

# TOWN COURTS AND URBAN SOCIETY

IN LATE MEDIEVAL ENGLAND

1250–1500



EDITED BY  
RICHARD GODDARD AND TERESA PHIPPS

Town Courts and Urban Society  
in Late Medieval England, 1250–1500



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Edited by  
Richard Goddard and Teresa Phipps

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# CONTENTS

List of Illustrations	vii
Contributors	ix
Acknowledgements	xii
List of Abbreviations	xiv
Introduction	
RICHARD GODDARD AND TERESA PHIPPS	1
Jane Laughton: In Memoriam	15
1. Town Courts in Medieval England: An Introduction	
MARYANNE KOWALESKI	17
2. Borough Court Cases as Legal Precedent in English Town Customals	
ESTHER LIBERMAN CUENCA	43
3. The Priest of Nottingham and the Holy Household of Ousegate: Telling Tales in Court	
JEREMY GOLDBERG	60
4. Female Litigants and the Borough Court: Status and Strategy in the Case of Agnes Halum of Nottingham	
TERESA PHIPPS	77
5. Courts and Urbanisation: Jurisdiction in Late Medieval Seignorial Boroughs and Towns	
CHRISTOPHER DYER	93
6. The Business of the Leet Courts in Medieval Norwich, 1288–1391	
SAMANTHA SAGUI	117

7. The Black Death and the Borough Court: The Changing Pattern of Social and Judicial Representation in Late Medieval Lincoln	
ALAN KISSANE	136
8. Justice and Jurisdictions in Late Medieval Chester	
JANE LAUGHTON	156
9. Trust: Business Networks and the Borough Court	
RICHARD GODDARD	176
10. Society, Status and the Leet Court in Margery Kempe's Lynn	
SUSAN MADDOCK	200
Appendix: An Annotated List of Printed or Online Transcriptions and Translations of Medieval Town Courts in Britain to 1500	
MARYANNE KOWALESKI	220
Bibliography	236
Index	259

# ILLUSTRATIONS

## Maps

0.1: Principal town courts discussed in this volume	3
5.1: Medieval Shipston-on-Stour	104
5.2: Medieval Bromsgrove	111
7.1: Lincoln c. 1350	139
10.1: Map of Lynn in the late medieval period, showing the ward boundaries	202

## Figures

7.1: Relationships highlighted by pleas of <i>writ de recto</i>	143
9.1: Nottingham's credit network, 1375–6	182
9.2: John Thory's sub-network	184
9.3: The 'betweenness centrality' measure of the Nottingham network	187
9.4: John Strelley's sub-network	188
9.5: John Samon's sub-network	191
9.6: William Peke's sub-network	195

## Tables

1.1: A comparison of the variety of courts operating in four medieval boroughs	37
1.2: Court fees charged in some medieval English towns	41



2.1: Types of court cases embedded in borough customals, c. 1240–1515	46
4.1: Agnes Halum in the borough court, 1372–1399	82
6.1: Summary of infractions heard by the Norwich leet courts, 1288–1391	133
6.2: Economic infractions in Norwich leet courts, 1288–1391	134
6.3: Court violations in Norwich leet courts, 1288–1391	135
7.1: Status of litigants appearing in pleas of <i>writ de recto</i>	147
7.2: Frequency of electors appearing in pleas of <i>writ de recto</i>	148
7.3: Wealth and status of electors appearing in pleas of <i>writ de recto</i>	148
7.4: The impact of the Black Death on those named as electors in pleas of <i>writ de recto</i>	149
7.5: Status of electors recorded in pleas of <i>writ de recto</i> four times or more	151
10.1: Income by ward from tallage assessments and leet amercements, 1349–1434 (complete and near complete years only)	218

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# ABBREVIATIONS

ACM	Duke of Norfolk's Archives at Arundel Castle
BB	Burwarmote Book, Lincoln Cathedral Library, MS 169
BL	British Library
CCR	Calendar of Close Rolls
CALS	Cheshire Archives and Local Studies
DHC	Devon Heritage Centre
DKR	Reports of the Deputy Keeper of the Public Records
ECA	Exeter City Archives
HMCR	Historical Manuscripts Commission Reports
HRO	Herefordshire Record Office
KLBA	King's Lynn Borough Archives
LAO	Lincolnshire Archive Office
LMA	London Metropolitan Archives
NA	Nottinghamshire Archives
NRA	National Register of Archives
NRO	Norfolk Record Office
SRO	Staffordshire Record Office
SROI	Suffolk Record Office, Ipswich
TNA	The National Archives, Kew
VCH	Victoria County History
WAM	Westminster Abbey Muniments
WCL	Worcester Cathedral Library

# INTRODUCTION

RICHARD GODDARD AND TERESA PHIPPS

The records of medieval town courts survive in archives across Britain. Unrolling these records, often within the local archives spread across England, allows access to a wealth of information on medieval urban society. At first glance, the records document the minute details of everyday life and relationships, and the identities of the people who inhabited these towns – but when examined systematically, they also reveal overarching practices of custom, justice and government within medieval urban communities. They therefore offer unrivalled detail on the experience of urban living in the Middle Ages at all levels. No other records could tell us, for example, whose animals were responsible for destroying their neighbours' gardens, the weapons used in violent assaults, or the typical debt owed for a barrel of herring. These minute fragments are fascinating in their own right, but the nature of these records and their content gain greater significance when considered as part of a whole genre of evidence. By gathering together studies of multiple towns and their courts, it is possible to bring these details into greater focus, and it is this collective analysis which was the rationale behind a workshop and conference held at the University of Nottingham in 2014 and 2015. These gatherings brought together historians and archivists from across Europe and North America to discuss the multifarious ways in which urban communities were administered, how justice was exercised and how disputes – always more numerous in towns – could be peaceably resolved through the forum of the town court or, more commonly, courts. Reflecting the rich value of court records, these symposia produced a range of case studies offering fascinating characteristics and details on a variety of subjects relating to town courts and the societies that they served. This volume brings together a number of these important studies in a collection dedicated, for the first time, to medieval town courts, allowing us to compare and understand town courts, their records, and the wide-ranging subject matter revealed therein, in their broader context.



Due to their voluminous, unwieldy nature, relatively little work has been undertaken on town courts and their records in comparison to English manor courts, despite the volume of surviving records and their value to economic, social and legal historians. There have been a number of important individual studies based on single towns, many of which (such as Richard Britnell's *Growth and Decline in Colchester, 1300–1525* and Maryanne Kowaleski's *Local Markets and Regional Trade in Medieval Exeter*) make comprehensive and notable use of town court records.<sup>1</sup> The present volume brings together research on towns of differing size, status and location, and highlights the wide-ranging subject matter that can be addressed via these records, as well as the methodological challenges, acting as a guide and inspiration for future work to be done on other places. We aspired to model this publication on the seminal *Medieval Society and the Manor Court*, edited by Zvi Razi and Richard M. Smith and published by Clarendon Press in 1996, which is the first stop for historians researching English manorial courts and rural society.<sup>2</sup> By focusing on the urban courts of late medieval England and drawing together studies of a range of places and issues, this volume serves as a counterpart to Razi and Smith's collection.

All of the chapters in this volume illustrate and describe how court rolls – the enrolled, generally parchment proceedings of these courts – might be used by historians from different disciplines in a number of ways, with reference to case studies from across the kingdom (see Map 0.1). Together they demonstrate the great value of these records for the history of a range of aspects of medieval urban society – not just the workings of the law, but insights into the economy, interpersonal relations, crime and misbehaviour, social and community networks, attitudes to women and outsiders, the roles of local officials, property holding, and much else besides. Court rolls also offer historians the potential to identify and learn about a large and diverse number of people who often remain unrecorded elsewhere, particularly the non-elite, women, and marginal groups or individuals. As such, they remain amongst the richest sources for the study of medieval urban society.

The chapters address a number of important themes and questions which are outlined in this introduction. We will first consider town courts as a collective group of jurisdictions, and the extent to which they shared many common features but also held distinct, unique characteristics derived from the context of the community in which they existed. Secondly, following on from this theme of similarities and differences, we address the issue of the courts' jurisdictions within their unique urban context, and in terms of the

<sup>1</sup> Richard Britnell: *Growth and Decline in Colchester, 1300–1525* (Cambridge, 1986); Maryanne Kowaleski, *Local Markets and Regional Trade in Medieval Exeter* (Cambridge, 1995).

<sup>2</sup> Zvi Razi and Richard M. Smith (eds), *Medieval Society and the Manor Court* (Oxford, 1996).

legal issues that these courts were concerned with. Thirdly, we consider the practicalities of court action, through the way that the various chapters in the volume exemplify how justice worked for litigants, the role of officials and the nature of court procedure. Finally, we highlight the value of town courts beyond the direct issue of law and legal practice, by drawing attention to the numerous approaches taken in the study of medieval town court records.



MAP 0.1: PRINCIPAL TOWN COURTS DISCUSSED IN THIS VOLUME

## The Nature of Town Courts: Similarities and Differences

England's medieval town courts and their records shared many common features, including general aspects of their jurisdictions, procedures, the nature of litigation and the style of record-keeping, as the chapters of this volume demonstrate. The courts typically dealt mostly with civil pleas of debt and trespass, were governed and operated by a combination of local officials, had the power to assess damages and extract fines as punishment, and often held policing powers over the behaviour of town residents. We can, therefore, usefully categorise town courts under one jurisdictional grouping. However, detailed examination and comparison of their rolls also highlights the inherently local nature of these courts and their customs, and their distinct lack of uniformity. This is brought to our attention from the beginning of Maryanne Kowaleski's chapter, wherein she points out the difficulties in defining what a 'borough court' actually is, due to contested definitions of what made a place a borough or a town, as well as the wide range of legal forums and jurisdictions that existed in urban settings. It is this fact which both reflects and explains the differences between the innumerable urban courts that existed across medieval England. Furthermore, the category of borough courts often acts as an umbrella for other courts in which civic officials took an authoritative role, particularly leet courts, but also fair courts, staple courts or coroner's courts, amongst many others. Most towns possessed more than one court, each with its own unique name and practices, often administered by particular groups such as guilds or the officials of suburban manors that might be exempt from the jurisdiction of the borough. This volume intentionally adopts a broad definition of 'town court' in order to represent this complexity and variation in urban jurisdictions. This allows us to consider how different jurisdictions fitted together within individual towns. Each court and its procedures were unique to the context of the towns in which they existed, as we will see throughout the volume. But there were also differences that existed within towns, as legal practice developed and changed over time. Over the period studied in this volume, a court's jurisdiction, the type of complaints it heard, its procedures, records, meeting times and venues could all change, as did its officials. This is exemplified in Alan Kissan's chapter on Lincoln. A court in the late thirteenth century might look very different a century later, despite being the same court in the same place. However, survival of complete court rolls over such a long period is rare, thereby obscuring the process of change for historians.

The nature and setting of a town could also account for the lack of uniformity in boroughs and their courts. Not all towns were subject to 'town' courts. Christopher Dyer's chapter illustrates this through a case study of Shipston-on-Stour, a monastic town whose tenure mirrored that of most rural manorial settlements, where the burgesses attended their monastic lord's

manorial court some two miles away. Other towns with royal charters were governed not by seigneurial lords but by groups of officials, often headed by a mayor, and it was these officials who determined practice and procedure in the town's court. The actions of plaintiffs and defendants could also influence the way courts dealt with justice, resulting in differences both between and within towns. As Teresa Phipps concludes, the negotiation or circumvention of formal court customs by the individuals attending them, and choices made by these individuals, all combined to create variable legal experiences for those using these courts. Only by examining the records of legal practice can we access these details. Therefore, whilst town courts often appear similar in terms of procedure, the nature of their records and their survival, on closer examination and comparison it becomes clear that their wide range of jurisdictions and privileges, the often unrecorded vagaries of time and the unpredictable actions of those who used them created considerable variability in the experience of justice for many in English medieval towns. This volume brings together just some of these wide-ranging practices and experiences.

## The Jurisdiction of Town Courts

The collected essays exemplify many of the legal issues that town courts and local officials had the remit to deal with. These generally reflected the key characteristics of urban living: issues relating to trade, ties of credit and debt, interpersonal disputes and violence, urban property holding and the policing of misbehaviour. Each chapter details examples of some or all of these issues, amongst others. However, these concerns were generally not encapsulated under one single jurisdiction. Many urban centres, particularly larger towns, developed a system of multiple overlapping and sometimes competing jurisdictions. Again, the precise nature of these legal networks was specific to the context of each place. Port towns, for example, were home to courts dealing with maritime affairs, while many towns such as Chester and Winchester had exempt or suburban jurisdictions administered by other bodies, either within their boundaries or nearby. Centres that experienced a high volume of outside trade often operated piepowder courts<sup>3</sup> for those visiting traders of 'dusty foot' to settle their disputes during major fairs. This means that any study of town courts is often in fact a study of many courts, not one, in a particular place, as a single court cannot be examined in isolation. This is encapsulated in a number of the essays within this volume, which discuss the competition between courts within towns to attract business in the form of remunerative plaints.

<sup>3</sup> A borough court held on the occasion of a market or fair. These courts had limited jurisdiction over personal actions that took place in the market, especially commercial disputes between merchants.

Samantha Sagui, discussing the leet court in Norwich, explains how the court attempted to ensure that residents attended this court rather than others in competing jurisdictions. Jane Laughton's study of the courts of later medieval Chester reveals the complexity of multi-layered jurisdictions that existed within large medieval towns, and the sometimes physical conflict that could erupt between these enclaves of independent jurisdictions within the city. Christopher Dyer highlights the potential for jurisdictional uncertainty in towns like Bromsgrove, where the lordship of the place was divided between two lords, meaning that townsfolk who might be neighbours were therefore required to attend the different courts run by their differing landlords. This competition for the dispensing of justice (and the profits that it offered) meant that officials and local governments sought to reinforce their authority by entering illustrative cases from borough courts into customals. Esther Liberman Cuenca examines how some of these cases were used as legal precedent to legitimise local customary law and thereby clearly delineate the jurisdictional reach and authority of the court and its officers.

As well as exemplifying the complexities of urban jurisdictions, the chapters in this volume highlight how two particular areas of jurisdiction were of central importance and prominence in the business of town courts: disputes concerning land and commerce. These concerns were central to both townsfolk and local officials. In Lincoln, the 'writ of right' (*writ de recto*) dealt with disputes over land and property. As Kissane shows, these important disputes illuminate the social and judicial structures of the town, and they were recorded in the city's muniments because of the centrality of land to medieval perceptions of status. Likewise, pleas concerning business – especially pleas of debt, but also pleas of detinue, contract and account – were of utmost importance to residents and officials alike, and were the most common complaints brought before borough courts. These pleas served to regulate and enforce commercial obligations within the urban community; the ability to easily and efficiently resolve trading disputes enhanced trust within local trade networks and enhanced business confidence within a town more broadly. In mid-fifteenth-century Chester, Laughton reveals that pleas of debt comprised between 50 and 70 per cent of the complaints dealt with by the city's Pentice court. Cuenca's essay on borough customals highlights the centrality of urban trade to Exeter's officials, who sought to secure their court's jurisdiction in order to reinforce their citizen merchants' privilege of retail trading without paying tolls.

Goddard's chapter demonstrates the centrality of commerce to urban jurisdictions, suggesting that the huge number of debt disputes heard in the borough court, involving many of the town's inhabitants, indicates the vigour of commercial activity in the town. In addition, the social networks revealed by debt complaints highlight the interconnected nature of urban commerce

and the central role played by debt litigation in managing these ties and obligations. One of these Nottingham individuals was Agnes Halum, who Teresa Phipps has found to be involved in (at least) twenty-four pleas of debt and two of detinue over two decades – a figure that highlights the centrality of the local court to everyday life and trade. These characteristics of urban courts reflect the important commercial functions of towns more generally. A court that efficiently and cheaply resolved commercial disputes and disputes over land was seen as pivotal to the prosperity of any late medieval town.

## The Practicalities of Going to Court

Through the wide-ranging subjects addressed throughout the volume, we also gain a detailed insight into how justice worked for litigants, the role that officials took and the nature of official procedure. These procedures were urban society's principal method for dealing with unmet obligations or misbehaviour, and thereby enforcing the role of justice in everyday life. While some of the issues that led people to court may have represented 'hatred' or a complete breakdown in relations, others were more ordinary and everyday – particularly in the case of business disputes.<sup>4</sup> Court rolls can therefore be understood to reflect something of the ordinariness of everyday urban living. We see, through a number of chapters, the various procedures used in a range of personal pleas such as debt, trespass and account, with justice being dispensed by both court officers and inquisition juries. As a result, we gain a sense of the practicalities involved in going to court: when court sessions were held, how a plea was initiated, the various stages of litigation and the potential outcomes. The dispensing of justice by town courts was aided by their central locations, public-facing attributes and wide attendance, as a number of chapters highlight. Sagui locates Norwich's widely-attended leet court at the Tollhus adjacent to the market square; Lincoln's Burwarmote court, Kissane shows, was located in the guildhall above the city's southern intramural gate; and Phipps likewise places Nottingham's borough court in the common hall (also used as the guildhall), which was also adjacent to the weekday market. All of these were geographically central, 'public' locations that also had symbolic and practical centrality within the urban community.

Court records allow us to gain an insight into litigants' experiences of justice and the choices that were available to them from a number of perspectives. In Nottingham, both Goddard and Phipps demonstrate the readiness of local residents to use the court in settling their disputes, including the

<sup>4</sup> Daniel Lord Smail has argued that, in medieval Marseille, use of the law courts was motivated by either love or hatred: *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264–1423* (Ithaca, NY, 2013), pp. 90–2.

acknowledgement of debts. This was undoubtedly characteristic of litigants in courts elsewhere, too. In Lincoln, Kissane shows how community and neighbourhood connections informed litigants' choices in appointing electors in *writ de recto* cases prior to the Black Death, and how the later emergence of a local oligarchy was reflected in these pleas and the narrowing group from which electors were chosen. Litigation underpinned much of the business of seigneurial jurisdictions in smaller towns, too, though residents sometimes resisted the power of their lord and his court. Close attention to individual pleas allows us to examine how these complaints were constructed, sometimes strategically, as they passed through courts and were entered onto their records. Jeremy Goldberg's chapter draws attention to the decisions made by litigants in initiating legal action and narrating their complaints in the course of performing the 'drama' of the legal process.

The role, actions and attitudes of officials were central to the way that each court operated, motivated both by the provision of justice and by the financial perquisites of courts as sources of revenue for urban governments and lords. Sagui argues that the early-fourteenth-century standardisation of court proceedings in Norwich represents an attempt by officials to reinforce their control over the courts and the perquisites they realised. By doing so, this group strengthened their hegemony over local justice. Likewise, Cuenca concludes that the action of embedding borough court cases into town customals as exemplars empowered officers to create customary law that was ultimately enforced by the courts over which they presided. The richness of Chester's surviving court records allows Laughton to examine the official administration of justice in detail, from eminent mayors and sheriffs to lowlier jurors, pledges and attorneys. Indeed, whilst these courts were controlled by a relatively small set of often wealthy and politically active individuals or officials, the volume of records allows changes over time to be perceived, as Susan Maddock's work on Lynn highlights. Sagui also detects changes in the administration of sub-leets, combined with a significant increase in court business – possibly prompted by concerned officials – in the decades following the Black Death.

Court fines generated important revenue for civic governments and urban lords. The range of fees and fines that town courts collected was large, arising from both the processes and outcomes of litigation, as well as punishment for misbehaviour and other offences. Whilst both Laughton and Sagui point out that court fines sometimes remained uncollected or were pardoned, Sagui further demonstrates that fines for trading while not being a member of the franchise were an attempt to safeguard members of the Norwich freedom from unrestricted competition. There was an increase in these types of fines, particularly at the end of the fourteenth century after the Black Death. For Dyer, fines and the courts themselves were instruments of lords' attempts to



control, profit from and administer seigneurial boroughs. The extent of lords' seigneurial control over courts brings some limitations to the study of court records, and Dyer warns us that 'if we focus our attention on the evidence of the courts attended by townspeople, we are in danger of examining urban life through the narrow prism of the lord's documents'. This, along with Goldberg's description of the multiple stages involved in the construction of court records and our subsequent analysis of these documents, serves as a reminder that court records can never be considered a direct window onto urban society. Nevertheless, across all the chapters we see how town courts sought to meet the needs of litigants seeking dispute resolution or compensation for various wrongs, and of officials who closely guarded the privileges of justice and relied on its profits.

## Court Records and the Study of Medieval Urban Society

The value of bringing together different studies and approaches in a volume such as this lies in exemplifying the various ways and approaches by which court rolls can be used in historical research. As well as making detailed use of the court records, many of the chapters examine court rolls in conjunction with other surviving documentary material. In others, one type of court record is examined in isolation. All of these studies are exercises in piecing together and reconstructing the past, though they do so using a variety of methodologies. For example, using Lynn's court and other administrative records, Maddock achieves both spatial and prosopographical reconstruction. The chapter excavates in detail the urban world and family connections of Lynn's most famous woman, Margery Kempe, allowing readers to widen their understanding of her life and book and to place it more fully within its historical context. It is even possible to locate some of the tenements owned by Kempe's family within the town of Lynn. Kissane uses the Lincoln court rolls to investigate attitudes to urban space as well as the community networks revealed by litigation, arguing that those who were chosen by litigants to represent them in court – known as 'electors' – were not only upstanding members of the local community, but also were commonly drawn from the litigant's own neighbourhood. The different types of plaint handled by the courts also allow the lives of ordinary, unexceptional people – like Nottingham's Agnes Halum – to be cast into sharp relief. Taking a different approach, Goddard borrows from the methodology of social network analysis to reveal the networks of Nottingham's business people who traded within, and occasionally beyond, the town. Court records reveal the face-to-face nature of medieval urban living, even in larger cities where, as Goddard's discussion of credit networks in Nottingham suggests, everybody seemed to know everybody else's business.



Court records can also elucidate the attitudes of officials and communities, of interest to social historians in particular. Several chapters discuss attitudes to groups that were marginalised within urban society and had limited rights within their local courts, such as foreigners or women. Whilst the term 'foreigners' in court records often refers to those who were not property holders or burgesses within the town, or those who had not acquired the freedom or liberty to trade within it, some chapters shed light on the interactions of those from outside the kingdom who were more generally known as 'aliens'. Sagui suggests that increasing alien immigration to Norwich, witnessed in the post-plague leet rolls, may well have been perceived as a threat to local traders, but is also evidence of increased long-distance mobility and immigration in the later fourteenth century. Likewise, Maddock discusses the increase in immigrant alien craftsmen – commonly from Flanders – resident in Lynn in the early fifteenth century, who can be located within the various wards of the town.

Women too were active members of the urban community, and their identities are also illuminated by court records. Their legal action was circumscribed by local customary applications of the common law principle of coverture, whereby married women ceased to have an independent legal identity and were instead 'covered' by their husbands. They were not invisible, however, and a number of chapters bring the lives of urban women into focus, thanks to the details contained in the court records. The legal drama and narratives involved in a number of cases featuring women as litigants or the subject of complaints take centre stage in Goldberg's discussion of the construction of court testimonies. Likewise, female litigants feature in Laughton's chapter on Chester, where women could also act as personal pledges, albeit generally restricted to pledging for family members and servants. A few wealthy Chester widows appointed attorneys to act on their behalf, perhaps as a form of legal strategy. However, it is Phipps's prosopographical essay on Nottingham's Agnes Halum which really demonstrates how court rolls can be used to recover the lives and experiences of individual women – in this case a businesswoman – and how these women used town courts to negotiate business and interpersonal relationships, even despite the supposed limits of coverture.

All of the studies in this volume have mined court records in search of detail on a range of subjects, but the different chapters reveal various means of interpretation. Some have looked to uncover historical details, taking the records at face value; some have surveyed records over extended periods, while others have focused on shorter time frames or even individual years; others have discussed overarching attitudes, narratives or conventions elucidated by town court records, paying attention to what this reveals of the contemporary values of those in charge of courts and their litigants. For Dyer, seigneurial boroughs and their courts were venues for feudal enforcement

where the actions of tenants could be regulated and curbed. Goldberg offers an alternative, important perspective on the *mentalités* that might be accessed through a critical approach to reading town court rolls, encapsulated in the way in which particular events and disputes were processed, interpreted and recorded. This interpretation views the creation of the records themselves as distinct historical moments. In analysing the narrative strategies employed by litigants in court and their sometimes fictive or scripted nature, Goldberg argues that the crafting of these cases tells us much about the contemporary values and anxieties of the men and women who regularly used these institutions, and that ‘what really happened’ is in fact out of reach. These are important qualifiers to the more practical and procedural study of court records, reminding us to approach court records with caution, sensitivity and a critical eye.

We also consider further research possibilities that might make use of town court evidence, in the hope that this book might be a starting point for future studies. For example, it is worth remembering that town courts could not solve all disputes. Shipston-on-Stour’s burgesses rejected and abandoned their lord’s court when seeking self-government for the town; they turned instead to the king’s courts, where they felt, no doubt, that they would receive a fairer hearing. This serves as a reminder of the need to place town courts within their wider English legal framework, as part of a network of both local and kingdom-wide jurisdictions.

Within this volume, limited attention has been paid to London – an exceptional case due to its size, status and unique combination of different jurisdictions. Its many courts need to be considered as components of an extensive city-wide jurisdictional apparatus, as well as being contrasted with other urban courts in the kingdom.<sup>5</sup> Furthermore, some excellent work has already been undertaken on London’s courts, a reflection of the city’s command over the historiography of medieval urban Britain, as well as the wealth of surviving records. Matthew Stevens has worked extensively on Londoners in the Court of Common Pleas, a common law court that heard pleas between crown subjects (or ‘commoners’), often relating to trade and commercial disputes, or disputes over land.<sup>6</sup> Likewise, Goddard has studied the statute staple

<sup>5</sup> We are excluding here royal courts such as chancery, exchequer and king’s bench. Pleas were heard in both chancery and exchequer, but these might be more appropriately considered departments of government. However, by the late fourteenth century the chancery did serve two distinct purposes, primarily as a royal secretariat and secondly as a court of equitable jurisdiction.

<sup>6</sup> Matthew Frank Stevens, ‘London’s married women, debt litigation and coverture in the Court of Common Pleas’, in Cordelia Beattie and Matthew Frank Stevens (eds), *Married Women and the Law in Premodern Northwest Europe* (Woodbridge, 2013), pp. 115–32; Matthew Frank Stevens, ‘Londoners and the Court of Common Pleas in the fifteenth century’, in Matthew Davies and James A. Galloway (eds), *London and Beyond: Essays in Honour of Derek Keene* (London,

debt-registration courts, another royal prerogative, of London and Westminster.<sup>7</sup> However, it is London's Mayor's and Sheriff's courts, previously examined by Caroline Barron, that most closely resemble the town courts discussed in this volume.<sup>8</sup> Some of the most exhaustive work on these London courts has been undertaken by Penny Tucker in examining the lawyers and litigants who used them in the fifteenth century, as well as the competition that existed between the London and Westminster courts in their attempts to attract litigants.<sup>9</sup> This volume therefore intentionally turns our attention to some of England's less well-known medieval towns and courts. Future research might benefit from direct comparative examination of London and provincial courts in order to consider the similarities in processes and jurisdiction in the capital and elsewhere. There is also scope for further comparative research on the medieval courts of Wales, Scotland and Ireland – each country having its own unique legal traditions and political context – as well as comparative studies of British and continental courts and the urban societies they presided over.

Other evidence from court rolls might also bear interesting fruit. A study of the goods taken in amercements or in distraint would reveal much about defendants and their standards of living.<sup>10</sup> For example, in Nottingham in 1396, a hosier, William de Sutton, was attached by a Flanders chest (*flaundreskyst*), seized from de Sutton's house in order to compel him to come to court to answer the plea of debt made against him.<sup>11</sup> Concerted analysis of these details would tell us more about the material culture of urban life, the wealth and status of litigants, and the specific tools by which the court sought to deliver justice. Similarly, recent research has considered changes in the languages used in royal courts of equity, particularly parliament and chancery, in the

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2012); Matthew Frank Stevens, 'Failed arbitrations before the Court of Common Pleas: cases relating to London and Londoners, 1400–1468', *Journal of Legal History*, 31 (2010), pp. 21–44. See also Derek Keene, 'Changes in London's economic hinterland as indicated by debt cases in the Court of Common Pleas', in James A. Galloway (ed.), *Trade, Urban Hinterlands and Market Integration c. 1300–1600*, Centre for Metropolitan History Working Papers, Series No. 3 (London, 2000), pp. 59–81; Margaret Hastings, *The Court of Common Pleas in Fifteenth-Century England: A Study of Legal Administration and Procedure* (Ithaca, NY, 1947).

<sup>7</sup> Richard Goddard, *Credit and Trade in Later Medieval England* (Basingstoke, 2016), pp. 198–211.

<sup>8</sup> Caroline Barron, *London in the Later Middle Ages: Government and the People, 1200–1500* (Oxford, 2004), pp. 121–46.

<sup>9</sup> Penny Tucker, *Law Courts and Lawyers in the City of London, 1300–1530* (Cambridge, 2007); Penny Tucker, 'London courts of law in the fifteenth century: the litigants' perspective', in Christopher Brooks and Michael Lobban (eds), *Communities and Courts in Britain, 1150–1900* (London, 1997), pp. 25–42; Penny Tucker, 'Relationships between London's courts and the Westminster courts in the reign of Edward IV', in Diana E. S. Dunn (ed.), *Courts, Counties and the Capital in the Later Middle Ages* (New York, 1996), pp. 117–38.

<sup>10</sup> See, for example, Daniel Lord Smail, *Legal Plunder: Households and Debt Collection in Late Medieval Europe* (London, 2016), p. 35.

<sup>11</sup> Nottinghamshire Archives (hereafter NA), CA 1296/II, fol. 1.

fifteenth century.<sup>12</sup> Town court rolls were generally written in Latin by grammar-school trained scribes and clerks, but we know remarkably little about the language used by litigants, their attorneys and the court's officers during the proceedings. Occasionally, as Goldberg discusses in his chapter, litigants' words were recorded, though they may have been specially scripted to tell a story or convey emotion. In 1323, Ralph de Hockrock, a servant, came to Robert le Mareschal's house in Nottingham to pick up a horse for a job he had been asked to do by his master – but le Mareschal, who didn't seem to know anything about the arrangement, 'called Ralph a false man and a thief and said he came there in order to rob him'.<sup>13</sup> We assume this exchange took place in English outside Robert's house, was then reiterated in the court in some language – English, Anglo-Norman or possibly Latin – and this recapitulation was then recorded and rendered into formulaic court-roll Latin by the court's scribe. It is generally acknowledged that scribes in towns borrowed from formulae used in common law courts (such as trespass 'with force and arms'), but a concerted analysis of this would further enhance our understanding of the relationships between legal knowledge and practice in central and provincial courts, as well as the stages involved in the pursuit of dispute resolution. These briefly elucidated ideas, of course, only scratch the surface. As this book demonstrates, the urban court rolls that survive in considerable quantities in British archives and in print – exemplified by Kowaleski's appendix of edited court rolls – represent a still under-used and potentially very fruitful source for medieval historians studying urban societies.

<sup>12</sup> Gwilym Dodd, 'The rise of English, the decline of French: supplications to the English crown, c. 1420–50', *Speculum*, 86 (2011), pp. 117–50.

<sup>13</sup> NA CA 1258a, fol. 12.