

1954

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Recommended Citation

Charles F. Mullet, *Left and Court Baron at Ashby de la Zouche, 1620-1714, The*, 19 MO. L. REV. (1954)
Available at: <https://scholarship.law.missouri.edu/mlr/vol19/iss3/5>

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Mullet: Mullet: Left and Court Baron
THE LEET AND COURT BARON
AT ASHBY DE LA ZOUCHE, 1620-1714

CHARLES F. MULLETT*

In the Hastings Collection at the Huntington Library is a small manuscript volume, entitled in ink on the outside cover, "Paine Book for Ashby."¹ This informing, even fascinating, record, over 180 pages in length, illuminates the government, economics, and, somewhat obliquely, the state of mind and conduct in Ashby de la Zouche, Leicestershire, within the manor of the Earl of Huntingdon, for the years 1620-1714. Indeed it is not too much to say that its value extends to an earlier period as well, for the entries quite clearly stand on the experience and practices of years before. Moreover, when the materials of which this little book is scarcely more than a digest are put in order, the significance of this record will be exhibited in even sharper focus.

Perhaps the best clue to the contents of the "paine book" appears in a late entry: "Ashby de la Zouche, ordered and by laws made upon certain pains and penalties set and imposed at the Leet and Court Baron of the Right Honorable Theophilus, Earl of Huntingdon, holden there the nineteenth day of October Anno Die. 1686 by the grand inquest and homage as followeth. . . ."² While one such collection can in no wise reveal the entire structure of local government, it throws a direct, if single and only moderately bright, beam into dark and dusty corners, corners where few lights have flashed because few are available; and even if this book does not revise, it can greatly amplify our knowledge of an obscure historical labyrinth.³ Compared and contrasted with similar

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1. The description of this item as "The booke of the penell lawes made and provided . . . ye 8th day of October 1629," in the report on the Hastings Manuscripts, *HUNTINGTON LIBRARY BULLETIN*, no. 5, p. 55, (1934), is misleading, as is the additional comment that the "entries fall mainly under two dates: the above (confirmed by the jury on October 10, 1648) and October 19, 1686 (imposed by the leet and court-baron of the 7th Earl)." The length of the record is mis-stated as 91 pp.; there at least 91 leaves, with entries on both sides. The remainder of the note is more accurate.

2. In general, and with certain obvious exceptions, the spelling, capitalization, and punctuation will be modernized in the interests of clarity. Nothing in the original form appears sufficiently exceptional to warrant its retention.

3. The following works will suggest much concerning the history, character, and functions of the courts leet and baron as instruments of local government, and their bibliographies will carry one far into the problem: F. J. C. HEARNshaw, *LEET JURISDICTION IN ENGLAND ESPECIALLY AS ILLUSTRATED BY THE RECORDS OF THE COURT LEET OF SOUTHAMPTON* (1908); W. O. AULT, *PRIVATE JURISDICTION IN ENGLAND* (1923); A. E. LEVETT,

records, furthermore, it gains in value for itself as well as enhances their worth and application.⁴

The first tattered leaves of the manuscript are in a beautiful Elizabethan Secretary hand, with the entries for the early sessions ordered in a brief, precise fashion. Obviously a clerk has written them. Within a few years, however, the hands constantly vary; one member of the jury has usually made the entry which is in turn signed by his fellows. Not infrequently the record of the meeting carries only the signature of the foreman or the steward. At long intervals rather formal and complete statements bring the pains and penalties up to date, although a brief scrawl, summarizing the session with the comment that the jury has agreed that all ancient customs be kept, is much more common. Sometimes in these instances nothing else appears except the names of the jurors signed individually, but as a rule a particular problem, usually agricultural in nature, receives partial re-statement and is incorporated above the signatures. Connected with this is the practice of crossing off certain orders which no longer satisfied contemporary conditions or needs. As the jury of May 14, 1702, declared, "We continue all the pains in this book not cancelled." When a jury decided to revise the rules at some length care was taken to achieve order and legibility; even so the writer might be a member of the court.

The early minutes merely state the violations and the penalties attached; later on, the jurors incline towards a slightly more elaborate definition of the pains. Because of the frayed condition of the early pages, to find the penalty for the crime or the crime for the penalty is often impossible, but a comparison with other lists permits necessary generalizations. One can quickly discern prohibitions against violating the Sabbath, letting animals run loose, disturbing the peace, and trespassing upon rights of common, with their forfeitures of a few pence. Although many early minutes run only a page or two, one in particular, "The book of the penal laws made and provided for the public . . .⁵ of the inhabitants of

STUDIES IN MANORIAL HISTORY (1938); F. M. PAGE, *THE ESTATES OF CROWLAND ABBEY* (1934), esp. pp. 31-38; T. PAPE, *MEDIEVAL NEWCASTLE-UNDER-LYME* (1928); SIDNEY AND BEATRICE WEBB, *ENGLISH LOCAL GOVERNMENT: THE MANOR AND BOROUGH* (1924), esp. ch. 1.

4. Some early surviving records may be examined in MAITLAND, *SELECT PLEAS IN MANORIAL AND OTHER SEIGNORIAL COURTS* (1889); MAITLAND AND BAILDON, *THE COURT BARON* (1891); WILLIAM HUDSON, *LEET JURISDICTION IN THE CITY OF NORWICH* (1892). Later records will be cited when they are specifically used for comparative purposes.

5. The edge of the manuscript has frayed away and one word is missing; "good" is undoubtedly a reasonable guess.

Ashby de la Zouche agreed upon by the jury and other inhabitants the 8th day of October, 1629," covers twenty-seven pages. In addition to "paines" of the sort just mentioned this list includes the orders of the jury concerning such items of administration as repairing pavements and cleaning out ditches. For instance two specified persons "shall keep the water course scoured from time to time at their yard end upon pain to forfeit for every default" 3 s. 6 d.

A sampling of subsequent rolls sheds light on the procedure as well as the substance of local government. On October 10th, 1648, it is agreed "that all the ancient pains contained in this book concerning the fields for this year following, be duly kept and observed according to ancient custom, and to that end we have chosen Abraham Presbury and Thomas George to be field reeves." The names of the jurors, twenty-two in number, follow. On the same page—not a large one be it remembered—the jurors in office at the next meeting, July 23d, 1649, affirm in cramped hands their approval of what is contained above. In October, 1665, the jury, in addition to accepting what preceding courts have affirmed, declares that "no inhabitant of Ashby de la Zouche shall keep my geese in the fallow field betwixt Lady Day until the field be broke, but upon the geese pen, or else upon pain for each person every time she offends to pay two pence." Below, on April 24th, 1666, the "jewry" orders that "this pain above written shall be . . . in force." Some years later, in May, 1671, "no person or persons whatsoever shall mow or cut any fern or bracken in the woods before the 26th day of July upon pain to forfeiting for every such default to the Lady of the Manor."

On October 24th, 1682, the jury brings all the "paines" up to date in a lengthy list, but without attaching the fines. Carelessly written as it is, one can decipher injunctions against violating the Sabbath, oppressing the common, and failure to perform local administrative orders, all to the number of 102. Four years later there appears in much neater form the comprehensive statement already mentioned, which includes not only the fines but also—as had the list of 1629—a convenient marginal summary beside each item.

The first several orders punish violations of the Sabbath. Buying and selling on this day draw a fine of 5 s., loading of horses 2 s., pipers and minstrels playing and the indulging in cards and unlawful games, each 10 s. By contrast, driving over another man's ground without his con-

sent is penalized by 12 d. Other prohibitions possess equal interest. "No man shall lay any carrion in any place about this town but shall bury the same upon pain for every offence to forfeit 1 s." No person "shall keep or suffer any mastiff to go loose and unmuzzled in the streets" on pain of 1 s. Field reeves are to see that no man keeps more sheep on the common than allowance permits; the pavements must be kept in repair; bakers must make their bread full weight or pay 6 d.; "the coroners of the market shall not take of any bakers above a half penny loaf to taste whether the bread be good and wholesome" or forfeit 12 d.; "no butcher shall kill or sell any bull or bulls within this town except the same be first baited with mastiffs in pain to forfeit for every bull killed and not baited . . . 3 s. 4 d." Moreover, "every person or persons that shall rail or scold openly against any of their neighbors to the provoking or grieving of them or doing as much as in them lies to take away their credit and good name shall forfeit to the Lord . . . 5 s." Other items cover the keeping of swine, tipping at unlawful hours, repairing fences, the functions of churchwardens, beadles' wages, officials performing their duties, the payment of tithes, cleaning of ditches, and affrays (with bloodshed, 6 s. 8 d.; without, 3 s. 4 d.).

For years afterward, juries did little more than approve these rules and emphasize their binding character. Yet often they felt the necessity of including a special prohibition, usually with regard to the care of animals or the rights of common, which would lead to the conclusion that although village politics ran smoothly enough, local economic problems were always troublesome, or even that Ashby folk constantly sought the loophole in the old "pain." A common prohibition forbade persons keeping horses, scabbed or otherwise infected, in the common fields. Likewise, on April 25, 1695, the jury, following earlier precedents, agreed that no person that has any common in the fields belonging to Ashby shall put in more than ten sheep for his yardland and five for his cottage and so on proportionately.

On April 29th, 1700, the jury met and did not adjourn, if the record is correctly read, until May 15th. This session, seemingly unique as to length, put together the final complete summary of the volume, a summary that presents at least one striking contrast to its predecessors of the same type and scope. Nothing is said about Sabbath violations. The very first regulations concern cattle and horses and are followed by others respecting fences, ditches, sheep, the use of the common, carrion, geese,

swine, field reeves, bakers, coroners, butchers, ale-house keepers, bull-baiting, striking of officers, winnowing in the streets, and keeping the pavements clean and in good repair. These latter rules differ little from those of an earlier day, even as far back as 1629. A few years later, however, a significant innovation is apparent. An entry of March 27, 1705, makes it clear that by this time the jury is sensitive to petitions signed by the majority of the inhabitants in defining its policies, a suggestion that the court is more aware of its administrative functions. Evidence for this development is as unusual in the proceedings of the Ashby Leet as it is common in those of some other communities.

Having surveyed the content and phraseology of this book of pains, some observations may profitably be made concerning its general character and its similarities to or differences from other records of the same type. The language throughout is English and neither the spelling nor the general form of expression changes greatly during the century. No clues suggest the method of selecting the jurors, their eligibility, or meeting place. No roll mentions what local officials preside or attend the court, or whether any suitors appear before it. Judging from the signatures the number of jurors varied with each meeting; there are as many as twenty-two and as few as twelve, with perhaps fifteen being the average. The size of the penalties changes but little, although the jury tends to standardize penalties in place of the earlier variations. For example, on October 30, 1711, the dyer is forbidden to turn his dye water into the street on pain of forfeiting 6 s. 8 d. At the same meeting the identical penalty is levied on anyone who shall tether any "stone horses" in the fields. A year later, the harboring of beggars, vagabonds, or "people commonly called Gipseys" brings the same fine. In fact, other records listed below indicate a general tendency to make 6 s. 8 d. a common penalty. With one or two conspicuous exceptions, the character of the pains changes little. The earliest and the last complete roll differentiate between affrays with the affrays without bloodshed. The orders of 1629 and of 1686 are almost identical in sequence and phraseology. Even the meetings are consistently irregular, though towards the latter part of the period, semi-annual sessions, usually at Easter and Michaelmas, are common. Earlier, the entries show intervals ranging from one month to two years, with quarterly and semi-annual meetings most usual.⁶ Notwithstanding the presence of the same men on the

6. This irregularity perhaps resulted from the Ashby court being both a "Leet

jury year after year,⁷ the minutes are almost always in a different hand for each session, a hand which if not elegant is, like the signatures, invariably legible.

It is also of value here to check the generalizations of commentators against the contents of this record. On the basis of intensive study of Southampton leet records and the examination of similar materials, Hearnshaw concluded that the court leet "as a separate and distinct court existed, in its pure form, nowhere save in legal theory," and that really it was a relic of undifferentiated manor courts. Obscurity of origins and the unstandardized character of leet courts cannot, however, hide the fact that "the very heart and centre of leet jurisdiction was the right to hold the view of frankpledge."⁸ This function alone substantiates the approving judgment of a seventeenth century reporter that the courts baron and leet "caused great ease and safety to the people."⁹

Bearing in mind this opinion, which unwittingly became an epitaph, we must agree with the Webbs that by the seventeenth century the court leet had, because of its cumbrous nature, lost its jurisdiction over most criminal cases.¹⁰ There remained within its view little but petty delinquencies and "the wide and elastic offence denoted by a common nuisance." Yet this latter responsibility was the sum of local administration. "It is difficult to find any kind of personal conduct, whether intrinsically innocent or plainly criminal, and whether or not expressly included among statutory offences, which might not, at one period or another, have found its way, as a common nuisance, into the presentments of a Court Leet Jury." By the eighteenth century, however, many factors

and Court Baron," for, according to SHEPPARD, COURT KEEPER'S GUIDE, "The court baron may be kept every three weeks or, as sometimes, oftener, if it please the lord; but a court leet is not kept oftener than twice a year." Quoted in 2 CHEYNEY, A HISTORY OF ENGLAND FROM THE DEFEAT OF THE ARMADA TO THE DEATH OF ELIZABETH 397 (1926).

7. A John Orton was a member of the jury in October, 1648, was not mentioned in 1653, but was serving in 1673. Perhaps no other juror sat so long, but there are several long-term examples. Presumably, a man once eligible for service was kept on the court as long as possible.

8. LEET JURISDICTION IN ENGLAND iv, 17. This volume not only surveys the whole problem of leet jurisdiction but, in addition to its history, traces the historiography of leet courts which goes back as far as 1269. For this, see especially 22-42.

9. 2 WHITELOCKE 420-21 (1675).

10. ENGLISH LOCAL GOVERNMENT 26-27. CHEYNEY, *op. cit. supra* n. 6, p. 398, notes that the court baron was a gathering mainly concerned with land transfers, and that the more formal court leet, composed of the same people, elected officials and kept view of frank pledge. Perhaps this comment is in general true, but it finds little support in the "Paine Booke for Ashby."

were hastening its decline. The long-established tendency towards administrative centralization, supersession by other agencies, municipal reforms, health and police legislation, changing social patterns and structure, and perhaps in some instances its own desuetude, alike contributed to the passing of the court from a vital force through a stage of perfunctory routine to its disappearance as a significant instrument. Yet in its hey day, its virtues—"justice at home", a common-sense, economical, comprehensive, and prompt justice—were real enough in all faith.¹¹

Hearnshaw supplies a list of courts leet that survived the general depression;¹² and from his summary description of them as well as from the more complete rolls of others it is clear that the Ashby court differed from many. The Southampton records offer some interesting contrasts.¹³ Much more comprehensive in their detail as to meeting places, penalties for neglect to sit, a more complete list of members, and formal presentments, they appear also to be somewhat more particular in their application, for example, to mention specific breaches and the individual offenders. In fact, they do not specify the amount of the fine for the general offense as do those of Ashby. The records exhibit an urban community, with their greater attention to such matters as the disposal of refuse, the water supply, pavements, buildings in decay, bridges, and lights, than to rights of common. Yet in 1624, even in Southampton, some persons were fined for oppressing the common.

The jurors of Ashby, by no means self-conscious in their administration, were much more impersonal in the definition of pains and penalties. By contrast to the Southampton jurors, they impress the student as interest only in the *end* of keeping their community in order, indifferent to the means, and unaware of the antiquity or even the meaning of their procedure. The Ashby book is much more brief, one small volume for nearly a century as against three larger volumes for Southampton during the period 1550-1624. Perhaps the difference in part derives from the far greater number of administrative rules and the emphasis upon individual breaches of the peace. Some specific entries will best illustrate

11. HEARNSHAW, *LEET JURISDICTION* 354-57.

12. *Id.* at 248-321. He does not list Ashby; perhaps the court whose minutes are here described did not long survive the period covered by this valuable record.

13. HEARNSHAW, *COURT LEET RECORDS*, vol. I, pts. i-iii, 1550-1624 (1905-07). Part iii, 1603-24, alone overlaps the Ashby book. See also PAPE, *op. cit. Supra* n. 3, at p. 136, where the jury is described as concerned not only with regulating field usage but also with elections and administration.

the character of the Southampton records and their partial contrast to the Ashby roll.¹⁴ From 1624, we may take two of interest:

Item, the town pound we present to be speedily repaired and amended for that it is much decayed and faulty and for amendment thereof we refer it to your considerations. . . . Item, we present that the stones in the street before the door of Anthony Sidford in the parish of St. Michaels are loose and carried away being very dangerous and lies unpaved for people to break their legs, Be it therefore commanded him by Whit Sunday next to pave the same upon pain of forfeiting of 6 d."

On another occasion, 1620; a schoolmaster was fined for neglecting his duties.

Other available records also reveal similarities and contrasts. At Peterborough in 1461, where the clerk's Latin summary was contemporaneously rendered into English, the court presented *inter alia* "that all filth and corruption that cometh out of the . . . common sewer be avoided and carried away by a certain day."¹⁵ At Coventry, the Leet Book, 1420-1555, resembles the Southampton roll with its information about court officials, meeting place, and attendants.¹⁶ It contains both general rules and particular pains and forfeitures. On the other hand, the rather impersonal character of the entries suggests less similarity to Southampton than to Ashby. Unlike Ashby, the Coventry Leet like several others made a point of defining the boundaries of the parish and its own jurisdiction. Also closer to Southampton than to Ashby records are those of Manchester in the sixteenth century.¹⁷ These are very complete, as indeed are those of Coventry, and indicate both more formal meetings and the transaction of more business at the meetings which

14. COURT LEET RECORDS, pp. 600, 601, 582.

15. Mary Bateson, *The English and Latin Versions of a Peterborough Court Leet, 1461*, 19 ENG. HIST. REV. 526-28 (1904).

16. MARY D. HARRIS, *THE COVENTRY LEET BOOK: OR MAYOR'S REGISTER (1907-13)*. According to Levi Fox, *Some New Evidence of Leet Activity in Coventry, 1540-41*, 61 ENG. HIST. REV. 235 (1946), the Coventry Leet was quite exceptional, primarily a legislative body concerned with local ordinances and not with the police and judicial procedure normally associated with a court leet. The by-laws touched cleaning the streets, water supply, food control, fire prevention, regulation of crafts, morality, welfare, vagabonds, and sports and pastimes. Penalties covered forestalling, disobeying the constable, unlawful games, keeping a bawdy house, illegal hunting, unsanitary conditions, and cattle on the common. So far as records permit comparison, however, the Ashby court had much in common with the Coventry court. Allowing for different circumstances, each enacted local orders for local needs.

17. JOHN HARLAND, *COURT LEET RECORDS OF THE MANOR OF MANCHESTER (Cheth. Soc., vols. 63, 65, Manchester, 1864-65)*.

occurred regularly. The rules of the Manchester court are much more administrative than those of Ashby. The same generalization applies in the late seventeenth century to Norwich where the entries closely resemble those of Manchester and Southampton.¹⁸ Again, it may be that, in all these last named centers, we are viewing the government of urban communities, more self-conscious and sophisticated in their political activity.

Greater similarity to the Ashby book appears in the records of Morpeth for 1632, although here also much is shared with Coventry and Southampton.¹⁹ Meetings were held regularly Easter and Michaelmas, and just before the sessions the community assiduously picked itself up in order to avoid penalties of one sort or another. The meetings themselves seem to have had a formal opening with oaths by the various officials concerning the performance of duty. The causes are both particular and general. Of the first, there are many like this, "John Bullman against Thomas Greene and his wife in a plea of debt of xxiv s." Of the second, two good examples are: "We find that the late bailiffs are liable to a plain of xxxix s. xi d. imposed upon them for not repairing and mending the bow bridge according to an order made the last Court at Easter 1632 as appears by the records," and "We order and find that no inhabitant within this borough shall bake either loaf bread or manchets upon the Sabbath day under the pain of vi s. viii d. and that the baxters shall not heat the oven to bake any under the like pain." This last order calls to mind that in no records seen by the writer are there any pains comparable to those found in the Ashby book for violations of the Sabbath. Indeed, this Morpeth order is the only other one noticed.

Even closer to Ashby "paines" are those for Gainsborough in 1601, under the title "Paynes made by the Forraynes."²⁰ In addition to some orders concerning fences and bridges, there are such familiar pains as "That no man keep or tether any horse in the ox pasture . . . 4d.," and "We lay in pain that none of Morton keep or put any swine, geese, or other beasts upon any grounds belonging to Gainsburgh, upon pain—10d." No administrative commands were included among these rules.

18. HUDSON, LEET JURISDICTION IN NORWICH, 93-99.

19. J. C. Hodgson, *An Account of the Customs of the Court Leet and Court Baron of Morpeth, with the Court Roll of 1632*, 16 *ARCHAEOLOGIA AELIANA* 52-75 (n. s. 1894).

20. ADAM STARK, *THE HISTORY AND ANTIQUITIES OF GAINSBOROUGH 160-163* (1817), quoted in VINOGRADOFF, *ENGLISH SOCIETY IN THE ELEVENTH CENTURY* 581-82 (1908).

Far exceeding any other record in its virtual identity with the Ashby book, if we may draw conclusions from brief excerpts more or less comparable to the periodic recapitulations at Ashby, is the "Alston Manor Paine Roll."²¹ The original was made in the reign of Henry VII, and the roll reprinted is the record of 1692 which presumably duplicates that of 1629. It shows fines imposed for breaches of the peace and offenses concerning livestock and common, such as, "That no man put any scabbed horse or mares upon the common pasture upon pain of vi s. viii d. and "That no man kill any salmon in spawning time between the Rood day and St. Andrew day sub pena vi s. viii d." The very phraseology, the length of this particular summary, the character of the "pains", the penalties, and even the signatures of the jury strikingly resemble the Ashby book. Whether or not this similarity carried over to the interim approvals of "what was affirmed above" is not shown, but otherwise the identical outlook of two rural communities stands revealed in their courts leet.

In view of the varied yet unified evidence submitted here, one may profitably look into Ritson's legalistic treatise of over a century ago on the general subject of leet jurisdiction.²² To achieve his purpose satisfactorily, Ritson sought, not without success, a legislative or litigious basis for every aspect, formal or functional, of the court. Although he pertinently proves that many of the more general rules of the court merely incorporate such old statutes as those touching vagrancy, the assize of bread, and even procedural matters—a connection also stressed by the editor of the Alston roll—Ritson has also, in the light of the materials here examined, unintentionally established the soundness of Hearnshaw's statement quoted earlier that nowhere did the court leet exist in a pure form save in legal theory. On the other hand, to what extent each court was unique will not be settled until many more records of the sort here described have become available.

21. Richard Welford, *Alston Manor Paine Roll*, 8 ARCH. AEL. 264-71 (3 ser. 1912). For "pains" of a later date, see the "Rules and Orders"—35 in all—made at the Court Baron of the Manor of Shalstone in Co. Bucks, March 12, 1750, "for the better regulation and good government of the fields," 2 *PURFOY LETTERS, 1735-1753*, appendix A (ed. G. Eland) (1931). That these resemble very closely those of Ashby and Alston, as to form, content, size of penalty, and the signatures of the jury, a couple of samples will show. "First It is ordered that no Person shall keep or depasture more than two Cows or honored Beasts, or two Horses, or Mares for or in respect of one yard land, or pain to Forfeit for every Offence 3 s. 4 d. . . . Also That no person shall Bait or Tye any Cattle upon his own ground or elsewhere so as to Prejudice or Trespass on his Neighbor till the Harvest is inned. Upon pain for every offence 3s, 4d." There is, however, more concerning certain local officials and their functions.

22. JOSEPH RITSON, *THE JURISDICTION OF THE COURT LEET* (1809).

In conclusion, let it be said that interesting as are the contents of all these leet or pain books, and especially of that for Ashby, scarcely less interest derives from what is not mentioned. Admittedly the functions of the jury were limited, yet, after all, the years 1620-1714 saw two major and some lesser political upheavals, fundamental changes in the constitution of the church, several devastating visits of the plague, and something approaching a revolution in such economic realms as trade and prices, yet no breath of these penetrates the "book of pains." Comparatively few rules touch matters ecclesiastical, public health, or if we except an occasional administrative order, politics. Morals, poor relief, education, and social policy receive virtually no attention. In short, one could read a typescript of this book with the dates omitted, and remain ignorant of the period it covered.

Yet such silences have genuine historical value. The constant emphasis upon the dramatic, the revolutionary, the novel, the unique, as well as the common tendency to read history backward, has led many to assume that our forefathers possessed sufficient knowledge and insight to assess the importance and anticipate the direction of contemporary events. It is easily overlooked that throughout the length and breadth of England men, not necessarily unaware of significant changes about them, were nevertheless totally incapable of comprehending the end to which these changes led. To some extent therefore, they were quite indifferent to the stirring episodes and major tendencies that have inspired the researches of later historians gnawed by some ideology and determined to shape the past as well as the future according to a particular, and usually very parochial, pattern. The necessity of making a living and of living amicably together in a community took precedence over all else with such people.

In those ends they made their court leet an agent of "great ease and safety;" and the "Paine Booke for Ashby" brings us to a clearer appreciation of that fact. Bagehot shrewdly discerned the importance of such records when he remarked that, "Truth is of various kinds; grave, solemn, dignified,—petty, low, ordinary; and a historian who has to tell the truth must be able to tell what is little as well as what is amazing. . . . The petty order of sublunary matters, the common existence of ordinary people, the necessary littleness of necessary life, are little suited to sub-line narrative." Yet, from what is little, with Thomas Hardy we may clearly see,

Only a man harrowing colds
In a slow silent walk,
With an old horse that stumbles and nods
Half asleep as they stalk.

Only thin smoke without flame
From the heaps of couch grass:
Yet this will go onward the same
Through Dynasties pass.