

‘A THING WITHOUT RIGHTS, A MERE CHATTEL OF THEIR LORD’: THE ESCAPE FROM VILLEINAGE OF A SUFFOLK FAMILY

by MARGARET FISHER

ON THURSDAY 21 December 1564 eleven men with the surname Capoun came into the manor court of Framlingham-at-the-Castle carrying letters of manumission from Thomas, fourth duke of Norfolk. After more than 250 years, the Capoun family had been released from their servile status as villeins by blood of the duke and his forebears.

Villeins by blood (*nativi de sanguine*) were generally considered to be the most oppressed section of the unfree socio-economic groups in the medieval community. Their servitude was inherited from their parents, by blood. There is a case for arguing that because they were the registered tenants of land confirmed by entries in the manor court rolls, they were not by any means the most vulnerable economic class in the community and may indeed have been better off than some free tenants and other unfree tenants who had little or no land to their name. They were, nevertheless, the tenants most burdened both by labour services owed to the lord of the manor as part of their rent and by other tests of serfdom, such as the paying of an often heavy fine at the marriage of a daughter and the seizure of a *heriot* (the second-best chattel) after a tenant's death in order to secure the family's tenancy for the next generation. Failure to service these obligations could, indeed, put their home at risk, with virtually no safety net.

The story of the Capoun family is significant in that it throws light on some of the important questions concerning villeins by blood. Were they a tainted, untouchable caste? Were they the property of their lord in the same way as a plank of wood or a cow? Could they engineer an escape from servitude for their sons through education, or by apprenticeship to a trade? Did they have to endure the degrading task of seeking consent to marry and the further humiliation of payment for that right? Could they buy their freedom, like paying off a mortgage? Were they an object of ridicule for other members of the community to laugh at in the street? Were they at a disadvantage in commercial activities? Had Richard Fitz Nigel accurately expressed the common view in his 12th-century *Dialogus de Scaccario* that ‘the villein is a thing without rights, a mere chattel of his lord’:

[The lords] are lords not only of their chattels but of their bodies ... Villeins, by law of the land, may not only be transferred by their lords from the lands which they actually till to other spots, but may even themselves be sold or otherwise disposed of. Both they and the land which they cultivate as service to their masters are rightly deemed to be demesne.

Furthermore, if a crown debtor was unable to raise sufficient funds from his own goods and chattels to pay his debt, he was obliged to enter into the lands of his villeins and could lawfully sell their chattels, ‘for these chattels are notoriously the lord's property’.¹

Two centuries later, the negative attitudes of the *Dialogus* were shown to be alive and well in Suffolk during the trial in 1427 of Isabel Hermyte, the prioress of Redlingfield, a small Benedictine nunnery near Eye. The prioress had a male partner, her bailiff Thomas Langlond. The situations in which they met for consummating their sexual relationship were described in some detail: ‘under the hedgerows and woods’, ‘in the small hall’, and ‘out in the summer fields when the prioress sent the nuns one way to look for herbs’, while presumably going off in the opposite direction with Thomas. In pleading not guilty at the subsequent bishop's visitation, she offered two defences. She claimed to be a member of the heretical Lollard sect, which was said to encourage the marriage of nuns in order to prevent child-murder. Her other defence was, equally, less than compelling. The prioress said that

Thomas was 'a free man, of free status and born from the best bloodlines of the village'. It was the opinion of the whole village, on the other hand, that Thomas was a villein by blood belonging to the priory. This appears to imply that for a prioress to have a sexual relationship with a free man was one thing, but with a villein by blood quite another. The court rolls for Redlingfield were then scrutinised by the bishop's officials back to the reign of Richard II. The rolls had been in the keeping of the prioress. Had Thomas's name occurred in the routine proceedings of the manor court, he would immediately have been exposed as being of unfree status. It was found that someone had erased all such references. Isabel said she did not know who had done it. The judge did not believe her. She could not find anyone to support her and submitted to 'correction'. The Redlingfield Priory rolls are now kept in the Suffolk Record Office, Lowestoft branch (Adair Collection), where the erasures on the parchment are open to public view.²

Despite the gradual retreat of serfdom, brought about painfully slowly by the Black Death in 1349 and the Great Rising of 1381, it is clear that the more conservative lords were not anxious to free their villeins by blood. In the 15th century access to education was made easier, and some lords extracted money from their tenants by granting them manumissions – their certificates of personal liberty – in return for cash payments. There was little movement in this direction, even in the 16th century, on the estates owned by the Howard dukes of Norfolk in the Framlingham area. The pro-Catholic third duke, renowned for his oppressive and reactionary views, had no desire to release his retained bondsmen.

Partly as a result of the political struggle between the duke and his rival, Edward Seymour, for the protectorship of the young Prince Edward as the reign of Henry VIII drew to a close in 1547, a window of opportunity opened for villeins by blood to bid for freedom. With Thomas Howard incarcerated in the Tower, the populace of East Anglia celebrated Norfolk's downfall. Defiant, a group of the duke's bondsmen, including the Capouns, living on the manors which surrounded the Howard castle at Framlingham, were able to take their grievances to a new authority, Edward Seymour, Duke of Somerset, Lord Protector.³

Seventeen years passed before the aspirations of the Capouns were realised in 1564. This raises the question of why there was so long an interval between the two events. At least part of the answer lies in the series of legal actions which culminated in the reinstatement of Howard to his estates and titles in 1553. The ensuing years of religious persecution – particularly prevalent in Protestant-orientated East Anglia – became a threat to those opposed to Catholic doctrine. It was unwise to attract attention.

Evidently feeling more secure, the family once more made a plea for their freedom. On this occasion it would appear they put their faith in the bishop of Norwich.⁴ There exists, in the Norfolk Record Office, an index of the 'Register of Acts & Correspondence addressed to the Bishop of Norwich 1552–1618'; the letters deal with diocesan matters and among them are certain writs regarding the bastardy of villeins:

Capon

The like writ to certify bastardy was [sent] forth by Robert Capon of Framlingham Castle; John Capon of the same; Luke Capon of the same; John Capon of Framlingham, junior; John Capon of Great Glenham; William Capon of the same; William Capon of Benhall; Phillip Capon of Capell; Robert Capon of Darsham; John Capon of Hadiscoe and Thomas Capon of Darsham in a writ of entry brought by the [persons] aforesaid against Thomas duke of Norfolk in which writ of entry the duke pleaded villeinage in the [*illegible*] as regardant to his manor of Framlingham Castle whereunto the aforesaid replied that they were bastards.

14 June–3 October 1564⁵

By declaring themselves bastards, the Capoun family were renouncing their blood ties to the duke. Although the duke pleaded otherwise, he lost his plea. At last the family had gained a positive outcome: they were free. Verification of their new free status can be seen in the manor court rolls of

Framlingham-at-the-Castle, wherein the subsequent Capoun manumissions were declared, here transcribed and paraphrased from the Latin.⁶ The heading reads: 'Framlingham-at-the-Castle with Saxtead. At this court of the chosen officer of the lord, held there Thursday, at the feast of St Thomas Apostle, in the 7th year of the reign of the Sovereign Queen Elizabeth [21 December 1564].'⁷

In a straightforward way the wording continues as follows:

John Capoun of North Glemham and William Capoun of Benhall came into court carrying letters of manumission in which the noble prince Thomas, duke of Norfolk, confirmed that he wished to eradicate the servitude and villeinage from those who were regarded as natives and villeins, and that from birth their children should be just as free as every man.

The full list of their family group was entered into the court roll:

John Capoun of North Glemham in the county of Suffolk, tailor; and Robert Capoun his son, Mary, Dorothy, Margery, and Elizabeth his daughters.

William Capoun of Benhall in the same county, carpenter, brother of the said John Capoun. William Capoun junior and Henry Capoun his sons and Helena, Alice and Elizabeth his daughters, of Framlingham-at-the-Castle in the county aforesaid.

Brothers Robert and Phillip Capoun then followed carrying their letter of manumission:

Robert Capoun of Darsham in the county of Suffolk, carpenter, and Robert Capoun Capoun [*sic*], Thomas and Philip his sons, and Bridget and Cynthia his daughters.

Philip Capoun of Capell in the county aforesaid, carpenter, brother of the said Robert Capoun the elder, George Capoun, Robert Capoun and Philip Capoun his sons and Petronia and Isabel his daughters.

The bachelors of the Capoun family were next to present themselves. These included John, who had removed himself as far as Norfolk:

John Capoun of Hadiscoe in the county of Norfolk and Thomas Capoun of Darsham single men, sons of William Capoun, recently of Westleton in the county of Suffolk aforesaid, deceased. William Capoun of North Glemham in the same county single man recently the son of Robert Capoun of the same.

Finally came Robert Capoun, representing himself and his three brothers and four sisters, the children of John (one of the original complainants, but then deceased), who had remained on the manor at Framlingham-at-the-Castle by right of inheritance to their tenements there.

All the letters of manumission concluded by confirming that neither the duke nor his heirs would make any claim, or demand on 'any lands, tenements or anything they may possess, now, or in the future, nor on them, no matter in what part of the world they should be living, for ever'.

It is apparent from the occupations of the Capoun family that they were men of abilities and skill. A survey of Framlingham commissioned by Edward VI at the time of Norfolk's fall in 1547 provides a view of their economic status:

John Capoun of Framlingham, husbandman, of the age of 56 years, having 8 children, Robert, John, John, Luke, Agnes, Katherine, Joan, Alice, and is worth in goods £66 13s. 4d.

William Capoun of Parham, husbandman in the county of Suffolk, of the age of 50 years, having 5 children, Robert, William, Thomas, Margaret, Alice, and is worth in goods £10.

William Capoun of Glemham, carpenter, of the age of 29 years, having no children nor yet goods, but one copy holden of the manor of Sibton, and is of the clear yearly value of 20s.

William Capoun of Darsham, carpenter, of the age of 68 years, having 2 children, Philip and Robert, and is worth in goods £20.

John Capoun of Glemham, husbandman, of the age of 36 years, having two children, Robert and Margery, and is worth in goods £30.

Robert Capoun of Cransford, carpenter, of the age of 44 years, having three children, William, Jane and Alice, and is worth in goods £10.⁷

Even a cursory glance at the value of their possessions shows that these men were far from impoverished: a carpenter, for example, could expect a daily wage of sixpence (2½p.). Gradually, over the generations, the family had increased its land holdings; as a result at the time of his death (some time in the reign of Mary) John Capoun senior was in possession of approximately 70 acres of customary and copyhold land.⁸ Like his father before him, John made known his last wishes. These were upheld and spelled out at the manor court. This poses a question of how a man 'without rights' was able to decide on such matters.

From the beginning of the manorial court records in 1327, members of the Capoun family were continually listed as capital pledges and took their place among the jurors. In 1537 our John, together with Nicholas Dernforth,⁹ was master of the gild of St Mary at Framlingham. The family's position within the manor seems to have had some bearing on how its members were treated, regardless of their stigma. Although his status was given in the court roll at his death, 'John Capoun, native of the lord by blood', no further mention was made of it, whereas against the very next entry in the roll concerning his kinsman, Robert, who had also recently died (intestate), 'Robert Capoun of Glemham Magna, native of the lord . . . by blood and of this manor', notes were made in a different hand emphasizing the fact: *nota* was placed in the margin and *villanus* entered above Robert's name.

Records reveal that the family had cause to be alarmed by the Catholic doctrine so rigidly enforced during Mary's reign.¹⁰ Certain family members were of the Protestant persuasion. John Capoun the eldest and John Capoun the youngest, two sons of John Capoun senior of Framlingham (deceased by 1564), had fled as fugitives. It is apparent from the manor records that before taking flight John the eldest had leased out the majority of his 32 acres of land to others, keeping 5 acres, sown with wheat, for his own use.¹¹ By 1558 the situation was brought to the notice of the manor court, where it was decided that John 'native by blood of the lord and of this manor' had 'fled to distant parts' in consequence of his 'religious opinions being contrary to the Catholic faith, so it is supposed, but they know not where'. It was therefore decided to seize the produce and all the lands to support a new tenant or lessee. Without delay, an inventory was to be made by the jurors and bailiff of the divers goods or chattels (but 'of which in particular they know not') possessed by John Capoun the eldest and John Capoun the youngest, his brother, who had similarly fled. It is likely that they had made their departure a little while before 1558, because the services and customs attached to the seized lands were outstanding.¹²

It is evident from the preparations made by the brothers prior to their flight that their beliefs were not entirely covert. No doubt, as the burning of heretics increased across the county, the steward at Framlingham was compelled to bring the matter to a head. However, the court remained ignorant of the whereabouts and the wherewithal of the two men.

This was a family with abilities and skills, capable of educated thought, yet still they bore the taint of an outmoded medieval system. But for a petition created by men belonging to six families bound to the manors of the dukes of Norfolk in Suffolk, the predicament of this moderately prosperous family, seemingly well integrated into the heart of their community, would not have been apparent. The single parchment, plain and unadorned and now lodged in the National Archives at Kew, was addressed to Protector Somerset.¹³

It was in their evidence to Lord Protector Somerset that the true plight of the 16th-century villein by blood was exposed. The Protector was made aware of how, despairing at the hopelessness of their position, many had already fled the manor as fugitives, risking further suffering, adversity and wretchedness. Although they had been true liegemen of the king and his forebears, having truly served the Crown as occasion demanded, and had also paid all taxes, tallages and subsidies, yet the servants and officers of the duke and his ancestors had no regard for them.

No matter how much they toiled on the land, their efforts were ruined . . . their landes and tenementes, gooddes, and catalles that them lyked, and that not onely withe the most cruell and uncharitable woorde of reproche that maie bee imagined, and with suche extremittee void of any compassion, pittie or reason, that your said oratours have been cast in suche despair of the wordes that some have dyed for thought, and no small noubre have forsaken this realme and gon privately into foren countreyes to live there, and many have wilfully fallen in ruine and decaie, because thei knewe afore hande that whatsoever thei truely gotte with sweite of their broughes should by plain force and violence bee taken from them, in suche sorte as nether themselves should peaceably enjoye any parte therof, nor yet any relief or comiforte.

They went on to describe how the duke had treated them with more extreme harshness than his predecessors: he would not

in any wyse permitt any of your oratours to marrye accordyng to the lawes of God, ne yet to sette any their children to schoole, or to any kynde of learnyng without exaction and fines to them to bee paid, suche so great and so unreasonable as should bee to the extreme detremente and hinderaunce of the same.

They were mocked and taunted because of their unfree status, becoming oddities to be sneered at and ridiculed by their neighbours and fellow citizens, to the utter discomfort and despair of themselves and their children:

by reason of such obloquie and slandre as ther been amongst their neighbours and other the kynges subjectes concernyng the said bondage of your oratours, shall not onely bee in utter discomifort and dispair, but also bee continually spoiled and at length undone, puteth not onely themselves but also all their children [*illegible*] and succession unlesse your moste gracious mercie and pietie bee to them by your grace in this behalf extended in tendre consideracion.

Although this appears to be the end of the story as far as the Capouns were concerned, traces of villeinage continued for several centuries: for example, the duress suffered until quite recently by agricultural labourers under the tied-cottage system. The depositions on behalf of the Capon family can hardly be bettered in any attempt to comprehend what villeinage by blood actually meant in social and economic terms.

ACKNOWLEDGEMENTS

I am very grateful to Dr John Ridgard, for drawing my attention to the exploits of the prioress at Redlingfield and also for his encouragement and advice, without which this study would not have been presented. Acknowledgements are also due to Cambridge University Library, The National Archives, The Suffolk Record Office, Ipswich and Lowestoft branches, and the Norfolk Record Office.

NOTES

- 1 Johnson, Carter and Greenway 1983, 56, 101, 112.
- 2 Suffolk Record Office, Lowestoft, HA12/C10/2.
- 3 The plaintiffs gave their names as Brother, Capoun, Grosse, Ode, Read and Wyard.
- 4 John Parkhurst, BD, was Bishop of Norwich from 1560 to 1575.
- 5 Norfolk Record Office, DN/SUN3, fol. 116.
- 6 Suffolk Record Office, Ipswich (SROI), J447/4: microform copies from Pembroke College, Cambridge. Both sides of the parchment were utilized, with the final part carried over to the next folio.
- 7 Christopher Peyton's survey of Framlingham, commissioned by Edward VI: Pembroke College MS Lz, Framlingham Survey 1547, fols 125-26. Similar assessments for Richard Wyard and his son Robert, both of Earl Soham, show their worth as £46 13s. 4d. Their release from servitude took place in 1558: British Library, Add. Ch. 17637.

- 8 SROI, J447/3, K1: Framlingham-at-the-Castle manor court, 1554.
- 9 A later namesake of this Nicholas Dernforth/Darnforth, also of Framlingham, was one of the settlers who colonized New England (Booth 1954).
- 10 SROI, J447/3, K1. Framlingham-at-the-Castle manor court, 1558.
- 11 The remaining 5 acres had been sown with wheat, which was later sold by the bailiff for 11s.
- 12 The jury also decided to seize a cottage of one Robert Fleetwood, who had left the manor in a similar manner.
- 13 TNA, C 1/1187/121152 [undated]. The date can be pinned down to some time between 31 January 1547 and 10 October 1549, the duration of Somerset's protectorship. Well worn and faded, the parchment measures approximately 16ins by 20ins.

BIBLIOGRAPHY

- Booth, J., 1954. *The Home of Nicholas Danforth in Framlingham, Suffolk, England, in 1635*. Framlingham.
- Johnson, C., Carter, F.E.L. and Greenway, D.E. (eds), 1983. *Dialogus de Scaccario: The Course of the Exchequer by Richard Fitz Nigel*. Oxford.