

## CUSTOMS OF HARDWICK.

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THE records of Manors and of Manorial customs are among the most valuable, yet unfortunately also one of the most neglected sources of archæological history. The knell of these instructive remnants of feudal tenure has already begun to sound ; and probably, at furthest, before another half century shall have elapsed, copyholds and all other customary tenures will have ceased, and the Court Rolls be superseded by some uniform system of registration of titles. The political economist hails with pleasure an innovation which the antiquary as justly views with regret. Much of our early history, both civil and military, is intimately connected with the various modes in which land was formerly held, and the condition of its occupants. Mr. Kemble's invaluable "Codex Diplomaticus" has shown how indispensable the Saxon charters are to the full comprehension of the Saxon annals. The right understanding of the history of this country for at least three centuries after the conquest is in like manner dependent on an accurate acquaintance with the several tenures which prevailed, and the documentary evidence of the ownership of the soil. The registers and chartularies of the dissolved monasteries, and the ancient customals and terriers of manors, and such early Court Rolls as still exist, would afford much information on the ancient topography of the country, and the social condition of the people, their manners and usages. Stewards of manors might become valuable auxiliaries to the legal antiquary and historian, by furnishing authentic accounts of customs now obsolete, and services long ago commuted, without any possible detriment to the interests either of themselves or others. Notwithstanding the gleanings of Blount and the editors of his "Fragmenta Antiquitatis", much material of this sort must still remain to be made available for the elucidation of the past. In the hope that even a single example may be fructifying, and lead to similar contributions to archæological science, we are induced to publish the following extracts from the

customs of the manor of Hardwick, copied from the Register of Bury known as "*Alphabetarium*" (now in the Cambridge University Library, G. g. 4, 4) and obligingly communicated to the Institute by F. K. Eagle, Esq. They seem to refer to an early period of the history of the abbey, probably to the latter part of the 12th or the beginning of the 13th century. The tenant Richard Siwat does not appear to have had a sinecure; but to have been a tenant in villenage, one of a class of agricultural labourers according to the usage of the age. For, it is to be borne in mind, that when such tenures originated money wages were rare, and money itself scarce; and therefore on the creation of a manor, after parts of the land were granted out to vassals and others to be held by various free and honourable services, other part was retained in the lord's own hand; and in order to provide labourers to cultivate it, in addition to the serfs or villeins that belonged to him, the lord granted out small parcels of the residue to men just above a state of actual bondage, for their support, on condition of their assisting in the labours of husbandry and other work in which villeins were generally employed. These tenant-labourers were not villeins, though they are often so designated, and held their land by what were termed base or villein services. The work to be performed by them was specified and limited; sometimes it was to be done on stated days, or on so many days in certain weeks, or within other periods, the choice of the particular days being left to the tenants; but there were days of work, especially in harvest time, which were precarious, *i. e.* to be performed when required, for the labour could only be effectually rendered when the crops or the like were in a suitable state; and these came to be called *precaria*. Various allowances were made to these tenants when certain work was done; sometimes meat and drink, sometimes part of the produce, as we shall see in the case of Richard Siwat; but rarely was there any money payment. The reaping of the lord's land was generally an important element in such services. This work was in some manors called the *magna precaria* or great bidrepe, when all such tenants were summoned to render assistance. And in some manors, as at Brayles in Warwickshire, the tenants were to come to the

lord's reap with all their households, except their wives and shepherds. There were in other manors certain ploughings for the lord, to which the tenants were summoned in like manner. In the cases to which I have referred the very object of such tenures was to obtain labour; and this led to as large an amount being reserved as was at all compatible with the tenant being able to cultivate his own land for the support of himself and family. But there were a more favored class of tenants from whom less labour was required, and indeed there were all degrees, and not a few rendered only these *precaria* in harvest time: a kind of service which was reserved even where it would hardly be expected; thus we find the resident householders in the town of Bury St. Edmund's, with few exceptions, were bound to reap on some of the abbey land; but the duty was at an early period compounded for by the payment of a penny, which was termed *repsilver*, as appears from the highly interesting chronicle of Jocelin de Brakelond. The same chronicle tells us that Abbot Sampson, soon after his elevation, caused an inquisition to be taken not only of the quit rents of his free tenants, but also of the labourers (*rusticorum*) and their tenements, and the services that each was bound to render. This may have comprehended actual villeins also; for though they were in fact slaves, sometimes belonging to the manor and passing with it, and at others held irrespective of any interest in land, and though they were incapable of acquiring property except for the benefit of their masters, yet they often held pieces of land for the support of themselves and their families, but it was merely at their *lord's will*, and they might be removed at any time. The chronicler Jocelin indeed mentions Abbot Sampson as having by deed confirmed the manor of Thorpe to a villein (*gleba ascripto*); which sounds like granting him a permanent estate for his life in the manor, but, if so, the grant itself probably manumitted him by implication, as would certainly have been the case at a later period; for the courts of law, by divers subtilties, greatly assisted this class of men in acquiring their freedom, and a permanent interest in their land; and it is a prevailing opinion that from them were derived the original copyholders. Richard Siwat was hardly a villein, for he appears to have held *to him and his*

*heirs*; still his liability to be transferred to another manor, and to be converted into a reaper or woodman, shows he was only one degree above a state of bondage, and certainly some of his services were of the meanest kind. One advantage the humblest of this class of labourers had was that, so long as he performed the services, he was intitled to the land. The licenses to marry, arbitrary as they appear, grew out of the then state of society. The marriage of a daughter was important, for she might become intitled to the land as heir, and if she married a bondman of another lord, or one incapable of performing the work, the lord must have either lost the service or the tenant the land. And had Richard Siwat himself married a bondwoman of another lord, the issue would, according to Glanville, have belonged to her master, and could not, it is apprehended, have inherited; but on these points there were nice distinctions, and at a later period it would have been otherwise, as the issue of such a marriage was then held to follow the *status* of the father. However, even then a man marrying a bondwoman without her master's leave was liable to an action, which would in all probability have ruined a poor tenant-labourer like Richard Siwat; and therefore it was not without some reason the lord had a veto on his marriage.

#### CONSUETUDINES DE HERDWYK.

Ricardus Siwat tenet viij acras terræ et operabitur a festo Sancti Michaelis usque ad gulam Augusti\* qualibet septimana duas operationes exceptis xv diebus ante Natale Domini, die Parasceue†, feria ij ante Pentecostem, quibus diebus quietus erit ab operibus. Et veniet ad opus suum sole surgente, et operabitur donec magna missa‡ cantetur pro uno opere sine cibo. Si autem dominus velit ipsum pascere operabitur per totum diem pro uno opere. A gula Augusti usque ad festum Sancti Michaelis metet qualibet septimana unam acram frumenti vel ordeï vel siliginis vel avenæ vel de pisis dimidiam acram, et quantum metet tantum ligabit et schoccabit, sed non cariabit. Et habebit ad quamlibet acram frumenti, siliginis, ordeï, vel avenæ duas garbas, et ad dimidiam acram pisarum duas garbas. Et faciet si dominus voluerit unam precariam in Autumno cum duobus hominibus ad cibum domini ad ij repasta, et ad noonscench§, et aliam precariam cum uno homine ad

\* The first of August.

† Good Friday, *i. e.* the day of preparation. See John, xix, v. 14 and 31.

‡ This was most likely over before 12 o'clock, and probably earlier.

§ The same word that we now spell *luncheon*. It is good Saxon from "scene," *potus*, drink, or draught. In the *Promptorium Parvulorum* we find "schenkynne drynke, *propino*," and "schenkare", a

cibum domini ad ij repasta et ad noonscench si dominus voluerit. Et precariæ non allocabuntur ei pro aliquo opere. Et triturbabit et mundabit pro quolibet opere dimidiam summam\* de quolibet genere bladi per mensuram grangiarum, de qua nullum pervenerit incrementum. Et habebit in recessu suo quando triturat ad grangias ad quodlibet opus quantum possit semel colligere de foragio tunc triturato cum rastello, et dicitur j Helm†. Et in tempore falcationis faciet duos dies in prato cum falce in septimana pro duobus operibus, et operabitur sine cibo usque ad nonam‡, vel tota die cum cibo. Et eodem modo operabitur in sarculatione. Sed dominus non debet facere eum operari tota die ad cibum suum in nullo genere operationis contra voluntatem suam nisi fuerit a retro de operibus suis. Et similiter de feno colligendo. Et faciet v cratas ad faldam de virgis in bosco de Herdwyk pro ij operibus. Et portabit quinque cratas quando falda de Herdwyk portabitur ab uno campo in alium, viz. post ordea seminata, quando incipient compostare in æstate, et non allocabitur ei pro aliquo opere. Et adjuvabit per unum diem ante prandium onerare carectas de fimo pro j opere, et sparget dimidiam acram fimi pro j opere, et fossabit usque ad nonam pro j opere. Et si ad quodlibet aliud opus assignetur, operabitur

giver of drink, a tapster. Chaucer, in the "Merchant's Tale", has

"Bacchus the win hem skinketh al aboute";

and Gouldman's Dictionary gives—"To skink, *effundo*; a skinker, *pincerna a poculis, vide Tapster*." The word is employed by Shakspeare (*Henry IV. Act ii. sc. 4*), "I give thee this pennyworth of sugar, clapped even new in my hand by an *under-skinker*," where, as appears immediately afterwards, *under skinker* answers to drawer. The modern German has *schinken* and *schenke*, the latter signifying an alehouse; and the word is not extinct in East Anglia, as Forby gives "Skinker, one who serves drink—one who takes upon himself to fill the glasses or horns of his party." When dinner was very early, noon was not too soon for an intervening refection—a sup of drink at least; but in monasteries this took place after *nonas*, which was about 2 p.m., and in other instances it seems an afternoon refection. The two repasts were dinner and supper; the higher classes, temp. Elizabeth, dining at 11 and supping at 5. "Of old (says Harrison, *Desc. Engl. i.*, 170) we had breakfasts in the fore-noone, beuerages or nuntions after dinner, and thereto reare suppers generallie, when it was time to go to rest, a toie brought into England by Hardie Canutus; but nowe those are very well past, and ech one, except some young hungrie stomach that cannot fast till dinner time, contenteth himself with

dinner and supper onelie." In the Towneys Mysteries, v. 234, it is called "noyning." The noonscench was identical with the *bever* (see *Way's Promptorium*, i., 34), a word originally meaning drink, though afterwards, like *nuncheon*, including food, and both identical with the *biberes nonales* of the monks—the small cups served out after nones. A good illustration of this conversion of drink into food appears in the customs of the manor of Southese with Heighton, Sussex, translated probably from the Latin temp. Jac. I., where every reaper was to be allowed "*one drinke in the morninge of BREAD AND CHEESE*," and the word drinking is still used for afternoon refreshment of a similar kind in some parts of Yorkshire.

\* *Summa* is 8 bushels, or a quarter.—(*Cullum's Harvested*, p. 98) a *seam*; a word still used in this sense in some of the southern counties. Fr. *somme* (the other forms of the word are *sagma, salma, sawma, and somma*), a load, as much as a horse, cart, wagon, or wheelbarrow, whatever the means of transport might be.

† Angl. Sax. *hæleme, culmus*, straw; whence *halm*, or *haulm*, applied to stubble. Analogous to this perquisite was a custom in the manor of Brayles, Warwickshire, for a tenant on mowing for his lord to have as much grass as he could carry away on his scythe.

‡ This may either mean midday or the time of nones, about 2 p.m.; but the former is probably here intended.

usque ad nonam pro j opere, vel usque ad vesperam pro ij operibus. In septimana vero rogationum erit ad cameras necessarias\* conventus mundandas† per ij dies, et habebit de Cellarario ij repasta et noonscench, et erit quietus ab aliis operibus illa septimana. Die vero cenæ‡ habebit de Cellarario unum mandatum§, et operabitur illo die usque illam horam quando debeat ire ad mandatum quodcumque opus sibi fuerit injunctum, et non allocabitur ei pro aliquo opere. Si autem extra villam ad aliquod aliud manerium transmittatur||, operabitur usque ad nonam pro ij operibus. Et si pascatur ibidem operabitur usque ad vespas, et allocabitur pro ij operibus tantum. Et dabit quolibet anno pro feugera¶ bruerae ad festum Sancti Michaelis j d. ob. et ad Natale unam gallinam. Nec potest maritare filiam suam sine licencia, nec nubere sine licencia. Et debet sectam curiæ et molendini, et dominus si voluerit faciet eum messorum\*\* vel boscarium. Quodsi fuerit, quietus erit ab operibus suis. Et dabit herietam, viz. xxxij d., et præterea hæres satisfaciet pro ingressu faciendo.

\* The monks were much in advance of their age in these matters. The building at Canterbury in the 12th century, as shewn in Eadwin's plan in the "Vetusta Monumenta," was on a large scale, and water was supplied to render the services here mentioned unnecessary. (See *Arch. Journ.* vol. iv. p. 160); and so at St. Gall, yet earlier, there was a public building for the monks, and several private conveniences for guests and others which are not easily made out from Professor Willis's reduced plan in the same journal, vol. v, though very evident on the large plan whence it was taken.

† It is expressly stated in one of the cartularies of St. Edmund's, that the "Lancetti de Hardwick" were to cleanse the *cameras necessarias* of the monastery. And in the *Liber de Consuetudinibus Sancti Edmundi*, fol. 69, is this passage:—"Feria ij<sup>a</sup> et iij<sup>a</sup> Rogacionum undecim homines de Herdwic mundantes cameras conventus, accipiunt singuli mane iij ova, et ad nonam, bini et bini, j ferculum de ferculo aule, scilicet v fercula et dimidium." In Groton there were tenants who paid "gersumam pro filiabus suis quia tenent de lancettagio." (MS. Harl. 3977, fol. 33 v. 53 v.)—*Gage Rokewode's Chron. Jocelini de Brakelonda*, p. 150.—On the base tenure of Lancettage, vide Spelman in voce *Lanceta*; and Ducange, *Lancetus, Lancetta*.

‡ Maunday Thursday (*cena Domini*), when our Saviour instituted the Eucharist and gave his new commandment (*mandatum*) to love one another. See *Riddle's Christian Antiq.* p. 633.

§ The maundy in Benedictine monasteries seems to have taken place after nones, *i. e.* soon after 2 p. m. (See Fosbroke, p. 52.) Beside the ceremony of washing poor people's feet, there was a dole of money or provisions, and it was in this that Richard Siwat was to share.

|| This is a remarkable word. It seems to imply that Siwat was liable to be removed at pleasure to another manor.

¶ Ducange has "Fougeria, *filix*. Gall. Fougère—fougerias nostre foreste," &c. Mr. Way writes, "It is a word still used commonly in France, fougère, fern, or brakes, as they are called in Suffolk. The "feugera bruerae"—fern grown on the heath or common of Reigate, is here used by the copyhold tenants just as that of Herdwyk was shared. In Normandy, until very recent years, a glass of singular lightness was fabricated for table use, termed *verre de fougère*, from the use of the ash of the fern in its manufacture." The tenants of the Abbot of Furness had liberty to get whins and brakes to their own use. Ferns (says West, *Antiq. of Furness*, Appx., No. viii.) are much used in baking oatmeal cakes, and heating the ovens. The smoke of dry fern is no way offensive; and does not stain the bread, "therefore it continues to be in great request in Furness. Of glass, "made of ferne rotys," see Sir T. More's *Dialogue*, ff. 18. The town and family of Fougeres in Brittany both bear branches of fern for their arms.

\*\* Reaper. See *Cullum's Harvested*, pp. 107, 224.

## DE FALDA DE HERDWYK.

Pastura faldæ illius incipit juxta riperam apud Wlnothes et procedit ita ulterius ascendendo versus austrum usque ad crucem lacrimantem\*, et ita semper per viridem viam quæ ducit usque Herdwyk et in circuitu de Herdwyk, et ita procedendo per campum de Horsecroft usque ad molendinum de Hornyngesherthe, quia ipsi de Hornyngesherthe communicant etiam in campis jungentibus se campis Sancti Edmundi ex illa parte. Procedit etiam communia illa descendendo usque ad cursum aquæ quæ venit deversus Saxham ex opposito de Eychtecos, et ita redeundo per aquam illam usque ad pratum sacristæ, sed in illo prato non communicant aliquo tempore anni, dictum vero cursum aquæ non debent aliquando excedere.

## PASTURA DE HERDWYK.

Introitus bosci de Herdwyk a bruera usque ad januam bosci pertinet ad Cellerarium. Ita quod non est qui possit communicare aliquo tempore anni neque in illo introitu neque in aliqua cultura circa Herdwyk pertinente ad Cellerarium sine licencia ejusdem speciali, locatur autem aliquando pro xvij*d.* vel plus.

Pastura vero circa Herdwyk eorum est quorum terræ super eandem abuttant pasturam.

Pastura viæ quæ ducit a bruera usque ad domum Ricardi Siwat, quæ dicitur Aspeweye, et pastura viæ juxta terram Decani quousque se extendit campus de Hokewelle, pertinet ad Custodem bosci.

Pastura viæ quæ ducit a grangia Elemosinarii ad domum Willelmi le Monech pertinet ad eundem et dat annuatim viij d. pro illa pastura.

Tota pastura bruera de Herdwyk et omnes aliæ pasturæ ibidem ita specialiter pertinent ad Cellerarium præter ea quæ dicta sunt ut nullus possit ibidem communicare, pascere, neque aliud quid facere aliquo tempore anni sine licencia Cellerarii, præter feugeram bruera, quæ pertinet ad tenentes de Herdwyk, reddendo inde annuatim xxij denarios, de qualibet quilibet scit suam porcionem.

\* Near Stafford formerly stood what was called a *Weeping Cross*, and the spot still bears the name. It is referred to by Pennant and Gough in their descriptions of the cross in Flintshire, near Whiteford, known by the name of *Maen Achwynfan* or the stone of lamentation, being a sculptured stone, about 12 feet high, with a cross within a circle at the top, after the fashion of many of the old stone crosses, ascribed to the 10th and 11th centuries. Pennant considered it a Weeping Cross like that at Stafford, and that penances were performed there. The editor of Camden's "Britania" thought it was raised to the memory of the slain in a battle, there being numerous *tumuli* not very far from it; an opinion which Pennant rejected on the ground of this being a Christian memorial, and the

*tumuli* of an earlier period.—Pennant's "Whiteford," p. 113, and Gough's *Camd. Brit.* ii., p. 592. How far he may be correct as to the age of the *tumuli*, there are no means of determining. Its name agrees so closely with that at Stafford, that it is not unreasonable to think they belong to the same class. Near Old Sarum the name "Weeping Cross Tree" designates a spot where in all probability formerly existed a similar cross. We have not been able to find any evidence of the occasion or purpose of such crosses. There was a practice of funeral processions stopping at crosses on their way to church and praying for the dead (*Brand's Pop. Antiq.* by Ellis, ii., p. 158), and where a cross stood on a much frequented road to a church it might from that practice have acquired such a name.

## BOSCUS DE HERDWYK.

In bosco de Herdwyk non debet aliquis nec potest quid juris vindicare neque in herbagio, neque in subbosco, neque in alio aliquo præter Priorem, Hostilium, et duos emptores\*, quibus Cellerarius debet assignare quolibet anno contra Natale iiii<sup>or</sup> Cristemasse stokes†, et debet quodlibet esse ad minus de viij pedibus. Veruntamen si Cellerarius magis expedire viderit poterint assignari in aliis boscis circa villam, dummodo sint infra duas leucas.

## FEUGERA DE HERDWYK.

Feugera bruerae de Herdwyk pertinet ad Cellerarium, et assignatur tenentibus de Herdwyk quorum quilibet scit portionem suam, et dat quilibet j d. ob'.

## CUSTOMS OF HARDWICK.

Richard Siwat holds eight acres of land, and is bound to perform in every week, from the feast of St. Michael to the Gule of August, two Works, except fifteen days before the Birth of our Lord, Good Friday, and the Monday before Whitsuntide, on which days he shall be free from his Works. And he shall come to his work at sunrise and shall work until the high mass is sung, as one Work, without food. But if the lord chooses to allow him food he shall work through the whole day for one Work. From the Gule of August to the feast of St. Michael he shall mow in every week an acre of wheat, or barley, or rye, or oats, or half an acre of pease, and what he shall mow he shall tie up and shock, but shall not carry. And he shall have for every acre of wheat, rye, barley, or oats two sheaves, and for half an acre of pease two sheaves. And he shall perform, if the lord will, one precary in autumn, with two men to be fed by the lord at two meals, and at *noonscench*, and another precary with one man to be fed by the lord at two meals and at *noonscench*, if the lord please. And the precaries shall not be allowed to him as any Work. And he shall thresh and dress for every Work half a seam of any kind of corn by the measure of the Granges, from which he shall derive no advantage. And he shall have when he departs from threshing at the Granges for every Work, as much of the straw then threshed as he can collect once with a rake, and it is called one *Helm*. And in time of

\* Caterers, or achatours (from the French *acheteur*), the purveyors to the abbey. Their office was very like that of Chaucer's "gentil manciple,"

"Of which achatours mighten take ensemble".

However, it appears to have extended, as did that of purveyor for the king, to fuel as well as food. *Emptores* are mentioned by Yates (*Bury Abbey*, pp. 191, 203) in the sense of purveyors. They were not strictly speaking officers of the monastery, but servants of the abbot and cellarer respectively the abbot having at least one, and the cellarer two; whose duty it was to go to market, &c., for them.

The cellarer had also an *emptor casei*, as if the purchase of cheese had something in it peculiar. In Bury Abbey the cellarer was "secundus pater in monasterio" had splendid and extensive apartments and grounds; and many singular and profitable privileges; recited in Yates's *Bury Abbey*, 188-192. The duty of the hosteller was to provide for the reception and entertainment of strangers, pilgrims, and visitants.

† They were probably yule logs. Kemble, *Codex Diplomaticus*, has *stoc*, a stock or log—No. 136, 442; *heafodstoccas*, Nos. 442, 641; *wón stoc*, Nos. 287, 657.

mowing he shall mow two days in each week in the meadow as two Works, and shall work without food up to noon, or all day with food. And in the same way he shall work in weeding. But the lord ought not to make him work all day for his food in any kind of work against his will, unless he be in arrear of his Works. And in the same manner of hay making. And he shall make five fold-hurdles of wattles in the wood of Hardwick as two Works. And he shall carry five hurdles when the fold of Hardwick is moved from one field to another, viz., after the barley is sown, when they begin to manure in summer, and it shall not be allowed to him as a Work. And he shall assist for one day before dinner in loading the carts with dung as one Work, and he shall spread half an acre of dung as one Work, and shall ditch up to noon as one Work. And should he be placed on any other work, he shall work up to noon for one Work, and until evening for two Works. In Rogation week he shall assist in cleansing the necessaries of the convent for two days, and shall have from the Cellarer two meals and *noonscench*, and shall be free from other works in that week. But on Maundy Thursday he shall have a maundy from the Cellarer, and shall work on that day to the time when he ought to go for his maundy, whatever be the work enjoined to him, and it shall not be allowed him for a Work. But if he be sent out of the town to any other manor, he shall work up to noon as two Works. And if he is fed there, he shall work until evening, and it shall be allowed as two Works only. And he shall pay yearly for the brakes or fern of the heath at Michaelmas  $1\frac{1}{2}d.$ , and at Christmas a hen. He can not give his daughter in marriage without licence, nor marry himself without licence. And he owes suit of Court, and of the Mill, and the lord if he pleases may make him reaper or woodman, in which case he shall be free from his Works. And he shall pay a heriot, viz.,  $32d.$ , and his heir besides shall pay a relief for his admission.

## OF THE FOLD OF HARDWICK.

The pasture of this fold begins by the river at Wlnothes, and proceeds along it towards the south up to the Weeping Cross, and so along the Green Way which leads to Hardwick, and round Hardwick, and so along the field of Horsecroft to the mill of Hornyngesherthe, as they of Hornyngesherthe common also in the fields adjoining the fields of St. Edmund on that side. That common proceeds downwards to the watercourse which comes from Saxham opposite to Eychtecross\*, and so returning by that water to the Sacristan's Meadow, but in that meadow they do not common at any time of the year, for they ought never to go beyond that watercourse.

\* *Eychte* is no doubt one of the various forms of the perfect tense of Ang. Sax. *Ecan* or *Eacan*, to increase, prolong, or add to; but here the *perfect participle* of later times used adjectively in the sense of great, tall, or high; and thus Eychtecross is Great or High Cross in the same way in which *Ick-worth* and *High-worth* are identical, the name of a village very near the cross in question.

In Anglo-Saxon times the perfect participle *Ecen* was used as an adjective in the sense mentioned; and the later practice of confounding the perfect tense and perfect participle of Ang. Sax. verbs is sufficiently well known. The ordinary spelling of the perfect tense was *Ecte*, *ycte*, *ihte*, and *yhte*, with which *Eychte* may be easily identified; and *ih̄t* i sometimes the perfect participle.

## THE PASTURE OF HARDWICK.

The entrance of the wood of Hardwick from the heath to the gate of the wood belongs to the Cellarer. So that there is no one who may common at any time of the year either in that entrance or in any arable land about Hardwick belonging to the Cellarer, without his special leave. It is let sometimes for 18*d.* or more.

But the pasture around Hardwick belongs to those whose lands abut upon that pasture. The pasture of the way which leads from the heath to the house of Richard Siwat, which is called Aspeway, and the pasture of the way next the Dean's land, as far as Hokewell field extends, belongs to the Keeper of the Wood.

The pasture of the way which leads from the Almoner's barn to the house of William the Monk belongs to the same, and he pays yearly 8*d.* for it.

The whole pasture of the heath of Hardwick and all other pastures there, belong specially to the Cellarer, except those above mentioned, so that no one may common or feed there, nor do anything else at any time of the year without the leave of the Cellarer; except the fern of the heath, which belongs to the tenants of Hardwick, paying for it yearly 22*d.*, of all which every one knows his own portion.

## THE WOOD OF HARDWICK.

In the wood of Hardwick, no one ought or can claim any right either in the herbage or underwood, or anything else, except the Prior, Hosteller, and the two caterers, to whom the Cellarer ought to assign every year, against the Nativity, four Christmas stocks, each of which ought to be at least of 8 feet in measurement. But if the Cellarer shall think it more fit he may assign them in other woods round the town, so that it be within two miles.

## THE FERN OF HARDWICK.

The fern of the heath of Hardwick belongs to the Cellarer, and is assigned to the tenants of Hardwick, each of whom knows his portion, and pays 1½*d.*

The Writ of King Stephen that Saint Edmund may peaceably hold Hardwick is to be found in the Register of J. Northwold, fo. 45, in Rub. Reg. 75, and in Nigro Registro Vestiarii, fo. 181, in these words :

Stephen, King of England, to O. Abbot of St. Edmund's and to all the men of the honour of St. Edmund greeting. I command you and order that the monks of St. Edmund and their Cellarer may hold the land of Herdewyk as well and in peace freely and quietly as they held it more freely and quietly in the time of any Abbot of St. Edmund's. So that no one may interfere except the Monks & Cellarer. Witness, R. de Ver at St. Edmund's.