, furthermore, regard those marshy areas, particularly meadow, as highly as or even more

highly than adjacent "dryland."[319] Battle Abbey's manor of Barnhorne provides a useful

comparison for its location, part marsh, part high ground. In 1311, it valued, per acre: its upland

areas between 3 d. and 6 *d.*; its marshland near Hooe at 4 *d.* when flooded and 10 *d.* when

drained; and its marshland closer to the sea at 12 *d.*[320] Studies on the 1334 Lay Subsidy tax show

that lands in the Fens contained some of the highest assessments in the entire country.[321] On

alluvial plains with wetland dykes, like in the Pevensey Levels, the peat subsoil is nutrient-

medium, the silt richer, and clay the richest.[322] This complex soil composition suited well human

exploitation of the marshland around Pevensey. As Gardiner outlines, the 10 *d.* per acre valued at

Ylond, or 12 *d.* per acre of pasturage and arable in other parts of the Levels, far outperformed

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[317] P.F. Brandon, "Late-Medieval Weather in Sussex and its Agricultural Significance," *Transactions of the Institute of British Geographers*, no. 54 (Nov., 1971): 10.

[318] Rippon, "Waterway and Water Transport," 207. Stephenson has also challenged the idea that landlords were usually "risk-averse, rent-bound, and lacking in an investment mentality" or that adversity reduced their general tendency to take risks. Stephenson, "Risk and Capital Formation," 208-209.

[319] Rippon, "Waterways and Water Transport," 207-208. See also, Rippon, *The Transformation of Coastal Wetlands*.

[320] S.R. Scargill-Bird, ed., *Custumals of Battle Abbey, in the Reigns of Edward I and Edward II (1283-1312)*, vol. 41 (Camden Society, 1887), 17-19.

[321] There also existed a striking difference between moveable wealth generated on the silt fen (some of the highest overall assessments) and on the peat fen (some of the lowest). The quality and effectiveness of drainage in those areas may have played a factor as well. R.E. Glasscock, "The Distribution of Wealth in East Anglia in the Early Fourteenth Century," *Transactions and Papers (Institute of British Geographers)*, no. 32 (Jun., 1963): 120.

[322] S.M. Haslam, *The River Scene: Ecology and Cultural Heritage* (Cambridge: Cambridge University Press, 1997), 131.

upland tenements of comparable size. Throughout the Weald, in contrast, marled (artificially fertilized) lands were typically valued at 3 *d.* or 4 *d.*, and sometimes as high as 6 *d.*, but only at 2 *d.* or 3 *d.* for unmarled soils.[323]

Though medieval mentions of active drainage *in progress* appear scarcely in the historical record for the region, some documents, such as charters, illustrate areas *newly* drained and outline socioeconomic arrangements among local parties. Several charters from c. 1250 to c. 1290 show that marshland areas closer to the sea (near Pevensey and Manxey, specifically) had been reclaimed, but also include mentions of sea walls, ditches, and the landlord's protection from flooding.[324] At Manxey, the foundation of a marshland chapel c. 1240 implies that the local congregation expected consistent use of land in the Levels, though not necessarily the establishment of a permanent settlement.[325] A grant, from c. 1250, shows rent paid at Manxey church for ten acres of land near "Cherlond" in the marsh.[326] Another from Manxey, c. 1290, describes land surrounded by walls and ditches, between the sluice of William de Godecumbe and the sea port.[327] A manor known as Old Court, located in the Levels near the foot of Wartling hill, first appears in documentation in the middle of the thirteenth century.[328] The moated manor house occupied land once submerged in water.

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[323] Mark Gardiner, "The geography and peasant rural economy of the eastern Sussex High Weald, 1300-1420," *Sussex Archaeological Collections* 134 (1996): 126.

[324] ESRO: AMS 5592/25; AMS 5592/29; AMS 5592/30.

[325] Holden assumed that the chapel implied the existence of a congregation in the Levels. E.W. Holden, "Manxey," *Sussex Notes and Queries* XV (1962): 319. Recent research has challenged, however, the close proximity of manor houses and churches to settlements. Twelfth-century trends show that, while, manors and churches were often constructed relatively closely to each other, their associated settlements did not necessarily follow that pattern. Parish churches, which often evolved from estate churches, unsurprisingly associated closely with their seigneurial patrons. Jill Campbell, "Understanding the relationship between manor house and settlement in medieval England," *Ruralia IX* (2013): 279-280. The Manxey congregation could easily have been located approximately one kilometre away, so its location cannot be assumed either in the Levels or the Weald.

[326] ESRO: AMS 5592/30.

[327] ESRO: AMS 5592/29.

[328] L.F. Salzman, ed. *The Victoria History of the County of Sussex*, vol. 9: Rape of Hastings (1937), 139. Early drainage efforts in the Pevensey Levels coincided simultaneously with the era of greatest moat-building across England during the Middle Ages. Whether scholars posit functionalist motivations such as drainage or defence,

By the end of the thirteenth century and continuing into the fourteenth, it seems extensive land had been reclaimed on the Levels. Continuous reclamation of the tidal flats had transformed the area from a lagoon into a series of small rivers that were then blocked from the sea. Dulley remarks that a scribal note about annual salt production for the abbey of Grestain in 1240 marks the last clear reference to active salt production in the Levels.[329] This does not signal, however, an abrupt shift to a completely terrestrial landscape. Transportation in the marshland often still occurred over water. Pevensey Castle shipped feed to pasture in Ylond and still operated a ferry to Bexhill in the late thirteenth century.[330] A 1375 land grant from John of Gaunt to William Batesford to collect salt from seventy-five acres of marshland around Pevensey, furthermore, shows that the region continued to be waterlogged in certain areas even by the late-fourteenth century.[331]

Even though drainage and reclamation yielded fertile farmlands, there appears to have been little large-scale settlement of customary tenants from Herstmonceux onto the reclaimed lands of the Levels.[332] The absence of significant tenements and relative lack of tenant activity on the reclaimed marshland suggest that, most likely, this conversion of wetlands into farmlands benefitted Herstmonceux lords disproportionately through the expansion of their demesne.[333] An absence of evidence here, however, does not necessarily imply evidence of absence; for example,

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social status priorities, or recently more "active, multivalent" approaches, archaeologists generally agree the highest concentration of medieval moats were constructed between 1200 and 1325. Eric D. Johnson, "Moated Sites and the Production of Authority in the Eastern Weald of England," *Medieval Archaeology* 59, no. 1 (2015): 234-236.

[329] Dulley, "The Level and Port of Pevensey," 29. The abbey of Grestain had some later connection to Herstmonceux. In 1328, the abbot of Grestain sued, in the Herstmonceux manor court, a prominent Herstmonceux tenant named Robert Colkyn, for a debt dispute. During October and November of that year, the abbot frequently sent his attorneys to pursue the case or to make essoin (excuse for absence) for him. ESRO: AMS 7060/1/1.

[330] Mark Gardiner, "Hythes, Small Ports, and Other Landing Places in Later Medieval England," in *Waterways and Canal-Building in Medieval England*, 94, 97.

[331] ESRO: AMS 5592/2.

[332] See Chapter 2 of this thesis for settlement patterns of Herstmonceux customary tenants.

[333] See Chapter 3 of this thesis for proportions of Wealden and marshland acres utilized on the manorial demesne.

extant charters at the East Sussex Record Office primarily survive from the private collections of

a relatively small number of families. A comprehensive study of extant fourteenth- and early

fifteenth-century Herstmonceux manorial documents does, however, provide at least a

proportional overview of land use by customary tenants. For example, in the Herstmonceux

rental created c. 1337, only one out of 111 tenements is listed as marshland.[334]

      The medieval records of the manor court illustrate very little use of marshland; the few

examples refer exclusively to small plots of land in the later fourteenth century. 800 entries (33%

of the total medieval corpus) specify some kind of landscape feature, such as woodland, fields,

types of land (e.g. marsh, arable, sowed, marled, or generic "land"), crops, buildings, gardens,

pasture, meadow, etc.[335] Only eight entries (1%) of the 800 describe marshland or pasture in a

marsh, and half of those relate to just one tenement. Richard Hassok was distrained four times

between 6 October 1385 and 26 March 1386 for arrears on two and a half acres of land in

Manxey marsh.[336] In March 1383, Simon, son of John Stevene of Foxham, came to court for

chevage and acknowledged that he was bound to the lord, annually, of a marsh ploughshare

(*vomeris marisci).*[337] The court heard a dispute in July 1392, wherein the plaintiff accused the

defendant of breaking an agreement to plough four acres of marshland (*terre marisci)*; the

defendant contested the allegations and claimed that he ploughed them competently.[338] In

addition to those few references to rent owed or ploughing agreements in the marsh, one other

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[334] ESRO: SAS/C 250. One other entry mentions a location at Wartling and Manxey, which could be in the Levels, but is listed as "land." Since the descriptions are generally vague, quite possibly more tenements may have been marshland in the Levels and just not specified as such.

[335] This does not imply that two-thirds of land-based cases lacked specificity, but rather that one-third of total entries make some specific reference to landscape. Some just refer to "tenements." Many other entries are primarily social or currency-driven economic agreements or disputes.

[336] Harvard Law School [HLS]: 76; ESRO: SAS-X/5/1/19. A fifth entry consists of a passing reference to marsh in a presentment by the homage; ESRO: AMS/7050/1/15.

[337] ESRO: SAS-X/5/1/16.

[338] *…aravit dictas iiij acras terre competenter…* HLS: 78.

court case shows some limited use of the Levels. On 30 March 1383, John Mabely claimed that William Pilchere had trespassed on his "pasture" in Sakevyllesmarsh and fished illicitly there, taking fish and especially eels.[339] Clearly, by 1383, some areas of the marsh were being used for, or at least conceived as, pasturage, but were sufficiently flooded for eels to thrive. These noteworthy entries, the only ones referring to marshland in the court roll corpus, thus document the exception for most Herstmonceux tenants.

This evidence for sporadic and individualized drainage contrasts notably with the experience of manors in the Somerset Levels, where powerful estates, most significantly Glastonbury Abbey, drove the reclamation and transformation of the marshland.[340] Somerset manors, which operated primarily in the marsh, had some characteristic features: water-covered parts of the moors ("the pools") contained fish, fowl, rushes, and reeds; court rolls there frequently mentioned widespread activities like fishing, fuel gathering, and pasturing in the marsh; and on the edges of those Levels, tenants used primarily alder for construction and fuel.[341] For Herstmonceux, rolls mention the lord's "pool" (*stagnum)* twice and reeds and rushes (*sirpi)* several more times, but always in a demesne context.[342] As mentioned above, only sporadic references exist for tenant activity in the Pevensey Levels. The vast majority of trees felled or sold in Herstmonceux were hardy oaks, not the smaller alders more commonly found

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[339] ESRO: SAS-X/5/1/16. Eel fishing could become a major resource in newly drained areas that had riverbed changes and the construction of embankments and watercourses. This was the case in the Rhône delta, where communities and authorities feared overfishing and sought to control it accordingly. Constance H. Berman, "Reeling in the Eels at la Trinquetaille near Arles," in *Ecologies and Economies in Medieval and Early Modern Europe: Studies in Environmental History for Richard C. Hoffmann*, ed. Scott G. Bruce (Leiden: Brill, 2010), 150. In another case, from July 1389, Richard Daly accused another man of removing two of his nets from the water of "Sexteynescroft", but it is unclear where this would be located or whether it involved an area in the Levels. ESRO: AMS 7060/1/13.

[340] Rippon, "Waterways on Coastal Marshlands," 213.

[341] Williams, *The Draining of the Somerset Levels*, 25, 29.

[342] ESRO: SAS-X/5/1/14; SAS-X/5/1/16; SAS-X/5/1/19; SAS-X/5/1/24; AMS 7056/1.

near water, including in the eastern section of the Pevensey Levels.[343] This lack of marshland

reference to customary tenants does not preclude, however, that some relatively prosperous free

tenants may have benefitted from the arable expansion as well.

Some notable lords and free tenants associated with Herstmonceux engaged actively with

the drainage process. Sir Edmund de Pashley, a powerful landholder in the Rother region of

Sussex, served as a royal commissioner of sewers in 1322; the manorial court at Herstmonceux

frequently distrained his heirs for rent and fealty throughout 1327 and 1328.[344] The Alards, a

prominent family from Winchelsea with ties to Herstmonceux, received grants for significant

acres of enclosed marshland at Ylond and Bestenover in 1307.[345] Members of the Sackville

family, distrained often in the Herstmonceux court upon free tenements, even lent their name to

parts of the marsh; local references included eel poaching in "Sakevyllesmarsh" and clogged

sewers near "Sakevyllestrow."[346] The Batesfords similarly had a noteworthy impact on drainage

in the Levels, as described in other parts of this chapter.[347]

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[343] See Chapter 6 of this thesis for ratios of trees on the Herstmonceux manor. Palynological research has shown that alders were common along, at least, the eastern edges of the Levels. Martyn Waller and Antony Long, "The Holocene Coastal Deposits of Sussex: a Re-evaluation," in *Romney Marsh: Persistence and Change in a Coastal Lowland,* eds. M. Waller, E. Edwards and L. Barber (Romney Marsh Research Trust, 2010), 10; Brian Moffatt, "The environment of Battle Abbey estates (East Sussex) in medieval times: a re-evaluation using analysis of pollen and sediments," *Landscape History* 8, no. 1 (1986): 77-93.

[344] That commission investigated watercourses on the Isle of Thanet, Kent. Smith, "Marsh Embankment and Sea Defence," 29. He appears also in numerous volumes of the *Calendar of Patent Rolls*. For description of his lordship of the manor of Mote in Iden, near Rye, see Mark Gardiner and Christopher Whittick, *Accounts and Records of the Manor of Mote in Iden 1442-1551, 1673,* vol. 42 (Lewes: Sussex Record Society, 2011), xiv. His heirs appear in numerous Herstmonceux court rolls. ESRO: AMS 7054/1; SAS-X/5/1/1 – 5; AMS 7060/1/1.

[345] Henry Alard received 36 enclosed acres at Ylond and 400 acres of salt marsh at Bestenover. Salzmann, "The Inning of Pevensey Levels," 43. Some connection existed between this family and lords of Herstmonceux. In 1328, Henry Alard's heirs were distrained for fealty on 7 acres of land near Brede. ESRO: SAS-X/5/1/2. In 1343, the Herstmonceux manor court distrained a son of Gervase Alard of Winchelsea to pay homage. ESRO: SAS-X/5/1/11.

[346] Those references are described elsewhere in the chapter. The steward ordered at least one member of the family to be distrained for fealty in many Herstmonceux courts. Sir Andrew Sackville, for example, was referenced frequently in the 1330s. In July 1384, the heirs of Sir Thomas Sackville were distrained by two nets, called "hoknettes", demonstrating further the occurrence of fishing in their marshland. ESRO: SAS-X/5/1/18.

[347] Their relationship with the lords of Herstmonceux is well known but beyond the scope of this thesis.

Elsewhere throughout the Pevensey Levels, further evidence from charters demonstrates the systematic progress of land reclamation during the fourteenth century. In 1312, a land grant for the manor of Westham, near Pevensey, includes description of waters and ditches.[348] A 1331 quitclaim, from Rockland marsh near Wartling, transferred one-third of an acre of marsh, with one side next to "the wall from Pevensey to the Waterhouse."[349] One charter from 1340 mentions a new bridge between Herstmonceux and Hailsham.[350] Toward the middle of the century, references to marshland become more common further inland, specifically in the areas around Herstmonceux and Wartling. A 1351 charter describes two acres of marshland granted to John de Batesford at Horse Eye.[351] By the 1370s, charters for lands near Herstmonceux refer to watercourses, arable marshland, and land in Megham Marsh.[352] By the mid-fourteenth century, then, a combination of sea walls, sewers, sluices, embankments, and ditches transformed the shoreline of the area to resemble more closely the modern coast.

Before increased storm activity in the late thirteenth century, drainage had been initiated and regulated primarily by *ad hoc* local agreements, sometimes captured in charters and court rolls, between landowners and their tenants. The historical evidence then shows little royal influence on drainage in the Pevensey Levels, except presumably for tacit approval or acceptance of developments happening on the ground. These private arrangements often exchanged rights to use land or means of access for labour to construct and maintain drainage watercourses. In this way, tenants and landlords engaged in a mutually advantageous, though generally small-scale, process of land reclamation in the thirteenth century, whereby the former gained access to arable

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[348] ESRO: AMS 5592/4.
[349] ESRO: 5592/63.
[350] ESRO: SAS/LA/1; AMS 5592/39; AMS 5592/63.
[351] ESRO: 5592/39.
[352] ESRO: AMS 5592/42; SAS/BA/485; SAS/BA 486.

land and the latter expanded their manorial footprint. An early agreement for the Wartling area, from c. 1230, stipulates that William de St. Leger provide to some tenants a watercourse through his marsh and up to "Wodedike", for the purposes of drainage. In return, the tenants agreed to construct, at their own expense, sufficient structures like watercourses, "watergangs", and sluices to drain the area.[353] In a 1250 charter, for Westland in the Pevensey marsh, Isabella, daughter of Robert of Horseye, rented out her land but promised that she and her heirs would defend the tenants "against all men and all women, and against the sea."[354] Ten extant Battle Abbey charters between c. 1210 and 1310 involve the drainage of newly reclaimed lands on the Pevensey Levels, either through a sixteen-feet-wide waterlode near Hooe or a creek called "Meneflete" leading to Northeye and Cooden.[355] These comparatively small watercourses became increasingly ineffective, however, as storm activity increased in the late thirteenth century.

Lay lords played a significant role in the draining of the Pevensey Levels; this sometimes included compelling their tenants to erect and maintain infrastructure.[356] In 1322, Thomas of Hastings granted to John of Cooden all his lands at Bexhill, along with the waters, walls, ditches, and drains, and twenty-five acres elsewhere in the saltmarsh, except for the hedges and right-of-way to the marsh, on the condition that John and his heir maintain the infrastructure in the same

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[353] St. Leger did agree to provide the necessary timber from his land. ESRO: AMS 5592/56. *Willelmus de Sancto Leodegario concessi Emerico de Cancellis et Ricardo Marescallo et eorum tenentibus videlicet quod ego debeo Invenire cursum aque eisdem per medium marisci mei usque Wodedike ad exaquandam totam terram… Emericus de Cancelli et Ricardus Marescallus et eorum tenentes de predicta terra; debent facere ad eorum proprium cultum totum predictum cursum aque et Watergang' et exclusam. Ita quod suficiat ad predictam terram exaquandam. et quod ego vel heredes mei; servemur indempnes. Ipsi uno capient de Nemore meo de Werhtlinge [Wartling]totum minutum meremium quod ad predictam exclusam faciendam oportet habere excepta magna gutteria.*

[354] *Et ego Isabella et heredes mei Warantizabimus et defendemus predicto Salomon et heredibus suis vel eius assignatis predictas tres acras et dimidiam per dictum servicium contra omnes homines et omnes feminas et contra mare*. ESRO: AMS 5592/25.

[355] P. F. Brandon, "Agriculture and the Effects of Floods and Weather at Barnhorne, Sussex, during the Late Middle Ages," *Sussex Archaeological Collections* 109 (1971): 78-79.

[356] See below for more details on how Sir Edward Dallingridge and the Earl of Arundel wielded political power locally, which often manifested in the control or diversion of water resources.

or better condition (and also pay rent at Thomas' manor of Northeye).[357] The Batesfords, prior to receiving seventy-five acres of marshland and saltworks from John of Gaunt, had also been granted thirty acres of marshland around Pevensey from Queen Philippa in 1358. John de Batesford achieved this by first draining the area without license, and then paying the fine.[358] In the Wartling manor court, in January 1327, the lord punished John ate Shamele for insufficient drainage construction. He had been assigned to select sufficient timber from the lord's wood and construct gutters to drain water out to the "haven." This supposedly required making twelve "laidfates"[359] from the timber, whereas John acknowledged that he had only made six and no more.[360] This practice of constructing such watercourses echoes similar, but larger, initiatives occurring contemporaneously in the Fens. One 1334 commission in the "great marsh" of Huntingdonshire, for example, surveyed the obstruction of various "lodes" (*lade),* through which merchants and others from several counties, "from time out of mind," navigated their ships in winter.[361]

Powerful regional institutions, including the abbeys of Battle and Bayham, long exerted their influence in the Pevensey area, especially in matters of water management. Battle Abbey invested heavily in its satellite settlement at Barnhorne, and in so doing, cultivated long-term

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[357] ESRO: RAY 4/1/3.

[358] ESRO: AMS 5592/1. He already had experience expanding his holdings in the marsh, when he added two acres to his lands near Horse Eye in 1351. ESRO: AMS 5592/39.

[359] Likely means some kind of "watercourse vessel." Clearly related to water management, almost certainly to drainage, based on *guttere* and *habulum.* See OED entry for "lade" *sb.* from OE "-lád" for channel, water-course (could be for a mill-wheel) and "fat" *sb.* from OE fæt for a large vessel for liquids. "Lād" in Old English generally meant an artificial waterway or canal. In the Fens and the Somerset Levels, it could be used as "a waterway dug through ill-drained land to link a river to nearby rising ground, allowing a more efficient movement of goods and people." Ann Cole, "The Place-Name Evidence for Water Transport in Early Medieval England," in *Waterways and Canal-Building in Medieval England,* 77-78. Also, the water here was being directed to the haven (*habulum),* which most likely meant Pevensey Haven, a small river that, at that time, drained into the Channel at Pevensey.

[360] *Johannes ate Shamele assignatus est per dominum eligere sufficientem meremium in boscum domini ad facere quanda guttera ad habulum et accusatus fuit quod deberet fecisse de predicto meremio .xij. laidfates et inde allocutus est et cognovit se fecisse sex et non pluries ideo ipse ponit se in misericordia per pleges Ricardi Dyne et Thome ate Selde.* British Library [BL]: Add. Roll 32628.

[361] CPR, 1334-1338, 70.

relationships with local magnates. In 1248, the abbot granted part of the marsh there to William de Northeye, in exchange for the right to drain the remainder of the land through William's demesne, which blocked the way to the sea. The abbot agreed to cover two-thirds of the expense if William paid for the remaining third.[362] This partnership proved long-lasting, at least until 1304, when William of Hastings, then lord of Northeye, allowed the abbot of Battle to drain water, from Barnhorne, through his lands.[363] Like the monks of Battle, those at Bayham Abbey actively monitored drainage in their holdings. They maintained a network of bridges, walls, ditches and sewers in the area they controlled between Boreham and the sluice of Pevensey. The abbot was even fined in 1357 for failing to maintain that system effectively.[364] In many of these cases, cooperation for maintenance of water management systems carried with it perceived economic advantages.

Control over water, however, was not just economically motivated; it was also symbolic. It could be used as a means to justify the status quo, to pursue other priorities, or as a backdrop for wider issues. Benedictine monks in the Ardennes, for example, incorporated locally specific water-related details into their miracle stories to justify their resource use and craft an impression of abundance provided by their agricultural practices.[365] Glastonbury Abbey, in the Somerset Levels, valued highly the economic and symbolic capital of its marshland; it included islands and vast surrounding wetlands in a special jurisdiction, along with notable Christian pilgrimage sites.[366] Transgressions against the aquatic resources or regulations of the powerful became a

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[362] C. Whittick, ed. *The Calendar of the Battle Abbey Archive* (San Marino: The Huntingdon Library, 2017), 256; Dulley, "The Level and Port of Pevensey," 31.
[363] Edward Turner, "The Lost Towns of Northeye and Hydneye," *Sussex Archaeological Collections* 19 (1867): 14.
[364] Salzmann, "The Inning of Pevensey Levels," 45.
[365] Ellen F. Arnold, *Negotiating the Landscape: Environment and Monastic Identity in the Medieval Ardennes* (Philadelphia: University of Pennsylvania Press, 2013), 80-81, 108.
[366] Stephen Rippon, "Making the most of a bad situation? Glastonbury Abbey, Meare, and the medieval exploitation of wetland resources in the Somerset Levels," *Medieval Archaeology* 48, no. 1 (2004): 91-130.

notable tool of dissent on the Herstmonceux manor. The acts could be fairly innocuous, like when Nicholas Pettyl dared to take and eat fish from the lord of Herstmonceux's pond.[367] The boundaries surrounding bodies of water themselves even experienced violence. The manor court, on 25 July 1383, charged that Alicia Daly broke and carried away (*fregit et asportavit)* the hedge (or barrier) against the lord's "pool" (*sepem contra stangnum).*[368] Whether as a political statement or just to acquire some necessary wood, this act clearly transgressed social norms. An earlier accusation, in 1343, suggested even more brazen behaviour. On 14 October of that year, the court claimed that seven men trespassed in the mill, by sneaking in at night and drawing up the sluice gate.[369] Regardless of intent, such transgressions by relatively large groups of tenants made a significant statement;[370] the court, thus, made a point on two occasions to order the distraint of all involved.

Memory remained an important tool for preserving and enforcing such customary practices. Medieval English people generally continued to trust oaths and public ceremonies; they considered writing of secondary importance.[371] Written documents tended to be chosen for their longevity rather than any inherent advantage in accuracy. As Gardiner and Kilby explain,

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[367] He was distrained for this and paid a minor fine (2 *d.*) in 1336. ESRO: SAS-X/5/1/8.

[368] ESRO: SAS-X/5/1/17. This vague description of stagnant water could be a pond or an area of marshland. Walls in the Rhône delta saltmarsh, for example, were described as *in stagnis salatis.* Berman, "Reeling in the Eels," 159.

[369] *Ad huc ut pluries preceptum est distringere Johannem Canel Thomas Poncy Thomas atte Forde Willlelmum atte Tye Robertum filium Roberti Colkyn Johannes Rous et Ricardus Rikedoun ad respondem domino de transgressio videlicet de homsokne [hamsokne] et perturbationem pacis noctanter et de tractione excluse molendini etcetera.* ESRO: SAS-X/5/1/12. This transcription comes from the second distraint entry (2 December 1343). The first occurrence (14 October 1343), far more faded, specifies it as "our mill". ESRO: SAS-X/5/1/11. Also significant, symbolically, is the charge of "hamsokne", which generally connoted assault of someone in their own home or of house-breaking. *Dictionary of Medieval Latin from British Sources*, vol. 4, *s.*v. "hamsocna." It remains unclear whether they were trying to mill illicitly under the cover of darkness (though presumably the miller would hear the disturbance) or if it was an economically-motivated subversive act.

[370] Note that the Herstmonceux court rolls do not hint at any general rebellious movements, such as, for example, on larger estates in Gloucestershire. See Peter Franklin, "Politics in Manorial Court Rolls: The Tactics, Social Composition, and Aims of a pre-1381 Peasant Movement," in *Medieval Society and the Manor Court*, 162-198. These cases for Herstmonceux seem to be relatively random or singular events.

[371] M.T. Clanchy, *From Memory to Written Record: England 1066-1307* (London: Edward Arnold, 1979), 231-232.

"Local peasants were seen as the custodians of the memory and knowledge of the parish boundaries, and prominent and elderly residents were expected to be able to convey information concerning boundaries should it be required, sometimes in order to settle disputes."[372] They invoked memory, even of the distant past, as a form of evidence. Inquisitions to prove the age of minors in wardship illustrate this point. In 1378, investigators asked people how they knew the heir of Herstmonceux had been born twenty-one years prior. They responded with a variety of explanations for memories of 1357: some relatively mundane, including the year they built a new house, the marriages or deaths of relatives, and fealty paid to the previous lord; and others more extraordinary, such as one instance of an arrow wound in the Herstmonceux churchyard and another instance of alleged home invasion and assault by the lord himself.[373]

The long-standing authority of oath-giving allowed people of all classes to defend the integrity of their properties and to hold others, even elites, accountable for transgressions. When it came to rivers, streams, and coastlines, such complaints often centred around proposed or illicit diversions of existing waterways and the perceived effects on the local populace. In January 1377, for example, the prior and Friars Preachers of Canterbury accused the abbot of St. Augustine's of raising the banks for his mill so high that they obstructed the "ancient course" of the water, thus inundating their houses and gardens. The king commissioned an inquiry based on the "oath of good men" to resolve the dispute.[374] Some Somerset tenants in 1380 complained that a broken dyke caused a stream, held "from time immemorial," to overflow and thus prevented

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[372] Mark Gardiner and Susan Kilby, "Perceptions of Medieval Settlement," in *The Oxford Handbook of Later Medieval Archaeology in Britain,* eds. Christopher M. Gerrard and Alejandra Gutiérrez (Oxford: Oxford University Press, 2018), 217. For later examples, see Nicola Whyte, "Custodians of memory: women and custom in rural England, c. 1550-1700," *Cultural and Social History* 8 (2011): 153-173.
[373] William Durrant Cooper, ed. "Proofs of Age of Sussex Families, Temp. Edw. II. to Edw. IV.," *Sussex Archaeological Collections* 12 (1860): 38-39.
[374] CPR, 1374-1377, 418.

tenants from accessing the local mill.[375] A commission in February 1398 involving the sheriff of

Sussex, among other officials, investigated a proposal to divert a watercourse near Chichester

amidst concerns that it would cause damage to the local tenants of a Norman abbey.[376] People

from a wide variety of socioeconomic circumstances, thus, had a long tradition of exerting

political will to defend from, and provide access to, water.

4.4 Flooding during the "Age of Storms"

Even once the Pevensey Levels were effectively drained by the early fourteenth century,

boundaries between the land and sea remained ever fluid. Despite anthropogenic efforts to the

contrary, water levels continued to fluctuate, and the newly drained lands of the Pevensey Levels

remained vulnerable to flooding. Medieval historians have long considered the period between

1270 and 1420 an era of heightened socioeconomic instability, but recent work on the physical

record shows the extent of a simultaneously volatile environment. Campbell considers this part

of what he calls the ecological "tipping point" for the Middle Ages, and environmental historians

have sometimes referred to that era as the "Age of Storms."[377] Extreme weather events and

increased climatic variability characterized this initial phase of the Little Ice Age.[378] The warm,

dry, and relatively stable conditions of the Medieval Climate Anomaly, which had elevated sea

levels through the melting of polar ice, transitioned in the thirteenth, fourteenth, and fifteenth

centuries to the cold, unstable, and initially wet, climate of the Little Ice Age. Sea levels came

down only slowly and, during times of increased storm activity, flooded coasts all over the North

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[375] CPR, 1377-1381, 566.

[376] The abbey of La Lucerne, held by the king on account of the war with France. CPR, 1396-1399, 362.

[377] Campbell, *The Great Transition,* 23-24. For "Age of Storms" discussion, see Tim Soens, "Flood security in the Medieval and Early Modern North Sea Area: a question of entitlement?" *Environment and History* 19, no. 2 (2013): 210.

[378] Campbell, *The Great Transition,* 1-6. See also, Bruce M.S. Campbell, "Nature as historical protagonist: environment and society in pre-industrial England," *The Economic History Review* 63, no. 2 (2010): 305.

Sea. A weakening of the North Atlantic Oscillation (NAO) in the mid-fourteenth century, which

caused westerlies to shift course, created massive storm surges in the North Sea. Documented

evidence for such inundations in England increases significantly in the later thirteenth century –

a reflection of increased storm intensity and frequency, but also of widespread vulnerability to

flooding after successive generations of land reclamation.[379]

After 1250, storms and flooding became increasingly frequent and destructive along the

English coast near Pevensey. Two significant storms, in 1250 and 1252, ruptured the shingle

barrier at Winchelsea, once an important port. Local authorities invested heavily to repair

defences but the town remained partially destroyed until 1271 and mostly submerged by 1280.

Inhabitants, under royal direction, adapted quickly by relocating much of the settlement,

renamed New Winchelsea, to higher ground further inland.[380] Subsequent storms, culminating in

1287, washed away the last remnants of Old Winchelsea. In addition to famous flooding

incidents in the 1250s and 1280s, southeastern England, including coastal Sussex, continued to

experience significant marine inundations through the first half of the fourteenth century.[381]

Notable inundations occurred in 1292 and 1294 and widespread, powerful storms overran coastal

defences in various parts of England in 1307, 1328, and 1334.[382] Major North Sea storm surges

struck England and Holland with especially significant floods between 1338 and 1343.[383]

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[379] H.H. Lamb, *Climate: Present, Past and Future, Volume 2: Climatic History and the Future* (London: Methuen, 1977), 119-128; Mark Bailey, "*Per impetum maris:* Natural Disaster and Economic Decline in Eastern England, 1275-1350," in *Before the Black Death: Studies in the 'Crisis' of the Early Fourteenth Century,* ed. Bruce M.S. Campbell (Manchester: Manchester University Press, 1991), 188-191; Galloway, "Coastal Flooding and Socioeconomic Change," 173-207; Soens, "Flood security", 209-232; Rippon, *The Transformation of Coastal Wetlands*, 31-36; Campbell, *The Great Transition,* 11.
[380] Gerrard and Petley, "A risk society?", 1069; Galloway, "Coastal Flooding and Socioeconomic Change," 186.
[381] Galloway, "Coastal Flooding and Socioeconomic Change," 184; Mark Bailey, "*Per impetum maris,*" 188-190.
[382] Galloway, "Coastal Flooding and Socioeconomic Change," 184.
[383] Campbell, *The Great Transition,* 208.

Widely reported losses of farmland coincide closely with periods of flooding, mostly marine in origin, that affected the Sussex coast. For the *Nonarum Inquisitiones* of 1341-1342, Sussex tenants reported that at least 6,000, and possibly over 10,000, acres of arable land had been damaged or abandoned since 1291, at least 4,000 of which were lost due to inundation.[384] Three communities located along the edges of the Pevensey Levels illustrate the scale of loss: at Hooe, farmers lost 400 acres to flooding; land once valued at 11 *s.* at Ninfield was rendered completely unusable; and, at Wartling, 200 acres of previously-cultivated marshland were entirely submerged.[385] In areas with either surface or subsoil peat, generations of drainage and intensive agriculture compacted the soil and reduced the depth of the peat.[386] The cultivation of marshes in Sussex had lowered the relative level of land to sea, and made the area susceptible to uncharacteristically high tides from severe storms beginning in the early fourteenth century.[387] Floods of seawater driven up into the low, broad valleys of the Sussex Weald created economic crises in the 1330s and 1340s, especially for the prosperous farmlands owned by a number of ecclesiastical institutions, including Battle and Bayham abbeys.[388]

In addition to severe storms and the threat of seawater, lowland marshes suffered disproportionately from inland flooding caused by increased precipitation, runoff from upland

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[384] The higher estimate comes from Livingstone, based on primary Nonae records not contained in the Record Commission publication. Marilyn Livingstone, "A Snapshot in Time: The Weather as Seen in the Record of the *Nonae*, (1339-41)," in *Peasants and Lords in the Medieval English Economy*, 342, 345. Livingstone also mentions damages due to flooding referenced in the "original" returns, presumably unseen by Baker, so the estimate of 4,000 acres lost to flooding could be much higher. See, also, *Nonarum Inquisitiones in Curia Scaccarii, temp. Regis Edwardi III* (Record Commission, 1807); Alan R.H. Baker, "Some evidence of a reduction in the acreage of cultivated lands in Sussex," *Sussex Archaeological Collections* 104 (1966): 4-5.

[385] W.H. Blaauw, "Remarks on the Nonae of 1340, as relating to Sussex," *Sussex Archaeological Collections* I (1847): 59-60.

[386] Soens, "Flood security," 211.

[387] Brandon, "Late-Medieval Weather in Sussex," 4-5. The same phenomenon occurred in medieval Holland as farmers reclaimed and drained peat bogs; Petra J.E.M. van Dam, "Sinking Peat Bogs: Environmental Change in Holland, 1350-1550," *Environmental History* 6, no. 1 (2001): 32-35.

[388] Gardiner, "The geography and peasant rural economy," 125-126.

areas, and overflowing river catchments.[389] The marshes sometimes flooded from both directions when significant rainfall and tidal storms occurred simultaneously. Documentary evidence from the south of England shows a significant occurrence of very dry summers and very wet autumns throughout much of the fourteenth century.[390] In some exceptional years, however, uncommonly wet springs and summers leading into wet autumns overwhelmed the aquatic infrastructure of local communities. Southern England experienced particularly severe late-summer and autumn rainfall in 1338, 1339, and 1340;[391] over the following two years, auditors for the *Nonarum Inquisitiones* documented thousands of acres lost to flooding, from both fresh and salt water, in Sussex. A series of wet springs, summers, and autumns between 1395 and 1404[392] once again threatened drainage infrastructure. The vulnerability of human infrastructure in coastal marshland, such as in the Pevensey Levels, thus necessitated vigilant maintenance of coastal sea defences and the effective drainage of regional watercourses.

Water levels in the North Sea basin continued to fluctuate throughout second half of the fourteenth century. The Low Countries suffered an especially disastrous flood in 1362, and storm surges continued to ravage the coastline in the following decades, including some notable storms in 1374-1376, 1394, 1396, 1398, and 1402.[393] Some areas of Flanders began to reduce financial investment in flood defence during the 1390s, [394] which must have exacerbated the risk. While flooding affected coastal Sussex throughout the fourteenth century, and storms occasionally

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[389] Rippon, "Adaptation to a changing environment," 18.

[390] See Astrid Ogilvie and Graham Farmer, "Documenting the Medieval Climate," in *Climates of the British Isles: Present, Past and Future,* eds. Mike Hulme and Elaine Barrow (London: Routledge, 1997), 124-128.

[391] Ogilvie and Farmer, "Documenting the Medieval Climate," 126.

[392] Ogilvie and Farmer, "Documenting the Medieval Climate," 128.

[393] Bankoff, "A History of Shared Risk," 8; Tim Soens, "Floods and money: Funding drainage and flood control in coastal Flanders from the thirteenth to the sixteenth centuries," *Continuity and Change* 26, no. 3 (2011): 340.

[394] Soens, "Flood security," 216; Soens, "Floods and money," 342-345.

overran sea defences, losses of farmland remained largely temporary until the 1360s.[395] After 1368 especially, the situation began to change, as settlements in the Pevensey Levels gradually shifted from expansion to contraction and then, eventually, withdrawal. The intensity of storms continued during the 1370s and 1380s, and marshland drainage remained expensive and difficult.[396] Storm surges in the mid-1370s proved particularly devastating for areas of Kent and the Thames estuary. In 1404, a massive storm struck Kent and the Low Countries, and another, in 1421, devastated the Pevensey Levels.[397]

Settlements in the Pevensey Levels remained vulnerable to environmental volatility. One of the few noteworthy examples of a deserted medieval settlement in East Sussex, Northeye, likely became depopulated sometime before 1400 due largely to its precarious location on the Levels.[398] The marshland manors at Hooe and Barnhorne, which had proven remarkably resilient to flooding throughout the fourteenth century, began to decline amidst recurrent flooding in the early fifteenth. Starting in 1407, and especially after 1421, reclaimed marshland on the Pevensey Levels became untenable and largely abandoned.[399] The moated manor of Old Court did not thrive for long as an independent entity; by 1375, it operated as part of the Herstmonceux estate and, by 1570, no trace of edifices remained on the moated site.[400] Existing drainage infrastructure and procedures did not withstand the severe environmental conditions.

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[395] For example, the sea overran newly constructed sea defences at Barnhorne in 1357. Brandon, "Late-Medieval Weather in Sussex," 3, 5.

[396] Brandon, "Late-Medieval Weather in Sussex," 5.

[397] James A. Galloway and Jonathan S. Potts, "Marine Flooding in the Thames Estuary and Tidal River c. 1250-1450: Impact and Response," *Area* 39, no. 3 (Sep., 2007): 373-374; Galloway, "Coastal Flooding and Socioeconomic Change," 184-185.

[398] G. R. Burleigh, "An Introduction to Deserted Medieval Villages in East Sussex," *Sussex Archaeological Collections* 111 (1973): 72.

[399] Brandon, "Agriculture and the Effects of Floods," 82-83; Galloway, "Coastal Flooding and Socioeconomic Change," 192.

[400] Salzman, ed. *Victoria History of the County of Sussex*, vol 9, 139.

4.5 Royal Regulation of Aquatic Infrastructure

4.5.1 Commissions and Development of Royal Bureaucracy

The early impetus for the appointment of royal commissions came from the series of devastating storms in the second half of the thirteenth century and exhibited, from the outset, tensions around responsibility and decision-making. After the storm that destroyed the last of Old Winchelsea in 1287, the Crown began to appoint commissions to oversee drainage and to maintain infrastructure in Sussex.[401] They immediately took on an important, if contentious, role. The commissioners needed to consider the complex priorities and expectations of the local community while balancing the problems of effective marine defence and efficient drainage. In July 1290, the abbots of Battle and Bayham, among many other local people, complained about ineffective measures taken by the first two commissioners. They alleged that the commissioners, on orders to survey the embankments and dykes preventing incursions from the sea, had allowed construction of an embankment (*walliam)* across the haven of Pevensey and a sluice (*exclusam)*, which prevented freshwater from draining into the sea and thus flooded the surrounding areas.[402]

Scholars have noted that the medieval commissions were a general reaction to flooding and, in particular, to violent storms in the North Sea during winter.[403] This explains why, out of twenty-three commissions *de walliis et fossatis* conducted in Sussex between 1381 and 1403, more than half were issued between November and February, seven in February alone.[404] In contrast, early modern commissions were more regular, institutionalized, and preemptive. This

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[401] There were a few earlier commissions in other regions, beginning in 1257 in Romney Marsh. Galloway, "Coastal Flooding and Socioeconomic Change," 201. Sussex itself became a focus after 1287.

[402] CPR, 1281-1292, 404; Salzmann, "The Inning of the Pevensey Levels," 44-45; Bailey, "*Per impetum maris,"* 201.

[403] Galloway, "Coastal Flooding and Socioeconomic Change," 201-203; Morgan, "The Micro-Politics of Water Management," 416-418. See also Bankoff, "A History of Shared Risk," 9.

[404] CPR, multiple volumes. For commissions until 1401, see Figure 10.

later normalization of the records has skewed scholarly investigation slightly in favour of the

early modern record sets to the detriment of the medieval documentation.

Even as large-scale storms persisted throughout the late fourteenth and early fifteenth

centuries, commissions to combat the effects of marine flooding declined on a national level.

Commissions had peaked in 1374, a year which produced sixteen nationally. By the early

fifteenth century, the English national average was down to just three or four commissions per

year.[405] The decline in commissions reflects a general policy of de-intensification and

standardization of wetland management, due largely to economic considerations, rather than to

any actual decrease in storm frequency or in flood risks.[406] The significance of the Black Death

to this reduction, with the ensuing long-term rise in wages and decline in agricultural profits, has

been debated; increasingly, however, historians view the socioeconomic effects of the plague as

more complex and far-reaching than the early historiography of sewer commissions would

suggest.[407] Although the Crown maintained a steady, and even increasing, pattern commissioning

sewer inquiries in the decades immediately following the Black Death, the overall numbers

declined drastically by the 1380s. Political instability, especially during the Caroline phase of the

Hundred Years War and in the volatile years of Richard II's reign drew attention away from

regional drainage issues. This decline may also reflect, in part, an increasing trend for

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[405] Galloway, "Coastal Flooding and Socioeconomic Change," 202-203.

[406] Galloway, "Coastal Flooding and Socioeconomic Change," 190-191, 203.

[407] Richardson, while discussing labour issues after the Black Death, claimed that, "it would be hazardous to advance the suggestion that there was any connexion in the medieval mind between water-logged marshes and bubonic plague, unless some contemporary authority could be cited." H. G. Richardson, "The early history of Commissions of Sewers." *The English Historical Review* 34, no. 135 (1919): 388. For recent work on the economic consequences of the Black Death more broadly, see: Ben Dodds and Richard Britnell, eds., *Agriculture and Rural Society after the Black Death: Common Themes and Regional Variations* (Hatfield: University of Hertfordshire Press, 2008); and Bailey and Rigby, eds., *Town and Countryside in the Age of the Black Death*. In a recent debate, Bankoff argues that the loss of labour did little to affect water management priorities, while Galloway posits that longer-term consequences and economic recession played a significant role. Bankoff, "A History of Shared Risk," 25; Galloway, "Coastal Flooding and Socioeconomic Change," 203.

landowners in the later fourteenth century to abandon active defence of vulnerable coastlines or to revert arable land to saltmarsh in flood-prone areas.[408] This arms-length administrative prioritization, decoupled at times from individual local needs, had consequences at a local level, where priorities differed.

Late medieval England did not lose the ability to monitor, maintain, or build seawalls or drainage canals; rather, somewhat counterintuitively, national priorities shifted precisely at the time when potentially adverse natural conditions intensified. This transition occurred amidst a concerted royal effort, beginning in earnest during Richard II's reign, to standardize marsh law based on Romney custom. Before then, commissioners investigated each case individually and followed standards defined broadly by the custom of the realm, combined sometimes with local marsh custom. Change, however, came quickly. In eastern Sussex, regional traditions had dominated until at least 1366, and possibly as late as 1379 when Romney custom was first implemented near the Kent border.[409] By 1401, commissioners were using Romney precedent to draft statutes for the Pevensey Levels.

As legal instruments of royal authority wielded both by and against local people, the English commissions of sewers exemplify a confluence of contrasting priorities. The countermeasures prescribed by the Crown did not always correspond proportionately to actual crises or even engage all stakeholders equally. Officials contended with the interplay of royal prerogative and local custom while navigating complex power structures at the local, regional, and national levels. Late medieval institutions could be highly responsive to water crises; for

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[408] Many landholders along the tidal Thames, for example, focused primarily on income from fishing weirs by the 1380s. James A. Galloway, "Storm flooding, coastal defence and land use around the Thames estuary and tidal river c. 1250–1450," *Journal of Medieval History* 35, no. 2 (2009): 181.
[409] A. E. B. Owen, "The Custom of Romney Marsh and the Statute of Sewers of 1427," *Archaeologia Cantiana* 116 (1996): 96-98.

example, some peaks in Flemish investment corresponded closely to drastic storm surges in 1375-1376 and 1404, though the most significant initiatives occurred amidst larger construction projects and during periods of relatively cheap labour.[410] In Sussex, drainage developments converged similarly with broader economic priorities, though also occurred most often in times of political stability. The use of royal authority, sometimes wielded by regional outsiders, shaped the structure, priorities, and policy implementation of English sewer commissions.

This implementation of royal authority plays into larger factors related to state formation. James C. Scott has shown, through modern examples, how officials of the state imposed "legibility" on the structures and practices of society. In his view, they "took exceptionally complex, illegible, and local social practices, such as land tenure customs or naming customs, and created a standard grid whereby it could be centrally recorded and monitored."[411] He compares these simplifications by the state to abridged maps that only include elements of interest to the official observer. These "maps," furthermore, "when allied with state power, would enable much of the reality they depicted to be remade."[412] The state apparatus, thus, not only oversimplified complex pre-existing local or regional management systems, but the solution it prescribed in turn altered and refashioned the very physical landscape that had been surveyed.

The notion of the modern state refashioning and flattening local complexities offers an appearance of similarity, but one that lacks nuance for the medieval period. For premodern eras, Scott refers to the nascent "state" as "particularly blind" to any knowledge of the identity, wealth, landholdings, yields, or location of its subjects. Thus, he notes that it "lacked anything

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[410] Soens, "Floods and money," 340-343.
[411] James C. Scott, *Seeing like a state: how certain schemes to improve the human condition have failed* (New Haven: Yale University Press, 1998), 2.
[412] Scott, *Seeing like a state,* 3.

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like a detailed "map" of its terrain and its people."[413] While medieval mapmakers may have

conceived of space relationally and metaphorically, rather than according to modern standards of

cartography, that does not mean kingdoms lacked detailed information on their subjects. Royal

surveys were integral to medieval English governance as early as 1086, when William I

commissioned the detailed Domesday survey of the entire country. Throughout its history,

moreover, medieval England exemplified extensive royal oversight. The English Crown, for

example, levied numerous poll and subsidy taxes during the fourteenth century that required

widespread national accounting. The scale of Edward I's *quo warranto* surveys in the late-

thirteenth century dwarfed comparable extant continental efforts.[414] Thus, one should not assume

that the nascent English "state" of the late Middle Ages was blind or lacked the capacity to track

data on its subjects.

Part of the challenge of working with records produced by medieval bureaucracies is the

apparent lack of detail, leading to the erroneous conclusion that premodern officials did not

comprehend or care about certain types of information, especially where individuals were

concerned. In fact, in a time and place where the reputation of both claimants and witnesses, and

oral testimony, remained the optimal elements of a strong legal defence, clearly defined identity

and social relationships were paramount. As Daniel Lord Smail explains for medieval Marseille,

"One did not need a lengthy abstract description of identity because the agent of record, like

other interested parties, simply knew the person or possession in question."[415] The same

principle applies to the procedures and responsibilities for local water management. Those

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[413] Scott, *Seeing like a state,* 2.
[414] Clanchy, *From Memory to Written Record,* 6.
[415] Daniel Lord Smail, *Imaginary Cartographies: Possession and Identity in Late Medieval Marseille* (Ithaca and London: Cornell University Press, 1999), xii.

people who maintained sewers and embankments in the Sussex countryside did so customarily and in predetermined locations not always prescribed or even noted in official documents.

The bureaucratic apparatus of the medieval English crown certainly sought to impose some level of centralized oversight and "legibility," to borrow Scott's term, in the localities. Royal bureaucrats depended increasingly on written documentation from at least the later twelfth century. M. T. Clanchy has shown how the unprecedented production and dissemination of written documentation, especially driven by royal decrees, over the course of the thirteenth century, imposed new methods of proof on all levels of English society.[416]

Landlords increasingly adopted a written framework for record-keeping and implemented it on their own estates. Razi and Smith theorize that this may have been done in an attempt to mimic prior changes in royal courts, in order to entice free tenants to use the manorial court more frequently.[417] Regardless of intention, the beginning of a shift from oral to written procedure in manorial courts has been well-established for the second half of the thirteenth century, as well as a proliferation of surveys in the first half of the century. This encouraged the establishment of a low-level, literate bureaucracy on the manor;[418] Herstmonceux employed several men with the title *clericus* during the fourteenth century.[419]

By 1300, even villeins used written documents to some extent; Clanchy estimates that medieval English tenants created possibly hundreds of thousands or even millions of land charters.[420] Tenants of Sussex manors located near the Pevensey Levels proved no exception.

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[416] Clanchy, *From Memory to Written Record*, 31-33.
[417] Zvi Razi and Richard Smith, "The Origins of the English Manorial Court Rolls as a Written Record: A Puzzle," in *Medieval Society and the Manor Court*, 37, 46.
[418] Razi and Smith, "The Origins of the Rolls as a Written Record," 36-38, 58-59.
[419] The one mentioned most prolifically, especially in 1389, was named William Palmer. HLS: 77. ESRO: SAS-X/5/1/23; AMS 7060/1/13. There may have been clerks for other areas of the manor as well. John, clerk of Heathfield, is mentioned in 1385. HLS: 76.
[420] Clanchy, *From Memory to Written Record*, 33-35.

The lords of both Herstmonceux and Wartling, from at least 1327, routinely asked tenants for written proof of rightful landholding.[421] Tenants of those manors often used charters from at least the 1330s onward to demonstrate their own land claims. By the 1380s, evidence for legal precedence increasingly used such language as, "because in the said enrollment it contains the lord's will in writing," rather than referring to custom alone.[422] Such documents clearly had social value, as some people held on to them for generations in case they needed to defend their tenancy. In July 1391, for example, Stephen Phelpot wielded a charter for a field called "Marklond" that had been granted to an ancestor in June 1306.[423] In the fourteenth century, the written text pervaded legal proceedings in Sussex, even at the local, rural level.

Written, royal commissions did not entirely displace local custom. At times, royal documentation appealed to the oaths of locals when resolving water-related disputes. In 1256, for example, King Henry III referred to Domesday Book, written 170 years earlier, to demonstrate the customary obligation by which the inhabitants of Cheshire had to maintain the bridge at Chester.[424] Royal officials also used local knowledge to uphold and enforce written legal statues. In April 1380, the Crown ordered prominent officials to examine the waterways leading to the Tower of London and to determine, through oral testimony from a jury of local men, which water features had been established in the time of Edward I (1272–1307); the officials were

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[421] The lord of Wartling ordered on 29 May 1327 that all tenants of the tenement once held by John le Coupere prove at the next court day and in writing how they acquired their portion of the land: *... ad respondendem domino in scriptis de portionibus tenuris.* BL: Add. Roll 32628. In the manorial court on 2 April 1330, John Russel showed the lord of Herstmonceux three charters, set with a seal, which the previous lord, Waleran de Monceux, had created for John's father: *... Et illi scripto sigillum apposuit.* ESRO: SAS-X 5/1/3.

[422] For example, in June 1386, John Madour's widow, Deonisia used that argument when claiming she should not owe heriot: "*... et quia in dicto arrolliamento continet' ad voluntatem domini in scripto.*" This challenged the common custom that the court expected, and thus the case required further discussion. ESRO: SAS-X/5/1/19.

[423] HLS: 77. For another example, in March 1379, William Mabely, who held a larger plot of land through knight-service, showed a charter granted in March 1308. ESRO: SAS-X/5/1/15.

[424] Clanchy, *From Memory to Written Record*, 19.

ordered to remove any structures placed there subsequently, according to the Statute of 25 Edward III (1351).[425]

The proliferation of written documentation, furthermore, did not engender instantaneous trust in textual reliability or predominant cultural reliance on that medium of communication. Despite a general shift toward written tenurial evidence in the later fourteenth century, many Herstmonceux tenants still relied on oaths and memory rather than proof on parchment. Several times in 1379 and 1380, a scribe records specifically that tenants affirmed their tenure by oath.[426] Social status could play a role too; in one instance, after the death of a customary tenant, a non-relative free tenant claimed the tenement by charter while the deceased's heir sought inheritance by virtue of oral custom.[427]

4.5.2 Commissioners and Implementation of Royal Bureaucracy

By the 1390s, regional experts commissioned by the Crown were more present systemically in the area. They conducted long-term investigations into Sussex water management, while regulating and standardizing local practices. Drainage concerns in the Pevensey Levels, especially the Ashburnham to Eastbourne watercourse commonly known as Wallers Haven, persisted throughout the duration of the 1390s. On 14 July 1391, the crown issued a commission to survey drainage along the coast and for the marshes in Pevensey, Hailsham, Wartling, Hoo, Herstmonceux, Manxey, Willingdon, Westham, and Horseye, from Cooden to the cliff (*clivum*) of Eastbourne.[428] Two letters patent, in February 1392 and April 1393, ordered most of the same commissioners to investigate the coast and marshes between Ashburnham and Eastbourne.[429]

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[425] CPR, 1377-1381, 474.

[426] Literally, "… *prout affid' per fidem ut prius"* or just "*affid' per fidem."* ESRO: SAS-X/5/1/15. The same roll also references charters specifically, so clearly this terminology connotes a different medium or procedure.

[427] The two claims were considered equally and required further consultation with the lord. ESRO: SAS-X/5/1/15.

[428] CPR, 1388-1392, 516.

[429] CPR, 1388-1392, 516; CPR, 1391-1396, 293.

The Crown, thus, dedicated much attention to drainage in Sussex between 1391 and 1397. This was a period of relative peace for the kingdom and the Crown subsequently focused more attention on local issues and the imposition of royal authority.

Until the 1390s, these systematic efforts were hindered by political instability. During periods of political crisis, total numbers of drainage commissions declined. Externally, late fourteenth-century anxieties over invasion contributed to this decline. By the summers of 1385 and 1386, when English naval forces were at their weakest point in decades and the French prepared for a large-scale amphibious assault on the eastern coast of England, commissions of sewers fell into steep decline.[430] That external threat loomed large for Sussex right until the peace treaty of Leulinghem, signed in June 1389. Internally, around the same time, a weakened monarchy undoubtedly exacerbated the lack of royal attention to local drainage issues. In 1387, the successful rebellion by the Lords Appellant, including the Earl of Arundel, to limit Richard II's power can only have complicated or frustrated any royal maintenance initiatives along the southern coastline. By the 1390s, the king had largely overcome results of the 1387 conflict and reached a fragile peace with the Lords Appellant.[431] During these periods of instability, between February 1386 and July 1389, there were no commissions of sewers held in Sussex.

Once political pressures subsided, commissions occurred regularly until the period between November 1396 and July 1401, when no new initiatives were ordered. During that time,

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[430] Jonathan Sumption, *The Hundred Years War, Volume III: Divided Houses* (Philadelphia: University of Pennsylvania Press, 2009), 541; Nigel Saul, *Richard II* (New Haven and London: Yale University Press, 1997), 153. Starting in 1386, John of Gaunt focused what little remained of English naval forces on his planned invasion of Castile. Once the French realized he sailed for Castile, they accelerated their efforts to invade England. English officials were well aware of the military build-up and rushed to defend the English coast. Sumption, *The Hundred Years War, Volume III*, 578-585. Unsurprisingly, all of the leaders selected for Gaunt's expedition were noted Lancastrian supporters. Saul, *Richard II,* 149.

[431] When the Lords Appellant rebelled, the Warden of the Cinque Ports, Simon Burley, proposed raising 1,000 men to support the king. Sumption, *The Hundred Years War*, *Volume III,* 637. Saul attributes "the long crisis from 1386 to 1388" as a by-product of John of Gaunt's absence. Saul, *Richard II,* 152.

Richard II's government was once again preoccupied with political coups at court, in this case his retribution against the Lords Appellant and the ensuing conflict with Henry Bolingbroke. On 3 July 1399, one of Richard II's final directives as king was to command Sir William de Hoo and Sir William Fiennes, sheriff of Sussex, and others, to besiege Pevensey Castle, recover it, and then to guard the coast against further invasion.[432] Henry IV's reign, after a brief lull as he consolidated political power, then fostered renewed royal commissions for water management in Sussex. In 1401 alone, the Crown issued three sewer commissions in Sussex and, in 1403, initiated two more for the Pevensey Levels specifically.[433]

Royal commissions in general often prioritized strategic issues, such as military defence, over local drainage concerns. Defence of the southern coast from potential French invasion dominated the efforts of commissioners throughout the 1380s. In July 1380, William Batesford, the Abbot of Battle, and Sir Edward Dallingridge surveyed how best to fortify Winchelsea.[434] Dallingridge was one of those appointed in January 1385, due to a perceived imminent French invasion, to levy a tariff on fish in all the coastal towns around the Cinque Ports, and to take masons, carpenters, and labourers to fortify Rye.[435] Later that year, Dallingridge's licence to crenellate his manor of Bodiam, at the head of the Rother River, justified the castle construction as defence against the king's enemies.[436] Frequent commissions of array throughout the 1380s ordered local officials to muster men-at-arms and place signal fires or beacons along the coast to

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[432] CPR, 1396-1399, 596.
[433] CPR, 1399-1401, 521; CPR, 1401-1405, 66, 68, 277, 282.
[434] CPR, 1377-1381, 566.
[435] CPR, 1381-1385, 588.
[436] CPR, 1385-1389, 42.

warn of impending invasion. Batesford, along with the Earl of Arundel and Dallingridge, fulfilled this role for Sussex on many occasions.[437]

Occasionally, commissioners married royal strategic directives to their own interests, since officials charged with national defence also contended with aquatic issues. In February 1392, for example, royal officials dispatched William Makenade and other commissioners to the Isle of Thanet to compel local inhabitants to repair or replace damaged causeways and walls, clogged ditches, and missing boats, officially in order to strengthen coastal infrastructure and prevent hostile incursions.[438] Sometimes, commissioners combined royal strategic directives with their own interests. During the construction of Bodiam castle, Dallingridge secured a licence to divert a watercourse from "Dalyngreggesbay", through an ancient ditch on his land, and then on to his mill at Bodiam.[439] While archaeologists have not yet located definitively the harbour described in primary documents, palynological and stratigraphic analyses have shown that active late medieval management of the landscape and water features transformed the land around Bodiam from a primarily wet to dry area.[440] In so doing, Dallingridge leveraged the Crown's request for strategic assistance to enhance his own resources.

The Crown devoted greater attention to water management commissions in the early 1390s, a period of relative political stability. As noted above, England had negotiated peace with France and had yet to experience the civil conflict late in Richard II's reign. Water management

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[437] For example, on 29 April 1385 and 14 August 1388. CPR, 1381-1385, 591; CPR, 1385-1389, 547. This was not an unprecedented strategy- Batesford, Arundel, and the Abbot of Battle had performed this duty, when necessary, since at least 1371. CPR, 1371-1374, 107.

[438] CPR, 1391-1396, 85.

[439] CPR, 1385-1389, 98. For an analysis of this water engineering feat and a reconstruction of the watercourse, see Christopher Whittick, "Dallingridge's Bay and Bodiam Castle Millpond – Elements of a Medieval Landscape," *Sussex Archaeological Collections* 131 (1993): 119-123.

[440] Kathryn A. Catlin, Penny Copeland, Matthew Johnson, and Rob Scaife, "The Environment of Bodiam: Land, Vegetation, and Human Impacts," in *Lived experience in the Later Middle Ages: studies of Bodiam and other elite landscapes in south-eastern England,* ed. Matthew Johnson (Highfield Press, 2017), 93-94.

concerns, for Sussex, unsurprisingly, revolved around the two major regional watersheds: the Pevensey Levels and Romney Marsh, including the Rother River district. The Crown appointed eighteen sewers commissions for Sussex from 1381 to 1396; eight of those investigations, in 1381-1382, 1385, and 1389-1393, involved the Pevensey Levels.[441] The 1389 and 1390 commissions targeted the entire shoreline between Eastbourne in Sussex and Appledore in Kent.[442] In 1391, royal officials initiated an investigation, targeted on the Pevensey Levels specifically, which subsequently developed into an extensive, multi-year, and controversial endeavour.

The Crown employed a consistent group of officials to investigate drainage issues. When the Crown first initiated a sewers commission for Wallers Haven in July 1391, it relied heavily on regional experts. These advisors had decades of commission experience in Sussex (see Figure 10) and Kent.[443] As the inquiries garnered more attention, starting in 1392 and especially in 1393, the Crown brought in experts from further afield, in this case the Fens, as well.[444] By

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[441] CPR, 1377-1381, 576; CPR, 1381-1385, 134, 353, 496; CPR, 1385-1389, 90; CPR, 1388-1392, 132-133, 440, 515-516; CPR, 1391-1396, 293.

[442] CPR, 1388-1392, 132-133.

[443] Most notably, Batesford, Broke, Brenchesle, and Makenade. William Brenchesle served, in addition to three Kent commissions *de walliis et fossatis* (1381, 1382, 1388), on eleven Sussex commissions between 1384 and 1401, including all nine from February 1390 to July 1401. CPR, 1377-1381, 576; CPR, 1381-1385, 195; CPR, 1385-1389, 551; Table 1. Only John Broke and William Batesford rivaled or surpassed such an extensive career regulating water management in Sussex during the 1380s and 1390s. Brenchesle later helped settle an ongoing dispute in Surrey wherein the Abbot of Chertsey alleged that since "time out of mind" he and his predecessors had repaired one causeway and not another highway prescribed by royal officials. Brenchesle and another official were appointed in July 1392 and then more, including William Makenade, were added in December. By March 1394, they completed their survey and concluded that the causeway and the highway were one and the same, so the abbot was liable for the maintenance. CPR, 1391-1396, 165, 234, 432. In contrast to Brenchesle, Makenade participated in Sussex sewers commissions five times, but dominated such investigations in Kent; he served on at least twelve inquiries in Kent between February 1381 and December 1400. Table 1; CPR, 1377-1381, 576; CPR, 1385-1389, 90, 551; CPR, 1388-1392, 132; CPR, 1391-1396, 294, 429-430; CPR, 1396-1399, 100, 512; CPR, 1399-1401, 216, 349, 416.

[444] Thomas Pynchebek and Sir Philip Tilney had similarly prolific careers centred in the Fenlands of eastern England. Tilney served on various commissions *de walliis et fossatis* in Norfolk and Lincolnshire and, with Pynchebek, along the border of Cambridge and Norfolk. CPR, 1385-1389, 384; CPR, 1391-1396, 84, 95, 430. Pynchebek, in turn, investigated sewers in Holland, Lincolnshire and also compelled repairs to the great bridge of Cambridge. CPR, 1385-1389, 256-257. When the crown selected Pynchebek in February 1392 to join the commissions gaining momentum in the Pevensey Levels, he had just been active the previous summer in two Fenland inquiries, one for the sea coast and marsh in Ely, Cambridge, and the other for the same in Norfolk.

1396, it had assembled a notable team of jurors with a wealth of experience investigating drainage issues in England's varied marshland areas, many famously prone to flooding. The ultimately unsuccessful resistance to their recommendations, led by Sir William de Hoo and his fellow landholders in September 1396, marked a turning point in power negotiation and procedural custom for drainage in the Pevensey region.

Name	10 Feb 1381	6 Feb 1382	24 May 1382	12 Oct 1383	6 Nov 1383	6 Jan 1384	22 May 1384	8 Jun 1385	8 Feb 1386	22 Jul 1389	8 Feb 1390	16 Feb 1391	14 Jul 1391	15 Jul 1391	8 Feb 1392	1 Apr 1393	8 Feb 1394	14 Nov 1396	6 Jul 1401
Abbot of Bayham													■		■	■			
Prior of Michelham	■												■		■	■			
Sir William Fiennes													■		■	■			
William Makenade				■		■							■		■				
John Broke	■	■						■	■	■	■	■	■		■	■			
Sir Roger Newent													■						
Sir Philip Tilney																■			
Thomas Pynchebek																■			
William Batesford	■				■	■	■	■				■	■	■	■	■			
William Brenchesle					■	■	■			■	■	■	■	■	■	■	■	■	■
William Everle													■	■	■	■			
Constable of Dover					■				■	■			■		■	■			■

Figure 10: Participation in Sussex commissions of sewers by 1396 commissioners

The Crown relied on the Sussex elite, people with integral positions in regional politics and economies, to enforce its authority. As Nigel Saul argues, the Crown's most important and often difficult task, more so than appointing capable officials to work together, was to incorporate the nobility's networks into central government and to employ those nobles as mediators and royal power brokers in the localities.[445] In Sussex, even if John of Gaunt, Duke of Lancaster and overlord of Pevensey, largely directed his personal attention elsewhere,[446] his

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[445] Saul, *Richard II*, 128-129.
[446] Edward III bestowed the Castle and Honour of Pevensey upon his son in 1372. Despite his official role as overlord of the region, the Duke of Lancaster did little directly to defend the castle from attacks by the French in

retainers often served as commissioners and worked actively to exert his influence, and consequently royal authority, during the 1380s and 1390s. The crown, thus, had a network of men upon which it relied to implement regulation, many of whom were experienced in the matter, and all of whom were politically connected. This dependence upon a group of reliable elites is visible in commission records and helps explain the sort of top-down pressures experienced, and resisted, by local land users. Though many of the agents deployed by the crown were themselves Sussex inhabitants, in this case, Lancastrian loyalties trumped local affiliation.

The imposition of royal authority was a gradual and contentious process that played out over several decades. Royal officials, while investigating other Sussex disputes, had often argued that written documents superseded oral, local custom. They often did so amidst resistance from local landholders. One especially noteworthy dispute in the 1380s included two Lancastrian officials later involved in the 1396 Pevensey commission: John Broke and Thomas Pynchebek. John Broke, as Steward of the Duchy of Lancaster estates, encountered violent opposition from Sussex tenants.[447] Local Sussex elites considered the Duke of Lancaster and his retainers a disruptive outside influence in the county and directed opposition systematically against Lancastrian retainers since at least 1377. In May 1381, a number of local elites confronted Broke at "Hungerhacche" in Sussex, prevented him from holding court, forced him to swear never to hold court there again, confiscated his rolls, and then burned a commission record from the Duke of Lancaster.[448] Although prosecuted by Lancaster until 1384 and eventually reconciled, this

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1377 and financed few repairs to the structure during his lifetime. L. F. Salzmann, "Documents Relating to Pevensey Castle," *Sussex Archaeological Collections* 49 (1906): 21-22.

[447] The Sussex gentry, especially those loyal to the Earls of Arundel, were generally hostile to Lancastrian influence. One of the Earls of Arundel was a leader of the Lords Appellant and was later executed by Richard II in 1397. Simon Walker, "Lancaster *v.* Dallingridge: A Franchisal Dispute in Fourteenth Century Sussex," *Sussex Archaeological Collections* 121 (1983): 88-89.

[448] The concerned parties included a number of Arundel supporters, including Sir Edward Dallingridge. The Duke of Lancaster brought official charges for that and other offences against Dallingridge in June 1384. Dallingridge

dispute exemplifies the limited trust that existed between local power brokers and political

outsiders, especially regarding legislative changes. It shows how locals could retaliate and

undermine outside officials' legitimacy, especially challenging written documentation.

Significantly, the legal position argued by Lancaster's attorney for the case, Thomas Pynchebek,

echoed the earlier position of Edward I's *quo warranto* inquiries: that royal grants trumped local

customary claims in franchise disputes.[449] This was the same argument, made by the same men,

used against local land users in 1396.

Although commissioners of sewers benefited from networks of royal patronage, their

selection was not based solely on political opportunism; they also possessed a proven level of

expertise and knowledge of local conditions. At least half of the commissioners and jurors

selected in 1396 to investigate drainage issues in the Pevensey Levels had developed extensive

experience in similar endeavours, some nearby. The same individuals who appear in the 1396

record had participated in numerous other royal commissions, many of them commissions of

sewers. Some commissioners collaborated frequently and had illustrious careers throughout

England.[450] Others combined extensive commission experience with notable involvement in

local politics.[451] Others still were involved in more of an ex officio capacity or as a result of

community obligations, rather than due to any noteworthy expertise in water management.[452]

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blamed the attacks on rebels during the 1381 Peasants' Revolt and expressed no ill will toward Broke or Lancaster's
other officials. Walker, "Lancaster *v.* Dallingridge," 88; CPR, 1381-1385, 428.
[449] Walker, "Lancaster *v.* Dallingridge," 91.
[450] For example, William Makenade, William Brenchesle, Sir Philip Tilney, and Thomas Pynchebek.
[451] In particular, John Broke and William Batesford.
[452] Such as the leaders of religious houses (Abbot of Bayham and Prior of Michelham), a clerk (William Everle),
two constables and the sheriff. In 1396, Sir Willaim Fiennes was Sheriff of Surrey and Sussex (and lord of
Herstmonceux), Sir John Beaumont was Constable of Dover Castle and Warden of the Cinque Ports, and Sir Roger
Newent was Constable of Pevensey Castle. The National Archives [TNA]: C260/109. CPR, 1396-1399, 14. Burke's
Peerage incorrectly lists Fiennes as Sheriff in 1297 and 1300, rather than 1396 and 1399. *Burke's Peerage,
Baronetage & Knightage*, 102nd ed. (1959), 2008.

The Crown regularly employed powerful and prominent locals in Sussex for water management commissions. John Broke, for example, first investigated drainage for Sussex in February 1381 and then again in February 1382. From June 1385 until April 1393, in fact, Broke served on every one of the nine Sussex commissions during that time.[453] He continued to play an active role in the Pevensey Levels drainage inquiry until at least July 1397.[454] William Batesford, as another example, had a vested interest in effective water management in the area; John of Gaunt had granted him seventy-five acres of land in Pevensey Marsh in 1375, and, in August 1392, Batesford and two others acquired a licence to alienate various lands in south-eastern Sussex.[455] In addition to his work strengthening coastal fortifications for the Cinque Ports, Batesford had a long history with commissions of sewers in Sussex; he first participated in 1362 and then served on sixteen more by 1393.[456] He represented a powerful blend of the Crown's political influence with extensive local knowledge of drainage systems.

In September 1396, jurors detailed three drainage systems for Wallers Haven in the Pevensey Levels.[457] The jury reported negligence on the part of several local landowners, whose

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[453] See Figure 10.

[454] TNA: C260/109. CPR, 1396-1399, 227.

[455] This included pasture for 400 sheep in Westham and Jevington. ESRO: AMS 5592/2. CPR, 1391-1396, 184.

[456] One of these commissions (16 Jul. 1379) was technically oyer and terminer, but it related directly to marine inundations destroying a causeway between Winchelsea and Battle and flooding marshland between Winchelsea and Hastings. CPR, 1377-1381, 416. For the rest, see CPR, 1361-1364, 289, 544; CPR, 1367-1670, 144, 420; CPR, 1370-1374, 474; CPR, 1374-1377, 58; see Figure 10 for the remainder.

[457] The record explains that the king had issued letters patent three years earlier, on 1 April 1393, and quotes verbatim that he had mandated, in addition to the royal justices, seven sworn jurors. Those men were to investigate the extent of damaged aquatic infrastructure along the coast and in the marshes between Ashburnham and Eastbourne. *Sciatis quod cum wallie fossata guttere sewere pontes calceta et gurgites super costeram maris et marisci infra fines et limites villarum de Asshebournehamme et Bourne in comitatu Sussex per impetum maris fluxus et refluxus ac inundationes et trencheas aquarum dulcium per diversa loca ad mare descendentium adeo rupta sunt et confracta quod quam plura dampna estimabilia pro defectu reparationis eorundem walliarum fossatorum guterarum sewerarum pontium calcetorum et gurgitum temporibus retroactis evenerunt ibidem et ad hoc timendum est quod longe maiora infra breve tempus evenient nisi super hoc celeries adhibeatur remedium oportunum.* Now, three years later, the jury testified as to the state of repairs in those areas. TNA: C260/109. The inquest record in question has been translated, in part, in Salzmann, "The Inning of Pevensey Levels," 45-48, and in Chapter 19 of William Dugdale, *The History of Imbanking and Draining of Divers Fens and Marshes both in Foreign Parts and in this Kingdom, and of the Improvements thereby,* 2nd ed., (London: Bowyer and Nichols, 1772). Salzmann noted the record, once catalogued as Chanc. Misc. bdle. 86, file 1, No. 24, was, even then, "a good deal damaged and in places

estates encompassed tenants of a cumulative area of over 6,350 acres. The jurors declared that

the sewer was obstructed with grass, reeds, and other filth that had been allowed to grow for

some time.[458] This negligence of drainage infrastructure, they claimed, had resulted in significant

economic losses. They claimed that local landowners, like their ancestors from time immemorial,

were obliged, according to England's law and custom, to maintain the series of then-failing

embankments and watercourses.[459] The jurors noted in detail all the tenants who were liable for

repairs of the clogged sewer and listed their responsibility by location and by the size and type of

their land allotment to ensure collective proportional responsibility.[460] The commission then

recommended a significant building program, including the enlargement of several sewers and

gutters and the construction of a new sewer and gutter in the common marsh.[461]

As royal authority increasingly displaced local, ad hoc approaches to water management

in Sussex, local communities pushed strongly for adherence to traditional drainage practices,

resisting the loss of collective memory and communal agency. The strong reaction of the tenants

in the Pevensey marshes contrasts with Eleanor Searle's conclusions that Black Death

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illegible." My thanks to Christopher Whittick and Susanne Brand for helping to locate it and for kindly providing digital images of the original. Similarly, I acknowledge a second debt to Christopher Whittick for scholarly assistance interpreting the damaged original.

[458] *...per herbas calamos et alia sordida a longo tempore ibidem crescentes permissa in tanta impleta et obstructa et a dicta veteri sclusa de Pevenese usque ad gutteram predictam ita quod et minus profunda existit quod huius cursus aquarum predictarum maxime impeditur et obstructur in defectu omnium illorum tenentium sex mille trescenti quinquaginta octo acris tres roda et dimidiam rode ...*

[459] Literally, "*a tempore quo non existit memoria*" and "*secundum legem et consuetudinem regni nostri Anglie.*"

[460] So, for example, the tenants of 316 acres of land, meadow, and pasture, in the marshes of Boghele, Balle, and Herstmonceux, from the place called Sackvillestrow, to the place called Ladystrow, were liable to repair seven furlongs of the sewer (*... tenentes trescentis sex decem acras terre prati et pasture in mariscis de Boghele Balle et Herstmonseux [usque ad locum] vocatum Sakevylestrow usque ad locum vocatum Ladytrowe septem carentenas dicte sewere et a dicto loco vocato Ladytrowe ...*).

[461] Beyond simply clearing the existing sewer, in this case, the jurors recommended enlarging the sewer at its gutter by two perches in breadth and three feet in depth, the burden of which all the tenants of the marsh shared. Moreover, the jurors recommended the creation of a whole new sewer at Wyllindonestrow, to the east side of the old sewer, in the marsh, measuring three perches in breadth and fifteen feet in depth right up to the hillock, which was also to be improved with a new gutter measuring twenty perches in length, eight feet in breadth, and two and a half feet in depth. Meanwhile, they advised that the old gutter should also be enlarged to sixty feet in length.

depopulation had long-term social consequences whereby Battle Abbey tenants lost a sense of communal identity. For Searle, "in the court rolls of the late fourteenth century we see a community that has lost touch with a traditional concept of itself; whose juries cannot testify as to the customs among them, and whose community leaders rouse no opposition at innovations introduced by the lord."[462] The same cannot be said for Pevensey inhabitants in 1396, though their resistance indicates a fear that such a trend could, or was already beginning to, occur.

Despite orders from the Constable of Dover and the Sheriff of Sussex for landholders implicated in the 1396 inquest to appear before the commissioners, numerous defendants ignored the summons. Those who did appear answered that neither they nor their ancestors had ever repaired or maintained the second drainage system identified by the jurors and they noted that it offered no advantage. Another writ was produced, a new jury impaneled, and Sir William Hoo, along with some other men, appeared and testified that there was, in fact, a fourth sewer, called Manxey stream, which he and his ancestors had maintained from time out of mind. This was their preferred drainage system, the one for which they felt responsible. The king's attorney, who was present, overruled them and argued that this was untrue. He stated that the second sewer identified by the original jurors had indeed always been maintained by the local landholders.[463]

In total, the Crown continued to invest in the Wallers Haven commission for roughly a decade, even after the death of some original jurors.[464] The Crown continued to commission the inquiry, however, and thus appointed two new individuals to supplement the original group of

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[462] Eleanor Searle, *Lordship and community: Battle Abbey and its banlieu, 1066-1538* (Toronto: Pontifical Institute of Mediaeval Studies, 1974), 361.

[463] Hoo *et alii* seemingly did not, or could not, provide documentation of this arrangement, but were prepared to swear to the veracity of their claims. TNA: C260/109. Dugdale, *History of Imbanking and Draining,* 92-95.

[464] On 12 July 1397, a new letter patent associated Vincent Fynch and John Brook (a different person than John Broke) with the Abbot of Bayham, the Prior of Michelham, Fiennes, Brenchesle, Makenade, Everle, and Broke, among others by then deceased. CPR, 1396-1399, 227. Tilney only served on the commission for a short time, dying sometime before July 1394. Beaumont died sometime before 11 September 1396, just weeks before the jury had returned their findings to the commissioners, and was replaced by Edward, Earl of Rutland. CPR, 1396-1399, 24.

officials. This suggests, furthermore, that an agreeable solution to the drainage issues remained still elusive nine months after jurors presented their findings, over four years since this specific commission began, and more than six years since the Pevensey Levels became the primary focus of Sussex sewer commissions.

Henry IV's government pushed for clearer regulation and stricter enforcement in the Pevensey Levels. In November 1401, it issued a commission to a number of noteworthy locals to re-examine the ordinances, drawn up in the 1390s, for the Pevensey marsh. The officials were authorized to amend any insufficient regulations, to punish any offenders, to proclaim their decision, and to certify their findings in the Chancery.[465] That commission's subsequent legislation, known as the Statutes of Pevensey Marsh, became standard local practice based on Romney Marsh precedent, and required that an annual water court be held to monitor and resolve drainage issues.[466] Since water had submerged nearly four thousand acres, the jurors also recommended extensive new construction projects that were required, in their view, to protect the broader region. These recommendations included a completely new sluice, built at tenants' expense, the relocation of a different sluice, and the addition of another small sewer.[467] Sewer commissions became officially statutory and received parliamentary authority in 1427,[468] though the trend toward that framework is clearly visible a generation earlier in the Pevensey marshes.

If locals resisted the imposition of royal authority and drainage recommendations in 1396, by the mid-fifteenth century they were involved in large-scale, pre-emptive initiatives.

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[465] CPR, 1401-1405, 66.

[466] Edward Turner, "Statutes of the Marshes of Pevensey and Romney; and the Custumal of the Town, Port, and Leege of Pevensey," *Sussex Archaeological Collections* 18 (1866): 43-47; Salzmann, "The Inning of Pevensey Levels," 52.

[467] Salzmann, "The Inning of Pevensey Levels," 48-49, Dugdale, *Imbanking and Draining,* 95-96.

[468] Galloway considers this development, as well as the 1531 Statute of Sewers, to reflect a codification of existing practice, rather than a radical change. Galloway, "Coastal Flooding and Socioeconomic Change," 203.

Royal establishment of local bureaucratic offices and recommendations for large-scale construction projects near Pevensey intensified during the first half of the fifteenth century. A decision for Hooe manors in 1455, for example, declared that all tenants should pay shares for sewer maintenance, as decided by a bailiff and twelve jurors. It also required the election of a collector and a treasurer to enforce the statutes and ordered commissioners to ratify regulations in the Chancery. The decision, furthermore, called for the construction of yet another large sewer: this one, eight furlongs long, 30 feet wide, and six feet deep.[469] One modern estimate calculated that would have occupied 100 men for eight months to move 25,000 cubic yards of soil.[470] These measurements illustrate how fifteenth-century recommendations were more extensive and required greater investment and manpower than their fourteenth-century counterparts. Such prescriptive solutions suggest that, as authority over drainage became more centralized and bureaucratized, and less local and customary, construction of drainage infrastructure increasingly surpassed the ability of those deemed responsible for maintaining those systems. As discussed above, arable cultivation declined in the Pevensey Levels during the early fifteenth century, and by 1421, most of the marsh likely remained, once again, submerged.

4.6 Conclusion

England was not unique in its responses to problems posed by unwanted water. Similar initiatives to manage flooding occurred throughout medieval Europe, most notably in the Low Countries, though English commissions stand out as exceptions due to their royal authority, judicial structure, and primarily amateur staff.[471] On the continent, communities generally cooperated and appointed their own local regulatory officials. Consider, for example, the

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[469] Salzmann, "The Inning of Pevensey Levels," 50.
[470] Based also on time spent waiting for the tides and the distance required to move the soil. Dulley, "The Level and Port of Pevensey," 35.
[471] Morgan, "The Micro-politics of Water Management," 413-414.

communal maintenance of twelfth-century dikes in northern Germany, *wateringen* authorities in

thirteenth-century Flanders, and the position of *djikgraaf* in the Netherlands.[472] The trend was

not restricted to the North Sea: clogged waterways in Provence caused disputes between

administrators and some local inhabitants in 1366; and the commune of Draguignan in Provence

appointed its first canal supervisor, known as the *agelier*, in 1376.[473] All of these examples signal

an increasingly widespread administrative framework for water management throughout later

medieval Europe, though manifested differently in each region.

In Sussex, as elsewhere, infrastructure regulation developed in response to natural

conditions. Initially, individuals and groups regulated water management in an ad hoc manner.

After the 1280s, the Crown implemented centralized commissions which, by the 1380s,

decreased in frequency despite worsening storm conditions. The late fourteenth century,

therefore, marked a transition from a necessarily reactive system of commissions to a more

prescriptive model which, by the fifteenth century, had become statutory. With this shift, though,

came new ways of tracking and implementing regulation. This procedural evolution brought with

it an increased emphasis on the written word over custom and oral tradition, the net result of

which was tension between land users and land regulators.

Human actions in medieval Pevensey to mitigate disaster often proved quite resilient, at

least for a time. It remains unclear to what extent these fourteenth-century instances of flooding

resulted in permanent loss of land. For example, efforts at Hooe restored successful drainage in

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[472] Morgan, "The Micro-politics of Water Management," 413-414; Soens, "Floods and money," 336-337.
[473] John F. Freeman, "From Riparian Rights to the Public Interest: The Evolution of Water Administration in Draguignan, 1376-1985," *Agricultural History* 61, no. 2 (Spring, 1987): 3; Steven Bednarski, "Changing Landscapes: A Call for Renewed Approaches to Social History, Natural Environment, and Historical Climate in Late Medieval Provence," *Memini: Travaux et documents*, 19 – 20 (2015 – 2016): 421-453. For state intervention in rivers in Roussillon, see Richard C. Hoffmann, *An Environmental History of Medieval Europe* (Cambridge: Cambridge University Press, 2014), 270-276.

the 1380s, and farmers did not abandon the area again until another wave of significant inundation in the 1420s. At Barnhorne, those floods in the 1420s finally ended settlement there, but Battle Abbey had managed to defend against all previous disasters due to its superior resources.[474] Withdrawal from intensive arable agriculture, furthermore, does not necessarily imply a complete "abandonment" of the Levels. Many accepted that environmental challenges posed a significant risk to arable land, since any seawater flooding destroyed the soil fertility for at least several years; a reversion to pasture meant that, even if flooded, the land would keep most of its value, especially for sheep grazing.[475] Beresford remarks that instances of depopulation did not primarily occur during periods of climatic deterioration, and that deserted and non-deserted villages can be found side by side all over the countryside.[476] In Romney Marsh, despite some drainage limitations and the small size of continuously cultivated plots, the overall area of reclaimed marshland continually expanded. The region had more acreage of arable land in 1300 than in 1600, partly because of a transition to pasturage.[477] A similar situation developed in the Pevensey Levels during the sixteenth century, where absentee landlords controlled much of the land, once reclaimed again, and used it for pasture.[478] This, no doubt, would have exacerbated tensions between powerful landowners and those unable to access the expansive fields of the marsh. The use of marshland in south-east England, thus, provides a complex picture that varies over time and space, influenced but not constrained by changes to the climate.

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[474] Brandon, "Late-Medieval Weather in Sussex," 4-5.
[475] Galloway, "Coastal Flooding and Socioeconomic Change," 192-193.
[476] M.W. Beresford, "A Review of Historical Research (to 1968)." In *Deserted Medieval Villages: Studies,* eds. Maurice Beresford and John G. Hurst (New York: St. Martin's Press, 1971), 20-21. His disregard for climatic determinism is especially clear as he finishes that last point by saying "it would be rather difficult to imagine the raindrops being so locally selective."
[477] Baker, "Field Systems of Southeast England," 418.
[478] Galloway, "Coastal Flooding and Socioeconomic Change," 193.

Chapter 5: Tenants' Animals and Trespass on the Manor

5.1 Introduction

This chapter focuses on the animals owned by the tenants of Herstmonceux manor and the attitudes toward them. Animals were ubiquitous in the daily lives of medieval people, and domesticated animals especially fulfilled vital roles in the economy. For rural institutions, such as Herstmonceux manor, this reliance on livestock was especially pronounced. Herstmonceux inhabitants cared for their animals, especially their horses, and exhibited concern for any perceived mistreatment of them, even if much of that attention likely derived from considerations of economics and social status. Medieval people generally raised animals for use in four broad categories: food, materials, labour, and status.[479] Different domesticates could be used for most, or even all, of those categories, but certain key species were utilized primarily for one purpose: i.e. pigs for food, sheep for materials, oxen for labour, and horses for status (and also labour). In order to consider broadly these different uses and to remediate issues of scribal ambiguity or variation, much of the analysis in this chapter thus focuses on the proportions of fauna on Herstmonceux manor in terms of four taxonomic groups: equines, bovines, ovines, and swine.[480]

In general, for Herstmonceux, the numbers of animals and their movements conform to expectations based on the locations of much of the demesne (near the Levels) and most of the tenants (throughout the Weald). The proportions of working animals on the Herstmonceux

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[479] Joyce E. Salisbury, *The Beast Within: Animals in the Middle Ages,* 2nd ed. (New York: Routledge, 2011), 13.

[480] While these four terms are not equal hierarchically (two families, one subfamily, and one the common name for a genus), they cover the vast majority of animals on a medieval manor and are useful distinctions for English agricultural history, especially when discussing pastoral animals. For example (though using "porcine" instead of "swine"), see Bruce M. S. Campbell, *English Seigniorial Agriculture, 1250-1450* (Cambridge: Cambridge University Press, 2000), 152-153. Charts and tables in this chapter also include "Beasts" to include generic terms (*bestiae, averia, animalia)* and "Other" to include relatively uncommon trespassing animals (specifically fowl and canines). "Avers" (*averia*) usually connotes, in Sussex, some kind of draught animal, but since it can be unclear whether that refers to horses or oxen, that term has been left uninterpreted and thus included in the generic category of "Beasts." See *Dictionary of Medieval Latin from British Sources,* s.v. "averium," "averia," "averus."

manor differed, due largely to geography, between the demesne and the tenancy: the lord's

operations, on more level, relatively open fields nearer to, or in, the Pevensey Levels, used

primarily horsepower; tenants, spread throughout the wooded Weald, relied more heavily on

oxen. Both sectors held large herds of swine and relatively few sheep compared to most other

regions of Sussex. Trespass cases, and especially those with animals, illustrate furthermore that

people regularly transgressed — either accidentally or intentionally — the artificial boundaries

imposed by the lord. Just as water does not obey culturally constructed boundaries, as discussed

in Chapter 4, so too do animals wander regularly over symbolic borders.[481]

This chapter argues that the movements of animals on Herstmonceux manor demonstrate

a general lack of concern by the tenants for seigneurial boundaries; the lord, through the

mechanism of the manorial court, simultaneously attempted to regulate behaviour and to control

access to the demesne. Manorial officials enforced these controls and punished transgressions in

an even-handed way, with largely standard and lenient penalties. Amercements for trespass were

primarily a small, symbolic payment, regardless of which animal was involved and where the

trespass occurred. Transgressions in arable were penalized marginally higher than in pasture, but

in general the majority of cases received amercements of just 2 or 3 *d*. In some cases, especially

regarding destructive swine trespasses, poaching, or highly symbolic breaking of enclosures, the

penalties were more severe. A small number of tenants trespassed far more frequently than their

neighbours, and the cumulative penalties of such repeat behaviour could present an onerous drain

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[481] As a later example, early modern concerns over rabbits wandering out of their warrens led to the widespread
creation of fences in the coastal dunes of the Netherlands during the sixteenth and seventeenth centuries. Other kinds
of barriers, such as hedges, had been used since the Middle Ages to restrict the movement of larger animals like
cattle and horses. Petra J.E.M. van Dam, "Rabbits Swimming across Borders: Micro-environmental Infrastructures
and Macro-environmental Change in Early Modern Holland," in *Ecologies and Economies in Medieval and Early
Modern Europe: Studies in Environmental History for Richard C. Hoffmann,* ed. Scott G. Bruce (Leiden: Brill,
2010), 63-92.

on their liquid assets. Overall, evidence suggests that the manorial court exerted little influence on tenant behaviour regarding trespassing, but acted instead as a consistent revenue stream for the demesne, especially from herders who regularly crossed over invisible boundaries.

This chapter first discusses the development of trespass as a juridical concept and how it can be used to study animals on a rural manor. Next, it provides an overview, using a combination of heriots and trespass cases from court rolls, of the animals owned by Herstmonceux tenants, how they were valued socioeconomically, and how they were treated by people on the manor. Then, the chapter looks in more detail at which animals transgressed where, when, and how often. Finally, the chapter analyzes both the reaction of the manor court to such transgressions — including the penalties it imposed and the behaviour it prescribed — and how tenants utilized the court for their own ends.

5.2 Why Trespass?

For medieval England in general, a relative lack of extant documentation for tenant agriculture, compared to the plentiful accounts of demesne farming, has generally clouded the history of tenants' farms and animals. As Philip Slavin emphasizes, tenant agriculture, especially the livestock sector, has received little scholarly attention despite comprising the majority of overall agricultural production in medieval England.[482] Some recent work has begun to unravel the mysteries of medieval tenant agriculture by using a wider variety of sources, such as lay subsidy rolls, tithe estimations and extents for debt.[483] Unlike those studies, which analyze the economics

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[482] Slavin estimates that over three-quarters of the medieval population worked the land directly, that the agricultural sector contributed more than 60% to GDP, and that tenants created approximately 80% of the agricultural produce. Philip Slavin, "Peasant Livestock Husbandry in Late Thirteenth-Century Suffolk: Economy, Environment, and Society," in *Peasants and Lords in the Medieval English Economy: Essays in Honour of Bruce M. S. Campbell,* eds., Maryanne Kowaleski, John Langdon, and Phillipp R. Schofield (Turnhout: Brepols, 2015), 3-4.

[483] Slavin, "Peasant Livestock Husbandry in Late Thirteenth-Century Suffolk," 3-26; John Langdon, "Bare Ruined Farms? Extents for Debt as a Source for Landlord versus Non-Landlord Agricultural Performance in Fourteenth-Century England," in *Peasants and Lords in the Medieval English Economy,* 59-82; Christopher Dyer, "Peasant

of tenant livestock agriculture more broadly, this chapter uses a different type of documentation, namely trespass cases in court rolls, to illustrate how the animals of tenants, and the tenants themselves, interacted with the artificial boundaries and regulations of the manorial administration. Trespass cases brought before the manor court provide an illustrative window into the daily lives and movements of animals, especially those belonging to tenants, on the Herstmonceux manor.

Historians have raised important questions about the nature of trespass, focusing especially on its complex legal definition and the extent of intentionality by transgressors. Trespass, as a juridical term, has long interested legal historians.[484] More recently, Phillipp Schofield has illuminated further the early origins of the trespass concept in common law and its legal evolution as a civil procedure in manor courts.[485] Other recent studies have examined the role of trespass as an outlet for social tensions in medieval urban and modern rural settings.[486] Susan Kilby, by analyzing manorial court rolls for two fourteenth-century Suffolk manors, has mapped the locations of trespasses committed by peasants on both demesne and tenant land and argues that much of the trespassing was probably deliberate, or at least more complex than merely animals wandering or tenants paying access fees.[487] In contrast, Mark Gardiner, while studying Herstmonceux and other Sussex manors more generally, concludes that trespass

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Farming in Late Medieval England: Evidence from the Tithe Estimations by Worcester Cathedral Priory," in *Peasants and Lords in the Medieval English Economy,* 83-109.

[484] George E. Woodbine, "The Origins of the Action of Trespass," *The Yale Law Journal* 33, no. 8 (Jun., 1924): 799-816; F.W. Maitland (ed.), *Select Pleas in Manorial and other Seignorial Courts*, Selden Society, 2 (London: B. Quaritch, 1889).

[485] Phillipp R. Schofield, "Trespass Litigation in the Manor Court in the Late Thirteenth and Early Fourteenth Centuries," in *Survival and Discord in Medieval Society: Essays in Honour on Christopher Dyer,* eds., Richard Goddard, John Langdon, and Miriam Müller (Turnhout: Brepols, 2010), 145-160.

[486] Teresa Phipps, "Misbehaving Women: Trespass and Honor in Late Medieval English Towns," *Historical Reflections / Réflexions Historiques* 43, no. 1 (2017): 62-76; Leonard Baker, "Human and Animal Trespass as Protest: Space and Continuity in Rural Somerset and Dorset," *History Workshop Journal* 87 (2019): 72-93.

[487] Susan Kilby, "Mapping peasant discontent: trespassing on manorial land in fourteenth-century Walsham-le-Willows," *Landscape History* 36, no. 2 (2015): 69-88.

prosecutions primarily constituted grazing fees.[488] For this chapter, I utilize the same sources and a similar chronology in order to illustrate the role that trespassing, especially by animals, played on the Herstmonceux manor. Furthermore, extant Herstmonceux rolls from 1327–1346 and 1379–1392 provide an informative lens into transgressions leading up to the Black Death and those occurring a generation later, in the midst of social tensions around the 1381 Peasants' Revolt.[489]

The fluid definition of trespass has created a contrast between demesne and inter-tenant entries in the rolls: demesne entries are more plentiful and consistent, but succinct; inter-tenant disputes are rarer, highly variable, and sometimes sensational. The physical traversing of boundaries — either physical or symbolic and often with animals— was therefore not the only way trespass could be prosecuted. The loosely defined nature of trespassing in the fourteenth century means that many entries, especially for inter-tenant disputes, mention neither land nor animals. Trespass, used as an umbrella term for many transgressions, both forcible and not, included assault, destruction of property, unjust detention of goods, breach of contract, and others.[490] A crucial element documented in early trespass cases, that of compromise regarding the recovery of damages,[491] continues to appear frequently in inter-tenant Herstmonceux disputes

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[488] Mark Francis Gardiner, "Medieval Settlement and Society in the Eastern Sussex Weald before 1420," (PhD diss., University College London, 1995), 120. He understates, on p. 114, how many trespass cases describe specific crops. While the chronology and geographic breadth of his sample is unclear for that statement, for Herstmonceux alone the references to wheat and beans exceed his numbers. Oliver Rackham similarly emphasizes that fines for extra animals using commons constituted a grazing fee, and were administered by "the manorial courts, which were composed mainly of the commoners themselves and were seldom unduly favourable to the lord's interest." Oliver Rackham, *The History of the Countryside* (London: J.M. Dent & Sons Ltd., 1986), 121, 337. While no doubt many of the trespasses at Herstmonceux fit into this framework, the preponderance of trespasses in arable and enclosures, for example, show that the situation was more complex.

[489] Also included in the totals for this chapter are the only extant trespass cases from the early fifteenth century (fifteen on the demesne and one between tenants) on three court days in 1415 and 1439.

[490] Schofield, "Trespass Litigation in the Manor Court," 154-155; Chris Briggs, "Seignorial control of villagers' litigation beyond the manor in later medieval England," *Historical Research* 81, no. 213 (August 2008): 400.

[491] Woodbine, "The Origins of the Action of Trespass," 804-805.

throughout the fourteenth century. Clearly, tenants had a history compromising and settling a variety of disputes outside of the mechanism of the court, which may account for the relative lack of cases documented in the extant rolls.[492] Trespassing at Herstmonceux, therefore, occurred disproportionately on the demesne, for which manorial scribes recorded details more consistently than for most other entries. Court entries for demesne trespasses against the demesne consistently describe physical transgressions in specific landscapes, usually with animals, along with clear penalties for such behaviour.

The consistency of record-keeping and prevalence of animal trespasses in specified areas of the demesne provide, thus, a relatively comprehensive dataset (see Figures 11 and 12). Of 607 extant trespass cases brought before the manor court during the fourteenth and early fifteenth centuries, 82% had occurred on the demesne. 66% of those cases specified that animals were involved, 87% of which listed the species. In 96% of total demesne trespasses, scribes noted the type of land that had been occupied, whether some kind of arable fields, pasturage, woodland, enclosures, etc.[493] This level of consistency differs markedly from the cursory details given to the relatively uncommon inter-tenant cases, wherein only 19% specify an animal and 37% list a location.

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[492] Inter-tenant cases thus took longer, generally, to resolve than demesne trespasses and tend to appear in numerous, sequential courts with vague formulaic entries (e.g. "plaintiff vs defendant in a plea of trespass"). Most of them eventually conclude with the expected *concordati sunt,* a small amercement, and some recovery of damages.

[493] In 499 cases of trespass against the demesne, 597 locations are noted. When analyzing the cases themselves, the lower number is used throughout the chapter, because the court considered each as a cohesive case with one penalty. The overall locations referenced have been considered in some parts of this chapter, since that can account for multiple locations or occasions that the court lumped together into one proceeding. For consistency, this chapter combines uncommonly used terms into several common categories: 1) Arable includes all crops; 2) Pasture includes meadow, stubble, and heath; 3) Wood includes pannage; 4) Enclosures includes warrens, park, garden, hedges, severalties, closes, and paddocks (pondfalds); 5) Other includes mill, pond, marsh, reeds, rushes, water, land, unenclosed crofts, etc. I had hoped to separate some terms, such as legumes and meadow, into their own categories, as Kilby did, but either Herstmonceux tenants did not trespass in those areas often or scribes declined to specify in those terms. The trespass entries on the demesne only specify meadow once and legumes nine times, so those terms were combined into broader categories for this chapter.
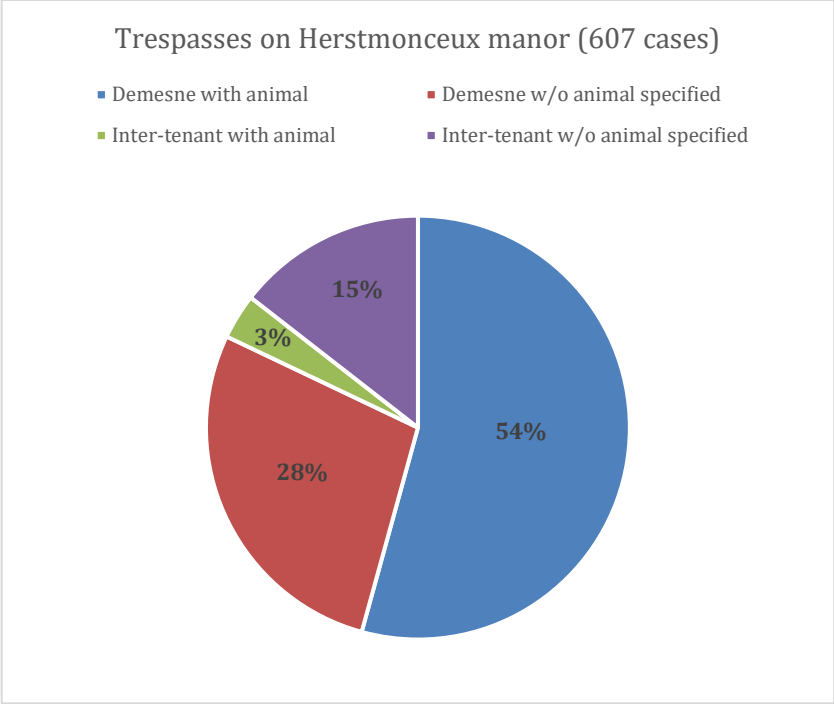
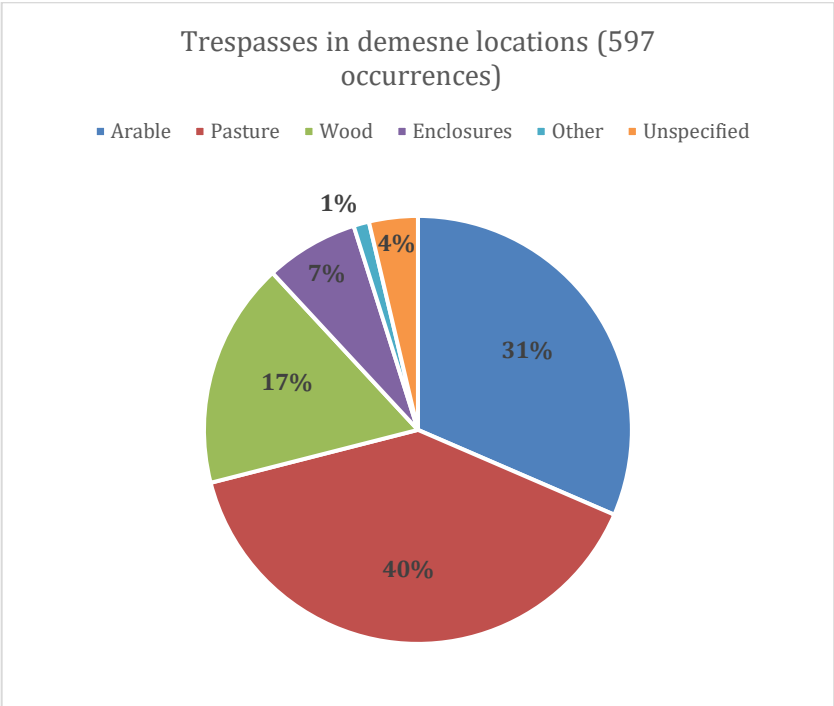**Figure 11: Medieval trespass cases on Herstmonceux manor**

Figure 12: Demesne trespasses by general location

5.3 The Animals of Herstmonceux Tenants

The proportions of animals owned by Herstmonceux tenants reinforces the view, for several reasons, that most resided in Wealden environments. First, they relied primarily on bovines for their working animals. At first glance, this may surprise, as there were several aspects of horsepower that appealed to peasant farmers, especially the speed and versatility of horses compared to oxen. While more expensive to feed than oxen, the benefits of the horse as a catch-all working animal could outweigh the added costs for small tenant farms. For these reasons, roughly half of tenant households in England used horses, a much higher proportion compared to demesnes, although those figures varied considerably between regions.[494] The relatively low levels of horse ownership among Herstmonceux tenants may stem from Wealden topography, where oxen would be more surefooted, and from the tendency for people in that area to adopt mixed methods of land use, including wood-pasture. Second, the frequency of pigs moving around the landscape, along with trespassers carrying away wood, suggests a widespread wood-pasture economy.[495] Third, sheep formed a relatively minor part of livestock for Herstmonceux tenants, especially compared to the numbers in much of the rest of the county,[496] but a few

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[494] Langdon uses a combination of inventories, lay subsidies, and heriots to present a comprehensive view of peasant livestock, and estimates 45% of households nationally used horses. In the north and south-west, for example, more people favoured oxen. In Kent and East Anglia, the majority of people used horses. John Langdon, *Horses, Oxen and Technological Innovation: The Use of Draught Animals in English Farming from 1066 to 1500* (Cambridge: Cambridge University Press, 1986), 174-205. While the information from Herstmonceux is limited only to heriots, the numbers fall well below the national averages for horse ownership among its tenants.

[495] Some notable trends, common to eastern England, consist of a wood-pasture economy, dispersed settlements, and partible inheritance. P.J.P. Goldberg, *Medieval England: A Social History 1250-1550* (London: Hodder Arnold, 2004), 76, 79.

[496] An estimated 110,000 mature sheep lived in the entire county in 1341. According to the 1340-1341 *Nonae* returns, three parishes housed over 2,000 sheep (Alciston had over 3,000) and nineteen housed between 1,000 and 2,000. Most of these dense populations of sheep were located on either chalk downland or clay soils in the western part of the county, as the Weald was largely unsuited to sheep grazing. R.A. Pelham, "The Distribution of Sheep in Sussex in the Early Fourteenth Century," *Sussex Archaeological Collections* 75 (1934): 130-131. Although evidence for total numbers of sheep at Herstmonceux is limited, of trespass cases where the number of sheep is recorded, fewer than 500 sheep appear throughout the entire fourteenth century.

tenants did manage large flocks. These shepherds likely occupied lower areas nearer the manor house, as the higher parts of the Weald were generally unsuitable for sheep.

5.3.1 Heriots and Murrains

Court roll entries of livestock given as payment for heriots illustrate the "best" animal that each tenant household possessed.[497] In the case of fourteenth-century Herstmonceux, extant documentation includes eighty-two such payments (see Figure 13).[498] While heriots are an imperfect measure of overall faunal diversity or stocking densities, the numbers do give a sense of the proportion of some animals, especially equines compared to bovines, among the tenancy. A household that could give a horse as heriot may have other animals as well, but a family that gave an ox, a cow, or some other "lesser" animal instead, did not own any horses. The same principle applies to those who gave pigs or sheep – they had no horses or cattle. While heriots only document the animal at the time of a tenant's death, the numbers can be assumed to be representative; there is no reason to believe, for example, that owners of cattle died more often than owners of horses.

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[497] The heriot was an estate duty upon the death of a customary tenant, not a personal tax, and so can be problematic for demographic reconstructions, but a broad analysis of heriots can give a general representation of each household. M.M. Postan and J. Titow, "Heriots and Prices on Winchester Manors," *The Economic History Review,* New Series, 11, no. 3 (1959): 393-394.

[498] Of those eighty-two payments, two tenants gave two animals each (two horses in one and a cow and a pig in the other) but only the best animal for each has been included here. Of the four "Other" payments, two paid fines instead of giving an animal (one was "the value of an ox") and it was judged that the other two owed no heriot because they had alienated their holding long before their death. The total number of cash heriot payments at Herstmonceux was far lower than at contemporary Winchester manors. Winchester courts seemed more inclined to demand heriot even when the land had been transferred *inter-vivos* near the end of the tenant's life. Postan and Titow, "Heriots," 394-396, 404.
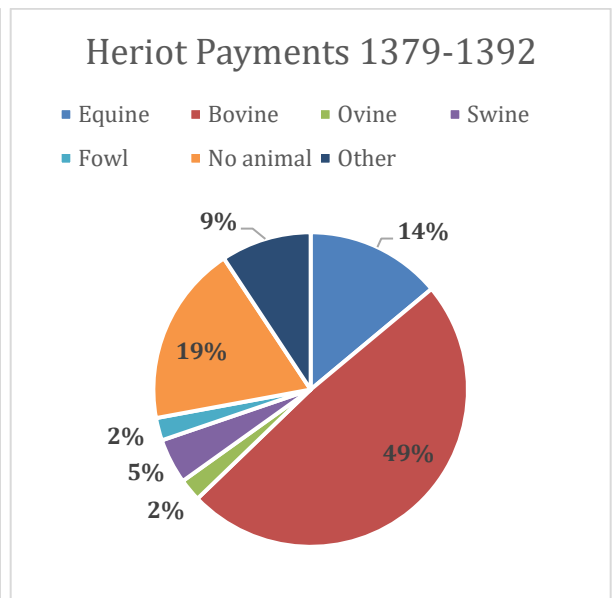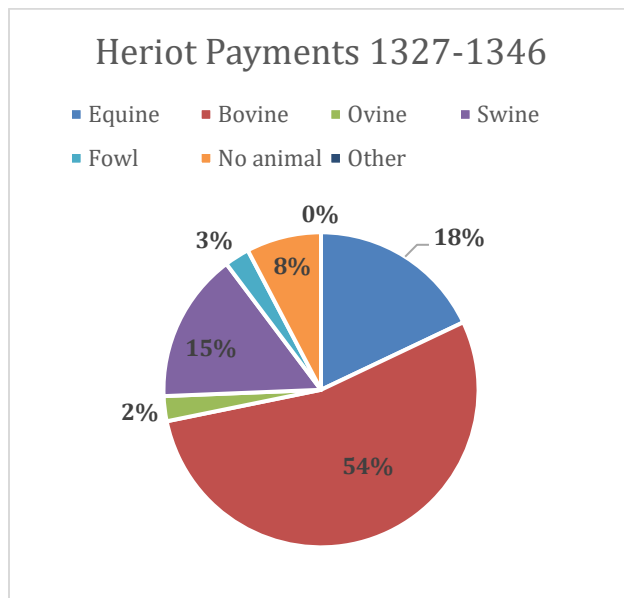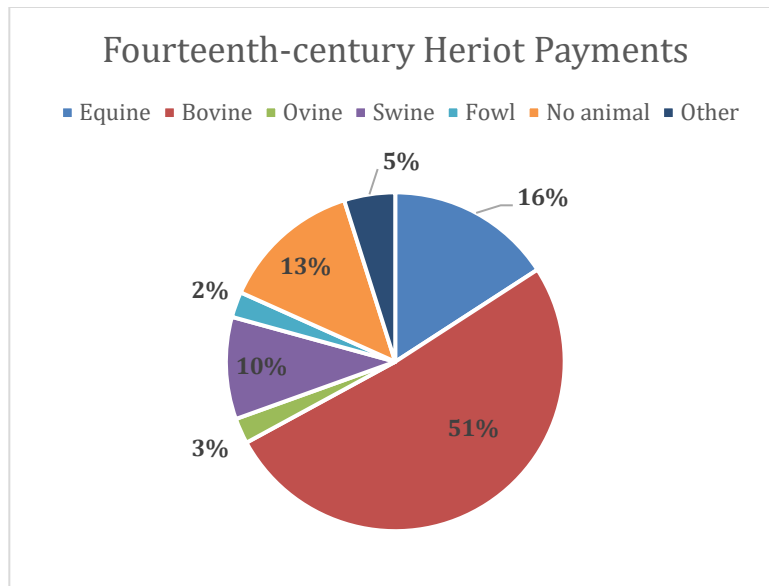
Figure 13: Fourteenth-century heriot payments in Herstmonceux manor court

Approximately half of Herstmonceux's customary tenant households relied on bovines as their primary working animal, compared to 16% with at least one horse and 33% with neither horses nor cattle. 47% of households with bovine livestock, and 24% of total households, utilized oxen. These proportions changed very little throughout the fourteenth century. The only significant change is that more than twice as many households from 1379–1392 had no living animals compared to pre-Black Death households. This could possibly suggest an increase in

poverty among some Herstmonceux tenants in the second half of the fourteenth century.[499]

Changes in climate and an increasing prevalence of epizootics may have also played a role.

The fourteenth century marked, for Europe, an era of unprecedented biological threats to animal populations. This period included a climatic shift toward unpredictable weather, with generally drier summers, wetter autumns, and colder winters.[500] Beginning in 1314, extreme flooding and harvest failures caused widespread famine throughout Europe on an unprecedented scale. A devastating bovine panzootic, occurring at roughly the same time, subsequently spread throughout the continent and reached England in early 1319.[501] Slavin has shown, however, that despite massive losses of livestock in the following years (approximately 62% of all bovines in England), the murrain affected each manor differently, and some manors replenished most of their stocks, at least of oxen and bulls, within a few years.[502] The earliest extant Herstmonceux rolls date from 1327, and so no evidence shows how the disease affected the manor; the lack of accounts makes information on the quantity of livestock on the demesne especially difficult to access. In terms of tenant livestock, all large animals given for heriot from 1327–1330 were either oxen or cows and the court prosecuted its highest proportion of bovine trespass cases on

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[499] As Postan and Titow explain, animal ownership can be a crude distinction between poorer and wealthier tenants, since most manorial documents contain references both to larger tenements with no animals (often sublet land) and smallholders with substantial herds (especially in regions with extensive pasture or villages with large commons). They emphasize, however, that "in general there is little doubt that the bulk of holders who could not deliver a heriot animal were poor men." Postan and Titow, "Heriots," 409.

[500] Astrid Ogilvie and Graham Farmer, "Documenting the medieval climate," in *Climates of the British Isles: present, past and future,* eds., Mike Hulme and Elaine Barrow (London and New York: Routledge, 1997), 126-127.

[501] Philip Slavin, "The Great Bovine Pestilence and its economic and environmental consequences in England and Wales, 1318-1350," *The Economic History Review* 65, no. 4 (November 2012): 1239-1266; Timothy P. Newfield, "A cattle panzootic in early fourteenth-century Europe," *Agricultural History Review* 57, no. 2 (2009): 155-190.

[502] Slavin relies necessarily on demesne figures more heavily for this point, due to the detail provided by manorial accounts. He estimates that about 85% of oxen numbers had been replenished by 1331. Within ten years of the disease, more than half of demesnes had recovered 90% of their oxen and almost 80% of demesnes had replenished similar numbers of bulls. Slavin, "Great Bovine Pestilence," 1242, 1249-1252.

the demesne between 1336 and 1346.[503] The evidence, though limited, suggests that murrains did

not significantly affect Herstmonceux tenants between 1327 and 1346.

Beginning in the 1380s, the Herstmonceux manor court became much more concerned —

at least in terms of record-keeping — with animal deaths. Scribes began to document each

instance of murrain (*morina*), though the regularity of entries and the miniscule numbers in most

presentments suggest that the term encompassed any unforeseen animal death, not just ones from

infectious disease. One exception, however, stands out; between 28 January and 29 April 1381,

the homage reported, in total, the deaths of seventy-eight sheep.[504] Little can be concluded about

that murrain without more documentation, but the numbers exceed significantly any other

references to animal deaths from manorial Herstmonceux. The only comparable loss, of more

than forty of the lord's pigs in autumn 1340, resulted allegedly from the negligence of manorial

officials.[505] The loss of sheep in winter 1381, presumably to disease, thus marked a significant

event for the tenants of Herstmonceux manor. While we cannot know whether it was due to

sheep scab or some other disease, it is possible that climate played a role. During the sheep scab

outbreak of 1279–1280, most of the deaths occurred in the winter after a series of particularly

wet years.[506] The 1381 Herstmonceux case mirrors that seasonality, especially since the summer

/ autumn of 1380 and the winter of 1381 were all exceptionally wet in southern England.[507]

Furthermore, the documentation of livestock deaths clearly became a priority afterward; almost

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[503] Of twelve heriots from 1327 to 1330, nine of them were either oxen or cows. The other three tenants had no large animals (one gave a chicken, one a piglet, and one nothing because they had no animals). East Sussex Record Office (ESRO): AMS 7054/1; SAS-X/5/1/1-3; AMS 7060/1/1. Harvard Law School (HLS): 68. For bovine trespasses, thirty-five out of fifty-two (67%) extant cases occurred during just that one decade. They constituted 20% of total demesne trespasses during that decade, compared to 10% for the fourteenth century in general.
[504] HLS: 73; 74.
[505] ESRO: SAS-X/5/1/10.
[506] Philip Slavin, "Epizootic Landscapes: Sheep Scab and Regional Environment in England in 1279-1280," *Landscapes* 17, no. 2 (2016): 158-160.
[507] Ogilvie and Farmer, "Documenting the Medieval Climate," 127.

all subsequent courts included murrain entries, though most only listed between one and four animals.

5.3.2 Trespasses

The proportions of each animal mentioned in trespass cases (see Figure 14) differ notably from those given as heriots. On the whole, this should not surprise, as a heriot only involves a tenant household's best animal and trespassing obviously has no such distinction. Three broad observations can be made, however, from the differences between animals given as heriots and those noted in trespass cases. First, even though heriots suggest that less than one-fifth of Herstmonceux customary tenants owned horses, those who did transgressed disproportionately to most other animals, especially bovines. Equestrian trespassers were highly mobile and likely attracted more attention due to the relatively esteemed socioeconomic value of the horse. Second, the court noted bovines trespassing far less commonly. These less "transgressive" animals tended to be less destructive and more acceptable in pasture. Humans did not use them, unlike horses, for transport during illicit activities, such as poaching and theft. Furthermore, most of the tenants, who relied disproportionately on oxen, lived in the Weald and so their herds likely would have grazed far from demesne activity happening closer to the Pevensey Levels. Third, swine trespasses eclipse all other instances of animal trespass, especially considering their low representation in heriots. This demonstrates that many Herstmonceux tenants — at least eighty individuals — owned pigs, and most did so in combination with other animals. Swine could be highly destructive to certain areas and so appear often as trespass offenders.
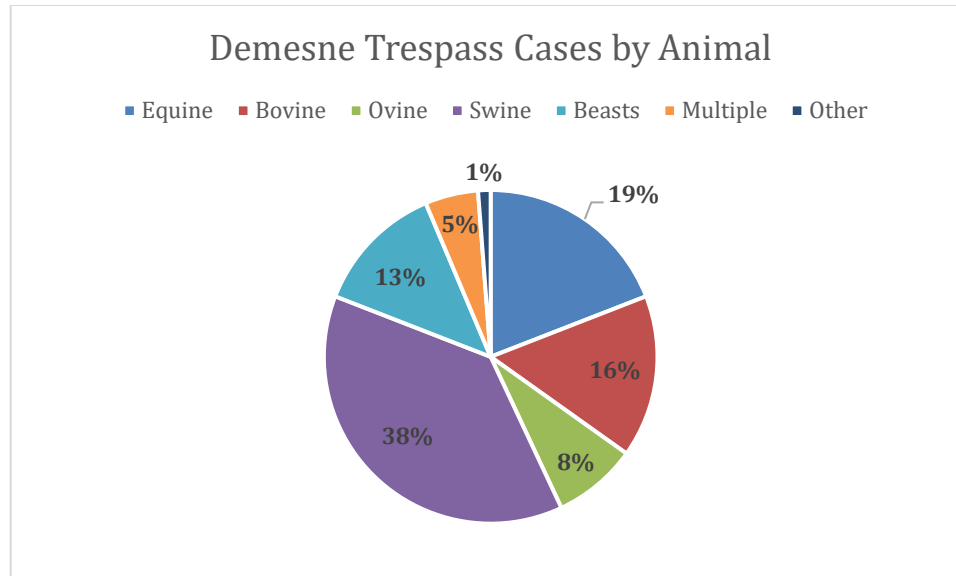
Figure 14: Demesne Trespasses by Animal

Comparing animals given as heriots and those implicated in trespass charges gives some representative sense of how many households relied on which animals, but merely tallying each reference can obscure the potential size of some flocks and herds. For example, although only a small number of tenants herded sheep, those shepherds managed large numbers of animals compared to other tenants. The three occasions with the highest number of animals trespassing at one time all involved sheep: Simon Shepherde trespassed with 200 in the lord's grains in 1336; Robert Sire trespassed with 100 in the lord's pasture in 1343; and John atte Levere trespassed with 100 in the lord's wheat in 1392.[508] Two other large herds of thirty and twenty-five "animals" trespassed, respectively, in the lord's grains in 1336 and the lord's pasture in 1390.[509] Tenants were also known to herd multiple species across boundaries simultaneously. The manor court amerced John atte Beche in June 1346 for taking twenty-six cows and bullocks, along with an unknown number of sheep, into the lord's wood on two separate occasions.[510] In two different

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[508] As a fourth, smaller example, Richard Kersey trespassed with 20 sheep in the lord's pasture in 1343. ESRO: SAS-X/5/1/7; SAS-X/5/1/12; AMS 7060/1/15.
[509] ESRO: SAS-X/5/1/7; SAS-X/5/1/24.
[510] ESRO: SAS-X/5/1/14.

cases from 1390 and 1391, Robert Mustarder allegedly damaged his neighbours' fields with a large group of pigs and geese.[511] In many other instances, the scribe did not note, or did not know, the exact number of animals involved, and so large-scale transgression may have been even more prevalent than these specific entries would suggest. Such examples demonstrate that, even though an analysis of heriots compared to trespasses can provide a representation of animal ownership, it cannot determine the actual numbers of animals on the manor. Sporadic detailed references can give some insight into tenants' livestock. For example, a customary tenant named Thomas Dode listed his livestock as six oxen, eight milking cows, two bullocks, a calf, a mare, and a colt.[512] The court rarely captured this level of specificity for customary tenants, however, and so one cannot conclude to what extent this herd resembled that of other tenants.

5.3.3 The Value of Animals

Heriots also give some insight into the economic values that the medieval people of Herstmonceux ascribed to their animals. Herstmonceux tenants and the manor court considered both horses and oxen valuable, though a good horse far exceeded any other possession, including annual rent on large landholdings. Unsurprisingly, they treasured horses the most, though the value fluctuated widely depending on the perceived quality of the animal. In a few instances, horses were valued lower than other animals and, in one case, at only 4 *s.*[513] The majority of equine heriots, however, were worth at least 8 *s.*, with half at more than 12 *s.* One horse, owned by John de Glesham, had a value of 24 *s.*, and another, a dun horse owned by Nicholas Rote, had

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[511] These cases involved an unknown number of pigs and thirty-nine geese in the first and fourteen pigs and thirty geese in the second. ESRO: SAS-X/5/1/24.
[512] He listed the animals while making fealty in 1391. ESRO: AMS 7060/1/15.
[513] Upon Stephen de Bereglind senior of Foxham's death in 1334. ESRO: SAS-X/5/1/6. In another, the horse was valued at 6 *s.* 8 *d.* ESRO: SAS-X/5/1/9.

a remarkable value of 33 *s.* 4 *d.*[514] The court also valued oxen highly and more consistently than

horses — almost all rated between 9 *s.* and 13 *s.* 4 *d.*[515] Dairy cattle, though less valuable than

horses or oxen, consistently earned a high rating. Cow estimates generally ranged from 6 *s.* 8 *d.*

to 8 *s.*, though some were valued lower and others were rated at 10 *s.*[516] Sheep and pigs, in

contrast, held relatively little individual economic value, likely owing to their prevalence and

their lack of utility as working animals. The vast majority received estimates below 1 *s.* 6 *d.*,

though the small sample size and imperfect use of heriots for such an analysis limit any

conclusions on those "lesser" animals.

Herstmonceux tenants cared for their livestock and worried about their wellbeing, though

likely from socioeconomic considerations more than just empathy for the animal.[517] Treatment of

horses unsurprisingly garnered the most ardent oversight.[518] Ownership of a horse, and especially

its proper care and protection, was associated closely with masculinity in medieval England;

sometimes horses became targets of intentional violence in an effort to emasculate a rival.[519] In

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[514] According to this valuation, Glesham's horse was worth more than twice his entire annual rent of 9 *s.* 11.25 *d.* for a large holding of 51.5 acres of free and customary land. ESRO: SAS-X/5/1/14; SAS-X/5/1/22. The value of Rote's horse roughly matched a special white palfrey reserved for the papal legate in the twelfth century. Salisbury, *The Beast Within,* 23. While two centuries of inflation ensures that the real value of the two animals was not nearly equal, it still speaks to the significant value ascribed to Rote's horse at Herstmonceux.

[515] All fit within this window except one bullock valued at 4 *s.* and another heriot paid with a fine, "the price of an ox," of 16 *s.* 8 *d.* ESRO: SAS-X/5/1/7; HLS: 76. Beginning in the 1380s, the court generally ceased writing the value of oxen and instead just noted the animal.

[516] One cow was valued at 4 *s.* and another at 5 *s.* Two yearling calves were valued at 1 *s.* 4 *d.* and another at 2 *s.* By 1379, the scribes had ceased to note, similarly to oxen, the economic value of each cow.

[517] Medieval people did exhibit concern for the senses of the animals themselves, as attested in literature and philosophical works, and the conceptual boundaries between humans and animals may have been diminishing by the later medieval era. Andrew G. Miller, "'Tails' of Masculinity: Knights, Clerics, and the Mutilation of Horses in Medieval England," *Speculum* 88, no. 4 (October 2013): 963-964; John Aberth, *An Environmental History of the Middle Ages: The Crucible of Nature* (London and New York: Routledge, 2013), 166; Salisbury, *The Beast Within,* 1-9.

[518] Complaints about injured livestock at Herstmonceux were not restricted entirely to large animals. In October 1336, for example, John de Stonacre accused Agatha de Stonacre of killing a piglet and gravely beating two others, for total damage to John of 24 *d.* (2 *s.*). ESRO: SAS-X/5/1/7. The homage also accused manorial officials of negligent abuse of demesne animals, especially pigs, in 1340, which is discussed elsewhere in this chapter.

[519] Despite some instances of violence, Miller argues that domesticates were well treated in general. Miller, "Mutilation of Horses," 959-961, 969.

contrast, pigs, although likely providing the second-most commonly eaten meat, had, by the eleventh century, become known as animals of the poor.[520] The Herstmonceux records document careful attention to animal welfare, especially once court roll entries became more detailed in the later fourteenth century. By 1381, at least, scribes described animals in greater detail, for example, by noting the colour of animals given for heriots. The court also documented the testimonies of tenants with specific claims of injuries to their animals, usually inflicted by other tenants. In one case, Richard Sourhale accused William Colkyn of entering a stable with a horse he knew to be malicious, which resulted in a broken tibia of Richard's black horse.[521] In another case, John atte Bergh claimed that he temporarily housed some of his beasts in William Jamyn's fold, with William's permission, while he searched for a cow that he had lent to William the previous year. William's wife and daughter then allegedly entered the fold and "unjustly beat the beasts with sticks," causing damage of 10 *s.*[522] Simon atte Thille, in June 1386, alleged that Robert Wodegate failed to care properly for Simon's sick horse, resulting in the illness becoming much worse. Robert supposedly should have healed the horse, which was "sick in the foot and elsewhere," and given it water twice a day, but he failed to do so, and it wandered in pasture for five days and became sicker.[523] Tenants clearly worried about ill treatment of their animals, especially horses, and some used the manor court as an avenue for seeking compensation.

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[520] U. Albarella, "Pig Husbandry and Pork Consumption in Medieval England," in *Food in Medieval England: Diet and Nutrition,* eds., C. M. Woolgar, D. Serjeantson, and T. Waldron (Oxford: Oxford University Press, 2006), 79-80.

[521] *...unam tybiam unius equi nigri ipsius Ricardi cum equo suo malisioso sibi cognito... fregit.* He brought this case to the court in October 1383 and claimed that the incident had occurred in the last year of Edward III's reign (1376-1377). ESRO: SAS-X/5/1/17.

[522] *… iniusta averia predicta in dicta falda existent' cum baculis verbanere…* ESRO: SAS-X/5/1/17.

[523] *Ita quod idem Robertus sanare debuisset unum equum ipsius Simonis egrum in pede et alibi per certum diem assignatum anno praeter ac etiam aquaticare equum illum .bis. in die pro toto tempore quo in sua custodia existit et non fecit prout manucepit unde equs [sic] predictus a pastura sua exivit usque montem de Bryghtlynge et ibidem et alibi in patria remansit per v. dies et in defectu ipsius Roberti per quit? idem equs [sic] _ gravatus est ad dampnum ipsius Simonis de x. s.* ESRO: SAS-X/5/1/19.

5.4 Animals as Transgressors

Most animal trespass cases on the demesne occurred in arable fields or pasture with either horses or pigs (see Figure 15 and 16). If most trespasses represented simply routine fees for pasturage, then the proportions of arable, horses, and swine would not be so high. "Grazing" animals like cattle and sheep transgressed less often in total and more consistently in pasture. Many of the trespass cases involving those animals likely indicate either pasturage fees paid after the fact, fines for overgrazing of common areas, or animals wandering into arable fields. Equine trespasses, in contrast, represent more clearly the traversing of conceptual boundaries or the participation in other transgressive acts, such as poaching. Swine, with a long history of wandering the Wealden woods, continually entered a wide variety of demesne areas. Manorial officials and other tenants paid close attention to trespassing pigs, as they tended to be more destructive than other animals.[524] The consistent frequency of swine trespasses also indicates that Herstmonceux tenants continued extensive, rather than intensive, practices. Court roll trespass entries with no specified animal encompass a variety of different charges, including stealing wood and poaching. The relatively high proportion of unspecified trespass in woodland and enclosures reflects instances of people causing damage or taking resources rather than animals crossing boundaries.

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[524] Contemporary municipal statutes and prosecutions in urban settings echo these fears over the destructive potential of wandering pigs. In the case of 1354 Norwich, the town council emphasized the extent of property damage and even warned that some children had been killed and eaten. Dolly Jørgensen, "Running Amuck? Urban Swine Management in Late Medieval England," *Agricultural History* 87, no. 4 (Fall 2013): 430, 445.
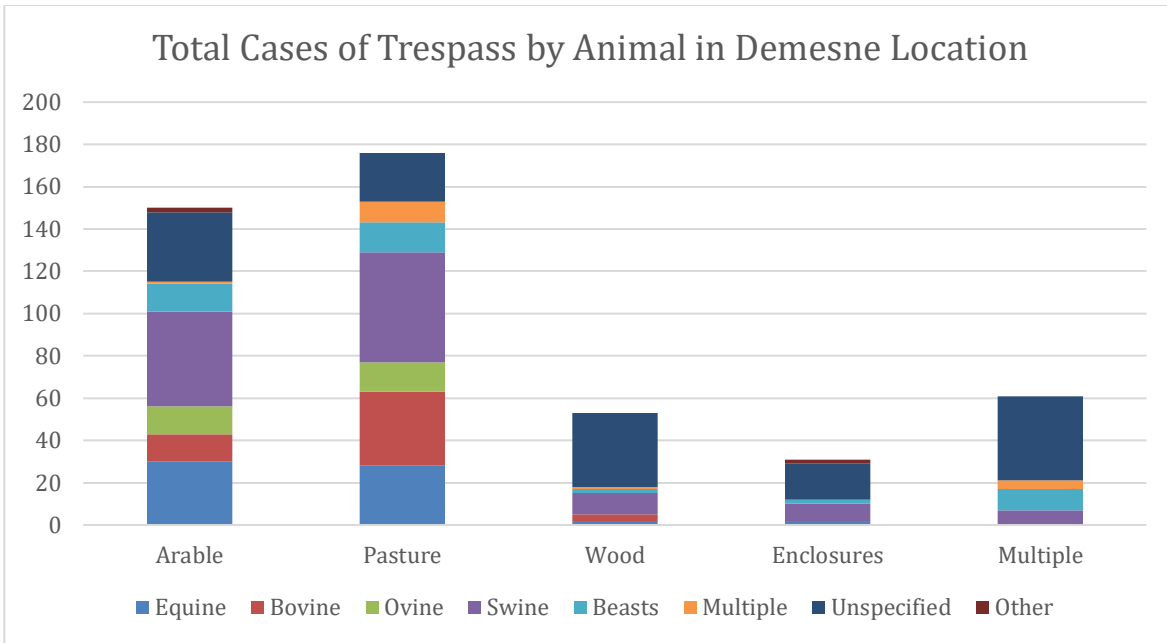
Figure 15: Total cases of trespass by animal in demesne location
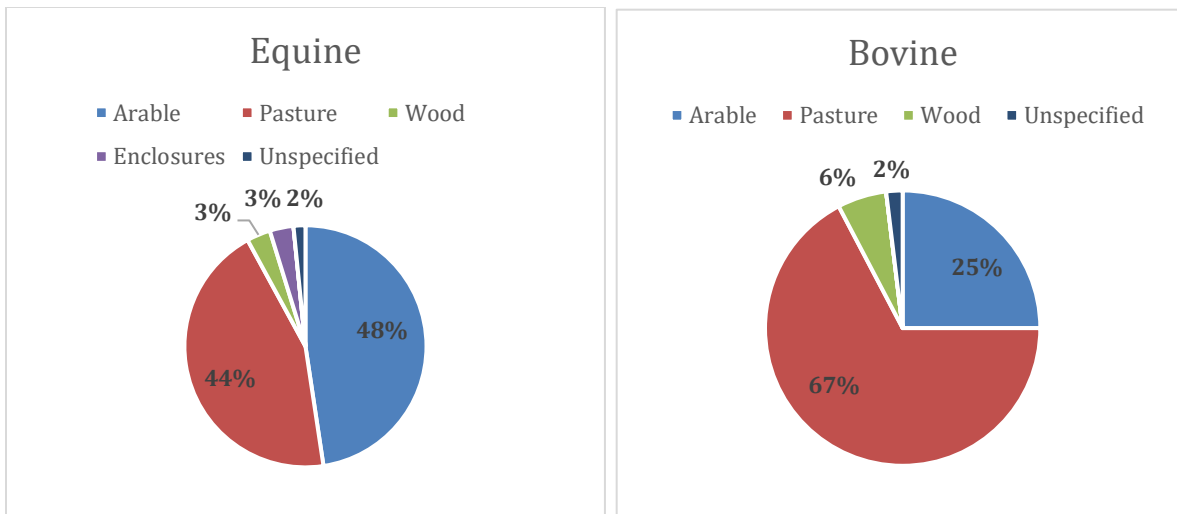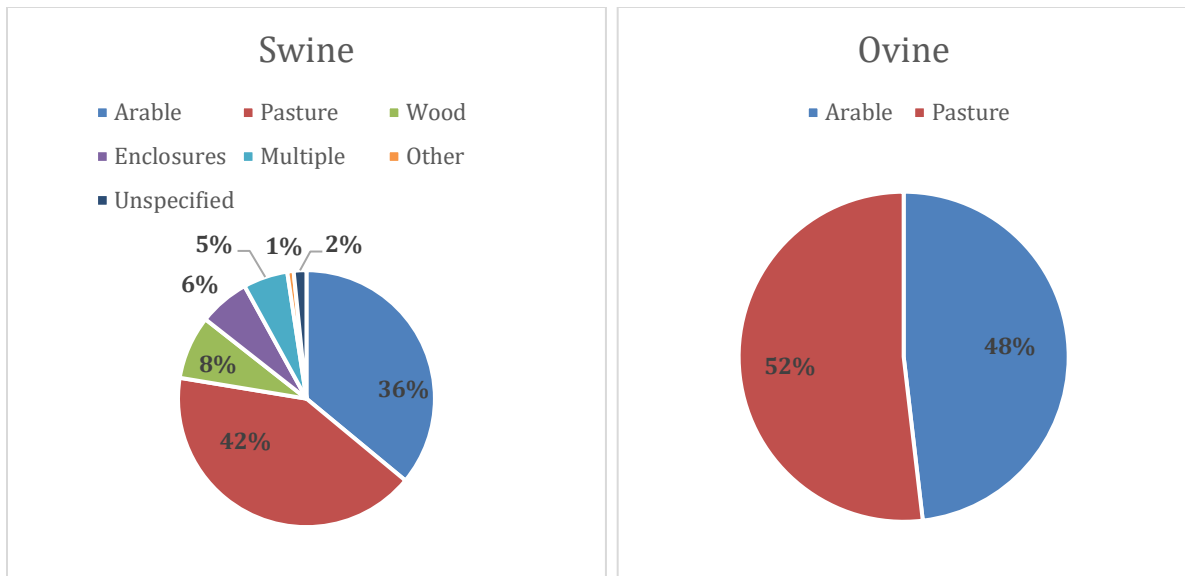
Figure 16: Animals by location of demesne trespass

5.4.1 "Transgressions" vs. "Damage"

Equines appear more often than bovines in trespass accusations, despite an inverse representation in heriots. The more noteworthy status of horses and the greater physical mobility of equestrian tenants likely played a role in the discrepancy for Herstmonceux manor between equine / bovine ownership and trespasses. People noticed horses — especially ones with a rider— and those animals were often used to travel, whether to transport people or goods. Charges of equine trespass that involved "riding beyond" (*equitando ultra*) seigneurial boundaries emphasize this mobility. For example, William Colkyn paid an amercement in May 1380 for a transgression of "riding beyond Le Wyneswall" and Philip Parsoun was fined in December 1390 for carting beyond the lord's land without permission.[525] People also rode horses into the lord's park in order to poach deer. The court penalized both William Not and Thomas Hogeman in 1379, likely for poaching, because their horses "came in the lord's park and destroyed the lord's fawns."[526]

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[525] *... equitando ultra Le Wyneswall...* ESRO: SAS-X/5/1/15; SAS-X/5/1/24.
[526] *...equs [sic] Willelmi Nhot <xij d.> et equs [sic] Thome Hogeman <xij d.> venerunt in parcum domini et destruxerunt jumentis [sic, probably for juvencis] domini...* ESRO: SAS-X/5/1/15.

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Entries demonstrating intentionality are relatively rare, however, and most cases likely resemble the April 1392 charge against Simon Burges that one of his foals and another brown horse "through twenty times became accustomed to entering the [lord's] wheat."[527] In addition to intentional trespass by some tenants, their animals clearly also could be prone to wander frequently.

Tenants' animals transgressed seigneurial boundaries constantly. Unfortunately, due to the ubiquitous occurrence and a general lack of contestation by the tenants, court scribes usually declined to specify whether the charge stemmed from a symbolic punishment or actual destruction of property. It may be tempting to distinguish between the terms *transgressio* (transgression) and *dampnum* (damage), as some authors have shown that the procedural definitions could differ,[528] but Herstmonceux scribes did not make a consistent distinction. Before October 1336, scribes overwhelmingly used *transgressio,* except in extreme cases, like a 1330 poaching case wherein "great damage was made in the lord's warren."[529] The scribe on 9 October 1336 used *dampnum* for most of the roll, but otherwise the format and the penalties remained exactly the same as *transgressio* entries.[530] After that date, scribes alternated between the two terms with no discernible pattern or significance. If the terms connoted something different to people at the fourteenth-century Herstmonceux manor court, they did not convey that distinction in their entries.

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[527] *Item quod unus pullanus Simonis Burges per viginti tempora consuevit intrare frumentum et alius equs broun sed cuius ignoravit...* HLS: 78.
[528] Kilby, "Mapping Peasant Discontent," 71. As Schofield has shown, however, methods of proof in trespass cases remained closely tied to damages in manorial courts, and increasing use of "dampnum" may reflect attempts to mimic linguistic changes in the central courts. Schofield, "Trespass Litigation in the Manor Court," 156-157.
[529] *...quod magnum dampnum factum est in warrene...* HLS: 68.
[530] ESRO: SAS-X/5/1/7.

In contrast, trespass disputes between tenants, though relatively rare compared to demesne cases, contain more sensational details because the plaintiff sought specific compensation and each party had to prove their case to the court. Inter-tenant animal trespass cases, thus, articulate more frequently the extent of damage. In an intra-familial dispute, John de Stonacre accused Agatha de Stonacre of damaging five bushels of his vetches, beans, and peas, as well as attacking his pigs.[531] William Mot senior, in May 1380, demanded compensation for 6 *s.* 8 *d.* of damages because John Bryd came, eight months prior, with his animals that trampled and destroyed William's oats growing in Herstmonceux.[532] William Jamyn brought two cases against Stephen Farham in January 1381: in one, William incurred damages of 20 *s.* because Stephen's pigs allegedly consumed forty acres of pasture in the three weeks before Michaelmas and three weeks after; in the other, William claimed 6 *s.* 8 *d.* because fourteen of Stephen's pigs trampled, ate, and destroyed two acres of beans.[533] In most inter-tenant cases like these, either the court dismissed the case for lack of evidence or the parties would reach a compromise. For example, when John Geffray claimed 10 *s.* in damages because Robert Ale, with his horse, had killed a piglet, broke his gate, and driven away a heifer, Robert acknowledged culpability and returned 1 *s.* in compensation.[534] Sometimes, if a measurable amount of crops were damaged, the plaintiff could also recover relevant produce. When Thomas Tannere admitted that his oxen

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[531] *…Johannes dicit quod dicta Agata fecit dampna in blado suo ad val' v. buscelli videlicet vescorum et fabarum et pisorum. Et quod dicta Agata occidit j. porculum preci xij. d. et alios duos graviter verberavit ad dampnum ipsius Johannis xij. d.* ESRO: SAS-X/5/1/7.

[532] *…et ibidem crescentiis destruxit et conculcavit…* John Bryd responded that, if any damage occurred, it was due to William's defective enclosures and nothing else (*Et dicit quod si aliquod dampnum cepit fuit per defectum clausturam nec aliter*). ESRO: SAS-X/5/1/15.

[533] Like John Bryd a year earlier, Stephen Farham defended himself and claimed non-culpability by saying that any damage must have resulted from defective enclosures. HLS: 73.

[534] The incident had actually occurred six years earlier. Robert also paid a fairly standard amercement of 3 *d.* to the court. HLS: 73.

destroyed over one acre of John Skynnere's oats, he then returned four bushels of oats to John.[535]

A similar situation occurred when John Carde had to replace one bushel of barley because his

pigs destroyed some of William Pilchere's growing barley.[536] To settle disputes between tenants,

the court thus had procedures to facilitate compensation for damages.

Entries for demesne trespass rarely contain elaborate description and thus make it

difficult to determine whether a payment represented restitution for actual damage or a symbolic

acknowledgement of transgression of seigneurial boundaries. Anecdotal evidence can give some

insights. Occasional rulings include a provision to replenish a certain amount of produce, which

suggests a degree of quantifiable damage. When Adam Bakere trespassed in the lord's oats, the

court levied two bushels of oats from him in return.[537] In February 1391, the homage presented

that the lord's pigs, through the fault of John Chesman, the lord's swineherd, had "severely

trampled and destroyed" the lord's wheat.[538] In general, however, the court noted neither the

extent nor severity of damage to demesne areas; transgressions in enclosures, as discussed

below, warranted generally the only exceptions to this tendency. Other sporadic details evince

that illicit pasturage occurred. In November 1379, the court documented transgressions by

Thomas Hogeman for impounding, in the lord's paddocks, various animals belonging to other

tenants.[539] As an example of such arrangements, William atte Heghe agreed to pay 40 *d.* for the

agistamentum (payment for right of pasturage) of four horses in Richard Megham's pasture for

eight weeks in 1385.[540] Due to ambiguity in the records, it can be unclear to what extent demesne

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[535] Skynnere had originally claimed twelve bushels in damage but the court taxed Tannere at four bushels. This kind of compromise was standard practice. HLS: 72.

[536] ESRO: SAS-X/5/1/17.

[537] Although, in this case, the lack of a corresponding amercement suggests that the levy replaced, rather than supplemented, the customary penalty. HLS: 68.

[538] *… graviter conculcaverunt et destruxerunt…* ESRO: SAS-X/5/1/24.

[539] Hogeman, a frequent trespasser and likely herder, was allegedly impounding diverse animals, belonging to Henry Louke and William Colkyn, in the lord's "pondfald." ESRO: AMS 7060/1/6.

[540] ESRO: SAS-X/5/1/19.

trespasses were either essentially post hoc fees paid for pasturage or intentional destruction of

seigneurial holdings. Regardless of intent or extent of damage, the ubiquity of animals

trespassing in relatively open areas of the demesne suggests that grazing played an important role

in the transgression of seigneurial boundaries.

5.4.2 Seigneurial Boundaries and their Transgression

Trespass cases indicate that, during the fourteenth century, demesne operations converted

significantly from arable to pasturage. The inverse relationship, over time, of arable and pasture

trespasses (see Figure 17) suggests that, as seigneurial fields were repurposed, tenants and their

animals continued to move through the landscape as they had always done. Until 1386, total

references to arable and pasture trespasses on the demesne are almost identical, but inverted

before and after the Black Death.[541] While it is possible that tenants in the later fourteenth

century could merely be trespassing in different areas, the more likely conclusion is that they

trespassed in similar areas that now existed primarily as pasture rather than as part of a three-

field system. This could reflect part of a growing seigneurial trend, in the later fourteenth and

early fifteenth centuries, of a contraction of arable production in favour of the pastoral sector,

often with either convertible husbandry or directly managed pastures.[542]

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[541] The rolls, up to that point, mention 158 instances in arable to 161 in pasture. While the unfortunate gap in extant documentation from before the Black Death until 1379 means that the exact tipping point of this shift cannot be stated conclusively, the trend is becoming clear even by 1343.

[542] Leonard Cantor, *The Changing English Countryside, 1400-1700* (London and New York: Routledge & Kegan Paul, 1987), 23-25; Campbell, *English Seignorial Agriculture,* 279-285, 431.
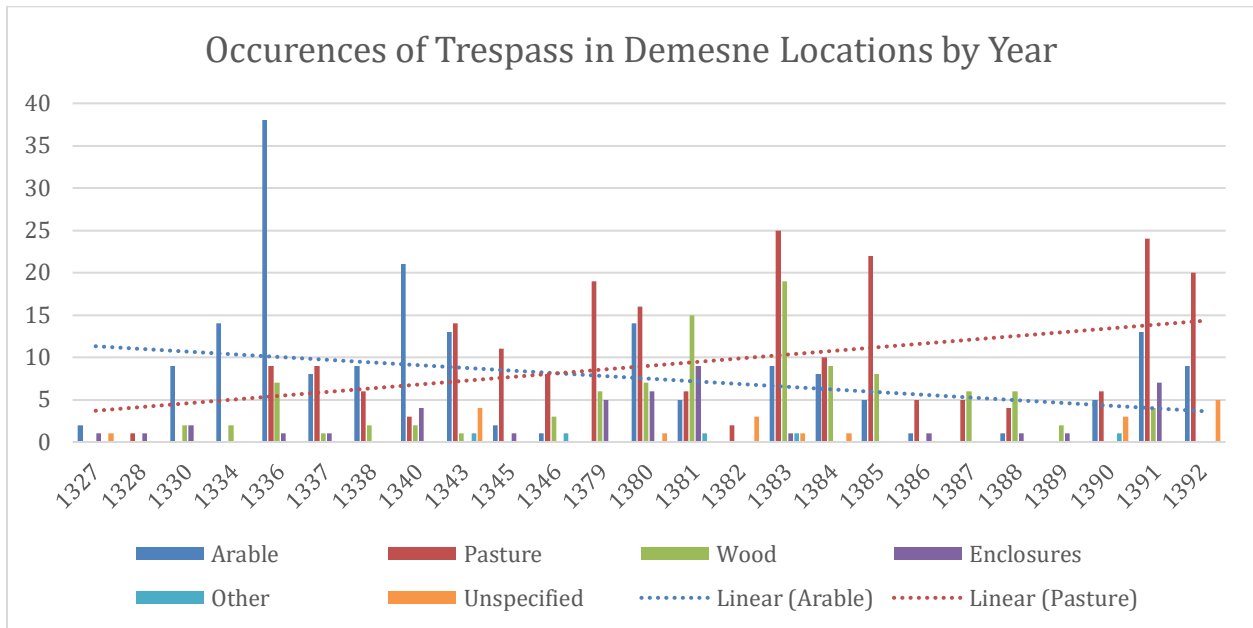
Figure 17: Occurrences of trespass in demesne locations by year

The frequency of trespasses on the demesne — whether for routine pasturing or for more subversive reasons — reveals that tenants were not overly concerned about transgressing seigneurial boundaries. Even enclosed spaces, such as the lord's park, warrens, or closes, encountered frequent trespassers, though less often than in more "open" areas of arable fields or pasture. Many of those enclosure trespasses involved poaching. Numerous customary tenants allegedly caused damage with dogs, presumably while hunting rabbits, in the lord's warrens in 1327 and 1328.[543] One presentment, from January 1330, accused three men of taking pheasants and partridges and two men of taking rabbits and hares, all from the lord's warrens.[544] In some

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[543] ESRO: SAS-X/5/1/1; AMS 7060/1/1.

[544] The court decided to consult with the lord regarding the appropriate punishment. The next three courts reiterated the need for consultation. Unfortunately, there is then a gap in the documentation and subsequent extant rolls do not record the result of this ongoing case. ESRO: SAS-X/5/1/3; HLS: 68. In cases where outsiders transgressed on the manor, it became very difficult for the lord to compel them to appear at the court, since landlords did not have the authority to distrain the goods of people living outside their seigneurial territory. Briggs, "Seignorial control of villagers' litigation in later medieval England," 400-401

cases, people overran physical boundaries and thereby "broke" (*fregit*) the lord's park.[545] As discussed above, some tenants rode horses into the park for the purposes of poaching. Tenants' animals also could wander or be herded into enclosed seigneurial spaces. The manor's hayward presented, in October 1380, that a number of people had trespassed on the demesne with their animals, at least fifteen pigs in the lord's park and four in the garden.[546] In general, trespasses in enclosures did not receive seigneurial attention nearly as often as in other areas, but they could increase noticeably at certain times.

In the few years before the Peasants' Revolt of 1381, several notable short-term changes in the types of trespass occurred on the Herstmonceux manor. While a causal link between the two phenomena should not be overstated, a significant increase of trespasses in more "exclusive" enclosed areas of the demesne, as well as some notable examples of inter-tenant feuding, suggests an atmosphere of social tension leading up to 1381. The exclusivity of access could provoke anger, and the transgression of boundaries provided a visible and symbolic outlet for such tension. When Wat Tyler and his rebels marched on London in 1381, one of their major demands stated that warrens and parks should be common to all.[547] The Herstmonceux manor court, meanwhile, prosecuted twenty trespasses in enclosed parts of the demesne from 1379 to 1381; in comparison, only eleven such prosecutions occurred in the entire period from 1327 to 1346.[548] In contrast to trends among manorial courts in the four counties that contributed most rebels to the 1381 revolt,[549] the overall scale of demesne trespasses and amercements at the

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[545] *...quia fregit parcum domini...* ESRO: SAS-X/5/1/9; HLS: 77.

[546] The presentment also listed even greater numbers and diversity of animals in the lord's crops and pasture. ESRO: SAS-X/5/1/15.

[547] Emma Griffin, *Blood Sport: Hunting in Britain since 1066* (New Haven and London: Yale University Press, 2007), 47.

[548] Many of the cases from 1381 involved people carrying away wood from the lord's hedges. HLS: 74.

[549] In those counties (Suffolk, Essex, Hertfordshire, and Kent), the quantity of trespass cases and the amounts of amercements both rose in the second half of the fourteenth century, probably as a result both of increased pastoralism among tenants and more active enforcement by manorial officials. Total penalties could even double

Herstmonceux court did not increase significantly in the second half of the fourteenth century. If anything, the ratio of demesne to inter-tenant trespasses actually decreased. The increase in enclosure trespasses during 1379-1381, however, follow this trend on a micro-level.

The demesne was not the only target of such violence in those years. Neighbours would test each other's property boundaries, intentionally or not, with the movements of their animals. Accusations usually involved charges of unlawful pasturing or trampling of crops; defendants often blamed defective or unclear enclosures.[550] Inter-tenant trespass cases increased significantly in 1380–1381. The Herstmonceux court arbitrated only sixteen such cases between 1327 and 1346; it then oversaw twenty-three in just 1380 and 1381. This notable increase suggests, as Gardiner highlights, that the court in those years had begun to act increasingly as a useful forum in which to express social tensions.[551] Regardless of whether this discrepancy stems from an actual surge in trespassing or indicates merely increased tenant use of the court to settle disputes, it demonstrates that trespass cases in the manor court acted as an outlet for broader social tensions.

Women, as well as men, frequently traversed borders and herded animals into illicit areas; fifty-one of 499 (10%) trespass cases on the demesne involved a woman. While this proportion is only about half as high as in contemporary English towns, the experiences and punishments of female trespassers were seemingly identical in both urban and rural settings.[552]

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between the 1340s and 1370s. Christopher Dyer, "The Social and Economic Background to the Rural Revolt of 1381," in *The English Rising of 1381,* eds. R. H. Hilton and T. H. Aston (Cambridge: Cambridge University Press, 1987), 29.

[550] For example, when William Jamyn accused Stephen Farham of causing damage by pasturing his pigs for six weeks, Farham claimed that *aliquod dampnum cepit per defectum clausturam…* HLS: 73. In a later case, from March 1389, an ex-beadle accused three men of occupying a house and small adjoining garden with their pigs. The men claimed that the house and garden were lying hidden and not enclosed (*iacent operta vacua et non clausa*). ESRO: SAS-X/5/1/23.

[551] Gardiner, "Medieval settlement and society in the Eastern Sussex Weald," 260.

[552] Phipps found, for late medieval Chester, Nottingham, and Winchester, that between 16% and 30% of trespassers were women. However, just as with Herstmonceux, women often acted as plaintiffs or defendants in a local court,

The court amerced Sabina atte Heghe and her daughter Alicia in May 1334 for a "wrongful way beyond" demesne fields.[553] Sometime in 1390, John Elis and his wife crossed over (*transiverunt*) the lord's land without permission.[554] According to the evidence from trespass cases, women rarely participated in tending horses or herding cattle. Most of the trespasses by women occurred disproportionately in woodland and involved either pigs or no specified animal.[555] This should not surprise, as women frequently collected wood for use in the home and cared for the family's domestic animals, including swine.[556] One court, in March 1380, amerced five wives separately for trespassing in the lord's wood.[557] On two separate occasions, three different women paid penalties for carrying away wood from the demesne.[558] Women appeared in an even greater share of pannage fee entries than they did in trespasses. Of twenty-five tenants paying pannage fees in October 1343, nine were women; six women, of sixteen, paid in November 1345.[559]

Herstmonceux pannage continued throughout the fourteenth century, though the manor's regulatory procedure changed in the later decades of the century. The manor court regulated pannage in the 1340s with pre-emptive fees that were small, standard payments based on the number of swine. An entry from 14 October 1343 outlines clearly the rates: twenty-five tenants

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sometimes they acted with a husband and sometimes alone, and the court seemingly did not litigate or penalize differently based on gender. Phipps, "Misbehaving Women," 66-72.

[553] *…iniusta via ultra…* ESRO: SAS-X/5/1/6. This likely means taking an illicit shortcut through the lord's grains to get to the other side.

[554] They were amerced 2 *d.* on 26 December. ESRO: SAS-X/5/1/24.

[555] Eighteen occurred at least partly in woodland (35%), compared to 17% of total cases. Twelve involved pigs and thirty-one did not specify an animal, which together constitute 82% of the cases involving women, compared to 59% of total cases.

[556] Barbara A. Hanawalt, *The Ties that Bound: Peasant Families in Medieval England* (New York and Oxford: Oxford University Press, 1986), 147-148; Judith M. Bennett, *Women in the Medieval English Countryside: Gender and Household in Brigstock before the Plague* (Oxford: Oxford University Press, 1987), 117.

[557] In the same entry, amercements were also paid by seven men for trespassing in the lord's pasture and by two men for woodland trespassing. ESRO: SAS-X/5/1/15.

[558] In the first, 29 April 1381, John Omberden's wife, Alicia Bernell, and Johanna Chesman each paid 2 *d.* for taking the lord's wood and hedges. In the second, 29 April 1387, Johanna Hunte, Johanna Colkyn, and Johanna Birchet each paid 2 *d.* for taking the lord's wood. HLS: 74; 77.

[559] ESRO: SAS-X/5/1/11; SAS-X/5/1/13.

paid 2 *d.* each for twenty-six pigs and 1 *d.* each for sixteen piglets.[560] In contrast, such pre-emptive fees cease to appear by the 1380s, and the rolls instead list penalties for trespassing in pannage. The rates, however, seem little changed. The court entries are vague regarding the numbers of pigs, but the high variability of fines suggests that the required compensation related still to the number of swine. Of ten trespass cases that specifically list pannage, most penalties fluctuated between 2 *d.* and 4 *d.*, although John Omberden paid 11 *d.* and Thomas Birchet paid 13 *d.*[561] This continuity of Herstmonceux tenant behaviour suggests that pannage remained an important, if perhaps diminishing, aspect of Wealden land use, despite procedural changes in the central manor court, and that an overwhelming shift from extensive to intensive swine management had not occurred by the 1380s. Zooarchaeological evidence elsewhere has indicated a pronounced shift, during the later medieval period, from extensive pig husbandry that utilized pannage toward intensive methods that involved pigsties and feeding regimens,[562] but Herstmonceux tenants appear generally not to have followed this trend. Unsurprisingly, then, pigs routinely received accusations of trespassing widely throughout the fourteenth century.

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[560] One of the pigs is specified as a sow. The total for the entry is 5 *s.* 8 *d.* ESRO: SAS-X/5/1/11.

[561] Though this sample is small, it may be significant that none of the ten were women. ESRO: AMS 7055/1; SAS-X/5/1/17.

[562] Julie Hamilton and Richard Thomas, "Pannage, Pulses, and Pigs: Isotopic and Zooarchaeological Evidence for Changing Pig Management Practices in Later Medieval England," *Medieval Archaeology* 56, no. 1 (2012): 234-259. In general, the total numbers of pigs in England declined throughout the medieval period, at least in proportion to sheep, but less so in wooded areas like in the Weald. Albarella, "Pig Husbandry and Pork Consumption," 73-81. Rackham states that pannage even in the Weald, once the most common area for it, was in decline by the eleventh century. Rackham, *The History of the Countryside*, 122.
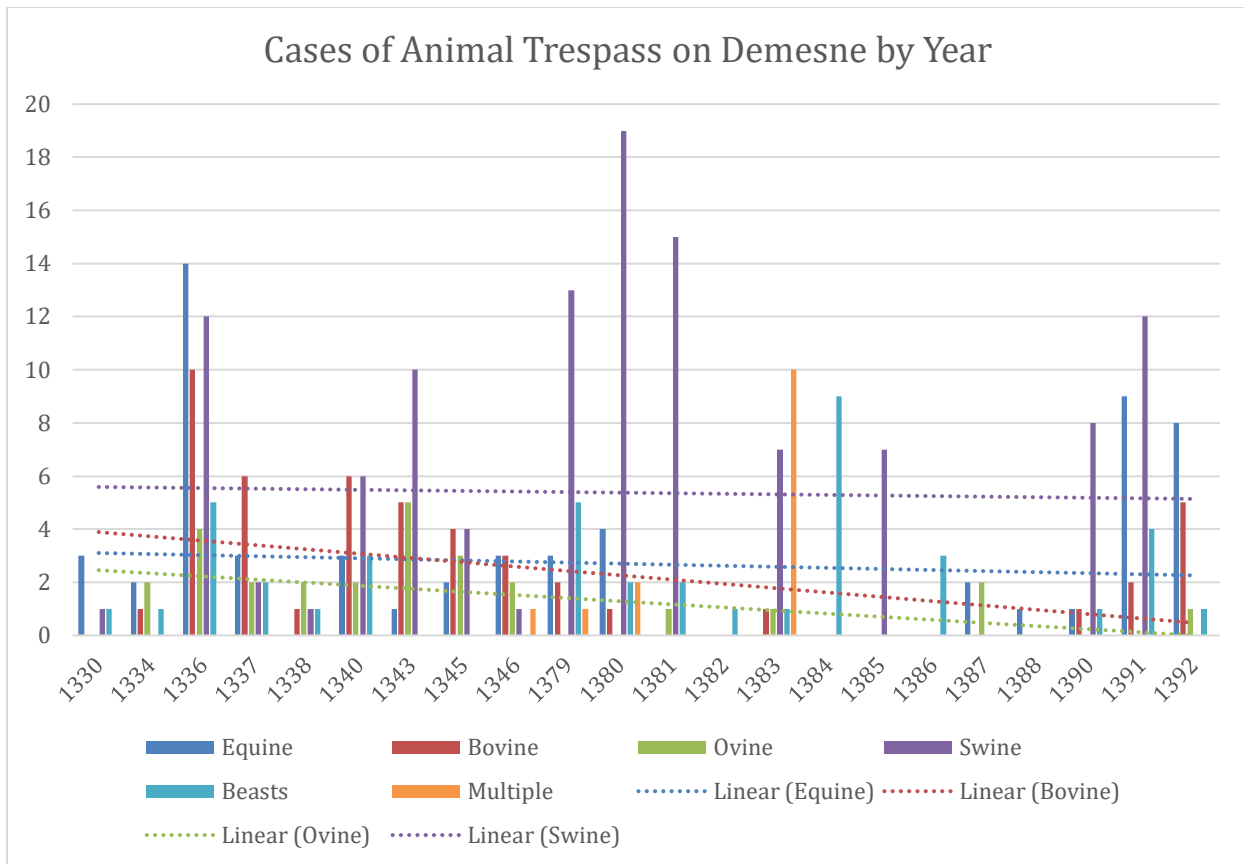
Figure 18: Cases of animal trespass on demesne by year

Over time, the manor court consistently prosecuted trespasses with animals less inclined

to graze, such as horses and pigs. The illicit presence of these animals in demesne areas thus

elicited concern as subversive acts against the lord's authority with the potential to cause

significant physical damage. In contrast, grazing animals — sheep and cattle — received far less

seigneurial attention during the second half of the fourteenth century (see Figure 18). At first

glance, one could suggest that tenants merely shifted away from using cattle and toward horses.

Closer analysis of bovine trespasses, however, reveals another cause for the change. The bovine

trespasses that were penalized occurred predominately in pasture (Figures 15 and 16). Bovine

heriots illustrate that proportional tenant ownership of cattle remained largely the same

throughout the fourteenth century (Figure 13). Yet, as overall trespasses on the demesne shifted

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inversely from arable to pasture in the second half of the century (Figure 17), suggesting widespread conversion of arable fields to pasturage, bovine prosecutions declined significantly (Figure 18). Based on these observations, I conclude that, as pasture became more widely available, the manor court focused less attention on penalizing the wandering of grazing animals. When pasture was more scarce in the early fourteenth century, concerns about overgrazing must have precipitated more stringent regulation of access and usage. The proportions and chronology of ovine trespassing support strongly this contention.

5.5 Prosecution of Trespassing

The Herstmonceux manor court carefully monitored the transgression of boundaries and responded to claims of mistreatment of animals. The court prosecuted, throughout the fourteenth century, frequent trespasses against the demesne and levied penalties that were generally minor and standard. The majority (69%) of recorded amercements were either 2 or 3 *d.* (see Figure 19). Some penalties could be slightly higher and more variable, specifically those involving relatively destructive animals like swine or in exclusive seigneurial areas like the park. In general, the court seemed careful not to impose highly punitive penalties on the majority of the tenancy, but the cumulative amercements could be onerous for frequent trespass offenders. The manor court also acted as a physical forum and arbitrator for feuds, but otherwise tenants used it only sporadically to settle disputes. While many of the trespass cases were probably mundane and symbolic, the prevalence over time suggests intentional transgression of — or at least a lack of concern for — artificial boundaries established by the lord. The regulation of boundaries and penalties for trespassing show little evidence of an effect on tenant behaviour; instead, the court procedure largely operated as a seigneurial source of revenue based on what people were already doing.
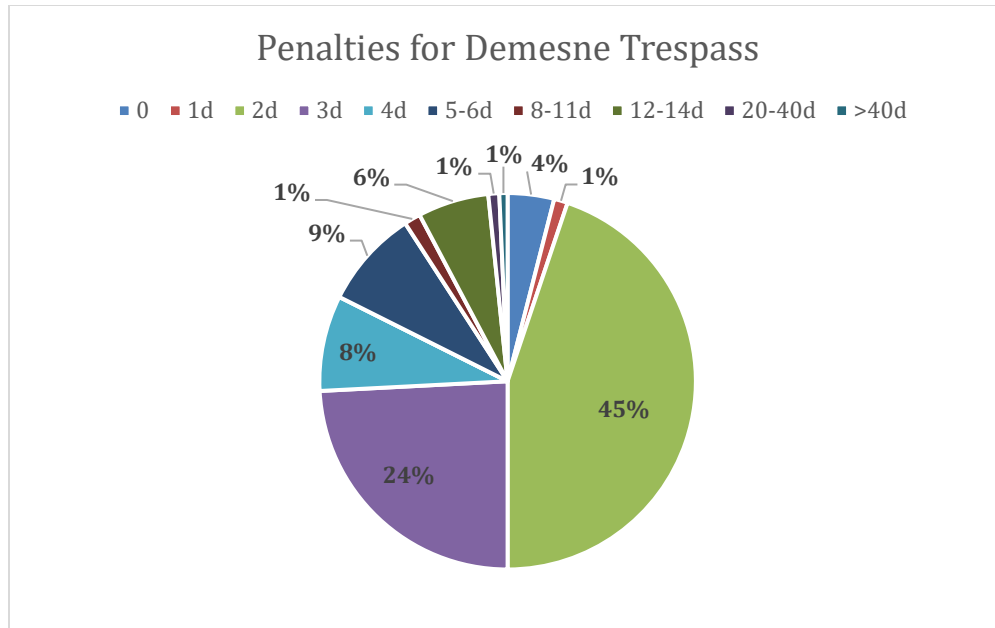
Figure 19: Proportion of penalties for demesne trespass

5.5.1 Procedure and Frequency

Accusations of trespass on Herstmonceux manor had a well-established system of verification.

Charges could be initiated either by manorial officials, presented by the homage, or brought by a

tenant against another.[563] Defendants often appealed to their neighbours to verify whether, and

how much, damage had occurred. In October 1381, when Juliana Mabuly could not totally deny

an accusation that her beasts (*averia*) had destroyed 10 *s.* worth of William Grovele's wheat, she

requested that her closest neighbours (*proximos vicinos*) assess the damage.[564] Thomas Mabely

similarly sought valuation from *proximos* when accused of damaging another tenant's pasture

with his horse.[565] In the case of Robert Mustarder's inability to mount a defence for his pigs and

geese destroying one quarter of John Elis' wheat, the roll lists by name the two neighbours

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[563] Kilby, "Mapping peasant discontent," 71.
[564] John Wythot, her neighbour, judged the damage to be worth one bushel of wheat, which was then levied from
Juliana. ESRO: AMS 7055/1.
[565] ESRO: SAS-X/5/1/24.

(*vicinos*) who should judge the value of damage.[566] The court appealed to the same assessors on

numerous occasions, sometimes involving consistently aggrieved parties. For example, three

men investigated a claim by Adam Pettel against John Elys because "often they had previously

valued damage" between the two men. In this case, they came and said that they had been in the

fields in question and "they found or saw no damage."[567] While these examples involve

arbitration between tenants, rather than intrusions into the demesne, they demonstrate that the

court had an established tradition of verification and valuation of trespass and damage.

The manor court held people accountable for negligence, especially when it resulted in

injured or lost animals. This liability applied even — or maybe especially — to manorial

officials. An inquiry by the whole homage, in October 1340, attested that negligence by the

bailiff had resulted in grave damage to the lord's sheep flocks and swine herds and that the

warrener had stolen resources and allowed people to hunt rabbits.[568] Actions like damaging

barriers or leaving gates open received extra attention when they resulted in animals escaping or

causing damage elsewhere. Alexander Bakere, for example, claimed that Peter atte Hole made an

unlawful way into his tenement, stole apples and other goods, and broke an enclosure, which

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[566] It names Simon Petijon and Thomas Baker. ESRO: SAS-X/5/1/24.

[567] This involved William Colkyn, Thomas Gulderidge, and William atte Bergh in December 1388: …*sepius habuerunt in preceptum taxare dampna…* and … *nulla dampna invenerunt neque viderunt…* HLS: 77.

[568] The inquiry found that the bailiff's defective custody had resulted in damage regarding sheep, the lord's and others, including loss of manure and wool. The bailiff had also caused the deaths of nine grown pigs — three by improper castration — and thirty-three piglets. A subsequent presentment also accused the bailiff of having a ferret (*firrettum*) in the warren, which had destroyed some rabbits. The warrener had allegedly stolen a cartload of grains and felled oaks from the park, as well as allowing the rabbit poaching. *Qui dicunt per sacram suum quod dominus habuit grave dampnum de ovibus tam de alienis quam de propriis videlicet de alienis per amissionem composti et porcionis sue lane et agnorum et amissione proporum ovium et hoc per defectum custodie ballivi. Item dicunt quod ubi Ballivus receipt de domino per indenturam .xv. sues quod illis fecit castrare tres que statim moriebantur et una sus moriebatur per defectum Ballivi. Item dicunt quod de porcis de etate unius anni et ultra moriebantur quinque ob defectum ballivi. Item dicunt quod* ~~de porcum~~ *de xlviij. porculis moriebantur xxxiij. obiit defectum ballivi. Item dicunt quod per malum introitum bladum domini dominus habuit ad minus dampnum de .xl. solidis. Item dicunt quod Warrennarius abduxit quamdam carectatem bladi continentis .x. hepes de blado domini de diversis bladis. Ideo presentus est quod respondeat domino. Item dicunt quod idem Warrennarius permisit venare de cuniculis tam in dominicis domini quam in terris et domibus nativorum. Item dicunt quod idem Warrennarius prolongavit croppa de quercus [sic] prostratis in parco utra fuit de bosco domini nec ne ignorant.* ESRO: SAS-X/5/1/10.

caused a mare to be lost.[569] The court penalized John Chesman, the lord's swineherd, for serious

destruction of wheat fields by the pigs in 1391.[570] In early 1392, manorial officials actively

investigated how the lord's beasts (*averia*) had managed to enter and destroy the lord's wheat.

On 3 February, the court recorded that the *famuli* of Richard Coupere had broken the lord's gate

with four horses. Coupere was distrained to respond to the charges. Then, on 17 April, the bailiff

presented that John Wyllard had opened the lord's gate (*aperuit portam domini*), which then

allowed the animals to destroy the lord's wheat. Wyllard acknowledged opening the gate, but

denied that any damage resulted. The court then ordered an inquiry to investigate further.[571]

Although tenants used the court to settle disputes with neighbours less often than they

defended accusations of transgressions against the demesne, the court did perform an important

forum for the arbitration of longstanding inter-tenant feuds.[572] When William Grovele brought

two distinct cases against Juliana Mabuly in October 1381, one of the pleas accused her of

coming continually into his wheat fields and causing destruction.[573] William Jamyn and Stephen

Farham brought an especially aggressive series of accusations against each other from 1381 to

1383. In January 1381, Jamyn claimed that large numbers of Farham's pigs, throughout the year,

had destroyed his pasture and beans.[574] Farham counterattacked two years later with accusations

that Jamyn's cows had, on multiple occasions, destroyed his beans, peas, vetches, chickpeas

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[569] *...quod dictus Petrus venit ultra terram suam et iniustam viam fecit et clausum suum fregit et poma sua et alia bona apportavit. Et quo per fractionem clausi sui idem Alexander amisit unum jumentum precii .vij. s...* ESRO: SAS-X/5/1/10.

[570] The terminology of this entry is discussed earlier in this chapter. ESRO: SAS-X/5/1/24.

[571] ESRO: AMS 7060/1/15; HLS: 78.

[572] This function was not restricted to Herstmonceux, either. Throughout the Weald, one can find examples of tenants using trespass accusations as a means to settle general disputes, some of which extended back many years. Gardiner, "Medieval settlement and society in the Eastern Sussex Weald," 287.

[573] The pleas were made by his attorney. According to him, the continuous trespassing occurred between Easter (14 April) and the feast of the apostles Philip and James (1 May) in that year. ESRO: AMS 7055/1.

[574] The first accusation claimed that pigs had pastured in forty acres for six weeks around Michaelmas. The second claimed that fourteen pigs had trampled, eaten, and destroyed two acres of beans "this year." HLS: 73.

("chiches"), and other crops. When Jamyn successfully defended his innocence, Farham then accused Jamyn of continuously stealing his apples and pears as they grew during the summer.[575] The court fined both men in November 1383 for a number of failed trespass prosecutions against each other, but that failed to cease the animosity between them.[576] Stephen Farham continued to pose a frequent problem for his neighbours throughout the 1380s; in 1386 and 1387, alone, he was involved in six cases against five different people.[577] Robert Mustarder, a frequent trespasser in general, had several notable antagonists: William Colkyn brought five separate pleas against him in July 1387; John Elys accused him of trespass on three separate occasions during 1390–1391; and he countersued both William Mot and Thomas Mabely when they brought trespass charges against him.[578] Some tenants clearly made a habit of transgressing across their neighbours' boundaries.

Most tenants trespassed only once or twice, if ever; a small number, however, made it a frequent habit. Regular trespassers, with some exceptions, operated more commonly in the demesne than in neighbours' holdings. Since many inter-tenant disputes were resolved outside of the mechanism of the court, the rolls do not record those incidents or penalties to the same extent as they do for demesne transgressions. Regular trespassers on the demesne received higher penalties more consistently. Trespass cases from 1379 to 1392, well documented in a relatively complete series of rolls, illustrate the frequency of transgressions by certain individuals on the Herstmonceux manor (see Table 9). In general, frequent offenders appear in either demesne or

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[575] The first two claims, in July 1383, of 5 *s.* in damages were defeated by Jamyn in the subsequent court on 8 October. Farham had to pay 2 *d.* in amercement. Farham then issued another claim that, continuously between the Feasts of Mary Magdalene and the Chains of St. Peter (22 July and 1 August), Jamyn had stolen the fruit. ESRO: SAS-X/5/1/16; SAS-X/5/1/17.
[576] ESRO: SAS-X/5/1/17. Jamyn brought another claim against him in December 1387. ESRO: SAS-X/5/1/22.
[577] Four as plaintiff and two as defendant. The Daly family played a frequent role at that time, as two of his pleas were against Richard Daly and one was against Daly's wife. ESRO: SAS-X/5/1/19; SAS-X/5/1/21; SAS-X/5/1/22. HLS: 77.
[578] HLS: 77; ESRO: SAS-X/5/1/24; AMS 7060/1/15; SAS-X/5/1/21.

inter-tenant cases, but rarely both. This dichotomy may imply geographical observations about

the tenants — those who appear only in inter-tenant cases, for example, must have lived or

herded far from demesne areas.

Table 8: Frequent trespassers on Herstmonceux manor, 1379-1392

Name	Demesne cases	Total Fines (d.)	Inter-tenant cases	Total Fines (d.)
Thomas Birchet	17*	82	0	0
John Burdon	13	44	2	2
William Colkyn	9	12	5	8
Richard Daly	16	43	5	6
Thomas Dyne	12	50	0	0
Stephen Farham	0	0	6	4
Thomas Hogeman	6	23	0	0
John atte Levere	11	7	1	0
Robert Mustarder	0	0	13	6
John Omberden	21	78	0	0
John Taylor	6	19	0	0

There were also two mentions of a Thomas Birchet junior (4 d. total), which have not been included in this table.

For those people who trespassed regularly, the fines could prove, economically, quite

onerous. Eight tenants each faced more than ten trespass accusations, though all but one did so

primarily on the demesne. The two worst perpetrators, Thomas Birchet and John Omberden,

trespassed on the demesne more than once a year, on average. The penalties assigned for such

behaviour far outweighed their other expenses. For example, Omberden paid, over time, as much

in trespass fines as he did in rent. He gave the court, over thirteen years, 78 *d.* for trespasses,

compared to 6 *d.* per annum for holding a cottage and at least one acre of land.[579] In some years

(1379, 1383, 1391), he paid more than twice his annual rent in trespass penalties. In an even

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[579] On 14 February 1379, Omberden made fealty to the lord for holding one acre of land, which carried a rent of 6 *d.* On 26 July 1380, the court expected him to pay a fine for holding a cottage and one acre of land, but he was not present. These two entries mostly likely connote the same holding, and so have been summarized as such above. HLS: 70; 72.

more extreme example, Thomas Birchet, whom the court fined 82 *d.* for trespasses over the same time period, paid only 2 *d.* in annual rent for a cottage.[580] Birchet thus paid, in total trespass penalties, approximately threefold what he paid in rent. Most of his trespasses involved pigs (at least 65%) in either pasture or woodland (88%). These details, combined with his limited tenement size, indicate that he likely worked primarily as a swineherd. The benefits of herding swine must have outweighed the steep costs that could accrue when pigs wandered into areas where they were not welcome.

Defendants rarely challenged the ruling when penalized for trespassing on the demesne, although the court would sometimes dismiss charges when faced with an effective alibi. In a rare recorded refutation of a presentment, John Hosyere denied that he took the lord's rabbits or dug up demesne land. In the end, he paid the fine to the lord rather than pursuing further a legal defence.[581] In some cases, the steward condoned the alleged action and assigned no penalty. When Robert Sire was found guilty in May 1334 because his entire flock transgressed in demesne crops, the trespass was condoned because thieves had driven the sheep at night.[582] Of demesne trespass cases with a recorded verdict, 4% were accorded no penalty. Almost all of the condoned incidents occurred in either arable fields or pasture; the court forgave no trespasses in either woodlands or enclosed areas (see Figure 19). The tendency for the court to dismiss some trespasses in crops or pasture demonstrates an occasionally more lenient reaction to the

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[580] On 17 January 1379, Birchet makes fealty to the lord and pays a fine of 8 *d.* for holding a cottage. On 7 March, he acknowledges holding a cottage with an annual rent of 2 *d.* HLS: 71. ESRO: SAS-X/5/1/15.
[581] He claimed *quod non cepit cuniculos domini nec foderit terram domini.* The entry then allows that he would have a day at the next court to make his case with three pledges. A superscript note above the entry describes that "he has made fine with the lord." ESRO: SAS-X/5/1/15.
[582] *Robertus Sire in misericordia pro transgressione in blado cum ovibus tocius falde convictum est per tenentes quod noctanter per latrones ideo condotur.* ESRO: SAS-X/5/1/6.

accidental wandering of some animals. The seigneurial apparatus made no such allowance in

areas where tenants were more likely to steal, for example, wood or rabbits from the lord.

5.5.2 Penalties

The majority of penalties for trespass on the demesne were small amercements regardless of

location, though with some variation (see Figure 20). Most tenants who trespassed in arable,

pasture, or wood received only minor penalties. These mundane incidents must have stemmed

primarily from the seemingly unintentional crossing of invisible boundaries, the wandering of

animals, or the relatively innocuous collection of materials. In those cases, whether as a form of

pasturage fee or for the symbolic transgression of seigneurial authority, the court levied a

standard payment. 69% of total payments were either 2 or 3 *d.*, and that number increases to 72%

for trespasses in pasture and to 76% for trespasses in wood. For some incidents, however, the

penalty exceeded significantly those lower figures. Assessments of damage, not usually recorded

in the entries, likely account for these increases. In this way, the lord received compensation for

damages suffered, a solution similar to the levied goods that a tenant owed another tenant for

causing damage to their property. Some flexibility on the amercement amount to cover damages

would explain why trespass penalties in arable exceeded those of pasture or woodland. If damage

did not factor into the equation, and only the symbolic transgression mattered, then the fines

should stay largely the same. For arable trespasses, however, 23% of fines exceeded 4 *d.*,

compared to 16% in pasture and only 10% in woodland. The relatively rare occurrence of higher

fines for pasture or woodland trespass usually indicated either exceptionally large numbers of

animals or herds using those spaces in certain seasons.[583] Court regulations clearly sought to

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[583] In 1390, the court fined the rector of Herstmonceux church 12 *d.* for having twenty-five animals (*animalia*) in the pasture. ESRO: SAS-X/5/1/24. Two tenants were each fined 14 *d.* in 1391 for pasturing their pigs in the winter. HLS: 77. In 1415, the court amerced Simon Petijon 12 *d.* for ten beasts (*bestiis*) and a calf (*vitulo*) in the lord's pasture. ESRO: SAS-X/5/1/25. In 1439, the beadle presented that John Onewyne, who was fined 20 *d.*, had on two

deter physical damage to valuable crops, in addition to maintaining the authority of seigneurial

boundaries.

Penalty for Demesne Trespass by Location
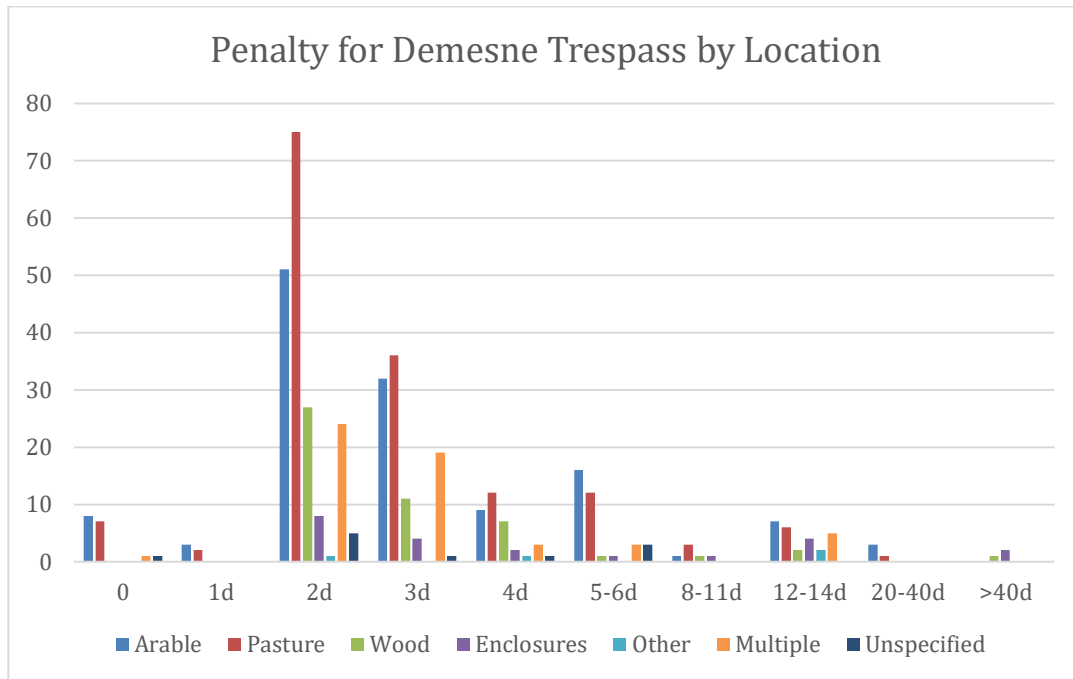
occasions moved five foals into the lord's meadow. ESRO: AMS 7060/1/17. As discussed earlier in this chapter, pannage amercements could be higher and more variable than pre-emptive pannage fees or other woodland trespasses. Seasonality also played a role, as pannage season was only occurred in the autumn and early winter. Albarella, "Pig Husbandry and Pork Consumption," 77; Hamilton and Thomas, "Pannage, Pulses, and Pigs," 250. Manorial administration attempted to limit the pasturing of pigs, especially around the harvest. Contemporary Ramsey specified the times that pigs were allowed in certain pastures and restricted that they could not enter grain fields until well after the harvest, when the poor had had a chance to glean the fields. Jørgensen, "Running Amuck?" 446. In one exceptional case, from 1340, John Redynge was amerced a half mark (6 *s.* 8 *d.*, or 80 *d.*) for transgression made in the lord's wood. This punishment far exceeds any comparable woodland trespass but, unfortunately, the roll provides no further detail on why the transgression was considered so severe. ESRO: SAS-X/5/1/9.
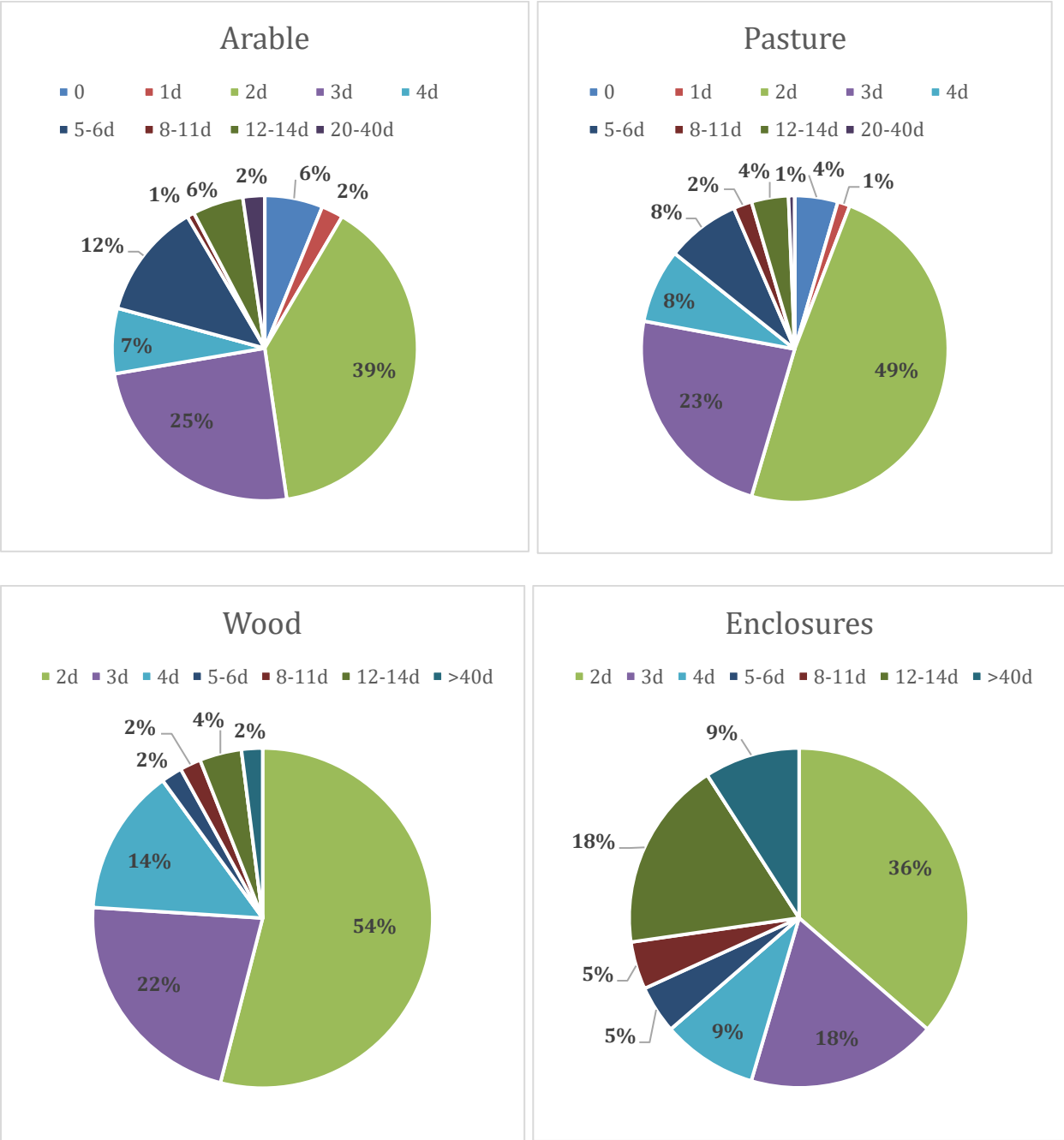
Figure 20: Penalty for demesne trespass by location

The highest and most variable penalties came for trespassing in enclosures, although still slightly more than half of incidents received a standard low rate. 52% of enclosure trespasses on the demesne received amercements of 2 or 3 *d.*, which reinforces that, in the majority of cases,

the court prescribed minor and consistent penalties for transgressions that caused little or no damage. The relative severity of punishment for some enclosure trespasses should come as no surprise either, as certain enclosed areas of the demesne held both great symbolic capital and the lord's most highly valued animals. 37% of amercements for enclosure trespass exceeded 4 *d.*, and a relatively much higher proportion of penalties cost at least 12 *d.* (27%).

At first glance, it may appear that the court punished transgressions in enclosures more heavily on principle; actual damage inflicted within enclosed spaces, however, mattered more to the court than the location of a transgression or which animal caused it. According to the penalties recorded, the court determined the severity of the amercement based on the damage caused: most severe, the poaching of animals, except fish; moderately severe, the destruction of barriers; least severe, the transgression of boundaries with animals. Manorial officials showed the greatest concern for the lord's park and warrens. The de Monceux family's park had a long history of trespasses, with some high-profile intrusions by nobility in the thirteenth century.[584] Between 1327 and 1330, manorial officials cracked down on the presence of dogs in the lord's warrens, some of which had caused "grave damage," and the court decreed some severe penalties.[585] The next highest amercements, generally 12 *d.* each, involved hunting in the lord's park.[586] Though limited evidence of illegal fishing exists, the court seemed less concerned with

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[584] The Countess of Eu allegedly attempted, in 1243, to reassert her seigneurial dominion over the estate by sending servants to hunt deer in the park. The next lord of Herstmonceux chose the losing side in the civil conflict between Henry III and Simon de Montfort, and the king subsequently sent his army to ruin the park and kill the deer inside it. S. A. Mileson, *Parks in Medieval England* (Oxford: Oxford University Press, 2009), 8.

[585] In December 1327, the court fined a widow 3 *d.* for "receiving a dog against the lord's prohibition to destroy the lord's rabbits and other things" in his warren. ESRO: SAS-X/5/1/1. Then, in October 1328, it issued a collective amercement of 20 *s.* to all the customary tenants for trespasses committed in the warrens with dogs. ESRO: AMS 7060/1/1. In November 1330, after the customary tenants presented that the baker of Lord Simon de Echingham and another man had "made great damage in the lord's warren" while hunting illegally, the court ordered them to distrain the two men and issued an amercement of 40 *s.* HLS: 68.

[586] Two men, William Not and Thomas Hogeman, were each amerced 12 *d.* in June 1379 for hunting fawns in the park. When John Steven "broke the lord's park at Glesham" in 1340, his original amercement of 2 *s.* was condoned

that than the poaching of terrestrial animals.[587] Damage to enclosures invoked variable penalties, ranging anywhere from 4 to 12 *d.* For example, four men, who had "gravely damaged" the lord's hedges in 1391, each paid a different amount, presumably based on the extent of damage that each caused.[588] The accidental pasturing of animals, even those not inclined to graze, in enclosures garnered no more severe penalties than grazing elsewhere. Almost all cases of pigs wandering in the park, gardens, or severalty were penalized at 2 *d.*[589] This demonstrates that, even among the relatively severe penalties for enclosure trespass, the extent of damage superseded the location of the trespass or the type of animal involved.

Analysis of the penalties for each trespass, organized by animal (see Figure 21), supports the conclusion that most minor transgressions received lenient fines, regardless of the animal, but that some animals were more inclined to destructive behaviour. In the cases of horses and pigs, their tendency — perceived or actual — to transgress boundaries and cause widespread damage ensured that their trespasses received higher penalties more often. The court never penalized grazing animals, namely cattle and sheep, as severely.

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and he paid 12 *d.* instead. The significant discrepancy between that penalty and one (3 *d.*) almost a half century later, when John Mabuly "broke the lord's park," implies that John Steven was hunting. ESRO: SAS-X/5/1/9; HLS: 77.

[587] In 1336, Nicholas Pettyl was distrained because he fished in the lord's pond and ate (*alimentavit*) the fish. At the next court, he came and paid a fine of 2 *d.* ESRO: SAS-X/5/1/7.

[588] One paid 4 *d.*, another paid 6 *d.*, another paid 8 *d.*, and one, Richard Daly, paid 12 *d.* HLS: 77.

[589] As an exception, in October 1380, John Dyne paid 4 *d.* for his pigs in the park, but it involved a higher number of pigs (seven) than comparable cases. ESRO: SAS-X/5/1/13; SAS-X/5/1/15.

Penalty for Demesne Trespass by Animal

Equine
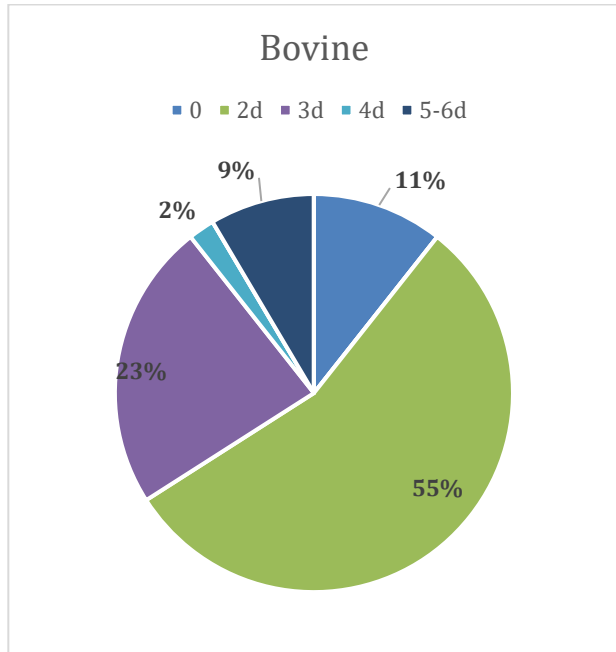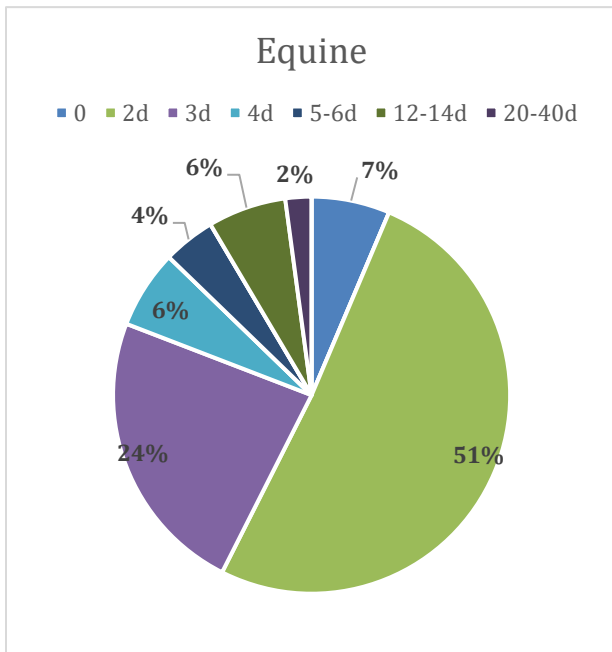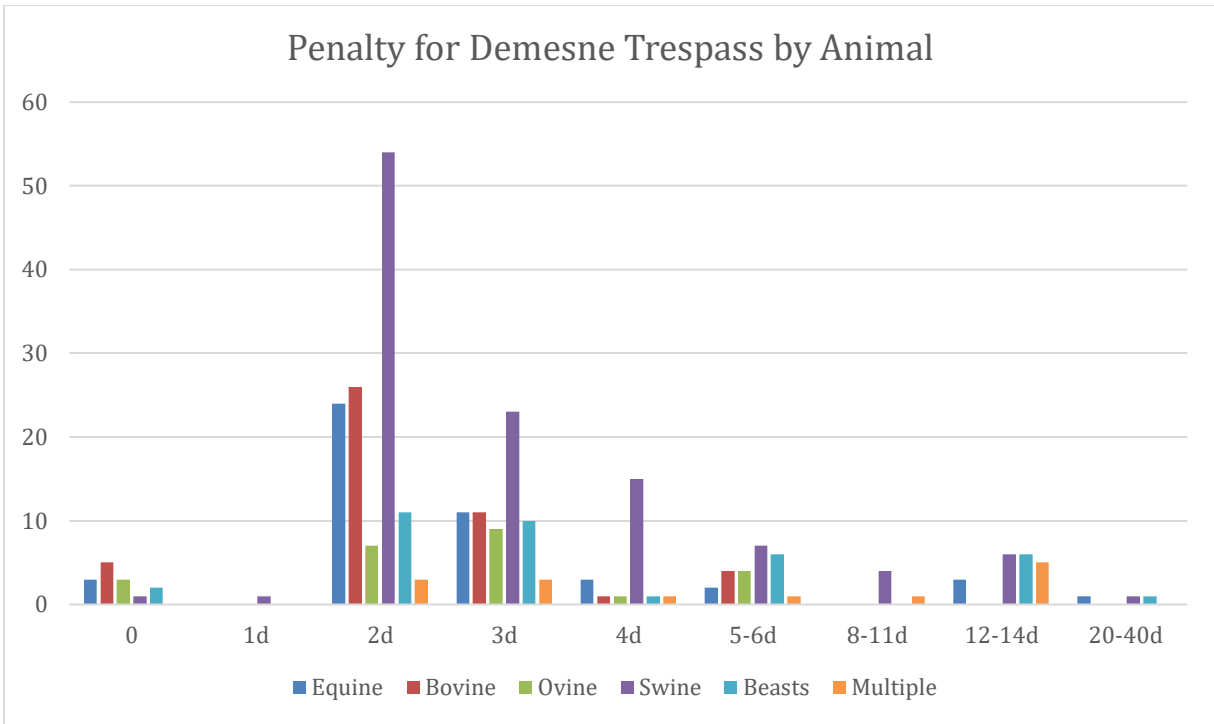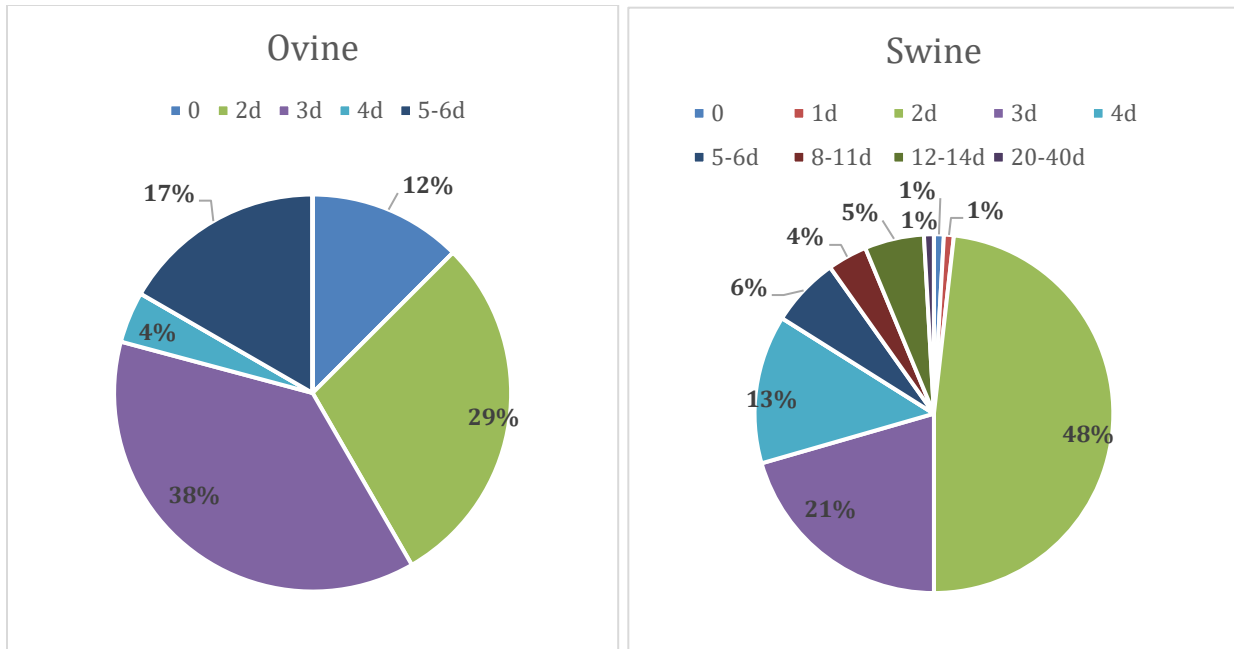
Bovine

Figure 21: Penalty for demesne trespass by animal

Although most animal trespasses received minor penalties, those involving grazing animals were the lowest and most consistent. 89% of bovine trespasses were amerced at 3 *d.* or less, and the court fined none higher than 6 *d.* In cases of ovine trespass, similarly, the court never issued a penalty above 6 *d.* Ovine trespasses, just like bovine, were also more likely to be forgiven by the lord. As an example, the court first listed a steep fine of 40 *d.* when John Pendere's sheep trespassed in the lord's wheat in April 1381, but then condoned the incident.[590] Minor variations compared to bovine trespasses can be explained by the sheer numbers of sheep, as discussed above, that would transgress demesne boundaries. The large size of flocks would explain the slightly skewed proportions of penalties. For example, 59% of ovine trespasses were assessed at 3 *d.* or above, compared to just 34% for bovines. Since most amercements for these animals likely functioned as a kind of pasturage fee, it makes sense that large flocks of sheep would garner higher amounts than relatively smaller cattle herds.

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[590] HLS: 74.

Even in cases involving other animals, like horses and pigs, the vast majority of cases received minimal penalties. 82% of equine and 71% of swine trespasses received minor amercements of 3 *d.* or less. We can ascribe these small penalties to symbolic and seemingly innocuous transgressions of seigneurial boundaries. These minor fines differed from the more stringent penalties assigned in the confined spaces of contemporary urban centres. In fact, the Herstmonceux manor court assigned generally lower amercements for pig trespasses, for example, than the fairly standard 4 *d.* rate in late medieval English towns.[591] Most of the time, thus, transgressions by horses and pigs still received a nominal fee. The limit for equine and swine penalties far exceeded, however, the maximum amercements of 6 *d.* imposed on trespasses with grazing animals, with between 8 and 11% exceeding that maximum.This can be attributed plausibly to concerns over increased property damage in cases of equine and swine trespass.

5.6 Conclusion

The story of animals — and the tenants who raised them — at Herstmonceux is a complex one. Tenants and the lord alike cared for the wellbeing of the animals; livestock was, after all, an essential part of the rural and manorial economy. Whether driven with intention or not, animals moved constantly across seigneurial boundaries and throughout demesne areas. Neighbours' fields and crofts proved no barrier either. The majority — roughly three-quarters — of trespasses were innocuous events, or at least were considered such by the manor court. Standard and minor penalties resulted for those transgressions. The sheer number of incidences, however, cannot be ignored. In twenty-eight years for which documentation survives, the court initiated approximately 500 prosecutions for trespassing on the demesne. This demonstrates, if nothing

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[591] York, in 1377, and Maldon both decreed a standard 4 *d.* fine. Other towns, like Bristol, Norwich and Colchester, practised even stricter penalties, including the forfeiture of the animal. Jørgensen, "Running Amuck?" 433. Only 13% of swine trespasses at Herstmonceux received a 4 *d.* amercement. 16% received a higher fine and there were no (recorded) forfeitures.

else, that seigneurial boundaries did little to dissuade wandering animals and mattered little to their herders. The manor court seems to have accepted this ambivalence and relied instead on amercements as a consistent source of revenue for the manor. In cases where notable damage was caused, either physically or symbolically, then the court penalized transgressors more harshly. Animals less required to graze, such as horses and pigs, garnered consistent penalties throughout the fourteenth century, but grazing animals like cattle and sheep received more leniency as pasturage became more available later in the century. In this way, the court sought to regulate behaviour, especially to limit damage, but tenants generally seem to have continued their movements as before. A few tenants trespassed quite frequently and their cumulative penalties could be relatively quite high. Tenants of the manor themselves used the court only sporadically to arbitrate disputes, and settled them largely on their own, but it served as an effective forum for longstanding feuds. In many ways, the tenants of Herstmonceux stuck to their Wealden roots and continued to rely on animals that suited their mixed-use economy. The manorial court, acting as an enforcer of seigneurial boundaries, adopted a commercial — and highly successful — reaction to transgressions and used a largely hands-off approach — less effectively — for enforcing boundaries and influencing behaviour.

Chapter 6: Trees and the Use of Wood on the Manor

6.1 Introduction

The manor of Herstmonceux occupied a broad and complex landscape that extended far into the dense forests of the Weald. Many of the manor's tenants inhabited those distant woodlands. Their use of those woods, however, was restricted even on their own tenements. They retained some vital access to common areas and rights to gather deadwood, so essential for fuel. The clearing of trees and trade in timber, though, were tightly controlled by the lord. Oaks, so valuable for timber and so common in the region, remained beyond the grasp — legally — of most people on the manor. Timber could be purchased, but at an exorbitant price many times the annual rent of many Herstmonceux tenements. In the early fourteenth century, after the great clearings of the twelfth and thirteenth centuries, this exclusivity mattered little, since the scattered, relatively small Wealden holdings required few large-scale construction projects. By the later fourteenth century, however, the manorial administration focused increasingly on active maintenance and repair of buildings throughout the manor. Tenants suddenly needed to make repairs without any greater, licit access to supplies. It is, perhaps, not surprising, then, that penalties for felling oaks, unsurprisingly, appear more frequently in the 1380s. The numbers of trees felled, though, approach nowhere near the numbers of repair projects required. Tenants likely engaged in widespread and covert wood acquisition that went unnoticed by manorial officials. As with drainage and trespassing, we can see a tension between the manor's attempts to maintain and extend seigneurial authority — in part, by enforcing standardized regulation — in the face of well-established local custom and relatively weak manorial control in its periphery.

This chapter examines the role that woodlands served in a rural English setting during the fourteenth century – specifically how people lived in them, used them, and regulated them. It

analyzes, purposefully, "woodlands" rather than "forests." This terminological distinction is important: forest (*foresta*), an entirely legal definition, delineated areas under royal law alone and, thus, they needed not include any actual trees, though they usually did for aesthetic and leisure (hunting) purposes.[592] The term woods (*bosci*), in England, connoted more of a distinctly wooded landscape. No royal forests occupied the Sussex countryside,[593] but woodlands — especially in the Weald — it held aplenty. Manorial officials at Herstmonceux conceived consistently of some areas of the landscape as "woods," and so this chapter analyzes those areas as articulated in the court records these officials generated. First, the chapter discusses the context of woodland in medieval Europe, generally, and in the Weald, more specifically. Second, it examines the local actions of Herstmonceux tenants in the wooded areas so ubiquitous on and around their tenements. Finally, it analyzes the lord's enforcement of woodland regulation through the mechanism of the manor court.

For the Herstmonceux manor court, the illicit use or theft of wood, specifically, elicited far less concern than symbolic transgression of seigneurial boundaries in general. Fourteenth-century extant documents record nearly 600 cases of trespass; in contrast, only twenty-four cases

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[592] This does not mean necessarily that only royals used the forests, but merely that they were the only people with legal right to do so. In reality, many monarchs found it profitable merely to fine people for widespread use of the forest for pasturage, fuel, building materials, etc. Jean R. Birrell, "The Medieval English Forest," *Journal of Forest History* 24, no. 2 (Apr., 1980): 78-85. Bechmann, when discussing the origins of the words, outlines briefly the legalistic framework of the terms and differentiates them in modern French based on size. He characterizes the medieval forest as "the legal delimitation, the prohibition, the reserved usage. From its origin, the word evokes a decision, a human option, a zoning choice…" Roland Bechmann, *Trees and Man: The Forest in the Middle Ages,* trans. Katharyn Dunham (New York: Paragon House, 1990), 13-14. The distinction between *foresta* and *boscum,* seems generally, in France, to refer often to a difference in size as much as for usage. Richard Keyser, "The Transformation of Traditional Woodland Management: Commercial Sylviculture in Medieval Champagne," *French Historical Studies* 32, no. 3 (Summer 2009): 362. Young equates roughly the forests with the more heavily wooded areas of hunting — due to the king's emphasis on hunting — but concedes that the two are not absolutely linked, and that, "From its beginning the royal forest was to some extent an artificial creation that included lands without woods and villages that were alien to the idea of a forest in any physical meaning of the term." Charles R. Young, *The Royal Forests of Medieval England* (Philadelphia: University of Pennsylvania Press, 1979), 3.
[593] Mark Gardiner, "The geography and peasant rural economy of the eastern Sussex Weald, 1300-1420," *Sussex Archaeological Collections* 134 (1996): 127.

— and probably involving no more than ten large trees total — involved illicit woodcutting or felling of trees, thirty-nine penalized the carrying or gathering of wood, and twenty-eight documented the selling of wood or timber.[594] This observation of relative rarity is noteworthy, considering the prevalence of Herstmonceux tenants who lived and worked in the heavily wooded areas of the Sussex Weald (see Chapter 2). Sporadic references to a wide variety of woodland behaviour demonstrate that woodland formed an integral part of the manorial economy, though one far removed from, and less observed by, the central manorial administration. Much illicit action in the Wealden woods, most of it fairly small-scale and mundane, presumably went unnoticed or unpunished by officials concerned primarily with protecting arable fields closer to the manor house.

6.2 Woodlands in medieval Europe

Wood fulfilled an essential role in the medieval world. People relied on wood; they used it as their primary source of heating and building materials. The widespread consumption of trees had significant effects on the once-vast woodlands of Europe. When discussing the agricultural and demographic expansion of the later medieval period, Michael Williams writes, "In all the ferment of activity, forest clearing was the central theme around which all other modifications of the landscape revolved…"[595] Medieval historians, thus, have long considered the importance of forests and their use by a broad swath of society. Environmental historians have recently turned their attention to premodern arboreal themes and examined the role of woodlands as an intersection of nature and culture in the medieval landscape.[596] Graeme J. White distinguishes

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[594] For trespass cases, see Chapter 5. The cases involving wood will be discussed in greater detail below.
[595] Michael Williams, *Deforesting the Earth: From Prehistory to Global Crisis* (Chicago and London: The University of Chicago Press, 2003), 105.
[596] For connections between woodlands and military conflicts, see: J. R. McNeill, "Woods and Warfare in World History," *Environmental History* 9 (July 2004): 388-410; Philip Slavin, "Warfare and Ecological Destruction in Early Fourteenth-Century British Isles," *Environmental History* 19, no. 3 (July 2014): 528-500.

three themes of change from the medieval era: first, the impact of population changes on resource pressures and commercialization; second, the importance of technological innovation; and third, the imposition of power over the landscape, which he attributes not only to elites, but also the mass population acting either collectively or individually.[597] This chapter examines in detail how the third theme functioned in woodlands at the manorial level.

Deforestation, in Europe, reached unprecedented levels during the high and late medieval centuries. Estimates vary regarding the scale of clearing, but scholars generally conclude that the majority of dense woodland in central Europe was deforested by 1500.[598] Rackham estimates that, between 1086 and 1250, the English destroyed an average of twenty acres of woodland each day.[599] Although recent work nuances this view for early medieval clearances in some regions,[600] in the words of Williams, "the medieval European experience must rank as one of the great deforestation episodes in the world."[601] Recent climatological models demonstrate that widespread deforestation had significant effects, at the local level, on climate, especially in terms

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[597] Graeme J. White, *The Medieval English Landscape, 1000-1540* (London: Bloomsbury Academic, 2012), 4-5. The impact of population changes are well known and discussed elsewhere in this thesis. The medieval period also witnessed important technological changes that stimulated large-scale landscape transformations. The unprecedented reliability and magnitude of power provided by waterwheels, for example, opened up new possibilities for production notably in the area of metallurgy. The consequences of these innovations became starkly clear by the early modern period. Increased energy requirements thus led to further widespread deforestation wherever a blast furnace was operating. One English furnace in the early eighteenth century required about 1600 hectares of trees to sustain production. The supply of domestic English wood was threatened even further by the growing shipbuilding industry. Vaclav Smil, *Energy in World History* (Boulder CO: Westview Press, 1994), 107, 150-151.

[598] Williams estimates, based on a synthesis of scholarly sources, that roughly 70% of the land was densely wooded originally, and only 25% was wooded by 1900, with most of the clearing completed before 1500. Williams, *Deforesting the Earth,* 123-125. Some scientists estimate that as much as 70% of forests have been destroyed in most of continental Europe between 100 and 1,000 years ago. G. Strandberg and E. Kjellström, "Climate Impacts from Afforestation and Deforestation in Europe," *Earth Interactions* 23 (2019): 3.

[599] Significantly, the population at least doubled during that same time period. Oliver Rackham, *Trees and Woodland in the British Landscape: The Complete History of Britain's Trees, Woods and Hedgerows,* rev. ed. (London: Phoenix Press, 2001), 55. Stephen Broadberry et al., *British Economic Growth, 1270–1870* (Cambridge: Cambridge University Press, 2015), 12.

[600] Keyser outlines conclusions, based more heavily on evidence from England and the Mediterranean, that Iron Age farmers cleared areas to an extent previously attributed to early medieval communities. For the plains of central Europe, in contrast, the high medieval period witnessed the heaviest clearing (from roughly 50% wood-cover to 20-30% in the early modern period). Keyser, "Sylviculture in Medieval Champagne," 354-355.

[601] Williams, *Deforesting the Earth,* 124.

of maximum and minimum temperatures.[602] Loss of habitat, due to the widespread clearing of woodland, wrought significant effects on fauna as well. The British Isles, specifically, encountered this fate more than most.[603] All of this does not imply that everywhere deforestation proceeded incontrovertibly. Rackham labels woods "among the most enduring and successful of all medieval institutions and were remarkably resistant to the vicissitudes of the centuries."[604] Woodland — if managed effectively — renews itself, even if utilized constantly; medieval people understood this fact well and increasingly sought to regulate its protection.[605] Just as boundaries between water and land were mutable, spaces of wood and field could be indistinct. In some areas with widespread abandonment of arable fields during the fourteenth century, woodland regenerated and even proliferated.[606] Regional variations played an important role as well, since rates of clearing and types of land use could differ significantly. The Weald of south-east England exemplifies the extent to which a region's unique character can problematize broader trends.

6.2.1 Woodlands and settlements in the Sussex Weald

The Weald constitutes a discrete region, both for its distinctive environmental features — including topography, soil, and dense vegetation — and cultural traditions — including farming practices, resource use, and social customs. Scholars debate the extent to which natural phenomena, like geological structures, influence the implementation of agricultural systems, and

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[602] Strandberg and Kjellström, "Climate Impacts from Afforestation and Deforestation in Europe," 1-27. The authors estimate that anthropogenic deforestation may have caused increases in mean temperatures up to three degrees Celsius, depending on region and season. See, especially, p. 21.

[603] During the later medieval centuries, wolves, wild boars, and beavers all became extinct in the British Isles. In all of these cases — and especially with the beaver — the loss of woodland undoubtedly played a significant role. I. G. Simmons, *An Environmental History of Great Britain: From 10,000 Years Ago to the Present* (Edinburgh: Edinburgh University Press, 2001), 97.

[604] Rackham, *Trees and Woodland in the British Landscape,* 77.

[605] Jean Birrell, "Common Rights in the Medieval Forest: Disputes and Conflicts in the Thirteenth Century," *Past & Present,* no. 117 (Nov., 1987): 31; Williams, *Deforesting the Earth*, 134.

[606] Williams, *Deforesting the Earth,* 136.

whether one can refer, thus, to "farming regions" based primarily on environmental factors.[607]

Recent work has attempted to synthesize disparate approaches by adopting an established French

term — *pays* — to characterize regions with a common farming economy and shared cultural

traditions.[608] Places such as the Weald, a prominent geographical region in eastern Sussex and

western Kent, can be considered their own cultural *pays,* with their geology an important

consideration, but not one that necessarily determines individual or manorial behaviour.[609] The

Wealden region contains two broad geological areas: the High Weald, a landscape of clay and

sandstone soils at higher elevations, divided in places by steep, narrow river valleys; and the

Low Weald, a band of mostly clay soil, surrounding the High Weald on three sides, with lower

elevations, rolling hills, and shallower valleys.[610] Frequent occurrence of marling — a form of

artificial fertilization — speaks to active management of the landscape, and indicates the general

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[607] Joan Thirsk famously determined three broad types and numerous sub-types of farming and then characterized numerous "farming regions" throughout early modern England with those generic categories. Joan Thirsk, "The farming regions of England," in *The Agrarian History of England and Wales: Volume IV, 1500-1640,* ed. Joan Thirsk (Cambridge: Cambridge University Press, 1967), 1-112. Still, in a more recent volume that she edited, the chapters in the first half are differentiated by general type of landscape. Joan Thirsk, ed., *The English Rural Landscape* (Oxford: Oxford University Press, 2000). This structure was used "to describe some of the major types of English landscape, in order to assemble the generalities that unite them, and confer a similarity on, say, all downlands, all fenlands, and all moorlands, which we instinctively recognize wherever they occur." (p. 9). In contrast, Bruce Campbell has pioneered an approach that uses models of farming systems, rather than regions, and has shown that even within the same area, neighbouring manors could develop distinctive practices. Bruce M.S. Campbell, *English Seigniorial Agriculture, 1250-1450* (Cambridge: Cambridge University Press, 2000). Recent efforts have sought to balance the two approaches. Stephen Rippon, Adam Wainwright, and Chris Smart, "Farming Regions in Medieval England: the archaeobotanical and zooarchaeological evidence," *Medieval Archaeology* 58, no. 1 (2014): 196-201. The authors explain that, "While it is clear that geology does have a strong influence on landscape character, it does not have to be uniform across *pays* defined in the broader cultural sense. Any successful farming community will have appreciated the need ideally to embrace a variety of resources within their territory… and we know that medieval communities usually lived within just such varied territories." (pp. 197-198).
[608] See Mark Francis Gardiner, "Medieval Settlement and Society in the Eastern Sussex Weald before 1420," (PhD Diss., University College London, 1995). For an earlier perspective differentiating between broader "regions" and smaller-scale "pays," see Alan Everitt, "River and wold: Reflections on the historical origin of regions and pays," *Journal of Historical Geography* 3, no. 1 (1977): 1-19.
[609] Historical and archaeological reconstructions of *pays* shows that "culturally constructed territories often had a predominant geology/topography at their heart, but a diversity of other environments within them and in particular around their peripheries." Rippon, Wainwright, and Smart, "Farming Regions in Medieval England," 199.
[610] Diana Chatwin and Mark Gardiner, "Rethinking the early medieval settlement of woodlands: evidence from the western Sussex Weald," *Landscape History* 27, no. 1 (2005): 33.

topography and soil occupied by tenants. Farmers relied frequently on marling to improve soils

for cultivation, especially for the notoriously difficult High Wealden soils.[611] Throughout the

Weald, many areas remained relatively wooded during the entire medieval era and inhabitants

utilized mixed-use farming practices that relied on access to woodland.

The species of flora in the region, most notably dense areas of large trees, influenced the

ways that locals utilized the landscape. Oaks — more than any other vegetation — dominated the

expanse of the Weald, itself the largest forested area in south-east England.[612] The Herstmonceux

manor court, overseeing tenants who lived primarily in the Weald, documented specifically only

oaks (*quercus*) and not any other tree species, except for sporadic mentions of fruit trees.[613]

Compare this to the records of neighbouring Wartling, a manor with tenants clustered more

closely around the manor house, which document much more varied arboreal flora. The Wartling

court describes, for example, the destruction of oaks, beeches, great birches, and seedling apple

trees, as well as vines from a vineyard.[614] Palynological research has further demonstrated the

prevalence of various other species of trees throughout the area, including alders along the edges

of the Pevensey marshes and "secondary" forests of birch and hazel in areas of dense, oak

woodland.[615] Herstmonceux rolls, in contrast, document little such species variation, and instead

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[611] Gardiner, "The geography and economy of the High Weald, 1300-1420," 126.

[612] Witney refers to oaks as "the climax vegetation" in the Weald. K. P. Witney, "The Woodland Economy of Kent, 1066-1348," *The Agricultural History Review* 38, no. 1 (1990): 20.

[613] In one Herstmonceux case, from October 1340, a tenant is accused of stealing apples, but the record implies that the theft targeted general goods, rather than an apple tree. *... quod dictus Petrus venit ultra terram suam ini̶ et iniustam viam fecit et clausum suum fregit et poma sua et alia bona asportavit.* ESRO: SAS-X/5/1/10. In an October 1383 theft case, the roll specifies that pears and apples were growing when they were stolen. *… poma et pira ipsius Willelmi apud Chelvesham cressentia cepit et asportavit ad dampnum xl. d.* ESRO: SAS-X/5/1/17. Upon the death of Walter le Thetcher, the court recorded in September 1327 that, his messuage contained five rows of apple trees. ESRO: SAS-X/5/1/1.

[614] In two separate entries from 20 November 1329: *Et quod idem Johannes fecit prostrare de quercu* [sic] *fagis et magnis et grossis birchos...* and *Item Inquisitio onerata de destructione et eradicatione vinearum et de inseribus pomorum facta in manerio...* BL: Add. Roll 32629.

[615] Martyn Waller and Antony Long, "The Holocene Coastal Deposits of Sussex: a Re-evaluation," in *Romney Marsh: Persistence and Change in a Coastal Lowland,* eds. M. Waller, E. Edwards and L. Barber (Romney Marsh

focus overwhelmingly on oaks; this absence in the records indicates both the physical environment of most Herstmonceux tenants living in densely wooded areas and the administrative priorities of the manor, but likely also reflects more broadly the cultural value ascribed toward certain trees.

The general unsuitability of soils for intensive farming and the density of tree cover restricted widespread expansion among the existing communities, which tended to be small, decentralized, and largely independent. Settlements with place names that denote woodland, like *-hurst* and *-weald*, emerged in the historical record during the later Anglo-Saxon era and tended to appear on areas, with deeper clays, that generally required woodland clearing.[616] Historians until the 1960s, relying mostly on place-name studies, determined that founding settlements were widely scattered throughout the woods by the eleventh century, but knew little more of their origin or composition.[617] More recent studies have demonstrated that estates, many of them coastal, established outlying manorial outposts in wooded areas, often more than twenty or thirty miles away.[618] Throughout the entire Wealden region, these settlement patterns were largely established by the thirteenth century. Numerous lordships divided the land into small parcels, which were then divided further into the many isolated farms, hamlets, and small villages scattered throughout the heavily wooded area.[619] Most villages, developing in the thirteenth century, began as trading places situated at geographically advantageous meeting points in an otherwise topographically difficult region. Many of the settlements, for example, developed

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Research Trust, 2010), 10; Brian Moffatt, "The environment of Battle Abbey estates (East Sussex) in medieval times: a re-evaluation using analysis of pollen and sediments," *Landscape History* 8, no. 1 (1986): 86.

[616] Williams, *Deforesting the Earth,* 117-118.

[617] P. F. Brandon, "Medieval Clearances in the East Sussex Weald," *Transactions of the Institute of British Geographers,* no. 48 (Dec., 1969): 136.

[618] Chatwin and Gardiner, "Early medieval settlement of woodlands: the western Sussex Weald," 47; Gardiner, "Medieval settlement and society in the eastern Sussex Weald before 1420," 45-46.

[619] Chatwin and Gardiner, "Early medieval settlement of woodlands: the western Sussex Weald," 33; Gardiner, "The geography and economy of the High Weald, 1300-1420," 125.

along major communication lines on prominent ridges, in relatively open "focal places," or, as in the case of Wartling, astride a road system leading out of the marshland.[620] Movement of resources and geography, thus, played important roles in settlement patterns and extent of deforestation in the Weald.

Widespread, if largely sporadic, late-medieval settlement of the region has stimulated scholarly discussion of the extent that clearing — the famous assarts — contributed to permanent deforestation. These assarting initiatives, amidst significant demographic expansion, cleared trees in order to transform old-growth woodlands into arable fields.[621] Medievalists have long examined the significant movement of assarting that occurred throughout England, especially during the twelfth and thirteenth centuries.[622] In the 1960s and 1970s, economic historians and historical geographers began increasingly to shift away from studying royal forests and focus instead on local woodlands — including human efforts to clear them.[623] While one can observe a general medieval trend toward more intensive uses of woodland, this varied widely across time and space, depending on demand.[624]

For the Weald specifically, P.F. Brandon first challenged the idea that the region avoided large-scale assarting during the medieval era.[625] Following an earlier period of arable expansion

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[620] Mark Gardiner, "Trade, rural industry and the origins of villages: some evidence from south-east England," in *Rural Settlements in Medieval Europe- Papers of the Medieval Europe Brugge 1997 Conference, volume 6,* eds. Guy De Boe and Franz Verhaeghe (Zellik: Instituut voor het Archeologisch Patrimonium, 1997), 64-66, 70-71.

[621] "To assart," from the Old French "essarter" and Latin "essartare," connotes specifically the clearing of woodland in order to transform the land for arable cultivation. *Dictionary of Medieval Latin from British Sources,* s.v. "essartare." Assarts could create either permanent fields or more temporary clearings. Bechmann, *Trees and Man,* 57. At Battle Abbey's manor of Barnhorne, for example, assarting was not substantial and probably constituted primarily small clearings in the dense woodland. Moffatt, "The environment of Battle Abbey estates," 86.

[622] See, for example, T. A. M. Bishop, "Assarting and the Growth of Open Fields," *The Economic History Review* 6, no. 1 (Oct., 1935): 13-29; J. A. Raftis, *Assart Data and Land Values: Two Studies in the East Midlands 1200-1350* (Toronto: Pontifical Institute of Mediaeval Studies, 1974).

[623] Raftis, *Assart Data and Land Values*, 98-100.

[624] For a discussion of how this assumption of overall intensification relates to the early medieval period, see: Chatwin and Gardiner, "Early medieval settlement of woodlands: The western Sussex Weald," 46.

[625] Brandon, "Medieval Clearances in the Sussex Weald," 136.

in the Low Weald, the thirteenth and early fourteenth centuries marked a period of widespread woodland clearing by manors contained within the High Weald. Even just among the manors surveyed by Brandon, partitioning of tenements and assarting of waste transformed as much as 75km^2 of the landscape.[626] Oliver Rackham estimates that, in the Weald alone, 450,000 acres of woodland were cleared in just 260 years or less (a rate of about five acres per day).[627] Topography and soil composition, however, played important roles in the location and extent of deforestation. Brandon emphasizes the 150m contour line as an important delineation between the lower, "more improvable" and higher, "incorrigible" Weald; he concludes that over two-thirds of the eastern Sussex Weald below that elevation was cleared before 1350, whereas areas above remained mostly waste and common lands into the sixteenth century.[628] In times of population decline, like the later fourteenth century, woodland even regenerated in some areas, especially as fewer livestock animals grazed.[629] The story of human expansion into the woodlands of the medieval Weald, thus, cannot be generalized as one of either unrestrained deforestation or careful management. The geography — including geology, topography, and ecology — played a significant role, as did the socioeconomic framework and cultural priorities of each manor.

6.2.2 Clearing of and access to woodlands at Herstmonceux

Extant documentation for medieval Herstmonceux contains notably little evidence of assarting; this likely stems both from the geography of the manor and the chronology of its extant records. Large Wealden manors, in general, encouraged relatively quicker and more extensive clearing,

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[626] Brandon, "Medieval Clearances in the Sussex Weald," 136-141.
[627] Compare the high proportion of this regional rate to the average for the entire country (17.5 acres per day, according to Rackham). Oliver Rackham, *The History of the Countryside* (London and Melbourne: J. M. Dent & Sons Ltd., 1986), 88.
[628] Brandon, "Medieval Clearances in the Sussex Weald," 149-150.
[629] Gardiner, "The geography and economy of the High Weald, 1300-1420," 127.

especially when much of the manor occupied similar topography and did not encompass distant

outliers. In contrast, smaller or more decentralized manors tended to adopt a more gradual

process of settlement expansion.[630] Herstmonceux manor, though of substantial relative size,

administered a decentralized and disparate area; it governed a network of dispersed tenements,

including distant outliers like Foxham, and included tenants in a variety of environments,

including some — such as in Heathfield — at or above Brandon's topographical boundary. The

decentralized nature of the manor would likely have hindered concerted attempts to clear

woodland on a wide scale.

The absence of specific reference to assarts in Herstmonceux documentation must also

stem from the chronology of the extant records. The earliest manorial documents detailing

tenements date from 1327, which postdates the most widespread era of expansion and clearing.

Even though Brandon has shown that, in some places, assarting continued actively right until the

Black Death, and some manors even cleared land more quickly in the early fourteenth century

than during the thirteenth,[631] this was not the norm everywhere. Battle Abbey, notably, exercised

its most aggressive expansion two centuries earlier and had largely ceased the practice by the late

thirteenth century. The impetus for tree felling by that time had shifted to other factors, such as

timbering, and Battle reserved its remaining forests increasingly for pasturing demesne

animals.[632] In most English regions, especially in the south, widespread clearing had declined

significantly after 1250.[633] Whatever large-scale assarting may have occurred at Herstmonceux,

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[630] For these reasons, Brandon focused much of his study on larger manors clustered in the High Weald, such as Rotherfield. He uses the example of an "outlier" manor, Bishopstone, to discuss how the location and pace of clearing could vary based on the needs of individual manors. Brandon, "Medieval Clearances in the Sussex Weald," 136-140.

[631] Brandon, "Medieval Clearances in the Sussex Weald," 141.

[632] Eleanor Searle, *Lordship and Community: Battle Abbey and its Banlieu 1066-1538* (Toronto: Pontifical Institute of Mediaeval Studies, 1974), 54-65.

[633] R. H. Britnell, *Britain and Ireland 1050-1530: economy and society* (Oxford: Oxford University Press, 2004), 312.

thus, likely predated those records which survive.[634] What we do know is that the tenancy of the

manor expanded little between 1086 and the beginning of the fourteenth century. Domesday

recorded forty-two households, whereas the 1302 *IPM* for John de Monceux listed forty-seven

households.[635] Some tenant holdings may have been expanded piecemeal, but clearly the manor

did not embark on a large-scale settlement expansion during the height of the Wealden assarting

era. A significant increase can be seen when comparing those numbers to the manor's c. 1337

rental, which lists sixty households, though those new holdings almost certainly reflect a tenurial

acquisition, rather than new assarts, during the intervening years.[636] The relatively low rents (4 *d.*

or less)[637] paid by some Herstmonceux tenants may indicate that their tenements occupied

assarted land — which would have yet to undergo years of crop rotations and fertilization, as

well as little ploughing to ensure smooth ground — but we cannot be certain without more

evidence.

    The medieval woodlands of the Weald, though diminished, never vanished; in some

places, they even flourished. The most important story for our purposes, therefore, is one of

continuing access and use. As Chatwin and Gardiner emphasize, we should not conceive strictly

of woodlands as either managed or organic entities, and "not as a frontier or marginal

environment, but as an underdeveloped area which might be exploited in various ways."[638]

Access to woodland was essential to the medieval rural economy, and common rights — highly

valued and oft-contested — had a long and well-established customary basis by the twelfth and

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[634] Christopher Whittick, email correspondence with author. 30 April 2021.
[635] The National Archives [TNA]: C133/106/4.
[636] ESRO: SAS/C 250. See Chapter 2 for discussion of Foxham and the circumstances surrounding its entrance into Herstmonceux's manorial jurisdiction. Wealden manors often followed a well-established pattern of distant woodland parcels separated from the central demesne operations. Chatwin and Gardiner, "Early medieval settlement of woodlands: The western Sussex Weald," 32, 39.
[637] Typical rents demanded for newly assarted land increased, largely due to inflation, from 1 *d.* to 4 *d.* by the end of the thirteenth century. Gardiner, "Medieval Settlement and Society in the Eastern Sussex Weald," 179.
[638] Chatwin and Gardiner, "Early medieval settlement of woodlands: the western Sussex Weald," 46-48.

thirteenth centuries, though lords sought increasingly to erode those protections.[639] Access to

common areas formed one of the most fundamental elements of a tenant's tenurial rights.

Herstmonceux tenants, many of them dispersed through the distant High Weald, utilized those

guarantees. Some of them relied on a well-established system of pannage (see Chapter 5). In the

High Weald, common areas were usually located at higher elevations along ridges and called

terra montana or *dounelond;*[640] the Herstmonceux rental from c. 1337 includes *terra super*

montem de Baile.[641] The accompanying custumal describes payments for using heathland and

commons at "Baile," and numerous manor courts in 1327 and 1328 distrained "all who use the

lord's severalty at Bayle."[642] In June 1386, the manorial court describes a horse leaving pasture

that adjoined upland Brightling Down.[643] Throughout the Weald, tenants gave hens as payment

for access to woodland commons; numerous Herstmonceux tenants paid hens to the manor court

on many occasions.[644] Herstmonceux tenants clearly accessed upland common areas and paid the

requisite fees to ensure that they retained that right.

Medieval English tenants relied on woodland common rights for necessary access to fuel

and building materials. The three main rights, or "estovers," included quotas of timber for

building (*housebote*), wood for fencing (*haibote* or *hedgebote*), and wood for fuel (*firebote*).[645]

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[639] Birrell, "Common Rights in the Medieval Forest," 23-24; Williams, *Deforesting the Earth,* 130, 132.
[640] Gardiner, "The geography and economy of the High Weald, 1300-1420," 128.
[641] ESRO: SAS/C 250. Herstmonceux manor acquired Bayley, the land at Heathfield that later became Heathfield Park, sometime around the end of the thirteenth century. While seemingly not a highly valued part of the manor, Bayley fulfilled an important function for local inhabitants to collect wood and use common areas. Roy Pryce, *Heathfield Park: A private estate and a Wealden town* (Heathfield, 1996), 19-21.
[642] ESRO: SAS/C 250; AMS 7054/1; SAS-X/5/1/1; SAS-X/5/1/2.
[643] *…unde equs [sic] predictus a pastura sua exivit usque montem de Bryghtlynge…* ESRO: SAS-X/5/1/19. Brightling Down is a vantage point in the High Weald, located in the Rother region of Sussex. It lies 13km north-east of Herstmonceux, about halfway to Bodiam.
[644] Gardiner, "The geography and economy of the High Weald, 1300-1420," 128. For example, tenants of 6 acres of customary land in Foxham paid rent of 12 *d.* per annum and also gave 1 hen (*gallina*) and 16 eggs (*ovis*). Harvard Law School [HLS]: 71.
[645] Birrell, "Common Rights in the Medieval Forest," 27-28; Rackham, *The History of the Countryside*, 121.

The granting of these rights, and the defence of them, appear sporadically in fourteenth-century manorial documents. Information from charters also gives some indication of the common rights exercised in each region. These rights tended to be fairly standard across time and space. Near Rye, for example, the lord of Leasam manor leased lands in 1401 with provisions that the lessee could gather wood — with the exception of timber — and reeds from the ground but could not fell trees without permission. The lord retained the right to keep felled trees.[646] At the other end of Sussex, near Chichester, a 1308 lease followed a similar pattern; the lessee could utilize underwood and use smaller pieces of wood to maintain enclosures but lacked the right to fell oaks or other great trees.[647] At least some Herstmonceux free tenants possessed rights to collect wood for "housbote" and "haybote" or paid minor wood collection fees as part of their tenure.[648] In order to benefit from a burgeoning timber trade, some woodland manors closer to major trading hubs also sometimes allowed large trees to be cut down in exchange for nominal fees;[649] this does not, however, seem to be the case at Herstmonceux.

Sometimes, customary tenants pushed for greater power over woodland resources. When a Wartling tenant faced amercement for cutting down firewood and selling large trees, the homage came to his defence and presented that its customs dictated that villeins possessed the right to fell and sell oaks and beeches on their own tenements without the lord's permission.[650]

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[646] ESRO: AMS 5592/98.

[647] ESRO: AMS 5592/94.

[648] The heir of John Fillol, a prosperous free tenant of Herstmonceux and a lord in his own right, possessed those woodland rights for Herstmonceux lands at both "Baille" and "Ballegh." The c. 1337 Herstmonceux rental lists that he would provide a "barbed arrow" (*sargitta barbata*), rather than a money rent, in return for each tenement. ESRO: SAS/C 250. As part of his tenure for the moiety of a villein tenement, free tenant Thomas Dyne paid 1 *d.* for collecting wood (*ad boscum*), among other larger fees, in place of customary duties. HLS: 71.

[649] Take Crowhurst, for example, which was close to ports at Winchelsea and Bulverhythe. Gardiner, "Medieval Settlement and Society in the Eastern Sussex Weald," 124.

[650] The issue arose in February 1321 after William atte Hole cut down two carts of wood and sold oaks and beeches. The second half of the entry reads: *Item presentatum est per Simonem atte Stocke et totum homagium quod omnes custumar' qui habent boscum super terras suas que tenent in bondagium prostraverunt quercus et fagos et vendiderunt sine licencia domini…* BL: Add. Roll 32620.

This unprecedented claim garnered little support from the Wartling manorial court, which continued to levy penalties for any illicit cutting and selling of trees.[651] Very rarely, and probably only for some free landholders, did tenants have the right to fell trees without license.[652] Herstmonceux, with its prohibitions against felling on customary tenements, conforms to these expectations.

Coppicing was widely practiced throughout medieval Europe as an efficient means to produce manageable, pole-sized lengths of wood for firewood and fencing.[653] Many species of tree will regrow numerous shoots from stump or root if cut during certain seasons, thereby ensuring a continuous and abundant supply of smaller limbs. The regenerative cycle of coppiced woods, more even than supplies of timber, acted as what Keyser calls "the primary regulator of thirteenth-century woodland management," and forms part of what he considers a transition from extensive methods of grazing, hunting, and gathering to intensive production of small wood.[654] The Herstmonceux demesne contained small areas of coppiced woods and the lord supplemented supplies from those areas with carts of wood carried down from the High Weald by customary tenants.[655] Wealden land grants rarely transferred woodland separately from adjoining cultivated land, but Herstmonceux records abound with references to tenements of "land and wood."[656]

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[651] See the discussion in Gardiner, "Medieval Settlement and Society in the Eastern Sussex Weald," 124.
[652] Birrell, "Common Rights in the Medieval Forest," 32.
[653] Simmons, *An Environmental History of Great Britain,* 94-95.
[654] Increasing urban demand for wood played an important role in this transition. Keyser, "Sylviculture in Medieval Champagne," 356-357, 380.
[655] ESRO: SAS/C 250; Gardiner, "The geography and economy of the High Weald, 1300-1420," 128.
[656] Take for example, a 1415 land grant to Sir Roger Fiennes, lord of Herstmonceux, for land with wood growing on it near Wartling. ESRO: AMS 5592/75. Herstmonceux court rolls contain many similar references. When a relatively prosperous customary tenant died in 1327, the court spent numerous subsequent days monitoring the status of two small woodland plots (0.5 and 1.5 acres) that formed part of the original tenement (at least 26 acres). ESRO: AMS 7054/1; SAS-X/5/1/1; SAS-X/5/1/2; AMS 7060/1/1. Another enfeoffment from the same year specifies that the land comes "with buildings and trees." ESRO: SAS-X/5/1/1. Similar references persist throughout the manor's extant documentation. Gardiner cites an example of a Wealden grant that indicates the clear existence of a transfer of coppiced wood. Gardiner, "The geography and economy of the High Weald, 1300-1420," 128-129.

Many local communities in medieval England sought to enforce some level of management and conservation, exemplified by coppicing, in woodlands. Regulations often specified other species of tree, such as alder and willow, to be used for fencing and fuel, since people tended to favour oaks as timber for building. Generally, customs limited wood for fencing or fuel to "dead" or "windfallen" wood, and sometimes rules stated that wood should not be collected before Easter, in order to ensure that the worst destruction of winter had already occurred.[657] Coppiced wood provided a useful material to construct fences. Fencing played an especially important role in the Weald, as enclosure was common there earlier than in other regions of England, and coppiced wood generally required physical protection from grazing animals.[658] In this way, medieval people utilized coppiced wood cyclically; it provided the very supplies necessary to protect itself from harm, which then ensured a ready supply to maintain the protections. To foster reliable supplies of timber from oaks, those trees were also known to be coppiced, generally felled only as needed, and often cut down while still young to encourage regrowth.[659] Herstmonceux records lack specific mention of species required for *firebote* or *hedgebote,* but they consider clearly the oak to be a special tree reserved for building, and only with the lord's permission.

6.2.3 Wood as a building material

Most medieval construction projects relied on wood, especially in the form of large timbers, as the primary building material. Oak undoubtedly represented the most valued tree for building

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[657] Birrell, "Common Rights in the Medieval Forest," 31. This distinction existed on the continent as well, as land grants in Champagne distinguished "dead" wood for fuel and "live" wood for building. Keyser, "Sylviculture in Medieval Champagne," 363.

[658] See Chapter 2 for discussion of enclosure in the medieval Weald.

[659] Rackham, *Trees and Woodland in the British Landscape,* 69-70.

and often fetched a price far exceeding annual rent on an acre of assart land.[660] Almost all timber was made of oak and almost all medieval buildings contained oak timbers of varying lengths, depending on the size of the structure.[661] Large buildings consumed many trees; approximately eighty oaks might be used for a farmhouse, and cathedral roofs could require many hundreds of oak trees.[662] Wealden timber, for example, was used in the construction of both Chichester Cathedral and Pevensey Castle.[663] Though customary tenants largely lacked the freedom to fell their own trees for construction, lords often supplied or sold timber to them when necessary for repairs. Concerns for the disrepair of buildings increased significantly by the later fourteenth century,[664] a trend echoed in the Herstmonceux records.

The productivity offered by mills, so essential to the medieval economy, further enticed rural communities to cut down many trees for their construction and maintenance. Even by 1086, England contained more than five thousand mills, and that number must have only increased during the population boom of the twelfth and thirteenth centuries. Efforts to capitalize on mechanical energy, notably for the burgeoning textile and iron industries, only increased the demand.[665] Mill construction required timber, especially oak, as the most basic material

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[660] Birrell, "The Medieval English Forest," 81. This was the case for at least some Herstmonceux tenants. For example, Richard Thurselegh paid rent in 1340 of 2 *d.* for one acre of "arable land" (*terre arabilis*). ESRO: SAS-X/5/1/10. Timber trees sold for an average of 2 *s.* each (see below).

[661] 90% of timbers were oak and even small houses contained at least some oak. Rackham, *Trees and Woodland in the British Landscape*, 67.

[662] Fifteenth-century construction on the roofs of Norwich Cathedral used 680 oak trees. Fourteenth-century floors, internal walls, and a roof at Corpus Christi College, Cambridge, consumed 1,400 smaller oak trees. Rackham, *Trees and Woodland in the British Landscape,* 68; Simmons, *An Environmental History of Great Britain*, 95.

[663] Gardiner, "Medieval Settlement and Society in the Eastern Sussex Weald," 105.

[664] Birrell, "Common Rights in the Medieval Forest," 34-35.

[665] Lucas estimates that 80% of industrial mills in medieval Europe were either fulling or forge mills, though medieval England contained relatively few industrial mills compared to France. Most English mills were small-scale, owned by ecclesiastical institutions, and overwhelmingly (90%) used for grinding grain. Adam Robert Lucas, "Industrial Milling in the Ancient and Medieval Worlds: A Survey of the Evidence for an Industrial Revolution in Medieval Europe," *Technology and Culture* 46, no. 1 (Jan., 2005): 15-16, 22-23, 25. The textile industry did not yet consume great quantities of fuel, but the metal industries did. Britnell, *Britain and Ireland,* 311. The Sussex Weald was also notable as the centre of a developing glassmaking industry. Birrell, "The Medieval English Forest," 83.

requirement, and lords generally preferred to acquire the timber from their own estate, rather than importing it, in order to keep costs low.[666] The subsequently widespread construction of mills could lead directly to deforestation in some regions.[667]

In the vicinity of Herstmonceux, and elsewhere through the Weald, locals engaged in a wide variety of construction and maintenance projects that required trees. At Wartling, on the edge of the Pevensey marshes, tenants could be expected to acquire "sufficient timber from the lord's wood" to create and maintain drainage infrastructure.[668] Multiple mills — of both water and wind — occupied the landscape and required consistent maintenance. Herstmonceux's windmill fell into disrepair sometime between 1302 and 1360, though the lord was still leasing it to a local miller in 1337.[669] A watermill at nearby Warbleton was in operation from at least 1317 and entered the Herstmonceux estate, through inheritance, by the early fifteenth century.[670] Local tenants may have avoided some of the need for large seigneurial mills by using hand mills in their own households.[671] The most pressing concern for the manorial administration involved the maintenance of buildings and the repair of decrepit structures. Court rolls echo these priorities constantly. According to the court, buildings all over the manor were in various states of decay: some required minor repairs; others had collapsed through neglect or environmental factors, like

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[666] Strong oaks were especially sought for watermills. In windmills, with more compartmentalized parts, oaks were still used for the heavier sections. John Langdon, *Mills in the Medieval Economy: England 1300-1540* (Oxford: Oxford University Press, 2004), 159-160.

[667] For example, in areas of Northamptonshire documented in 1322. Williams, *Deforesting the Earth,* 106. Some deforested areas of Britain had become dependent on timber imports from Scandinavia by the fourteenth century. Britnell, *Britain and Ireland,* 311

[668] *Johannes ate Shamele assignatus per dominum eligere sufficientem meremium in boscum domini ad facere quandam guttera ad habulum…* BL: Add. Roll 32628. See Chapter 4 for discussion of drainage in the region.

[669] TNA: C133/106/4; C135/151/14. ESRO: SAS-X/5/1/8.

[670] TNA: C134/53/17; Owen Bedwin, "The Excavation of Batsford Mill, Warbleton, East Sussex, 1978," *Medieval Archaeology* 24, no. 1 (1980): 189. Note: Christopher Whittick contributed the documentary evidence for the article.

[671] The goods (*principalia*) of several Herstmonceux tenants included a "hand-mill" (*mola manuale*). ESRO: SAS-X/5/1/1. HLS: 75. Gardiner speculates that the presence of hand-mills among tenants in other Wealden manors may indicate some level of milling independence. Gardiner, "Medieval Settlement and Society in the Eastern Sussex Weald," 179.

one knocked down "in a great wind;" and still others had been completely destroyed, either through human actions or by fire.[672]

Though specific descriptions of the state of buildings are rare, the records do sometimes provide more detailed information. For example, officials assessed a *domus* demolished by a tenant in 1346 as worth 40 *d.*[673] Another entry describes that moss should be mowed in order to repair a house, presumably for its roof.[674] Some tenements contained multiple buildings that could all require maintenance or repairs; John Coupere's leased tenement, for example, contained sixteen acres of land, appurtenances, a dilapidated hall, and a barn.[675] On another tenant's holding sat an "ancient (*antiqua*) halhous" and barn, which were both ruinous in timber (*meremium*) and roofing (*coopertura*).[676] On those tenements with numerous buildings, tenants sometimes received permission to demolish one building and reuse the materials the repair the others.[677] In general, however, it seems that tenants felled new trees or bought timber, rather than reused existing materials, to meet the frequent maintenance demands of the manorial court.[678]

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[672] For example, of the three buildings held by one tenant in March 1380, one was burnt by fire, one fell to the ground, and the third was standing in a good state (*…fuerit iij domos unum j fuit arsus per ignem et alia cecidit ad terram et tercia fiat in bono statu*). One of John Carde's houses, at Tordham, was destroyed in a "great wind" (*Item idem Johannes habet alias domos apud Tordham prostratis in magno vento.*) ESRO: SAS-X/5/1/15.

[673] ESRO: SAS-X/5/1/14.

[674] The lord agreed to provide the moss (*mu[s]cas*), though the tenant had to mow (*falcare*) it. ESRO: AMS 7060/1/6.

[675] *…una debil' aula et una granchia…* The lord conceded to repair the buildings competently (*concedit reparare competenter)* at the beginning of the five-year term as long as John and his assigns preserved them sufficiently (*sufficienter custodient*) and returned them in sufficient condition (*sufficienter diliverabunt*) at the end of the term. ESRO: SAS-X/5/1/24.

[676] ESRO: SAS-X/5/1/18.

[677] When compelled by the court, in March 1380, to repair his ruinous buildings by 1 August, William ate Wythege was granted permission to demolish (*prosternere*) his fourth building for the necessary repairs to his other three. ESRO: SAS-X/5/1/15.

[678] For example, in October 1390 the homage of Foxham presented that Stephen Foukesham felled wood in order to repair his ruinous building. ESRO: SAS-X/5/1/24. Herstmonceux court rolls only rarely specify so clearly why tenants felled wood, but vague references to felling oaks occur much more frequently than instances where tenants demolished pre-existing structures for supplies.

Oaks, with their utility as timber, unsurprisingly remained the primary source of material for those repairs.

6.3 Herstmonceux tenants and woodland resources

Fourteenth-century Herstmonceux tenants used woodlands actively and consistently, though on a generally individual and small scale. The primary motivations for acquiring wood were for fuel and building materials rather than clearing new fields or transforming the landscape. The era of expansion and deforestation was but a distant memory. There were several means, both licit and illicit, by which people could — and did — acquire the necessary wooden materials. These methods included gathering twigs and small pieces of wood, carrying home larger pieces of deadwood found throughout woodland areas, chopping down living trees, or buying timber already cut. The hardiness and size of the oak made it the most useful tree for timber and ensured that it remained the predominate type of tree felled by Herstmonceux's Wealden inhabitants. Smaller pieces of wood, gathered and carried home, fulfilled other basic functions of fuel and fencing.

6.3.1 Acquisition of deadwood

The right to gather small pieces of wood — mostly for fuel — from manorial land was a valued, if small-scale and mundane, privilege. Women and children often carried out the important daily task of gathering firewood for the household.[679] Herstmonceux tenants sought mutually beneficial arrangements with other tenants that protected the right to gather wood, and often included necessary provisions in land transmission agreements. For example, when Isabella atte Doune transferred a one-quarter acre of land to a husband and wife, she retained the right to

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[679] Barbara A. Hanawalt, *The Ties that Bound: Peasant Families in Medieval England* (New York and Oxford: Oxford University Press, 1986), 148, 158-159.

gather and carry away all wood growing on that property.[680] Sometimes, tenants made short-term arrangements to acquire necessary wood to which they may not themselves have access. John Elis brought a successful claim to the manor court, in February 1391, that Robert Mustarder had broken a promise to bring him one wagonload of firewood from the land of Robert Thursleghe.[681] Overall, instances of gathering appear infrequently in the court rolls, however, since the license to gather wood was so ubiquitous and mundane. Only in cases of broken agreements or trespassing do such entries appear. Occasionally, tenants would intrude on the demesne to find small pieces of wood, such as when the court distrained Thomas Mabuly because he "cut, collected, and carried away the lord's twigs,"[682] but generally it seems that tenants restricted their wood gathering to their own holdings.

Herstmonceux tenants had a well-established tradition of transporting wood from one place to another. In many cases, this was done licitly; custom required some tenants to carry wood from distant locations in the Weald. A number of customary tenants performed this activity for the lord as part of their tenurial labour duties. John de Onyngham, for example, was required to obtain two carts of wood "in the remote place of Bayle [Bailey Park, near Heathfield]."[683] At least twenty other tenants also performed this same task for the lord. The extant membrane of the c. 1337 custumal, which is incomplete, cuts off abruptly and so does not

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[680] *… Isabella ate Doune abducere et asportare totum boscum super predictam quartam crescendum infra istud annum presens…* ESRO: SAS-X/5/1/7.

[681] *… sibi promisit ad querit unum plaustrum bosci focal'…* The court found Mustarder guilty and penalized him. Since the court took no issue with the wood coming from Thursleghe's tenement, there must have been some legal access that one of the two men had. ESRO: SAS-X/5/1/24.

[682] *… succidit collegit et asportavit virgas domini…* The transgression occurred in "Crullysgroof," according to the warrener's accusation. ESRO: SAS-X/5/1/24.

[683] *Item debet querere duas carrias bosci in longinquiore loco de Bayle…* ESRO: SAS/C 250.

reveal how many other tenants performed this task. It was likely a standard service performed as

part of customary obligations.[684]

Tenants also appropriated wood illicitly. The court, however, rarely oversaw inter-tenant

disputes regarding the misappropriation of wood; when such conflict did occur, it more

frequently involved damage to enclosures or theft more generally.[685] The situation differed with

the demesne. Extant manorial rolls document at least thirty-seven separate instances, almost all

during the 1380s, where people carried away (*asportavit*) wood or hedges from the demesne.[686]

Most of those examples likely involved taking smaller pieces of wood for fuel or fencing, since

only a few specified the felling of any trees. On two separate occasions, the court charged that

tenants specifically carried away the lord's timber.[687] Only once did someone receive an

accusation of carrying off oaks, when the homage leveled multiple accusations against the

warrener, though it was unknown whether he felled the trees or whether they even came from the

demesne.[688] Most court roll entries that referred to *boscum* or *sepes* involved carrying wood; the

court focused instead on the mighty *quercus* when people cut one down.

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[684] Nineteen of them (Elias de Stonacre, William de Meryfeld, Thomas Reve, William de Ifold, Alexander Baker, heirs of Michael atte Hale, John Corde, John de Ballegh, William Rockere, Thomas Adam, Laurence Cach, William Geffray, heirs of Richard Crul, William Dode, Thomas Pollard, Simon de Bemselle, Richard Reve, John Michel de Onyngham, and Robert Dounyng) had all the same duties and customs, except for castle-guard (*wardam castri*), as John de Onyngham, who held a werklond,. The twentieth, Nicholas atte Pette, held a gavellond and had to perform some of the same duties, including to carry wood (*carriare boscum*). ESRO: SAS/C 250.

[685] So, for example, when William Mot senior accused Nichola atte Tye of trespass, he specified that she removed, or "carried away" (*aport'* [sic]) the close (*claustur'*) called Quintereslond by diverse ways. HLS: 73. The theft of fruit growing on trees also occurred occasionally (see discussion above for references to pear and apple trees).

[686] See Chapter 5 for further discussion of the prevalence of trespassing on the demesne. In seven of those instances, all from January 1381, the charge also included felling the wood. The remaining thirty charges only specified carrying, though this discrepancy could be a result of scribal preference. A few other entries accuse tenants of "carrying away" objects from the woods, but they are unclear or do not involve wood. In one entry, a tenant carried away (presumably hunted) quail (*quistula*) from the lord's wood. ESRO: SAS-X/5/1/16.

[687] The first, against John Stonacre in November 1379, and the second, against Richard Daly in July 1383. ESRO: AMS 7060/1/6; SAS-X/5/1/16.

[688] *... Item dicunt quod idem Warrennarius prolongavit croppa de quercus [sic] prostratis in parco utra fuit de bosco domini nec ne ignorant.* ESRO: SAS-X/5/1/10. The warrener was also accused of carrying off (*abduxit*) a cartload of grains (*bladi*) as well, among other charges.

6.3.2 Acquisition of timber

The extant manorial documentation for Herstmonceux demonstrates little evidence for intentional clearing of woodland, though inhabitants continued to fell some trees for maintenance of structures and subsistence. In one possible exception of large-scale clearing, a tenant "felled his wood" and was given an exorbitant fine by the court.[689] The felling of trees does appear in a number of cases brought before the Herstmonceux manor court, though relatively strict prohibitions against this activity almost certainly skew this proportion in the court records. Gathering of underwood, by contrast, was generally allowed and would not elicit such mention in the rolls. As Rackham explains, "Timber trees, especially oaks, are given undue prominence in written records: their felling was infrequent and called for special notice, whereas the felling of underwood was merely an annual routine."[690] In rare examples, the rolls describe the cutting of pieces of wood, in that the "wood was growing" or the tenant cut down "the boughs of trees," though at least half of the charges likely involved entire trees.[691] The Herstmonceux court charged twenty-four tenants for cutting down wood; nine of those instances specified that oaks had been felled.[692] Except for a few instances in which people cut down numerous small oaks, however, each tenant had only felled one tree. The range of amercements, discussed below, indicate that the size of the oaks felled must have varied widely as well.[693] In addition, the extant

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[689] John Geffray had "felled his wood" and paid a fine of 40 *d.* (3 *s.* 4 *d.*), thus implying that he had felled more than one large oak, or perhaps a significant number of other trees, on his tenement. The terminology of the entry is admittedly vague, but the punishment far exceeds any entries that specify the number of trees. HLS: 72. The 40 *d.* fine more than doubles the penalty for when other tenants cut down multiple oaks — even as many as 12 at a time. When Thomas Tannere felled a dozen (presumably small) oaks upon his customary tenement in 1383, the court amerced him 3 *d.* and levied 12 *d.* for the lord's damages. ESRO: SAS-X/5/1/17.

[690] Rackham, *The History of the Countryside,* 102.

[691] For example, in 1384, when Richard Bemsell felled *boscum cressentem super nativum tenementum suum sine licencia domini,* or in 1380, when John Quinterel felled the boughs of trees (*prostravit ramos arborum*). ESRO: SAS-X/5/1/18; HLS: 72.

[692] The severe penalties for at least three of the *boscum* entries imply that entire trees were cut down, in addition to the nine entries that specify oaks.

[693] HLS: 72; ESRO: SAS-X/5/1/15. See below for discussion of amercements and tree size.

Herstmonceux cases of oak felling occurred over a relatively short timeframe; this should not necessarily surprise, however, as oaks tended to be felled irregularly, based on perceived need, and so long intervals — even of decades — could elapse between notable clearances.[694] This tendency for small-scale and sporadic felling differs noticeably from the experience of some other manors; Wartling, for example, was no stranger to widespread clearing by tenants and officials. The homage presented that twenty oaks had been cleared from one tenement in 1327, and free jurors claimed that another forty large trees, including oaks, beeches, and great birches, had been felled by the hayward in 1329.[695] Those two references alone exceed all felled trees in the entire extant Herstmonceux corpus.

As an alternative to chopping down large trees illicitly, tenants could purchase or receive timber through legal means. Sometimes timber was felled for purposes of selling, and this could be done on a large, even national, scale in medieval societies. For example, King Edward I of England sought to make £4,000 by ordering the selling of wood, including living trees.[696] The situation on the continent proved no different; the selling of wood became an integral part of French royal and seigneurial finances, for example.[697] Wood, especially timber, was highly valuable and often earned prices far exceeding most tenants' annual rent. Oaks, the preferred tree, often garnered a high price of several shillings in English markets.[698] An exceptional entry

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[694] Rackham, *The History of the Countryside,* 85-86. Most Herstmonceux instances occurred in the 1380s.

[695] In the first instance, the homage presented that Robert ate Hole cut down twenty oaks from the tenement of Agnes de Batlesford. He claimed he had bought fourteen small oaks from Richard, the son of Agnes. Richard was then summoned to the next court to answer for the fate of the other six oaks. BL: Add. Roll 32628. In the second example, a number of free jurors, including the lord of Wartling, presented that the hayward had damaged the rabbit warrens and felled the trees. A customary (*nativus*) jury presented the same issue in the next entry. BL: Add. Roll 32629.

[696] Birrell, "The Medieval English Forest," 81.

[697] Keyser estimates that thirteenth-century woodland income comprised 13-17% of all royal revenue and 15% of the Count of Champagne's revenue. The selling of wood far surpassed other kinds of woodland income, like pannage (no more than 5-10% of woodland income). Commercial harvesting and selling of wood, in contrast, usually accounted for over 80% of woodland income. Keyser, "Sylviculture in Medieval Champagne," 378.

[698] Birrell, "The Medieval English Forest," 81.

in a Herstmonceux roll gives some indication of the extent that selling occurred on the manor, as well as the prices for each tree. In December 1343, the court documented the sales of wood from various occasions (see Table 1), involving twenty-three tenants and forty-eight trees (*arbores*), for a total sum of £4 18 *s.* 6 *d.*[699] Of the twenty sales with both a known number of trees and a known value, the mean average price per tree was 23 *d.* and the median, 24 *d.* This exactly matches the expected cost, according to Rackham, of 2 *s.* for a 20-ft^3 oak tree in eastern England during the later medieval centuries.[700] Clearly, a significant number of tenants, throughout 1343 at least, were buying large oak timbers for purposes of building. They also could be known to sell or give oaks to other tenants, though the court required that they do so only with the lord's permission.[701] The court prohibited the selling of wood without license and would penalize accordingly; it issued fairly severe amercements to four tenants in 1340 because each sold wood upon customary land (*vendidit boscum super nativam terram domini*).[702]

Table 9: Sales of wood documented in manor court (2 Dec. 1343)

Tenant	# of Trees	Payment (converted to *d.*)	Average Cost (*d.*) / Tree
William Flour	3	84	28
Jacob de Craule	5	132	26.4
Walter ate Neulond	1	24	24
Thomas atte Hole	5	240	48
Thomas le Bakere	2	60	30
John Lyttlewattere	2	Unclear	N/A
John Okebourne	3	69	23
Robert Pollard	2	48	24

[699] SAS-X/5/1/12. Rips in the membrane obscure a few of the details. Thus, the known payments total £4 8 *s.* 8 *d.* but the entry lists the sum of money as £4 18 *s.* 6 *d.* So, between John Lyttelwatere and Thomas Fraunceys, missing payments must have totaled 9 *s.* 10 *d*; this would average 23.6 *d.* between their five trees, roughly matching average tree values among most of the other tenants.

[700] Rackham, *The History of the Countryside,* 89.

[701] For example, the court amerced Richard Herry and his wife Alicia in February 1383, because Alicia "gave an oak to a certain Richard Crulle without the lord's license." HLS: 75. In another instance, the homage presented that the wife of Richard Crulle sold to John Coupere thirteen oaks, valued at only 6 *d.* for "hopes," which likely connotes very small trees used for something related to hoops for barrels. ESRO: SAS-X/5/1/17.

[702] Three tenants, all male, had to pay 6 *d.* The fourth, a female, paid 3 *d.* The discrepancy there likely is coincidental or based on the number of trees sold, rather than a gendered rate, since such distinctions generally did not apply to amercements at the Herstmonceux court. ESRO: SAS-X/5/1/9.

Unclear	3	78	26
John Michel	1	24	24
Thomas Fraunceys	3	Unclear	N/A
Unclear	Unclear	10	N/A
William Poncy	1	20	20
Roger de Paylhurst	1	18	18
Richard Corde	1	24	24
Alan le Feror	2	26	13
Stephen Dedis	3	36	12
Thomas Delvere	2	36	18
Johan Shylok	1	32	32
John Cach	2	26	13
John Pender	2	14	7
John atte Halle	1	12	12
Robert and William Sire	2	52	26
Total	**48**	**1065**	**23**

Such instances of timber purchases, however, occur surprisingly rarely, given the demands for maintenance, in the Herstmonceux documentation. The most extensive record of sales, from 1343, long predates the increasingly onerous maintenance demands of the manorial court in the 1380s, when few such sales occurred. This could also reflect, however, a trend for timbering to become almost solely the enterprise of the seigneurial sphere, as at Battle Abbey during the fourteenth and especially fifteenth centuries, when tenants increasingly considered it too expensive a commodity for frequent purchases.[703] In many other manors throughout England, during the late fourteenth and early fifteenth centuries, lords even supplied timber to tenants for the much-needed repairs and then sometimes penalized them for not utilizing the materials efficiently.[704] Herstmonceux records contain no evidence of such provision by the lord; tenants instead were forced to buy their supplies, reuse existing materials, or, most commonly, acquire

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[703] Searle, *Lordship and Community,* 64.
[704] This was not done universally and, in many regions and within certain manors, tenants often had to buy their timber. Birrell, "Common Rights in the Medieval Forest," 34-35.

the necessary wood through more covert means. Interestingly, manorial sales decline and instances of illicit felling increase contemporaneously with the notable increase in the lord's monitoring of buildings and demanding of repairs. It seems that many tenants, when faced with either the costs of a severe subpoena or expensive materials, chose instead to find their own sources of timber and gamble that the distant manorial administration may not notice. It is probably no surprise that, the same day Thomas Tannere was charged with felling eight oaks, the court recorded that his ruinous building had been mended.[705] Many would likely have sympathized with Stephen Foukesham when, in October 1390, he "felled wood to repair his ruinous building, which he was ordered, under penalty, to repair by Pentecost."[706]

6.4 Enforcement of woodland regulation

The manor court of Herstmonceux, in general, chose — or was forced by geography and weak authority in its periphery — to adopt a primarily hands-off stance toward arboreal transgressions. Penalties tended to be fairly standardized, sporadically enforced, and often more severe than for other transgressions, such as trespass. Manorial officials clearly had a mandate to control the use, and especially the destruction, of trees; the nature of the punishments, however, imply, perhaps unsurprisingly, that their goal was to generate revenue and maintain some level of seigneurial authority rather than to minimize the actual destruction of trees. When presented with an accusation by the homage, a manorial official, or another tenant, the court quickly resolved the case and issued a penalty. This efficiency contrasts with some long-term trespassing inquiries (see Chapter 5). The limited frequency of such instances is surprising however, considering the ubiquitous need for wood in medieval households and the clear customs regulating its use. Either

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[705] The court was held on 25 July 1383. The note that "it is mended" is written superscript, so may reflect a later revision. The entry also specifies that it was ruinous in the roof, so not necessarily requiring oaks, but the timing suggests that Tannere was at least conducting general construction at that time. ESRO: SAS-X/5/16.
[706] ESRO: SAS-X/5/1/24.

people rarely cut down wood (not likely) or the manorial administration did not enforce regulations actively or effectively (more likely).

The relative scarcity of wood offences documented in the Herstmonceux manor court differs significantly from many English manors. While explicit woodland regulations appear fairly rarely in England during the medieval centuries, a high frequency of transgressions in general led Birrell to conclude that, "a high degree of seigneurial control was being exercised over manorial woods, and over the exercise of common rights within them, by the thirteenth century."[707] Tenants' access to woodland and the degree that it met their material needs, thus, depended not just on physical proximity but also the extent of seigneurial control over the resources.[708] Wealden lords, however, did not generally wield as much feudal power as some of their counterparts in more densely populated areas of England. Customary tenants tended to owe fewer labour services and seigneurial control was generally weak, especially in the High Weald.[709] Herstmonceux, with its distant detached holdings in Foxham and other Wealden communities, exemplified this trend clearly.

Even though Herstmonceux manor maintained only tenuous control over some of its wooded periphery, that does not mean that it lacked ways to regulate behaviour and enforce its authority. Lords possessed various avenues to enforce their woodland authority, including distinguishing between wooded areas as either "common" and "separate," taxing the use of woods, and increasing pressure on tenants with the manor court.[710] Herstmonceux manor clearly defined some areas, especially around Heathfield, as the lord's "severalty" (*separalis*) and fined

[707] Birrell, "Common Rights in the Medieval Forest," 31-32.
[708] Birrell, "Common Rights in the Medieval Forest," 35.
[709] Gardiner, "Medieval Settlement and Society in the Eastern Sussex Weald," 177, 179. Battle Abbey was one notable exception to this trend in the region. For more, see Searle, *Lordship and Community*.
[710] Birrell, "Common Rights in the Medieval Forest," 42.

tenant use there.[711] The manor also collected pannage fees from tenants using the woods (see

Chapter 5). Most importantly, the court sought to minimize — at least in theory — illicit

destruction, including prohibitions against felling trees or demolishing buildings without

permission.[712] When swearing fealty, tenants sometimes promised to keep their holdings

"without waste and destruction."[713] The court considered demolishing buildings a form of waste,

and punished accordingly; even fines for permission to demolish could be quite high. Thomas

atte Forde paid 6 *s.* 8 *d.* in order to be able to remove one building upon a customary tenement.[714]

Although onerous in compared to some other transgressions, the amercements issued for

destructive behaviour, however, tended to be enforced sporadically; far more commonly the rolls

include commands to repair buildings under threat of severe penalty. These subpoenas,

especially as they became more common in the later fourteenth century, may have concerned

tenants who were ill equipped to cover such expenses and caused an increase in the illicit

acquisition of timber. This would explain the significant increase, though still generally

uncommon occurrence, of penalties for chopping down oaks in the 1380s.

One of the most pressing priorities for the court, especially near the end of the fourteenth

century, involved the maintenance and repair of buildings on the manor. A procedural change

accompanied this new concern: in the first half of the century, tenants failing to make repairs

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[711] As discussed above, the court frequently ordered the distraint, in 1327 and 1328, of "all who use the lord's severalty at Bayle," and customary tenants were also expected to cart wood from that area.

[712] A tenant (John Felicie) in 1346 was amerced 23 *d.* for demolishing a building worth 40 *d.* on his customary tenement. The court charged him with making waste (…*vasto [vastatio] facit super nativis tenementis videlicet de prostratione j. domus…*)." ESRO: SAS-X/5/1/14. A 1340 memorandum stated that John de Leghe needed to find pledges to satisfy the lord regarding waste made in "Gotelee" (Goatley). ESRO: SAS-X/5/1/9; SAS-X/5/1/10.

[713] When Isabella Payn brought a charter in 1379 attesting that the lord had granted a messuage and 6.5 acres to her and her husband in 1359, the lord conceded her right to continue holding it. In return, she promised to keep the tenement *sine vasto [vastatio] et destruxtione* [sic]. ESRO: SAS-X/5/1/15.

[714] HLS: 75.

usually faced temporary seizure of their tenement;[715] in the later decades of the century, the court

instead focused more on heavy fines. Concurrent with heavier use of subpoenas, the total number

of cases increased dramatically. Earlier courts generally sought to resolve three or four cases of

ruinous buildings at a time. The Easter 1380 court marks a remarkable shift; it monitored

simultaneously the repairs of thirty-six tenants. The presentments reference a variety of

structures, including buildings, cottages, and kitchens (*coquina*), in different states of decay.[716]

The court would then follow up on their progress and ensure that the work had been completed;

the 26 July 1380 court distrained "all who had ruinous and demolished buildings as shown in the

[Easter] court."[717] If acceptable repairs had been completed, then the issue could be resolved; for

example, the Foxham homage presented that a tenant's building was repaired sufficiently with

timber and sufficient straw (*stramen*) so that it would be "covered" (*tegendum*).[718]

In general, the court issued frequent directives for tenants to make the necessary repairs

within a specific timeframe, under threat of severe penalty. For example, when the homage

presented five tenants with ruinous buildings in November 1379, the court compelled them to

repair their buildings by 1 August 1380.[719] The standard fine of a half mark (6 *s.* 8 *d.*) would

have presented an extreme cost to many tenants and thus it could operate as an effective

motivator. Still, many of those given subpoenas delayed the process, either intentionally or due

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[715] A number of tenements in continuing need of repairs, including those belonging to Lucas Payn, Justin Birchet, and Richard Carsie, were taken into the lord's hands on 9 October 1336 and remained that way until at least June 1337. *Adhuc sicut prius predictis Lucam Pain Ricardum Karseie et Justinum Birchet pro domibus suis ruinosis reparandis ... capere manus domini tenementa predicta etc.* ESRO: SAS-X/5/1/7; SAS-X/5/1/8. Seizures did continue throughout the century, of course, especially if a tenant could not pay the fine. The heavy fines levied in the 1380s, though, do not appear with the same frequency in earlier decades.
[716] Five of those cases involved buildings seized in November 1379. The other thirty-one were new presentments brought at that court. ESRO: AMS 7060/1/6; SAS-X/5/1/15.
[717] HLS: 72.
[718] ESRO: 7056/1.
[719] One of them, Isabella Bakere, had already demised the ruinous building and so was later given until Michaelmas to complete the repairs. ESRO: AMS 7060/1/6; SAS-X/5/1/15.

to lack of necessary resources, for months or even years at a time. In both October 1380 and January 1381, when Richard Bemsell had continually failed to complete the repair of his ruinous building, despite his 1 August deadline, he received another day to appear at the next court.[720] The court's response generally tended toward patience or leniency, but in some cases decided to make an example of an offender, especially one who held many ruinous buildings. John Michel atte Hale became the target of repeated summons and commands in 1383 and 1384 to repair "all his buildings." When the court convened in July 1384, it reiterated that the steward had mandated Hale to make repairs and then decided, because the homage had witnessed no repairs, that the lord should recover the entire subpoena of a half mark. This payment did not absolve Hale; after the penalty he was given new orders to repair the same buildings under a new subpoena.[721] Upon further and repeated orders to fix his structures, he also received a 12 *d.* amercement in December 1387.[722] More than a hundred entries in the rolls involve these ever-increasing maintenance concerns among the manorial administration. Herstmonceux tenants must have required supplies of wood to meet such demands, and the absence of explicit references in the records suggests that many likely resorted to illicit means of acquiring the necessary timber, in the hope that it may escape the notice of the distant court.

Wood offences, when courts prosecuted them, tended to attract largely standard and strict penalties. Birrell, when analyzing "wodemotes" from a Lancastrian manor in Staffordshire, concluded that the amercements for wood thefts —more common than felling — were "largely pro rata" and of significant cost. The amount, based on volume of wood taken, generally equaled

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[720] ESRO: SAS-X/5/15. HLS: 73.
[721] ESRO: SAS-X/5/1/17; SAS-X/5/1/18.
[722] ESRO: SAS-X/5/1/22.

1.5-3 *d.* for bundles, 3 *d.* for a pack-horse load, and 4-6 *d.* for a cartload.[723] At Herstmonceux, in contrast, the appropriation of wood carried a standard, small penalty of 2 *d.* Almost every instance received that punishment; the only exceptions involved a case where a tenant stole timber (4 *d.*) and a noteworthy incursion wherein six tenants allegedly broke into the granary, destroyed grains, and carried away the lord's wood (12 *d.* each).[724] The standard and lenient penalties for carrying wood may indicate that those charges represent an access fee paid after the fact, and thus regulated a mundane, but necessary, tenant activity. This method of "taxing" the use of woodlands by fining offenders was a common tactic of medieval lords.[725]

Penalties for the illicit sale or gift of wood also tended to be fairly standard, though stricter than those for merely appropriating wood. Presumably this reflects concerns that transgressors profited financially from their actions, rather than just carrying away necessary supplies. The Herstmonceux court amerced the selling of wood, generally, or a single oak, specifically, at either 3 *d.* and 6 *d.*[726] Most of the cases claimed that they "sold wood upon the lord's customary tenement without license."[727] In 1340, for example, Thomas de Stonacre put himself in mercy for selling an unspecified amount of wood from his tenement and paid the court 6 *d.*[728] Giving trees to neighbours did not escape the court's attention either; Alicia Herry paid an

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[723] She explains that, "Whether these payments are seen as punitive amercements for offences committed or as disguised licences, the cost to the offenders and the profit to the lord are the same, and significant." Birrell, "Common Rights in the Medieval Forest," 33.

[724] ESRO: AMS 7060/1/6. HLS: 77. The 5 December 1388 court distrained Richard Daly, Thomas Dyne, Walter Havefelde, Thomas Birchet senior, John Omberden, and John Burdon to answer to the charges. Only Omberden and Burdon were present, and both put themselves in mercy but their amercement is not recorded. The others were distrained again on 9 January 1389 and then faced amercement in February 1389. Daly only paid 2 *d.* but the rest paid 12 *d.* The reason is not stated, but implies that he only participated in the wood theft and not the other charges. HLS: 77. ESRO: SAS-X/5/1/23.

[725] Birrell, "Common Rights in the Medieval Forest," 42.

[726] One exception, discussed below, describes the lord taking "his triple" of 18 *d.* on sold oaks valued at 6 *d.* No other instance matches this terminology or punishment. ESRO: SAS-X/5/1/17.

[727] … *vendidit boscum super nativam terram domini sine licencia…* ESRO: SAS-X/5/1/9.

[728] ESRO: SAS-X/5/1/9.

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amercement of 3 *d.* because she gave (*dedit*) an oak to her neighbour.[729] Although these instances of illicit selling occur far more rarely than other arboreal transgressions, the rates of amercement indicate that the court considered it an intermediate transgression — worse than moving dead wood but less than felling live wood.

Felling without seigneurial permission wrought generally more severe consequences, though, unlike for carrying or selling, amercements varied widely depending on the size and number of trees. The court, thus, seems to have attempted to dissuade the destruction of large, mature trees. Gardiner mentions that fines for felling, including at Herstmonceux, could be punished at as much as triple the value of the tree.[730] Detailed study of the Herstmonceux rolls provides little indication, however, that such punitive measures were the norm. In one exceptional entry from April 1384, regarding an illicit sale of wood, the lord receives "his triple" (*suo triplo*),[731] but the amercements for felling do not seem to corroborate such a conclusion. In a case from the previous court, twelve felled oaks, presumably quite small, had their value assessed at 12 *d.* and the court only took 3 *d.* as additional compensation.[732] In general, penalties could be as low as 2 *d.* or as high as 40 *d.*, with scribal terminology showing little difference between oaks and other, non-descript, "wood." The size of tree must have affected the penalty levied. Tellingly, some fines for chopping down an oak matched exactly the average cost (2 *s.*) to buy a mature oak.[733] Another standard penalty — of 6 *d.* — seems to connote smaller trees, including oaks. The court issued numerous 6 *d.* amercements for felling "wood" or single oaks;

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[729] HLS: 75.
[730] Gardiner, "The geography and economy of the High Weald, 1300-1420," 133.
[731] When the wife of Richard Crulle sold to John Coupere thirteen oaks, valued at only 6 *d.*, the court adjudicated that the lord receive 18 *d.* as his triple share (*suo triplo*). ESRO: SAS-X/5/1/17.
[732] The court decreed that the lord receive the 12 *d.* for damages, in addition to the amercement. ESRO: SAS-X/5/1/17.
[733] Wiliam atte Wytheghe paid a fine of 2 *s.* for a felled oak in July 1380. At the next court, in October, Thomas atte Forde paid the same rate when he had cut down an oak. HLS: 72. ESRO: SAS-X/5/1/15.

when Elias Dounyng cut down three oaks, he gave 18 *d.* to the court.[734] For some oaks, even many at a time, the court levied merely a token fine for their destruction. These trees must have been small, likely from coppiced wood, and were each valuated at 1 *d.* or less.[735] The court must have differentiated between size when assessing the rate of penalty required, which explains its efforts to corroborate presentments and evaluate the worth of trees.

Manorial officials endeavoured to investigate claims of arboreal damage and regulate accordingly. When the homage presented that Thomas Tannere had felled eight oaks on his customary tenement, they were given a day to elaborate at the next court because they did not yet know the "true value" (*vero valore*) of the trees. When the court followed up in October 1383, the homage still lacked the necessary and faced a minor amercement (4 *d.*). Eventually the investigation into the Tannere case specified that, in fact, twelve oaks had been felled, but the miniscule damages (12 *d.*) suggests that they were negligible trees.[736] Similar calls for clarification echo throughout the rolls; the June 1384 court demanded a further inquiry at the next proceedings because it was yet to be informed fully of the details regarding Richard Bemsell's wood felling.[737] Neighbours could also be asked to investigate the progress of repairs on the manor. When the homage attested that John Michel atte Hale had failed to fix his ruinous buildings, the court promptly leveled a massive fine on him.[738] Members of the homage routinely performed similar tasks when evaluating damage caused by trespassing animals (see Chapter 5). The seigneurial apparatus of the manor, including the lord's oversight of the manor court, seems to have shown some effort to verify charges brought by tenants. This is no surprise, since many

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[734] HLS: 72.
[735] The sale of thirteen oaks in April 1384 assessed their value at 6 *d.* The lord recovered 12 *d.* for damages from twelve oaks felled in 1383. ESRO: SAS-X/5/1/17.
[736] ESRO: SAS-X/5/1/16; SAS-X/5/1/17.
[737] ESRO: SAS-X5/1/18.
[738] ESRO: SAS-X/5/1/18.

of the woodland transgressions they described must have occurred quite far from the manor house and demesne agricultural operations.[739] Much of the daily lives of tenants likely escaped the notice of distant manorial officials.

6.5 Conclusion

Herstmonceux tenants, especially in the later years of the fourteenth century, faced a dilemma. The manorial administration increasingly focused on waste and the state of buildings on the manor and used the court to compel tenants to fix any issues. The penalties for failing to make repairs were severe, so tenants would surely have hastened to acquire the necessary supplies. Custom and seigneurial authority, however, prohibited tenants from cutting down wood, especially timber, even on their own tenements. They could gather firewood and some small deadwood for fencing, but little that could be used to prop up a building. They needed timber. The widespread purchasing of timber in the 1340s does not appear in the later court rolls; instead, there exists a significant increase in fines paid for cutting down oak trees. The frequent demands for repairs, however, far exceed the total numbers of trees felled illicitly in the records. The most likely conclusion is that tenants, many of whom lived in heavily wooded areas a significant distance from the manor house, engaged in illicit trading or felling of large trees that went largely unnoticed by manorial officials. The court, though careful to maintain seigneurial authority and generate some revenue, seems to have prioritized the maintenance of inhabited parts of the manor, rather than the conservation of distant woodlands.

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[739] Consider, that "remote place of Bayle," as mentioned above. Many Herstmonceux tenants lived much further than that. See Chapters 2 and 3 for observations on the demesne and tenancy.

Chapter 7: Conclusion

The Herstmonceux manor no longer exists, but its legacy lives on. The estate has changed, and so too has the surrounding environment. Modern buildings dot the landscape; cars traverse modern roads over the ancient cart paths of the Weald; herds of cows roam the reclaimed Pevensey Levels. But still, in the centuries after the fourteenth and even now, many of the same environmental concerns persist. Conservation of forests, animal husbandry, and management of water all continue both to shape and be shaped by the environments that encompass them. The English landscape has only become more manicured and less wooded. Much of Rackham's "Ancient" woodland has, by now, disappeared, a disappearance that he attributes both to agricultural expansion and destructive forestry practices.[740] Even as large-scale clearing of woodlands has shifted away from temperate regions, the problem of unsustainable deforestation is more dire than ever, especially for tropical forests. Williams aptly labels the period from 1945 – 1995 as "the Great Onslaught," and projects that demand for wood and pulp and paper will only continue to increase significantly.[741] Although the current flood risk to Pevensey is relatively low, flooding has affected other low-lying reclaimed areas in recent years; the Somerset Levels, for example, spent most of the winter of 2013-2014 submerged.[742] The lessons of the past – at least, in the ways that people and institutions interacted and adapted to environmental change — continue to resonate.

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[740] Rackham estimates that nearly one-half of the ancient woodland in 1930 had been destroyed by 1983, including more destruction in just twenty-eight years (especially the 1950s and 1960s) than in the previous four hundred. Oliver Rackham, *The History of the Countryside* (London and Melbourne: J.M. Dent & Sons Ltd., 1986), 96-97.

[741] Michael Williams, *Deforesting the Earth: From Prehistory to Global Crisis* (Chicago and London: The University of Chicago Press, 2003), 420-421, 496.

[742] For the timeline of the Somerset flooding and an outline of the government response, see BBC News, "Somerset floods crisis: How the story unfolded," 19 March 2014, https://www.bbc.com/news/uk-england-somerset-26157538.

This dissertation has examined how a premodern institution and local communities regulated and managed their environments. This management involved a continuous negotiation of rights and responsibilities between landlords and tenants, between institutions and individuals, between elites and everyone else. Herstmonceux manor serves as a valuable case study to investigate the ways in which a legal and socioeconomic institution administered a broad and weakly integrated community of tenants spread across markedly different landscapes. This dissertation has shown, on one hand, how the manor court sought officially to prescribe behaviour and standardize procedure, but operated, in practice and especially in the manor's periphery, more as a mechanism of record-keeping and revenue generation for the lord. Tenants, on the other hand, relied on custom and local memory to assert their agency over their environments. The defence of their communal rights, often articulated orally and upheld by the social reputation of the claimant, had mixed success that slowly eroded over time as the authority over environmental management passed into the hands of more centralized bureaucracies. Throughout this process, geography mattered. Close to the manor house, on reclaimed land that required greater infrastructure and capital to maintain, elites wielded much greater authority. In the distant woodlands of the Weald, however, tenants generally acted on their own accord, with little seigneurial oversight. The two spheres intersected most notably when tenant animals wandered across demesne boundaries; those transgressions, so ubiquitous and yet potentially subversive, thus permeate the court rolls more than most other issues.

The Herstmonceux story does not end here. Life on the estate continued to thrive long after the tumultuous decades of the later fourteenth century. The circumstances, though, did change. Tenants became increasingly excluded from seigneurial spaces: reclaimed areas on the Levels became dominated by the herds of absentee landlords; enclosures captured more and

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more common areas; and, most notably for Herstmonceux, the lord made the conscious effort, with royal license, to transform much of the estate into a private deer park. All of these changes occurred as part of a general shift away from the direct management of estates, as landlords sought instead to lease out properties for money rather than relying on customary labour. Throughout all this change, water, animals, and trees continued to play an ever-important role. The physical gap, however, between lord and tenant widened — with complex impacts on the environment — even as people cast off the burdens of serfdom and embraced an increasingly industrial, commercial, and specialized economy.[743]

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[743] As Mark Bailey has noted, by 1400, fewer than a million customary tenants remained in England; by 1500, only a few thousand remained. Mark Bailey, *The Decline of Serfdom in Late Medieval England: From Bondage to Freedom* (Woodbridge: The Boydell Press, 2016), 4. As Campbell states, "Over the course of the fourteenth and fifteenth centuries England had nevertheless laid the institutional, agrarian, and industrial foundations of its future prosperity." Bruce M.S. Campbell, *The Great Transition: Climate, Disease and Society in the Late-Medieval World* (Cambridge: Cambridge University Press, 2016), 393.

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Appendices

Appendix 1: Locations of tenants listed in c. 1337 rental (cross-referenced with court and subsidy rolls)[744]

Name	Size	Location	Notes
Robert Colkyn	>31a	Herstmonceux	
William atte Berghe	>20a	Herstmonceux	
Heirs of Walerand Morting	UNS	Boggelegh	One tenement listed as such in the rental, couldn't find cross-referencing
Walter atte Welde	~1a	Herstmonceux	
William son of Lucas Rocker	~1a	UNS	
Heirs of Walter Thetchere	~18a	Warbleton	
Richard Thetchere	>10a	Lewstrode	
Heir of Robert Genesynge	6a	Cowbeech	
William Parkman	UNS	UNS	
Simon Pollard	>20a	Lewstrode	
John de Batesforde	UNS	Cowbeech	
Deonisia widow of Thomas de Stoddenne	9a	UNS	
William Frankwell	>3a	Foxearle	
Elias Onyngeham	UNS	Herstmonceux	
John Lucke	>7a	Herstmonceux	
Robert Cach	UNS	Herstmonceux	
William Trusselegh	4a	UNS	
John Hallond	UNS	UNS	
John Souter	>3a	Wartling	
Heir of Robert Symenet	~1 gavellond	Cowbeech	
Heir of John Fillol	N/A	N/A	Landlord with dispersed, extensive holdings. Lord of Old Court
Augustine Dyne	0.5a	UNS	
William Poncy	3a	UNS	
Richard Borden	>1a	UNS	
John Rocker	~1a	Herstmonceux	
John Dyklond and John le Bedel	UNS	Manxey	
John son of Robert Dounyng	~2a	UNS	
John Tayllour	~1a	UNS	
Philip atte Esthouse	UNS	Baille (Heathfield)	
Thomas de Thurselegh	1 way	Wartling	"Via"
Adam de Cralle	UNS	Horam	
John son and heir of Walerand de Bykestrode	UNS	Heathfield	
Heir of Peter de Gotelee	1/4 fee	Goatley	Based on toponymic name
Heir of Stephen de Gotele	1/4 fee	Goatley	Based on toponymic name
John atte Beche	>83a	Sedlescombe	
Simon atte Beche	UNS	Hailsham	

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[744] * = unclear information or inferred from later sources, not included in analysis

Heir of William Russel	8a + 1 cottage	"Manor of Hurst"*	
Stephen atte Forth	UNS	UNS	
Robert de Sharndenne	UNS	Heathfield (Bivelham)	
Heirs of Walter clericus	UNS	Baille (Heathfield)	
William Gardiner	UNS	Rockland (Wartling)	
Thomas de Horham	UNS	Warbleton	
Roger Fykeys	~7a	UNS	
Heir of Richard Russel	UNS (some marshland)	UNS	
Richard Lad	~4.5a	Lewstrode	
John atte Pette	UNS	Bivelham?*	Two people with similar names in 1332 subsidy, assumed to be the Hawksborough one since slightly closer. Other one is in Shoyswell.
Simon atte Grene	UNS	Bivelham?*	Based on part of same tenement above
Herbert Thurselegh	UNS	Bivelham?*	Based on part of same tenement above
Michael le Bothel	>1a	Wartling (Weald)	
Robert Thetchere	8a	Lewstrode	
John Dymmok	UNS	UNS*	1392 distraint for "John Dymmok of Ditchling" by beadle of Foxham. Ditchling is far away though, west of Lewes
John de Glesham	51.5a	Knelle	
William de Werthe	Knight's fee	Ewhurst	
Heir of Gervase de Fouksham	~8a	Peasmarsh	
John son of Stephen de Fouksham	~12a	Foxham	
Stephen son of Ralph de Fouksham	>2.5a*	Foxham	
John de Foukesham	4a*	Foxham	
Ralph Comber	UNS	Wivelridge	
John de Oxenebregge	>3.5a?	Peasmarsh	
Reginald Blake	UNS	Foxham	Pays rent the same way as other Foxham tenants (hens)
Juliana Corde	>4a	UNS	
Augustine de Stonacre	1 cottage	UNS	
John Corde	1.5 cottages	Herstmonceux	
Heir of Richard Rys	1.5 cottages	Herstmonceux	Johannes Corde in Herst holds part of Rys cottage
William de Rode	1 cottage	Ashburnham	
John Mador	UNS*	Herstmonceux?*	Later (1379) holds 5a 1r called "Longemarl" in Herst
Lucas Shirlok	1 cottage	Herstmonceux?*	In 1379, Johanna Schirelok holds a cottage in Herstmonceux
Heir of William Herde	1 cottage	Herstmonceux?*	1327, William's widow amerced for a dog destroying rabbits in lord's warren
William Synoch	1 cottage	UNS	
William Donsy	1 cottage	UNS	
John Colier	1 cottage	UNS	
John Lef	1 cottage	UNS	
Thomas atte Pende	1 cottage	UNS	
John Gonne	Part of cottage	Weald?*	Pannage fees
Stephen Ede	Part of cottage	UNS	
William atte Forchet	1 cottage	UNS	
Helewys Codele	1 cottage	UNS	
Robert de Ifolde	>1a	Herstmonceux	
Thomas Lef	UNS (cottage*)	UNS	1379, mentioned as a cottager
Alexander atte Hegh	1a	UNS	

Hec sunt bona inventa in manerio de Hurstmunceaus die dominica proxima post festum sancti Michelis archangeli anno regni Edwardi
filii regis Edwardi secundo. que Johannes de Honningham qui fuit prepositus et est amotus a prepositura; liberavit Johanni Corde preposito
nunc electo et carcato per hanc indenturam.

[*in margin*]: Granarium
mensurantur in granario die predicto – vj. buscelli frumenti-- Item sunt in area de braseo
frumenti ad corriandum - iiij. buscelli frumenti – Item de braseo Avenarum in Area ~~ad~~ correando
- ij. quarteria.

[*in margin*]: Frumentum
In grangia frumenti de [*blank*] acris seminatis per dominum anno preterito- Et de acris quas dominus habuit ad partem suam de terris
seminatis ad secundam garbam. In culagio in capite boriali grangie frumenti et uno stallagio proximo pleno usque
ad pedem laquiariorum per estimationem in tasso – xxx^{ta} quarteria frumenti – Et triturantur ante hunc diem
[*blank*] quarteria frumenti-- unde Seminantur ante hunc diem super-- xx^{ti} acras terre In Tailures lond – videlicet- viij. quarteria
et vj. buscelli frumenti. Inde in semine ultra semen praedictam ~~in~~ lx. acris seminandis adhuc – xx^{ti}. vj. quarteria frumenti.
Et sic remanebant per hanc estimationem ultra---v. quarteria frumenti.

[*in margin*]: Siligines
De siligine per estimationem die predicto in quodam cancello unius tassi In alio capite eiusdem grangie – xv. quarteria siliginis.
Inde in semine super – xv. acras terre – vj. quarteria siliginis – Et remanent ad liberationem famulorum per istam estimationem
.ix. quarteria siliginis.

[*in margin*]: frumentum et drogetum mixta
frumentum et droghetum myxtum per estimationem – j. quarterium et dimidium – Et totum remanet.

In grangia avene de fabis in boriali capite In uno cancello per estimationem– xx. quarteria fabarum
Inde in semine – super – xl. v. acras terre – xx^{ti} quarteria fabarum – Et sic nihil remanet ultra semen.

In eadem grangia de vescis in eodem capite in uno cancello - xx^{ti} quarteria vesciarum – Inde in semine super – xx acras terre

--vj. quarteria et dimidium – Et remanet ultra semen – xiij. quarteria et dimidium ad opus famulorum.

In eadem grangia in alio capite de avena per estimationem - lx. summas qui faciunt – C. et xx^{ti}. quarteria avene.

Inde in semine – super – l. acras terre – xxx^{ti} – vij. quarteria et dimidium avene – Item in prebenda stottorum ---

xx^{ti}v. quarteria avene - In farina coquine - vj. quarteria avene ----------------------- Et remanent ultra predictam reprisam per hanc estimationem ------- lj. quarteria avene et dimidium.

De drogheto per estimationem in eadem grangia--- xl. quarteria droghete -- Inde in semine super xl. acras terre

xxx^{ti}. quarteria droghete—Et remanent ultra ad liberationem famulorum—x. quarteria droghete.

[*in margin*]: staurum

staurum inventum in manerio praedicto--- xiij. stotti---- Jumente ---ij. ---Pullanus--- j etatis unius anni et dimidii.

Item--- ij. pullani <unius anni> unde --- j. masculus et alter femellus [sic]--- Item boves----vj. taurum--- j. vacce.- iij.

bovetti--- j. etatis--- ij. annorum et dimidii--- juvences--- iij. boviculus--- j. etatis--- j. anni et dimidii. Item vituli—v.

quorum. j masculus et alteri femelle---- Et sciendum quod--- ij. vituli erant de vaccis conductis. Multones--- nihil. Item

oves matrices --- j. De agnis-- nichil quia vendebantur in estate pro diversis debitis aquietandis.

[*in margin*]: Porcheria

In porcherio Porci--- videlicet--- apri--- ij. Item porci unius anni et amplius pro lardario ---- xx^{ti}j. sues-- ij. porcelli. xxx^{ta}v. porculi—xx. porci sustentati ad medietatem--- vj. unde dominus percipiet-- iij. pro sustentatione--- item pavones-- ij. --pave—iij. pavicule unius anni-- ij. Auce--- xx^{ti}iij. unde--- iij. anceres et v. mariole. Capona--- xxv.

[*in margin*]: Aula

In aula-- j. pelvis cum j. lavatorio-- j. scakkarium cum familia—ij. menses cum ij. par trestellis. Item—ij. menses immobiles-- ij. forme.

[*in margin*]: Camera domini

In camera domini.-- j. archa serrata cum armura-- cuius clavis est penes dominum.

[*in margin*]: paneteria

In panetria—j. tonellus pro pani--- j. sporta straminis pro pani--- j. sporta straminis pro farina. j. cumelinus pro sale.

[*in margin*]: Lardarium. Coquina

In lardario--- j dressingbord--- In coquina-- j. mola pro salsis faciendis--- j. mortarium cum. j. pestello--- Olle eree---iij. patelle enee--- ij. tripes--- j. urceolus—j. cum. j. pede. j. patella ferrea-- j. craticla ferrea. j. barellus pro vernis.. In discis et platellis. nihil.

In pistrino--- j. fornis. j. mola pro braseo molando. j. moldingbord.--- j. alveus ad pastum <Item j. alveus pro braseo stans in terram—j. tonellus ad bultandum_. i. trestellus vetus --- 1 tonidur.> Cune ---. iiij. cumeline---- iiij. trendelli---- ij.

[*in margin*]: Dayria
In dayeria. Chesvates--- iiij. bokettes---- iij.---- tygne---j. menses ad caseum superponendum ij. archus vetus. j. item fornagium---j. Item. j. mola pomorum cum pressorio

[*in margin*]: Granarium
In granario. j. buscellum ligneum ferris ligatis. et dimidium buscellum de stramine—j. peccum ligneum.
j. sporta straminis.

[*in margin*]: Carpentria
In carpentria--- j. sarra manualis--- j. scala---- ij. carucarie pro susannis terris cum ij. vomeris et ij. cultris. Item—ij. carucarie pro terris mariscis. cum ij. vomeris et cum. ij. cultris---- v. hercia— ij. carre cum j. corda.

[*in margin*]: Dairiea
In dayeria de stauro-----x. casei.

De omnibus rebus predictis debet Johannes Corde prepositus respondere domino per hanc indenturam.

These are the goods found in the manor of Herstmonceus [Herstmonceux] on Sunday next after the feast of St Michael the Archangel in the second year of the reign of king Edward son of king Edward [30 September 1308] which John de Honningham who was the reeve and has been removed from the reeve-ship delivered to John Corde the reeve now chosen, and charged by this indenture.

[*In margin*]: Granary
There were measured in the granary on the aforesaid day – 6 bushels of wheat-- Likewise there are in the threshing-floor of malted wheat to be processed – 4 bushels of wheat—Item of malted oats in the threshing-floor being processed—2 quarters[745]. Note after stop

[*In margin*]: Wheat
In the wheat barn from [*blank*] acres sown by the lord in the aforementioned year - And from the acres which the lord had for his share of lands sown at the second sheaf. In the compartment / lean-to in the northern end the wheat barn and one stall nearest full up to the foot of the tie-beams in a rick[746]-- 30 quarters of wheat - And to be threshed before this day [*blank*] quarters of wheat of which were sown before this day upon 20 acres of land In Tailures Lond namely 8 quarters and 6 bushels of wheat. Of which in seed beyond the aforesaid seed—60 acres still to be sown 26 quarters of wheat. And thus there remain by this valuation over--- 5 quarters of wheat.

[In margin]: Rye
Regarding rye by valuation on the aforesaid day in the corner of one rick; In the other end of the same barn—15 quarters of rye. Of which in seed upon 15 acres of land—6 quarters of rye—and there remain for delivery to the *famuli* [747] by this valuation-- 9 quarters of rye.

[In margin]: wheat and dredge[748] mixed
wheat and dredge mixed by valuation— 1.5 quarters—and all remains.

In the oat barn regarding beans in the northern end in one corner by valuation—20 quarters of beans. Of which in seed upon 45 acres of land—20 quarters of beans—And thus nothing remains beyond the seed.

In the same barn regarding vetches[749] in the same end in one corner—20 quarters of vetches—Of which in seed upon 20 acres of land-- 6.5 quarters—And remains beyond the seed—13.5 quarters for the use of the *famuli*.

In the same barn in another end regarding oats by valuation—60 seams which make—120 quarters of oats. Of which in seed upon 50 acres of land—37.5 quarters of oats—Item in

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[745] Usually eight bushels each
[746] A stack of sheaves; usually indicates that the corn is unthreshed
[747] Translates to servant, in this case hired workers
[748] Mixed corn (oats and barley)
[749] A widely distributed scrambling herbaceous plant of the pea family that is cultivated as a silage or fodder crop.

fodder[750] of stots[751] -- 25 quarters of oats—In meal for the kitchen[752]-- 6 quarters of oats-----And remain beyond the aforesaid deduction[753] by this valuation---- 51.5 quarters of oats.

Regarding dredge by valuation in the same barn----40 quarters of dredge—of which in seed upon 40 acres of land 30 quarters of dredge—And remain beyond for delivery to the famuli—10 quarters of dredge.

[In margin]: stock
stock found in the aforsesaid manor--- 13 stots --- mares---2----Foal---1 of the age of 1.5 years. Item---2 foals of the age of 1 year---1 male and the other female---item oxen---6. bull---1. cows --- 3. steers---1 of the age of---2½ bullocks---Young bullocks 3, 1 of the age---of 1.5 years. Item calves —5. of which 1 male and the others female---And let it be known that-2 calves were from the leased cows; sheep ---none. Item ewes[754]-- 1. Of lambs- none because they were sold in the summer for discharging various debts.

[In margin: Pigsty]
In the pigsty. pigs – namely -   boars---2. Item Pigs of one year and more for the larder--- 21. Sows—2. young pigs—35. piglets—20. Pigs sustained by the half (a moiety?)—6. of which the lord should take —3 for victuals. --- Item peacocks[755]-- 2. --Peahens—3. Young peahens of one year—2. Geese—23. of which—3 ganders[756] and 5 unmated female geese[757]. capons--- 25.

[In margin]: Hall
in the hall—1 basin with 1 water jug—1 chessboard with chess men—2 tables with 2 pairs of trestles. Item—2 fixed tables—2 benches.

[In margin]: the Lord's chamber
In the lord's chamber.—1 locked chest with armour—of which the key is in the hands of the lord.

[In margin]: Pantry
In the pantry—1 cask for bread—1 straw basket for bread—1 straw basket for meal. 1 vat for salt.

[In margin]: the larder [and] kitchen
In the larder--- 1 dresser—In the kitchen—1 mill for making sauces—1 mortar with 1 pestle— Jars of brass:—3. Pans of brass—2. Tripod (three-legged stand)—1. Small pitcher—1. with 1 foot. Iron pan—1. Iron griddle—1. Barrel for dishes. In dishes and plates—nothing.

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[750] Praebenda (grain used as food for people or domestic animals, provender, fodder)
[751] Stottus, or "Stot" [kind of horse (esp. used for ploughing)].
[752] Farina (meal, esp. wheatmeal)
[753] Reprisam (deduction made from annual income of estate or some other form of income to pay rent, salary, pension, or other regular or recurrent expense, reprise).
[754] Oves matrices- ewe (adult female sheep, in this case suitable for breeding)
[755] Pavones
[756] Auceres (from aucella- gosling)
[757] Marioles (unmated female, in this case of geese)

Item In the bakery—1 oven. 1 mill for grinding malt. 1 mould-board[758]-- 1 trough for fodder
^Item 1 trough for malt standing in the earth—1 cask for bolting. 1 old trestle—1 _tonidur._^
Wedges—4. Tubs—4. Wheels[759]—2.

[In margin]: Dairy
In the dairy. Cheese-vats – 4; buckets- 3; Timber planks—1. Tables to place cheese on top. 2.
Old arch—1.—Item an oven—1. Item. 1 apple-mill with a press.

[In margin]: the granary
In the granary. 1 bushel of wood, bound with iron bound and a half bushel of straw—1 peck of
wood. 1 basket of straw

[In margin]: carpentry workshop
In the carpentry workshop—1 manual saw—1 ladder—2 ploughs for upland with 2 shares and 2
coulters[760]. Item—2 ploughs for marshland with 2 shares and 2 coulters—5 harrows[761]-- 2 carts
with 1 rope.

[In margin]: dairy
In the dairy regarding stock 10 cheeses.

Of all these aforesaid things John Corde the reeve ought to answer to the lord by this indenture.

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[758] "Moldingbord"
[759] Trendellus (circular or cylindrical component of a mechanical device, wheel, roller, etc. such as in a mill)
[760] From culter (knife), a coulter is a vertically mounted component of ploughs that cuts edge ahead of ploughshare
[761] Hercia

Consuetudines custimar'

Johannes de Onyngham tenet illud Werklond quod fuit Simonis de Onyngham unde ad wardam castri

qualiter xvj septimana obolus qua et reddat ut infra. Et debet triturare blada domini cum ij hominibus per j dies vel per j hominem pro

ij dies ad cibum domini ad unum repastum et valet opus ij d. Item debet extrahere fima domini cum una curtana quam-

diu duraverit cum participibus suis ad cibum domini videlicet panem de mixtura et allec vel caseum et potagium et

aquam ad potum vel i d. pro cibo et si no facit dictum opus dabit domino pro dicto opera vj d. Et animalia

sua communicabunt cum animalibus domini. Item debet arare solus cum caruca sua per i diem quantum potest vel

dabit iij d. et habebit prandium suum semel in die vel panem de frumento et carnes et caseum ad c_pernagium

et potagium et cervisiam ad potum. Et estimatur valor cibi cuiuslibet caruca ad iij d. Item debet herctare?

cum ij equis per j diem vel cum j equo per ij dies in xl^ma (quadrigesima-lent) ad cibum domini sicut in extractione fimorum vel dabit

pro dicto opere ij d. Item debet amerari in longinquiore loco de Wynchelse vel adeo longe et habebit prandium

suum semel in die sicut in extractione fimorum si dominus neccesarium habuerit semel in anno et valet

prandium i d. obolus. Et debet facere dimidium _ avene ad braseum quam dominus venire faciat ad domum

suam et queret dictum braseum ibidem. Et si non facit dictum nichil dabit. Item debet querere duas carrias

bosci in longinquiore loco de Bayle et habebit prandium suum sicut in extractione fimorum et valet servicium

iij d. Item debet falcare et spargere dimidiam acram ~~frati~~ feni ad cibum domini sicut prius et aquam ad potum et

valet prandium ij d. Et opus valet ij d. Et debet dictum fenum colligere et levari sine cibo Item

debet intrare fenum domini per i diem habebit prandium suum bis in die sicut prius et aquam ad potum. Et valet

opus i d. obolus et prandium i d. Johanne debet metere et ligare ad parvam parcariam? per i diem cum i homine in _

et habebit prandium suum bis in die videlicet ad nonam ut prius et aquam ad potum et ad cenam caseum. Et

valet illud opus i d. et prandium i d. Item debet metere ad magnam parcariam cum tota familia sua preter

uxorem suam et pastorem animalium et habebit prandium suum videlicet panem de frumento cervisiam ad potum bis in die

carnes ad cumpernagium et caseum. Et ad cenam caseum et cervisiam. Et valet opus cuiuslibet operarii i d. Et

prandium ad obolus. Item debet cariare blade domini in autumpno et habebit suum semel in die

ut supra in car' vescis. Et animal sua communicabunt animalibus domini tempore designationis et

discopulationis? et estimatur illud opus duratur' per iiij^{or} dies   plus et minus cum dominus necesse habuerit et valet prandium per diem i d. Et carriagium per diem i d. obolus. Et non debet maritare

filiam suam sine licencia domini. Et cum electus fuerit erit prepositus et debet esse de redditu et serviciis suis

per illud tempus quo fuerit prepositus quietus. Et debet levare bidentes? domini si habeat proprias et aliter non.

Et cum fuerit in officio prepositi habebit per septimanum i bussellum frumenti vel vij d.

Elias de Stonacr', Willelmus de Meryfeld, Thomas Reve, Willelmus de Ifold. Alexander Baker, heredes

Michelis atte Hale, Johannes Corde, Johannes de Ballegh, Willelmus Rocker', Thomas Adam, Laurencius Cach,

Willelmus Geffray, heredes Ricardi Crul, Willelmus Dode, Thomas Pollard, Simon de Bemselle, Ricardus

Reve, Johannes Michel de Onyngham, et Robertus Donnyng, omnes isti quilibet eorum faciet omnimoda

opera et consuetudines que predictus Johannes facit preter wardam castri.

Nicholas atte Pette tenet illud gavellond quod fuit Walteri atte Pette et reddet inde per annum ad wardam castri qualibet xvj^a septimana. Et reddat ut infra. Et debet triturare bladum domini cum ij hominibus

per i diem vel per i hominem per ij dies ad cibum domini ad unum repastum et valet illud opus ij d.

Item debet sarcares? fima domini cum i homine quam diu duraverit cum participibus suis ad cibum domini

sicut Johannes Onyngham. Et si non facit dictum opus dabit domino pro dicto opere iiij d. Et si habiat animalia veniet ad fima extrahendi sicut predictus Johannes et aliter non. Item debet arare

herctare? averare carriare boscum fenum et bladum sicut predictus Johannes si habeat_? averia et alier

non. Item debet facere dimidiam ^aduinicum^ avene ad braseum sicut predictus Johannes. Item debet falcare spergere et colligere

fenum sicut dictus Johannes. Item debet metere bladum domini et ligare in autumpno sicut dictus Johannes.

Item debet furcare aut tassare bladum domini in autumpno vel dabit pro dicto opere iiij d.

Item debet prosternere…

(abruptly ends, must have been at least one more membrane)

Appendix 4: Additional prosopography of 1396 sewers commissioners

The other officials who presented the 1396 record had notably long careers as commissioners, though largely in areas outside of Sussex, and remained loyal Lancastrian retainers. They also worked together frequently on various inquiries, particularly William Brenchesle with William Makenade, and Thomas Pynchebek with Sir Philip Tilney. Brenchesle, who was later knighted and appointed as a justice of the Common Bench, played an active role as a justice of the peace for Sussex throughout the 1390s; the crown simultaneously employed him extensively as a justice throughout southern England investigating numerous petitions, audits, and other commissions.[762] Makenade's career centred more closely on Kent, but included a similarly wide range of inquiries.[763] They worked together to settle landholding and inheritance disputes in Kent and Sussex in 1392 and 1394, as well as investigating a prominent shipwreck in Romney during the summer of 1394.[764] Thomas Pynchebek, another career royal official, fulfilled a similar role as Brenchesle, but one that focused mainly on eastern England. He served as chief baron of the Exchequer and as a justice of the Duke of Lancaster, in addition to participating in a variety of

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[762] For example, he was commissioned on 30 November 1389 to investigate an unauthorized watermill construction in Cornwall and on 1 December 1389 to settle a seisin dispute in Kent; CPR, 1388-1392, 210-211. He had been commissioned to enquire about a petition by John, Duke of Lancaster, for manors in Kent in July 1388; CPR, 1385-1389, 547-548. In March 1389, he had joined the Earl of Arundel in auditing Southampton officials based on customs levied for fortifications; CPR, 1388-1392, 57-58. Brenchesle was part of a commission of oyer and terminer in Cornwall in July 1389 based on a complaint that people had assaulted Sir Humphrey de Stafford with something called a "gunne"; CPR, 1388-1392, 134. In the early 1390s, he was incredibly active as justice of the peace for Cornwall, Devon, Dorset, Kent, Somerset, Southampton, Surrey, Sussex, and Wiltshire; see for example, CPR, 1388-1392, 273, 435, 439-440, index. He worked with Thomas Pynchebek in February 1392 on a commission settling an inheritance dispute in Southampton; CPR, 1391-1396, 81. Letters patent describe him as a justice of assize in July 1390 and a justice of gaol-delivery in June 1391; CPR, 1388-1392, 432; CPR, 1391-1396, 79. He was later appointed as justice of the Common Bench on 6 May 1398, CPR, 1396-1399, 341.

[763] For example, Makenade served in Kent: as a feoffee for 400 acres of marsh (1386); on commissions investigating rebels who assaulted a lady in her castle (1382); assessing waste on a manor (1386); searching for escaped gaol felons (1389); along with William Hoo, inquiring about an escheators' defaults (1390); and as attorney for the prioress of the house of the order of [Friars] Preachers in Dartford from 1388 until at least 1394. CPR, 1381-1385, 133; CPR, 1385-1389, 145, 165, 377; CPR, 1388-1392, 53, 371, 435.

[764] CPR, 1391-1396, 85, 430, 432, 442. Upon wrecking at Romney, those who escaped the sinking ship allegedly were murdered and robbed. Brenchesle and Makenade, along with the Constable of Dover (John Beaumont) and others, were tasked to ascertain the identities of the culprits. CPR, 1391-1396, 521.

commissions for Lincolnshire and Cambridgeshire.[765] Pynchebek worked closely with Sir Philip

Tilney on a number of inquiries, particularly in Lincolnshire.[766] Tilney, who came from a

prestigious family and was himself a powerful landholder like Batesford, was also active in

numerous different commissions in Lincolnshire and surrounding counties.[767] From 1389 until

his death in 1394, he held the post of chief steward of the northern parts of the Duchy of

Lancaster; in 1390 he added justice of the peace for the Lancaster liberties in Yorkshire and

Holland (Lincolnshire) to his credentials as well.[768] In 1391, when the crown initiated a long-

term water management initiative for the Pevensey Levels, which, since 1372, fell under John of

Gaunt's purview, it unsurprisingly appointed prominent experts with proven Lancastrian

loyalties.

     Four of the jurors in the 1396 inquiry all had extensive experience with commissions of

sewers in various flood-prone areas of England. Two already had decades of experience: Thomas

Pynchebek first investigated sewers in Cambridge in 1373 and William Makenade began to do so

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[765] Letters patent in 1388 describe Pynchebek as a chief baron of the Exchequer for a salary of £40 per year in addition to his usual fee. CPR, 1385-1389, 463. He is later described, in 1394, as a late justice of the Duke of Lancaster; CPR, 1391-1396, 411. During his tenure, for example, he checked exports, settled debates about royal liberties and franchises, and served on commissions of array in Lincolnshire, and judged tenants who refused to pay services to an abbot and investigated seisin issues regarding the forfeiture of Robert Bealknap in Cambridgeshire; CPR, 1388-1392, 53, 217, 272, 443; CPR, 1391-1396, 89. In February 1387, he had been appointed to investigate information from the queen that a couple royal fish called "whalles" had been taken unlawfully from Holbech, Lincolnshire. CPR, 1385-1389, 316.

[766] During the early 1390s, for example, they investigated a number of trespasses and other transgressions by the mayors and bailiffs of Lincoln against the Duke of Lancaster and the dean and chapter of St. Mary's, and other violence against the parsons and vicars of parish churches in Holland, Lincolnshire, as well as treasons and felonies in York. CPR, 1388-1392, 220, 270-271, 339, 343; CPR, 1391-1396, 87. They served on numerous commissions of sewers together as well.

[767] For example, Tilney held land in Boston and had custody of other manors in Lincolnshire and at least one in York; CPR, 1388-1392, 225-226; CPR, 1391-1396, 68. The crown appointed him in September 1386 to assess and levy a loan of 200 marks from the town of Boston, and commissioned him in May 1390 to enquire which lands in Lincolnshire the king held after the Earl of Pembroke's death [in a jousting accident]; CPR, 1385-1389, 226; CPR, 1388-1392, 271.

[768] *The History of Parliament: the House of Commons 1386-1421*, ed. J.S. Roskell, L. Clark, C. Rawcliffe (Boydell and Brewer, 1993). https://www.historyofparliamentonline.org/volume/1386-1421/member/tilney-sir-philip-1394. [Accessed 1 July 2021].

in Kent in late 1374.[769] Sir Philip Tilney and William Brenchesle, prolific commissioners in their own right, frequently found themselves employed throughout the country as well. All four had extensive experience investigating drainage issues in areas famously prone to flooding, such as parts of Sussex, Kent, Lincolnshire and Cambridgeshire.

While by no means restricted to a specific region, each official seems to have been the local expert for a different area. William Brenchesle, in addition to three commissions *de walliis et fossatis* in Kent (1381, 1382, and 1388), served on eleven Sussex commissions between 1384 and 1401, including all nine from February 1390 to July 1401.[770] Only John Broke and William Batesford rivaled or surpassed such an extensive career regulating water management in Sussex during the 1380s and 1390s. Brenchesle also investigated the bank of the Thames between London Bridge and Greenwich twice in the 1380s,[771] and later helped settle an ongoing dispute in Surrey wherein the Abbot of Certesey (Chertsey) alleged that since "time out of mind" he and his predecessors had repaired a causeway between Egham and "La Huche" and not another highway prescribed by the king's officials.[772] In contrast to Brenchesle, William Makenade participated in Sussex commissions of sewers five times, but dominated such investigations in Kent; he served on at least twelve inquiries in Kent between February 1381 and December 1400.[773] In September 1393, shortly after being commissioned again to investigate the Pevensey Levels, Makenade was also examining and ordering the removal of timber and stone obstructions from a defunct bridge across the Medway, near Rochester in Kent.[774]

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[769] CPR, 1370-1374, 314, 475.

[770] CPR, 1377-1381, 576; CPR, 1381-1385, 195; CPR, 1385-1389, 551; Figure 10.

[771] CPR, 1381-1385, 586; CPR, 1385-1389, 384.

[772] Brenchesle and another official were appointed in July 1392 and more people, including William Makenade, were added in December. By March 1394, they had completed their survey and concluded that the causeway and the highway were one and the same, so the abbot was liable for the maintenance. CPR, 1391-1396, 165, 234, 432.

[773] **Figure 10**; CPR, 1377-1381, 576; CPR, 1385-1389, 90, 551; CPR, 1388-1392, 132; CPR, 1391-1396, 294, 429-430; CPR, 1396-1399, 100, 512; CPR, 1399-1401, 216, 349, 416.

[774] CPR, 1391-1396, 357.

Thomas Pynchebek and Sir Philip Tilney had similarly prolific careers centred in the Fenlands of eastern England. Tilney served on various commissions *de walliis et fossatis* in Norfolk and Lincolnshire and, with Pynchebek, along the border of Cambridge and Norfolk.[775] Pynchebek, in turn, investigated sewers in Holland, Lincolnshire and also compelled repairs to the great bridge of Cambridge, which had allegedly become so dilapidated that it endangered people and animals crossing over it.[776] When the crown selected Pynchebek in February 1392 to join the commissions gaining momentum in the Pevensey Levels, he had just been active the previous summer in two Fenland inquiries, one for the sea coast and marsh in Ely, Cambridge, and the other for the same in Norfolk.[777] When the crown first initiated a sewers commission near Pevensey in July 1391, it relied more heavily on regional experts such as Batesford, Broke, Brenchesle, and Makenade. As the inquiries garnered more attention, starting in 1392 and especially in 1393, it brought in experts from further afield, in this case Tilney and Pynchebek, as well.

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[775] CPR, 1385-1389, 384; CPR, 1391-1396, 84, 95, 430.
[776] CPR, 1385-1389, 256-257.
[777] CPR, 1388-1392, 516.