THE VIEW OF FRANKPLEDGE IN THE CHILTERNS

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In 1329, the Earl of Oxford was granted the right to hold a View of Frankpledge for all of Chesham even though he was the Lord of the Manor of only one of the manors in Chesham, albeit the principal one, and in the face of the fact that he had been holding Views for all of Chesham since, at the latest, 1314. Prior to the grant, the concerns of the Views were indistinguishable from those of both the court for Chesham and the manor court that he also held. However, immediately after the grant, at Easter 1330, the Earl held a View that was conducted in a formal and perfectly correct manner. The record of this court is analysed here, and reveals much about how the Earl intended to deal with the unruly, multi-dimensional matrix of communities, tithings and manors situated in the town and scattered hamlets of Chesham. The records of this and other Views held during the fourteenth century are also examined for what they have to tell us about the population of Chesham throughout that century, especially about its size, geographical distribution and fluctuations. The depredations of the Black Death are drawn out, and make clear the smallness of the surviving population and the relatively rapid ensuing recovery. Both these matters raise problems that need solving. The records are also scrutinized for what they reveal about the use of the extensive records kept in the fourteenth century.

Introduction

The frankpledge was a system under which feudal society was divided into groups. Each member of a group was then responsible for the behaviour of each of the others. A group, known as a tithing or a decenna, was based on about ten households, and all the male members of the households aged twelve or more were supposed to belong to the tithing. In addition, there was a head of each tithing, known variously as a tithing man or a capital pledge. The view of frankpledge was a court held to deal with the working of the frankpledge. Its formal responsibilities included ensuring that all eligible males belonged to their tithing and dealing with misdemeanours, the details of which were presented to the view by the relevant capital pledge (For more detail see, for example, Harvey 1999 and Stuart 2004.).

Many accounts of medieval Chesham include the fact that the Earl of Oxford was granted the right to hold a view of frankpledge for all of Chesham in 1329: the reference to the original document authorising the grant is given in the Victoria County History for Buckinghamshire (VCH 1925, 207). This is interesting for two reasons. The first is that the Earl was the Lord of the Manor of one of Chesham's manors. Chesham Higham, and not of all Chesham, so that he had no claim to authority over Chesham as a whole. The second is that, as an examination of Chesham's manorial records shows, the Earl had been holding views of frankpledge for Chesham prior to this date. They had been held in each year from 1314 to 1317 as well as in 1325 and 1328, and it has already been shown that the attendance at these courts was wider than the membership of Chesham Higham (Marshall & Marshall, 2009). There is, in the record of the Manor Court for Chesham Higham held in 1308 (CBS, D/BASM/18/3), a hint that views had been held even earlier and, further, that there had been some dispute over who should hold them. It contains an entry that can be translated as: 'It is ordered to distrain John du Brok to show how and by what right he appropriated the view to himself.' Disappointingly, the matter was never referred to again, and we may presume that the Earl of Oxford prevailed. In fact, it was not uncommon for a powerful Lord simply to lay claim to a view of frankpledge (Crouch 2011, 180).

All the views held before 1329 were combined with an ordinary court for all of Chesham. (The

headings on the records of each of these courts refer to them as a 'Court and View'.) This means that, in the first half of the fourteenth century, the Earl of Oxford was holding courts of three different kinds in Chesham, namely:

- a manor court for his manor of Chesham Higham,
- · a court for all of Chesham, and
- a view of frankpledge for all of Chesham.

In theory, each type of court had its own distinct field of operation, since the concerns of the view of frankpledge differed from those of the two courts and, further, the geographical jurisdiction of the Chesham view and court differed from that of the manor court of Chesham Higham. However, in practice, the various courts all dealt with essentially the same matters. The manor court, for example, on occasion concerned itself with the maintenance of tithings, while the view of frankpledge handled land transfers.

While the reasons for holding the manor court and a view of frankpledge are clear, the same is not true for the court for Chesham. Indeed, the major reasons for holding a court like this with jurisdiction over a large area containing more than one manor do not seem to come into play. Generally, one purpose was to deal with co-operation and conflict relating to agricultural activity in the common fields (Bennett 1960, 49), but there is little sign of this. Another possibility was regulation of the market (Bailey 2010, 142), but there was only ever one presentment relating to the market, so that can scarcely have been its function. It does look as if one of the reasons for holding this court may have been to provide access to the law for those residents of Chesham who may otherwise not have had it.

It was not unusual for a lord to hold several

different types of court in this way and, when it was done, it was not uncommon for the theoretical differences between the areas of responsibility of the various courts to be ignored (Harvey 1999, 44–47). However, the scattered nature of the town and the hamlets of Chesham ensured that the situation in Chesham was as muddled as it could be.

Returning to the view, it seems reasonable to conclude that the grant of 1329 was, in effect, the recognition and formalisation of an already-existing situation. Following the grant, the Earl held a view and ensured that it was focused purely on relevant matters. The earlier, pre-recognition, views had all been held in Easter week, and the view was duly held on the Saturday after Easter, April 14, in 1330 (CBS, D/BASM/18/18). A court for Chesham was also held on the same day but as a separate event, to judge from its being recorded on its own document (CBS, D/BASM/18/19).

THE VIEW OF EASTER 1330

The record of the view held at Easter 1330 is clearly headed 'Chesham View of Frankpledge held there on the Saturday after Easter in the fourth year of the reign of Edward III.' (Fig. 1)

The matters of the court proceeded as follows:

- In the first presentment, the capital pledges paid five shillings and ninepence for the capitage for the year. This consisted of a payment from each person in each tithing. The individual payment was generally referred to as a 'head penny', that is, a payment of a penny per head, but in Chesham the custom was to pay three farthings. The payment therefore consisted of contributions from 92 people or, more precisely, 92 males aged at least twelve.
- The following two cases noted, in turn, that Master John Syfrewast and Master John le

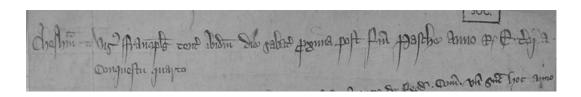


FIGURE 1 The heading of the record of the View of Frankpledge held in 1330

Marchal should have appeared but had not. Their absences were condoned. John Syfrewast was the Lord of the Manor of Chesham's other large manor, which would come to be known as Chesham Bury.

- The next ten presentments dealt with matters that were entirely appropriate for a view of frankpledge, such as the roads, ditches and mills. Roads had been narrowed and blocked in various ways; a ditch had not been kept clear; and the bridges were in need of repair.
- Then came the key presentment. When freely translated, it stated that: 'All the capital pledges of Syfrewast and of the Lord have until Michaelmas to make a roll of all the names of those in the tithings within their lands and to give up the said roll under a penalty of 20 shillings'. With this, and in accordance with the grant of 1329, the Earl of Oxford was proposing to formalise the payment of the capitage for all of Chesham through his own court.
- After this, capital pledges were elected. The
 presentment is shown in Figure 2. Although it is
 not stated explicitly, it seems clear that all nine
 were capital pledges for *feodum Syfrewast*, the
 manor held by John Syfrewast. It is likely that
 two of them were for the town and that each of
 the rest was for one of the hamlets.
- With the next presentment, the names of those in the tithings were recorded. The gist of the wording is: 'The capital pledges present that all those named in the following long list are within the district of Chesham and are not in a tithing here.' They are all then fined, of course. The list contains 88 names, all of males.
- The remaining eight presentments were

concerned with the maintenance of the tithings, and noted those who had left or those who needed to join. Each named a specific capital pledge: they were not the newly elected ones, and must have been those for Chesham Higham who were in place when the View began.

Immediately before this court was held, the Earl of Oxford had the right to hold a View of Frankpledge for all of Chesham. After it, he had, in the form of the roll of names, the detailed information necessary to implement its decisions. With that, he was in a position to exert his authority over all of Chesham, and not just his manor within it.

DISCUSSION OF THE VIEW

Each of the various general issues dealt with by the court raises matters of interest. These are discussed in turn in this section. The court's proceedings reveal not only the jurisdictional confusion noted above but also temporal confusion concerning who was holding office at a particular time. Despite this, the court managed to muddle through. The way it did so is also discussed.

The numbers in the tithings

The capitage presentation shows that the lump sum payment represented contributions from 92 males aged twelve or more. These people belonged to tithings of Chesham Higham, although there is no indication of which ones they were. Now, a tithing, which had to draw on a number of households, would need to be based on a community. In Chesham, communities were to be found not only in the town but also in the scat-

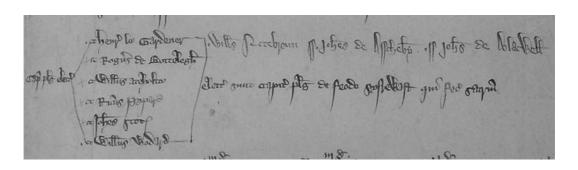


FIGURE 2 The presentment concerning the election of the capital pledges

tered hamlets, so it would have made sense for a tithing to be based in either the town or a hamlet. (In the fifteenth century this was, as we shall see, demonstrably the case.) Now the lands of the Manor of Chesham Higham were also scattered, with some in the town and some in the hamlets, but they did not contain the whole of the town or an entire hamlet. In the light of this, it would seem that a tithing contained those from either the town or a hamlet who were members of the manor of Chesham Higham.

Capitage payments were made at Views held before and after 1330. For each payment that I have managed to find in the period from 1308 to 1467, Table 1 gives:

- the date of the View at which the payment was made.
- the identifying code for the membrane on which the View was recorded,
- the amount paid, and
- the numbers contributing.

Occasionally, the amount paid was not an exact multiple of three farthings: the number has always been calculated by rounding up to the next integer the result of dividing the amount paid by three farthings.

The results are plotted in Figure 3. The plot shows that the number in the tithings was dropping sharply in the early part of the fourteenth century even before the onset of The Black Death. The number would have been at its lowest in the year that the Black Death struck, which was almost certainly 1349. No payments at all were recorded between 1338 and 1390, but the trend of recovery from 1390 onwards is also clear. It took some time for the numbers to approach once again the levels of the early fourteenth century. By 1400 they were barely half way back, but in 1425 they were almost there. The last row of Table 1 shows that they had returned to that level by 1467.

The capitage payment was mentioned at one court during the long gap in which no payments were recorded. In 1350, of all years, at the court held on 13th November (CBS, D/BASM/18/42), the capital pledges were required to make the payments that were overdue because 'they have the names' of the people who should have paid up (and perhaps had done so). The capital pledges were charged with producing the money at the next court, under a penalty of ten shillings, but, of course, nothing happened.

Other Lords

Noting the absence of John Syfrewast and John the Marshal, who held land from the Earl of Oxford, was significant because they were Lords of other Manors and, in particular, because the former was the Lord of the Manor of Chesham's other major manor. Condoning their absence may well have been an act of conciliation to soften them up for the Earl's official take-over of Chesham's View of Frankpledge. In any case, to get their names in the

Table 1	Capitage	payments,	the	dates	they	were	paid	and	the
numbers	paying.								

Date	Code	Amount paid	Number
13 April, 1314	D/BASM/18/7	7s 10d	126
8 May, 1315	D/BASM/18/8	7s 7½d	122
13 April, 1325	D/BASM/18/12	6s 6d	104
April, 1328	D/BASM/18/17	6s 1½d	98
14 April, 1330	D/BASM/18/18	5s 9d	92
18 April, 1338	D/BASM/18/33	4s 71/4d	77
9 April, 1390	D/BASM/18/94	4s 3/4d	65
1 October, 1400	D/BASM/18/96	4s 6d	72
11 May, 1405	D/BASM/18/101	5s 7½d	90
11 May, 1419	D/BASM/18/120	6s 5¾d	105
19 April, 1425	D/BASM/18/128	7s 41/4d	118
13 April, 1467	D/BASM/18/153	7s 11d	128

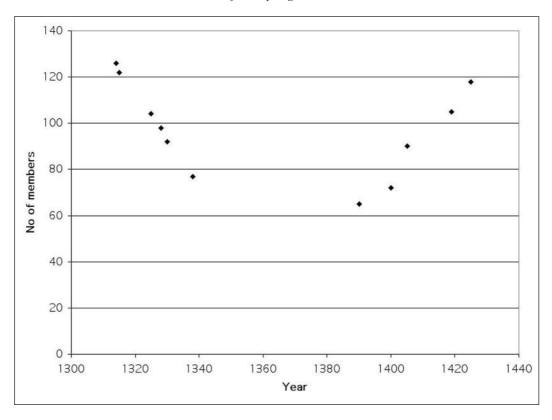


FIGURE 3 The numbers in the tithings associated with Chesham Higham

record in a way that showed their subservience to the Earl was to give him an edge in his dealings with them, and to put them at a disadvantage.

The proper business of a View

The primary purpose of a View of Frankpledge was, in a literal sense at least, the business and the maintenance of the tithings. Tithing maintenance occurred in the final phase of this court's activities, and will be examined later. Much of what did take place in the third phase of activity had to do with the maintenance of either the physical infrastructure or social structures. With regard to physical structures, such as the roads and bridges, people had, variously, burnt fires in the road, erected their pigsties on it, and taken a two-foot wide strip of it into their land. The View did its best to ensure that the roads were kept clear for travel, even though the people of Chesham seem to have had other ideas about their purpose. The millers were responsible for the upkeep of the

bridges across the river Chess, which were all situated close to the mills, and were authorised to charge a toll. But the millers cared as little for the state of the bridges as the others did for the roads, and the View tried to chivvy them to do the necessary work. Concerning social structure, the View ensured that officials were in place for the town and the hamlets, and monitored their activities. At this sitting it reprimanded the Ale Tasters for not carrying out their duties, which included ensuring that ale was of the required standard and was sold at the proper price, elected two new Ale Tasters, and collected the fee from the baker for baking and selling bread.

The Ale Tasters in post when the view started would have been elected at a previously held view, and so their existence at this court shows again that earlier views had been held. In fact, Ale Tasters already existed at the first view that was named as such, that of 13 April 1314. They were Augustine Clement, Walter Broun and John of Cobbemere,

and they were fined threepence each for not carrying out their duties. At the previous court, which was held on 26 September, 1312 and did not call itself a view (CBS, D/BASM/18/6), Walter Broun had been elected Ale Taster for Botley and La Leye (The Lee).

A roll will be made

The Capital Pledges, in common with the Ale Tasters, were elected at a view. If the view of 1330 had been the first, there would have been a logical difficulty in ordering them to do something before they existed. However, as we know, the Earl of Oxford had been holding court-and-views, and even crypto-views for some time, and Capital Pledges did exist. Their election and their presentations are recorded in various courts held before 1330. At least, this is the case for Chesham Higham. There is no evidence concerning *feodum Syfrewast*, and it seems unlikely that John Syfrewast and his predecessors held a manor court.

Anyway, at the point that the Capital Pledges were ordered to create the roll, the only ones that existed were those of Chesham Higham: those for feodum Syfrewast were elected subsequently. And, as for the roll itself, the fact that only the members of feodum Syfrewast had to be enrolled implies both that there was no roll for feodum Syfrewast and that a roll for Chesham Higham already existed. There is one explicit item of evidence to support this assertion. At the Court and View held on 13 April 1325, the proceedings of the court were, for the only time prior to 1330, recorded separately from those of the view. Following the account of the court proceedings, the marginal entry Et visu introduced the view. Here, a good deal of appropriate business culminated in eight presentments in each of which a different Capital Pledge was fined for not having certain people in his tithing. After this, at the very bottom of the membrane, the phrase shown in Figure 4 appears. I take this to be an abbreviated form of Respicium intragio. The first word means 'respite' or 'postponement' and the second can mean 'entry' or 'insertion', so the phrase could be taken to mean 'Break for entry (of new names in the roll)'. There are inevitably other possible meanings, but this would have been an appropriate point to break to make the necessary changes to Chesham Higham's existing tithing roll.

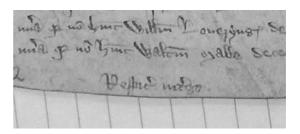


FIGURE 4 The bottom of the membrane with *Respicium intragio*

Election of Capital Pledges

The names of the Capital Pledges for Chesham Higham who were in place at the opening of this court, and who handed over the capitage payment, were not given, but five years earlier, in 1325, the eight capital pledges were Roger the Beadle, John of Prestemere, John atte Dene, Walter Partrych, John Dod, Alan Gamboun, Alexander Fryday and John Partrych. Some of them may still have held office.

Nine Capital Pledges were elected for *feodum Syfrewast*. They were: Henry the Gardener, Roger of Botley, William ate Holte, Richard Pypard, John Scot, William Wodard, William Notebroun, John of Ashley and John of Blackwell (Fig. 2). Now, Chesham Higham had usually had eight capital pledges up to this time, although a ninth occasionally appeared, with two for the tithings in the town and one each for the hamlets. This has been documented by A Vere Woodman (CBS, notebook with BAS code WOO/12). It would seem that at this point, the two parts of the town and each hamlet all had two tithings, with one drawing its members from Chesham Higham and the other from *feodum Syfrewast*.

The first action all the capital pledges had to perform was to create the roll. Ironically, the Capital Pledges for Chesham Higham would have known how to do it, but would not have known who to enrol, whereas the Capital Pledges for *feodum Syfrewast* would not have known how to do it, but would have known who to enrol. The record does not explicitly reveal who did compile the roll, but it does provide clues that suggest how it was done.

The roll

The account of the presentment immediately following the election shows that the capital

pledges presented a list consisting of the names of 88 people who were in Chesham but were not in a tithing. The vast majority of them, 76 in fact, were fined a penny. Clearly Chesham Higham's custom of paying three farthings was not being extended to them. Eight people were fined three pence. No explanation was given, but it looks as if one person from each tithing was given an exemplary fine: as none of them was a capital pledge they may have been, for example, the ale tasters. (Two of the remaining four were fined two pence and two were not fined at all.) A close inspection of the list reveals two things. First, a significant proportion of the names are familiar from this and earlier court records, which lays bare something of the muddled working of the Earl of Oxford's courts. Second, within the list there are several sequences of significant length where the names appear in alphabetical order, as if the list were copied from others that already existed, whether in writing or in someone's memory. It looks rather as if the enrolled list was constructed from lists that already existed for the tithings of feodum Syfrewast.

In any event, we now have a total count for the number of males aged at least twelve in Chesham in 1330. It is 180. Also, as a broad rule of thumb and in the absence of any other guidance, it looks as if we can double the number for Chesham Higham to get the number for all Chesham.

Maintenance

The final eight presentments were a systematic updating of the membership of the tithings of Chesham Higham. They were all presented by a named capital pledge: their names were: Roger the Beadle, John ate Dene, Walter Partrych, John Dod, Alan Gambon, John Partrych and John de Somerton. Roger the Beadle was capital pledge for two tithings and, as his presentations came first, it seems likely that they were the two in the town. Comparing this list with that for 1325 shows that it is almost the same. In fact, six names appear on both lists. Two have not made their way from the first list to the second, and there is one newcomer in the second. It is striking that the names common to both lists appear in the same order.

To summarise from the point of view of the capital pledges, the view began with their capitage payment and ended with their accounts of the states of their tithings. In between, additional capital pledges were elected for *feodum Syfrewast*, after

which a list was made of all the members of their tithings and their capitage payments were assessed. By the end, the problem of how the view was to cope with the complex situation in greater Chesham was solved by appointing two capital pledges, one for each manor, for each distinct community, whether in the town or in a hamlet. This has the feel of a typical piece of English pragmatism, a way of muddling through a complicated and already confused situation.

POPULATION AND LITERACY

The Population of Chesham

Although the capitage payment made at a view gives a good indication of the number of males aged twelve or more, it is likely to be an underestimate. There would have been some who managed not to join a tithing and others who did join but did not pay their capitage. However, it seems safe to assume that the vast majority of those eligible did both belong to a tithing and pay their contribution, as the social cost of not doing so would have made life too difficult for all but those willing to live outside the sphere of normal society. On the other hand, certain individuals do seem to have been listed as members of both manors, so that adding the numbers on the two lists gives an over-estimate of the total population because of double counting. The accepted formula for converting the number of males aged twelve or more to an overall population is to multiply by a number between 2.5 and 3 (Dver 2002, 94). Using the mid-range number of 2.75 as the multiplier, in a spirit of compromise, the 1330 figure of 180 for the number in the tithings generates an overall population of 495. The formula that we can apply similarly to all the numbers in the fourth column of Table 1 is:

Population of Chesham = (Number in tithings of Chesham Higham) * 5.5

In like vein, the numbers on the vertical scale of Figure 3 can be multiplied by 5.5 to give the approximate size of the population of Chesham during the fourteenth century and to show the way in which it fluctuated. It should always be borne in mind, though, that estimates of the population

resulting from the use of this formula are, to put it mildly, rough and ready. The change in population during the fourteenth century obtained in this way is shown in Figure 5. Two curves have been drawn to show, in an approximate way, the general trend of population decline before the Black Death and of recovery after it. It would be wrong to try to fit a single smooth curve to the entire run of data, as the effect of the Black Death was to cause an abrupt discontinuity in the size of the population. The figure suggests that by 1349, and the arrival of the plague, the population had dropped to approximately 330. The generally accepted idea that the plague caused the rapid death of around half of the population in much of England (Hatcher 2009), would have resulted in the population of Chesham dropping to something like 165 or, to put it another way, to about one quarter of what it had been just fifty years earlier. This is represented in the figure by the near-vertical line. This also leads to the alarming realisation that for Chesham Higham the number of surviving males aged twelve or more would have been about thirty. Although there are no

further data until 1390, the subsequent sequence indicates an ever-improving state of affairs so that by 1467, and probably earlier, the population had returned to the level of the beginning of the thirteenth century. By then it had levelled off as if a return to some kind of equilibrium had been achieved. Of course, social conditions had changed considerably in the mean time, not least in that the feudal system had decayed, so that the ceiling to the numbers may have been the result of an intrinsic limit to the numbers that the land could support. The recovery ran counter to the general trend, which has been described thus: 'Throughout England and the continent, population held steady, and may even have slightly declined, in the 150 years after the arrival of the plague' (Aberth 2001, 131). Chesham's relatively rapid recovery becomes even more remarkable when seen in the unpromising context of its rather inaccessible location on marginal land in the Chilterns.

The court records also contain information that shows how the population was distributed. Although all the capitage payments made until

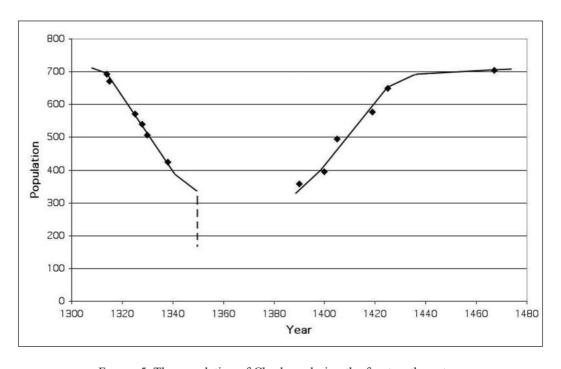


FIGURE 5 The population of Chesham during the fourteenth century

1405 were presented as a lump sum, those made subsequently were paid tithing by tithing. In 1419 and again in 1425 the record gives the name of the capital pledge of each tithing and the amount he paid, but not the location of the tithing. Not until 1467 was the location of the tithing recorded as well. The information concerning the payments made in 1419 and 1467 is summarised in Tables 2 and 3, respectively.

In 1419 there were ten capital pledges, and ten tithings. There is nothing to help explain why there were ten but, assuming two were in the town, there are various possibilities. There could have been a tithing in eight hamlets: these would almost certainly have included the six named in Table 3

and they may have been joined by Hundridge and Whelpley Hill, both of which managed to hold manor courts at one time or another. Equally, one or two of them may have had two tithings, especially if they still retained the two capital pledges they had in 1330: Ashley Green, usually the largest, is the most likely possibility. If we assume that the first two payments listed in Table 2, which were also the largest ones, were for the town of Chesham, then half the population lived in the town. The rest of the population was scattered fairly evenly around the hamlets. It is clear that no more than two of the tithings in the hamlets were really viable. The smallest, that of John Asshe, which might well have been Ashridge, could have

TABLE 2 The capital pledges and payments of the tithings in 1419.

Capital Pledge(s)	Amount Paid	Number
John Payn	2s 3d	36
Thomas Gery	11.5d	16
John Deomande	6d	8
<illegible></illegible>	3.75d	5
Walter Partrych	4.5d	6
John Asshe	3d	4
John atte Well	5d	7
William Grace	4.5d	6
John Puttenham	5d	7
William Cok	7.5d	10

TABLE 3 The locations, capital pledges and payments of the tithings in 1467.

Location	Capital Pledge(s)	Amount Paid	Number
Chesham	John Godyng	4s 1d	66
	Gontherus Charleton		
Botteley	Simon Grynder	10.5d	14
(Botley)			
Assheleygrene	John Flamstede	12d	16
(Ashley Green)			
Belyndene	John Baldewyne	8d	11
(Bellingdon)			
Asshrug	Henry Tokevile	3d	4
(Ashridge)			
Chartrug	William Kele	8d	11
(Chartridge)			
Chesham Water	Peter Doget	4.5d	6
(Waterside)			

consisted of the men of just one family.

Table 3 shows that in 1467 there were eight capital pledges again. The payments for the two tithings in the town were amalgamated. The overall population had increased since 1419, as had the proportion living in the town. The hamlets, with the exception of Chesham Water and Ashridge, had enough men to fill their tithings. Ashridge still appeared to consist of no more than one household.

The use of the Tithing Roll

As shown above, there is evidence for the existence, maintenance and extension of a tithing roll at Chesham from the first third of the fourteenth century. It is, though, one thing to keep a list and quite another to learn how to use it, and there is no real evidence that the roll was ever used in this period. Just as the procedures for maintaining and extending the roll seem not to have escaped from dependence on human memory, so ways in which the roll could be used to improve on the old memory-based ways of proceeding had not appeared. This failure, incidentally, also applies to Chesham Higham's Manor Court records of the period, which also show little sign of having been consulted after their creation. Hatcher has shown that the court records of another manor. Walsham in Suffolk, were used to good effect for the first time in the aftermath of the Black Death to regain control of the manor's affairs (Hatcher 2009, 263). For broader discussions of the issues of keeping records and of then learning to use them, see the books by Clanchy (1993) and Raban (2000).

The first record of the tithing roll having been consulted appeared in the record of the View held on October 1st 1400. A presentment almost at the end of the View begins:

Compertum est per rotulo vocate Deseyn rolle quod ...

This may be translated as: 'It is found from the roll called the Decenna Roll that ...'. What was found from the Decenna Roll, or Tithing Roll, was that sixteen people who should have attended the view had not come. The list of names is broadly in alphabetical order, much as a written list that had been amended over a period of time might be. This and the language of the presentment demonstrate that the absentees had been identified by the systematic use of the Tithing Roll. Finally, at the

dawn of the fifteenth century, a way of using the written record rather than relying on human memory had been adopted.

SUMMARY AND CONCLUSIONS

The Earl of Oxford, the Lord of the Manor of Chesham's principal manor, was granted the right to hold a view of frankpledge for all of Chesham in 1329. The records show that he had been holding such views for at least the previous twenty-five years. They also show that he held courts for all of Chesham and for his manor, and further that the business of all these courts was, by and large, undifferentiated.

At Easter of 1330 the Earl held a view for all of Chesham. It proceeded in standard fashion and, as part of its proceedings, the capital pledges were charged with producing a list of the names of all those in the tithings in Chesham. This is not exactly what they did. In the event they compiled a list of all those in Chesham who were not in a tithing that belonged to Chesham Higham. The list was then included within the record of the view. The reason they proceeded in this way seems to have been that a list already existed of all those who were in tithings of the Earl of Oxford's manor, so that they only needed to list those in the tithings of Chesham's other large manor, that of John Syfrewast. So, given that these tithings already existed and had capital pledges, the appointment of the new, and second, set of capital pledges was essentially a matter of recognising those from Syfrewast's manor. The list of those in the tithings was produced almost at once because Syfrewast's capital pledges knew who was in their tithings. As soon as they were recognised by the Earl's view they were in a position to give it the information it required.

The point of all this court business was to legitimate the Earl of Oxford's authority over all of Chesham in the notably difficult circumstances that, first, Chesham's population lived not only in the town but also in a number of hamlets scattered round it and, second, that the two main manors possessed land in both the town and the various hamlets. The communities in the town and in each hamlet would have contained some men with allegiance to the Earl's manor and others with allegiance to Syfrewast's manor. The entirely pragmatic solution, therefore, was to recognise two

tithings in every community, with one for each manor and each with its own capital pledge.

With the list compiled, the Earl of Oxford had secured a position from which he could influence the whole of Chesham. This is almost certainly what he intended. Although it is not dealt with here, later records show that the application of that influence was to be contested and frustrated.

While the holding of the view could only have increased the Earl of Oxford's potential for raising revenue, the provision of the court for all of Chesham, which had no obvious distinctive function, can be seen as having an altruistic raison d'être in that it provided access to justice to those in Chesham who were not in the Earl's manor, but in feodum Syfrewast, for there is no evidence that John Syfrewast ever held a court of any kind in Chesham.

At certain views held during the fourteenth century and into the fifteenth, including the one held in 1330, a capitage payment was made. Examination of these payments, and of other information presented at the same time, reveals a good deal about the population of Chesham, notably its size, fluctuation and distribution. In particular, it is clear that the population was shrinking before the advent of the Black Death, and some estimate is presented of the smallest size to which the population fell in the immediate aftermath of the Black Death. In fact, the number of surviving males was so small as to make one wonder how the community revived at all. The capitage information also shows how the population recovered, which it did to the extent that it had almost returned to the level of the beginning of the century within 75 years. This recovery was much more rapid than was general in England, and made all the more remarkable by Chesham's somewhat remote location on marginal land in the Chilterns. Again, one wonders what the causes may have been. The records of these views also contain 'unwitting evidence' to demonstrate that, while record-keeping was widespread and systematic in the early part of the century, it took until the end of the century to learn ways of using the records themselves.

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