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## A Second Domesday? The Hundred Rolls of 1279?80

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**Author:**

Sandra Raban

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David Carpenter

In March 1279 King Edward I commissioned a great inquiry into landholding in England. The surviving returns were arranged by hundred, hence their name 'the Hundred Rolls', and give a picture of rural society which, in its level of detail, goes far beyond that found in Domesday Book. If this was intended as a second Domesday, it was a superior version of it. The contrast is especially striking when it comes to the description of peasant tenures. Domesday mentioned the number of villeins and cottars in each manor but omitted their names, their obligations and the size of their holdings. The 1279 survey gave all three, both for unfree peasants 'villeins and serfs' and for numerous freeholders who had either been ignored or had not existed at the time of the Domesday survey. As a result, whereas the Domesday survey of Caldecote in Huntingdonshire, transcribed in Raban's book, takes up four lines, the Hundred Roll survey takes up over 50.

Despite its remarkable nature, the 1279 survey never achieved the fame of its older brother. This was partly because late thirteenth-century society was far more used to government inquiries than that 200 years earlier, and thus the activities of the 1279 commissioners went largely unremarked. It was also because nothing was done with the results. Those of the 1086 survey were edited and transcribed into Domesday Book, becoming both an object of awe and a resource of practical value. The rolls of 1279 were hardly edited at all, and seem to have been put to no contemporary use. Today, the returns only survive for a handful of counties across the Midlands and East Anglia, the great bulk having been published in unsatisfactory but serviceable form by

the Record Commission in 1818.(1) Ignored at the time of their making, the rolls have proved a goldmine for modern historians. They were at the centre of E. A. Kosminsky's *Studies in the Agrarian History of England in the Thirteenth Century* (1956), and have since been exploited by all social and economic historians of the period, in particular for the picture they give of the internal structure of individual manors. In my own case, the state of the manors held by Oxfordshire gentry in 1279, as revealed by the rolls, was a major reason why I questioned the hypothesis that the class had been experiencing a severe and prolonged social and economic crisis.(2)

There has, however, been no proper study of the inquiry itself and this is now provided by Sandra Raban's book. The first chapter discusses the 'inquiring culture' of the period and the next ('A second Domesday?') the survey's immediate aims. Further chapters consider how the information was collected and ordered. The story is so well told that one turns eagerly on to chapter five, 'The uses of the rolls?', where the finding that they had little practical application makes the whole gigantic enterprise in some ways all the more intriguing. The final chapter, which provides a detailed description of the surviving material, is particularly valuable in showing just how much has come to light since the 1818 edition. Lucid and scholarly, Raban's book is definitive and will never be replaced.

What then was the purpose of the inquiry? 'Given the tenuous nature of the evidence?', Raban writes, 'the question of Edward's intentions must remain open' (p. 46). That is certainly true when it comes to how exactly the results were to be used, but there seems no similar doubt about the immediate reasons for the inquiry. Whereas no contemporary source explains the aim of the Domesday survey, the aim in 1279 was made absolutely clear in the commissioning writ. There Edward explained that:

Because of various encroachments (*occupaciones*) made on us and others, rich and poor, within our kingdom, in demesne, fees, feudal rights (*feodalibus*), liberties and other things of various kinds, we and other men are suffering, and will suffer, loss. In order that, in future, that which is and ought to be ours and that which is and ought to be theirs may be clear, we commission [the following inquiry].(3)

In other words, as Raban puts it, 'the commission was framed in terms of providing a solution to the losses suffered by the king and 'other men' by means of a definitive record of who held what and where' (pp. 49-50). Raban does not discuss precisely how the record was to be used to do this, and there seems no evidence on the point, but the likelihood must be that, in some way, it was to be appealed to in law cases over disputed lands, rights and services. Here the example of Domesday Book may well have been crucial: Raban is surely right when she says that it is 'plausible' (if 'beyond proof') that Edward had it in mind when commissioning the inquiry (p. 58). The *Dialogue of the Exchequer*, written in the 1170s, thought that Domesday Book was to ensure 'that every man may be content with his own rights, and not encroach unpunished on those of others'.(4) By the 1270s, Domesday was indeed performing something like this function in one specific and widely known area, having become 'the principal source of proof in claims to hold land in ancient demense', claims, that is, made by peasants to enjoy special privileges (including fixed services) because they lived on manors which had, at the time of Domesday, been in the hands of the king. If, however, this was Edward's inspiration, the role he envisaged for the 1279 survey seems to have gone far beyond anything currently performed by Domesday. The latter was appealed to chiefly in ancient demesne cases, the former, so the writ implies, was to be the ultimate source of proof in a whole variety of disputes over land, rights and services, both those involving the king and 'other men'. In the legal and social life of the country the Hundred Rolls were to mark a completely new start. 'In future', as the writ said, everyone was to know what was theirs.

Part of the background to Edward's intentions lay, of course, in his overwhelming belief that the laxity of his father's rule had led to the loss of many things belonging to the crown. Hence the survey of the lands and possessions of the king, and the detailed investigation (commanded by the numerous articles of the 1279 inquiry) into possible royal losses. The Hundred Roll survey is thus closely allied to Edward's *quo warranto*

proceedings and the investigations carried out by the general eyre. Indeed some of the articles of the eyre were re-used for the 1279 inquiry.

Edward, however, was also concerned with the losses suffered by 'other men', and here the inquiry fitted in with his equally urgent priority to reform the realm. The scope of that reform, and the way it was intended to embrace all the king's subjects, is reflected in the detail in which peasant tenures were recorded, and also in the stress on the losses of 'men' 'rich and poor', 'men' being used here pointedly rather than 'freemen' or the even more exclusive 'earls, barons and knights'. It is true that Raban herself sees the space given to peasant tenures in the returns as almost an aberration. They were 'time-consuming to record and of questionable practical value'. They were also, she suggests, not envisaged, or at least not called for, in the original writ (p. 50). But is this last point entirely correct? The inquiry was to be into 'our demesnes, fees, feudal rights, escheats, liberties, and all things touching fees and tenements, and those of others, who holds them, to wit, demesne, villeins, serfs, cottars, then free tenants'. Now it is perfectly true that the 'who' here is clearly the lord, and there is no specific injunction that we are to be told 'who' his tenants were. And yet Raban's translation perhaps rather obscures the detail in which the lord's holdings are to be described. In the Latin text (given by Raban in an appendix) the inquiry is to be into:

*qui ea tenent scilicet in dominico ut in dominico in villanis ut in villanis in servis ut in servis in cotariis ut in cotariis et postmodo in liberis tenentibus ut in liberis tenentibus.*<sup>(5)</sup>

The emphatic repetition here 'in dominico ut in dominico in villanis ut in villanis' and so on is, as Paul Brand tells me, found in other legal documents of this period. The sense of 'ut' is that of 'as' or 'according as', and so one might translate 'in demesne as in demesne, in villeins as in villeins, in serfs as in serfs, in cottars as in cottars, and afterwards in free tenants as in free tenants'. The construction is clumsy, reading better for holding 'demesne as [they hold in] in demesne' than for 'villeins as in villains etc.', but, as Paul Brand puts it, 'the underlying meaning is clear: the king wants a full list of all the component parts of the manor or holding concerned'.<sup>(6)</sup> It was, I would suggest, this clause that prompted, and was intended to prompt, the chapter in the articles of the inquiry which led to the recording of sub-tenures in such detail, the commissioners being instructed there to inquire into 'How many lands and tenements each free tenant, villein or serf or cottar holds in market towns or all other vills and hamlets and from which lords and for what services and for rendering what customs'.<sup>(7)</sup> Thus the recording of peasant tenures, far from being an accidental extra, was a central part of the inquiry.

The returns, as thus conceived, could certainly be used by lords striving to establish the obligations of their tenants, but they might also be appealed to by tenants, free and unfree, trying to resist new impositions of their lords. Indeed, it was precisely peasant appeal to the record of Domesday Book, as we have seen, which may have given Edward the idea for the Hundred Rolls in the first place. That peasants were well aware of the importance of this new record is shown by the way those from Rycote in Oxfordshire objected to their rents of 16s per virgate and were allowed to set out in detail the much smaller burdens in rents and works which, so they 'asserted', had 'anciently' been 'customary', all this getting into the rolls despite the fact that their lord, the knight Fulk of Rycote, was one of the commissioners.<sup>(8)</sup> The peasants of Rycote had evidently succumbed to their lord's demands, but elsewhere in the midlands, as a major new study by Junichi Kanzaka suggests, the force of manorial custom had served to keep peasants rents down below those justified by market forces.<sup>(9)</sup> If so, one can well imagine that peasants were keen to have their rents noted in the definitive record of 1279, and perhaps even hoped that they might be frozen by it. By the same token, one can understand why some lords were reluctant to co-operate with the inquiry, and indeed prevented their tenants supplying information to it, this in sharp contrast to their conduct in 1086 when they were only too keen to have their lands recorded. But then the Domesday record confirmed their title to land without being concerned in anyway with the obligations of their peasants.

If the inquiry was viewed in the way we have suggested, it may help to explain why nothing in the end came of it. Raban, in a meticulous survey of the evidence, shows that the surviving returns are only a portion of

what once existed. My own view is that the inquiry may well have been more or less completed for the whole country. If so, the failure to do anything with it, even to the extent of making the returns manageable and searchable in a series of Books, needs all the more explanation. Essentially the devil was in the detail. Edward and his advisers seem to have had a general idea of a grander Domesday to which everyone could appeal for proof of their rights. A new age of dispute settlement would dawn. But there were two problems. The first was procedural, namely deciding just how litigants could call upon the Hundred Roll record. The second, far more contentious, was deciding who exactly could appeal and in what circumstances. This was the same problem as that faced by Henry II's judges when devising the early procedures of the common law, and they had solved it by excluding the unfree altogether.<sup>(10)</sup> The 1279 inquiry, by contrast, was concerned with the grievances of 'men' in general not just freemen. The implications could be revolutionary. Under the law as it stood, thanks to the definitions of Henry II's judges, the terms on which the unfree held land were the exclusive concern of their lords, who could vary those terms at will, however much in practice they were sometimes constrained by manorial custom. How was the 1279 record to relate to this framework? At one extreme, the unfree might be excluded altogether from appealing to it, at least in any matter concerning their services. But that hardly seems to have been Edward's original intention. It would certainly have been at odds with his vision of an all encompassing royal authority. At the other extreme, all kinds of avenues might be opened up for the unfree to bring cases about their tenures into the king's courts, even to the extent of calling in the survey in support of manorial custom. The consequences of that would have been truly revolutionary. Given the problems of deciding how exactly the Hundred Rolls could meet their stated purpose, it seems hardly surprising that no decisions were ever made, and the inquiry became so much wasted effort, leaving its processes largely unexplored and unexplained until Sandra Raban's splendid book.

## Notes

1. *Rotuli Hundredorum* (2 vols., Record Commission, 1812-18). The returns are in volume two. [Back to \(1\)](#)
2. D. A. Carpenter, 'Was there a crisis of the knightly class in the thirteenth century: the Oxfordshire evidence?', *English Historical Review*, 95 (1980), 721-52; reprinted as ch. 18 of my *The Reign of Henry III* (London, 1996). [Back to \(2\)](#)
3. Raban, *A Second Domesday?*, p. 37, and p. 90 for the Latin text. The writ is found in English calendar in *Calendar of Patent Rolls, 1271-81* (London, 1893), p. 343. [Back to \(3\)](#)
4. This is Raban's translation (pp. 41-2); for alternatives and the Latin text, see *Dialogus de Scaccario*, trans. C. Johnson (London, 1950), p. 63 (new edition with same pagination by Johnson, F.E.L. Carter and D. Greenway (Oxford, 1983)); and *Dialogus de Scaccario*, ed. and trans. Emilie Amt (Oxford, 2007), p. 97. [Back to \(4\)](#)
5. Raban, *A Second Domesday?*, pp. 37-8, 190-1. [Back to \(5\)](#)
6. In an email to me of 6 Aug. 2007. [Back to \(6\)](#)
7. Raban, *A Second Domesday?*, p. 50. [Back to \(7\)](#)
8. *Rotuli Hundredorum*, ii. 757; see Carpenter, *Reign of Henry III*, p. 372. [Back to \(8\)](#)
9. J. Kanzaka, 'Villein rents in 13th-century England: an analysis of the Hundred Rolls of 1279-80?', *Economic History Review*, 55 (2002), 593-618. [Back to \(9\)](#)
10. See P. Hyams, *King, Lords and Peasants: the Common Law of Villeinage in the Twelfth and Thirteenth Centuries* (Oxford, 1980). [Back to \(10\)](#)

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