

ILLUSTRATION
OF THE
CUSTOMS OF A MANOR IN THE NORTH OF ENGLAND
DURING THE FIFTEENTH CENTURY,
WITH OCCASIONAL REMARKS ON THEIR RESEMBLANCE TO THE
INCIDENTS OF ANCIENT SCOTISH TENURES.

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THE documents which have given rise to the present paper relate to an English manor in Lancashire, named Assheton-under-Line. They were collected together in what is called a *book*, its contents being sufficiently explained by the following preamble: “ At the feast of Martyn in winter, the year of King Henry the “ Sixth, after the Conquest, the first, all the tenants of the Lord- “ ship of Assheton-under-Line, taking their tenements to farm “ for twenty winter terms, of John of Assheton, Knight, the which (evidently meaning the family) “ came out of Normandy, at the “ said feast, with all the services, customs, and usages, as after is “ in this same book written and rehearsed, and as it has been used

“and customed of old time.”* From this source, therefore, will be illustrated the state of manorial tenures in the north of England, during the 15th century. Many of the early feudal customs to be elucidated are very similar to those that have existed in Scotland, relics of which may be traced in the tenures of the present day, though considerably modified by their adaptation to an advanced state of civil liberty.

Sir John of Assheton, who lived in the reign of Henry the Sixth, was, as his rent-roll expressed, of Norman descent, his family succeeding to a common Saxon Thane or Vavasour, in the possession of the demesnes on which he resided.† At the period in which this knight was settled upon the estate of Assheton, tenures had assumed that definite form to which was applied the term *soccage*, a word of obscure etymology, supposed to denote *privilege* or *liberty*, in contradistinction to the indeterminate services of more ancient feuds. The feudal system had, at the same time, been materially aided in its progress towards a civil establishment, by the

* Of this book I possess but a copy, which is not every thing that an Antiquarian could wish, the orthography being by no means preserved in its original state. It was formerly in the possession of one of my ancestors; but, at the earnest solicitation of the family whom it most concerned, was presented to them.

† William of Normandy, in parcelling out the lands he had wrested from the Saxons, gave the whole territory between the Ribble and the Mersey to Rogerius Bictavensis. This officer again carving out his allotment among a more subordinate rank of military, the manor of Manchester, to which the land of Assheton was originally annexed, came into the hands of Robert de Grelle, under the usual obligation of an oath of fealty. This infertment was in time still further divided; for Albertus, the son of Robert de Grelle, gave all the land of Assheton to Rogerius the son of Orm the Norman, who held it by the annual payment of a penny to the Lord of Manchester. This Orm was the ancestor of the Asshetons. In the year 1346, Thomas of Assheton received the honour of knighthood, for a singular display of valour at the battle of Nevill's Cross. Riding through the ranks of the formidable host that was opposed to the English, he forced his way to the King of Scotland's tent, and bore from it the Royal Standard.

necessity imposed upon feudatories, of dispensing with the military obligations of a part of their dependants to whom was committed the care of cultivating the land, and of accepting in lieu of them the labours of husbandry, or a return in corn, cattle, or money. Landed possessors were thus enabled to attend to their military duties, disengaged from occupations that were considered, in a chivalric age, as base and dishonourable.

The territory of Assheton, having been honoured by the residence of the Lord, had long acquired the appellation of Manor: *Manerium a manendo*. The relations of landlord and tenant, as expressed in the rent-roll of Sir John of Assheton, were clear and explicit; while the degree of faithfulness with which services were performed, was determined by the jurisdiction of the Lord's court. In describing, therefore, the customs of this manor, I shall notice in order, *1st*, The rental and obligations which accrued from tenants-at-will; *2dly*, Those which accrued from free tenants; *3dly*, Those which arose from tolls, fines, or festivals; and, *4thly*, The conditions under which all the tenants were bound to the Lord in the jurisdiction of the Court Baron.

My first object then is to describe the rental and obligations which resulted from tenants-at-will.

Sir John of Assheton's tenants of this description were bound to him by obligations of a base or servile nature, yet determinate, and, therefore, properly comprehended under the name of *Villanum Soccagium*. They were excluded from partaking in the honours of the ‘tented field,’ being destined, on the manor of their lord, to perform the duties of civil and agricultural drudgery. Thus, the opprobrium cast upon such menial employments, as ploughing the lord's lands, or carting the lord's fuel and manure, originating from the high sense entertained, in this early period, of military allegiance, is

transmitted to later times, in the debasing ideas that the name of villain, originally nothing more than a feudal term, never fails to excite. The conditions upon which lands were rented to tenants-at-will are related with much perspicuity. They were to be taken, as it is stated, "for twenty winter terms," the rent to be paid at two periods of the year. Any tenement might be given up by a year's notice to the lord, at the rent day of Martinmas, on the condition that it was resigned in as good condition as when first entered upon; if not, the lord or his officers might direct four or six sworn men to visit the houses and closes occupied by the tenant, who was held responsible for the sum that they might adjudge as necessary for the repair, as well as for the deterioration that the land might have sustained. A visit of this kind might indeed be made whenever a tenant removed from his possessions at the end of his term; but in such a case the land was excepted from the assessment, unless it had been injured from design or from malice. The largest farm that appears to have been taken yielded the annual rent of 39s. 6d. sterling; the lowest tenements, which were for cottages, paid no more than two shillings each.

The particular services of the tenants-at-will may now be enumerated; the first of them being the return of a present to the lord, at Yole or Christmas, for the sake of partaking in the annual feast of the great hall. The origin of this service is a subject of interesting inquiry. The Scandinavians who peopled the province of Normandy, and afterwards became the conquerors of England, knew no other tribute in the country from which they emigrated, than one which was of the nature of a capitation tax. It is not improbable, then, that in subduing England they subjected their newly acquired Saxon vassals to the

same impost to which they themselves had been accustomed, by inserting it in their rentals. We accordingly find traces of this, the most ancient of all duties, in the old rent-rolls of many manors in England. Nor was a similar demand unknown in Scotland, where it was exacted under the name of *Canage*: this term being derived from the Gaelic *Cean*, signifying the *head*; and, therefore, supposed to import the capitation duty, which had preceded feudal obligations. The tribute of canage was generally paid at one period of the year, often at Christmas, in fowls, in cheese, or in oats; which were hence named *cane fowls*, *cane cheese*, or *cane oats*. The English mode, however, of collecting such a capitation tax, was by requiring from tenants an annual present at Christmas, that was spent in providing a treat, in which both the landlord and his vassals partook. The custom, as it appears in Sir John of Assheton's rental, is described after the following manner: "The service of the said tenants is this,—
 " That they shall give their presents at Yole; every present to
 " such a value as it is written and set in the rental; and the lord
 " shall feed all his said tenants and their wives, upon Yole-day at
 " the dinner, if they like for to come; but the said tenants and
 " their wives, though it be for their ease not to come, they shall
 " send neither man nor woman in their name, but if they be their
 " son and their daughter dwelling with them, unto the dinner;
 " for the lord is not bounden to feed them all, only the good man
 " and the good wife."

I may now remark, that, in some manor-houses of Lancashire once dedicated to these annual scenes of festivity, may be observed an elevation of the floor at the extremity of the great hall, or, in the place of it, a gallery which stretches along one side of the room, with the intention that it should accommodate

the lord and his family, so that they might not be annoyed by the coarse rustic freedoms which the tenants would be too apt to take with them during the hours of their conviviality. In a hall, then, of this kind, contrived in the manor-house of Assheton, we may imagine the large Yole fire to be kindled; while, in a gallery or raised floor, Sir John of Assheton, his lady, and family, together with his kinsmen, Elland of Brighthouse and Sir John the Byron, are feasting apart, yet attentive to the frolics or old songs of the company below. It was on these occasions that pig-tankards were used, and horns that bore the names of the Saxons and Danes whom the Normans had ousted out of their possessions. Of such trophies was the horn of Wolfus the Saxon, the Aylesbury horn, the Ribblesdale horn, the Aston horn, the Pusey horn, once belonging to Canute, or the Wassel horn of Robert de Eaglesfield. Of the description of ale that flowed merrily on these occasions, we know little; but there can be no doubt that it was as good as King Henry the VIII's ale, which contained in it neither hops nor brimstone.* We may suppose, then, that, on annual festivals like these, the wooden bowl, or horn, would pass freely through the hands of Sir John of Assheton's tenants-at-will; among whom were such personages as Hobbe Adamson, Hobbe of the Leghes, William the Arrow-smith, Roger the Baxter, Roger le Smith, Jack the Spencer, Jack the Hind, Elyn Wilkyn-daughter, Elyn the Rose, and the widows Mergot of Stayley, Peryn's wife, and Nan of the Windy Bank, who owed suit and service—all clad in their best hoods and brown woollen jackets and petticoats. The ancient musical instruments used in Lancashire were, a kind of fiddle, not of the present

* It was an order of King Henry VIII. to his Household, that there should be neither hops nor brimstone in the King's ale.

form, and a stringed instrument called the Virginals. The provincial songs of that period, few of which were less than half an hour in length, rehearsed the deeds of Lancelot du Lake, and his conquest of the Giant Tarquin, at the Castle of Manchester; Ranulph of Chester, and his wars in the Holy Land; or the warlike feats and amorous prowess of the renowned Cheshire hero, Roger de Calverley. In order to preserve, as much as possible, the degree of decorum that was necessary at such meetings, there was frequently introduced a diminutive pair of stone stocks, of about eighteen inches in length, for confining within them the fingers of the unruly. This instrument was entrusted to the general prefect of manorial festivities, named the King of Misrule, whose office it was to punish all who exceeded his royal notions of decency: Accordingly, such a character appears among the list of Sir John of Assheton's tenants, under the name of Hobbe the King. It has been observed that these entertainments were not supported by the munificence of landlords, but by the several contributions of tenants, rendered under the name of presents; on which account, a festivity of this kind, that was wrung from the pockets of vassals, acquired, in derision, the appellation of *Drink-lean*. The Widow Mergot, who occupied one of the largest farms, gave for a present twenty pence. Robert Fulstaffe, who for his house and lands paid 32s. 6d., rendered for his share of the feast, 14d. Jack the Hind, who had a tenement of the yearly rent of 19s. 6d., paid 8d. Alys, that was Pole's wife, annually paid for her dwelling and lands 12d., and a present of 4d. The assessments appear so disproportionally levied, that they were probably in many cases considered in other services. Some of the cottagers are wholly free from this demand. It is evident, from an examination of the presents collect-

ed for these drink-leans, as they appear in Sir John of Assheton's rent-roll, that, if they did not leave a handsome surplus to the lord, they would at least repay the expences of the table. Accordingly, it is not improbable that the name of *landlord* was originally attached to the host of an inn, as a satirical allusion to the *manorial landlord*, who never provided a dinner for his guests without receiving for it an adequate recompense.

It is impossible to say when these annual celebrations were discontinued in England; but that they did not cease without some regret on the part of the tenants, is evident, from the custom being perpetuated to modern times in a manor of the south of England, by a sort of mock representation of the ceremonies that once took place on such occasions. "At present," says a celebrated Antiquary, "the Whitson Ales are conducted in the following manner:—Two persons are chosen, previously to the meeting, to be lord and lady of the ale, who dress as suitably as they can to the characters they assume. A large empty barn, or some such building, is provided for the lord's hall, and fitted up with seats to accommodate the company. Here they assemble to dance and regale, in the best manner their circumstances and the place will afford; and each young fellow treats his girl with a ribband or favour. The lord and lady honour the hall with their presence, attended by the steward, sword-bearer, purse-bearer, and mace-bearer, with their several badges or ensigns of office. They have likewise a train-bearer or page, and a fool or jester dressed in a party-coloured jacket, whose ribaldry and gesticulation contribute not a little to the entertainment of some part of the company. The lord's music, consisting of a pipe and tabor, is employed to conduct the dance. Some people think this custom is a commemoration of

"the ancient Drink-lean, a day of festivity formerly observed by the tenants and vassals of the lord of the see within his manor; the memory of which, on account of the jollity of these meetings, the people have preserved ever since. The glossaries inform us that this Drink-lean was a contribution of tenants towards a potation, or *ale*, provided to entertain the lord or his steward."*

It may now be remarked, that these Drink-leans do not appear to have been unknown in Scotland. When Orkney was annexed, in the 15th century, to the Crown of Scotland, udal or allodial tenures gave place to those which were feudal; and many customs incidental to manorial obligations were preserved in this group of islands, long after they had ceased to exist in Scotland. Even during the middle of the last century were to be found small landed proprietors who assumed, within their narrow demesnes, many of the functions of the baronial lord; while each little manor afforded an epitome of the state of the feudal system, when aided in its civil establishment by the necessity imposed upon feudatories, of resigning to a limited number of dependants the care of cultivating the soil. Thus, in a scarce pamphlet entitled "The True Causes of the Poverty of Orkney," published so late as the year 1760, I find the following account of what are called *Boumacks*—a word which Dr Jamieson supposes to be of Scandinavian origin, derived from the Isl. *Bua* parare, and *Mage* socius; that is, *to make preparations for one's companions*—"The ancestors of the generality of the present lairds of Orkney," says the writer of this pamphlet, "were mean men, feuars of the King's

* See Mr Douce's Description of Sculptures on the outside of St John's Church, Cirencester, in Carter's Ancient Sculptures, vol. ii. p. 10.

“property; they were plain, simple, sober countrymen, frugal,
 “industrious labourers, unacquainted with tea, coffee, rum, silks,
 “and velvets. Their tenants were their friends and companions;
 “every tenant feasted his laird at least once a-year in the Christ-
 “mas holidays; their feasts are called Boumacks by the country
 “people. A late landlord of a good estate, looking on these Bou-
 “macks as what the tenant was obliged to give his master, con-
 “verted the Boumacks of every house on his estate to four settins
 “of malt, and charged that in his rental as a fixed and constant
 “yearly rent; for, now-a-days, most of these lairds would be
 “affronted to sit down at a Boumack with his tenants.”

We may now return to the more immediate object of this paper, which is to describe the customs of the English manor of Assheton; and, in the next place, those particular services of villein soccage may be detailed, which were considered so particularly degrading as to be abhorrent to the feelings of all who were entitled to bear arms. In the manor of Assheton, every tenant-at-will was thus commanded: “He that plough has, shall
 “plough two days. He that half plough has, shall plough a-day,
 “whether the lord be liever in wheat seeding, or in lenton seed-
 “ing; and every tenant harrow a day with their harrow in seed-
 “ing time, when they bin charged. And they shall cart, every
 “tenant ten cartful of turve from Doneam Moss to Assheton;
 “and shere four days in harvest, and cart a day corn.” This service, so profitable to the lord, was familiarly called Boon-work. Hence an old adage, still retained in the north of England, when a man is supposed to be working for nothing, “*that he has been*
 “*served like a boon-shearer.*” Yet it is not improbable that some small return was generally made for such labour. A friend of mine has informed me that, in a M.S. relating to the disburse-

ments of an old family in Lancashire, mention is made of gloves that were given to certain boon-shearers. It is well known that obligations of vassalage, similar to those described, prevailed over all Scotland; but it is far from creditable to the present age, that they should still be suffered to exist in the Shetland islands, where I have heard the claims of feudal authority, that the tenant should, on a certain day, cast the peats of his landlord or minister, felt with all the impatience of the ancient boon-shearer of England.

Another service of Sir John Assheton's tenants was, that they “should pay a principal at their death, to wit, the best beast they “have.” This is evidently a heriot. It is almost unnecessary, on the present occasion, to remark, that the word *heriot* has been variously derived from the Latin *herus*, intimating that it was a tribute belonging to the lord; while Sir Henry Spelman finds a Saxon original for the word, signifying *a horse*, because that animal constituted the first heriot. In the earliest period of feudality, a superior possessed an uncontrolled dominion over the entire property of his vassal; yet, when slain in battle in the company of his lord, a remission was made, in consideration of his faithful services, of any further claim upon his property than what might remain on the field. This usually consisted of a horse, which was accepted as a release, or a heriot. The principle of heriotism, thus introduced, was subsequently extended to that class of dependants who were retained in their lord's employ to perform the baser services of the manor. As their property, therefore, consisted of cattle, or of implements of husbandry, the heriot due to the lord was the best beast, cow or horse, of which the tenant might die possessed. This condition being fulfilled, every further claim upon the goods of the deceased was

remitted. It is easily, then, to be conceived that, in proportion as feudality acquired a civil establishment, this oppressive relic of ancient military subjection would be found particularly galling. In the manor of Assheton there are many traditional stories still remaining on the subject of such heriots or principals. A tenant's boy, on the death of his father, was driving an only cow to the manor-house of certain adjoining demesnes, named Duckinfield. He was met by the lord of the place, with whose person and rank he was unacquainted, who questioned him whither he was taking his beast? "I am driving it as far as Duckinfield for the heriot," replied the boy. "My father is dead—we are many children—and have no cow but this. Don't you think the devil will take Sir Robert for a heriot when he dies?" The lad was fortunately addressing a humane landlord. "Return home," said the knight, "take the cow back to thy mother; I know Sir Robert,—I am going to Duckinfield myself, and will make up the matter with him."

But, besides the obligation of a heriot due to Sir John of Assheton, there were other claims upon the property of a deceased tenant. He was commanded "to pay a *principal* at his death—to wit, the best beast he had;" but, as it is added in the rent-roll, "which other deed next after holy kirk." This latter clause alludes to a description of ecclesiastical heriots, known by the name of *Mortuaries*, or *Corse Presents*, from the circumstance that they were brought to church along with the corpse. The custom arose from posthumous bequests being rendered in lieu of neglected tithes; these, by frequent usage, being converted into regular church-dues. When, therefore, the acknowledgment of a heriot was accepted by a feudal lord, in satisfaction of the right which he claimed to the property of a deceased tenant, by virtue of the dominion assumed over his person, the clergy also were willing to

accept of a similar composition, in requital of the demands which they had upon his soul for undischarged oblations. Hence a mortuary was termed, in the laws of Canute, *Soul Scot*, or *Symbolum Animæ*. Owing to the very rich endowments of the ecclesiastical establishments in England, by which they were rendered less dependant on casual bequests, these mortuaries never appear to have been collected so rigorously as in Scotland. Sir David Lindsay of the Mount, in the ancient poem of the Monarchy, has supposed the case of a poor husbandman on the point of death, in the possession of three cows, and "having small children, two or three." Before the last breath has quitted him, he is visited by the vicar, who takes away one of his cows, and the uppermost clothes of the family,—not even neglecting to strip the children, and to carry off the grey cloak that covers the death-bed. The wife dies soon afterwards, when the second cow is conveyed away in like manner, together with the woman's "poore cote of Raploch gray." Lastly, the death of the widow is succeeded by that of the eldest child, when the third and last cow likewise finds its way to the church. This painful illustration of the nature of corse-presents has been depicted with so much feeling in the poem alluded to, that it would be an injustice to the author not to give it in his own words:—

" And eke the Vicare, as I trow,
 " Hee will not fail to take a kow,
 " And up-most cloath (though babes them ban)
 " From a poore silly husband-man.
 " When that he lyeth for to die
 " Having small children two or three:
 " That hath three kine withoutten ma,
 " The Vicar must have one of tha,
 " With the gray cloak that happes the bed,
 " Albeit that he be poorely cled.

“ And if his wife die on the morne,
 “ Though all the babes should be forlorne,
 “ The other kow he cleekes away,
 “ With the poor coat of Raploch gray.
 “ And if within two years or three,
 “ The eldest childe happen to die,
 “ Of the third kow he will be sure,
 “ When he hath all them under cure.
 “ And father and mother both are dead,
 “ Beg must the babes without remead,
 “ They hold the corps at the kirk-stile
 “ And there it must remain a while,
 “ Till they gat sufficient soverty,
 “ For their church-right and duty,
 “ Then comes the lands-lord perforce,
 “ And cleekes to him an heired horse :
 “ Poore labourers would that lawes were down
 “ Which never founded was by reason,
 “ I heard them say under confession,
 “ That law was brother to oppression.”

It is evident, from the foregoing description, that in Scotland, as well as in England, the mortuary, in the order of its exaction, took the precedence of the heriot; and that a requital of the demands which the kirk was supposed to possess over the soul of a deceased vassal, was paramount to the lord's claim over his person.

Another service of Sir John of Assheton's tenants was their obligation to grind at the lord's mill. This was in a popular sense called *Soccome*, *sucken*, or *soken*—names that seem at present attached to the same service in the parish of Turreff in Aberdeenshire; for, on consulting Dr Jamieson's Dictionary, I find the following quotation from a statistical account of that place. “ The parish is accommodated with seven corn mills, to some one “ of which the tenants of a certain district called the *sockom*, or “ *sockmen*, or *sucken*, are astricted.”

In the English manor of Assheton, a tenant of the name of John of the Edge seems to have been the *Milner*, and was engaged to pay for his two mills the annual rent of 16s. 4d.; the mills “ to be held up (or repaired) at the costes of the lord.” The tenants are directed “ to muller their corn growing upon “ their tenements at the lord's milne, to the 16th vessel, and they “ are to go to none other milne. And if they buy corn, the “ which is dried with the lord's fewel, they are to muller it to “ the 16th vessel; and all other corn that they buy they shall “ muller to the love-sucken, which is to the 24th vessel.” It may here be remarked, that the 16th vessel, to which the tenants were to muller their corn, was the miller's remuneration, and often called his toll. It would also appear that the corn which was consumed on the manor was allowed to be dried by the lord's fuel; and that grain purchased in a dried state from other manors, where the lord's fuel would be consequently saved, was liable to a toll of only the 24th part, which was hence named *love-sucken*, meaning a privileged obligation. The ordinances of the lord's court relating to the mill were as follows:—There was a law to prevent an evasion of the toll; for, if any one sold the corn growing upon his own tenement, and secretly bought corn from other tenants of the lord—if he offered the same to the miller as corn that had been produced on another manor, and that not having been dried by the lord's fuel, was only liable to the toll of the love-socome;—such an offender, if convicted in the lord's court, was liable to a penalty of twenty-pence. The regulations of a more general nature directed that all the free tenants who “ owed soken” to the mill should muller as their charters expressed; but the tenants-at-will should be restricted to the 16th vessel. If any tenant, also, owing socome, went to any other

mill but the lord's, he was to be highly amerced, and was to pay a fine. The miller was to have his service or toll at all times; and, if there was any default in him that could be proved, he was to be severely punished.

The last regulation of the mill strikingly elucidates the feudal manners of the 15th century, since it enforces the concession that is expected on all occasions to the convenience of a superior. The tenants are formally warned, that, "when the lord's corn comes to the miln, he shall put all men out of their grist, and take their corn out of the hopper, if there be any therein; his corn shall be ground next before all men when it comes to the miln, without muller, or paying service to the milner, but as his lyst if he likes, and curtesy to give to the said milner."

Attached to these ordinances was a covenant between Sir John of Assheton and his tenants, relative to the keeping of swine. These animals were allowed to range in the demesnes of the town, from the latter end of August until sowing time, provided that they were properly ringed, and did no harm; in default whereof, the owner was to loose him to the lord 4d., or by this sum redeem him from poundage. The brewer who brewed to sell, and the miller, were allowed to keep three swine; the tenants who had land in the fields, two swine; and he who held no land might have one swine.

Having at length given a view of the rent and services required from Sir John of Assheton's tenants-at-will, the relations in which his free tenants stood to him may be in the *second place* explained.

In the tenures now to be described, we are presented with an illustration of what is termed by the lawyers *liberum soccagium*, or free soccage, where the obligations are not only certain

but honourable. A numerous list of free tenants swell the manor-roll of Sir John of Assheton, who, for the most part deriving their names from the paternal lands that they occupied, are declared *absque omnibus servitiis et exceniis, (Anglice, presents) liberi*. In this list no appellations can be detected that denote any menial occupations of life; while, among the tenants-at-will, we find mention made of such individuals as William the Walker, (or renter of a fulling mill), John the Slater, Robbin the Cropper, Robert le Wright, or William the Arrow-smith.* It also appears that the Lord of the Manor took every occasion to announce the wide line of distinction that subsisted between the rank of the free tenants and that of the lowly tenants-at-will. An ordinance is to be found in his book of customs, settling the degree of precedence that was to be observed among their wives, daughters, and women servants, while upon a Sabbath they arranged themselves on the forms of the Parish Kirk; a regulation of this kind being well calculated to preserve the peace of the Church from being disturbed with the disputes of these females in their demand for places suitable to the several spheres of life in which they moved.†

* That a distinct profession of an *arrow-smith* should exist in a small town like Assheton, can create no surprise, if we refer to what Drayton has affirmed of the Lancashire Bowmen,

" Besides, her natives have been anciently esteemed,
 " For Bowmen near our best, and ever have been deemed
 " So loyal, that the guard of our preceding kings
 " Of them did most consist."

Also, in the ancient poem of Flodden Field, Lord Stanley is made to address the followers whom he led from the counties of Lancashire and Cheshire, after the following manner:—

" My Lancashire most lively wights,
 " And chosen men from Cheshire strong;
 " With sounding bow your feathered flights,
 " Let fiercely fly your foes among."

† See the arrangement of Forms at the end of this Dissertation.

It may be now observed, that the lands originally granted to Sir John of Assheton's tenants were either with a view to personal service in the field of battle—the obligation being rather understood than expressed—or they were grants of mere accommodation to the owners of contiguous manors; a slight acknowledgment in money being all that was demanded in return. The highest annual rent paid by a free tenant (John of the Highrode), was 7s. 1d.; the lowest, rendered by Thomas de Staneley, was a penny; if we except a yearly tribute for a tenure paid by Richard de Bardsly, which consisted of a rose. This estate had been granted to Sir John of Assheton's brother, of the Order of Saint John of Jerusalem. The profits of it, therefore, were handed over by Richard de Bardsley, for the support of the knight hospitaller in the Holy Land, where the Grand Master of the order resided; a rose being at the same time all that was exacted by Sir John, as a yearly acknowledgment that the grant had emanated from the Lordship of Assheton. This donation appears to have been presented by a female, who, from the circumstance, acquired the name of *Elyn the Rose*.

The view I proposed to take of the customs of the manor of Assheton, will, in the *third place*, be answered by noticing the other sources of the lord's income, as derived from tolls, fines, &c. The turbary of an adjoining moss brought him in, by estimation, L.5. 16s. annually; the toll of the fairs yielded two marks; the courts and fines 40s.; and, as Sir John appears to have neglected no means to augment his income, he drew from the gyst-ale, or gysing feast (an annual festival of the town of Assheton), a sum of 20s. which was collected from the conductors of it, who were, Margret, the widow of Hobbe the King, Hobbe Adamson, Roger the Baxter, Robert Somayster, Jenkin of the Wood, and

Thomas of Curtnall. For an account of the gyst-ale I have in vain searched among the large mass of popular antiquities collected by Brand and Ellis. A veteran, however, of this almost obsolete feast, who had known it in better days, has furnished me with some curious particulars regarding its mode of celebration. These *guisings*, (or more properly *disguisings*) termed also *marlings*, were celebrated in the spring, after the fields had been manured with marle, an operation preparatory to the sowing of wheat. They were the principal feasts or *ales* in Lancashire; and the disorders which never failed to ensue from them are transmitted at the present day in the modern provincial acceptation of the word *Marlock*, which, in that county, denotes a great disturbance or riot of any kind. For the celebration of the gyst-ale of a township, a contribution was raised from all ranks of society. The lord of the manor, the esquire, or the farmer, whose bounty might be supplicated, came forward and announced the sum that he intended to give. The treasurer of the feast exclaimed, *A largesse!* The populace, with one voice, demanded *from whom?* The sum was not then actually published; but it was vauntingly proclaimed that the donor, who had always on these occasions the title of lord prefixed to his name, had contributed a part of several thousand pounds. After the collection had been made, an immense garland was formed of every flower the season afforded, being also decked with a profusion of ribbons; but the number and variety of the silver or silver-plated vessels which were suspended from every part of it, constituted its chief attraction. The villagers, who were overwhelmed with rustic finery, then formed themselves into a procession, in which they were attended by an *Arbiter Elegantiarum*, named the King. The fool was an indispensable character; a grotesque cap, a tail hanging

to the ground, the usual appendage of a bell behind, and a formidable mask, constituted the peculiarities of his apparel. He was, in more ancient times, mounted on a hobby; and his office, which was a lucrative one from the money that he collected, was named *Hob-riding*. Thus, in the manor roll of Assheton, Jack the Mercer paid to his lord for such a privilege the annual sum of 6s. 8d. In a later period, these guisings, from the circumstance of taking place in several populous villages at one time, have provoked such a desire for pre-eminence, that the inhabitants have spared no expence in prolonging them, or in giving to them the greatest eclat; they have undergone, in the same spring, frequent repetitions; and, while the contributions have been repeated, the poor have been exposed, during the remainder of the year, to considerable penury. The sum thus collected, amidst the rivalry of contending townships, has been immense; a single hamlet having been known to expend, in one season, from two to three thousand pounds. It was probably owing to the ruinous expence which attended these festivals, that they were suffered to become extinct.

Having at length noticed the rental and obligations accruing to Sir John of Assheton from tenants-at-will, from free-tenants, and from tolls, fines, or festivals, I may briefly recapitulate, that his unappreciable income consisted of presents which he received at Yole, of heriots, of the personal services of ploughing, reaping, and casting turf. But the amount of his certain income, as drawn from free-tenants and tenants-at-will, from the obligations to grind at the lord's mill, from tolls and fairs, from the liberty of cutting turf at the moss, and from an annual festival celebrated in the town of Assheton, named the Gyst-Ale, amounted to the sum of L.36. 14s. 6 $\frac{3}{4}$ d. sterling, out of which he made a settlement

to his son and heir, of lands and tenements to the annual value of L.9. 2s. 7d. upon the occasion of his marriage with a daughter of Sir John the Byron. He also gave some houses and lands to a few favourite servants for the term of their lives, as to John the Cook, John of the Wood, (the owner of a basket-field,) and to others; while to two of his sons he gave places and gardens in the town. Another grant to the last mentioned individuals, Rauf of Assheton and Robyn of Assheton, merits much attention. It is stated that they "have the Sour Carr Guild rode and stane rynges for the term of their lives; Rauf of the gift of John of Assheton, knight, the elder, and Robyn of the gift of John of Assheton, knight, the younger." This donation evidently alludes to the privilege of *Guld-riding*, a custom that, in Scotland at least, is of great antiquity, having been intended to prevent lands from being over-run with the weeds, which, from their yellow colour, were named *gools* or *gulds*.* I find it mentioned on the authority of Boethius (lib. 10) that a law was made by King Kenneth to prevent the growth of *manaletta* or *guld*, and to impose a fine of oxen upon the proof of its infraction.† An ordinance of this kind appears indeed to have been enforced in many baronies of Scotland, as in that of Tinwald in Annandale; and that it existed in England now appears from the manorial papers of Assheton. But as this singular practice of *guld-riding*, once in very general use, is, I believe, little known to antiquaries in general, I shall be perhaps excused in ex-

* Corn Marygolds. *Crysanthemum Segetum*. Linn.

† This law is perhaps referable to a much later date than to the reign of King Kenneth, namely, to that of Alexander II. Boethius's statement is as follows:—"He that suffers his land to be fild with guld, or siclik unprofitabil wedis, sall pay for the first falt ane ox to the commoun gud; for the second falt, x. oxin; and the thrid time, he sal be forfaltit of his landis." Bellenden's Translation of Boece, "Tent Buke, Chap. xii."

tracting an account of it from a statistical writer on the parish of Cargill, in Perthshire, where the custom is retained at the present day. "The lands of Cargill," says this author, "were formerly so very much over-run by a weed with a yellow flower that grows among the corns, especially in wet seasons, called *gools*, and which had the most pernicious effects, not only upon the corns while growing, but also in preventing their *winning* when cut down, that it was found absolutely necessary to adopt some effectual method of extirpating it altogether. Accordingly, after allowing a reasonable time for procuring clean seed from other quarters, an act of the baron-court was passed, enforcing an old act of Parliament to the same effect, imposing a fine of 3s. 4d. or a wedder sheep, on the tenants, for every stock of *gool* that should be found growing in their corns at a particular day; and certain persons styled *gool-riders* were appointed to ride through the fields, search for *gool*, and carry the law into execution when they discovered it. Though the fine of a wedder sheep is now commuted and reduced to 1d. sterling, the practice of *gool-riding* is still kept up, and the fine rigidly exacted. The effects of this baronial regulation have been salutary beyond what could have been expected. Five stocks of *gool* were formerly said to grow for every stock of corn through all the lands of the barony, and 20 threaves of barley did not then produce one boll. Now, the grounds are so cleared from this noxious weed, that the corns are in high request for seed; and, after the most diligent search, the *gool-riders* can hardly discover as many growing stocks of *gool*, the fine for which will afford them a dinner and a drink." *Par. Cargill, Perthsh. Stat. Acc.* xiii. 536. 537. drawn up by the Reverend Mr J. P. Bannerman.

After this explanation, there will be little difficulty in tracing the origin of a custom peculiar to Assheton, named "Riding the Black Lad," that has long attracted the attention of many antiquaries.

A large portion of low wet land in the vicinity of Assheton was, in John of Assheton's days, named the *Sour Carr* (Carr being synonymous with the Scottish word *Carse*, and the well known term *sour* implying an impoverished state of the carr.) It had been overrun with corn marygolds, named, as in Scotland, Carr-gulds. These were considered so destructive to the growth of the corn, that the lord of the manor was compelled to enforce some rigorous measures for their extirpation. A manorial regulation, therefore, existed, similar to that which is still kept up in Perthshire, called Carr-guld Riding. Ralph of Assheton, Sir John's son, in consequence of a second marriage, and Robin his brother, were, on a certain day in the spring, invested with the power of riding over the lands of the Carr, named the *Carr-guld Road*; of levying fines for all carr-gulds that were found among the corn; and, until the penalties were paid, of punishing transgressors by putting them into the *stocks*, or *stone rings*, or by incarceration. It appears that Ralph of Assheton became, by his alliance with a rich heiress, the lord of a neighbouring manor named Middleton, and soon afterwards received the honour of knighthood; being, at the same time, entrusted with the office of vice-constable of the kingdom, and, it is added, of lieutenant of the tower. Invested with such authorities, he committed violent excesses in this part of the kingdom. In retaining also for life the privilege granted him in Assheton of Guld Riding, he, on a certain day in the spring, made his appearance in this manor, clad in black armour (whence his name of the Black Boy),

mounted on a charger, and attended with a numerous train of his own followers, in order to levy the penalty arising from the neglect of clearing the land from Carr-gulds. The interference of so powerful a knight belonging to another lordship could not but be regarded by the tenants of Assheton as the tyrannical intrusion of a stranger; and as Sir Ralph, sanctioned by the political power given to him by Henry VI. exercised his privilege with the utmost severity, the name of the *Black Boy* is at the present day regarded with no other sentiments than those of horror. Tradition has, indeed, still perpetuated the prayer that was fervently ejaculated for a deliverance from his tyranny:—

Sweet Jesu, for thy mercy's sake,
And for thy bitter passion,
Save us from the axe of the tower,
And from Sir Ralph of Assheton.

Upon the death of the Guld Rider of Assheton, Sir John's heir and successor abolished the usage for ever, and reserved from the estate a small sum of money for the purpose of perpetuating, in an annual ceremony, the dreaded annual visits of the Black Boy. This is kept up at the present day. An effigy is made of a man in armour; and since Sir Ralph was the son of a second marriage (which, for this reason, had been esteemed by the heir of Sir John as an unfortunate match), the image is deridingly emblazoned with some emblem of the occupation of the first couple that are linked together in the course of the year. The Black Boy is then fixed on horseback, and, after being led in procession round the town, is dismounted, made to supply the place of a shooting-butt, and, all fire-arms being in requisition for the occasion, he is put to an ignominious death.*

* Several very forced explanations of this ceremony have been given; but as they rest on nothing more than mere conjecture, no authentic records being adduced in their support, I shall excuse myself from taking the least notice of them.

This history of the ancient practice of guld-riding, as it occurred in a manor of the north of England, can scarcely fail to interest the Scottish Antiquary, who, in its mode of celebration, will find a singular manifestation of the same spirit that had long previously dictated an act of Alexander II. of Scotland, by which the individual, under whose encouragement gulds had sprung up among the corn, was denounced as deserving punishment no less than if he had headed a party of foemen, in order to lay waste the fruits of the earth that were destined for the support of a royalty, or of a barony. It was, therefore, perfectly in unison with a view of this kind, that Sir Ralph of Assheton should take the field against the gulds as against a despoiling army; and that, clad in black armour, and otherwise accoutred in military state, he should appear as if waging open war against all those disloyal husbandmen who, in having neglected to clear the corn from the destructive weeds that had sprung up among it, had admitted an enemy within the manor to destroy the produce of the ground. "Si firmarius tuus," says the ancient Scottish statute, "ponat maneletam in terra Domini regis vel Baronio, et non vult eam deliberare et mundare, debet puniri sicut seductor qui ducit exercitum in terram Domini regis vel Baronio.

"Item, Si nativus tuus habeat maneletam in terra tua, pro qua libet planticula dabit tibi, vel cuilibet alio suo domino, mutonem, ad forisfactum suum: Et nichilominus terram mundabit a maneleta."*

Our *fourth* and *last* object of attention relates to the jurisdiction of the manor now under consideration. In the earliest history

* From a statute of Alexander II. King of Scotland, entitled *De Maneleta*, id est *Guld*, Cap. 18. This curious edict was obligingly pointed out to me by Mr Dillon, one of the Secretaries to the Society of Scottish Antiquaries.

of Norman tenures, the Lord of Assheton had the absolute power of life and death; strong dungeons were constructed near the manor house, the remains of which still appear; and a meadow adjoining the town, that still bears the name of Gallows Field, was selected for a summary place of execution. But as civil liberty gained ground in the country, the conditions of jurisdiction, under which all the tenants became bound to a superior, were considerably ameliorated in the institution of the lord's court, or, as it was originally named, the Court Baron; so that in time a seat of justice of this kind was accounted so inseparable an ingredient in a manor, as to render it liable to be forfeited if it did not contain tenants sufficient to make up a jury or homage. The free tenants and tenants-at-will granted, therefore, to Sir John of Assheton, to be justified in the Great Hall-Mote of Assheton, according to the customs, ordinances, and burgales of the town. They engaged not to swear upon an inquest between the tenants-at-will at the suit of party, but between six of the free tenants and six of the tenants-at-will, or between the lord and the same number of tenants. Any one convicted of unprovoked trespass done to others was to suffer a distrain of goods; or, in failure of possessing goods within the lordship, was to be taken by the lord or his bailey, "with the strength of the free tenants and tenants-at-will," and to be set in the stocks, until he had made a reasonable amendment to the aggrieved party, and to the lord at his will. If any strange man of any other town came to do harm to any tenants of Assheton, then, anon, all the residents, upon being duly warned, were to rise, take and arrest the trespasser unto their power; and if any of the tenants and residents refused so to do, or if any of them resetted or maintained any strange man, knowing that he had done trespass, he

was, upon conviction, to give the lord 40s. within fifteen days following, or the bailie might raise the amount by a distrain upon his goods. If, also, there was any fighter among the tenants and residents, who should "fight with another in his beginning," he was, on being found guilty, to give the lord half a mark; for the second offence, to pay a mark; and, for the third, twenty shillings: any *resetter*, also, was upon conviction bound to amend it to the party grieved, and to give the lord the pains set upon him. These edicts were well calculated for a quarrelsome state of society, and may be applicable to the natives of Assheton at the present day; since the fighters of Sir John's time, as well as the *resettlers*, appear to have transmitted a large portion of their respective virtues to their posterity.—Such were the laws of the court baron; and the consequence of any person refusing to be justified by them was, that the lord would remove him out of his service, so that he should *loose* his love, *i. e.* redeem it by proper concession or punishment.

The object of this paper has at length been accomplished. Sir John of Assheton has been traced through all the varied relations in which he stood as the lord of a manor; and some idea may be now formed of the ancient conditions of freeholders and tenants-at-will. Tracing the latter through all the degrading obligations of vassalage—through presents, boon-work, heriots, or mortuaries—little are we inclined to wish for a revival of what are improperly named "the good old times." In an iron age, like that of Henry VI. the profession of arms was the most enviable of all distinctions; it gave to an individual that rank in society, and those privileges, which could be obtained on no other condition; while husbandry languished under the opprobrium of villainage. To these grievances may be added, the wanton tyranny

of the feudal tyrant himself, which too often outstretched the salutary laws that were made to restrain his unprovoked aggressions. It is truly remarked by the ingenious author of *Ivanhoe*, in his Letter to Dr Dryasdust of York, that, when the worthy person whom he addresses "is placed in his own snug parlour, and "surrounded by all the comforts of an Englishman's fireside, he "is not half so much inclined to believe that his own ancestors "led a very different life from himself—that the shattered tower, "which now forms a vista from his window, held a baron who "would have hung him up at his own door without any form of "trial—that the hinds, by whom his little pet farm is managed, "would, a few centuries ago, have been his slaves—and that the "complete influence of feudal tyranny once extended over the "neighbouring village, where the attorney is now a man of more "importance than the lord of the manor."

* * * On the subject of the foregoing paper, I may remark, that a copy of the documents which have given rise to it, consisting of the custom-roll and rental of Sir John of Assheton, who lived in the reign of Henry VI., are deposited in the archives of the Antiquarian Society of Edinburgh. I was induced, some years ago, from a perusal of these relics, to collect much traditional and local information respecting the manor of Assheton, having been materially assisted in my investigations by a well known industrious antiquary of Lancashire, the late Mr Barrett. But, at the same time, no oral information connected with my inquiries was considered as deserving the least attention that did not meet with support by a reference to this ancient custom-roll of the lordship.

ARRANGEMENT of FORMS in the KIRK of ASSHETON, establishing the order of Rank and Precedence to be observed among the Wives, Daughters, and Female Servants of the MANOR of ASSHETON-UNDER-LINE.

ALTAR.

1st Form.	Uxor Thomæ de Claydon.—Uxor Radi. de Berdysley.—Uxor de Sunderland.—Ux ^r Radulphi de Wood, and their servants, and other Gentils Strangers.	Uxor Haered. Henrici de Moston.—Uxor de Shepley.—Ux. Joh. de Heghrode.—Uxor Rhodi de Hunt, and the Servant Women of the Hall, and other Gentills strangers.	1st Form.
2d Form.	Uxor Johannis de Leghes.—Uxr Willi. de Bardisley de Ha.—Uxor Roberti de Wright de Alt. Hill.—Uxr Rodi de Hadfield de Aldwinshagh.—Uxor de Soureker, and their servants.	Uxor Rad. de Bardisley de Hunt.—Uxor Adae de Leghes.—Uxor Rici. de Hurt.—Uxor Willi. Tyrr.—Uxor de Blackknolles,—and their tenants.	2d Form.
3d Form.	Uxor Radi le Bardisley.—Uxor Radulphi de Curtnal.—Uxor Thos. de Meltham.—Uxor Jacobi de Meltham, and their servants.—Uxor Tenent. Radi. Assheton de Assheton.	Uxor Tho. de Leghes.—Uxor Joh. de Knolles de Leghes.—Ux. Tenenti de Barsley.—Uxor de Rashbotham.—Uxor Adae de Wilson de Knolles.—Uxor Joh. de Aspynhalgh.—Uxor Rodi de Hollingworth, and their servants.	3d Form.
4th Form.	Uxor Roberti le Cropper.—Uxor Thom. de Hazilhurst.—Uxor Johannis de Hollinworth.—Uxor Thom. Robinson.—Uxor Regi le Baxter, and their servants.	Tenants of Rauf of Stayley.—Tenants of Peter of the Lusley.—Tenants of Thos. de Claydon.—Tenants of Shepley.—Tenants of John of the Heghrode.	4th Form.
5th Form.	Uxor Rhodi le Smyth.—Uxor Willi. le Cocker.—Uxor Robi. Fulstaffe.—Uxor Johannis de Wood.—Uxor Robi. Adamson, and their servants.	Tenants Wynches of Sir John the Byron that dwellyn with him.	5th Form.
6th Form.	Uxor Joh. le Spencer.—Uxor Robi. le Walker.—Uxor Willi. de Bardisley de Holdome.—Uxor Johann. Jameson.—Uxor Willi. Robinson, and their servants.	Parsons Tenants.	6th Form.
7th Form.	Uxor de Milne.—Uxor Robt. Somydyst.—Uxor Robi. Robinson.—Uxor Gregorii de Berdesley.—Uxor Robt. Saunderson.—Uxr. Johannis de Lyme.	Uxor Tho. Higson.—Ux. Tho. de Curtnall.—Carol Jenkindoghter.—Uxor ———— Ux. Joh. de Berdesley, and the Tenants of the Woodhouse, and the Strangers.	7th Form.

Nether End of the Kirk.

1st Form.	Uxor Willi. Adknyson.—Uxor Robt. de Lyngards.—Uxor Joh. de Lyngards.—Uxor Roger le Cropper.—Uxor Johs. le Slater.—Uxor Johs. Burdetan.—Uxor Thurstan de Bardisley.—Uxor Willi. de Cross, and their servants.
2d Form.	Uxor Adæ de Bardisley.—Uxor Willi. le Walker de Rycroft.—Uxor Robi. Robinson.—Uxores Willi. et Robt. le Walker.—Uxor Radi. Joneson.—Uxor Rodi. Wilkinson.—Uxor Joh. Sanderson.—Uxor Nichi. Sanderson.—Uxor Thoaæ. Sanderson.—Uxor Willi. le Schlater, and their servants.

The occupants of Forms in the Nether End of the South Side of the Kirk are unknown. Mention is however made of "Void Forms for servants and strangers."

3d
Form.

Uxor Thom. de. Sanderson.—Uxor Robi. Unton.—Uxor Willi. Cowleshaw.—Uxor Rodi Unton.—Uxor Joh. de Merler.—Uxor Hugh de Gatecliffe.—Uxor Will. de Woodfield.—Uxor Rogi. le Smith.—Uxor Thoae. le Cooke.—Uxor Robi. le King, and their servants.

4th
Form.

Uxor Joh. le Coke.—Uxor Thos. de Whiteleggh.—Uxor Joh. Fulstaffe.—Uxor Robi. de Chadwick.—Uxor Patric. Margee de Stayley.—Uxor Rodi Willison.—Alice Hanson.—Nanna Windebank.—Elin Wilkyndoghter.—Uxor Perin.—Uxor Henrici the Baxter, and their servants.

5th
Form.

(Unknown.)

6th
Form.

Uxor Adae de Held.—Uxor Willi. le Arrowsmith.—Uxor Joh. le Hynd, senr.—Elenor le Rose.—Uxor Willi. Somydyst.—Uxor Willi. de Bardisley.—Uxor Joh. de Howarth.—Uxor Henrici Spakeman.—Uxor Willi. de Bulkeley.—Uxor Robi. Jackson.—Uxor Adae Thomson,—and their servants.