XIX. *On the Political Condition of the English Peasantry during the Middle Ages.* By THOMAS WRIGHT, Esq. M.A., F.S.A., &c. Corresponding Member of the Institute of France (*Académie des Inscriptions et Belles Lettres*). In a Letter to Sir Henry Ellis, K.H., F.R.S., Sec. S.A., &c.

Read 11th May, 1843.

MY DEAR SIR,

A FEW loose remarks on the political condition of the agricultural population of our island under the Saxon rule, as well as under the sterner oppression of the Norman feudal aristocracy, will, perhaps, not be uninteresting to the Members of our Society. It is a subject which in general has been but superficially treated; the humble cottager, forgotten amid the great events which have appropriated to themselves the page of history, seems to have little claim upon our attention. Yet there were few social movements in which he did not share, at least as a sufferer; and there were many, which, without a knowledge of his true social position, are now but partially understood. It is not generally known that the rural population of England is not only the representative of a class of *slaves*, but that it is originally by blood of a different race from the pure Anglo-Saxon stock.

When we trace back the history of the different tribes of the great Germanic race to the earliest times, we always find society consisting of two distinct portions, freemen and slaves, one portion being the masters, the other the cultivators, of the soil they inhabited. I do not mean to say that this is a peculiar characteristic of the Teutonic tribes, for we find the same state of things among other nations of antiquity, and in Russia a similar division of the population remains to the present day. We have no historical account of the origin of this state of society; but many circumstances combine in leading us to conclude that the division first arose from conquest, that the

cultivators of the land were the remnant of a preceding race which had been subdued by foreign invasion. To these were afterwards added, captives made in warlike expeditions, persons sold into slavery by themselves or by others, and others who were condemned to slavery for offences against the laws.

The word *slave* may, perhaps, not convey a just idea of the state of the class of society to which I apply it; although, in many respects, their position was as much if not more degraded than the slaves in our colonies, in some circumstances they differed from them essentially. We will, therefore, term them *serfs*, a name which has the same signification, but which has been used in a more restricted sense.

The only writer from whom we obtain any information relating to the condition of the German serfs, before the period when the barbarians began to threaten the Roman provinces with their inroads, is Tacitus; and it is remarkable that the description given by the Roman historian at this early date might be applied with very slight alterations to the same class of persons under the Anglo-Saxons. Tacitus concludes some remarks on the passion of the ancient Germans for gambling, by informing us that, when everything they had was lost, they often staked their own liberty on the last throw of the dice, and, if losers, patiently allowed themselves to be bound and sold into slavery. Slaves of this kind, he says, were commonly sold into another tribe, to cover from public view the disgrace of the transaction. The historian then proceeds to observe:—"Their other slaves they employ not in household affairs, as we do, but each one governs his own house and household. His lord enjoins him to pay a certain portion of corn, or cattle, or apparel, as is enjoined [among the Romans] to the *colonus*, and just so much the slave performs. The other duties of the house are the province of the wife and children. It is a rare thing to beat a slave, or to subject him to chains or forced labour. They are accustomed to kill them, not by discipline and severity, but in passion and anger, as they would an enemy, except that in this case they do it with impunity. The freed-men rank not much higher than the slaves; they seldom have any weight in the house, never in the state, except only in those tribes which are governed by kings; for there they rise both above free-born and above nobles. In

the other tribes, the inequality of the freed-man enhances the estimation of liberty.”^a

We know that, among the Romans, the *servi*, or slaves in the strongest sense of the word, were altogether a distinct class from the serfs of the soil, or *coloni*; and it is singular that Tacitus should have fallen into the error of comparing the German serfs with the former, instead of the latter. It appears to me that the explanation of this error must be looked for in a circumstance of considerable importance for the history of the class of men of which I am speaking. I think it probable that in the time of Tacitus the German servile class was in the course of formation, as that race was spreading itself towards the west, and reducing under its yoke the former inhabitants of the lands on which it settled; and, as their numbers were continually increased by captives brought from distant warfare, or by voluntary slaves, such as those mentioned above by this historian, he naturally compared them rather with the slaves, who were continually increasing in number by the importation of new captives, and who might be set at liberty by manumission, than with the *coloni*, who received no such increase, and whose condition could not be changed.

The Roman codes of Theodosius and Justinian afford us a tolerably perfect view of the condition of the *coloni* under the Christian emperors; and I will briefly enumerate their more remarkable characteristics, as affording points of comparison to which we shall afterwards have occasion to refer.^b The

^a Aleam (quod mirere) sobrii inter seria exercent, tanta lucrandi perdendive temeritate, ut cum omnia defecerunt, extremo ac novissimo jactu de libertate et de corpore contendunt. Victus voluntariam servitutem adit: quamvis junior, quamvis robustior, alligari se ac venire patitur; ea est in re prava pervicacia: ipsi fidem vocant. Cæteris servis non in nostrum morem discriptis per familiam ministeriis utuntur; suam quisque sedem, suos penates regit. Frumenti modum dominus, aut pecoris, aut vestis, ut colono, injungit: et servus hactenus paret. Cætera domus officia uxor ac liberi exsequuntur. Verberare servum, ac vinculis et opere coercere, rarum. Occidere solent, non disciplina et severitate, sed impetu et ira, ut inimicum, nisi quod impune. Liberti non multum supra servos sunt, raro aliquod momentum in domo, numquam in civitate, exceptis dumtaxat iis gentibus quæ regnantur; ibi enim et super ingenuos et super nobiles ascendunt: apud cæteros impares libertini libertatis argumentum sunt.—Tacit. German. cc. 24, 25.

^b A very learned dissertation on the Roman agricultural population (Ueber den Römischen

coloni were irremovably attached to the soil (*servi terræ glebæ inhærentes*) ; they could under no pretext quit the domain to which they belonged, and if they ran away, or, as it was expressed, “stole themselves from their masters,” the proprietor could claim and seize them wherever they had settled, or whatever profession they had embraced. The point on which the greatest difficulties arose was the entrance of a *colonus* into the ranks of the clergy ; a first law directed that no *colonus* should be ordained, except in the church of the place where he dwelt, in order that he might have no excuse to quit the ground to which he was attached, or to interrupt the duties to which he was bound by his condition ; this was afterwards altered, and the bishops were forbidden to ordain any *colonus* without the consent of his proprietor ; but it was finally established that a *colonus* might be ordained at will, without his proprietor’s consent, provided that, after he had been ordained, he continued to perform all the duties of his original condition. In certain cases (though much less commonly than the slaves) the *coloni* were subject to chastisement by flogging, a punishment never inflicted on a free man ; this is what the Anglo-Saxon and Frankish laws term *paying with the hide*. The *coloni* were entirely subjected to the judgment of their masters, and were allowed no right of appeal from them, or of action against them, except in two cases—that in which the proprietor exacted a greater rent than had been fixed by ancient usage, and that of a criminal action of public interest committed against them by their patron ; under either of these circumstances the *colonus* could lay his complaint before a magistrate. The *colonus* was capable of holding property, and of transmitting it to his family, but he was not allowed to alienate without his lord’s consent. As I have said before, it appears that the *colonus* could not be enfranchised.^a The security of the *colonus* was, however, protected by certain guarantees ; his proprietor could not separate him from the domain to which he was attached ; he could not be sold, except with the land, and the land could not be sold

Colonat) by Savigny will be found in his *Zeitschrift für geschichtliche Rechtswissenschaft*, vol. vi. Berlin, 1828. M. Guizot, in his *Histoire de la Civilization en France*, tom. iii. pp. 387—398 (edit. of 1843), enumerates the titles of the Roman codes which bear on this subject, and has given a very clear and comprehensive abstract, which I follow, and to which I refer.

^a Such, at least, is the opinion of Savigny, loc. cit.

without him; his proprietor had not even the power of removing him from one domain to another. Again, in the partition of lands, the proprietor was strictly forbidden to separate the different members of a family. The proprietors were also inhibited by law from increasing the tax or rent which the *coloni* owed to them. The latter were subject to the capitation taxes ordered by the state, their proprietor being held responsible for the payment.

As in the case of the Roman *coloni*, so with the German *serfs*, we have no traces of laws fixing or restricting the power of the proprietors over their agricultural dependents before the introduction of Christianity, which constantly exerted itself for their protection. All the earliest codes of barbaric laws must be looked upon as still imperfect attempts, originating in the influence of the clergy to reduce to some standard of justice customs which had been before capriciously neglected or enforced, or to check others which had been in themselves oppressive and unjust. Our first code of Anglo-Saxon laws was made under the influence of St. Augustine; and the few regulations relating to the serfs, which are contained in it, and in the various codes which followed, must probably be regarded as being contrary to the customs by which the law between proprietor and serf was then regulated, until, by degrees, the old customs were superseded by the new laws. This will explain to us why, as the power of the clergy became gradually extended, and people were more accustomed to their interference in such matters, in each succeeding code of laws the articles relating to the condition of the serfs are more numerous and more minute. We also observe that there are many injunctions on this subject in the ecclesiastical canons, where the civil laws did not interfere; where the clergy had not sufficient power to obtain the proscription of an evil custom, they endeavoured to banish it by the censures of the Church.

We can only arrive by deductions at an idea of the component parts of the agricultural or servile class in England in the earlier period of the Saxon rule. The old chronicles tell us that the Angles and Saxons came in such numbers to settle in this island that they left their original country entirely destitute of population; they must therefore have brought with them a servile class of settlers, ready to cultivate the lands that were to be shared amongst them. As the Saxons extended their conquests, the vanquished

Romano-British population was added to the servile class. The change in their condition was much smaller than we are in the habit of supposing. There can be no doubt that the agricultural population, under the Romans, presented the same physiognomy; it was only a Roman *colonus* who changed his lord and became a Saxon *theow*. But the free inhabitants of the cities, and captives of every class, were (perhaps with exceptions) reduced to the same condition.^a We perceive, in this manner, how the rural population differed, at least, in the proportions of its component parts. In the first Anglo-Saxon kingdoms, Kent, Essex, Wessex, &c. the foreign race of serfs, who came in as invaders, must have formed the largest part, perhaps in some districts the whole mass, of the agriculturists; in the later conquests—Mercia, the extreme parts of the Northumbrian kingdom, and the western parts of the island—there must have been a large, and sometimes a preponderating, mixture of the older British population. To the gradual melting together of these races we may attribute much of the difference which is still observed in the physical characteristics of the peasantry of different counties, and, perhaps, some of the variations of dialect.

We may conveniently arrange the Anglo-Saxon laws in two distinct divisions—one, from the sixth century to the earlier half of the eighth, includes the period during which the earlier customs of the different tribes of invaders remained more or less in force, and the different tribes independent of each other, while the second belongs to the period following the union of the older Anglo-Saxon kingdoms under one head. The most common name of the serf, under the Anglo-Saxons, was *theow*, a bond-man. He is sometimes named an *æht*, as being part of his lord's property. A female serf is termed a *wylf*. The earliest name we meet with, as given to this class, is *esne*. The Kentish laws of Ethelbert, promulgated "in Augustine's days," and of Hlothere and Eadric (A.D. 674—726), have a few articles relating to the *esne*, chiefly fixing the proportion of his *bot* or fine, for personal injuries inflicted on others, in comparison with that of freemen. By one of

^a Bede, Hist. Eccl. i. 15, speaking of the ravages committed at first by the Saxon invaders, says, "Itaque nonnulli de miserandis reliquiis in montibus comprehensi acervatim jugulabantur; alii fame confecti procedentes manus hostibus dabant, *pro accipiendis alimentorum subsidiiis æternum subituri servitium*, si tamen non continuo trucidarentur."

the laws of Ethelbert it is enacted that, if a man lie with an [his?] *esne's* wife, her husband being still living, he shall make twofold *bot*.^a Many circumstances combine to show that the unmarried female serfs had no legal protection from the outrages of the lords of the soil. By several articles of the Pœnitential of Archbishop Theodore (of the second half of the seventh century), it appears that the latter were in the habit of using their maiden *theows* as concubines;^b and the Confessional of Ecgbert of York (about half a century later) enjoins to the proprietor who shall infringe the chastity of his female *theow* a fast of one year; in addition to which, if she proved with child, he was commanded to give her her freedom.^c It must be borne in mind that these latter are only ecclesiastical injunctions.

If we may judge by analogy from the laws of the other Germanic tribes of nearly the same period, a *theow* of one lordship could not intermarry with one of another lordship. This provision was necessary, not only to hinder the disputes which would naturally arise between the two lords, but to provide against the division of the members of a family, which had been so strongly condemned by the Roman law. Marriages between *theows* were considered by the Anglo-Saxon laws perfectly legitimate; but there was an exception which the clergy, after the introduction of Christianity, combated with much zeal, and which was probably afterwards laid aside,—not only was the marriage between two persons of servile condition looked upon as rendered void by one obtaining his liberty without being able to free the other, so that the party freed was at liberty to contract a new marriage with one who was free,^e but if a free-born man married a female

^a Gif man mid esnes cwynan ge-ligeð be cwicum ceorle, ii. ge-bete. Leg. Æthel. art. 84.

^b See the Pœnitent. Theodor. xix. 7, 8.

^c Quicumque homo cum ancilla sua coiverit, i. annum jejundet. Si ipsa infantem habuerit, liberet eam, et nihilominus i. annum jejundet.

^e Si servum et ancillam dominus amborum in matrimonio conjunxerit, postea liberato servo vel ancilla, si non potest redimi qui in servitio est, libero licet, sicut quibusdam placet, ingenuo conjungere: sed tamen, juxta sententiam Domini, mœchus probatur, &c. Pœnitent. Theodor. xvi. 32. This and the following article are repeated in the Excerptiones Ecgberti.

theow, either his own or another's, he was at liberty to break the union at his pleasure.^a

The object of this exception was without doubt to enable the freedman to secure the freedom of his children born after the act of manumission. It was a rule in the old law that the offspring followed the caste of the mother (or, as it was expressed, *partus sequitur ventrem*), especially in case the mother were a serf. If, however, the father were a serf and the mother free, this rule was by no means absolute; but the custom varied. We find that at the beginning of the eighth century, in England, if a woman were made free during her pregnancy, the child, begotten before but born after the act of manumission, was invariably a *theow*.^c

The whole tenor of the laws appears to show that the *theow* had no appeal from or action against his master. In the ecclesiastical canons different degrees of penitence are enjoined to those who take from their *theows* the money which they have lawfully earned; ^a to those who slay their *theows* without judgment or just cause; ^e to a lady who beats her female *theow* so that she die within three days; ^f to a free-man who, by the order of the lord,

^a Si quis liber ancillam, aut suam aut alterius, in matrimonio acceperit, non habet licentiam dimittere eam, si ante cum consensu amborum conjuncti sunt. Pœnit. Theodor. xvi. 33. This is, of course, an ecclesiastical injunction, and proves the existence of the custom.

^c Quanquam quis prægnantem mulierem liberam fecerit, infans tamen semper erit servus. Ecgbert's Confessional, cap. 25. A similar declaration is found in one of the manuscripts of Theodore's Pœnitential, xvi. 33. Qui ancillam prægnantem mulierem liberet, quem generat est servus.

^d Non licet homini a servo suo tollere pecuniam quam ipse labore suo adquisivit; si autem fecerit, restituat ei quod injuste abstulit, et pœniteat iudicio sacerdotis. Pœnit. Theodor. xix. 30. Non licet pecuniam suam servo auferre, quam ipse labore suo adquisiverit. Pœnit. Ecgberti, p. 392.

^e Si quis servum proprium, sine conscientia iudicis, occiderit, excommunicationem vel pœnitentiam biennii. Pœnitent. Theodor. xxi. 12. Si homo quis servum suum occiderit, et nullum testimonium habeat eum malefactorem fuisse, sed ex furore suo et incuria eum occiderit, ii. annos jejundet. Pœnitent. Ecgberti, lib. ii. c. 3.

^f Si femina, furore zeli accensa, flagellis verberaverit ancillam suam, ita ut infra diem

kills a *theow*.^a This shows that the secular laws did not restrict the jurisdiction of the lord over his *theows*; that he had power of life and death over them; and that, although they were capable of possessing and being masters of personal property, they were exposed to their lord's violence and extortion. These circumstances answer exactly to the description given by Tacitus of the German slaves. The *theow* thus enjoyed considerably less protection of person from the laws of his country than the Roman *colonus*. In one case alone the law appears to have stepped in between the proprietor and his *theow*, which was when the latter worked on Sunday; according to the laws of King Ina of Wessex (A. D. 688-726) if he worked on the Sunday by his lord's command, the lord lost all right over him, and he became free; but, if he did it without his master's knowledge, he was to "suffer in his hide," that is, he was to be flogged.^b So low, indeed, was the *theow* in the eyes of the law, that his testimony appears not to have been received as a witness;^c and the only trial to which he was subjected was that of the ordeal, by which it is probable that he nearly always proved guilty. From his lord the *theow* received much the same kind of protection as would have been given to a horse or a dog: any one who had received injury from him, must complain to his master, who alone had the right of judging and punishing; he who slew or maimed him, must pay proportionate damages to the master for his loss.

The laws of the kings of the later Anglo-Saxon period—the monarchs and emperors of the whole English nation, as they called themselves—contain few new enactments relating to the *theows*. Among the laws of Alfred there is a very severe statute against rapes committed upon female serfs, which would lead us to conclude that it was a frequent crime.^d One of the laws

tertium animam cruciatu effundat, &c. Poenitent. Theodori, xxi. 13, repeated in Ecgbert's Poenitential, lib. ii. c. 4.

^a Si quis liber, jubente domino suo, servum occiderit, quadraginta dies poeniteat. Capitula Theodori, p. 316.

^b See Ina's laws, cap. 3. Compare on this subject the still more severe laws of Wihtræd king of Kent (A. D. 693-726), cap. 9, 10, 11.

^c Compare Ina's laws, cap. 47.

^d Gif man ceorles mennon to nydhæmede ge-þreatað, mid fif scill. ge-bete þam ceorle and syxtig scill. to wite. Gif þeowman þeowne to nydhæmede ge-nyde, ge-bete mid his eowende.

of Ethelred regulates the punishment to follow the trial by ordeal;^a which, as well as that of Ina against working on Sunday, is repeated in the laws of Cnut.^b By the latter monarch it was also enacted that if a married man lay with his female serf, he should thereby lose all right over her, and she should become free.^c This law appears to show that the serf was supposed to have no will in opposition to that of her master, as no question is made of consent on her part.

During the whole of the Anglo-Saxon period the *theows*, unlike the Roman *coloni* in this respect, were continually receiving accession on one side by the reduction of free-men to slavery, and undergoing diminution on the other by the act of manumission. We have indications of several modes by which a freeman was reduced to the condition of a *theow*. In the first place he was condemned to undergo this degradation in the same way that a modern convict is condemned to the hulks or the galleys. It is enacted in one of the laws of king Ethelred (at the beginning of the eleventh century) that, "if a man who has forfeited his life seek a sanctuary, and thereby gain refuge for his life, let there then be one of three for his life, unless he obtain remission more favourably, the payment of the wer-gild, *perpetual thralldom*, imprisonment."^d There were many crimes for which the statutable punishment was slavery. By the laws of Ina, if a freeman worked on the Sunday, by his own will and impulse, he forfeited his freedom, or was fined sixty shillings.^e By the forest laws of King Cnut, a freeman who struck one of the king's foresters in the performance of his duty, or who killed one of the king's deer, was equally deprived of his freedom.^f A man deprived of his liberty in this manner, was termed a *wite-theow*, or penal-serf. If a *wite-theow* "stole himself," i. e. ran away, he was to be hanged.^g It

Alfred's Laws, cap 25. *If a man commit a rape upon a ceorl's female slave, let him forfeit to the ceorl five shillings, and let the wite be sixty shillings. If a male theow commit a rape upon a female theow, let him forfeit his testicles.*

^a Ethelred's Laws, I. 2.

^b Cnut's Secular Laws, cc. 32, 45.

^c Cnut's Secular Laws, c. 15.

^d Leges Athelredi, VII. 16. (Thorpe).

^e Leges Inæ, cap. 3.

^f Cnut's Constitutio de Foresta, cc. 15, 25.

^g Leges Inæ, c. 24.

appears that the reduction of the parent to *theowdom* in this manner did not affect the freedom of his children.

2. A person sold or submitted himself voluntarily to *theowdom*. This was sometimes done by people in distress, with the object of procuring a livelihood, and at other times perhaps to secure the protection of a master against the pursuit of enemies. There is a singular provision in one of the laws of Ina, which seems intended to hinder a man from escaping justice for a former crime by entering the condition of *theowdom*. "If any man be a *wite-theow*, newly made a *theow*, and he be accused that he had before thieved ere he was made a *theow*, then may the accuser have one scourging at him: let him follow him to the scourging according to his value."^a It appears also that this voluntary submission to *theowdom* only affected the children born afterwards: if a free woman became a *theow* during her pregnancy, the offspring of that birth was free.^b

3. A father had the right of selling his children under a certain age. The limit was the child's seventh year,^c after which the father had not the right of delivering his child to *theowdom* without his consent, and after his thirteenth year his child had the power of selling himself.^d These limits appear to have been fixed by the clergy; who, at the same time, condemned the practice itself. One of the articles of Ecgbert's Penitential forbids a man to sell his own son, or any other person, into servitude.^e The practice, however, certainly continued down to a late period; according to Giraldus Cambrensis, the English, just before the Norman Conquest, sold their children to the Irish, when urged by necessity; and at the Council of Armagh, in 1171, it was ordained that all the English serfs in Ireland (pro-

^a Gif hwylc man bið wite-þeow niwan ge-þeowad, and hine mon betyhð þ he hæbbe ær ge-þeofade ær hine man ge-þeowade, þonne ah se teond ane swingelan æt him; bedrife hine to swingum be his ceape. Leges Inæ, cap. 48.

^b Si prægnantem quis liberam comparat, liber est ex ea generatus. Theodori Pœnitent. xvi. 33 (in one MS).

^c Pater filium suum vii. annorum, necessitate compulsus, potestatem habet tradere in servitium; deinde, sine voluntate filii, licentiam tradendi non habet. Pœnitent. Theodori, xix. 28. Repeated in Ecgbert's Confessionale, c. 27.

^d Homo xiii. annorum sese potest servum facere. Pœnitent. Theodori, xix. 29.

^e See Ecgbert's Pœnitent. lib. iv. c. 26.

bably the descendants of the Anglo-Saxon children who had been thus sold) should be set at liberty, in the belief that the practice of taking English slaves had been one of the causes that drew on the Irish people the wrath of heaven, exhibited towards them in the Anglo-Norman invasion, which had at that time just taken place.^a The power of the father to sell his children was likewise acknowledged on the Continent as well as in England.^b The clergy also strongly protested against the sale of Christian *theows* to Jews or Pagans; and as a reparation, if the *theows* so sold could not be redeemed, they enjoined the seller to buy an equal number of *theows*, and restore them to liberty.

4. Amid the turbulence of unsettled times, men were frequently betrayed or forced into servitude unjustly, and sometimes sold to or exchanged with foreigners. The Penitential of Theodore speaks of persons who seduced others into a different province, and there sold them as their *theows*.^c The laws and constitutions allude to foreign slaves, which are termed in the laws of Ina, *theow-wealas*, and perhaps were the remnants of the subjugated British population. At first they were looked upon as inferior to the Anglo-Saxon *theows*; but in course of time they were probably equalised with them, or nearly so.

We have no evidence that this class of the Anglo-Saxon population paid any direct tax to the king: but a duty, or toll, was exacted for their sale, and perhaps also for their manumission, of which further on we shall have

^a His itaque completis convocato apud Ardmachiam totius Hiberniæ clero, et super advenarum in insulam adventu tractato diutius et deliberato, tandem communis omnium in hoc sententia resedit: propter peccata scilicet populi sui, eoque præcipue quod Anglos olim tam a mercatoribus quam prædonibus atque piratis emere passim et in servitutem redigere consueverant, divinæ censura vindictæ hoc eis incommodum accidisse, ut et ipsi quoque ab eadem gente in servitutem vice reciproca jam redigantur. *Anglorum namque populus, adhuc integro eorum regno, communi gentis vitio, liberos suos venales exponere, et priusquam inopiam ullam aut inedium sustinerent, filios proprios et cognatos in Hiberniam vendere consueverant.* Girald. Cambr. Hibernia Expugn. cap. xviii.

^b See Grimm, *Rechts-Alterthümer*, vol. i. p. 461.

^c Si quis Christianus alterum Christianum suaderit, ac in alteram regionem seduxerit, ibique eum vendiderit pro proprio servo, ille non est dignus inter Christianos requiem habere, &c. *Pœnitent. Theodor.* xlii. 4.

several examples. We are equally in the dark as to the services or contributions which the Saxon *theows* owed to their lords. A passage in the *Colloquium* of Ælfric, published early in the eleventh century, gives some information on this part of the subject. The ploughman is examined by the teacher concerning his occupations:—"What sayest thou, ploughman, how dost thou perform thy work?" The answer is, "O, my lord, I labour excessively; I go out at dawn of day, driving my oxen to the field, and yoke them to the plough: there is no weather so severe that I dare rest at home, for fear of my lord; but having yoked my oxen, and fastened the share and culter to the plough, every day I must plough a whole field (acre?) or more." The teacher continues, "Hast thou any companion?" "I have a boy who urges the oxen with a goad, and who is now hoarse with cold and shouting." "What more doest thou in the day?" "Truly still I do more. I must fill the mangers of the oxen with hay, and water them, and carry out their dung."—"Oh! oh! it is great tribulation."—"Yea, it is great tribulation, *because I am not free.*"^a

The termination of the ploughman's examination shows the compassion with which the Anglo-Saxon clergy, represented in the person of Ælfric, viewed the condition of the serfs. It was in this spirit that they encouraged the practice of gratuitous manumission as an action of merit in the eyes of the Church. Among the early benefactors of the abbey of Ramsey, it is recorded that Athelstan Mannessone manumitted thirteen men in every thirty through all his lands, for the salvation of his soul, taking them as the lot fell upon them, "that being placed in the open road they were at liberty to go whither they would."^b

After the tenth century, and more especially in the years which immediately followed the entrance of the Normans, it was considered safe to have written testimony of manumission, which consisted generally of a brief entry

^a Etiam, magnus labor est, *quia non sum liber.* Ælfrici Colloquium, in Thorpe's *Analecta*, p. 102, 103.

^b Imprimus Æthelstanus Nanvessom (qu. Mannessone) concessit Sancto Benedicto Ramesiæ terram de Chateriz, pro animæ suæ salute, cum dominio et hominibus, etc. . . . Et per omnes terras suas de xxx. hominibus numeratis xiii. manumisit, quemadmodum eum sors docuit, ut in quadrivio positi pergerent quocunque voluissent. *Historia Ramesiensis*, ap. Gale, c. xxix.

in the books of the church where it was performed, with the names of the witnesses. In some of the books given by bishop Leofric to the church of Exeter, in a MS. of the Gospels belonging formerly to the Abbey of Bath, and in one or two other MSS., many of these entries are still preserved,^a from which it appears that there were several means by which *theows* obtained their freedom. As I have just observed, many were freed from feelings of piety. Thus it appears that at Exeter, "on the day when they removed bishop Osbern and bishop Leofric from the old minster to the new one," William bishop of Exeter "proclaimed Wulfric Pig free and sac-less of the land at Teigtune," and "freed him for the love of God and of St. Mary and of all Christ's saints, and for redemption of the bishops' souls and his own."^b Some time previously, "when bishop Osbern consecrated the porch of St. Mary, then Folcard freed there Agelwine his man and his offspring, for the love of Christ and of St. Mary, and for the redemption of his soul, and left him free to choose lordship where he would."^c In the time of bishop William, William Debuz, with the consent of his wife and his son John, "for eternal retribution," absolved of all servitude Edwin Spileman before the justice of Exeter, and "offered him to mother Church in the presence of the bishop and of the clergy and laity, in order that his present freedom, strengthened by the assent of so many, may remain unshaken for ever."^d

^a These are the celebrated Exeter Book, still remaining in the Cathedral (and of which a careful fac-simile is in the British Museum); a Missal of Leofric, now in the Bodleian library; and the Gospels belonging to the abbey of Bath, now in the library of Corpus Christi College, Cambridge. A few entries of manumissions are found in other manuscripts.

^b Her kið on þissere bécc þ̅ Willelm bisceop of Execestre cwæð Wulfric Pig freoh 7 sacc-les of þa lande á Teigtune á þane dæg þe ma dide Osbern bisceop 7 Leofric bisceop of þa gealla minstre inna þ̅ niwe, 7 hine freode for Godes luve 7 Sanctæ Mariæ 7 ealle Cristes halgena 7 for þara bisceopa saule, 7 for his saule to alisednesse. Exeter Book, fol. 5, v°.

^c Her cyð on þisse bec þa Osbern b. halgode Sancta Maria portic þa freode Folcard þær Agelwine his man 7 his ofspring Criste to lofe 7 Sancta Maria 7 his sawle alisednisse 7 let him ceosa hlaford-loc hwær hig wolde. 7 hæbbe he Godes curs 7 ealra halgena þe þis æfre undo. Amen. Exeter Book, fol 6, r°.

^d Noverint omnes tam futuri quam præsentēs quod Willelmus Debuz, consensu uxoris et Johannis filii ejus pro æterna retributione coram justitia Exoniæ Edwine Spileman ab omni servitute absolvit et absolutum provida deliberatione sub præsentia Willelmi episcopi et

Still later, under bishop Rodbert, Ralph Avenel, "in the name of God and for the remedy of his soul and of that of his relations," emancipated "from all chain of servitude," Edric son of Leofwine of Alfinton and his children, "so that from this day and henceforth he be free, and that he remain free as if he had been born of free parents, to go or remain wherever he choose."^a At Bath, Alfric Scot and Agelric Scot were freed "for abbot Alfric's soul."^b At Exeter, Walter, son of Wulfword, freed Athelune "in St. Peter's minster *over his father's body (or tomb)*, for the redemption of his father's soul and his own."^c Sometimes a man, who perhaps had no thews of his own, bought one of another person in order to emancipate him; as was the case with Alfric, canon of Exeter, who redeemed Reinold, of Herberdi, and his children and all their offspring, for two shillings, and Alfric proclaimed him free and sac-less in town and out of town, for the love of God.^d

There are several entries of purchases of serfs, probably for the same pur-

nobilium tam clericorum quam laicorum matri ecclesiæ præsentavit, ut præsens ingenuitas tantorum astipulatione roborata omni tempore maneat inconvulsa. Exeter Book, fol. 5, r°.

^a Noverit ergo præsens ætas omniumque posteritas, quod Rand. Avenel in Dei nomine pro remedio animæ suæ et parentum suorum, coram justitia regis in hundredo civium Exoniæ hunc Edricum filium Leowini de Alfintona ejusque liberos ab omni vinculo servitutis emancipavit, ita ut ab hac die et deinceps ingenuus sit, et ingenuus permaneat, tanquam si ab ingenuis parentibus procreatus fuisset, eam partem pergat vel remaneat quam maluerit, nulli autem hæredum suorum ac pro-hæredum nec cuique personæ aliæ quicquid debeat servitutis vel libertatis obsequium, nisi soli Deo cui omnia subjecta sunt. (Then follow the anathema, and names of witnesses). Exeter Book, fol. 3, v°. This entry is dated in 1143, in the reign of Stephen.

^b Her swutelað on þisse Cristes bec þæt Ælfric Scot 7 Ægelric Scot synd ge-freod for Ælfsiges abbodes sawle to ecan freote. þis is ge-don on calles hiredas ge-witness. The Bath Gospels, printed in Hickes, Dissert. Epistolaris, p. 22.

^c Her kið on þissere bec þæt Waltere Wulwordes sune vreode Apelune inna Sces. Petres mynstre over his fader-lic, his feder saule to alisednisse 7 his. Exeter Book, fol. 4, v°.

^d Her cīð on ðissere bec þæt Alvrice se canonica of Execestre alise Reinold at Herberdi and at his cilden 7 at geal hira ofspringe, mid ii. scill, 7 Alvrice hine clipað freon and saccles a tune and of tune, for Godes lufe. And ðis is seo ge-witness, Joanne Alvrices sune, 7 Nicole, and Ailric, 7 Randolf, Alword Cild, Osbern Clopeles sune, Ricard a Paules stret, 7 Ricard þeod. One of Leofric's books, in the University Library, Cambridge, described in Wanley, p. 152.

pose, though it is not expressly stated. At Exeter, Teolling bought Alword Stamera and Edwin his brother of Coluwine for seven mancuses, to cover the price and the toll;^a Bruning son of Cola bought Roting of Colewine and of Leofa, free and sac-less out of "Sceftbeara;"^b and Leofwine the Londoner and Ealdgith his wife bought Alfhilda of Tovy for four and sixty pennies, "and Alfric Hals took the toll in Tovy's house into the king's hand."^c

It appears to have been very common for a *theow* to save sufficient money to buy his own liberty and that of his family. At Bath, Alfric the Red, one of the *theows* of the abbey, bought himself of the abbot Alfsige and the convent for one pound.^d At Exeter, Huscarl redeemed himself with forty pennies, and we afterwards find him a witness to other acts of manumission. Leofwine, son of Feala, bought "himself and his offspring" of Wulfword, son of Alfric, in St. James' church, for half a pound, "he and his offspring to be at liberty to choose themselves masters where they would."^e Godwin Blaca bought himself and his wife and offspring of William Hoseth,

^a Her kyð on þissere bec ꝥ Teolling ge-bohte Ælword Stamera 7 Edwine his broðor æt Coluwine to vii. mancson to cepe 7 to tolle. Exeter Book, fol. 6, r°.

^b Her cyð on þissere bec ꝥ Bruning Cola sunu ge-bohte Roting æt Colewine 7 æt Leofa freoh 7 sacleas ut of Sceftbeara, on Særla ge-wytnisse þæs portgereva, 7 on Huberdes, 7 on Ælwerdes, 7 on Ælgares Paiardes, 7 on Wyllelmes his suna. 7 hebbe he Godes curs þe þis æfre undo. Amen. Exeter Book, fol. 6, r°.

^c Her kyð on þissere bec ꝥ Leowine Lundenisca 7 Ealdgið his wif ge-bohton Ælfilde æt Tovie to feower 7 sixtuge penegon, 7 Ælfric Hals nam ꝥ toll innan Tovies bure for þæs kynges hand. 7 her-to is ge-witnesse Roðfalin p., 7 Ailword diacon, 7 Alwine diacon, 7 Dunstan Peoning. Exeter Book, ibid.

^d Her sutelað on þissere Cristes bec ꝥ Ælfrig se red hæfð ge-boht silfne ut æt Alsige abb. 7 eallum hirede mid anon punde. þar is to ge-witnes eall se hired on Baðan. Crist hine ablende, þeis ge-writ awende. Bath Gospels, C.C. Col. Camb.

^e Her cyð on þissere bec ꝥ Huscarl lisde hine silfne wið Ealuwb . . . mid .xl. p. on Godwines ge-witnesse p. 7 on Alwordis portirefa, 7 on Ealdrides his suna, 7 on Osbernes, 7 on Walteres his broðra, 7 on Sæmæris; 7 Godwine p., 7 Swegn, 7 Wulfet namon ꝥ toll for þæs cinges hand 7 for Særlas þe þa was portigerefa. Godes curs he habbe, þe hit æfre undo. Amen. Exeter Book, fol. 6, v°.

^f Her cyð on þissere bec ꝥ Leowine Feala sunu bohte hine silfne 7 his ofspring æt Wulfworde, Alfrices sunu, æt Jacobes cyrca to healfre punde, on Willelmes ge-witnesse preostes,

for fifteen shillings.^a Edwy, son of Beornege, "in the time of king Edward," bought "himself and his wife and child" of Hunewine, son of Hega, "out of Toppesham land,"^b i. e. the manor to which he was attached in servitude. Sometimes a woman redeemed herself, as at Exeter was the case with Edith, the daughter of Leofric Locce, who bought herself and her offspring for four and twenty pennies.^c The "offspring" is here doubtlessly specified as a provision against any claim which might be set up against children born of her afterwards, on the pretence of their belonging to the original condition of their mother. Sometimes a man appears first to have bought his own freedom, and afterwards to have purchased successively that of the other members of his family. At Bath, Edric of Fordham bought his daughter Segiva of Alfsige the abbot and the convent of Bath, "to everlasting freedom and all her offspring."^d

It appears from other entries of manumissions at this period, that a free-man very frequently redeemed a female *theow*, previous to contracting marriage with her. We have instances at Exeter, where Gosfrey, son of Feala,

ȝ on Godwies pr., ȝ on Arnoldes pr., ȝ on Edwines pr., ȝ on Bartholomeus Floheres suna, on Floheres, ȝ on Algares Pagardes, ȝ on Cona ȝ Algares Leoflæde suna, ȝ Haim ȝ Oter Dirlinges sunu, Edwacer, Agelword Alfstanes sunu, Osber . . . Alwordes sunu, Alfsta on Wunforda, Edwi Nobol . . cing, Agelword Pudding diac. ȝ on ealles þas hundredes on Excestre, to ceosende him hlaford ȝ hig ofspring swa hwær swa hig woldon. Alword portgerefa ȝ Alwine Dirlunges aþum fungon to þam tolle for þæs cynges hand. ȝ habbe he Godes curs ȝ ealra halgena þe þis æfre undo. Ib.

^a Her kyð on þissere bec þ Godwine Blaca bohte hine sylfne ȝ his wyf ȝ his ofspring æt Willelme Hosethe mid. xv. scill. Leofric's Missal, in the Bodleian Library, as printed in Hickes' Diss. Epist. p. 13.

^b Her kyð on ȝys bec þ Edwy Beorneges sunu lysde hine and his wif and his cild on Edwerdes dæge cynges æt Hunewine Hega suna ut of Toppesham lande. Ib.

^c Her cyð on þissere bec þ Ediþ Leofrices docter Locces bohte hi silve ȝ hire ofspring at Hul . . . to .iiii. ȝ .xx. p. on Willelmes ge-wittnisse stiwerdes, ȝ on Agilwerdes Wudinges, ȝ on Edmeres preistes, ȝ on Edwies Hreawa sun., ȝ on Huscarles, ȝ on Algeres þr . . ge Godwines preost. ȝ on Leowines Lundeniscea. ȝ habbe he Godes curs ȝ ealra halgena þe hit æfre undo. Exeter Book, fol. 6, v°.

^d Her swutelað on þisse Cristes bec þ Edric æt Fordan hæfð ge-boht Segifu his dohtor æt Ælfsige abb. ȝ æt þam hirede on Baðan to ecum freote ȝ ealle hire ofspring. Bath Gospels, in C. C. C. Camb.

bought Edith, daughter of Edwy, for ten shillings, free and sac-less out of Wunford ; ^a Regenere bought Alfrida of Reginald the monk, at Quick, with five shillings, “ free and sac-less on the land of Quick to be in freedom ; ” ^b and “ Liveger the baker at Exeter redeemed a woman named Edith, daughter of Godric Cocraca, out of Clist-land, of Gosfrey Bishop, for thirty pennies ever more free and sac-less, she and all her offspring, and Gosfrey Bishop was lord over Clist-land in those days ; and thereto is witness Colswein, and Roger de Buin, and Herebert de Clist, and Edric Onion. And whoever undo this, may he have God’s wrath ever without end. Amen.” ^c This last case is curious, because in the same manuscript we find the entry of a trial where a subsequent lord of Clist-land endeavoured to establish his claim to Edith after she had become Liveger’s wife. “ Here is made known in this book, that Hubert of Clist bought an action to claim a woman named Edith, the wife of Liveger, unjustly, because Liveger bought her freedom of Gosfrey Bishop, as a man ought [to make] free woman, and as it was right in those days for every free man, with thirty pennies ; and Hubert lost the woman for his unjust action then and evermore, her and all her offspring. And thereto is witness William de Buhuz, and Ruold the knight, and Osbern Fadera, and Humphrey de Tetteburn, and Alword the portreeve, and John the knight, and Ralph Folcard. And this cause was debated in the house of William de Buhuz at Exeter.” ^d

^a Her kyð on pissere bec þ Gesfræg Feala sune ge-bohte Gidið Edwiges docter æt Alpsta on Wunforda ȝ at Neæle pinceune to .x. scill. freoh ȝ sac-les ut of Wunforda, ȝ Gyldeberd portgerefa nam þ toll far þas kinges hand, &c. Exeter Book, fol. 4, v°.

^b Her kið on pissere bec þ Regenere bohte Alfriðe at Regenolde þam muneke at Cuicu wið .v. scill. freoh ȝ sac-les uppan Cuiclande to beonde on fridome, on Edmæres ge-witnesse p. ȝ on Edwines þas ge-reva, ȝ on Rodberdes, ȝ on Agelrices at Stanlince, ȝ on ealles þas hundredes on Cuicu, ȝ Alfric Hals nam þ toll. ȝ habbe Godes curs þe hit æfre undo. Amen. Exeter Book, fol. 6, r°.

^c Her kyp on pissere bec þ Liveger se bacestere on Excestre alysyde an wifman Ediþ hatte Godrices dohter Cocraca ut of Clist-lande at Gosfreige Biscoepe to .xxx. p. æfre má freoh ȝ sacc-les heo ȝ eal hire ofspring. ȝ Gesfreig Biscoep wæs hlaferd ofer Clist-land on þam dagum. ȝ þær-to is ge-witnis Colswein, ȝ Roger on Buin, ȝ Hereberd on Clist, ȝ Edric se cipa. ȝ se þe þis undo hæbbe he Godes wræðe a butan ende. Amen. Exeter Book, ib.

^d Her kyp on pissere bec þ Huberd on Clist cræfede anne wifman þe Edit hatte Livegeres

We might easily point out other causes which led to the manumission of the theows. By an entry in a MS. written likewise about the time of, or soon after, the Conquest, at Durham, we learn that a lady freed some theows "whose heads she had taken for their meat in the evil days,"^a which would appear to signify that under some circumstances of public suffering they had made themselves her theows, in order to secure protection and sustenance.

It will be observed that the forgoing entries of manumission, although written in Anglo-Saxon, are of a date posterior to the Norman Conquest. It is also remarkable that in every instance the name of the serf manumitted is Saxon, and that the seller only is sometimes a Norman. It is probable, indeed, that the servile portion of the population remained much in the same condition as before for a long period after it had changed its masters. The enactments of the Conqueror on this subject are very brief: he prohibits any man being sold "out of his country," i. e. removed from the land on which he was born; directs that, "if any one have the intention of liberating his serf, he shall deliver him by the right hand to the sheriff in full court, that he shall then proclaim him quit of the yoke of servitude by manumission, and show him free ways and doors, and give him free arms,

wif, mid unrihte, for þam Liveger hig alisde ut at Gosfreige Bisceope eal swa man sceolde freohne wifman, ⁊ eal swa hit hriht wæs on þam dagum ælcne freohne man, wiþ .xxx. p. ⁊ Huberd wæs leosende þære wifmanne for his unriht cræfinge þá ⁊ æfre m[a], hig ⁊ eal hire ofspring. ⁊ þær-to is ge-witnis Willm. de Buhuz, ⁊ Ruold se cniht, ⁊ Osbern Fadera, ⁊ Unfreig de Tettaborna, ⁊ Alword portereva, ⁊ Johan se cniht, ⁊ Rau Folcard. ⁊ þeos spæc wæs innan Willelmes bure de Buhuz on Excestre ge-spæce. Exeter Book, fol. 4, v°.

^a Geatfleda geaf freols for Godes lufa ⁊ for heora sawla þearfe, þ is Ecceard Smið, ⁊ Ælstan ⁊ his wif, ⁊ eall heora ofspring boren ⁊ unboren, ⁊ Arcil, ⁊ Cole, ⁊ Eoferð Aldhunes dohter, ⁊ ealle þa men þe heo nam heora heafod for hyra mete on þam yflum dagum, swa hwa swa þis awénde ⁊ hyre sawla þises bereafie, bereafige hine God Ælmihtig þises lifes, ⁊ heofona rices, ⁊ sy he awyrged dead ⁊ cwic áá ón ecnysse. ⁊ eac heo hafað ge-freod þam þe heo pigede æt cwæs Patrike, þ is Ælfwald, ⁊ Colbrand, Ælsie, ⁊ Gamal his sune, Eðred Trede-wude, ⁊ Uhtred his steop sun, Aculf ⁊ þurkyl ⁊ Ælsige, hwa þe heom þises bereafie, God Ælmihtig sie heom wrað ⁊ see. Cuðberh. MS. Cotton, Domitian VII. fol. 43, r°.

namely a spear and sword, after which he shall be free ;” and he further orders that serfs who have remained unclaimed in a city, borough, walled-town, or royal castle, a year and a day, shall from that day for ever be free.^a It is probable that all these were Anglo-Saxon-customs : the form of manumission appears to be the same as that observed by Athelstan Mannesson, before mentioned ; and that the last of these laws of William the Conqueror was also Anglo-Saxon is rendered more than probable by the circumstance that it is found among the earlier German laws, on the continent.^b The laws of King Henry I., which contain many regulations relating to the serfs, are likewise a mere compilation from the older Anglo-Saxon laws, with a few variations.

But the Normans brought into England sentiments towards the servile class different in many respects from those of their Anglo-Saxon masters, to understand which we must again look back to the period of the dissolution of the Roman empire. When the Franks settled permanently in the Gallic provinces, the Roman *coloni* not only remained on the land and formed the whole mass of the servile population, but the Roman laws relating to them were at least nominally adopted, even so far as to keep up the nominal distinction between the *coloni* and the slaves. In reality, however, the Franks looked upon this class as a conquered race, and they were treated apparently with much greater contempt and indignity than the Anglo-Saxon *theows*. Not only the *coloni* and the slaves, but a large portion of the free Roman population also, were reduced to one condition, and the laws which should have protected them against their masters soon fell into disuse.^c The Normans, who again came as conquerors, regarded their Frankish serfs with still greater disdain than the Franks themselves had done. The oppressions under which the peasantry of Normandy suffered in the latter part of the tenth and the beginning of the eleventh centuries, goaded them into frequent insurrections, which rendered still more intense the hatred of their

^a William's Laws, III. 15, 16.

^b See Grimm, *Rechts-Alterthümer*, vol. i. p. 336.

^c On the condition of the Frankish serfs, see M. Guizot's *Histoire de la Civilization en France*, tom. iv. Leçon viii.

lords. One of these insurrections occurred in 997, and appears to have been very general, and skilfully organised: the insurgents demanded nothing less than a complete exemption from servitude, but they were defeated by the nobles, and punished with horrible atrocities.^a Another insurrection of the peasants against their lords, less extensive and equally unsuccessful, happened in Brittany in 1024.^b The gradual establishment of the feudal government, which began at an earlier period on the Continent than in England, rendered still more miserable the condition of the agricultural class.^c

These feelings of hatred and contempt for the peasantry were brought into our island by the Norman barons in the latter half of the eleventh century. The Saxon laws and customs continued, but the Normans acted as the Franks had done towards the Roman *coloni*: they enforced with harshness the laws which were in their own favour, and gradually threw aside or broke through those which were in favour of the miserable serf; they reduced the freer and wealthier portion of the agriculturists to the same footing with the poorest, and destroyed, or at least diminished, the security which the theow had previously enjoyed for his personal goods.^d The

^a Gulielm. Gemmitic. lib. v. c. 11. Wace, Roman de Rou, vol. i. p. 303. Benoit, vol. ii. p. 389.

^b Per idem tempus Britanni iterum in seditionem versi, bella commoverunt. Nam rustici insurgentes contra dominos suos congregantur. At nobiles juncto secum comite Alano, agmina rusticorum invadunt, trucidant, dispergunt, persequuntur; quoniam sine duce et sine consilio venerant in prælium. Monac. Anon. Ruyens, de Vita S. Gildæ, ap. Mabill. Act. SS. Ord. Bened. Sæc. I. p. 149.

^c For an account of the state of the French agricultural class in the eleventh and twelfth centuries, see the admirable *Prolégomènes* of M. Guérard to his edition of the chartulary of the abbey of St. Peter at Chartres, published by the Comité Historique.

^d The following remarkable picture of the social distress of the Roman provinces when exposed to the invasions of the barbarians is not inapplicable in some respect to England during the first period of the Norman rule. It shows the free-man, unprotected, and exposed by his position to every kind of plunder, extortion, and oppression, compelled to become a serf in order to seek the protection of a master for his person which was not safe while in the enjoyment of freedom. Itaque nonnulli eorum de quibus loquimur, qui aut consultiores sunt, aut quos consultos necessitas fecit, cum domicilia atque agellos suos aut pervasionibus perdunt, aut fugati ab exactoribus deserunt, quia tenere non possunt, fundos

agriculturists were entirely Saxons; the lords of the soil were almost entirely Normans, who looked upon them with contempt as an inferior and hostile race, and, which is still more remarkable, they, who in Normandy had quitted their own language to adopt that of their slaves, here treated with disdain the language which was nearly that of their forefathers.

In Domesday Book various terms are applied to different portions of the servile class, such as *bordarii*, *coscets*, *cottarii*, &c.; and there is an apparent distinction between the *servi*, or serfs, and the *villani*, or villans, but these were probably mere relative names arising from circumstances of residence or employment, and all included under the last mentioned general term of *villani*, which the Normans introduced from the language of France. The old definition of the *villani* answers to that of the Roman *coloni*—they were *villæ et glebæ adscripti*.

As I have before observed, we can trace very little difference in legal character between the Anglo-Norman villans and the Anglo-Saxon theows. The most remarkable change in the law was that which made the child, under the Norman law, follow the caste of the father and not that of the mother.^a This was the law of the Roman *colonus*. The laws of Henry I. punished severely the lord who slew his serf, because, as it is there observed, “he was a serf to serve and not to kill.”^b By the same laws, the lord is made answerable for the punishment of his serf, when accused of stealing: when a serf and a free-man stole in confederacy together, the free-man

majorum expetunt et coloni divitum fiunt: ac sicut solent aut hi qui hostium terrore compulsi, ad castella se conferunt; aut hi qui perduto ingenuæ incolumitatis statu ad asylum aliquid desperatione confugunt: ita et isti qui habere amplius vel sedem vel dignitatem suorum natalitium non queunt, jugo se inquilinæ abjectionis addicunt: in hanc necessitatem reducti, ut extorres non facultatis tantum, sed etiam conditionis suæ, atque exulantes non a rebus tantum suis, sed etiam a seipsis, ac perdentes secum omnia sua, et rerum proprietate careant, et jus libertatis amittant. Salvian. de Gubern. Dei, lib. v.

^a Observandum, ut ad patrem non ad matrem generatio dirigatur. Leg. Hen. I. lxxviii. 3. Si quis de servo patre natus sit et matre libera pro servo reddatur . . . quia semper a patre non a matre generationis order texitur. Ib. lxxii. In this latter law there is an additional clause, Aliquando autem erit sicut dominus ejus voluerit: vitulus autem matris est, cujus-cunque taurus alluserit.

^b Leges Henrici I. lxxv. 3. quia videlicet ad serviendum non ad occidendum servus erat.

alone was punishable ; and when several serfs stole in company, one only was chosen among them, by lot, to receive the punishment of the crime.^a Henry's laws contain several articles relating to serfs who ran away, which, therefore, we may suppose to have been a common offence. It may be observed that the term *servi* is nearly always used in these laws, probably a mere translation of the *theow* of the Anglo-Saxon originals, for the serfs of the laws are evidently *villans*.

Numerous charters of sale and manumission of villans are still preserved, which shew their legal position in society through several centuries subsequent to the Norman conquest.^b In these charters the peasants appear constantly as attached to the land, and they are sold with it. Thus, in the earlier part of the reign of Henry III. Walter de Beauchamp granted by charter "all the land which Richard de Grafton held of him, and Richard himself, with all his offspring."^c Sometimes the land is sold with the villan, as in a charter of the same period as the foregoing, by which John de Bovell grants to Ralph Fitz-Walter of St. Osiths in Essex "for his homage and service and for nine marks sterling, Stephen del Hel and William his son, of Ardlegh, with all their offspring, and all the tenement which the aforesaid Stephen held of him."^d It appears further from these charters that even the goods and chattels of the peasants were legally the property of their lords. In 1317, Roger de Felton gave to Geoffrey Founne certain lands, tenements, &c. in the town and territory of Glanton, "with all his villans in the same town, and with their chattels and offspring."^e Similarly, Adam Tholi sold to Sir

^a *Leges Henrici I.* lix. 23, &c. *Ib.* lxxxv. 4.

^b A number of these charters are printed in Madox's *Formulare Anglicanum*, and, without doubt, many others might be collected. A selection of early charters illustrating the manners and condition of the different classes of society in the Middle Ages would be a valuable and interesting work.

^c *Totam illam terram quam Ricardus de Graftona tenuit de me in eadem villa, et ipsum Ricardum cum tota sequela sua.* Madox, *Formul. Angl.* p. 188.

^d *Pro homagio et servitio suo et pro novem marcis sterlingorum quas mihi dedit in gersumam, Stephanum del Hel et Willelmum filium ejus de Ardlegh, cum tota sequela eorum, et totum tenementum quod prædictus Stephanus tenuit de me in eadem villa, cum omnibus pertinentiis, et quicquid ego in prædicto Stephano et Willelmo filio suo et sequela eorum, et in prædicto tenemento cum pertinentiis, habui, &c.* Madox, *ib.* p. 189.

^e *Totam propartem meam omnium terrarum, tenementorum, et reddituum, cum omnibus*

Robert le Noreys, for sixteen shillings sterling, "William son of Robert of Enestrode, his villan, and all his progeny, and *all his possessions*;"^a Hugh de Ringesdon gave to the abbey of Selby, as a charitable donation, Robert son of Juliana of Walton, "with all his progeny and all his chattels;"^b in the middle of the thirteenth century, the abbot and convent of Bruerne sold Hugh the Shepherd "their naif or villan of Certelle, with all his chattels and all his progeny," for four shillings sterling;^c and about the same period the abbot bought of Matilda, relic of John the physician, for twenty shillings, Richard, son of William de Estende of Linham, "her villan, with all his chattels and all his progeny;"^d and, for half a mark of silver, a villan of Philip de Mandeville, "with all his chattels and all his progeny."^e In the charters of manumission a third party is generally introduced, either because the villan owed his liberty to the interference of a protector, or because it was considered a necessary form that the serf should not be bought by himself. Perhaps, as a serf, he was incapable of performing the transaction. In the time of king John, Emma de Dumard liberated a villan on her estates, and gave him a charter of manumission, for which liberty and confirmation Richard Fitz Hugh gave her for him fifteen shillings of silver; the charter was to serve as a protection to him in case any other person should attempt to lay claim to him.^f In the same manner Richard del Hoc made a villan

suis pertinentiis, in villa et territorio de Glanton, simul cum omnibus nativis meis in eadem villa, catallis et eorum sequelis, quam quidem propartem prædictam dictarum omnium terrarum, tenementorum, ac reddituum, simul cum nativis prædictis, habui ex dono et concessione Johannis de Glanton. Madox, *Form. Angl.* p. 315.

^a Willelmum filium Roberti de Enestrode nativum meum, et omnem sequelam suam, et omnes possessiones suas, pro sexdecim sol. esterlingorum. Madox, *ib.* p. 417.

^b Cum omni sequela sua et omnibus catallis suis. Madox, p. 418.

^c Hugonem Bercharium nativum nostrum de Certelle, cum omnibus catallis et cum tota sequela sua. Madox, *ib.*

^d Hominem meum cum omnibus catallis suis et cum tota sequela sua, et quietum clamavi de me et de hæredibus meis in perpetuum omne jus et clamium quod habui vel habere potui; in ipso Ricardo et in catallis suis vel in sequela sua. Madox, *ib.*

^e Madox, *Formul. Angl. ib.*

^f Sciant omnes tam præsentis quam futuri, quod ego Emma de Dumard, concessu hæredum meorum liberavi Willelmum nativum meum filium Baudewini, et concessi illi et hac

free, for half a mark of silver given him by Richard de Hamelledon.^a We can trace these charters of manumission down to a very late period. In the second year of the reign of Richard II., immediately before the great insurrection of the peasantry, we find John Wyard, or "Alspach," manumitting a female villan, and giving her, with her liberty, her goods and chattels, and the liberty of all her offspring;^b and we have a charter of affranchisement by the priory of Beauvalle, in the sixth year of the reign of Henry V., and another by George Nevile, lord Bergevenny, as late as the second year of the reign of Henry VIII.^c

Under the feudal barons, the peasantry were soon reduced to a much worse condition than that which they had enjoyed under the Anglo-Saxon kings. They were now loaded with taxes by their lords, who not only exacted strictly a great number of permanent services, but, whenever their own violence had drawn upon them a fine to the king, or a heavy ransom to a victorious enemy, they forced their *villans* to contribute for the payment. Wace and Benoit, in their account of the popular insurrection in Normandy in 997, have given us what must be considered as a picture of the grievances under which the English villans laboured at the time they wrote, in the latter

carta mea confirmavi liberum esse ab omni servitute, et iturum et rediturum libere et quiete ut liber homo quocunque voluerit. Et pro hac libertate et confirmatione dedit mihi pro illo Ricardus filius Hugonis quindecim solidos argenti. Et si aliquis illum calumpniabit, ego et hæredes mei warantizabimus illum contra omnes homines. Madox, Formul. Angl. p. 417.

^a Sciant præsentēs et futuri quod ego Ricardus del Hoc dedi et concessi et quietum clamavi Ricardum filium Hendrici ex omni naivitate et servagio, Ricardo de Hamelledon et hæredibus suis, liberum et quietum imperpetuum. Pro hac autem donatione et concessione et quieta clamatione dedit mihi prædictus Ricardus dimidiam marcam argenti. Madox, *ib.* p. 417.

^b Pateat universis per præsentēs me Johannem Wyard de Alspach manumisisse et liberam fecisse Johannam Watervylle de W. in parochia de Aston Caunteloup, nativam meam, cum tota sequela sua procreata et procreanda, cum omnibus bonis et catallis suis, ita quod nec ego prædictus Johannes nec hæredes mei de prædicta Johanna cum tota sequela sua, bonis suis, et catallis, ut præmittitur, aliquid juris ratione bondagii seu servitutis cujuscunque de cætero exigere poterimus quoquo modo. In cujus rei testimonium huic præsentī scripto manumissionis sigillum meum apposui, dato apud Alspach die Dominica in festo S. Trinitatis, anno regni regis Ricardi secundi a conquesto secundo. Madox, *ib.* p. 419.

^c Madox, *ib.* p. 420.

part of the twelfth century. In Wace, the villans are made to complain that —“ Their lords do nothing but persecute them ; they cannot have their goods safe, nor their earnings, or the fruits of their labour. They pass their days in tribulation, with great pain and labour. Every year is worse than that which preceded. Every day their beasts are taken from them for aids and services ; there are so many claims brought against them, and taxes, old and new. They cannot have an hour of peace. Every day they are summoned to answer to actions of different kinds^a There are so many reeves, and beadles, and bailiffs, that they cannot have an hour's peace ; they bring so many things against them that they cannot defend themselves, or have justice, but each will have his pay. They are deprived of their beasts by force : they cannot keep them, or obtain restitution. They cannot live in this manner, but must be forced to abandon the land. They can have no security either against the lord, or against his sergeant, who keep no covenant with them : and some even apply to them opprobrious epithets.^b

Many of the services exacted by the lords were galling and degrading in the extreme. Even the intercourse of the sexes was made a subject of taxation. A fine was levied on the person who had sexual intercourse with a female villan without the permission of her lord, as well as on the female who yielded to him and became pregnant.^c A villan could not marry without

^a Tuz en jur sunt sémuns de plaiz :
 Plaiz de forez, plaiz de moneies,
 Plaiz de purprises, plaiz de veies,
 Plaiz de biés, plaiz de moutes,
 Plaiz de fautiéz, plaiz de toutes,
 Plaiz d'aquaiz, plaiz de graveries,
 Plaiz de medléés, plaiz de aies.

^b Ne poent aver nul garant,
 Ne vers seignur ne vers serjant ;
 Ne lur tient nul covenant ;
Filz à putain dient auquant.

Wace, *Roman de Rou*, i. p. 304, 305. Benoit, *Cronique des Ducs de Normandie*, ii. pp. 390, 391.

^c *Lichewite*. Hoc est quod capiatis emendam ab ipso qui corrumpit nativam vestram sine licentia vestra. *Childante*. Hoc est quod capiatur garson (l. gersom) de nativa vestra cor-

paying a tax of money to his lord, which is represented by some legal writers as being a composition for an older custom of levying the tax "in kind,"—the villan, it is pretended, bought from his lord the privilege of lying the first or first three nights with his wife, which the lord had formerly claimed himself. But, I believe, there is no evidence of such a practice having ever existed, and I think it is a mere error. Yet the contemptuous light in which the villan was regarded by his master is perceived in the coarse appellations commonly applied to the tax—*jambage*, *cuissage*, *culage*, &c. and in some parts of Italy it received the still grosser term of *cazzage* (*cazzagium*). The persons to whom such terms were applied must have been looked upon as little better than cattle. The brutal manner in which the tax-gatherers of King Richard II. treated the daughters of the peasantry was one of the immediate causes of the subsequent insurrection.^a

Besides regular services, the villans were constantly exposed to new and unjust exactions, against which they had no relief, because the exactors were themselves their judges. Gratuitous manumission appears to have been much less frequent under the Anglo-Normans than under the Anglo-Saxons. A law of Henry I. directs a freed-man to have a charter of manumission, which might be shown in case his former lord should attempt to reclaim him,^b which seems to have been frequently done. A satirical Latin poem against the inhabitants of Norfolk, probably of the beginning of the thirteenth century, gives us a singular instance of tyranny of this kind. "There was in Norfolk a powerful baron who cruelly grieved his rustics (or villans), frequently robbing them of their money and beasts, and oppressing them with unjust services."

rupta et pregnata sine licentia vestra. Expositio Vocabulorum, &c. copied by Bréquigny from a record in England, and printed by M. Champollion-Figeac, Documents Historiques Inédits, 4to. Paris, 1841, vol. i. p. 668.

^a Unus eorum cum esset ad aliquam villam ad faciendum inquisitionem de dicta taxa, convocari fecit tam viros quam mulieres, et puellulas (quod dictu horribile est) esursum impudice elevavit, ut sic experiretur utrum corruptæ essent et cognitæ a viris, ut sic more artaret amicos et parentes pro eis solvere taxam; et plures potius elegerunt solvere pro suis filiabus quam videre eas tam turpiter attractari. Henr. de Knyhton, ap. Twysden, col. 2633.

^b Leges Henrici I. cap. lxxxix.

Erat Norfolchiæ vir quidam strenuus
 Qui suos rusticos gravabat anxius,
 Nummos et pecora sumebat sæpius,
 Eosque deprimens pravis operibus.

The villans, unable longer to support his oppressions, agreed together to offer their lord a certain sum of money for their liberty. The knight consented, and made them a charter with "a noble seal of green wax." The rustics, overjoyed at having at length obtained their liberty, hastened to the tavern, and spent the remainder of the day in carousing. When night approached, they sent for candles, but no candles were to be found, and at last they determined upon using the seal of green wax for that purpose. The knight obtained information of what they had done, and called before him his villans to show cause why they had not performed their due services. The astonished rustics brought forth their charter, but when they could not show the seal, he not only rejected it as null and void, but threw the villans into his prison till they had given up all the money and cattle they possessed, as a fine for having withdrawn themselves from their servitude illegally.

Discreti iudices hoc statim judicant
 Ut semper sint rustici ut ante fuerant ;
 Et quia domino se sic subtraxerant,
 Clausi sunt carcere donec reddiderant
 Nummos et pecora quotquot habuerant.^a

As the Church became possessed of extensive landed property, it of course had its serfs, and the ecclesiastics appear to have been no more willing than the laity to give them freedom—they were, in fact, considered in the same light as other property. A singular case occurred in France under the pious St. Louis, in 1265. Conon, bishop of Châlons, had obtained from the king letters patent allowing him to manumit and set free "a certain number of the serfs of the church at Châlons, for the acquitting of his bishopric" (*pro episcopatu suo acquitando*). Accordingly, the bishop proceeded to the manumission of some of the serfs, without consulting his chapter, whereupon the dean, treasurer, archdeacon, and others of the church, petitioned the king to put a stop to the bishop's manumissions, as being "against

^a Early Mysteries, and other Latin Poems of the Twelfth and Thirteenth Centuries. 8vo. London, 1838, pp. 94, 95.

justice," and without their consent, and "an enormous hurt and very great exhæredation" to the church of Châlons, "the goods" of which the bishop had no right to alienate. Having heard the parties, the king withdrew his letters patent formerly given to the bishop; and, with regard to the persons already manumitted, he ordered the chapter to give them a day to plead their cause. The dispute appears to have been of long duration; for, two years afterwards, in 1267, we find the dean and chapter, having been unable to enforce their reclamation against the villans who had obtained their charters of manumission of the bishop, proceeding by way of supplication to the king to recall the charters, and it was decided against them that, as the law was open to them, they should not be heard in the way of supplication. After another two years, we find this cause again before the court. The bishop and his chapter, finding no help from the law, had in the interval made application to the pope, who immediately supported the Church against the unfortunate serfs, and revoked the manumissions. The bishop then summoned the freed-men into the ecclesiastical court, and required them to surrender to him their charters of freedom. But the villans still resisted, and made a new application to the court of the king, which now at length decided against them, alleging that it was a cause which the ecclesiastical court was competent to decide; and thus the defendants were again reduced to servitude, in spite of the manumissions which it appears that they had legally purchased.^a

Among the *fabliaux* or metrical tales which were so popular in the thirteenth century, there is one, no less beautiful for the moral lesson which it inculcates, than curious as illustrative of the condition of the oppressed peasant.^b There was a poor villan, who had a wife and children whom he supported by cutting wood in an adjoining forest. One day, whilst thus employed, and bemoaning his miserable condition, he heard a voice which issued from the root of a tree, and which offered to raise him from his poverty if he would promise to be pious and charitable when he became rich. The spirit then told him that his name was Merlin; that when he returned home, if he dug in a certain spot in his garden, he would find a

^a Les Olim, publiés par le Comte Beugnot, tom. i. pp. 626, 707, 764.

^b This fabliau will be found in Meon's Supplement to Barbazan, and in Jubinal's Nouveau Recueil de Contes, Dits, Fabliaux, &c. vol. i. p. 128.

great treasure ; and that at the end of a year he might return to the tree and intimate his further wishes. At the expiration of the year the villan returned, and humbly and respectfully made known his desire to become provost of the town.^a This wish was immediately granted ; but the villan, elected provost, became cruel and oppressive to all his inferiors. At the end of another year, the villan returned again to the wood, and addressed the spirit familiarly, and with somewhat less respect than before : “ What is your will, now ? ” said Merlin. “ I desire that my son, *who is a cleric*, may become a bishop.” Within a few weeks a bishopric fell vacant, and the villan’s son was elected. At the end of a third year the villan, still less respectfully, required that his daughter might be married to “ the grand provost of Aquileia,” which also soon afterwards came to pass. The villan had now arrived at the summit of his wishes ; and, at the end of the fourth year, it was only at the request of his wife that he would condescend to return to the wood, and rudely say farewell to his benefactor. The spirit reproached him with his ingratitude, and threatened him with punishment. Within a short time his daughter, (the grand provost’s wife), and his son, the bishop, died ; and, which was still worse, “ *his lord* ” soon afterwards engaging in war with a powerful neighbour, was in want of money to carry on his hostilities, and demanded of the rich villan a thousand pounds ; the villan pleaded that he could not raise the money, and refused to pay it, and then the lord in revenge seized all his property (*tout, meubles et heritages*), and left him only enough to buy an axe to enable him to resume his old trade of a wood-cutter. This story is a true picture of the age at which it was written : the villan, with all his riches, had not ceased to be a serf, and the act of tyranny by which he was reduced to poverty was one which was without doubt frequently practised by the lord towards his dependant.

The preceding facts will serve to illustrate the condition of the English peasant or *villan*, during the twelfth, thirteenth, and fourteenth centuries. Tied to the ground on which he was born in a state of galling bondage, exposed to daily insult and oppression, he served a master who was a stranger to him both by blood and by language. The object of his lord’s extortions,

^a M. Guérard, in his *Prolégomènes* to the *Chartulary of the Abbey of St. Peter at Chartres*, pp. xlviii, xlix, has given several instances of serfs holding the offices of provosts or *maires* of villis.

frequently plundered with impunity, and heavily taxed by the king, he received in return only an imperfect and precarious security for his person or his property. The villan was virtually an outlaw; he could not legally inherit or hold "lordship," and he could bring no action, and, as it appears, give no testimony in a court of law.^a He was not even capable of giving education to his children, or of putting them to a trade, unless he had previously been able to obtain or purchase their freedom, which depended upon his own pecuniary means, and on the will and caprice of the lord of the soil. That the latter frequently took advantage of his power to tyrannize, is proved by the example of Sir Simon Burley, the tutor of Richard II., who seized forcibly an industrious artizan at Gravesend, on the plea of his being his escaped bondsman, and, when his exorbitant demand of three hundred pounds of silver for the man's freedom was refused, threw him into the prison of Rochester Castle. In the interesting poem on the constitutions of the masons, written late in the fourteenth century, and published by Mr. Halliwell, it is expressly enjoined to the master that he take care to receive as apprentice no bondman or villan, nor take him "for covetyse;" because, as the "lord that he was bond to" might follow and take "the prentice wherever he go," the conflicting claims of

^a The English Cursor Mundi, written probably in the latter part of the fourteenth century, gives the following account of the thrall, or bondsman, as he then existed in England—

Now es man gildred in ivels all,
His aun sin has mad him thrall,
That first was fre sinn I for-tald,
Nu has him Sathanas in wald.
His thral he was to have in weild,
To wais servis straitt he him eild.
Quils he es thralld in his servis,
He ne mai be fre on naknis wis:
Ne thral mai wit na lagh o lede
Ask heritage or laverdhede;
And sithen that he es thral becummen,
His heritage him es benummen.
Ne in na curt aght thral be herd,
Ne stand in dom to be ansuerd.

the lord and of the master mason might breed "disease" to the society in general.^a A scholar was not admitted into a college in the universities, until he had taken an oath that he was a freeman.^b It had been provided by the laws of Henry I. that a villan-born must acquire legally his freedom before he could enter holy orders.^c In this respect, therefore, the condition

^a The fowrthe artycul thys moste be,
That the mayster hym wel be-se
That he no bondemon prentys make,
Ny for no covetyse do hym take ;
For the lord that he ys bonde to,
May fache the prentes whersever he go.
3ef yn the logge he were y-take,
Muche desese hyt my3ht ther make,
And suche case hyt my3t befalle
That hyt my3th greve summe or alle.
For alle the masonus that ben there
Wol stonde togedur hol y-fere.
3ef suche won yn that craft schulde dwelle,
Of dyvers desesys 3e my3th telle ;
For more 3ese, thenne, and of honesté,
Take a prentes of herre degré.

Halliwell's *Early History of Freemasonry in England*, p. 14.

^b One of the first oaths of a scholar admitted to Merton College, Oxford, was, Item, tu jurabis quod liber es et legitimus. As late as the time of Henry VI. a *naif* or villan was excluded from Eton School, Nolentes tamen quod aliquis qui natus sit, aut illegitime natus fuerit, . . . in dictum nostrum collegium regale [de Etona] quomodolibet admittatur. Statutes of Eton Col. cap. iii. *Qui et quales sunt eligendi in scholares*.

^c Et nemo sub servitute natus ante legitimam libertatem sacris ordinibus admittatur. Leges Hen. I. lxviii. 4. This law was probably made for the purpose of repressing an existing practise ; a secular baron would naturally be willing to have clerks and chaplains who were his own bondsmen, and the church would as naturally oppose a system which placed members of the clergy in a position of absolute subjection to laymen. There is a curious entry of manumission of the tenth century, in MS. Cotton. Tiberius B. V. fol. 76, whereby King Edwy enfranchised a sacrist or church-keeper of Exeter, but I am not sure whether the person holding that office must necessarily have been in orders:—Eadwi cing het ge-freon abunet Æfnoð cyrc-weard an Exanceastre fryo ȝ fære-wyrpe on Æpelwoldes ealdermannes gewitnesse ȝ Daniel biscopes ȝ Byrthrices profastes ȝ on Wulfrices cyrc-weardes, ȝ Eadwi cing het hit bryg . . . Bryhtri . . . on Cristes bec.

of the villan was worse than that of the *colonus* under the Roman law. A French poet of the thirteenth century repudiates the idea of giving villans learning and making them priests:—"I see many places dishonoured by them," he says; "there are plenty of gentlemen, and he did a great sin who ever introduced a villan among them."^a

It is, indeed, in the poetry of the *trouvères*, the rhyming parasites of the French and Norman barons, that we see most strongly the contempt of the lords of the soil for their serfs. The chronicler Benoit (as well as his rival Wace) extols duke Richard II. for the hatred which he bore towards the agricultural or servile class: "he would suffer none but knights to have employment in his house; never was a villan, or one of rustic blood, admitted into his intimacy; for the villan forsooth is always hankering after the filth in which he was bred."^b The lords of the soil were in fact extremely jealous of the villan when he attained to wealth and power, and particularly if he by chance intermarried with "gentle blood:" in this case, according to the sentiments of the age, the lady was by no means to blame

^a Par foi chanoine citoien
Ne doit-on fere de vilein :
Mains leus en voi desenorez ;
Des gentilz i a-il assez :
Mès pechié fist molt le traria
Qui vilain i entremella.

La Bible Guiot de Provins, Barbazan, ii. p. 340.

^b Ne vout soffrir nis à nul for
Qu'en sa maison eust mestier
Nul si fiz non de chevalier ;
Unques vilains nul ne d'eus nez
Ne fu grantment de lui privez ;
Kar, ce li esteit aviaire,
Toz jorz retraeient vers l'aire
E vers l'orine, senz mentir,
Dunt à peine poent eissir.

Benoit, Chron. des Ducs de Normandie, ii. p. 387. Wace, Roman de Rou, i. p. 302. Compare the story *De rustico* in my Selection of Latin Stories, p. 84, and its counterpart in the collection of Legrand d'Aussy, iii. 219, *Du vilain asnier*, and the Fabliau in Barbazan, iii. 28, *Des Chevaliers, des Clercs, et des Vilains*.

if she proved faithless to her churlish husband.^a A burlesque tract of the thirteenth century, which gives twenty-three characters of villans, describes the "grafted villan" as "one who takes to wife a gentle lady, just as if one should graft a delicate pear on a cabbage, or on a wild peartree, or on a turnip."^b The trouvères took pleasure in picturing to their lords the jealousy and hatred with which the villan, in revenge, regarded "all gentility." The tract just quoted tells us that "the doggish villan is he who sits before his door on holy days and Sundays (when, as in the Anglo-Saxon laws, he was prohibited from working), and mocks all who pass, and, if he see pass a gentleman with his hawk on his fist, he will cry out, 'Ha! that kite there will eat to-night a hen, which would be sufficient to fill all my children.'"^c "Why should villans eat beef, or any dainty food?" inquires the writer of a short metrical piece, entitled *Le Despit au Vilain*:^d "they ought to eat, for their Sunday diet, nettles, reeds, briars, and straw, while pea-shells are good enough for their every-day food They ought to go forth naked on four feet in the meadows to eat grass with the horned oxen The share of the villan is folly, and sottishness, and filth; if all the goods and all the gold of this world were his, the villan would be but a villan still." According to these same trouvères, the villan was incapable of telling truth;^e he was utterly devoid of gratitude; a proverb of the thirteenth century said, "do good to the villan, and he will do evil to you," and another of the same date, which would lose by being translated, inculcates the same uncharitable feeling,—

Oinez villain, il vous poindra :

Poignez villain, il vous oindra.^f

^a The fabliaux abound in instances of this feeling. See, among others, in Barbazan, *Le vilain mire*, iii. p. 1; *Li lais de l'Oiselet*, p. 114; *La male Honte*, p. 204.

^b Li vilaines entés, si est cius ki prent gentil feme tout ausi com on ente une poire de sainte ens. j. chol, u en .j. perier sauvage, u en .j. naviel. Des xxiii. Manières de Vilains, p. 11.

Des xxiii. Manières de Vilains, p. 8.

^d Published in the interesting little volume by M. Jubinal, *Jongleurs et Trouvères*, p. 107.

^e Vilain ment volontier toz tens.—Roman de Renart, vol. ii. p. 234.

^f Le Roux de Lincy, *Livre des Proverbes Français*, vol. ii. p. 82.

A third proverb of the same age declares that "he puts a disgrace upon God, who raises a villan above his station."^a The tract on the twenty-three kinds of villans, already alluded to, ends with a prayer that the villans in general might be visited with all kinds of diseases and misfortunes.^b At this period the clergy looked upon the servile class with no more lenity than the Norman barons: in a piece of monkish burlesque, printed in the *Reliquiæ Antiquæ* under the title of the *Mass of the Drunkards*, the priest is introduced saying, "God, who has sent the multitude of the rustics for the service of clerks and knights, and who hast sowed discord between us and them, grant us we beseech thee to live upon their labours, and to use their wives, and to rejoice in their mortification."^c

The time, however, was now come when the villans began to have their advocates. The English minstrel told a different story from that of the Norman trouvères. Among the few remains of popular song, we find traces of loud complaints of the sufferings of the peasantry and the oppressive conduct of their lords. The ballads picture to us the villan laying his complaints before the king in person, and obtaining redress.^d The whole tenor of the long poem of *Piers Ploughman* is to bring forward the natural equality of the villan with his fellow men—to place him in the scale of humanity, from which he had previously been virtually excluded. Under the personification of Peace, he approaches the king to make his complaint against the oppressions of Wrong, the representative of the powerful baronage.^e The notions

^a Il fait à Dieu honte

Qui villain haut monte.—Le Roux de Lincy, ib.

^b Chi prions-nous pour iaus.

Que Diex lor envoit grant meschief,

Et mal au cuer et mal au chief,

Mal es bouche et pis es dens,

Et mal dehors et mal dedens, &c.—p. 12.

^c Deus qui multitudinem rusticorum ad servitium clericorum venire fecisti et militum, et inter nos et ipsos discordiam seminasti, da nobis quesumus de eorum laboribus vivere, e eorum uxoribus uti, et de mortificatione eorum gaudere. *Reliquiæ Antiquæ*, vol. ii. p. 209.

^d See, for an example, the tale of king Edward and the Shepherd, in Hartshorne's *Ancient Metrical Tales*, p. 35.

^e See *Piers Ploughman*, the new edition, p. 68.

thus inculcated of making personal appeal to the king were afterwards put in practice on a large and dangerous scale. At this time also missionaries of political and religious reform had gone abroad, and addressed themselves more especially towards the lower and middle classes of society. The oppressive feudal system seemed to be on the brink of dissolution; but the movement proved to be in many respects premature, and it was in the end stifled to break out again with redoubled vigour in the beginning of the sixteenth century.

As I have before observed, the peasant appears to be almost shut out from history. We have very little information concerning the spirit in which he supported his sufferings. That he regarded his masters with hatred, can hardly be doubted. A proverbial saying of the thirteenth century, that "The villan always seeks to abase gentility,"^a seems to show that partial insurrections of the peasantry were then not unknown; and the assertion of a satirical poet of the same period, that "a villan strikes as hard a blow as an earl or a châtelain,"^b was perhaps the result of experience. It was, at all events, fulfilled in France, in the terrible *Jacquerie* of the middle of the fourteenth century, and in England in the insurrection of the peasantry under Richard the Second.

The popular reformers of the fourteenth century seem to have acted on the same principle as those of modern times. They urged people to stir and agitate, but under legal pretences, and as much as possible within legal forms. It appears that even in the thirteenth century there were villans who had the courage to speak in court in defence of their fellows; and the tract on the twenty-three kinds of villans, before quoted, throws ridicule upon them under the title of "prince villans;"—"the prince villan is he who goes to plead before the bailiff for the other villans, and so he gains as much as a hundred sols of the villans."^c In England men skilled in

^a Vilains tous dis pourquiert abaissier gentillesse. *Le Roux de Lincy, Livre des Proverbes Français*, vol. ii. p. 81.

^b Ausi grant cop fiert uns vilains

C'uns quens fait u c'uns castelains: *Roman de Renart*.

^c Li vilains princes si est cil qui va plaidier devant le baillif por les autres vilains
ainsi gaaingne bien .c. sols as vilains. *Des xxiii. Manières de Vilains*, p. 10.

the laws, and in the evasion of them, appear to have been active in the cause of enfranchisement during the fourteenth century, and we find the villans employing various means to escape from their lords' jurisdiction. In 1347, the lords made a complaint in Parliament that their naifs, or villans, were in the habit of running away from the land on which they were born into another county, and there, when reclaimed, having their cause tried by a court where the necessary witnesses to prove their former condition could not be brought forward, they were enfranchised against right.^a An instance of this occurred in the same parliament, where the complainant was an ecclesiastic. The bishop of Ely stated before the king and his council that Richard Spink and his brother William, his villans of his church of Ely, of his manor of Dodington, in the county of Cambridge, within which manor the said Richard and William and their ancestors were born, had obtained against him and others divers oyers and terminers in the county of Norfolk, "pretending maliciously" that they ought to have them in session at Norwich, and had done divers other "horrible trespasses" against them, by reason of having the said oyers and terminers to enfranchise them by people of the said county of Norfolk, who could in no manner have cognisance of their birth or blood, "to the disinheritance of the bishop and of his church." The bishop in conclusion prayed to have permission still to bring an exception of villenage against the parties, and to have it tried in the county of Cambridge, where they were born.^b Other legal tricks are indicated in the Rolls of Parliament, such as that of obtaining false actions and adjournments in Eyre by writs in the name of their lords *de libertate probanda*, and thus hindering their lords from enforcing their claims in the mean

^a Rolls of Parliament, vol. ii. p. 180. Pur çeo qe sovent foiz avant qe les neifs empledont lour seignurs par brefs ou billes en foreyn contée par là où ils ne nasquirent pas, pur les enfranchier par gentz de mesme le countée qe ne purront en nule manere avoir cognisance de lour nestre ne de lour sank, en desheritance des seignurs q'ount neifs, qele heure q'ils soient par eux ensi empledez; et plusours gentz de ley sont en divers oppinion, le quel excepcion de villenage, si ele soit aleggé contre les neifs, serra triée par gentz de contée en quel les neifs nasquiront, ou par gentz de forein countée, en quel les neifs empledont lour seignours, &c.

^b Rolls of Parliament, ib. p. 192.

while by seizing upon their bodies.^a Sometimes they went to London, and there “pursued writs of debts and other contracts against their lords.”^b The privileges of the city of London, which had “no cognizance of villenage,” hindered the lords from claiming the villan, and the suit was therefore persisted in, and a trial at law between the lord and his villan was sufficient to establish the freedom of the latter, because as a villan he was incapable of bringing an action. It appears evident that the inhabitants of cities and boroughs generally gave encouragement to the villans in these practices, and did their utmost to protect them against their lords. In the first Parliament of king Richard II., A.D. 1377, the lords of the soil complained that in different parts of England the villans, “by council, procurement, maintenance, and abetting of certain persons for profit received from the villans,” brought into court exemplifications of Domesday book for their several manors, and by colour and misinterpretation of these exemplifications, their maintainours and abettors enabled them to withdraw their customs and services from their lords, and that they threatened the latter with assassination if they attempted to distrain them by their goods and chattels.^c It appears that at this time the villans assembled together in great companies, took oaths to stand by

^a Rolls of Parliament, vol. ii. p. 242.—A conseil nostre seigneur le roi monstre la commune, que come brief de neiftée soit porté el noun des plusours seignurs par lour neifs noun sachantz les ditz seignurs, et sur çeo brief *de libertate probanda*, les niefs par tiels briefs enfranchez tant que en eyre; endes heritance des plusours seignurs: prie la commune, que ordeiné soit, que les seignurs ne soient forsbarrez par tiel brief q’ils n’eient respons devers lour neifs, à dire q’ils sont vileins, et ne deivent estre responduz, et lour corps seisir come lour vileins. Et si nulle tiele fause suyte soit faite noun sachantz les ditz seignurs, q’il soit tenue pur nulle, aussi bien des tieles sutes faites einz ces heures come de celles que sont à faire.

Responsio.—Acordé est, que niencontreesteant l’ajournement fait en eyre par tiel brief *de libertate probanda*, neintmeins les seignurs soient receuz d’alegger exception de villenage contre lour villains en touz briefs, lequel que les ditz briefs *de libertate probanda* soient portez par deceit ou en autre manere. Et que les seignurs puissent seisir les corps de lour villains, aussi bien come ils purroient devant que tiels briefs *de libertate probanda* furent portez.

^b Rolls of Parliament, vol. ii. p. 319. This was in 1373.

^c Rolls of Parliament, vol. iii. pp. 212, 296.

one another against their lords, and subscribed money in order to carry on their opposition in the courts of law.^a A statute was passed for the punishment of the villans thus complained of.

The assemblies alluded to were the precursors of the great insurrection which happened about three years afterwards. Froissart, the grand panegyrist of the feudal aristocracy, has recorded it as his opinion that the turbulence of the English peasantry arose from their being too comfortable in comparison with the villans of France:^b but every one acquainted with French history knows that amid the domestic troubles and hostile invasions of the fourteenth century, the French peasantry were reduced to the lowest point of human misery. "These wicked people," as the knightly chronicler terms the English villans, said, that at the beginning of the world "there were no slaves, nor could there be any, unless they committed treason against their lord, as Lucifer did against God."^c The great extent of the insurrection in England proved that it was the result of suffering and misery.^d The villans, who found little relief in opposing their lords at law, determined to put in practice the lessons which had been so often repeated to them in the popular ballads—they would go in person to lay their grievances before the king.^e Thousands of

^a Et pur sustenaunce desqueux erreurs et rebellions, y ount coillés entre eux grauntz sumez de deniers, pur mettre costages et despences.—Rolls of Parliament, vol. iii. p. 21. Et que plus est, ils se coillient ensemble à grantz routes, et s'entrelieut par tiel confederacie que chescun aidra autre à contrestre leurs sires à fort man.—Statutes of the Realm, vol. ii. p. 2.

^b Froissart, Lib. ii. c. 105. Et pour la grand'aise et abondance de biens en quoi le menu peuple étoit lors et vivoit, s'émut et éleva cette rebellion.

^c Froissart, lib. ii. c. 106. Ces méchans gens, dedans les contries que j'ai nommées, se commencèrent à élever pour ce qu'ils disoient que on les tenoit en trop grand servitude, et que au commencement du monde n'avoient été nuls serfs, ni nul n'en pouvoit être, si ils ne faisoient trahison à leur seigneur, ainsi comme Lucifer fit envers Dieu.

^d The most striking picture of the misery of the peasantry in the reign of Richard II. is given by the writer of Piers Ploughman's Crede. See my edition, p. 475—477.

^e Froissart, lib. ii. c. 106. Nous sommes appelés serfs, et battus si nous ne faisons présentement leur service. Et si n'avons souverain à qui nous nous puissions plaindre, ni qui nous en vouldist ouir ni droit faire; allons au roi, il est jeune: et lui remontrons notre servitude, et lui disons que nous voulons qu'il soit autrement, ou nous y pourvoirons de remède.

the peasantry crowded in arms towards London from the eastern and south-eastern counties, where the reforming spirit was generally strongest, on account of their frequent communication with the agitators on the continent. On the way, they would not let slip the opportunity of trying if "villans' blows were as hard as lords' blows," and a few acts of violence showed that they were but too willing "to destroy all gentility." Their leaders, indeed, preached to them that in the days of Adam there were no gentlemen. They obtained for a moment possession of London, and, if their leaders had been steady and skilful, it is impossible to say what might have been the result. They had come together with a variety of complaints, which however at last all immersed into one great grievance; and, when the king had consented to give general charters of enfranchisement, they returned willingly to their homes. But when they had laid down their arms, the charters of enfranchisement were withdrawn, and the villans were not only reduced to their old condition again, but hundreds of executions evinced the vengeance and hatred of their masters. Another age of slavery followed before the wretched peasantry were allowed to be considered in the light of men. The change was gradual, and has left fewer traces in history than might have been expected. The shadow of the old state of things is still preserved in many of our local manorial customs: and the memory of the old feeling of the lords towards their dependants has been perpetuated in the signification now attached to the word *villain*.

I am, my dear sir, &c. &c.

THOMAS WRIGHT.