

# LEYRWITE, MARRIAGE AND ILLEGITIMACY: WINSLOW BEFORE THE BLACK DEATH

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*Before 1349, women in the manor of Winslow (Bucks) were regularly fined for extra-marital sex (leyrwite). Thirty-nine were punished in a period of 21 years. Contrary to what has recently been argued, these women often came from the more prosperous families. Some already had their own households and many were able to marry afterwards. Those who had illegitimate children sometimes made financial provision for them. Men and women had also to pay for licence to marry (merchet), but usually only the wealthier women paid, whereas women from the whole community had to pay for leyrwite. Leyrwite could arise from courtship that did not lead to marriage, or from sexual activity unconnected to marriage. The financial penalty that taxed the profits women were believed to make from their transgression gave fathers some indirect control over their daughters, and provided the lord of the manor with a small but useful income.*

The manor of Winslow (Bucks) belonged to the Abbey of St Albans from 792.<sup>1</sup> It included the vills of Winslow, Shipton (in the parish of Winslow), Granborough and Little Horwood, and was sometimes referred to as the manor of Biggin. A series of Court Books for fourteenth-century Winslow runs from 1327 to 1377.<sup>2</sup> They provide much information about property transactions and inheritance, and can be used to study many aspects of medieval life.<sup>3</sup>

Leyrwite was an offence for which the female inhabitants of Winslow were regularly penalised by

the manor court. Leyrwite is mainly found in the manorial records of the Midlands and northern England.<sup>4</sup> In the Latin records for Winslow, the term has a variety of spellings, but the most common expression is *fecit leyrwit(am), ideo in misericordia*,<sup>5</sup> followed by a sum of money. At Winslow, leyrwite was something committed rather than something paid, even though its etymology makes it a financial penalty (*wite*) for lying down.<sup>6</sup> In what follows, 'leyrwite' will be used for the penalised sexual act, and 'amercement' for the financial penalty imposed for it.<sup>7</sup> At Winslow, as in

<sup>1</sup> See Baines 1980, Bull & Hunt 1996.

<sup>2</sup> The originals are held in Cambridge University Library, MS Dd 7.22; see Levett (1938, 82–3) for a description. I have worked from a microfilm held by the Centre for Buckinghamshire Studies. The publication of my translation by the Buckinghamshire Record Society is forthcoming. The Court Books are extracts made at St Albans from the original Court Rolls, which no longer survive. The 1327–77 series is all in one hand, and the clerk seems to have copied some types of entry faithfully (including the payments for matrimonial and sexual matters which are relevant here) and to have omitted others (e.g. minor breaches of the peace) which form a substantial proportion of the Court Rolls of the neighbouring manor of Great Horwood. I am grateful to Matt Tompkins for letting me use his transcription of the Great Horwood records.

<sup>3</sup> I would like to thank participants in adult education classes on Medieval Winslow in 2003 and 2004 for their many contributions and suggestions.

<sup>4</sup> Bennett (2003, 141) notes that it is largely found in the area of the Danelaw, although she does not suggest any direct connection. Winslow was not in the Danelaw.

<sup>5</sup> "She committed leyrwite; therefore amerced."

<sup>6</sup> North 1986, 4; Bennett 2003, 132.

<sup>7</sup> Most writers call it a "fine", but I shall avoid that term to prevent confusion with the non-penal fines (Latin: *finis*) which predominate in manorial records, and to be consistent with the usage of the Winslow Court Books. An amercement was a sum payable for some sort of transgression, including default (failure to attend the manor court), failing to pursue a case in the court, and allowing buildings to become dilapidated. Bennett (2003, n.2) states that "leyrwite was sometimes treated as a fine and sometimes as an amercement".

most places, it was always the woman herself who was amerced. If her father was alive, the payment was treated as her responsibility not his.<sup>8</sup> Normally women of villein (i.e. unfree) status had to pay, but in one case, a woman, who was certainly a free tenant at the time of her death, had been amerced for leyrwite earlier in her life (10 in the Appendix). The man involved was not amerced, and was only once identified by name (28).<sup>9</sup>

At Winslow, the number of leyrwites punished per year varied between none and seven, but was usually in the range of 1–4 (see Tables 1 and 2 for the raw data and the moving averages based on it).<sup>10</sup> At Broughton (Northants) the incidence of leyrwite was less than one per year, and less still on other manors; less than two per year on the more populous manor of Halesowen.<sup>11</sup> A total of 39 women were punished at Winslow between 1327 and 1348, and details of their case histories are given in the Appendix. But after the Black Death, leyrwite is rarely mentioned in the Winslow records, and only five cases are recorded between 1349 and 1377. Amercements for leyrwite and payments for licence to marry (*merchet*, although this term is not used in the Court Books themselves) both occur regularly during the earlier period (see Tables 1 and 2). These entries provide a basis for a discussion of the women punished for leyrwite: their economic status, their position as independent householders, and the relationship between leyrwite, marriage and illegitimacy. Bennett's recent article (2003) gives a comprehensive survey of current understanding of leyrwite, with some helpful new suggestions, while Jones (1992, 953) notes that "evidence of leyrwite will have to be extended manor by manor" – the essential purpose of this article.

## ECONOMIC STATUS

It would be misleading to estimate a woman's status solely on the property she held herself. To see where she fitted into the society of the manor, it is also necessary to consider the status of her father or eldest brother. That would have probably been more relevant at the time she was amerced (the age at which this was likely to happen is discussed below). For convenience, the community is divided here into two groups: the more prosperous,<sup>12</sup> consisting of those who held a virgate or half-virgate of land or who served as jurors for the court,<sup>13</sup> and the less prosperous, who were landless or held less than a half-virgate of land.<sup>14</sup>

The following women seem to have belonged to the more prosperous part of the community: nos. 1, 3, 4, 5, 6, 7, 10, 17, 18, 20, 21, 22, 25, 27, 28, 29, 33, 34, 36, 39. More details of why they have been allocated to this group are given in the Appendix. Thus 20 of the 39 women amerced for leyrwite were the daughters or sisters of men who held a half-virgate or more, or served as jurors. The true proportion may be even higher, as only fairly certain identifications have been used. For example, the surnames Colet and Albyn are too common to allow any assumptions about family relationships. An Agnes Scot committed leyrwite in 1342, but if the dates are correctly stated, she cannot have been the same Agnes Scot who later inherited 13 acres and is described in 1351 as having been a minor (i.e. under 16 for a woman) in 1349. Matilda Mundevill (no. 12) was probably the daughter or sister of a man who held a half-virgate, but the evidence is circumstantial (see Appendix). Only the following women (10/39) can be attributed with reasonable certainty to less prosperous

<sup>8</sup> Jones 1992, 949; Bennett 2003, 139. However, according to Levett (1938, 235), on the St Albans manor of Abbots Langley it was sometimes paid by the woman's father or brother.

<sup>9</sup> It should be noted that surnames in 14th-century Winslow were fairly fluid, e.g. "Robert, son of Simon le Neweman" was also known both as "Robert Symmes" and "Robert Neweman". There are no doubt cases where one individual has been treated as two (or more) different people because of the use of another surname, and the identification of one individual who used several surnames can be fairly serendipitous, as with no. 22.

<sup>10</sup> Winslow was not a particularly large manor. Domesday Book lists for Winslow (including Little Horwood) and Granborough a total of 24 villeins, 9 bordars and 4 slaves. The Hundred Rolls identify 10 holders of a half-virgate or more in Little Horwood; 1 virgate-holder and 4 cottars in Shipton; 10 burgesses and 3 free tenants. They do not give a full list of tenants for Winslow, however. In the 16th century, the population of the town of Winslow alone seems to have been in the range of 300–450.

<sup>11</sup> Bennett 2003, 137; Razi 1980, 65.

<sup>12</sup> The use of the terms "rich" and "poor" by Razi (1980) is rather confusing, as someone who held a virgate (which in his terms makes them rich) might not do much more than support a family and employ some occasional labour.

<sup>13</sup> There were normally twelve jurors at each session of the manor court, but the composition of the jury changed slightly from one court to the next. The jurors were always male tenants, and usually (but not invariably) held a half-virgate or more.

<sup>14</sup> At Winslow, a virgate consisted of about 30–35 acres.

TABLE 1 merchet and leyrwite

	<i>Licence to marry<sup>‡</sup></i>						<i>Leyrwite</i>		
	<i>Number of males</i>	<i>Largest sum paid</i>	<i>Smallest sum paid</i>	<i>Number of females</i>	<i>Largest sum paid</i>	<i>Smallest sum paid</i>	<i>Number of cases</i>	<i>Largest sum paid</i>	<i>Smallest sum paid</i>
<b>1327</b>	4	12d	12d				1		
<b>1328</b>	7	3s 4d	3s 4d	3	1s	1s	1	6d	6d
<b>1329</b>	1	6d	6d	3	3s 6d	3s 6d			
<b>1330</b>	1			3	2s	2s	1	6d	6d
<b>1331<sup>†</sup></b>	5	26s 8d	1s	7	20s	2s	2	6d	6d
<b>1332</b>	4	13s 4d	5s	2*			2	6d	3d
<b>1333</b>	2			3	3s 4d	3s 4d	4	6d	6d
<b>1334</b>	7	6s 8d	1s	4	3s 4d	1s 8d	7	12d	6d
<b>1335</b>	3	10s	1s	3	3s 4d	1s	4	6d	6d
<b>1336</b>	7	13s 4d	1s 8d	5	6s 8d	1s 6d	1	6d	6d
<b>1337</b>	8	2s 6d	1s	3	6s 8d	2s 6d	1	12d	12d
<b>1338</b>	4*			2	3s 4d	3s 4d			
<b>1339</b>	7	5s	1s	6	1s	6d	3	6d	6d
<b>1340</b>	9	2s	1s	5	3s	6d	1		
<b>1341</b>	4	1s	1s	4	6s	1s	1		
<b>1342</b>	9	3s 4d	6d	9	3s 4d	6d	4	6d	3d
<b>1343</b>	5	4s	1s	13	2s	1s	5	6d	6d
<b>1344</b>	11	2s	1s	9	2s	6d			
<b>1345</b>	7	3s 4d	1s 6d	8	5s	2s	1	6d	6d
<b>1346</b>	6	5s	6d	2	3s 4d	2s	1	4d	4d
<b>1347</b>	3	3s 4d	2s	4	2s	1s	2	4d	4d
<b>1348</b>	5	3s 4d	1s	3	3s 4d	2s			
<b>1349</b>	29	5s	6d	15	3s 4d	6d			

\* includes someone of free status who did not have to pay.

families:<sup>15</sup> 9, 11, 13, 14, 15, 24, 26, 32, 37, 38. The other nine cannot be attributed to either group.

The finding that over half of the Winslow women amerced for leyrwite came from the more prosperous families does not accord with Bennett's conclusions. Using the evidence produced by Razi (1980) and others, she argues (2003, 143), that it was mainly poor women who were penalised: "leyrwite and childwite were not fines for offences per se, but fines for offences committed by poor bondwomen."<sup>16</sup> Landless women including servants,

cottagers and wage-labourers were those most affected, and the better-off men who formed the juries wanted to deter poor women from producing children who would be a burden on the community; hence it was no longer much of an issue after the Black Death.<sup>17</sup> Yet at Winslow, over half the women convicted came from the same background as the jurors who convicted them. Either the deterrent worked well enough to prevent many poor women from offending, or the Winslow court was not primarily interested in the poor.

<sup>‡</sup> To avoid double counting, only those who paid a fine for (or including) licence to marry are included, not those who were amerced for marrying without licence.

<sup>†</sup> Jan. 1332 court assigned to 1331.

<sup>15</sup> Some tenants had already divested themselves of most of their holdings when they died, to give them an income or to make provision for younger children. I have been able to identify this in most cases, but it is possible that some tenants with little land when they died had been substantial landholders before the Court Books start in 1327.

<sup>16</sup> Poos & Smith (1996, 322) state that "childwite-payers are disproportionately drawn from the lower strata" at Redgrave, Suffolk, but in fact they only mean in comparison with people who paid for permission to marry; only 27% of the women who paid childwite at Redgrave were from landless families.

<sup>17</sup> Bennett 2003, 151.

TABLE 2 annual moving averages for cases of merchet and leyrwite

<i>5 year moving average centred on:</i>	<i>Women who paid for licence to marry</i>	<i>Women amerced for leyrwite</i>
<b>1329</b>	3	1
<b>1330</b>	4	1
<b>1331</b>	4	2
<b>1332</b>	4	3
<b>1333</b>	4	4
<b>1334</b>	3	4
<b>1335</b>	4	3
<b>1336</b>	3	3
<b>1337</b>	4	2
<b>1338</b>	4	1
<b>1339</b>	4	1
<b>1340</b>	5	2
<b>1341</b>	7	3
<b>1342</b>	8	2
<b>1343</b>	9	2
<b>1344</b>	8	2
<b>1345</b>	7	2
<b>1346</b>	5	1

## TENANTS AND HOUSEHOLDERS

Two of the women amerced for leyrwite were heiresses: no. 11 to a small inheritance from her mother, 17 to a half-virgate from, probably, a maternal uncle. Christina Porter (17) evidently lived with her father, who had custody of her and her inheritance until she sued him in 1334 to gain possession of property she should have received two years earlier when she came of age. Her father is never mentioned as a tenant in his own right, but when he lost possession of his daughter's inheritance, he was allowed to keep it until the following Michaelmas. The court ruled that Christina could either live with her father until then or receive an allowance of grain from him. Isabella atte Tonne (11) took possession of her inheritance when she came of age in 1333, but it is not clear whether it included a dwelling, nor is there any indication of where she lived before her marriage or of who had custody while she was a minor. She was ordered to rebuild a house in 1353, but that may have referred to her under-age daughter's inheritance rather than her own.

There is no case at Winslow of an heiress to her father's property committing leyrwite.<sup>18</sup> The court recorded the rule that, in the absence of a son, the whole inheritance should go to the eldest daughter, but inheritance by a daughter from her father was unusual before the Black Death, and only four clear cases are recorded.<sup>19</sup> Thus, the absence of such heiresses from the ranks of women convicted for leyrwite probably has no significance. About half the women from the more prosperous families had fathers alive at the time of their leyrwite (3, 5, 7, 10, 17, 25, 27, 29, 33, 36).

Jones (1992, 949) states that at the time of leyrwite "the likelihood is that most [women] would have been living with their parents", and that on the estates of Spalding Priory in the 1250s and 1260s "it was most unusual for a single woman (or single man) to be living away from her parents". But this does not seem to be the pattern at Winslow before 1349. The following women had their own households, or at least did not live in the family home, before their leyrwite:

<sup>18</sup> Razi (1980, 65) gives two cases from Halesowen of heiresses to their fathers who were amerced for leyrwite.

<sup>19</sup> Joan, daughter of John Henry in 1333; Agnes, daughter of William Upwithstreng in 1339; Agnes, daughter of John of Norton in 1342; Alice, daughter of John Lytelhaukyn in 1347.

1 Beatrice Adam surrendered her cottage to her brother(?) William Adam in 1331 when she married. No grant of the cottage to her is recorded and so it probably happened before the Court Books commence in 1327.

4 Juliana Wilkenes and 22 her sister Matilda were joint tenants of a cottage in 1337 and 1338. It seems that the cottage had been provided for the sisters by their father. His date of death is unknown but their brother (identified as "Henry Giffes") was already demising land in 1328, so presumably their father was already dead by then. Juliana married in 1345 and Matilda was sole tenant by 1348. Juliana's leyrwite was in 1332, Matilda's in 1335 and 1345.

6 Matilda, daughter of Geoffrey Evotesone, received a toft and one acre from her father in 1327, and this would have enabled her to set up her own household before her leyrwite in 1332.

13 Alice, daughter of Walter Hobbes, had a cottage from her father before his death (c.1337). As the grant is not recorded in the Court Books, it probably took place before 1327. 28 Alice Ponteyes became co-tenant in 1331 with Alice Boveton (perhaps her mother) of a third of Geoffrey Scot's holding; Alice Ponteyes was to lose her share if she married. However, in 1342, Alice received the reversion of a messuage and 4 acres 1 rood of land (apparently the same property) when Alice Boveton died. The reversion after her own death was to go to her son John. Her leyrwite was in 1341 so this was probably a new arrangement after her baby was born. Alice Ponteyes inherited from Alice Boveton in 1349, and then John inherited from her. When John died in 1353, William Ponteyes (probably his cousin) inherited. Thus it seems that Alice and her mother had already formed a separate household before her leyrwite.

33 Alice, daughter of William of Shipton, took half a cottage with her brother and sister and three acres from their parents in 1342. Presumably this was a sub-division of the family home, and when William died in 1343 there must have been a re-arrangement. Alice's leyrwite was recorded at the court of July 1343 and her father's death at the November court.

These women may have established their own households before or after their leyrwite:

7 Agnes Hobbes held a cottage for her life when she died in 1345.

10 Alice, daughter of Richard Surman, held a messuage and some land as a free tenant when she died in 1362.

18 Agnes atte Grene held a messuage and four acres when she died in 1349.

25 Ellen, daughter of John Hobbes, held a cottage when she died in 1361.

These women established their own households after their leyrwite:

3 Agnes, daughter of Henry Alwyne, took a cottage with her (illegitimate) son John in 1341, and he took the sole tenancy when she died in 1349.

12 Matilda Mundevill had a sub-tenancy of a cottage in 1358.

19 Christina Wyght bought a curtilage in 1340, and with her illegitimate son Richard (born c.1341) acquired a "chamber" and "built plot" on the same site (1341–2). The "cottage" held by Christina at her death in 1361 was inherited by her legitimate daughter Alice but Richard took it over in 1365 when Alice came of age.

24 Alice, daughter of William Chicheley, and her brother William (not the eldest son) received a cottage from their father in 1340.

30 Eve Colet, along with Matilda, daughter of William of Wengrave, took a messuage and two acres from Matilda's father in 1343. There is no reference to Eve when Matilda died in 1349.

In addition, 20 Joan East committed default (showing that she was a tenant, as only villein tenants at Winslow owed suit of court) at the same time that she was amerced for leyrwite in 1335, but her holding did not necessarily include a dwelling.

The evidence above represents a minimum for the formation of new households by or including women who committed leyrwite. The manor court needed to approve the permanent transfer of a dwelling, or its demising for a fixed term, e.g. for someone's life or until her marriage. However, it is clear that many people in Winslow were tenants of two or more dwellings<sup>20</sup> but did not go through the court to establish sub-tenancies for dwellings in which they themselves did not live. Such dwellings

<sup>20</sup> For example, William atte Halle (d.1336) held two messuages; Ralph Prestes (d.1339) held three messuages, two for his life only; John Scot (d.1349) held two cottages.

must have been sub-let on an informal basis not involving the court. Thus it is likely that other women lived separately without this fact being recorded by the court. The evidence above shows that at least seven – perhaps as many as 13 – of the 39 women had their own households before their leyrwite. Nineteen out of the 39 were tenants in their own right at some point in their lives. Since many had a dwelling but no land, it seems that the provision of living accommodation was usually the main point of the arrangements either made for these women or made by themselves.

These findings for Winslow share some similarities with those of Bennett (1987, 78) for Brigstock (Northants), where “gradual separation from the parental household economy was ... a characteristic of adolescence”. But they do not accord with other studies that emphasise the link between marriage and household formation.<sup>21</sup> However, even Bennett (1987, 100) assumes that independent households were established at marriage. In Winslow, there are other examples of dwellings given to women – never convicted for leyrwite – specifically for life or until they married:

1332. William Henri to his daughter Christina.

1342. John Broun to his sisters Matilda, Joan and Alice.

And more numerous examples of dwellings given to women (individually or with siblings) for life (irrespective of marriage), including:

1330. Henry Alwyne to his son Hamon and daughter Juliana.

1334. Gilbert Smart to his younger daughters Alice, Christina, Juliana and Matilda.<sup>22</sup>

1335. Richard Adam to his son Richard and daughter Joan.

1336. Ralph Prestes to his daughter Agnes.<sup>23</sup>

1339. Richard of Cherdesle to his sister Juliana.<sup>24</sup>

1340. William Chichely to his son William and daughter Alice.

1341. Alice, daughter of Robert Adam to her daughters Matilda, Alice and Joan.

1344. John Lombe to his daughter Alice, who paid for licence to marry at the same time.

These may have arisen from special family circumstances, for example when a brother married and wanted to remove his co-resident sister, or when a widower remarried and wanted to remove his children. They do, however, show that in Winslow it was quite normal for the young to be set up in their own dwellings without waiting for marriage. Marriage may have usually entailed the creation of a new household, but it was not the only reason for creating new households. *Some* newly-weds would have been able to start married life in the dwelling already occupied by one spouse.

This evidence from Winslow indicates no strong link between poverty and leyrwite. A substantial number of women had already left the family home when they were convicted, and more were able to do so afterwards. In at least two cases new property arrangements seem to have been made to accommodate an illegitimate child who might not have any automatic inheritance rights. At a time when there was a very active land market in the manor, control of any amount of property would have made a woman into a more desirable marriage partner. Women were not necessarily driven to extra-marital sex because they were unable to marry.

## ILLEGITIMACY

The Court Books do not identify illegitimate children as such. Illegitimacy was apparently not a great social stigma.<sup>25</sup> The surname or by-name Bastard was attached to several tenants with substantial holdings, such as “Richard Redeknave,

<sup>21</sup> She attributes some of Brigstock’s features to the large amount of woodland there. In the manor of Winslow there was woodland only in Little Horwood.

<sup>22</sup> The original gift was made in the 1290s, and the 1334 entry refers to an inheritance dispute arising from it.

<sup>23</sup> Agnes was married to John Robyn Taillour. When she died in 1336, the messuage reverted to her father.

<sup>24</sup> The cottage in this case could be kept by Juliana’s direct heirs, and only reverted to Richard and his heirs if she had none.

<sup>25</sup> In some manors, illegitimate children had free status but no inheritance rights. It is not clear what their legal status was at Winslow. They seem to have been able to inherit from their mothers if they had no legitimate siblings (see no. 19, where a legitimate younger sister takes precedence over an illegitimate elder brother). In 1346, John atte Wode was able to leave his tenancy of a half-virgate to his illegitimate son Thomas atte Wode through a grant made the previous year. John’s brother Geoffrey Mager inherited the rest of his holding, amounting to about 11 acres, but Thomas still seems to have been trying to claim this land in 1352. Inheritance from someone illegitimate went to maternal relatives (see no. 28).



called Bastard” mentioned in 1338. But “Bastard” was also a surname that could be inherited: in 1348 the heir to John Bastard’s 13 acres was “Master John Bastard, Chaplain”. Those described as “son/daughter of <woman’s name>” may have been illegitimate, but were not necessarily so. Some were known by their mother’s name because their father had long been dead (see n.58), or because they had inherited from their mother. For example, in the period 1340–2, the following were identified with some sort of metronymic:

May 1340: Joan, daughter of Eleanor Bateman, paid merchet. Eleanor Bateman had custody of an under-age heir in 1327, when William atte Slo took over the holding, presumably by marrying her. She must therefore have been a widow.

May 1340: Agnes Martyn’s daughters Amabilia and Emma claimed her property after her death. In 1337, Amabilia is described as “Annabel, daughter of John Martyn”, so Agnes Martyn was a widow.

Oct. 1341: Matilda, Alice and Joan, daughters of Alice, daughter of Robert Adam, took a cottage from their mother, which she had had from Robert who died in 1328. Alice the mother was evidently not married in 1341, but it is unclear if she was a widow or never married. There would be no reason to mention a deceased husband in a transaction which only concerned her own family’s property.

Nov. 1342: John, son and heir of the late Geoffrey son of Matilda, came of age. His father, Geoffrey son of Matilda, died in 1328. William son of Matilda is mentioned as a neighbour in 1343, and John son of Matilda was amerced for default in 1357. It seems likely that the latter was the man who came of age in 1342, and “son of Matilda” had become an inherited surname. It is not clear whether the original Geoffrey son of Matilda was illegitimate or not.

These cases show that at least some people identified by a metronymic were in fact legitimate. There is therefore no reliable way of identifying the illegitimate from the Court Books, except sporadically

by the reconstruction of individual families.

Writers have taken different views as to whether leyrwite was enforced for sexual activity in general, or only if it resulted in an illegitimate child. For example, Razi (1980, 64) describes leyrwite as a penalty “not only for incontinency but also for conceiving and for giving birth out of wedlock”, but on the next page uses the number of leyrwites to calculate a rate of illegitimate births at Halesowen. Razi’s approach has been widely criticised,<sup>26</sup> and Jones (1992, 946) states categorically that “it is now well established that leyrwite did not necessarily involve bastardy”.

The Winslow records never mention pregnancy in connection with leyrwite, unlike Ramsey Abbey, where 22 out of 37 cases refer to it.<sup>27</sup> There are three cases at Winslow where a woman convicted of leyrwite seems to have had an illegitimate child who *is* mentioned in the Court Books. In two of these cases (nos. 3, 19), the child was eventually able to acquire property originally inherited by legitimate relatives. The fact that their mothers went to some lengths to make financial provisions for these illegitimate children is what enables their existence to be identified.

19 Christina Wyght was amerced for leyrwite in 1335, but her son Richard was born c.1341, as he was out of tithing in 1353 (allocation to a tithing took place at the age of 12) and placed in tithing in 1354. Her pregnancy was evidently not treated as leyrwite. She married Nicholas Kempe in 1344, and their daughter Alice was born c.1349. Her son was called “Richard, son of Nicholas Kempe” in 1360; Nicholas may of course have been his biological father as well as his legal stepfather.

28 Alice Ponteyes was attached (i.e. a valuable item of her property was to be seized) for leyrwite in 1341 and the case was reported again in 1342. In the 1342 entry, she had a named partner, Richard Liff. This is the only time before 1349 when the male involved in a case of leyrwite is named.<sup>28</sup> Richard was a tenant of two acres for life from 1336, and had a wife Agnes in 1352. Alice’s son is recorded as “John, son of William

<sup>26</sup> E.g. Bennett 1987, 266 n.62; Poos & Smith 1996, 320–1. Razi himself (1996, 333) subsequently acknowledged that leyrwite did not necessarily indicate pregnancy.

<sup>27</sup> North 1986, n.21.

<sup>28</sup> There was also a case in 1362 when Agnes Clerk was convicted for leyrwite with John Reynold the chaplain; in that case the man’s status was presumably the reason for recording his name.

Lyf” when he died in 1353; “William” must be a mistake for Richard. Presumably Richard was named (although not amerced) because he was a married man at the time of the leyrwite. This is the most direct connection at Winslow between leyrwite and the birth of a child. Jones (1992, 953) suggests that in the three Spalding Priory cases where the man is named, the couples may have been living together, or the women named the men who had got them pregnant.

3 Agnes Alwyne was amerced in 1330. She took on a co-tenancy with her son John in 1341. When she died in 1349, John claimed joint title. There is no reference to his being under age, which at Winslow should mean that he was at least 20, but in 1349 the rules were not always enforced. Thus it is unclear if he was born in 1330 or not.

In some places in East Anglia extra-marital pregnancy was penalised by a payment called childwite,<sup>29</sup> but that does not occur at Winslow. The evidence above suggests circumstantially that leyrwite at Winslow did not necessarily involve pregnancy, even if pregnancy provided evidence of leyrwite. A number of the women clearly did not have children when they died (although that does not of course rule out the possibility that the children had died earlier). Christina Wyght’s illegitimate child was not born in the year when she was amerced, and she was not amerced when he was born. At a later date the Buckingham Archdeaconry Court seems to have treated cases of fornication in the same way whether they involved pregnancy or not; in some cases it is specifically stated that the woman was pregnant, but in others she clearly was not.<sup>30</sup>

#### MARRIAGE OF WOMEN CONVICTED OF LEYRWITE

The villeins of Winslow were expected to pay merchet to their lord for permission to marry. The Court Books record these payments, and those for 1327–1349 are listed in Table 1. The payment was

often included in an entry-fine when someone took over a holding, usually by inheritance. Where the payment was made separately, the smallest and largest sums for a year are listed. After 1349, the payment sometimes specified whether the marriage could be outside the manor or only inside it, and that affected the amount payable, but the records do not make such a distinction in the earlier period although it may have been one factor in the wide variation of the amounts. Villeins were often reported to the court for marrying without licence. The court had no power to invalidate the marriage, but it could amerce the people concerned (and occasionally the whole community for concealing the marriage), as well as requiring them to pay merchet as they should have done originally. Distrain was sometimes used to ensure payment.<sup>31</sup>

Can it be assumed that those who paid for licence to marry (or were amerced for not paying) were the only ones among the women punished for leyrwite who actually married? Table 2 shows annual averages for the number of women paying merchet. When represented as a five-year moving average – which smooths out abrupt changes caused by the small amount of evidence – the figure varies from 3 to 9. In the late 16th century, when the population was presumably considerably smaller than before the Black Death, the parish registers of Winslow and Granborough show an annual average of 4–6 marriages, suggesting *prima facie* that the 14th-century records do not record all marriages in the manor.<sup>32</sup>

The payment of merchet at Winslow was studied by Müller (1999). Although she connects payment to family wealth and believes that not all the inhabitants of the manor had to pay, she does not provide any systematic reconstruction of the background of those who did pay. Table 3 shows the background of the women who paid merchet in 1340–2. At least 13 of these 17 women were the daughters of the more prosperous: virgate or half-virgate holders or jurors. Joan Saleman probably belonged to this group too, and John of Wengrave seems to have had a fairly substantial holding, so only two women were clearly from landless or nearly landless fami-

<sup>29</sup> Bennett 2003, 141.

<sup>30</sup> *The Courts of the Archdeaconry of Buckingham 1483–1523*, ed. E.M. Elvey (Buckinghamshire Record Society 19, 1975).

<sup>31</sup> E.g. Nov. 1343: “Likewise they reported that Geoffrey Kybe got married without licence; therefore amerced 6d. And it was ordered to distrain (him) to make a fine, etc.”

<sup>32</sup> The annual average was 4.3 in the 1560s, 5.2 in the 1570s and 5.8 in the 1580s. These figures do not include Little Horwood.



TABLE 3 the background of women who paid merchet

<i>Year</i>	<i>Name</i>	<i>Family background</i>
1340	Alice, daughter of Richard Hobbes	Father d.1327; brother William (cf. no. 7) held ½ virgate in 1346.
1340	Alice, daughter of William Kynnes	Father was a regular juror and granted a virgate to Alice and her husband in 1348. Her sister Margaret paid 2s merchet in 1346.
1340	Agnes, daughter of John Jenkyns of Shipton	Father d.1336, held a virgate.
1340	Matilda, daughter of Richard Wolman	Father was an occasional juror; d.1348 holding 10 acres. Her sister Agnes paid 2s merchet in 1347.
1341	Agnes, daughter of Walter le Westerne (no. 27)	Father held a virgate in 1352.
1341	Agnes, daughter of John Hughprest	Father was a regular juror; held a virgate (recorded in 1352 as formerly his). Her sister Joan paid 6s8d merchet in 1337. Her sister Ellen paid 1s in 1344.
1341	Matilda, daughter of John Mayn	Father was a regular juror; d. 1349 holding ½ virgate. In 1344 he granted part of his messuage to his daughters Alice, Agnes, Ellen and Juliana. In 1348 he granted some land to Ellen and Juliana.
1341	Agnes, daughter of John of Wengrave of Granborough	Father regularly mentioned as a neighbour until 1344 but his death is not recorded. Her brother Thomas paid 12d merchet in 1341.
1341	Joan Saleman	Robert Saleman, who may have been Joan's father, was a regular juror for Horwood; d.1341 holding 1½ virgates.
1342	Agnes, daughter of Walter Perkyns	Father d. 1357 holding ½ acre. no. 26: her sister Joan.
1342	Juliana, daughter of William Wodeman	Father was a regular juror; d. 1344 holding a virgate.
1342	Agnes, daughter of Walter Wilkyns	Father was a regular juror; held a virgate which is mentioned in 1358 as Agnes'.
1342	Matilda, daughter of John Boveton of Shipton	Father held a virgate in 1342
1342	Agnes, daughter of John Boveton of Shipton	
1342	Matilda, daughter of William Elyot	Cf. no. 33. Her father appears to have been dead, and is not recorded as a tenant.
1342	Agnes, daughter of John of Norton	Father was a juror until 1337, and in the period 1333–1342 (when he died) he surrendered 34½ acres.

lies (and both of them had sisters who committed leyrwrite). In one case from April 1344, Richard Woleman was specifically told that he must pay merchet for his son Ralph and daughter-in-law Matilda Haukyns “because the said Matilda holds villein land”. This seems to show that merchet was normally enforced only on the more prosperous.<sup>33</sup>

Of the women who committed leyrwrite, therefore, a minimum of 20 and maximum of 30 could normally be expected to have paid merchet if they married. In fact, 10 of them are recorded as paying it or marrying without it: nos. 1, 2, 4, 5, 11, 16, 17, 19, 27, 35. Of these, two (2, 11) were not from the more prosperous families, but in one case the

<sup>33</sup> Cf. Poos & Smith 1996, 319 for the same argument.

woman married a freeman and in the other she was already an heiress, so that would explain why they had to pay. Merchet was probably only imposed on such people in special circumstances like these, perhaps including marriage outside the manor too.

It is of course possible that some of these women married the man with whom they had committed leyrwite. In some places, paying for leyrwite could include permission for the woman to marry her lover or could involve paying merchet too,<sup>34</sup> but that cannot have been the case at Winslow, where the payment for leyrwite was almost always less than merchet (see below).

The following women who committed leyrwite appear to have died unmarried: nos. 3, 7, 10, 18, 25, 28. This can be assumed from the fact that there is no reference to husbands claiming a life-interest in their holdings through "English curtesy" when their wives died – the normal practice at Winslow. They may of course have been widows rather than never married.

No-one was amerced for leyrwite *after* paying merchet, and none of the women amerced for leyrwite at Winslow is stated to be or identifiable as a widow at the time of her offence. This is consistent with the findings of Jones (1992, 949) for the estates of Spalding Priory, where only one case out of 98 involved a widow. He links this with the fact that widows with land were able to remarry easily as land shortage increased in the 1330s – but it is argued here that many women who committed leyrwite would have been quite able to marry if they had wished. The absence of widows in the Winslow evidence may be linked to the way in which the amercements were administered and the rationale behind them (see below). Hence, it does not prove that widows did not engage in sexual activity.

It seems that amercement for leyrwite was enforced on the whole female population of the manor, whereas merchet was normally enforced only on the more prosperous. It also seems that leyrwite did not prevent women from marrying: at least a third of those convicted were able to marry, probably as many as half. This shows that leyrwite was not really a compensation to the lord for

marriage payments which he would not receive, as suggested by Vinogradoff in the 19th century.<sup>35</sup>

#### AGE AT THE TIME OF LEYRWITE

Razi (1980, 66–68) found that leyrwite at Halesowen was much more common among poor families than "rich" ones, noting that the rich normally married younger and so were "at risk" for a shorter period. He suggests that leyrwite among the rich was often the result of family problems. At Winslow there is certainly no general association between being orphaned and leyrwite (see above). It was also rare for two sisters to be amerced for leyrwite, as might be expected if family circumstances were a regular factor (nos. 4 and 22, probably 9 and 15; possibly 8 and 34).<sup>36</sup>

One apparent example of a family problem is the case of Christina Porter (17), who was amerced for leyrwite at the same time that she sued her father for recovery of her inheritance (see above). She married the next year. Her husband Roger Choneson (also known as Roger Porter after the marriage) was the son of a juror and half-virgate holder.<sup>37</sup> She married someone whose social status was exactly what would be expected for an heiress's husband; it is not clear if the leyrwite affected her marriage, or if Roger was her partner in it.

Another apparent case of family problems of a rather different sort involves two sisters, nos. 4 and 22. Juliana Wilkenes was amerced in 1332, and Matilda her sister in 1335 and 1345. They shared a cottage, and their father was already dead. Between 1329 and 1338 their brother Henry sold off 16 acres, presumably most of his inheritance. They were life-tenants of the cottage, but the family must have been in financial trouble. If they were impoverished women of originally higher status, they may have had difficult finding acceptable marriages. Juliana eventually paid merchet in 1345, and Matilda never did.

Bennett (2003, n.48) believes (largely on the basis of anecdotal evidence) that most women who committed leyrwite were young. In the two cases at Winslow where the age of the woman is known, she

<sup>34</sup> Bennett 2003, n.55; North 1986, 13.

<sup>35</sup> Bennett 2003, 138.

<sup>36</sup> Jones (1992, 952) has four cases of sisters being fined at the same time.

<sup>37</sup> Roger's sister Agnes was amerced for leyrwite, #5.

was 16 or 17 (Isabella atte Tonne, no. 11) and 18 (Christina Porter, 17), but by definition women whose age is known must be heiresses, and therefore they would probably marry earlier than the norm, meaning that they may also have committed leyrwite earlier. Of the women amerced twice, Matilda Geffes/Wilkyns (22) had the longest gap, 10 years, between her two amercements. Her sister Juliana (4) married 13 years after her amercement. Christina atte Tonne (2) married 10 years after hers, and Christina Wyght (19) and Agnes Scot (31) married 9 years after theirs. Agnes Albyn (35) married 8 years after her first offence. Other women married within a year or two of their amercement, but the number of substantial gaps is consistent with the women involved being teenagers at the time of their leyrwite, as the two heiresses were.

#### PAYMENT FOR LEYRWITE

The standard amercement for leyrwite at Winslow was 6d (see Table 1). In 1334 it was raised to 12d, but returned to 6d the next year. In 1346 and 1347, when it was last enforced before the Black Death, it was reduced to 4d. It was higher than other amercements, which were usually 2d or 3d for such offences as default at court or unauthorised brewing and milling. It would take a woman a week's labour or several brewings to earn 6d.<sup>38</sup> It was, however, less than the sum that Winslow fathers paid for permission to send their sons to clerical school – usually 2s until about 1343 and 1s afterwards. It was lower than leyrwite payments at, for example, Halesowen, which were 12d or 2s,<sup>39</sup> but 6d is by far the most common figure in North's table, which uses evidence from Cornwall to Durham.<sup>40</sup>

The amercement for leyrwite at Winslow was lower than merchet, which was nearly always at least 1s, and often more (see Table 1). Müller calculates the mean average paid by women at Winslow for merchet at 3s 4d in the 1330s and 1s 8d in the 1340s.<sup>41</sup> Along with leyrwite, it was “one of the few instances where women contributed to seigneurial exactions”.<sup>42</sup> Of the 39 women amerced for leyrwite, only four were convicted twice, and the largest individual total was 1s 6d paid by Agnes atte Grene (18) for two amercements.

The number of amercements for leyrwite varied very much from year to year, with peaks in 1334 and 1342–3; in several years there were no amercements at all (see Tables 1 and 2; the moving averages in Table 2 illustrate the general trends over time). There seems to be no positive or negative correlation between the number of amercements for leyrwite and the number of merchets in the same year. In other words, leyrwite was not a direct consequence of inability (for whatever reason) to marry; leyrwite did not go up when merchet went down or vice versa.<sup>43</sup> It appears that Alice Ponteyes (28) could not marry Richard Liff (see above) because he was already married, but that was probably an exceptional case. Of course, it is possible that the amount of extra-marital sexual activity really varied drastically from one year to the next (bearing in mind that the number of leyrwites can only represent a small proportion of the amount of extra-marital sex<sup>44</sup>). But it is more likely that enforcement varied for other reasons. Perhaps enforcement was heaviest at times when the lord was in particular need of money. In 1334, the year both of the most convictions and of the highest sum payable by individuals, the annual income from leyrwite was 6s 6d. The lord's total income

<sup>38</sup> Bennett 2003, 152.

<sup>39</sup> Razi 1980, 64.

<sup>40</sup> North 1986, Table 1. 6d is the amount paid in 65% of cases (116 out of 179). It is notable that 9% involved payments of 5s or more, but he suggests that this was because merchet or an entry fine was included in the sum. On the estates of Durham Cathedral Priory, the amount payable was increased if the offence was aggravated because it involved adultery, more than one man, or a priest. This was clearly not the case at Winslow.

<sup>41</sup> Müller 1999, Table 1.

<sup>42</sup> Müller 1999, 183.

<sup>43</sup> Contrary to two local studies (including Müller 1999, based on Winslow) cited by Bennett 2003, n.59. Laslett (1983, 161) found that in the period of parish registers, illegitimacy went down when the age of marriage rose (early 17th century) and went up when the age at marriage fell (late 18th century) – in other words, difficulty in marrying did not lead to more illegitimacy. He writes (1983, 161–2): “Deprivation of marriage therefore did not lead to a greater propensity towards sexual adventures, not to those which gave rise to pregnancy...”

<sup>44</sup> Bennett 2003, 137.

recorded in the Court Books from fines, amercements and heriots is 142s 7d in 1333, 204s 8d in 1334 and 161s 3d in 1335. This is consistent with a concerted attempt to extract more money from the manor in 1334, although of course the occurrence of the most substantial payments (heriot and entry-fines) was unpredictable, and the total income from leyrwite was negligible in the overall context (3% of the total in 1334)<sup>45</sup>. It suggests, however, that the enforcement of payment for leyrwite might have little to do either with moral considerations or with the amount of sexual activity.

Those who committed “fornication” were liable to be punished by the church. An ecclesiastical court could inflict corporal punishment, usually including public whipping, on those found guilty, both male and female. Conviction by the church was sometimes given as evidence of leyrwite in a manorial court if there was no pregnancy or childbirth, as at Broughton (Northants).<sup>46</sup> Corporal punishment could be commuted to a money fine paid to the church. North (1986, 8) argues that this is why lords amerced their villeins for leyrwite, because they wanted to deter them from alienating their property (which was legally the lord’s property) to pay the church.<sup>47</sup> He does not really explain why, in that case, it was usually only women who were amerced by the manor court; his claim that women commuted the corporal punishment more frequently is not a sufficient explanation.<sup>48</sup> Furthermore, at Winslow it can hardly have been an issue, since the money effectively went to the same place in either case: the lord of the manor was the Abbot of St Albans, and ecclesiastical jurisdiction belonged to the Archdeaconry of St Albans.<sup>49</sup>

## CONCLUSIONS

Why did women have to pay for leyrwite even if they would not have been expected to pay for licence to marry? The evidence presented here does not support one part of Bennett’s argument, that it was a deterrent meant to stop poor women from producing illegitimate children. Leyrwite at Winslow did not predominantly concern the poor, was not necessarily connected with having children, and did not prevent women from marrying.

The logic of not enforcing merchet on everyone could be that the marriages of the landless did not involve any significant transfer of property, and merchet was in effect a tax on such transfers.<sup>50</sup> Courtship, however, was perceived as delivering material benefits to women through gifts made by men. If courtship did not lead to marriage, leyrwite might be a way of giving the lord a share in those benefits.<sup>51</sup> A broken courtship would not benefit the woman as much as marriage, so the payment was less. Women had to pay for profitable activities such as brewing,<sup>52</sup> and it would be consistent to make them pay for other profits they made. This argument of Bennett’s seems much more consistent with the evidence from Winslow.

One can also look at leyrwite from the other perspective. Why did women who were quite able to marry, some of whom came from the most prosperous families in the community, commit leyrwite? Bennett (1987, 73) believes that most people probably married by their early twenties, but stresses that the “evidence is suggestive, not definitive.” The evidence presented above suggests that women often committed leyrwite in their teens. This might suggest that another function of amercement for leyrwite was to penalise sexual

<sup>45</sup> Jones (1992, 947) notes that on the estates of Spalding Priory the income from leyrwite was negligible and “the Priory did not levy the fine from primarily financial motives.” This is endorsed by Bennett (2003, 136). However, a general instruction to increase income wherever possible would affect relatively insignificant offences like leyrwite because the court had some control over how much it was punished, whereas it had no control over how many people married, retired or died during the year.

<sup>46</sup> Bennett 2003, 133. There is no indication of what (if any) evidence was required at Winslow.

<sup>47</sup> In fact, North argues (1986, 9) that “legerwite” (as he calls it) changed its meaning, and came to mean a fine imposed by the lord on a villein who had made a money payment to the church in commutation of corporal punishment. His arguments, which build on Bennett (1937, 246–7), are used by Leyser (1995, 120), but do not convince Jones (1992, 948) or Bennett (2003, n.63).

<sup>48</sup> North 1986, 13.

<sup>49</sup> As a peculiar of St Albans, Winslow was for example excluded from the jurisdiction of the Buckinghamshire coroners and the Archdeaconry of Buckingham. The Hundred Rolls specify that the Abbot of St Albans had *officium coronator(is)* for Winslow.

<sup>50</sup> Poos 1991, 134 n.4.

<sup>51</sup> Bennett 2003, 155–7.

<sup>52</sup> Amercements for brewing are usually given in the Court Books as totals, not individual sums, but the early entries name individuals. In Nov. 1328 9 out of 46 brewers are women. In some later years, the total is given for the *female* brewers (*braciatrices*).

activity by those deemed too young to marry. North (1986, 14) points to the difference between a temporary liaison, where there was a free choice of partner and no enduring commitment, and marriage, where economic considerations would take priority, at least for those with land. The intervention of the church may sometimes have turned temporary liaisons into marriage, but often people may have been available for a sexual relationship not intended to lead to marriage. This might be discouraged both for moral reasons and because of the danger that such a relationship might be turned into an undesirable marriage. Hence, amercement for leyrwite indirectly helped the more prosperous men in the community to control their daughters' sexual activity and marriage despite the economic independence which those daughters regularly seem to have enjoyed. There is one case (5) where a father sat on the jury that amerced his own daughter.

Razi (1980, 69) links leyrwite to the informal nature of medieval marriage: "Many single women who had intercourse with men might have done so because they were anxious to marry. But as clandestine marriages were very common in contemporary villages, it was quite easy for a man to have sex with a single woman or widow under false pretences and get away with it." In other words, women had sex with men who they thought would marry them. Bennett (2003, 145) makes a similar point: "For medieval peasants, marriage-making was a process, a sometimes lengthy process that blurred the line between marriage and cohabitation and that, if derailed, could render legitimate sexual intercourse illegitimate." Later, the Buckingham Archdeaconry Court dealt with numerous cases where one party argued that a marriage had been contracted and the other party denied it. Bennett suggests that disputes over children's legitimacy may have arisen because of doubts over when a marriage was actually created: by trothplight, sexual intercourse, childbirth or marriage in church. She gives some examples of women who were amerced for leyrwite with someone to whom they were betrothed or with whom they cohabited. In these cases, sex was part of the courtship process, but when the courtship broke down the sex became leyrwite.

The evidence from Winslow suggests that sexual activity outside marriage affected all levels of society, but that the manor court was mainly inter-

ested in it when it involved the more prosperous. It may have been part of a courtship expected to lead to marriage, or unrelated to any expectations of marriage. For most women it was not an alternative to marriage. Punishing it could be seen as a deterrent, and as a way for the older and more prosperous men who became jurors to exercise some control over their daughters in a community where unmarried children often had considerable independence. It was also a convenient, if not very substantial, way of raising revenue for the lord.

## APPENDIX: DETAILS OF WOMEN AMERCED FOR LEYRWITE

Name	Date of leyrwite & amercement <sup>53</sup>	Licence to marry?	Other information	Notes
1. Beatrice Adam	June 1327; pardoned.	Married without licence May 1331; paid 4s.	May 1331: transferred cottage & ½ acre to William Adam and Juliana his wife.	The size of the marriage fine suggests she was from a prosperous family. William Adam (d.1341 holding messuage & 8½ acres, after selling some other land <sup>54</sup> ) was probably her brother.
2. Christina atte Tonne	Nov. 1328; 6d.	May 1338: married William Walter of Adstock, a freeman. June 1339: paid 6d for licence to marry.	May 1337: took reversion of 1 acre & 4 selions after death of Alice atte Tonne. Sold 4 selions to Richard Lombe. Nov. 1340: died, holding 1 acre; husband held by English curtesy.	Alice was presumably Christina's mother or sister. There is no indication of the family's status. John atte Tonne held a half-virgate (1340), but the surname was fairly common.
3. Agnes, daughter of Henry Alwyne	Nov. 1330; 6d.		June 1341: with her son John she bought a cottage in Horwood from Edith, daughter of Matthew le Muleward. She took it over in May 1346 when "Edith Matheu" died. Oct. 1349: when Agnes died, John Alwyne her son claimed joint title.	Henry Alwyne was an occasional juror and died in 1349 holding a virgate. John Alwyne aged 8 was his heir (apparently his grandson). <sup>55</sup> In 1357 "John, son of John Allewyn" was of age to take over Henry's virgate, and sold it to "John Allewyn senior". <sup>56</sup>
4. Juliana Wilkenes	Jan 1332; 6d.	April 1345; paid 2s.	Nov. 1342: amerced 2d for default. May 1344: amerced 4d.	See 22.
5. Agnes, daughter of John Chonneson	Jan. 1332; 3d.	July 1333; paid 40d; surety her father.		John Chonneson was a regular juror; he also had sons Roger (see 17), William, Richard. <sup>57</sup> He died in 1348 holding ½ virgate, but previously held more.
6. Matilda, daughter of Geoffrey Evotesone	June 1332; 6d.		Oct 1327: her father granted her a toft & 1 acre for her life.	The father seems to be "Geoffrey, son of Eve" who d.1328 (heir: his son Richard). The heir paid 40s entry-fine, which was the normal payment for a half-virgate or virgate.
7. Agnes Hobbes of Shipton	Nov 1332; 6d.		Apr 1345: died; held a cottage for life. Heir: William Hobbes.	She seems to be the daughter of William Hobbes who in 1346 divided a messuage and ½ virgate between his surviving children William, John, Robert and Juliana.
8. Matilda Martyn	July 1333; 6d.			She may have been related to Alice, daughter of Richard Martyn – see 34.

<sup>53</sup> The date is that of the court at which the leyrwite was reported.

<sup>54</sup> Two William Adams were active at the same time, so it is not always clear which one is meant.

<sup>55</sup> Henry Alwyne's known children apart from Agnes are Hamon (held ½ virgate), Juliana, Richard (married without licence 1332), John (married without licence 1334; his daughter Agnes paid for licence to marry in 1354).

<sup>56</sup> John Allewyn senior seems to be Alice's illegitimate son, who thus acquired his grandfather's holding. The legitimate heir John was a "fugitive" in 1357, i.e. he had left the manor without permission.

<sup>57</sup> John's heir when he died was his son Richard, but this may be a mistake for Roger.



Name	Date of leyrwite & amercement	Licence to marry?	Other information	Notes
9. Isabella Phippes	July 1333; 6d.			She was probably the sister (or mother) of Agnes Phippes (15). The surname Phippes does not occur elsewhere.
10. Alice, daughter of Richard Surman	Nov 1333; amount not stated.	She was a free tenant, so did not have to pay for licence to marry.	Alice Surman died 1362; she held a messuage, 2 acres and 1 rood of land and 2 roods of meadow as a free tenant. No details of heir.	Richard Syrman was an occasional juror and sold a virgate in 1347.
11. Isabella atte Tonne	Nov. 1333; amount not stated. Aged 16/17.	Paid in 1318/19. Married by 1336 to John Lytelhaukyn.	July 1333: of age [=16] to take the holdings of her mother Agnes, through a fine (including licence to marry) paid in 1318/19. April 1347: her daughter Alice aged 9 inherited 2 messuages and 5 acres from Alice's father John Lytelhaukyn; custody to Isabella. <sup>58</sup> Between Oct. 1347 and Nov. 1352, she sold 5 acres 1 rood of land, and bought 1 acre in Jan. 1352. May 1353: ordered to rebuild house. June 1355: fine for waste waived. Oct. 1357: fined 2d for default. Nov. 1359: sold 1 rood to William Albyn; paid heriot. <sup>59</sup>	There may be a connection with 2 but the surname was common. Isabella must have been an only child or eldest daughter, and does not appear to have inherited anything from her father. <sup>60</sup>
12. Matilda Mundevill	July 1334; 6d; second time. <sup>61</sup>		April 1358: William Scot demised a cottage (formerly John Haukyns') to her until his son John's coming of age.	The only other person with this surname before 1345 is John Maundeville, who is mentioned in 1334 as having alienated ½ virgate to John atte Tonne. This must have been before 1340, when John atte Tonne was in possession, and probably before 1327.
13. Alice, daughter of Walter Hobbess	July 1334; 12d; first time.		Died 1338, holding a cottage.	Her father Walter surrendered 2½ acres 1335–7. His death is not recorded, but Alice's heir in 1338 was her brother John.
14. Agnes Beton	July 1334; 12d; first time.			The surname occurs only for Felice Beton (married without licence 1334) and William Beton (bought 1 acre 1347), so the family was probably landless.
15. Agnes Phippes	July 1334; 12d; first time.			See 9.

<sup>58</sup> Alice is described as "Alice, daughter of Isabella atte Tonne" in Dec. 1362, June 1363, July 1364.

<sup>59</sup> Paying heriot before death indicates that she had surrendered all her holdings.

<sup>60</sup> Presumably it was not her father who had custody of her inheritance until 1333, as he would have kept a life-interest in it as a widower.

<sup>61</sup> Either the first offence occurred before 1327 or she is identical with 6 or 8.

<sup>62</sup> Alice died 1349; her heir was William, son of Richard Adam.

<sup>63</sup> Presumably Christina's entry-fine for her inheritance included licence to marry, although this is not stated.

Name	Date of leyrwrite & amercement	Licence to marry?	Other information	Notes
16. Agnes Est	July 1334; 12d; first time.	June 1339; licence to marry John Adam; paid 2s together.	John Adam died 1341, holding 2½ acres held jointly with his brother William. Oct. 1341: Agnes made a plea of land against William. July 1342: William had died; Agnes made a plea of land against his widow Juliana. The land was granted to John's daughter Alice, aged 1, and custody to Agnes. <sup>62</sup>	She may be related to 20, but the surname E(a)st was common.
17. Christina Porter	Oct. 1334; 12d. Aged 18.	June 1335; Roger, son of John Chonneson paid 10s. <sup>63</sup>	April 1330, aged 14: inherited messuage & ½ virgate from Ralph Warde. Oct 1334: sued her father John Porter for recovery. Apr. 1349: holding described as "messuage and 17 acres" when her husband "Roger Porter" died. Death of "Christina Chonneson who was wife of Roger Porter" recorded at same court. Heir: Alice Baker.	She inherited a half-virgate from (presumably) a maternal uncle, so her mother must have been dead by 1330. Her father is only mentioned in relation to her holdings, so was probably landless himself.
18. Agnes atte Grene	Oct 1334; 12d. June 1339; 6d.		April 1349: died; held a messuage & 4 acres. Heir: relative Geoffrey atte Grene.	Geoffrey was probably Agnes' nephew. His father Geoffrey atte Grene d. 1329, and custody was given to John atte Grene (probably his uncle). The younger Geoffrey came of age in 1340 to hold a messuage and virgate.
19. Christina Wyght	June 1335; 6d. Son born c.1341.	May 1344; married Nicholas Kempe without licence; distrained. Daughter born c.1349.	May 1340: bought curtilage 49 x 63½ feet in Granborough from John of Norton. June 1341: with Richard her son bought chamber 25 x 26 feet from John of Norton. July 1342: with Richard her son bought built plot 11 x 27 feet from John of Norton. Nov. 1361: died holding cottage 9 feet long. Heir: daughter Alice aged 12.	Richard her son was out of tithing 1353, placed in tithing 1354. As "Richard son of Nicholas Kempe" he was amerced for default in 1360. As "Richard Wight" he gradually acquired property from Alice his sister and "Alice widow of William Wight", 1363-5.
20. Joan East	Oct. 1335; 6d.		Oct. 1335: default (sick). i.e. Joan was a tenant.	Cf. Agnes Est, 16. William Est of Granborough, perhaps Joan's brother, was a regular juror and died 1349 holding a virgate.
21. Juliana Symes	Oct. 1335; 6d.			She was probably the sister of Robert Symmes or Neweman, an occasional juror who died 1349 holding ½ virgate. <sup>64</sup>

<sup>64</sup> Robert Symmes was evidently the son of Simon le Neweman (d.1328); when Simon died, custody of his holding was granted to Walter Wilkyn, whose daughter was to marry Simon's son Robert. In 1343, Robert Symmes had Simon's former lands apportioned, and tenants' dues are listed for "Robert, son of Simon le Neweman". In 1347, he brought a case of rent as "Robert le Neweman", with Walter Wilkyn as surety.

<sup>65</sup> Assuming that the brother is also identified as "Henry Wilkynes", he sold another ½ acre in 1332 and ½ acre in 1337.

<sup>66</sup> There were several people called John Hobbes, but this one appears to be Ellen's father.

Name	Date of leyrwite & amercement	Licence to marry?	Other information	Notes
22. Matilda, daughter of William Geffes, also called Matilda Wilkyns	Oct. 1335; 6d. Oct. 1345; 6d; Beadle's surety.		May 1338: joint tenant of a cottage in Horwood next to Chirchelane with sister Juliana, until they marry. Henry sold the reversion to John Kempe in Oct. 1337, repeated May 1338. Oct. 1348: Matilda (alone) held messuage for life; John & Joan Kempe sold reversion to William Terry.	Her brother Henry sold over 16 acres 1329–38, and also held a messuage and his sisters' cottage. <sup>65</sup> Her sister was Juliana Wilkenes, 4.
23. Emma Johanes	May 1336; 6d.			Her surname is presumably a patronymic, and her family cannot be identified.
24. Alice, daughter of William Chicheley	Oct 1337; 1s; surety her father		May 1340: Alice & her brother William received a cottage from their father.	William Chicheley d. 1345 holding 7 acres. His son and heir John d. 1349. John's heir, his brother William, d. 1363 holding 3 cottages & 10 acres.
25. Ellen, daughter of John Hobbes	June 1339; 6d.		Nov. 1361: died, holding a cottage in Winslow. Heir: Margaret Evresdon, aged 5, dau of Richard & Agnes Evresdon.	John Hobbes d. 1341; held ½ virgate; heir: son Robert. <sup>66</sup>
26. Joan, daughter of Walter Perkynes	Dec. 1339; 3d.			Her father d.1357 holding ½ acre. His heir was his son John. He also had a daughter Agnes (married 1341).
27. Agnes, daughter of Walter le Westerne	Nov. 1340; amount not stated.	Oct 1341: married without licence.		Her father surrendered a messuage and virgate to his son John in 1352.
28. Alice Ponteys	Oct 1341; attached. July 1342: leyrwite with Richard Liff; pending. <sup>67</sup>		May 1331: with Alice of Boveton took 1/3 of Geoffrey Scot's holding in Shipton; Alice Ponteys' co-tenancy would end if she married. Jan. 1332: with Alice Boveton took 1½ acres and 1/3 of a curtilage from Geoffrey Scot. <sup>68</sup> July 1342: took reversion of messuage & 4 acres 1 rood from Alice Bovetoun. Reversion to John her son. Apr. 1349: inherited messuage and 2½ acres from Alice Bysne; then died; heir: son John.	Richard Lif held 2 acres for life (1336); defaulted in 1351; had a wife Agnes in 1352. Richard's son John is mentioned in Dec. 1353 as "John, son of William Lyf". John's heir was William Ponteys, who seems to have been his cousin, as he had inherited a virgate in 1349 when he was 16 from his father William Ponteys.

<sup>67</sup> The two entries probably refer to the same act of leyrwite, so the 1342 entry has not been included in Tables 1 and 2.

<sup>68</sup> This seems to have been a repeat of the arrangement made in 1331, but this time Alice Ponteys would not lose her share if she married. The reversion of the property was to go to the heirs of whichever Alice lived longer.

<sup>69</sup> The entry reads: "William Ponteys paid gersum for a messuage, four acres of land and one rood in Schipton, formerly John son of Richard Lyf's". This is presumably Alice Ponteys' holding, so her son was acknowledged as the son of Richard Lyf. William Ponteys was probably his uncle. William held a messuage and virgate when he died in 1361.

Name	Date of leyrwite & amercement	Licence to marry?	Other information	Notes
29. Agnes, daughter of John Haukyn	July 1342; 6d.		Must have died in 1349 or before.	Her father held 2 messuages & 20 acres and a messuage & 9 acres when he died (Apr. 1349). His son John died at the same time. Heir: Walter Wilkyns to the first holding, Walter William to the second (presumably the same person).
30. Eve Colet	July 1342; pending.		Nov. 1343: with Matilda, daughter of William of Wengrave, took messuage & 2 acres from William. Matilda had licence to marry 1337; d. 1349 holding 2 acres; heir: Richard, son of Richard Wengrave.	There were several Colet families before 1349.
31. Agnes Scot	Nov. 1342; 3d.	Married to William Hardpirie by 1351.	Apr. 1349: heir of John Bastard, Chaplain, to messuage, cottage & 13 acres. Sold them to William Carpenter & Joan his wife. June 1351: the sale was repeated (with Agnes' husband) because Agnes was under age and alone when she made it.	If Agnes the heir was under age in 1349 and of age in 1351, she must have been born c.1334, so cannot have committed leyrwite in 1342. Either two different women are meant, or she was not really under age in 1349.
32. Matilda, daughter of William Clerk	Nov. 1342; 3d.			Her father d.1332 leaving 2½ acres. He had a son William aged 7 and widow Alice. He also had a son Ralph and daughter Alice.
33. Alice, daughter of William of Shipton	July 1343; 6d.		Nov. 1342: with her brother Ralph (who was married by Oct. 1345) & sister Ellen, took ½ cottage & 3 acres from their parents William & Christina.	Her father William of Shipton sr was a juror who held 5 acres when he died in 1343. He had already given some property to his children.
34. Alice, daughter of Richard Martyn	July 1343; 6d.			Richard Martyn jr, who must be her brother, controlled at least 29 acres through taking custody of minors in 1349. He was the brother and heir of John Martyn (d.1361) who held a half-virgate and 30 acres. Alice's sister Agnes was amerced for marriage without licence, 1338. 8 Matilda Martyn may be a relative.
35. Agnes Albyn	Nov. 1343; 6d. Apr. 1347; pardoned.	Jan. 1351: paid 12d for licence to marry.		Albyn was the commonest surname in Winslow.
36. Agnes, daughter of John Lombe	Nov. 1343; 6d.			Her father was an occasional juror who d. 1349 holding a messuage and virgate.

Name	Date of leyrwite & amercement	Licence to marry?	Other information	Notes
37. Eve, daughter of William Elyot	Nov. 1343; 6d; distrained.			Her father is not mentioned and seems to have been dead. She had sisters: Juliana (married John May of Shipton, 1336, as his second wife), Isabella, Matilda.
38. Matilda Gybbes	May 1346; 4d.			The only other person with this surname is William Gybbes of Granborough, mentioned from 1328, who surrendered cottage & 1½ acres and paid heriot in 1349.
39. Alice, daughter of Juliana Mayn	Apr. 1347; 4d.			In 1334, as “Juliana widow of John Mayn”, her mother took custody of a messuage & ½ virgate for her son John aged 9. Juliana also took a virgate from Thomas Pieres in 1349 but is not mentioned again.

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