the History of St. Francis of Assisi" in the English Historical Review, Vol. XVII, pp. 643 sqq.

MACDONELL, ANNE, The Sons of St. Francis, 1902. Deals with the troubles in the order after the death of the founder.

Life of St. Dominic.

The earliest Life of St. Dominic (written before 1234) is that of Jor-DANUS, the second head of the order, De principiis ordinis Predicatorum, edited by BERTHIER, Fribourg in Switzerland, 1892.

See articles in the Kirchenlexikon and Realencyclopädie for all the subjects spoken of in this chapter. Also HEIMBUCHER, Die Orden und Congregationen der katholischen Kirche, 1896.

CHAPTER XVIII

THE PEOPLE IN COUNTRY AND TOWN

I. THE MANOR AND ITS PEOPLE1

The following official accounts of two English manors and their people give a good idea of the condition of the serfs in general.

In Wermington are 7 hides at the taxation of the king. 157. Official And of this land 20 full villeins and 29 half-villeins hold 34 virgates2 and a half; and for these the full villeins work belonging 3 days a week through the year; and the half-tenants as to Petermuch as corresponds to their tenancies. And these men borough have in all 16 plows, and they plow 68 acres and a half (ca. 1125). and besides this they do 3 boon-works with their plows, and they ought to bring from the woods 34 wagonloads of wood. And all these men pay £4 11s. 4d.; and at the love feast of St. Peter, 10 rams and 400 loaves and 40 platters and 34 hens and 260 eggs. And there are 8 socmen who have 6 plows. In the demesne of the court are 4 plows and 32 oxen and 9 cows and 5 calves and 1 riding horse and 129 sheep and 61 swine and 1 draught horse and 1 colt. And there is 1 mill with 1 virgate of land, and 6 acres which pays 60s. and 500 eels. And Ascelin, the clerk, holds the church with 2 virgates of land, from the altar of St. Peter of Borough. Robert, son of Richard, has 2 virgates and a half. In this vill 100 sheep can be placed.

¹ I am indebted for the illustrations used in this section on the manor and in the one which follows on the towns, to Professor Cheyney's admirable selection of documents in the Translations and Reprints, Vol. II, No. 1, and Vol. III, No. 5.

² A virgate appears to have varied greatly in extent.

158. A manor in Sussex (1307).

Extent of the manor of Bernehorne, made on Wednesday following the feast of St. Gregory the pope, in the thirtyfifth year of the reign of King Edward, in the presence of Brother Thomas, keeper of Marley, John de la More, and Adam de Thruhlegh, clerks, on the oath of William de Gocecoumbe, Walter le Parker, Richard le Knyst, Richard the son of the latter, Andrew of Estone, Stephen Morsprich, Thomas Brembel, William of Swynham, John Pollard, Roger le Glide, John Syward, and John de Lillingewist, who say that there are all the following holdings: . . .

John Pollard holds a half acre in Aldithewisse and owes 18d. at the four terms, and owes for it relief and heriot.

John Suthinton holds a house and 40 acres of land and owes 3s. 6d. at Easter and Michaelmas.

William of Swynham holds 1 acre of meadow in the thicket of Swynham and owes 1d. at the feast of Michaelmas.

Ralph of Leybourne holds a cottage and 1 acre of land in Pinden and owes 3s. at Easter and Michaelmas, and attendance at the court in the manor every three weeks, also relief and heriot.

Richard Knyst of Swynham holds 2 acres and a half of land and owes yearly 4s.

William of Knelle holds 2 acres of land in Aldithewisse and owes yearly 4s.

Roger le Glede holds a cottage and 3 roods of land and owes 25, 6d, at Easter and Michaelmas.

Alexander Hamound holds a little piece of land near Aldewisse and owes 1 goose of the value of 2d.

The sum of the whole rent of the free tenants, with the value of the goose, is 18s. 9d.

They say, moreover, that John of Cayworth holds a house and 30 acres of land, and owes yearly 2s. at Easter and Michaelmas; and he owes a cock and two hens at Christacres of land. mas of the value of 4d.

And he ought to harrow for 2 days at the Lenten sowing with one man and his own horse and his own harrow, the value of the work being 4d.; and he is to receive from the lord on each day 3 meals, of the value of 5d., and then the lord will be at a loss of 1d. Thus his harrowing is of no value to the service of the lord.

And he ought to carry the manure of the lord for 2 days with one cart, with his own 2 oxen, the value of the work being 8d.; and he is to receive from the lord each day 3 meals at the value as above. And thus the service is worth 3d. clear.

And he shall find one man for 2 days, for mowing the meadow of the lord, who can mow, by estimation, I acre and a half, the value of the mowing of an acre being 6d.: the sum is therefore 9d. And he is to receive each day 3 meals of the value given above. And thus that mowing is worth 4d. clear.

And he ought to gather and carry that same hay which he has cut, the price of the work being 3d.

And he shall have from the lord 2 meals for 1 man, of the value of 11/2 d. Thus the work will be worth 11/2 d. clear.

And he ought to carry the hay of the lord for I day with a cart and 3 animals of his own, the price of the work being 6d. And he shall have from the lord 3 meals of the value of 21/2 d. And thus the work is worth 31/2 d. clear.

And he ought to carry in autumn beans or oats for 2 days with a cart and 3 animals of his own, the value of the work being 12d. And he shall receive from the lord each day 3 meals of the value given above. And thus the work is worth 7d. clear.

And he ought to carry wood from the woods of the lord as far as the manor, for two days in summer, with a cart and 3 animals of his own, the value of the work being 9d. And he shall receive from the lord each day 3 meals of the price given above. And thus the work is worth 4d. clear.

And he ought to find 1 man for 2 days to cut heath; the value of the work being 4d., and he shall have 3 meals each day of the value given above: and thus the lord will lose, if he receives the service, 3d. Thus that mowing is worth nothing to the service of the lord.

And he ought to carry the heath which he has cut, the · value of the work being 5d. And he shall receive from the

Complicated services renhouse and 30 lord 3 meals at the price of 21/2d. And thus the work will be worth 21/2 d. clear.

And he ought to carry to Battle, twice in the summer season, each time half a load of grain, the value of the service being 4d. And he shall receive in the manor each time 1 meal of the value of 2d. And thus the work is worth 2d. clear.

The totals of the rents, with the value of the hens, is 2s. 4d. The total of the value of the works is 2s. 31/2 d., owed from the said John yearly.

William of Cayworth holds a house and 30 acres of land and owes at Easter and Michaelmas 2s. rent. And he shall do all customs just as the aforesaid John of Cayworth.

William atte Grene holds a house and 30 acres of land and owes in all things the same as the said John.

Alan atte Felde holds a house and 16 acres of land (for which the sergeant pays to the court of Bixley 2s.), and he owes at Easter and Michaelmas 4s., attendance at the manor court, relief, and heriot.

John Lyllingwyst holds a house and 4 acres of land and owes at the two terms 2s., attendance at the manor court, relief, and heriot.

The same John holds 1 acre of land in the fields of Hoo and owes at the two periods 2s., attendance, relief, and heriot.

Reginald atte Denne holds a house and 18 acres of land and owes at the said periods 18d., attendance, relief, and heriot. Robert of Northehou holds 3 acres of land at Saltcote and

owes at the said periods attendance, relief, and heriot. Total of the rents of the villeins, with the value of the

hens, 20s.

Total of all the works of these three villeins, 6s. 101/2 d.

And it is to be noted that none of the above-named villeins can give their daughters in marriage, nor cause their sons to be tonsured, nor can they cut down timber growing on the lands they hold, without license of the bailiff or sergeant of the lord, and then for building purposes and not otherwise. And after the death of any one of the aforesaid villeins, the lord shall have as a heriot his best animal, if he

had any; if, however, he have no living beast, the lord shall have no heriot, as they say. The sons or daughters of the Amount of aforesaid villeins shall give, for entrance into the holding after relief fixed. the death of their predecessors, as much as they give of rent per vear.

Sylvester, the priest, holds I acre of meadow adjacent to his house and owes yearly 3s.

Total of the rent of tenants for life, 3s.

Petronilla atte Holme holds a cottage and a piece of List of land and owes at Easter and Michaelmas ---; also, attend- cottagers. ance, relief, and heriot.

Walter Herying holds a cottage and a piece of land and owes at Easter and Michaelmas 18d., attendance, relief, and heriot.

. Isabella Mariner holds a cottage and owes at the feast of St. Michael 12d., attendance, relief, and heriot.

Jordan atte Melle holds a cottage and 11/2 acres of land and owes at Easter and Michaelmas 2s., attendance, relief, and heriot.

William of Batelesmere holds I acre of land with a cottage and owes at the feast of St. Michael 3d., and 1 cock and 1 hen at Christmas of the value of 3d., attendance, relief, and heriot.

John le Man holds half an acre of land with a cottage and owes at the feast of St. Michael 2s., attendance, relief, and heriot.

John Werthe holds I rood of land with a cottage and owes at the said term 18d., attendance, relief, and heriot.

Geoffrey Caumbreis holds half an acre and a cottage and owes at the said term 18d., attendance, relief, and heriot.

William Hassok holds 1 rood of land and a cottage and owes at the said term 18d., attendance, relief, and heriot.

The same man holds 31/2 acres of land and owes yearly at the feast of St. Michael 3s. for all.

Roger Doget holds half an acre of land and a cottage, which were those of R. the miller, and owes at the feast of St. Michael 18d., attendance, relief, and heriot.

Thomas le Brod holds 1 acre and a cottage and owes at the said term 3s., attendance, relief, and heriot.

Nature of heriot

Agnes of Cayworth holds half an acre and a cottage and owes at the said term 18d., attendance, relief, and heriot. . . .

Total of the rents of the said cottagers, with the value of the hens, 34s. 6d.

And it is to be noted that all the said cottagers shall do as regards giving their daughters in marriage, having their sons tonsured, cutting down timber, paying heriot, and giving fines for entrance, just as John of Cayworth and the rest of the villeins above mentioned.

Note: Fines 1 and penalties, with heriots and reliefs, are worth yearly 5s.

The house described below must have been a pretty comfortable one for the time.

159. Description of an English manor house (1256).

He received also a sufficient and handsome hall well ceiled with oak. On the western side is a worthy bed, on the ground a stone chimney, a wardrobe, and a certain other small chamber; at the eastern end is a pantry and a buttery. Between the hall and the chapel is a side room. There is a decent chapel covered with tiles, a portable altar, and a small cross. In the hall are four tables on trestles. There are likewise a good kitchen well covered with tiles, with a furnace and ovens, one large, the other small, for cakes, two tables, and alongside the kitchen a small house for baking. Also a new granary covered with oak shingles, and a building in which the dairy is contained, though it is divided. Likewise a chamber suited for clergymen and a necessary chamber. Also a henhouse. These are within the inner gate.

Likewise outside of that gate are an old house for the servants, a good stable, long and divided, and to the east of the principal building, beyond the smaller stable, a solar for the use of the servants. Also a building in which is contained a bed; also two barns, one for wheat and one for oats. These buildings are enclosed with a moat, a wall, and

a hedge. Also beyond the middle gate is a good barn, and a stable for cows and another for oxen, these old and ruinous. Also beyond the outer gate is a pigsty.

The position of the serf is further illustrated by the provisions necessary to make him a free man.

To all the faithful of Christ to whom the present writing shall 160. Freeing come, Richard, by the divine permission abbot of Peterborough of a serf and of the Convent of the same place, eternal greeting in the

Let all know that we have manumitted and liberated from all yoke of servitude William, the son of Richard of Wythington, whom previously we have held as our born bondman, with his whole progeny and all his chattels, so that neither we nor our successors shall be able to require or exact any right or claim in the said William, his progeny, or his chattels. But the same William, with his whole progeny and all his chattels, shall remain free and quit and without disturbance, exaction, or any claim on the part of us or our successors by reason of any servitude forever.

We will, moreover, and concede that he and his heirs shall hold the messuages, land, rents, and meadows in Wythington which his ancestors held from us and our predecessors, by giving and performing the fine which is called merchet for giving his daughter in marriage, and tallage from year to year according to our will, - that he shall have and hold these for the future from us and our successors freely, quietly, peacefully, and hereditarily, by paying to us and our successors yearly 40s. sterling, at the four terms of the year, namely: at St. John the Baptist's day 10s., at Michaelmas 10s., at Christmas 10s., and at Easter 10s., for all service, exaction, custom, and secular demand; saving to us, nevertheless, attendance at our court of Castre every three weeks, wardship, and relief, and outside service of our lord the king, when they shall happen.

And if it shall happen that the said William or his heirs shall die at any time without an heir, the said messuage,

¹ Namely, payments to the lord by those who acquired land within the manor in any other way than by inheritance. The corresponding payment by those who inherited land was the "relief."

land, rents, and meadows with their appurtenances shall return fully and completely to us and our successors. Nor will it be allowed to the said William or his heirs to give, sell, alienate, mortgage, or encumber in any way, the said messuage, land, rents, meadows, or any part of them, by which the said messuage, land, rents, and meadows should not return to us and our successors in the form declared above. And if this should occur later, their deed shall be declared null, and what is thus alienated shall come to us and our successors. . . .

Given at Borough, for the love of Lord Robert of good memory, once abbot, our predecessor and maternal uncle of the said William, and at the instance of the good man, Brother Hugh of Mutton, relative of the said abbot Robert, A.D. 1278, on the eve of Pentecost.

II. THE MEDIÆVAL TOWN

As the towns grew up, certain local customs came into existence. These were nothing more than the rules which the townspeople recognized as necessary to maintain order and prevent misunderstandings. They were not necessarily written down, as every one was supposed to be familiar with them. The commissioners of William the Conqueror judged it wise, however, to include in Domesday Book some forty of the town customs which involved the king's financial interests. The following provisions occur among those of Chester.

If any free man of the king broke the peace which had been granted, and killed a man in his house, all his land and money came to the king, and he himself became an outlaw.

He who shed blood between Monday morning and the ninth hour of Saturday compounded for it with ten shillings. From the ninth hour of Saturday to Monday morning bloodshed was compounded for with twenty shillings. Similarly any one paid twenty shillings who shed blood in the twelve days after Christmas, on the day of the Purification of the Blessed Mary, on the first day after Easter, the first day of Pentecost, Ascension day, on the Assumption or Nativity of the Blessed Mary, and on the day of All Saints.

He who killed a man on these holy days compounded for it with four pounds; but on other days, with forty shillings. Similarly he who committed burglary or assault on those feast days or on Sunday, four pounds; on other days, forty shillings.

Any one setting prisoners free in the city gave ten shillings. But if the reeve of the king or of the earl committed this offense, he compounded for it with twenty shillings.

He who committed theft or robbery, or exercised violence upon a woman in a house, compounded for each of these with forty shillings.

He who in the city seized upon the land of another and was not able to prove it to be his was fined forty shillings. Similarly also he who made claim upon it, if he was not able to prove it to be his.

He who did not pay the tax at the period at which he owed it compounded for it with ten shillings.

If fire burned the city, he from whose house it started compounded for it with three oras of pennies, and gave to his next neighbor two shillings. Of all these forfeitures, two parts belonged to the king and the third to the earl.

A man or a woman making false measure in the city, and being arrested, compounded for it with four shillings. Similarly a person making bad ale was either placed in the ducking stool or gave four shillings to the reeve. This forfeiture the officer of the king and of the earl received in the city, in whosesoever land it has been done, either of the bishop or of another man. Similarly also, if any one held the toll back beyond three nights, he compounded for it with forty shillings.

In the time of King Edward there were in this city seven moneyers, who gave seven pounds to the king and the earl, besides the ferm, when the money was turned over.

161. Customs of the town of Chester. (From Domesday Book.)

This city paid at that time of ferm forty-five pounds and three bundles of martens' skins. The third part belonged to the earl, and two to the king.

When Earl Hugh received it, it was worth only thirty pounds, for it was much wasted. There were 205 fewer houses there than there had been in the time of King Edward. Now there are just as many there as he found.

When the king or lord granted a charter to a town which had grown up on his land, he usually explicitly legalized the guild of merchants, the members of which enjoyed the monopoly of the right to carry on trade. He then ratified, in whole or in part, the customs of the town, which were not however enumerated in detail. These documents are consequently usually short.

162. Opening of charter granted by Henry II to the city of Lincoln.

Henry, by the grace of God King of England, Duke of Normandy and Aquitaine, Count of Anjou, to the Bishop of Lincoln, justiciars, sheriffs, barons, officers, and all his faithful, French and English, of Lincoln, greeting:

Know that I have conceded to my citizens of Lincoln all their liberties and customs and laws, which they had in the time of Edward and William and Henry, kings of England; and their guild merchant of the men of the city and of other merchants of the county, just as they had it in the time of our aforesaid predecessors, kings of England, best and most

Ralph, Earl of Chester, to his constable and steward, and to all his barons and bailiffs, and to all his men, French and English, as well to come as at present, greeting:

Let it be known to all of you that I have given and conceded, and by this my present charter confirmed to all my citizens of Chester, their guild merchant, with all liberties and free customs which they have had in the aforesaid guild, best, most freely and most peacefully in the times of my predecessors. And I forbid under forfeiture to me

of ten pounds that any one shall disturb them in it. With these witnesses, etc.

The lists of rules established by the craft guilds, two examples of which are given below, cast much light on the industrial conditions and the habits of the mediæval artisans.

Be it remembered, that on Tuesday, the morrow of St. 164. Articles Peter's bonds, in the nineteenth year of the reign of King of the Edward III, the articles underwritten were read before of London John Hammond, mayor, Roger de Depham, recorder, and (1345). the other aldermen; and seeing that the same were deemed befitting, they were accepted and enrolled in these words.

In the first place, that no one of the trade of spurriers shall work longer than from the beginning of the day until curfew rings out at the church of St. Sepulcher, without Newgate; by reason that no man can work so neatly by night as by day. And many persons of the said trade, who compass how to practice deception in their work, desire to work by night rather than by day; and then they introduce false iron, and iron that has been cracked, for tin, and also they put gilt on false copper, and cracked.

And further, many of the said trade are wandering about all day, without working at all at their trade; and then, when they have become drunk and frantic, they take to their work, to the annoyance of the sick, and all their neighborhood as well, by reason of the broils that arise between them and the strange folk who are dwelling among them. And then they blow up their fires so vigorously, that their forges begin all at once to blaze, to the great peril of themselves and of all the neighborhood around. And then, too, all the neighbors are much in dread of the sparks, which so vigorously issue forth in all directions from the mouths of the chimneys in their forges.

By reason thereof it seems unto them that working by night should be put an end to, in order to avoid such false work and such perils; and therefore the mayor and the

163. The Earl of Chester's charter to the city of Chester (opening of the thirteenth century).

aldermen do will, by the assent of the good folk of the said trade and for the common profit, that from henceforth such time for working, and such false work made in the trade, shall be forbidden. And if any person shall be found in the said trade to do the contrary hereof, let him be amerced, the first time in forty pence, one half to go to the use of the Chamber of the Guildhall of London, and the other half to the use of the said trade; the second time, in half a mark; and the third time, in ten shillings, to the use of the same Chamber and trade; and the fourth time, let him forswear the trade forever.

Also, that no one of the said trade shall hang his spurs out on Sundays, or on any other days that are double feasts; but only a sign indicating his business; and such spurs as they shall so sell, they are to show and sell within their shops, without exposing them without or opening the doors or windows of their shops, on the pain aforesaid.

Also, that no one of the said trade shall keep a house or shop to carry on his business, unless he is free of the city; and that no one shall cause to be sold, or exposed for sale, any manner of old spurs for new ones, or shall garnish them or change them for new ones.

Also, that no one of the said trade shall take an apprentice for a less term than seven years, and such apprentice shall be enrolled according to the usages of the said city.

Also, that if any one of the said trade, who is not a freeman, shall take an apprentice for a term of years, he shall be amerced as aforesaid.

Also, that no one of the said trade shall receive the apprentice, serving man, or journeyman of another in the same trade, during the term agreed upon between his master and him, on the pain aforesaid.

Also, that no alien of another country, or foreigner of this country, shall follow or use the said trade, unless he is enfranchised before the mayor, aldermen, and chamberlain; and that, by witness and surety of the good folk of the said trade, who will go surety for him, as to his loyalty and his good behavior.

Also, that no one of the said trade shall work on Saturdays, after nones has been rung out in the city; and not from that hour until the Monday morning following.

In honour of God, of our Lady, and of All Saints, and for 165. Rules the nurture of tranquillity and peace among the good folk, of the guild the Megucers, called white-tawyers,1 the folk of the same tawyers. trade have, by assent of Richard Lacer, mayor, and of the Aldermen, ordained the points underwritten.

In the first place, they have ordained that they will furnish a wax candle, to burn before our Lady, in the church of Allhallows, near London wall.

Also, that each person of the said trade shall put in the box such sum as he shall think fit, in aid of maintaining the said candle.

Also, if by chance any of the said trade shall fall into poverty, whether through old age or because he cannot labor or work, and shall have nothing with which to keep himself, he shall have every week from the said box seven pence for his support, if he be a man of good repute. And after his decease, if he have a wife, a woman of good repute, she shall have weekly for her support seven pence from the said box, so long as she shall behave herself well and keep single.

And that no stranger shall work in the said trade, or keep a house for the same in the city, if he be not an apprentice, or a man admitted to the franchise of the said city.

And that no one shall take the serving man of another to work with him, during his term, unless it be with the permission of his master.

And if any one of the said trade shall have work in his house that he cannot complete, or if for want of assistance such work shall be in danger of being lost, those of the said trade shall aid him, that so the said work be not lost.

And if any one of the said trade shall depart this life, and have not withal to be buried, he shall be buried at the

¹ Those who dressed leather in such a way as to give it a white

expense of their common box. And when any one of the said trade shall die, all those of the said trade shall go to the vigil, and make offering on the morrow. . . .

III. THE HANSEATIC LEAGUE

Shortly after the death of Otto the Great, as the following document indicates, the merchants began to attract the attention of the government and develop the commerce which led, some centuries later, to the formation of the Hanseatic League.

166. Emperor Otto II promises protection to the merchants of Magdeburg (975).

412

Be it known to all our faithful subjects, now and in the future, that according to the desire of Adalbert, archbishop of Magdeburg, and the suggestions of other faithful subjects, we do grant to the merchants dwelling in Magdeburg, for themselves and their descendants, such protection as our father, of blessed memory, did in his time allow them to have. That is, that everywhere in our realm, in Christian and in barbarous lands, they shall be free to go and come unmolested.

And we do further by our imperial authority forbid that they be compelled to pay any taxes for cities, bridges, waters, and highways, except in the following places: Mayence, Cologne, Bardewic, and Tiel; and in these places no more nor greater taxes shall be exacted than by their laws they ought to pay. And if any one has the will, through enmity toward us, to destroy bridges or in any wise to impede the highways, let him know that such acts are forbidden by us on pain of our ban. And if any man shall think that this decree is of no effect, and shall dare to set at naught the above prohibitions, we command that whosoever is guilty of such insolence shall pay to our treasury ten talents of gold.

The federation of Westphalian towns described below indicates the dangers to which the merchants were exposed.

In the name of the holy and indivisible Trinity, Amen. The 167. Munmagistrates, consuls, and the whole community of burghers and citizens in Munster, Dortmund, Soest, and Lippstadt, Soest, and to all who may read this document, greeting:

The People in Country and Town

We hereby make known to all men, now and in the future, that because of the manifold dangers to which we are constantly exposed, of capture, robbery, and many other injuries, we have, by common counsel and consent, decided to unite densed). in a perpetual confederation under the following terms, and we have mutually given and received word and oath:

First, that if any man shall take captive one of our citizens or seize his goods without just cause, we will altogether deny to him opportunity to trade in all our cities aforesaid. And if the castellan of any lord shall be the author of an injury that has been done, the afore-mentioned privileges shall be altogether withheld from the lord of that castellan, and from all his soldiers and servants, and all others dwelling with him in his castle. . . .

If any robber has taken goods from one of our citizens . . . and the injured man shall go to any one of our [federated] cities seeking counsel and aid, in order that justice may be done upon the malefactor, the citizens of that city shall act as they would be obliged to act if executing justice for a similar crime committed against one of their own fellow-citizens.

And if any of our burgesses shall chance to go to any of our cities and fear to go forth because of peril to life and property, the burgesses of that city shall conduct him to a place whence his fellow-citizens can receive him in safety.

If a knight shall be denounced to us on reasonable grounds as a violator of faith and honor, we will denounce him in all our cities, and will by mutual consent withhold from him all privileges in our cities until he shall pay the whole debt for which he broke his word.

If any one of us shall buy goods taken from any of our confederates by theft or robbery, . . . he shall not offer the goods at retail anywhere and shall be held guilty with the thief and robber.

Lippstadt alliance to protect their