

## DENNS, DROVING AND DANGER<sup>1</sup>

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THE colonization of the woodlands which forms so large a part of our county's early history has yet to be treated systematically by a modern writer.<sup>2</sup> The limited intention of this paper is to look at the woodland pastures which belonged to the mediæval archbishops of Canterbury, to set out the principal rents he derived from them, and to indicate the differing and often conflicting interests of archbishops and woodland settlers.

### THE ARCHBISHOP'S WOODS

In the great description of his lands and tenants which Archbishop Pecham caused to be made between 1283 and 1285,<sup>3</sup> the woodlands are set down in the paragraphs devoted to the demesnes. In each demesne, after the lists of arable fields, meadows and pastures, there are written the names and areas of any woods which happened to lie within that particular manor, and finally the names of the dennis, often many miles distant, which were also still attached to the manor in question.

The amounts of woodland that the manors possessed within their own localities varied very much. In Domesday, the largest of the archbishop's intramanorial woods seems to have been at Wrotham which, "at the time when it is producing most", rendered 500 swine. In 1285 this appears as *Bechewode*, and covered 1,100 acres.<sup>4</sup> Some manors had little. The great manor of Wingham, early and extensively cleared, possessed woodland at the time of Domesday which rendered five swine only, and is credited with none at all in the 1285 description.<sup>5</sup>

<sup>1</sup> The writer is indebted to Miss C. A. Goatman, M.A., for drawing the map which illustrates this paper.

<sup>2</sup> The principal work is still R. Furley, *A History of the Weald of Kent* (2 vols. in 3, Ashford, 1871-74). There is much unsystematic learning in N. Neilson, introduction (pp. 2-39) to *The Cartulary and Terrier of the Priory of Bilsington, Kent (Records of the social and economic history of England and Wales, vol. VII: British Academy, 1928)*. A masterly foreshadowing of new work was Dr. P. H. Reaney's paper on Kentish place-names, delivered in May, 1960, to the Kent Archaeological Society at Kingsgate. There is much interesting material in an unpublished London Ph.D. thesis (1960) by J. L. M. Gulley, on *The wealden landscape in the early seventeenth century and its antecedents*. The present writer is grateful for permission to read this, and has benefited from some of the suggestions made there.

<sup>3</sup> Dean and Chapter of Canterbury MS. E 24.

<sup>4</sup> *Victoria County History of Kent*, vol. iii (1932), p. 210; MS. E 24, fo. 75.

<sup>5</sup> *V.C.H.*, iii, p. 212. But a recently discovered transcript shows Wingham in 1285 to have possessed 224 a. wood in Curlswold (Nonington), 296½ a. in Woolwich Wood (Womenswold), and a denn in Sandhurst. (Dr. Partner's typescript in St. Paul's Cathedral Library.)

The amounts of extramanorial wood likewise varied. These were sometimes called "forinsec" woods,<sup>1</sup> but are more usually known by the familiar name of dennis. The following list is of those dennis which the survey of 1285 shows to have been attached to the archiepiscopal manors in Kent.

- RECULVER :<sup>2</sup> *Hathewolden* [High Halden].  
 WESTGATE (of Canterbury) :<sup>3</sup> *Betenhame* [Bettenham, in Cranbrook];  
*Hatewolden* [High Halden].  
 MAIDSTONE :<sup>4</sup> *Telden* [Tilden, in Marden.]; *Lodelyngton* [Loddington,  
 in Linton].  
 GILLINGHAM :<sup>5</sup> *Fyneherst* [Finchurst, in Goudhurst] (26 acres);  
*Harteherst*, *Herteherst* or *Heyteherst* [Haythurst, in  
 Marden] (7 acres, 1 virgate); *Bilkynden*; *Trindeherst*  
 [lost, in Biddenden?].  
 TEYNHAM :<sup>6</sup> *Kelsham* [in Headcorn].  
 CHARING :<sup>7</sup> *Wandigsuode*; *Newenden*; *Chemonden* [Comenden,  
 near Sissinghurst?]; *Halingherst* [Hallinghurst, lost  
 in Smarden]; *Bithelegh*; *Bordeherst* and *Elmherst*  
 [Elmhurst, in Brenchley?]; *Blethchynden* [Bletch-  
 enden, in Headcorn]; *Wythinden* [Witherden, in  
 Headcorn]; *Helesden*.

The Charing text alludes to the men of the "seven dennis", but there appear to be nine enumerated here. ALDINGTON :<sup>8</sup> *Herdelmere* or *Herdlemere*; *Bedynden*; *Leden*  
 [Lydden, in Hawkinge?] *Metekingham* or *Metteling-  
 ham* [probably the same as *Myddylynyngham*, which is  
 possibly *Misleham*]; *Casyngham* or *Kasingham*  
 [Kensham, in Rolvenden]; *Presden* or *Preseden*  
 [lost, in Tenterden]; *Fresingham* or *Fressyngham*  
 [Freezingham, in Rolvenden]; *Tenglyngden* or *Teng-  
 lynden* [Dingledden, in Benenden]; *Ealdingheth* or  
*Eldyngheth*; *Shirthe* or *Syerth* [Shirley, in Wood-  
 church]; *Rolvenden*; *Lymeryn(g)den*; *Henden* or  
*Henyden* [Henden, lost, in Woodchurch]; *Helden*  
 and *Sandhurst*.

<sup>1</sup> E.g. in 1484 one James Baker was appointed warden of all the archbishop's forinsec woods called *dreffedennys* [drovedennis] in Kent (*Register of Archbishop Bourchier*, Canterbury and York Society, vol. liv, p. 66).

<sup>2</sup> MS. E 24, fo. 18v. The spelling of the names here is taken from the MS. which is of the late fifteenth century. Probable identifications are placed within square brackets.

<sup>3</sup> *Ibid.*, fo. 22v. Note that a single, named woodland place, like High Halden, might include dennis belonging to more than one parent manor.

<sup>4</sup> *Ibid.*, fo. 28v.

<sup>5</sup> *Ibid.*, fo. 29v.

<sup>6</sup> *Ibid.*, fo. 33v.

<sup>7</sup> *Ibid.*, fo. 47.

<sup>8</sup> *Ibid.*, fos. 60, 60v.

LYMINGE :<sup>1</sup>

*Beterinden* and *Pledeshedde* [Betherinden and Plashead, in Sandhurst]; *Estherndon* [East Hernden, in Sandhurst]; *Iden* [in Benenden]; *Hole* [in Rolvenden]; *Sponden* [or Spunden, in Sandhurst]; *Chelinden* [Challenden, lost, in Sandhurst?]; *Steynden* [Standen, in Benenden]; *Frosteshame* [Forsham, in Rolvenden]; *Herynden* [Heronden] and *Tenterden*; *Rempynden* [Rempendene, in Woodchurch]; *Westryden*.

A marginal note in the MS. says that these denns of Lyminge are known by the tenants as "the twelve denns", though it will be observed that more than twelve are enumerated.

PETHAM :<sup>2</sup>

*Bysshoppenden* near *Hathewelden* [Bishopsden, near Halden].

BISHOPSBOURNE :<sup>3</sup> *Bisshoppenden* [Bishopsden, probably as above.]; *Lollesden*.

The list is clearly incomplete. Not all the known denns even at that moment were set down in the demesne descriptions. At Gillingham, for instance, *Bekynden* and *Trindhurst*, which have been included above, were only referred to casually in part of the manuscript describing tenants' holdings. Also, the denns themselves were in a constant state of change. Woodland pastures anciently attached to a distant parent manor might lose that link and develop independently. There is in 1285, for instance, no sign of the swine pastures attributed to Bexley in 814.<sup>4</sup> Conversely, denns belonging to certain manors might multiply by process of new colonization or subdivision, just as "manors" themselves multiplied through the vigour of populations and the action of the land-market. So, in the list above, the seven denns of Charing and the twelve denns of Lyminge have already in 1285 increased beyond those numbers. In the fourteenth and fifteenth centuries, we find a great increase in the number of denns attached to the huge manor of Aldington. In this list of 1285 rather more than a dozen are listed as denns of Aldington, and are given above, though several other tenements are mentioned which later would be called denns.<sup>5</sup> Occasionally this creation of new denn names can be seen happening. In 1285 a group of tenants in the weald held half a yoke "in Huntebourne, Peniland and

<sup>1</sup> *Ibid.*, fo. 64v.

<sup>2</sup> *Ibid.*, fo. 67v.

<sup>3</sup> *Ibid.*, fo. 68v.

<sup>4</sup> W. de Gray Birch, *Cartularium Saxonium*, No. 346.

<sup>5</sup> E.g., *Horynbroke, Regwey, Rogheye, Hunteborne*, etc. (MS. E 24, fo. 59, 59v.).

Rempinden".<sup>1</sup> In 1364 a lease refers to the "half denn of Rempynden which in the custumal is called *Huntyngborne* [Huntbourne] in the parish of Woodchurch".<sup>2</sup> Ultimately there appear to have been 44 denns of Aldington. It is not appropriate to trace them out here, but they are visible in the sixteenth century and still existed in 1703 as two large entities of property composed of 32 denns and of the 12 denns originally belonging to Lyminge. In the eighteenth century they were fragmented into many individual parcels of arable and pasture as well as wood, developed by the holders with barns, stables and other buildings.<sup>3</sup>

### THE LORD'S RENTS

These woodlands belonged to the archbishop. He could not exclude tenants and settlers from enjoying them, but from remote times he required various forms of payment in return for their use. The most ancient forms of use were, of course, the pasturing of herds of pigs, and the cutting of timber and brushwood. Before long, people wanted to grow crops in the open spaces or where the axe and the pig's snout had made clearings. The rents paid for the right to do these various things have caused a certain amount of confusion, but are easily understandable in the light of elementary botanical facts.<sup>4</sup>

The trees were principally oak and/or beech. Beech, which grows only on well-drained soils, had probably existed since neolithic times on the lighter soils of the south-east: for example on the chalk escarpments of the North Downs and the lighter loams of the North Downs plateau between Maidstone, Charing and Sittingbourne. On the escarpments beech would appear by itself, for it tends to drive out other growths in such circumstances. The great wood of Wrotham, as has been seen above, was a beech wood.<sup>5</sup> But on light loams beech would grow intermixed with oak, providing a varied canopy, with underwood from which fencing could readily be made, and with glades and open patches. There is, in fact, mediæval evidence for this mixture of beech and oak in the regions of Cranbrook, Rolvenden, Tenterden and Haythurst, for

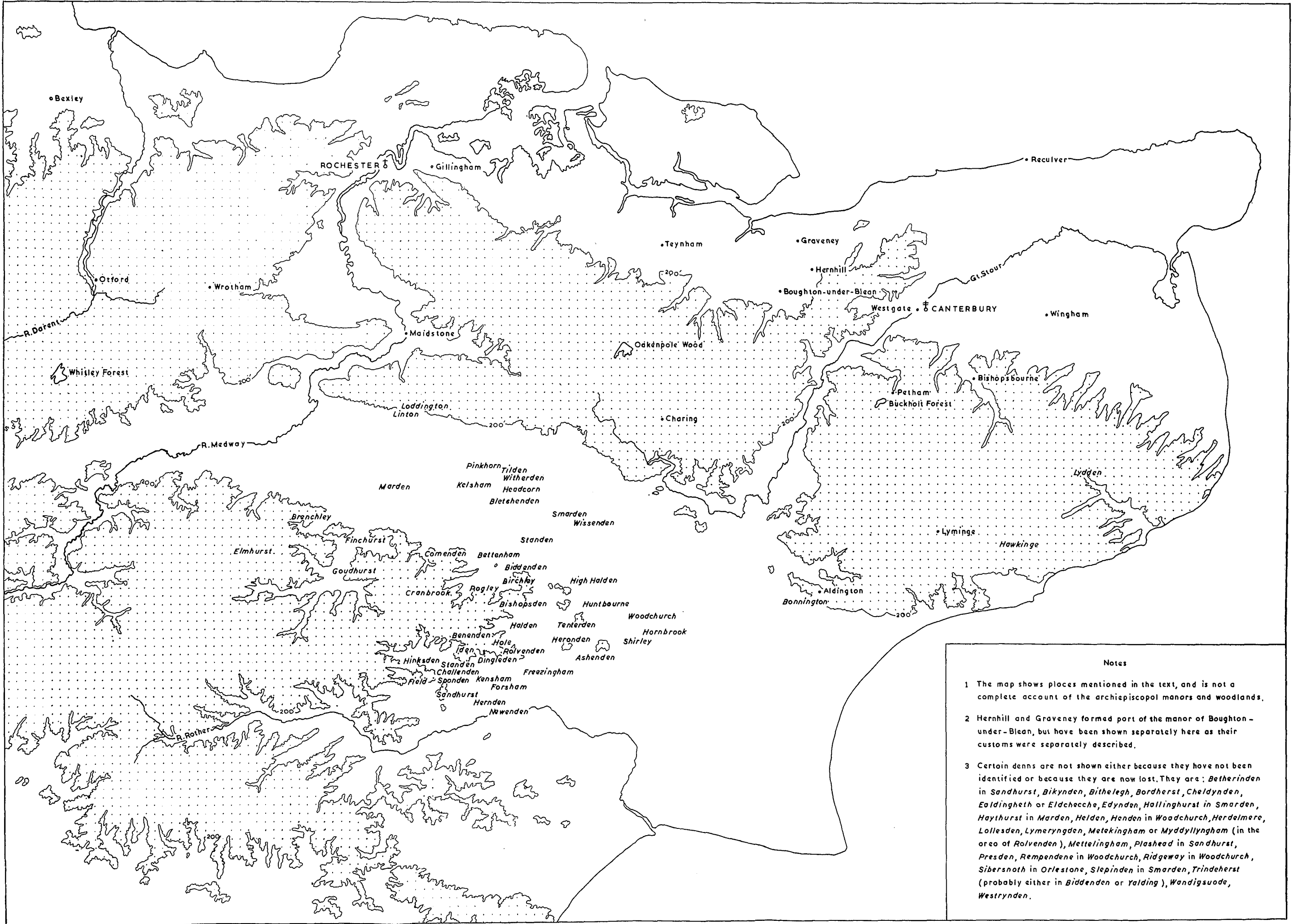
<sup>1</sup> E 24, fo. 59.

<sup>2</sup> Dean and Chapter of Canterbury MSS., Register N, fo. 70v. Rempendene itself was old enough to owe "Romescot", or Peter's Pence, as a fixed charge (E 24, fo. 67).

<sup>3</sup> The 44 denns are mentioned by Furley, *op. cit.*, and discussed by Dr. Gulley. Many of them are itemized in court-rolls of 1539 and 1556 (Kent Archives Office U86/M2 and U89/M1). See also *Guide to the Kent County Archives Office* (ed. F. Hull, Maidstone, 1958), p. 223 and Plate XXII. The large rental of 1703 is KAO U 89/M12. I owe these references to Dr. Gulley's kindness.

<sup>4</sup> For much of this paragraph I am indebted to the special knowledge of my colleague, Dr. F. Rose, Lecturer in Botany at Bedford College.

<sup>5</sup> The wood cannot have always been pure beech, however, for in 1506-07 oak-lopings are recorded as sold from *le Bechynwoode* of Wrotham (Lambeth Roll, no. 1253, document 20).



Notes

- 1 The map shows places mentioned in the text, and is not a complete account of the archiepiscopal manors and woodlands.
- 2 Hernhill and Graveney formed part of the manor of Boughton-under-Blean, but have been shown separately here as their customs were separately described.
- 3 Certain dennis are not shown either because they have not been identified or because they are now lost. They are: *Betherinden* in Sandhurst, *Bikynden*, *Bithelegh*, *Bordherst*, *Cheldynden*, *Ealdingheth* or *Eldcheche*, *Edynden*, *Hallinghurst* in Smarden, *Hayhurst* in Marden, *Halden*, *Henden* in Woodchurch, *Herdelmere*, *Lollesden*, *Lymeryngden*, *Metekingham* or *Myddylynygham* (in the area of Rolvenden), *Mettelingham*, *Plashead* in Sandhurst, *Presden*, *Rempdene* in Woodchurch, *Ridgeway* in Woodchurch, *Sibersnoth* in Orlestone, *Slepinden* in Smarden, *Trindeherst* (probably either in Biddenden or Yalding), *Wandigsuode*, *Westrynden*.

ARCHIEPISCOPAL WOODLANDS IN KENT, c. 1285.

the archbishop complained that tenants were stealing those kinds of timber there.<sup>1</sup> In some of the denn country, however, the heavy clays would have inhibited the growth of beech, and the oak would have reigned supreme.

Beech fructifies irregularly, and best in the year after a hot summer. Beech mast may not be available in more than three or four years out of ten, but it is excellent for pigs and, according to the younger Pliny, makes their flesh easy to cook and digestible.<sup>2</sup> Oak provides a somewhat more regular supply of pig food in the form of acorns, and also better facilities for fencing with the underwood that pure beech growth inhibits. But the *persona* of the documents certainly means both beech mast and acorns, and may even to a small extent have signified hornbeam mast. The trees fructify in autumn, and in the texts the "time of mast" was pre-eminently the six weeks between Michaelmas (29th September) and Martinmas (11th November).<sup>3</sup> Outside those times unguarded pigs must live off pasture, woodland or other.

In the thirteenth-century customal on which this paper is based we find the archbishop claiming various combinations of four rights or rents in his woodlands. These were: the wood itself (*boscum*); pannage; danger; *lefgavel* (also called *leafyeld* or *lefsilver*). Each requires a few words.

### 1. *Boscum*

This meant the right to fell and take away timber, in distinction from the underwood (*subboscum*) and branches blown down by the wind. In 1285 the archbishop claimed *boscum* in all his denns except *Repynden*, belonging to Lyminge, from which he was said to receive nothing but rent.<sup>4</sup> But at Witherden and *Helesden*, belonging to Charing, he had only a half and a third of the wood respectively.<sup>5</sup> In the Gillingham wood of Haythurst he had oaks and beeches only, and the tenants were presumably free to take other varieties.<sup>6</sup> These exceptions to the lord's total right may mean that some agreement had been negotiated already with the tenants or a farmer. We shall see in the sequel that such agreements became frequent in the fourteenth century. But they do not for that reason imply that the tenants were yet, in 1285, in a strong position in relation to their lord. At Charing, where the archbishop's wood rights were less than total, tenants were bound to fashion boards in the

<sup>1</sup> Furley, *op. cit.*, ii (I), pp. 200-204, citing Placita Quo Warranto for 1309-10; also MS. E 24, fo. 32 v.

<sup>2</sup> *Natural History*, Book XVI, viii. But the superior nutritive value of acorns is asserted by R. Trow-Smith, *British Livestock Husbandry to 1700* (1957), pp. 80-84.

<sup>3</sup> MS. E 24, 110v. (swineherd's allowance for six weeks in the weald of Sussex); also Neilson, *Bilsington Cartulary*, p. 16.

<sup>4</sup> MS. E 24, fo. 64v.

<sup>5</sup> *Ibid.*, fo. 47.

<sup>6</sup> *Ibid.*, fo. 32v.

archbishop's woods whenever he required them, and the archbishop might fell his wood and carry it away through the middle of men's corn if he wished, and no complaint could be entertained.<sup>1</sup>

## 2. Pannage

The most universal primitive use of the woodlands, both on the manors and in the dennis, was for the pasture of swine. This, as is well known, was a source of rent to the lord, either in pigs or in money. Domesday almost always expresses the render in pigs, but fractions of a pig obviously indicate a cash commutation, and occasionally a commutation rate is given.<sup>2</sup>

Pannage meant both the pasturing itself and the rent paid by tenants and others for the right to send their animals into the pasture. The lord had his own herds, and swineherds to look after them, and he required in addition the occasional services of tenants in driving his pigs about and fencing the woods so that they could not get out and wreck crops or escape.<sup>3</sup>

A problematical point is whether the lord's pigs were kept in the woods only during the time of mast, or for longer periods or permanently. On the one hand the texts describe the organization of droving, and suggest that the movement of swine to the distant woodland-pastures was a seasonal work of fairly frequent if not regular occurrence. At Maidstone, certain tenants had to collect five men each to help drive the archbishop's pigs to mast.<sup>4</sup> At Teynham, the swineherd might have five of his own pigs free in the mast with the archbishop's pigs "wherever they are in Kent; and if they are outside Kent he shall have a quarter of barley . . ." At Boughton-under-Blean, Hernhill, Graveney and Charing the cotters had to drive the lord's pigs to mast in Kent, but not beyond.<sup>5</sup> On the other hand, dennis were often 20 miles and more from the parent manor, and it is open to doubt whether a double journey was worth-while for an occasional six-week pannage season. What happened was probably this: that the lord's stocks of swine were kept locally on the manors (this is clear from account rolls), but that they, or some of them, might be driven over long distances either because they were wanted permanently on another manor, or because excellent pannage had become available in a particular district. If this hap-

<sup>1</sup> *Ibid.*, fo. 53v.

<sup>2</sup> Woodland at Burnes [Bekesbourne?] to render 6½ swine (*V.C.H. Kent*, iii, p. 323b.); as much woodland at Kennington as renders for pannage dues 40 swine, or else 54½ pence (*ibid.*, p. 246a.).

<sup>3</sup> E.g., at Charing in 1285 the tenants of yokelands must enclose whenever the wood produced a reasonable amount of mast (*quando boscum fert pessonam rationabiliter*) (E 24, fo. 53).

<sup>4</sup> MS. E 24, fo. 29.

<sup>5</sup> *Ibid.*, fos. 43v., 46v., 53v.

pened, the pigs would be fattened there and slaughtered when they were wanted. At Slindon in Sussex, the archbishop was said sometimes to "make a larder", which is precisely what this means.<sup>1</sup> There was an interesting arrangement at Westgate, Canterbury, where a group of tenants had to guard the lord's pigs in the pannage if they were driven there to fatten. The group was organized in a roster: John le Suon took the first quarter of the year, Stephen Spicer the second, Robert Lardiner and John Mot the third, and Luke Pips, Robert Godsman and John the son of Henry Joce the fourth.<sup>2</sup> Since new pannage does not become available all the year round this envisages the permanent custody of pigs in the woods. The name of Robert Lardiner may even signify the additional function of butchering which fell to these tenants who had to leave their own holdings for a while to control the lord's herds.

Yet pigs belonging to the tenants themselves were probably much more numerous than those belonging to the lord, and more profitable to the lord, too, from the pannage rents they occasioned. Pigs were peasants' animals, not objects of market economy to the same degree as cattle and sheep. The men of Bexley kept their pigs in the lord's local woods in winter and summer, and complained when the woods were reduced.<sup>3</sup> In most of the dennis the archbishop possessed the pannage rights in the thirteenth century. He could take the pannage rents from others than simply his own tenants. At Charing, the settlers in the dennis might each have five pigs free of pannage rent there, but they had to pay 2d. a pig if they pastured more, and this 2d. rate was fixed irrespective of how much the lord could get from outsiders.<sup>4</sup> This looks at first sight like a guaranteed rent for the lord, but fixed rents generally operate in tenants' favour, and this is nicely demonstrable from a surviving pannage account of 1295-96 from Otford. It gives two lists, pannage of pigs of outsiders (*forinsecorum*), and pannage of pigs belonging to the lord's tenants. A simple calculation shows that tenants paid 2d. for a pig, 1d. for a yearling (this was also the rate at Bexley, and probably elsewhere on the archbishop's estates), while the outsiders had to pay exactly double.<sup>5</sup>

<sup>1</sup> *Ibid.*, fo. 104 (*Sussex Record Society*, vol. 57, p. 3). The large account roll for 1273-74 shows a swineherd and a stock of demesne pigs on almost all manors (Brit. Mus. Add. MS. 29, 794). Porkers were systematically raised on the demesne of Bishopsbourne, where payment was made in 1324 for the castration of pigs (KAO, U 270, M304), and where there was a tiled piggery in the fifteenth century, when the demesne was leased (Lambeth Roll, no. 1195, of A.D. 1446-67). Special payment was made in Otford in 1296 for droving pigs to pannage in Teynham (Lambeth Roll, no. 831, m. 3), and there are numerous other instances of this.

<sup>2</sup> MS. E 24, fo. 23v.

<sup>3</sup> *Ibid.*, fo. 91v. The importance of the peasant's pig finds literary expression in Flora Thompson's classic *From Lark Rise to Candleford*.

<sup>4</sup> MS. E 24, fo. 53v.

<sup>5</sup> Lambeth Roll, No. 831, attached account.



### 3. Danger and *Lefgavel*

The woodland pastures were already being colonized and divided when the Domesday survey was made. There are several references in its pages to *denae* where dwelt peasants with ploughs, paying rent ; and sometimes the denn was assessed in terms of the yoke, like the older cultivated land.

The archbishop's rental of 1285 naturally gives more detail than Domesday about tenant settlements *in waldis*. The woodland area which belonged to Aldington and was divided into denns had already been formed into a collectorate by the archbishop's administration, and was arranged into half and quarter yokes, burdened with carrying services and suit of court. Small-holders of forlands (more recent clearances) near Kensham in Rolvenden had to help drive distrained animals thence to Aldington.<sup>1</sup> The same assimilation of woodland to the conditions of the ancient arable is visible in the denns of Gillingham. Of Haythurst and Finchurst it was said that " the tenants of these denns associate together as two yokes (*pro duobus jugis*) when a collection happens to be made for Rochester Bridge, or for a taxation of the yokes".<sup>2</sup> In fact numerous permanent woodland tenants may be found in places which in Domesday were hardly inhabited or even known, and comparison of their names with the names of tenants in other villis of the same manor suggests that in 1285 they were not recent immigrants or close kinsmen of neighbouring villagers, but born woodlanders.

Permanent settlement like this was bound to disrupt the lord's unchallenged enjoyment of wood and pannage, partly because sturdy colonists could hardly fail to help themselves to the timber on their doorstep, and partly because they and their pigs would soon reduce the amount of pannage available,<sup>3</sup> and access to it.

There were, then, three hazards which might deprive the lord of some part of his ancient income : the natural hazard of a bad season when the trees produced little or no mast, and the man-made hazards of tenants who destroyed or denied pannage by cultivating, and of tenants who cut and used or sold the best timber. It is contended in this paper that for each of these happenings the archbishop (and possibly other Kentish landlords) took a separate, identifiable payment : danger, *lefgavel*, and a new fixed rent, respectively.

The word danger (*dangerium*) signifies damage or a payment in compensation for something lost. Miss Neilson hesitantly followed Du

<sup>1</sup> MS. E 24, fo. 60.

<sup>2</sup> *Ibid.*, fos. 32v., 33v.

<sup>3</sup> The continued pasturing of pigs itself tended to diminish the returns of that pannage by the destruction of seedlings. As the abbot of Stoneleigh noted in the fourteenth century, *porcus est animal destruens pasturam per eversionem terræ* (*The Stoneleigh Leger Book*, ed. R. H. Hilton, Dugdale Society Publications, vol. xxiv, p. 101).

Cange in thinking it was the rent paid for permission to cut wood within the denn, whereby the pannage would be damaged.<sup>1</sup> Du Cange drew his instance from Continental texts about royal forests. This use of the term danger is admittedly found in the denns belonging to St. Augustine's Abbey, Canterbury.<sup>2</sup> Yet it is abundantly clear that on the wide archbishopric estates, at least, danger was intimately linked with pannage, and was compensation of the *natural* lack of pannage, which might occur in the majority of years. The link between danger and pannage is visible in the accounts kept by royal custodians of the archbishopric property when the see was vacant. In 1228-29 for instance, they collected £34 11s. 8d. *de padnagio et dangeriis padnagii*.<sup>3</sup> The meaning is also apparent from evidence which Miss Neilson herself cited, namely, an agreement of 1406 between the prior of Christ Church, Canterbury, and his tenants of Slepinden in Smarden, who were said to have paid him 2s. in the years when pannage failed, as a custom called danger.<sup>4</sup> Above all, the meaning of danger is made plain in the account given in 1285 of the right which the archbishop had in his denns of Aldington.<sup>5</sup> These are tabulated below:

*Herdlemere* : The whole pannage, but danger if it is lacking (*si deficiat*) ;

*Bedynden* : the whole pannage, but not danger, because they pay *lefgavel* ;

*Helden* and Sandhurst : the whole pannage but, if there is none, no danger because they are free through *leafyeld* ;

*Presden* : the whole pannage [further comment probably omitted from the MS. accidentally] ;

*Freezingham* : half the pannage, or 6d. *pro dangerio* ;

*Metekingham* and *Kensham* : half the pannage, but no danger if there is none because they are free by *lefgavel* ;

*Dingleden* : the whole pannage except for five pigs which the tenants may have in the pannage, and no danger if it is lacking because they pay *lefgavel* ;

*Ealdingheth*, *Shirley*, *Rempindene*, *Rolvenden*, *Henden* and *Lymerynden* : neither pannage, danger nor *lefgavel*.

In each denn of *Lyminge* the scheme is simpler, for the lord was said to have pannage, and 12 pence as danger when occasion arose (*quando cadit*, or *quando accidit*).

<sup>1</sup> *Bilsington Cartulary*, p. 16.

<sup>2</sup> *The Black Book of St. Augustine* (ed. G. J. Turner and H. E. Salter, *Records of the social and economic history of England and Wales*, vol. ii, British Academy, 1915), i, p. 235.

<sup>3</sup> Pipe Roll, No. 73 ; and No. 76 m. 5d.

<sup>4</sup> *Bilsington Cartulary*, p. 20.

<sup>5</sup> MS. E 24, fos. 60, 60.

Brief inspection shows that in many dennis the archbishop looked for income from pannage rents in good years, but in years when there was no mast he was compensated for this natural "damage" by a payment of 1s. from each denn. In some dennis he possessed only half the pannage rents, on account of some unspecified arrangement, and he would then claim only 6d., or half the danger, if pannage were lacking.<sup>1</sup>

But in some dennis the tenants were free from the obligation to pay danger by reason of another due called *lefgavel* or *leafyeld*. There is little doubt that this was money paid for leave to plough in the denn whether there was mast or not. The term might, indeed, be translated as "money for permission". A custumal of Teynham defined it in so many words: "tenants in the weald cannot plough their land from the autumn equinox until the feast of St. Martin without licence. And therefore they render annually half a mark at the feast of St. Martin, whether there be mast or not, and it is called *Lyefyeld*."<sup>2</sup> If this arrangement were made, the lord's loss of pannage would be deliberate, more certain and probably greater, so it is not surprising that *lefgavel* was a larger payment than danger, and fixed by individual bargaining. As against the 1s. a denn danger, which appears to have been common, we read that in the seven dennis of Charing "the two marks they pay at the feast of St. Thomas the Apostle [21 December] are a fine made in the time of Archbishop Stephen [Langton, 1207-1228] in order that they may plough in the time of danger without damage to the archbishop."<sup>3</sup> Again, in the dennis of Gillingham, the custumal says, the lord had danger, and the tenants make fine [i.e. for more than this] as they are able.<sup>4</sup> In the denn of Kelsham, in Rolvenden but belonging to Teynham, the tenants paid 6s. 8d. at Martinmas as *lefgavel*.<sup>5</sup> At Charing the rate was about 3s. 6d. a denn. All these rates were notably higher than the danger payments.

In general, where the tenants had contracted to pay *lefgavel* we may suppose a more advanced degree of cultivation. It may not be accidental that the 12 dennis of *Lyminge*, where pannage and danger only

<sup>1</sup> It was, of course, possible for some districts to yield pannage and others danger in the same year. Also, there were places like Rotherfield, Sussex, which produced rent for mast and less rent for scarce mast (*Sussex Notes and Queries*, 1927, pp. 18-23, cited by Dr. Gulley, *op. cit.*, p. 334).

<sup>2</sup> Cited by Neilson, *Bilsington Cartulary*, p. 16. For the various forms of *leave*, see the *New English Dictionary*.

<sup>3</sup> MS. E 24, fo. 47. Note that the permission is to plough, not in the time of pannage, but in the time of danger. *Lefgavel* supersedes both pannage and danger. This distinction between danger and *lefgavel*, though explicit in Peckham's custumal, and doubtless copied from an earlier, lost custumal, was sometimes blurred in later thirteenth-century minds, for in 1297 the sergeant of Maidstone accounted for 4s. danger from Tilden and *Loddington*, but in 1299 he called precisely the same payment *lefselver* (Lambeth rolls, nos. 657, 658).

<sup>4</sup> *Ibid.*, fo. 32v.

<sup>5</sup> *Ibid.*, fo. 33 v.

were paid, retained their identity for a long time after the thirteenth century, while the denns of Aldington, where *lefgavel* was more usually paid, seem to divide and multiply with greater vigour.

In half a dozen of the archbishop's denns of Aldington it will have been seen that neither pannage nor danger nor *lefgavel* were paid. Possibly this means that the archbishop had already begun what his successors in the fourteenth century were to do widely, and had disposed of all his wood-rights for a consideration.

#### LORD'S INTERESTS AND TENANTS' INTERESTS IN THE DENNS

It will be apparent that lord and settlers alike wished to exploit the woodlands, but in different and sometimes mutually exclusive ways. By the thirteenth century the lord's pasturing of swine was well past its peak of importance, but his timber was of increasing value. For their part, the tenants wanted to cultivate, which diminished pannage and pannage rents, and they too wanted the timber. Archbishop Winchelsey in 1310 prosecuted tenants for cutting timber in Maidstone, Linton, Marden, Cranbrook, High Halden, Woodchurch, Tenterden, Benenden, Newenden, Rolvenden, Sandhurst, Charing, Smarden, Biddenden, Kensham, Freezingham and neighbouring denns.<sup>1</sup> The tenants fought back. They argued correctly that Kensham and Freezingham have been converted by Archbishop Edmund [1233-40] from gavelkind to knight's fee, and drew the conclusion that he had thus alienated the wood.<sup>2</sup> The legal sequel to this is not clear, but the tenants were in practice on the winning side. The archbishop continued to lose timber. Before long he was to cut his losses by selling to the tenants, who were already leasing the denns, the right to dispose of the tall wood also. This was the last of the old woodland rights for which the lord could get a rent income, and he evidently thought it worth his while to do so, and for rents which seem both fixed and rather low.

Even if the archbishops had leased the whole wood here and there at an earlier date, there seems to have been no systematic policy of doing so before the remarkable series of indentures preserved from 1364 to c. 1370 in a Canterbury register.<sup>3</sup> These show Archbishop Islip agreeing with groups of tenants who were already leasing the denns to grant them the free disposal of the timber also. The 30-odd leases in

<sup>1</sup> Furley, *op. cit.*, ii (I), pp. 200-204. The recently published *Stoneleigh Leger Book* (see above p. 82, n. 3) reminds us that these conflicts were by no means confined to the south-east, for the Warwickshire abbot's tenants, who had been paying  $\frac{1}{2}$ d. a pig for the pannage, complained in the late fourteenth century that the mast-bearing trees were being cut down. The abbot retorted that they too had been abusing the wood by pasturing their larger animals there (p. 105).

<sup>2</sup> MS. E 24, fo. 59v.

<sup>3</sup> Dean and Chapter of Canterbury MSS. Register N, fos. 55-78 *passim*.

this register follow a similar form, and it will be helpful to paraphrase a typical example :

The archbishop's predecessors have leased to certain tenants the land (*fundum*) in the denn of Newenden, for certain rents, services and suit of court, as is written in the custumal of the manor of Charing, but he has hitherto reserved to himself all the wood there. But because the modern tenants of the denn, and other invaders (*alii invasores*), often cut and carry away the tall wood growing there, to the hurt of the archbishop and the danger of their own souls, Archbishop Simon now grants them, and their heirs and assigns, the whole wood for the sum of 7s. 10d. as a new, annual, fixed rent (*redditus assisus*). Of this, 2s. 6d. is to be paid at the four principal terms, 1s. 8d. at the equinox, and 3s. 8d. at the feast of St. Thomas the Apostle [21st December]. The tenants are : John Peneneseye, rector of Smarden, Robert of Hallinghurst, William of Hallinghurst, Simon Chemynden, Agnes the widow of Thomas Doul of Egerton, Denys of Elmhurst, Richard Pemell, William Aleyn junior, William Setenore, Thomas Munde, John the son of Robert of Homersham, John Cherell, William Besce of Egerton, William Newenden, Thomas Hogeman, John Bydynden of Smarden, John Spys of the same, and Richard Rumdenn of the same. The old reliefs are to be paid when a tenant's heir succeeds. The rents are secured by a clause of distraint, and nothing further is to be demanded because of the new rents.<sup>1</sup>

The other entries in the register are all like this, though some are in short form and do not give the manor to which the denn in question is attached. The dennis must have varied a good deal in area or quality, because the rents varied between about 3s. and 30s.<sup>2</sup> The rents are for odd amounts, to be paid in complex and diverse instalments, but they do not seem to be in proportion to the number of tenants. As for the tenants, most of their names are local ones, though occasionally a well-known one, like Vincent Fynch, appears.

This scheme of leasing continued, and groups of tenants were still paying the rents here laid down in the fifteenth century.<sup>3</sup> At that time the archbishop's reeve was trying to collect danger as well, but the tenants were refusing to pay, on the ground that by having bought the wood-rights they were absolved from the lesser due.<sup>4</sup> Here again the

<sup>1</sup> *Ibid.*, fo. 56v.

<sup>2</sup> These dennis (identified where possible) were: High Halden, Oxney, Hallinghurst, Newenden, *Ashenden*, *Eldynden*, Pinkhorn [in Headcorn], Kensham, Hole, Birchley, Little Halden, Rolvenden, Hinksden, Heronden in Tenterden, Elmhurst, *Bordhurst*, *Cheldynden*, Challenden, Plashead, Field, Biddenden, Huntbourne, Rogley, Shirley, *Eldcheccche*, Sandhurst, Lydden, *Hardlemere*, Wissenden and Bonnington.

<sup>3</sup> Public Record Office, Ministers' Accounts (S.C.6), 1129/3.

<sup>4</sup> Lambeth Rolls, Nos. 1193A, 1194, etc.

dispute seems not to have come to a point, but the claims and counter-claims petered out, and the tenants did not pay. Right appears to have been on their side, and in any case it was not an easy matter for a fifteenth-century archbishop to constrain his lessees.

Although the archbishop had released his rights to tenants in so many of his dennis, he did not by any means cease to exploit his other woodlands during the later middle ages. Possibly he kept portions of extra-manorial wood for himself. The forester of Sibersnoth in the 1460's was selling wood and underwood on the archbishop's behalf from his forinsec woods in the weald.<sup>1</sup> But for the most part the archbishop was concentrating on the woods and parks which lay near his manors. The continuing production of firewood, manufactured woods like roofing shingles, and great timber, was organized by the archbishop's foresters of Buckholt (near Petham), of Oakenpole (near Maidstone) and of Whitley (near Otford). The parkers too are sometimes indifferently known as woodwards, selling wood as a flourishing sideline from their masters' more accessible and pleasant places.

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<sup>1</sup> Public Record Office, Ministers' Accounts (S.C.6), 1129/3.