

Chapter 10

Thirteenth-century lests and hundreds

By the thirteenth century, when extensive documentation first becomes available, Kent was organized into six lests and more than 60 hundreds. Despite some ambiguities (such as whether Canterbury and Rochester should be counted as hundreds or not), the multiplicity of sources makes it fairly easy to filter out the flaws of each, and so to construct a synopsis of the county's administrative structure (Table 21) which would probably have been accepted by all parties – the local population, the sheriff and his agents, the king's justices making one of their excursions into Kent – as an accurate description of the state of affairs existing at the time.

It is not to be thought that this structure covered every square inch of Kent. In the thirteenth century, the lowy of Tonbridge was not part of the county at all: it was, in a manner of speaking, a county by itself (see below). Canterbury and Rochester were always special – Canterbury always more so. At least for some purposes, Rochester could still be counted as a hundred,¹ and I include it in the table for that reason; but the city of Canterbury already stood apart. Those places which could claim to share in the privileges of the Cinque Ports (see below) were, ipso facto, not part of any hundred.² For all practical purposes, they had ceased to be part of Kent. To complicate things further, there were half a dozen places which – seemingly because they had attracted such aggregations of people that they needed police officers of their own – had been detached from the hundreds to which they had once belonged and recognized as separate entities called, in Latin, 'villatas'.³ This means, in a manner of speaking, that a place like Dartford had become a hundred by itself; but in general that manner of speaking was avoided, and Dartford remained a 'villata'.⁴ It had its own constables; the constables of Axstone hundred had

¹ Because it included much more than just the built-up area in and around the city; specifically because it included two manors – Great Delce and Little Delce – which were held by knight's service.

² Two places called hundreds in DB, Sandwich and Fordwich, were swallowed up into the liberty of the Cinque Ports.

³ Latin *villata* representing French *vilee* (three syllables, 'vee-lay-uh'). In the hundred rolls of 1274–5 (ed. Illingworth 1812) five such places are recognized: Newenden, Malling, Brasted, Lessness (= Erith), and Dartford. Except for Lessness (which was sooner or later reabsorbed into Little Leigh hundred), these 'villatas' all survived into the nineteenth century, just long enough to be mapped by the Ordnance Survey. The 'villata' of Seasalter is a very special case (see below).

⁴ By Kilburne's time, Dartford had come to be recognized as a hundred by itself, called the hundred of Dartford and Wilmington. In Lambard's time, however, it seems still to have been a 'villata', to be mapped as if it were still part of Axstone hundred.

no authority here. These exceptions were important (vitaly important, perhaps, for someone who knew that one of the sheriff's officers was trying to find him), but they had not multiplied to such a degree that the rule itself was made meaningless. It was true in theory, it was still largely true in fact, that the county was divided into lests, which themselves were subdivided into hundreds.

Though I do not wish to complicate matters unnecessarily, it ought also to be understood that the hundreds in their turn were subdivided. They each comprised some number of smaller units, for which in Kent the usual Latin name was *borga*. Probably the English name ought to be 'borrow'; but modern writers started calling them 'boroughs' (Kilburne 1659, pp. 126–7, for example), and that is the name which stuck. After the king's justices had visited Kent in 1219, a large crop of entries referring to boroughs turned up in the exchequer roll for the following year (GREx 1220, pp. 162–9). Here each borough is identified by the name of the man who heads it.⁵ At this date, perhaps, a borough was still something like a club, free to choose its own members, free to reject any would-be member whom it did not trust. By the 1270s, a borough was not a club. It was a tract of land, marked off by recognized boundaries from the adjoining boroughs, and known by the name of some place in it. Any man living within this tract of land – whether he liked it or not, whether his neighbours liked it or not – was required to be a member. In principle, it was the business of the sheriff's turn (see below) to make sure that every adult male was sworn into a borough. At this level, however, exceptions to the rule were widespread. In numerous instances, a borough was the property of some lord who had the right to summon his men to his own court, and to stop them from attending the sheriff's turn or the hundred court or both.

Kent was the only county which had divisions called lests. In Latin records (the only records that exist) the word we find used is *lestus* – sometimes *lestum*, but (in contexts where one can tell the difference) more often masculine than neuter. By the late thirteenth century, the spelling was shifting to *lastus*, presumably in line with some shift in the

⁵ For example, *Ricardus filius Berengeri cum borga sua . . . i m' quia non habuit quem plegiauerat*, 'Ricard son of Berenger with his borga (owes) 160 pence because he did not have whom he had pledged', i.e. did not have with him in court a person that he had gone surety for (GREx 1220, pp. 167–8).

Lests and hundreds

Saint Augustine's	Heddling	Shepway	Shrewinghope	Aylesford	Sutton
Kinghamford	Cornilo	Oxney	Felborough	Toltingtrough	Westerham
Bridge	Bewsborough	Aloesbridge	Wye	Little Barnfield	Summerden
Ringslow	Eastry	Langport	Faversham	Larkfield	Axstone
Whitstable	Wingham	Worth	Calehill	Shamell	Codsheath
Downhamford		Newchurch	Boughton	Hoo	Blackheath
Westgate		Ham	Chart	Chatham	Littleleigh
Blengate		Street	Longbridge	Twyford	Bromley
Preston		Heane	Bircholt Barony	Rochester	Ruxley
Petham		Loningborough	Teynham	Wrotham	
		Stowting		Brenchley	
		Bircholt Franchise	The seven hundreds	Littlefield	
		Saint Martin's	Rolvenden	Watchlingstone	
		Folkestone	Barkley	Maidstone	
			Cranbrook	Eyhorne	
			Selbrittenen		
			Tenterden		
			Blackbourne		
			Great Barnfield		
			The hundred of Milton		
			Milton		
			Marden		

Table 21. The thirteenth-century lests and hundreds of Kent. Based on a record dating from 1253 (Greenstreet 1878), but verified from other sources.

pronunciation;⁶ by the fourteenth century this was the normal spelling. The Latin word, we can safely assume, represents a French word, *lest* becoming *last*, which in turn represents an English word. Possibly the English word was *hlæst*, meaning 'load' (above, p. 5): in any case – whether it is the same word or just a similar word – its evolution runs along parallel lines. English *hlæst* (neuter) became *lest* or *last* (masculine) in French; French *lest* or *last* became *lestus* or *lastus* (of uncertain gender) in Latin (or, more correctly, in French disguised as Latin).⁷ The English word 'last' meaning 'load' survived unchanged, at least in some specialized senses. In the nineteenth century, there were people who still knew what was meant by a last of herrings.⁸ The English word 'last' meaning 'part of Kent' did not survive. Its disappearance is a conundrum which I wish I understood better.

As to the names, there is no approved spelling for 'Heddling', and the reader should not feel obliged to write it (or pronounce it) in the same way that I do. In the records it is usually *Hedeling*'. There is (or was) a Haddling Wood (TR 3047), partly in Waldershare but mostly in a detached part of Northbourne, which perhaps preserves the name

(Hull 1955). Between 'Shepway' and 'Shipway' the choice is hard to make. Those writers on whom I would generally rely the most (Somner, Kilburne, Hasted, Furley) all preferred the 'i' spelling;⁹ but medieval usage is inconsistent, and modern usage seems to have settled on 'Shepway'. In preference to 'Sherwinhope' (Lambard 1576), I use the name 'Shrewinghope', which accords more closely with the medieval spellings.¹⁰ The lest of Saint Augustine's apparently got its name from the fact that its meetings took place outside the abbey gate: certainly they did take place here in the sixteenth century (Hull 1955). In no sense (let this be said plainly) were the abbot and monks the owners of the lest.¹¹

Each lest was managed by an agent of the sheriff's, a bailiff, *ballivus lesti*.¹² Since it seems to have been the usual arrangement for Heddling lest to have the same bailiff as Saint Augustine's lest (which eased the way, no doubt, for Heddling to disappear, as it eventually did), there were five appointments to be made, and the sheriff was the man who made them. (There was also a bailiff for Milton hundred and a bailiff for the Seven Hundreds, but these appoint-

⁶ In the hundred rolls, dating from 1274–5, spellings with 'e' and 'a' are of roughly equal frequency.

⁷ The fluctuation in gender is a good hint that the Latin word came from French (which had only two genders), not directly from English (which, like Latin, had three). This is a common phenomenon: it affects the word *hundredus* too, to look no further than that. (By addition of the helpful affix *-age*, French *lest* produced *lestage*, *lestagium* in mock-Latin.)

⁸ The short answer was 10,000 herrings – but by law one had to add 20 per cent, and then another 10 per cent on top of that. So the purchaser expected to find 13,200 herrings in each last.

⁹ To some degree, the preference for 'i' reflects a bias in favour of the etymology which it makes appear more plausible. A place of such importance in the history of the Cinque Ports (see below) should surely have a name evocative of a fleet of ships, not of a flock of sheep.

¹⁰ Such as *Shrewinghop*' (Hershey 2004, pp. 209, 224), *Schrewynghop*' (Book of fees, p. 1380).

¹¹ A statement of Lambard's which I have quoted elsewhere – that the abbey had 'iurisdiction ouer a whole Last of thirteene Hundreds' (1576, pp. 248–9) – is simply not true.

¹² There was also a coroner for each lest, as well as one for Milton hundred and one each for Canterbury and Rochester (Putnam 1933, pp. 106–8).

ments were, it seems, not normally the sheriff's to make. These officers were chosen by the king – or, in the case of Milton, by whoever was lord or lady of the manor at the time.) A would-be bailiff had to promise to pay the sheriff a fixed sum of money every year by way of farm. The exact figure was (one would guess) a confidential matter; but it was generally supposed, by the people who suffered the consequences, that the bailiffs' farms were being driven upwards, during the thirteenth century, by competition for these posts. Once appointed, the bailiff had to make a profit out of his bailiwick – some margin for himself on top of what was needed to satisfy the sheriff. In 1274–5, when local juries were invited to speak out, they were uniformly indignant in denouncing the bailiffs' misdeeds.

Twice a year, each lesth was summoned to a meeting with the sheriff. In the thirteenth century, it was expected of every sheriff that he should make a tour of this kind, once within four weeks after Michaelmas, and again within four weeks after Easter. In most counties, this meant that the sheriff would preside over a special session of each hundred court, where a local jury would be selected, sworn in, and required to answer a long list of questions (Cam 1930, pp. 118–28). In Kent, however, with more than sixty hundreds, it was simply not practicable for the sheriff to visit them all within the time allowed. What he did instead was to visit every lesth. (It does not follow that the lests were created for this purpose. Perhaps they were; perhaps they were created for some other purpose and then found to be useful for this one. Either way, the existence of the lests made possible what would otherwise have been impossible.)

Little is known about the conduct of the sheriff's turn. With the exception of one sixteenth-century document (see below), there are no surviving records; but the turn is referred to quite often, incidentally, in records of other kinds. Broadly speaking, the turn seems to have worked in the same sort of way as a visit by the king's justices, but on a smaller scale. The justices visited each county in the circuit that had been assigned to them; the sheriff of Kent visited each lesth. The justices expected to be met by a delegation from every hundred; the sheriff expected to be met by a delegation from every borough. (Apparently it would be more accurate to think of a lesth as a group of boroughs, not as a group of hundreds.) In some respects, of course, the proceedings were very different. A visit by the king's justices was a painfully protracted business, repeated only at intervals of several years. The sheriff's turn was completed quickly, and happened twice a year. The king's justices admitted no exceptions – not even for the lowy of Tonbridge and the Cinque Ports, which were, however, allowed to be special cases. But there were numerous boroughs which the sheriff could not compel to appear at his turn, because the lord to whom they belonged had the right to hold a court for his own tenants, to deal with the business which the sheriff was dealing with elsewhere.¹³

¹³ One document worth noting is an agreement made in 1316 by the abbot and convent of Saint Augustine's with their tenants in Chislet (copied into

By the fourteenth century – to speak briefly of some subsequent changes affecting the lasts – the name 'Shrewinghope' was being replaced by 'Scray'.¹⁴ Eventually that became the normal name; but the old one was not forgotten, and it was well enough understood that the two names were synonymous. For some purposes, the last of Heddling was often lumped in together with Saint Augustine's. In the accounts of the aid of 1346, for instance, the heading *lastus sancti Augustini* covers both lasts, and the Heddling hundreds are interspersed among those which did properly belong to the other last. Looking at fourteenth-century records like this, we might easily get the idea that the last of Heddling had already ceased to exist; but in fact it was still there. As late as the beginning of the sixteenth century, it was still customary for the sheriff of Kent to make his twice-yearly tour, though by then there was little business left for these meetings to transact (Hull 1955);¹⁵ and even that late (April and October 1509) the turn comprised six meetings – that is, it included a separate meeting for the last of Heddling.

By the late sixteenth century the lath of Heddling had finally been swallowed up by Saint Augustine's, and the number of laths – I switch to the English word here – had been reduced from six to five.¹⁶ The bailiwicks, however, were tending to increase in number. In the thirteenth century, by and large, a bailiwick had been conterminous with a lath; the sixteenth-century bailiwicks were generally smaller than that, and the boundaries between them did not always respect the boundaries between the laths.¹⁷ There were reckoned to be twelve bailiwicks in the late sixteenth century (Lambard 1596), fourteen in the mid seventeenth (Kilburne 1659).¹⁸ As the laths became fragmented, their functions all devolved on these smaller units. Twice a

Thorne's Chronicle, ed. Twysden 1652, cols. 2033–4). The men of Chislet wanted no demands to be made on them in excess of those which would have been made by the sheriff, had they been attending the sheriff's turn. In particular, they wanted it understood that they did not have to appear en masse at these special sessions of the abbot's court: a delegation of five – the elected head and four of the other inhabitants – was to suffice. By and large, the abbot conceded their demands.

¹⁴ It has sometimes been thought that *Scra* was originally a written abbreviation for *Scrawinhope* or some such spelling. This seems unlikely to me, but I cannot be sure that it is wrong.

¹⁵ Some of the business had been transferred to the shire court, some taken over by the justices of the peace. But the turn was a source of income for the sheriff and continued for that reason at least. I do not know when it stopped happening.

¹⁶ There is no mention of Heddling in the first edition of Lambard's book (1576); in the second edition 'Lath of Hedelinth' is said to have been an alternative name for 'Lathe of Saint Augustines' (Lambard 1596, p. 36). That error can be found repeated by later writers.

¹⁷ Thus, by Kilburne's time, the bailiwick of Twyford (which was mostly in the lath of Aylesford) had captured Marden hundred from the lath of Scray, and the bailiwick of Stowting (mostly in the lath of Scray) had captured Bewsborough hundred from the lath of Saint Augustine's (Kilburne 1659, p. 318).

¹⁸ By Kilburne's time the bailiwick of Sutton had been split in half, and the hundred of Ruxley had been split between the two new bailiwicks (Kilburne 1659, pp. 328–9). Otherwise it remained true that a bailiwick was a group of (whole) hundreds.

year, for instance, as the time came round for the West Kent quarter-sessions (Kilburne 1659, pp. 375–7), the sheriff issued orders requiring the attendance of the bailiff of Sutton Dartford and the bailiff of Sutton Bromley: there was no such person, no such thing, as the bailiff or bailiffdom of the lath of Sutton. The bailiwicks were where the work got done; the laths had become mere names.

A similar process, working along different lines, produced the divisions by which the justices of the peace distributed responsibility among themselves. By Lambard's time, Sutton lath had been split into two divisions, Aylesford lath into three (Lambard 1596, pp. 31–5). By Kilburne's time, Scray lath had been broken up as well: five hundreds had been added to the division of justices of the lath of Shepway,¹⁹ and the hundreds that were left were formed into two new entities, the upper and lower divisions of the lath of Scray (Kilburne 1659, pp. 304–18). And yet, despite their names, these divisions are rather to be regarded as groups of parishes. If we look more closely, we find that the boundaries between them do not respect the boundaries of either hundreds or laths: they follow the parish boundaries. In some parts of Kent, it was common for a parish to be split between two or more hundreds, which might quite possibly belong to different laths. Lenham, for example, was partly in the hundred of Eyhorne but partly in the hundred of Calehill. The latter part of Lenham was in the lath of Scray (and might have been in the division of justices of the lath of Shepway). But in fact the whole parish was in just one division, the east division of justices of the lath of Aylesford (Kilburne 1659, p. 166).²⁰ If people wanted to report a crime, they did not need to ask themselves which lath (or which hundred or which borough) the crime had been committed in; the fact that it had been committed in their parish was the only fact which mattered. In this respect too, the laths by now were nothing more than names.

Unlike the laths, the hundreds were not withering away. In the late thirteenth century it seems to have been taken for granted (not just in Kent) that the hundred court would need to convene every three weeks.²¹ Cases which could not be settled here were referred upwards, not to the lest (which was not a court of law), but to the shire, the county court for Kent. Then and later, the county court normally met

¹⁹ For Kilburne, this did not mean that these hundreds had ceased to belong to the lath of Scray. For Hasted it did mean that; so the lath of Scray, as he describes it, can hardly any longer be recognized as DB's lest of Wiwarleth.

²⁰ Why this division rather than the other? Because the parish church stood in Eyhorne hundred: 'where a parish is in two hundreds, the justices . . . do usually take that parish into their division by the hundred where the church of that parish standeth' (Kilburne 1659, p. 318). This is not an answer, but is the beginning of one.

²¹ From the hundred rolls, for instance, we discover that the towns of Hartley and Swanscombe are no longer attending the twice-yearly meetings of the lest of Sutton or the three-weekly meetings of the hundred of Axstone, as they used to do (*solebant facere sectam bis per annum ad lastum de Sutton' et ad hundredum de Acstan' de iii septimanis in iii septimanas*).

on every fourth Monday (Palmer 1982, pp. 10–11).²² The first session after Michaelmas was, it seems, always held on Penenden Heath; for other sessions the venue varied – sometimes Penenden, sometimes Canterbury or Rochester, sometimes some suitable place near Milton, but not Milton itself. (As far as the evidence goes, the court never met anywhere in western Kent: the rule which we find stated in DB – 'no further west than Penenden' – was apparently obeyed, but interpreted to mean 'no further west than the Medway'.)

Exactly how many hundreds there were, even at a given point in time, is often difficult to say, because the answer will depend on how one chooses to deal with certain ambiguities. For example, some of these units are more or less consistently called 'half-hundreds', and should perhaps be counted as such, not as whole hundreds. But probably we shall prefer to ignore that distinction, which was significant in only one context. When the king's justices descended on the county, a hundred became a 'half-hundred' if it was allowed to be represented by a jury of six, rather than the normal twelve. For the rest of the time, in all respects, it was a hundred like any other. (Great Barnfield on these occasions was sometimes, perhaps always, represented by a six-man jury; but that did not prevent it from being counted as one of the Seven Hundreds.) In the thirteenth century, Marden hundred (or half-hundred) had an awkwardly ambiguous status, to some degree still subordinate to Milton hundred, yet also to some degree independent from it. But this was the only borderline case of the kind. The list of thirteenth-century hundreds given in Table 21 consists of 66 entries. As well as Marden, Rochester hundred might perhaps be cancelled (see above); otherwise the list is solid.

Subsequent changes are few, and of only local effect. Philip Simonson's map of Kent, published in 1596 (below, p. 269), has a box of text that includes a numbered list of the hundreds existing at the time. The list includes Marden; it does not include Rochester, which, by this time, had definitely ceased to exist (see below). Two pairs of adjoining hundreds have coalesced. Chart hundred and Longbridge hundred have become the single hundred of Chart and Longbridge; Bridge hundred and Petham hundred have also merged. (A few hundreds with some obvious internal cleavage have sprouted double names – thus Bromley hundred has come to be called the hundred of Bromley and Beckenham – but that makes no difference to the total.) So Simonson's list consists of 63 hundreds.²³ By Kilburne's time, two new hundreds have been added – the hundred of Dartford and Wilmington (formerly just a town), the hundred of the Isle of Sheppey (formerly a subdivision of Mil-

²² The earliest exact date on record is for a meeting which took place at Canterbury on 20 December 1176, chaired by the deputy sheriff, Johan de Cardif. That day was a Monday: it fits into the same four-week cycle as the dates of the meetings noted by Palmer for 1253–4. The court was still meeting on a Monday in the sixteenth century, but by Hasted's time the day had been changed to Wednesday.

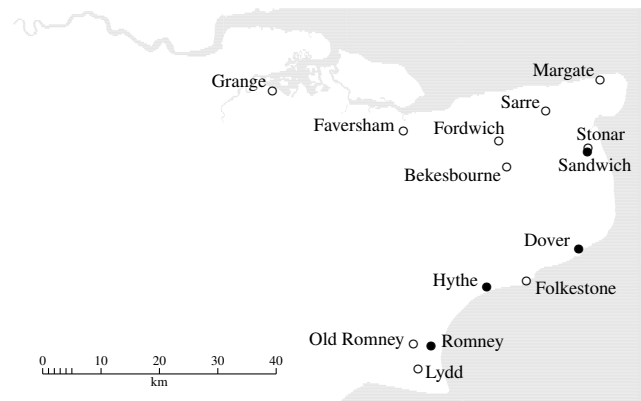
²³ His numbering runs up to 64 because it includes the lowy of Tonbridge.

ton hundred) – and thus there are 65 hundreds in his list.²⁴ Except that the Isle of Sheppey has ceased to be a separate hundred, Hasted's list is exactly the same as Kilburne's. It should be noted that none of these totals include the lowy of Tonbridge, which was hardly any different from a hundred by now (see below) but was not called by that name. Since the facts should all be readily accessible (Lambard 1576, 1596, Simonson 1596, Kilburne 1659, Hasted 1797–1801), I say no more about them here.

As police districts, each having one or two constables elected from among the inhabitants, the medieval hundreds maintained a functional existence until the nineteenth century. By good luck, this means that they survived just long enough to come under the scrutiny of the Ordnance Survey. The first-edition six-inch maps, published (as far as Kent is concerned) between 1869 and 1882, were meticulous in tracing out all the hundred boundaries.²⁵ But then, in the aftermath of the local government act of 1888, these medieval arrangements were all swept away, and the hundreds disappeared from the map.

The Five Ports – Hastings in Sussex, Sandwich, Dover, Hythe and Romney in Kent – stood outside this administrative structure. Their inhabitants answered to no sheriff, still less to any inferior official like the bailiff of a hundred. In return for providing the king once a year with a fleet of 57 ships (21 each from Hastings and Dover, five each from the other three ports), they enjoyed an extraordinary assortment of privileges; and the inhabitants of other ports and landing-places, eager to participate in these privileges, were willing to take on some share of the responsibility.²⁶ Already in the thirteenth century, the men of Faversham were responsible for finding one of Dover's quota of ships, the men of Folkestone another, and the men of Lydd for finding one of Romney's quota. Hastings especially had shed so much of its load that by this time two other Sussex ports – Winchelsea and Rye – were supplying larger numbers of ships than Hastings itself: in effect the Five Ports had become the Seven Ports, but the old name was never dropped. On one occasion (only one that I know of), the men of the Cinque Ports were had up before the justices who visited Kent. That happened in summer 1219.²⁷ By the late thir-

teenth century, the men of the Ports had been explicitly released from answering to the itinerant justices;²⁸ there were no pleas which they could not deal with in their own courts – if necessary in their highest court, the court which met at Shepway under the presidency of the king's permanent representative, the Lord Warden. After that, to the extent that successive kings were willing to let it happen, the liberty of the Cinque Ports was continually encroaching on the county of Kent. The largest single expansion occurred in the fifteenth century, when, with the approval of Henry VI, the men of Tenterden entered into a partnership with the men of Rye which had the effect of extending the liberty of the Ports, not just over the town, but over the whole hundred of Tenterden.



The city of Canterbury ceased to be part of the county. In 1461 it was formally separated from Kent and made into a county by itself. (The castle, however, never having been regarded as part of the city, continued to be part of Kent.) Rochester could not aim as high as that, but the citizens did achieve a large measure of control over their own affairs; and the liberty of the city of Rochester, as it was demarcated in 1446 and 1461, superseded the hundred of Rochester. (In addition, the liberty covered all the lower reaches of the river Medway, from Sheerness upstream as far as a place in Burham called Hawkwood.) A number of other towns in Kent – Gravesend, Maidstone, Sittingbourne, Ashford – set out along a similar path, but each of them has its own story,²⁹ and there is nothing that can usefully be said about them in the space of a few words. Anyone who wants to know, for instance, how the town of Maidstone ceased to be part of the hundred of Maidstone, and how it came to be regarded as the capital of Kent, will need to consult a history of the place (Newton 1741, Clark and Murfin 1995).

The lowy of Tonbridge came down in the world – a very long way down. In the thirteenth century, the earl of Gloucester and his officials were steadfast in asserting the lowy's special status. The sheriff of Kent had no authority

roll (GREx 1220, pp. 167–8). Probably this means that the justices held a separate session at Shepway, but I have seen no proof of that.

²⁸ A liberty first conceded by Henric III, in a charter dated 20 May 1260 (Giraud 1905), and confirmed by Edward I in 1278.

²⁹ The most unique of them all is the town of Queenborough, founded by Edward III as an adjunct to the newly-built castle.

²⁴ Kilburne 1659, pp. 330–48; his numbering goes wrong when it reaches Marden (p. 341)

²⁵ Unless the misunderstanding is mine, there seems to have been some indecision whether 'Longport hundred' should be mapped separately (as in sheet 84) or merged into a larger entity called 'St Martins Longport hundred' (as in sheet 81). In Kilburne's understanding of the facts, Langport hundred covered part of Hope, the whole of Lydd, and part of Old Romney, with the churches of Hope and Lydd (Kilburne 1659, p. 339). But Lydd's status is problematic. Despite its being covered by the Cinque Ports umbrella (see below), Kilburne and Hasted regarded it as part of Langport hundred; the Ordnance Survey did not.

²⁶ A different explanation applies to two manors in Kent – Bokesbourne and Grange – which became attached to Hastings. I mention those cases in the commentary (DB-Ke-8rb48, 9rb30).

²⁷ As is proved by a batch of entries appearing in the next year's exchequer

there. The king's justices were welcome (how could they not be?) to visit the lowy of Tonbridge at any time. If the king chose to send the same justices to visit the lowy that he was sending to visit Kent, that, of course, was his decision to make. But the commission which these justices carried with them had to make explicit mention of the lowy of Tonbridge; and they had to hold a separate session at Tonbridge itself. Once the earl had conceded (as he did in 1258) that he held the lowy of Tonbridge from the archbishop, not from the king, it became difficult for him to justify the claim for its special status – a status which could certainly not have been granted by the archbishop (who did not claim it for himself, with respect to his domain lands, and in any case could not have conferred it upon one of his tenants). For some length of time, inertia prevailed over logic. The itinerant justices who visited Kent in 1262–3 held a separate session at Tonbridge (*Feet of fines*, p. 343); so did the justices who visited Kent in 1271 (pp. 390–1); but sooner or later that practice was discontinued.³⁰ By the seventeenth century, the lowy of Tonbridge had been fully integrated into the administrative structure of the county. It was part of Kent; it was part of the lath of Aylesford; it was part of the south division of that lath. For all practical purposes, the lowy was just another hundred, distinguished only by its name (and by the fact that it had four constables to police it, no regular hundred having more than two). Jointly with Watchlingstone hundred, it formed the bailiwick of the lowy of Tonbridge – which might just as well have been called the bailiwick of Tonbridge, except (so it seems) that people enjoyed using the more euphonious name.

Lastly, a word about Seasalter, a monument, if ever there was one, to inertia. In the eleventh century, Seasalter was already a peculiar place (DB-Ke-5ra15), a town without any townlike characteristics, in Borwar lest yet not in any hundred. This has to mean that Seasalter was, in a manner of speaking, a hundred by itself – but nobody ever thought of calling it one (perhaps because, even in Kent, even a half-hundred could not be quite as small as this). In Lambard's time, in Kilburne's time, Seasalter still had just the same status, described in different language: it was part of Saint Augustine's lath, but was counted as a separate town. ('It is in no Hundred, but hath a Constable of it self' (Kilburne 1659, p. 242).) And in the nineteenth century, when the six-inch map was surveyed, Seasalter was still the same peculiar place that it had been for eight hundred years.

The coda consists of five short pieces which some readers may perhaps find instructive or entertaining.

(1) Early maps of Kent

Both as works of art and as historical documents, early printed maps have attracted a good deal of attention, reflected in numerous books and articles of which I have to

³⁰ 'Long since discontinued', says Kilburne (1659, p. 277). Of the very large number of final concords authorized by the king's justices in 1313–14 (Greenstreet 1877–80), none is dated at Tonbridge.

confess to being very largely ignorant (my excuse being that I am interested only in maps of Kent, and only incidentally in them). Most of the people named below are the subject of articles in ODNB,³¹ and the references cited there will point any reader who wants to know more in the right direction.

Saxton 1575. The earliest printed map which represents Kent with tolerable accuracy and with a respectable amount of detail is a map of the four south-eastern counties (Kent, Sussex, Surrey, Middlesex) drawn by Christopher Saxton (occ. 1573–98). It was one of a series of maps covering the whole of England and Wales, completed and formally published in 1579. This particular plate was engraved (by Remigius Hogenbergius) in 1575; some finishing touches were added in 1577–8. The portion covering Kent was reproduced by Livett (1938), for purposes of comparison with the maps which follow.

Anonymous. The earliest separate map of Kent is also the first to show the ancient 'lathes': it makes a point of mentioning their existence in its title, 'The Shyre of Kent, Diuided into the five Lathes therof' (Box 1926, Livett 1938). It was copied from Saxton's map,³² probably without permission; the engraver made a space for his name beneath the scale, but never wrote anything into it. There are some original elements (Livett 1938, pp. 268–70), most conspicuously the dotted lines showing the 'lathe' boundaries. (In one place a more densely dotted line is the start of an attempt to show the hundred boundaries as well.) It seems likely that this map was published in 1576–7 (before Saxton was awarded a monopoly), on the expectation that people who bought Lambard's book (1576) might also wish to buy a map of the county; and the circumstantial evidence suggests to me that Lambard himself was involved in its publication.³³ The plates survived for more than fifty years. With a few additions, this map was reissued to accompany a pamphlet called *The inrichment of the Weald of Kent*, first published in 1625 but reprinted at intervals from 1631 till 1664.³⁴ The third and latest version of the map is one which shows the main roads (Box 1927).

Simonson 1596. Far more accurate than either of the previous maps is the half-inch map surveyed and drawn by Philip Simonson (d. 1598) of Rochester. It was engraved (in London) by Charles Whitwell (occ. 1582–1611), as two

³¹ Alternatively they can be searched for on the web. The reader who googles "charles whitwell" or "peter stent" will know as much as I do about these men.

³² This was proved by Livett (1938). The engraver, he thought, was the same man who made two of the plates for Saxton's atlas, Northamptonshire . . . Huntingdonshire (1576) and Worcestershire (1577).

³³ A sketch-map drawn by Lambard, 'Carde of the Beacons in Kent' (BL Add. 62935), dated 1585, took its outlines from this anonymous map. An engraved version of this map of Lambard's was included in the second edition (1596) of his book.

³⁴ The three places added in this version of the map (Box 1926, p. 90) are all places mentioned in the pamphlet (Jackson 1625). Chafford was the home of the dedicatee, Sir George Rivers (d. 1630).

sheets to be joined down the middle, and first published in 1596 – that is, at around the same time as the second edition of Lambard’s book. The title refers back to that of the anonymous map: Simonson’s map is called ‘A NEW DESCRIPTION OF KENT Divided into the fyue Lathes therof’ (Hannen 1914, Livett 1938). Lambard recommends it to his readers in glowing terms (1596, pp. 220–1); though he does not exactly say so, I think we may be sure that he had helped to get this map published. (Lambard and Simonson were both connected with Rochester Bridge – Lambard had been a member of the governing body since 1585, Simonson was appointed paymaster in 1593 (Hannen 1915) – and presumably that was how they became acquainted.) Copies of this map in its original form are very rare; almost all the surviving specimens – including the one reproduced by Hannen (1914) – carry the added imprint of the London printseller Peter Stent (occ. 1642–65), who had evidently somehow got possession of the plates.³⁵ Mostly these copies survive through having been bound into copies of Thomas Philipott’s *Villare Cantianum* (1659, reprinted 1664).

Norden 1605. The next map, dated 1605, was drawn by John Norden (d. 1625) and engraved by William Kip (occ. 1597–1618). It is a very pretty piece of work. Mostly it was copied from Simonson’s map, but some of the detail is different. It was specifically designed as an illustration for William Camden’s *Britannia* – it was included in the folio edition of the Latin text (1607) and in the English translation (1610, reprinted 1637) – and many of the new labels (such as DVROLENVN and PORTVS LEMANVS) were obviously added in compliance with instructions from Camden. This map of Norden’s does not appear to have ever been published separately in any form.³⁶ Perhaps for that reason, it had no progeny.

Speed 1611. The map which set the pattern was the one published by John Speed (1551/2–1629) in his atlas called *The theatre of the empire of Great Britaine* (1611). Like the other plates, this one was engraved for Speed in Amsterdam, in the workshop of Joost de Hondt, alias Jodocus Hondius (1563–1612). Not counting the insets around the edges (coats of arms of the earls of Kent, bird’s-eye views of Canterbury and Rochester), this map, in its original form, was hardly anything more than a somewhat inaccurate, somewhat simplified copy of Simonson’s map. Within a few years, it had picked up some additions from Norden’s map (REGULBIUM is one which can be seen at a glance), but after that it seems to have stayed the same.³⁷ With the rest of Speed’s atlas, this map of Kent was frequently

reprinted; and it was very frequently copied by later generations of cartographers – who, whether they knew it or not, were copying a rather poor copy of Simonson’s map, enhanced with some antiquarian details copied from Norden’s map.

(2) Laths or lathes?

The word is LATH, or ought to be. It should rhyme with BATH, not BATHE. ‘Lathe’ is a sixteenth-century spelling, mistakenly resuscitated in the nineteenth century. Since then, everyone who has had occasion to use the word has got into the habit, not just of misspelling it, but also of mispronouncing it.

For anyone who has ever tried reading a sixteenth-century book (or who has ever used the expression ‘olde worlde’), it will come as no surprise to be told that the word LATH was often spelt ‘lathe’ at the time. That is true, in the first place, of official records. In a series of documents dating from 1584–95 (ed. Thomson 1926, pp. 66–98), the spelling oscillates between ‘lath’ and ‘lathe’ – except in the plural, where it is always ‘lathes’.³⁸ When the word LATH crossed over from the language of officialdom into the language of scholarship, and from manuscript into print, the variability in spelling travelled with it.

William Lambard’s *Perambulation of Kent* is the book which introduced the word LATH to the learned world. In the first edition, especially in the stretch of text which Lambard called ‘The particular of Kent’ (1576, pp. 24–47),³⁹ the word is almost always spelt ‘lathe’.⁴⁰ On the other hand, in a block of text which was added in the second edition – a list of the justices of the peace for Kent who were resident in the county (1596, pp. 31–5) – the spelling is always ‘lath’. Those two editions were seen through the press by Lambard; a third edition was published in 1656, long after his death. Though substantially the same as the second edition, it is visually very different (it was set in Roman, not black-letter type), and a fairly serious effort was made to regularize the spelling. Here, almost always, LATH was spelt ‘lath’, regardless of how it had been spelt in the second edition. The compositor who set this edition had probably never met the word before, but he knew what rule to apply.⁴¹ When he came across an unfamiliar word in an old book, he had to ask himself whether the spelling was consistent or not. If the final ‘e’ was always there, he should

³⁵ At Stent’s instigation, the map was embellished with inset views of Dover and Rye. A later state adds Stent’s address, ‘at the white Horse in giltspure street’, and the date ‘1659’.

³⁶ A description of Kent written by Norden, of the kind which accompanied his published maps, was, by Nicolson (1696, pp. 39–40), reported to exist in manuscript. I have not tried to track it down.

³⁷ The only variation that I can see affects the imprint, added for the 1627 edition (at the bottom centre, to the right of the stylized representation of the battle of Hastings), altered for subsequent editions in 1650 and 1676.

³⁸ This batch of documents was assembled by Sir Roger Twysden from among his family papers: they survived from the time when his grandfather was one of Lord Cobham’s deputy lieutenants.

³⁹ This is a summarized English version of the accounts submitted to the exchequer by the collectors of the ‘fifteenth and tenth’ of 1570–1 (above, p. 6). Lambard’s book had been under construction for several years; this block of text was one of the last components to be added.

⁴⁰ In this stretch of text there is only one exception, ‘Summe of this whole Lath’ (1576, p. 31). The second edition has ‘Sum of this whole Lathe’ (1596, p. 42); the third has ‘Sum of this whole Lath’ (1656, p. 39).

⁴¹ In short, he was in the same position as the compositor who set the ‘third folio’ edition (1663) of Shakespear.

assume that it was there for a reason and let it stand. If the final ‘e’ came and went, he should assume that it was there for decoration and ignore it.⁴²

However that decision came to be made, it was certainly the right decision. From the 1650s onwards, by people who knew what they were talking about, LATH was invariably spelt ‘lath’. In Kilburne’s book (1659), the word occurs hundreds of times, and the spelling is perfectly consistent. When the word turns up sporadically elsewhere, that is how it is always spelt (Somner 1640, 1652, Philipott 1659, Somner 1693). The same spelling prevails in the eighteenth century (Lewis 1723, 1736, Jacob 1774); it never crossed Edward Hasted’s mind to spell the word in any other way (Hasted 1778–99, 1797–1801). People who looked up the word in any edition of Johnson’s *Dictionary* (first published 1755), or in any of the other dictionaries derived from that one, would have found many things to puzzle them (below, p. 273), but they would not have been left in any doubt about the spelling. People who looked up the word in Smart’s *Pronouncing dictionary* (1836) would have learnt that it should rhyme with PATH.⁴³

Rare instances of the spelling ‘lathe’ can certainly be found; and people who spelt the word like that were presumably mispronouncing it as well. In an eighteenth-century context, however, ‘lathe’ is an aberration. Sometimes it is just a sign of ignorance. Sometimes it means that the writer is copying too closely from Lambard.⁴⁴ And sometimes it means that the writer is looking at a map.

Cartographers, like lexicographers, were plagiarists most of the time. New maps were seldom genuinely new: they were copied from one or more old maps. A conscientious cartographer might aim to make some improvements of his own; a lazy one would copy the map as he found it. Beginning with the two earliest separate maps – an anonymous map of 1576–7, Philip Simonson’s map of 1596 (see above) – it became traditional for maps of Kent to show the boundaries between one LATH and another. Those first two maps both use the spelling ‘lathe’, which was, of course, a perfectly acceptable spelling at the time. The next map in the sequence – a map drawn by John Norden for William Camden – is mostly a copy of Simonson’s map, but opts for the spelling ‘lath’. This change, it is clear, was made deliberately. Norden had decided, or Camden had decided, that ‘lath’ was to be preferred. It did no harm to write PART

⁴² By the same logic, I call the author ‘Lambard’. (He was ‘Lambard’ on the title-page of the first edition, ‘Lambarde’ on that of the second.) From the mid seventeenth century onwards, this was the normal spelling (except that he was sometimes misnamed ‘Lamberd’ or ‘Lambert’). His descendants used that spelling – until some time in the nineteenth century, when they decided (as they were entitled to do) that ‘Lambarde’ looked more genteel.

⁴³ Or indeed with LATH, ‘a thin slip of wood’; but obviously not with LATHE, ‘an engine by which any substance is cut and turned’.

⁴⁴ Thus Harris (1719) spelt the word ‘lathe’ when he was borrowing from Lambard, but ‘lath’ when he was borrowing from Kilburne.

as ‘Parte’,⁴⁵ which could not be mispronounced; but it was better not to write LATH as ‘lathe’, which could. Unfortunately this was not the map which cartographers chose as their model. That honour went to another copy of Simonson’s map (Speed 1611) in which the spelling ‘lathe’ was retained. As Speed’s map was copied and recopied, this antique spelling persisted, regardless of the stricter rules which had been adopted meanwhile by printers. Eventually it even turned up in the maps which were made for later editions of Camden’s book – the map drawn by Robert Morden (d. 1703) for Edmund Gibson’s translation (1695, reprinted 1722, 1753, 1772), the map drawn by Edward Noble (d. 1784) for Richard Gough’s translation (1789, reprinted 1806).

For the sort of people who bought maps, rather than making and selling them, for the sort of people who formed their first ideas about Kent by looking at a map, it thus became easy to fall into the trap of supposing that a lath was called a LATHE. For whatever reason, people did start falling into that trap; sooner or later the misunderstanding diffused itself into Kent. The Kent Archaeological Society, which collectively should have known better, deserves some share of the blame for letting this happen. The first article published in *Archaeologia Cantiana* which uses the word at all frequently is a piece by Cooper (1868),⁴⁶ and the spelling there is ‘lathe’. (The editor who let this pass was T. G. Faussett.) That particular article has no importance; I cite it only because it shows which way the wind was blowing. As late as the 1880s, the Ashford-based historian Robert Furley was still resolutely speaking of ‘laths’ at every opportunity (e.g. Furley 1886, pp. 361, 369),⁴⁷ but by then he was in the minority – not quite, however, a minority of one – and within a few years he was dead.

What are we to learn from this? We can be sure, for a start, that LATH is the genuine word. I do not stipulate for any particular pronunciation – people’s vowels are their own concern – but anyone who grew up (as I did) calling a bath a ‘baahth’ will presumably feel bound to enunciate this word in the same affected manner. (The plural has to be ‘laahdhz’, with ‘th’ voiced to ‘dh’, via the same rule which applies to PATH and words like it.)⁴⁸ LATHE, if it existed at all, would be the corresponding verb. It so happens that a verb TO LATHE, meaning ‘to meet’, is listed in the dictionary of Kentish dialect compiled by Parish and Shaw (1888); but they do not say where they had encountered the word, or in what sort of context they had heard

⁴⁵ As in ‘Parte of Midlesex’, ‘Parte of Essex’.

⁴⁶ Sussex-connected, London-based, William Durrant Cooper wrote about many things, but this paper was his only foray into Kent. It was read at the KAS’s annual meeting, Ashford, 1866.

⁴⁷ The KAS made another visit to Ashford in 1883, and this paper of Furley’s was read on that occasion. The volume in which it appeared was edited by the Rev. W. A. Scott Robertson, and he also spelt the word ‘lath’ (Robertson 1880, pp. 350–2). Furley died in 1887, Scott Robertson in 1897.

⁴⁸ Which explains, I suppose, why in the sixteenth century the ‘e’ occurs more consistently in the plural than in the singular (above, p. 270).

people use it. As a noun, LATHE is a monstrosity. There is no doubt about that: the question is what we do next. Have we become so addicted to this final 'e' that we cannot face the prospect of living without it? Or can we find the courage (little enough) needed to break the habit? Only time will tell.

(3) Laths in the rest of England?

It was not always obvious that laths were peculiar to Kent. Despite a great weight of evidence seeming to favour that conclusion, there was a time when historians were more inclined to think that laths had once existed everywhere, and that Kent was unique only in having held on to something which other counties had lost. Among historians, this perverse way of looking at things was first promoted by William Lambard (1536–1601).

Lambard was not from Kent. He was a Londoner by birth; by training he became a lawyer; Lincoln's Inn was the centre of his world. In 1568 he completed and saw through the press a collection of Anglo-Saxon laws which had been begun by his friend Laurence Nowell (b. 1530, last occ. 1569). One of the appendices included in that book, under the title *Leges Edouardi Regis*, was a (much interpolated version of a twelfth-century) Latin tract which tried to give some description of the English legal system, as it had existed before the conquest. There is (in this version of the text) a passing remark to the effect that 'some' shires were subdivided into 'leths', in the same sort of way that some northern counties (the ones which had wapentacs instead of hundreds) were subdivided into 'thridings'.⁴⁹ To Lambard, at the time, the word 'leth' meant nothing. Within the next few years, however, in the course of compiling his 'Topographical dictionary', he came across documentary evidence which proved that one late medieval county (viz. Kent) was organized into lasts – *lastus* in Latin, presumably 'last' in English – which did indeed bear some resemblance to the ridings of Yorkshire; and it occurred to him that a 'last' might be the same thing as a 'leth'.⁵⁰ After 1570, having married a young (very young) Kentish girl, he began spending part of his time at the house he had acquired in Kent; and fairly soon he came to understand that the medieval 'lasts' still had some sort of existence, and that in English they were actually called 'laths'.

Since before 1568, Lambard had been aware of a (fifteenth-century) chronicle from the abbey of Crowland in Lincolnshire, written by (someone impersonating) abbot Ingulf, who died in 1109. To Lambard, as to a depressingly

long list of contemporary and later historians, this chronicle appeared to be a thoroughly reliable source. One of the stories that he found there goes like this. In the reign of king Alfred, England was constantly under attack by Danish pirates, and law and order began to break down, to the extent that some of the English, copying the Danes, started making raids on their own country. To restore order, Alfred divided his kingdom into shires, divided the shires into hundreds, divided the hundreds into tithings, and made it a law that every adult male should join one of these tithings, whose members were all to be answerable for one another's good behaviour. By about 1575, combining this story of Ingulf's with the passage from the *Leges Edouardi*, Lambard had come up with a theory of his own. The system of government created by king Alfred consisted, he thought, of four tiers, not just three. There were shires; there were laths or ridings (which Ingulf had forgotten to mention); there were hundreds or wapentacs; and finally there were tithings. (Perhaps we are expected to use our own discretion in deciding that laths would not have been needed except in counties with a large number of hundreds; but Lambard gives us no hint of this.)

When he came to write an introduction for his book about Kent, Lambard digressed into an explanation of his theory, paraphrasing Ingulf's story, but adding this new twist to it (Lambard 1576, pp. 20–1). He allows himself to make this digression, he says, so as not to have to keep repeating himself in the other books which he is intending to write.⁵¹ In the event, none of those other books was ever published – as far as we know, not one of them was even started – and the series began and ended with the book about Kent. Nevertheless, this theory of Lambard's attracted some attention. Straight away, the whole passage was quoted word for word by William Harrison (1535–1593), in the introduction which he was writing for Raphael Holinshed's *Chronicles* (Harrison 1577, cols. 73vb–4rb);⁵² and Lambard's ideas were thus given a level of circulation which otherwise they could not have expected.

In the longer run, they penetrated into the glossaries of medieval Latin. For a start, we find Sir Henry Spelman (1563/4–1641) swallowing the theory whole.⁵³ If we look

⁴⁹ *In quibusdam prouinciis anglie uocabatur 'lep' quod isti dicunt 'trihinge'* (Lambard 1568, f. 134v). That passage will not be found in the latest edition of this tract (O'Brien 1999), which aims to present the text in something like the form intended by its original author.

⁵⁰ That is the sense of a note written by Lambard in the margin of a copy of his 1568 book, against the passage just quoted: *lape opinor, quod nunc Last dicitur*, 'meaning a lath, I think, which is now called a last'. That copy, now in the Huntington Library, has been reproduced on microfilm, and is available through EEBO.

⁵¹ 'Thus much therefore I thought good, nowe at the first to open, the more at large, bicause it may serue generally for all Shyres, and shall hereafter deliuer me from often repetition of one thing. Where, by the way, (least I might seeme to haue forgotten the Shire that I haue presently in hand) it is to be noted, that that which in the west countrey was at that time, (and yet is) called, a Tithing, is in Kent termed a Borow' (Lambard 1576, p. 22).

⁵² This essay was dedicated to Lord Cobham – lord lieutenant of Kent, lord warden of the Cinque Ports, constable of Dover castle – from whose patronage Harrison had benefited. In a revised form, it was reprinted in the second edition ten years later, and the quotation from Lambard occurs there too (Harrison 1587, cols. 153a–4a, ed. Edelen 1968, pp. 82–6).

⁵³ 'The whole of England, as I haue said more than once, was diuided up by King Alfred into counties', and so on. *Diximus non semel, Angliam totam ab Aluredo Rege in Comitatus distribui: Comitatus (pro locorum uarietate) in Trithingas, Rapas, et Lathas: eas iterum in Hundreda, seu Wapentachia: atque ista denuo in Tithingas, quas et Decurias uocant et*

up the word *laestum*,⁵⁴ we are told that this is ‘a relatively large portion of a county, containing three hundreds, or sometimes more than three’,⁵⁵ and that lath is the current English name for these divisions. It would be possible to write a whole article deconstructing this paragraph of Spelman’s;⁵⁶ but I am not intending to write it myself. From Spelman this definition was adopted (with modifications) by William Somner (1652);⁵⁷ not much later, crossing the sea, it was incorporated into the great glossary compiled by Charles du Fresne (1610–1688), sieur de Du Cange, first published at Paris in 1678. Du Cange’s entry for LASTUM is a shortened version of Spelman’s entry, with some adjustments derived from Somner’s.

(4) Laths in Ireland?

Edmund Spenser (d. 1599) was one of the people who knew about Lambard’s theory and assumed that it was literally true. How he first came to be aware of the theory is uncertain. It may be significant that he was briefly employed, in 1578–9, as secretary to a newly appointed bishop of Rochester;⁵⁸ if the bishop bought or was given a copy of Lambard’s book, his secretary might have had a chance to read it. (Much of Spenser’s life is a matter of ‘ifs’ and ‘might haves’.) By the time that he came to write about it, many years later, he seems to have been trusting to memory, and his memory let him down in some respects. He thought that a lath was smaller than a hundred, not larger, and that a wapentac was coordinate with a lath.

In 1596, Spenser wrote an essay called ‘A view of the state of Ireland’. It takes the form of a dialogue. Eudoxus is ignorant but willing to learn; he asks the questions. Irenaeus (like Spenser) has been living in Ireland for many years and knows it very well; he is the man with the answers. As the conversation goes on, Irenaeus keeps hinting that he has a big idea – a plan for transforming Ireland into a peaceful, law-abiding country – and finally Eudoxus demands to know what it is, ‘that generall reformation which you spake of, . . . by which you said all men should be contained in duty ever after’. Irenaeus’s big idea turns out to be that the policy once applied in England by king Alfred should now be applied in Ireland. ‘It is written’, he explains (apparently

Friborgas (Spelman 1626, p. 365). (It was Spelman’s idea to mention the rapes of Sussex in this context.) As far as I know, the quasi-Latin word *latha* was his invention.

⁵⁴ That spelling was Lambard’s invention: the manuscript he was copying from says *lestum* – and would say *lestum*, if that were what it meant to say.

⁵⁵ *Est portio Comitatus maior, tres vel plures interdum Hundredos continens* (1626, p. 422). Spelman had also seen a Latin-plus-English edition of some ordinances relating to Romney Marsh (below, p. 274), where he found the word *lastum* and found it translated ‘assembly’; but he thought that perhaps the translator had been guessing.

⁵⁶ Which is reproduced word for word in subsequent editions (1664, 1687).

⁵⁷ *Lastum, quandoque Laestum et Lestum, Anglis hodie ‘Lath’*.

⁵⁸ John Young, bishop of Rochester 1578–1605, previously master of Pembroke College in Cambridge, where Spenser had been a student.

Eudoxus is not aware of the fact), ‘that King Alured, or Alured, did divide the Realme into Shires, and the Shires into Hundreds, and the Hundreds into Lathes or Wapentackes, and the Wapentackes into Tythings’; and the head of each tithing, ‘whom they called the Tythingman or Borsholder, that is, the eldest pledge’, was required to arrest anyone who misbehaved, or seemed to be about to misbehave.

And if all that Tything fayled, then all that Lathe was charged for that Tything, and if that Lathe fayled, then all that Hundred was demanded for them; and if the Hundred, then the Shire, who joyning eftsoones together, would not rest till they had found out and delivered in that undutifull fellow, which was not amesnable to Law.

This was not by any means the only precedent: Moses had organized the Israelites, Romulus had organized the Romans, in a similar way. The important point was that Alfred’s policy had succeeded in England, and would, if the experiment were made, succeed in Ireland too.

By this ordinance, this King brought this Realme of England (which before was most troublesome) unto that quiet State, that no one bad person could stirre, but he was straight taken holde of by those of his owne Tything, and their Borsholder, who being his neighbor or next kinsman was privie to all his wayes, and looked narrowly into his life. The which institution (if it were observed in Ireland) would worke that effect which it did in England, and keep all men within the compasse of dutie and obedience.

Before this ‘general reformation’ could be brought about, it would be necessary for Ireland to be thoroughly pacified, and then, for some length of time, garrisoned with very large numbers of English troops; but these obstacles did not seem unsurmountable – at least they did not seem so to Irenaeus.

In October 1598 Spenser’s home in county Cork was looted and burnt down by not-yet-pacified Irishmen. By December he was back in England; a few weeks later he died.

As a policy proposal, this essay of Spenser’s led nowhere. There was never the slightest chance of Irenaeus’s plan being put into effect. Even so, in the course of propounding it, Spenser had said many things, about Ireland and about English attitudes towards Ireland, which were, and still are, of interest. The essay circulated in manuscript; it was put into print in 1633;⁵⁹ from 1679 onwards it was included in editions of Spenser’s collected works. If that had been the end of the story, I would not have thought it worth mentioning. It was not the end of the story.

When Samuel Johnson set about compiling his dictionary, Spenser was one of the authors whose works he read through line by line, looking for words and usages of words

⁵⁹ It was edited by a Dublin antiquary, Sir James Ware (1594–1666), from a copy belonging to another Dubliner, James Ussher (1581–1656), archbishop of Armagh. The passages which I have quoted come from this edition (Ware 1633, pp. 100–1, Hadfield and Maley 1997, pp. 136–7), but I have made a few small corrections which seem to be required by the context.

which needed to be taken note of. This essay about Ireland yielded a good crop of words which Johnson had never (or hardly ever) come across before – and one of them was LATH. Checking with Du Cange, he discovered that there was some difference of opinion with regard to the meaning of the word; giving Du Cange the benefit of the doubt (a sensible choice), he defined a lath as ‘a part of a county’, not as ‘a part of a hundred’; but then he quoted the passage he had found in Spenser:

If all that tything failed, then all that lath was charged for that tything; and if the lath failed, then all that hundred was demanded for them; and if the hundred, then the shire, who would not rest till they had found that undutiful fellow, who was not amesnable to law.

Through Johnson (1755), the word LATH entered the lexicographical tradition, trailing behind it this quotation from ‘Spenser’s *Ireland*’.⁶⁰ I leave it to the reader to guess what confusion resulted from that.

(5) Laths in Romney Marsh

The body responsible for supervising Romney Marsh – for making sure that the land was properly drained and yet also properly defended against the sea – was not formally incorporated until the fifteenth century but had existed long before that (Teichman Derville 1936). In the thirteenth century the twenty-four jurats of the Marsh were already claiming that ancient custom gave them the right to decide what work needed to be done, and to apportion the cost of it among everyone who owned a share of the land there. Because this was indeed the custom, and because it seemed expedient for the custom to be maintained, the king and his representatives were ready to back them up.

Meetings of this body were known by a special name. The earliest record of such a meeting that Teichman Derville could discover dates from 1263, and the word used there is *lestum* (or *lestus*): *in pleno lesto apud Snergate*, ‘in plenary session at Snargate’.⁶¹ The same word recurs sporadically after that; by the fourteenth century the spelling had shifted to *lastum*. In that form (definitely neuter) the word is used frequently in a set of new regulations drawn up on 12 July 1361, in the presence of three commissioners appointed by the king.⁶² There is an annual meeting, *lastum principale*, held at Dymchurch, Newchurch, or some other suitable place, where the bailiff presents his accounts, and where a new bailiff and new jurats are elected when that becomes necessary; there are other meetings too, but we are

⁶⁰ The only other instance cited by Johnson is a passing reference to ‘lath silver’ in an essay of Francis Bacon’s. The passage can be found – where probably Johnson found it – in *The works of Francis Bacon*, 4 vols. (London, 1730), vol. 3, p. 549.

⁶¹ Teichman Derville 1936, p. 22, from the fifteenth-century cartulary of Horton priory, BL Stowe 935. Another snippet from the same document, *per ballivum lesti marisci*, is quoted elsewhere (p. 11).

⁶² Thomas de Lodelowe, Robert Belknap and Thomas Colepeper; their commission was dated 17 February 1361 (*Calendar of patent rolls 1358–61*, p. 585).

not told much about them, except that they have sometimes been thinly attended. (In future any jurat who misses the annual meeting will have to pay twelve pence as a penalty; if he misses one of the other meetings, he will have to pay six pence.) A dictionary of medieval Latin, as it was used in England, should certainly include an entry or sub-entry for LASTUM: ‘a meeting of the governing body of Romney Marsh’.⁶³

William Dugdale, paraphrasing this document in English (1662, pp. 31–3),⁶⁴ translated *lastum* as ‘last’. Apparently he did not think that any explanation was called for. Just as Lambard had done before in a different context, he took it for granted that anything called a *lastum* in Latin would be called a ‘last’ in English. Like Lambard, Dugdale was mistaken.⁶⁵

In English, from the sixteenth century onwards, these meetings were called laths. (Normally they were held at Dymchurch, where a hall was built for the purpose.) The earliest surviving original records are the paymaster’s accounts for the period 1537–45.⁶⁶ These accounts are in English; and the word they use is LATH. In the sixteenth century, as is to be expected, it was often written ‘lathe’; but the standardized spelling was ‘lath’ (Kilburne 1659, p. 75; Hasted 1797–1801, vol. 8, p. 473), and that remained the accepted form of the word until the 1930s.⁶⁷ A dictionary of modern English, if it aims to be comprehensive, should certainly include an entry or sub-entry for LATH: ‘a meeting of the governing body of Romney Marsh’.⁶⁸

How can this be? If the word is LASTUM in Latin, why is it not LAST in English? If LATH in English, why not LATHUM in Latin? Of course it would not be surprising if a scribe had occasionally misheard or miscopied the word, but that is no answer here. As far as the evidence goes, it is consistent. In Latin records (for as long as records continued to be written in Latin) the word was always LASTUM. In English records (once records began to be written in English) the word was always LATH.

⁶³ Or of some similar body which took its constitution from that one.

⁶⁴ Dugdale was using two manuscript copies of the text; it had in fact already been printed twice, by Berthelet (1543b), and again (with an English translation) by Wolfe (1597). The latter edition is the one referred to by Spelman (above, note 55).

⁶⁵ As he could have discovered for himself by looking at Kilburne’s book (1659, p. 75).

⁶⁶ With the other records listed by Teichman Derville (1936), this volume is now in the East Kent Archives Centre, S/Rm/FAe1. I am indebted to Alison Cable for her kindness in consulting the volume and answering my questions about it.

⁶⁷ It was Teichman Derville who decided to change it to ‘lathe’, persuaded (so it seems) by Gordon Ward that this would have been the authentic Old English name (1936, p. 22).

⁶⁸ Parish and Shaw (1888, p. 90) have ‘LATH, the name of an annual court held at Dymchurch’ (for which they cite a newspaper report of one such meeting in 1876). They also have ‘LAST, an ancient court in Romney Marsh’ (which, though they do not say so, can only have come from Dugdale).

There is, as far as I can judge (I am open to correction), no reason why we should not regard LATH as a continuation of Old English *læð*, predictably altered in form, but not altered in meaning. The noun *læð* means ‘a formal meeting of some kind’ (above, p. 5). By the twelfth century, we would expect it to have turned into ‘leth’; by the fourteenth century, we would expect it to have turned into ‘lath’; in the sixteenth century we would expect to find it spelt ‘lath’ or ‘lathe’, sometimes without but often with an ornamental ‘e’ at the end. For lack of evidence, only this last prediction makes contact with reality.

On that interpretation, the Latin word is the puzzle. If this meeting was properly called a lath, why did scribes writing in Latin insist on calling it a *lastum*? From the fact that they did this regularly, I think we can be sure that a lath was regularly called *last* by people who were speaking French – the sort of French, that is, which was used by English lawyers. (Thus, for example, the phrase quoted above, *in pleno lesto apud Snergate*, is only Latin on the surface: underneath it is French, *en plein lest a Snergate*.) But that only gives us a different view of the puzzle, and does not bring us any closer to solving it.

I can only suppose that the confusion between ‘lest’ and ‘leth’, as it affected the name of the divisions of the county (above, p. 7), had resulted in some unconscious rationalization. What was properly called a lest was already so generally called a leth (in English but not in French) that what was properly called a leth began to be called a lest (in French but not in English). By the thirteenth century, it seems, people had come round to assuming that ‘leth’ could only be an English word, that ‘lest’ could only be a French word, and that the two words, in every context, were exactly equivalent in meaning.